

BUILDING BRIDGES, NOT WALLS: THE CASE FOR REFUGEE FAMILY INTEGRATION IN MALAYSIA

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ABSTRACT

Malaysia is home to a diverse refugee population, primarily consisting of Rohingya and other displaced communities who encounter significant legal, social, and economic challenges due to the country's lack of formal refugee recognition. As a non-signatory to the 1951 Refugee Convention, Malaysia classifies refugees as illegal immigrants under its domestic law, which restricts their access to fundamental rights such as employment, education, and healthcare. This article examines the international and domestic legal frameworks governing refugee protection and highlights the vulnerabilities faced by refugee families in Malaysia. It explores durable solutions, including repatriation, resettlement, and local integration, arguing that integration is a viable strategy for both refugees and host communities. By recognizing the economic contributions of refugees and implementing policies that facilitate access to work, education, and social services, Malaysia can transform its refugee management approach into one that is both humanitarian and beneficial to national development. The study emphasizes the importance of aligning domestic policies with international human rights obligations to create a more sustainable and inclusive framework for refugee protection.

Keywords: refugees, vulnerabilities, durable solution, integration, refugee rights

INTRODUCTION

The refugee population in Malaysia, numbering nearly 200,000 (UNHCR, 2024), is diverse, encompassing individuals from various countries and backgrounds, each facing unique challenges and vulnerabilities. These refugees encounter a myriad of obstacles, including limited access to comprehensive healthcare, economic insecurity, mental health issues, and significant legal barriers. Among this diverse population, the Rohingya refugees stand out, constituting a significant portion of the refugee demographic in Malaysia (Rajaratnam & Azman, 2022; Kaur et al., 2020; Chuah et al., 2019; Shaw et al., 2018; Supaat, 2015). Extensive studies have highlighted the plight of Rohingya refugees, who face profound poverty, precarious employment, and severe mental health challenges (Nungsari et al., 2020; Tay et al., 2019). Additionally, Rohingya refugee women experience significant difficulties in accessing healthcare services and navigating the social environment (Rajaratnam & Azman, 2022). These experiences underscore the broader definition of a refugee: an individual who, due to a well-founded fear of persecution for reasons of race, religion, nationality, membership in a particular social group, or political opinion, is unable or unwilling to avail themselves of the protection of their country of nationality or habitual residence (1951 United Nations Convention Relating to the Status of Refugees and its 1967 Protocol).

Malaysia, as a non-signatory to the 1951 Refugee Convention, presents a complex landscape for refugees, particularly the Rohingya and other displaced populations. One of the foremost challenges for refugees in Malaysia is the lack of legal recognition. Refugees are viewed as illegal migrants, which severely limits their rights and access to essential services (Rahman & Dutta, 2023; Supaat, 2015). Although Malaysia is not a signatory to the 1951 United Nations Convention Relating to the Status of Refugees and its 1967 Protocol, it allows the United Nations High Commissioner for Refugees (UNHCR) to operate within its borders, providing a de facto status to refugees recognized by the UNHCR. Despite this arrangement, refugees in Malaysia lack formal legal rights and continued to be regarded as "illegal" immigrants under the immigration law. This status renders them vulnerable to various forms of exploitation and discrimination, even though they are generally tolerated and spared prosecution by law enforcement. This legal ambiguity creates significant barriers to integration, as refugees cannot access formal employment, education, or healthcare without fear of arrest and deportation (Cowling & Anderson, 2021). The presence of refugee families in Malaysia is marked by a multitude of challenges and unmet needs. These include significant barriers to access quality education, healthcare access, food insecurity, mental health disorders, and a lack of social support and coping mechanisms. The legal status of refugees, compounded by language barriers and cultural differences, exacerbates these issues. High levels of food insecurity have been reported among refugee families, impacting their dietary intake and overall health. Economically, refugee families often live in poverty and engage in precarious employment, with adolescent refugees facing particular difficulties in accessing education and developing effective coping mechanisms.

This study aims to provide an overview of the legal framework of refugee protection and the challenges refugee families face in Malaysia, highlighting the critical areas that need addressing to facilitate their integration into Malaysian society. Through an analysis of the current legal framework, we explore viable solutions and advocate for necessary reforms to improve the plight of refugee families in Malaysia.

INTERNATIONAL LEGAL FRAMEWORK FOR REFUGEE PROTECTION

International protection for refugees is primarily governed by International Refugee Law (IRL), which establishes the main protection framework. In addition, International Human Rights Law (IHRL), International Humanitarian Law (IHL), and Customary International Law (CIL) serve as complementary protection mechanisms. that addresses gaps in refugee protection that

may occur when relying solely on the 1951 Convention alone. Refugee protection includes the admission of refugees into the country of asylum, the application for and granting of asylum, safeguards against refoulement, and efforts to find durable solutions for refugees.

1951 Convention Relating to the Status of Refugees

The 1951 Convention Relating to the Status of Refugees (Refugee Convention) and the 1967 Protocol provide the fundamental framework for International Refugee Law. These instruments define who qualifies for protection under international law and impose duties and obligations on contracting states. However, while refugee law is supported by various sources, it cannot on its own ensure comprehensive safeguards for refugees (Goodwin-Gill and McAdam, 2007). It relies significantly on international human rights law, its treaties, international humanitarian law, and international criminal law for complementary protection. The Refugee Convention defines a refugee in Article 1A(2) as a person with a well-founded fear of persecution based on race, religion, nationality, membership in a particular social group, or political opinion, who is outside their country of nationality. This definition is crucial as it lays the groundwork for the rights and protections that follow.

One of the most significant rights established by the Convention is the principle of non-refoulement, outlined in Article 33. This principle prohibits states from returning refugees to territories where their life or freedom would be at risk (Susetyorini et al., 2023). Recognized as a norm of customary international law, non-refoulement is binding on all states, regardless of their participation in the Convention (Kamal, 2021). This right is vital for ensuring the safety and security of refugees. Moreover, the Refugee Convention implicitly supports the right to seek asylum. Although the Convention does not explicitly articulate this right, it is understood that the protection of refugees includes the right to seek asylum in another country (Clark & Crépeau, 1999). This right is further reinforced by various international human rights instruments that affirm the right to seek asylum from persecution.

Refugees also have the right to be issued identity and travel documents, as specified in Articles 27 and 28 of the Refugee Convention. These documents are essential for refugees to navigate legal systems in host countries and access essential services such as healthcare and education. Issuing these documents helps formalize their status and facilitates their integration into society. Furthermore, The Convention guarantees refugees the right to work and access education. Article 17 states that refugees should be allowed to engage in wage-earning employment, while Article 22 emphasizes their right to access elementary education on the same basis as nationals (Clark & Crépeau, 1999). These rights are crucial for the self-sufficiency and integration of refugees into their host communities.

Refugees are entitled to the same treatment as nationals concerning social security and welfare benefits, as stipulated in Article 24 of the Convention. This provision ensures that refugees can access essential services that contribute to their well-being and integration (Haron et al., 2023). The Convention mandates non-discrimination against refugees based on race, religion, or country of origin. This principle of non-discrimination is fundamental to ensuring that refugees are treated fairly and equitably in their host countries (Clark & Crépeau, 1999).

Overall, the Refugee Convention establishes a robust framework of rights for refugees that are essential for their protection and integration into host societies, ensuring their dignity and well-being.

United Nations High Commissioner for Refugees

The supervisory power over the Refugee Convention lies with the United Nations High Commissioner for Refugees (UNHCR) which was established in 1949 by the United Nations General Assembly Resolution. In 1950, the Statute of the Office of the UNHCR (UNHCR Statute) was adopted. The main goal of the UNHCR is to provide international protection to refugees in a non-political manner (UNHCR Statute, Article 2). In addition, it works towards finding permanent solutions to the refugee problem by working with governments and private organizations.

The UNHCR has been active in Malaysia since the boat people crisis of the 1970s. Since Malaysia is not a signatory to the refugee convention, the UNHCR plays a crucial role in providing comprehensive refugee protection, including refugee status determination and the search for durable solutions. At the request of the Malaysian government, the UNHCR has taken on the responsibility of registering refugees in Malaysia and determining their individual refugee status. Recognized refugees receive identification cards or papers, making them persons of concern to the UNHCR. The Malaysian authorities have agreed that those holding UNHCR identification papers will not be charged with illegal entry or for failing to produce valid travel documents.

Currently, there is only one UNHCR office in Malaysia, located in Kuala Lumpur. The office's work includes visiting and monitoring detention centers, intervening when necessary, representing refugees charged in court under the Malaysian Immigration Act of 1959, and organizing outreach activities within refugee communities. In collaboration with various non-governmental organizations and volunteers, the UNHCR provides assistance to refugees in several areas, including healthcare, education, financial support, shelter, counseling, and other welfare needs.

International Human Rights Law

International human rights law (IHRL) is a framework of international norms and standards that dictate how individuals and groups should be treated by states and other actors. This body of law includes various legal instruments, principles, and norms designed to guarantee that all individuals, irrespective of nationality, ethnicity, or status, are entitled to certain inalienable rights. IHRL covers a broad spectrum of rights, including civil, political, economic, social, and cultural rights, all of which are vital for the dignity and well-being of individuals (Schabas, 2017).

The foundation of IHRL is established by several key international treaties and declarations, such as the Universal Declaration of Human Rights (UDHR), the International Covenant on Civil and Political Rights (ICCPR), and the International Covenant on Economic, Social and Cultural Rights (ICESCR). Additionally, regional treaties like the European Convention on Human Rights and the American Convention on Human Rights further articulate these protections.

The UDHR, adopted by the United Nations General Assembly in 1948, defines fundamental human rights that should be universally upheld, including the rights to life, liberty, and security of person (Castellanos-Jankiewicz, 2024). The ICCPR, adopted in 1966, obligates its parties to respect and ensure civil and political rights, such as freedom of speech, assembly, and the right to a fair trial (Karovska-Andonovska, 2021). Similarly, the ICESCR, also adopted in 1966, emphasizes the rights to work, education, health, and an adequate standard of living (Besson, 2016). Regional human rights instruments provide further detail on human rights protections tailored to specific contexts (Orzeszyna, 2023).

Several key principles guide the IHRL, including universality, indivisibility and interdependence, non-discrimination, accountability, and the rule of law. The principle of universality asserts that all human beings are entitled to the same rights, regardless of their background (Harvey, 2014). The principles of indivisibility and interdependence state that all human rights are interconnected; a violation of one right can hinder the realization of others. For instance, the right to health is closely linked to the right to an adequate standard of living (McInerney-Lankford, 2021) and is intrinsically related to the right to life. For refugees, access to healthcare services is vital not only for their physical well-being but also for their survival.

International human rights law mandates that all individuals be treated equally and without discrimination. This principle is enshrined in various international treaties and is fundamental to the protection of marginalized groups (Zyberi, 2007). Regarding accountability and the rule of law, states are obligated to respect, protect, and fulfill human rights. This includes holding violators accountable and ensuring that individuals have access to effective remedies (Ashri, 2019). Key protections for refugees under IHRL include the right to asylum, the principle of non-refoulement, the right to life and security, access to basic needs and services, and the right to participate in public life.

IHRL recognizes the right to seek asylum as a fundamental human right, affirming that individuals fleeing persecution have the right to seek refuge in another country (Benhabib, 2020). The principle of non-refoulement is a cornerstone of both IHRL and refugee law, prohibiting states from returning refugees to countries where they may face persecution, torture, or inhumane treatment (Katsoni, 2021). This principle is recognized as a customary international law norm, binding on all states, and is crucial for ensuring the safety of refugees (Gieseken, 2017). It applies even in cases where a refugee's status is not formally recognized (Fauziyah, 2022).

Under IHRL, states are obligated to protect refugees from violence, exploitation, and abuse, ensuring their physical safety (Crawley, 2016). This includes providing adequate security measures in refugee camps and communities to prevent violence and human rights abuses. Refugees have the right to access essential services such as healthcare, education, and social welfare. IHRL mandates that refugees should receive the same treatment as nationals regarding access to healthcare and education (Nguyen, 2023), which is vital for their integration and well-being.

Moreover, IHRL prohibits discrimination based on various grounds, including race, religion, nationality, and gender. Refugees are entitled to protection from discrimination, ensuring fair and equitable treatment in their host countries (Cheng, 2023). This protection is particularly important for vulnerable groups, such as women and children, who may face additional risks in refugee situations (Palacios-Arapiles, 2021).

The importance of family unity is emphasised under the IHRL, recognizing that refugees should be allowed to maintain family ties. The right to family life is protected under various human rights instruments, and states are encouraged to facilitate family reunification for refugees (Frahma, 2024). This is crucial for the emotional and psychological well-being of refugees, especially children.

Refugees have the right to participate in public life, including the right to express their views and be involved in decisions that affect their lives. This participation is essential for empowering refugees and ensuring that their voices are heard in the policymaking processes that impact their rights and well-being (Harley And Hobbs, 2020). IHRL also recognises refugees rights to obtain legal status and documentation in their host countries. This legal recognition is essential for refugees to access services, work, and integrate into society (Grundler, 2021). States are encouraged to provide refugees with identity documents that facilitate their legal status and rights.

International Humanitarian Law

International Humanitarian Law (IHL), often referred to as the law of war, regulates the conduct of armed conflicts with the aim of mitigating their impact. It protects individuals who are not participating in hostilities, or who have ceased to participate, while also imposing restrictions on the means and methods of warfare (Prasetyawan et al., 2018; Ferraro, 2021). IHL is primarily codified in the four Geneva Conventions of 1949 and their Additional Protocols, providing essential protections for refugees, particularly in situations of armed conflict. These protections are crucial for ensuring the safety, dignity, and rights of individuals forced to flee their homes due to violence, persecution, or conflict.

IHL is specifically designed to safeguard civilians during armed conflicts, including refugees. The Geneva Conventions and their Additional Protocols stipulate that civilians must be treated humanely and protected from violence, intimidation, and inhumane treatment (Crawford, 2007). This protection extends to refugees, regarded as non-combatants who must not be targeted during hostilities. A core principle of IHL is non-refoulement, which prohibits parties to a conflict from transferring protected persons, including refugees, to another state where they may face persecution (Crawford, 2007). IHL also acknowledges refugees' right to receive humanitarian assistance. Article 70 of Additional Protocol I to the Geneva Conventions mandates that relief actions must be undertaken to ensure that civilians, including refugees, receive essential food, medical care, and shelter (Rakhmonov, 2022). This provision is vital for addressing the urgent needs of refugees who may be in desperate situations due to conflict. Furthermore, IHL emphasizes the importance of family unity and the protection of vulnerable groups, such as women and children. It requires conflict parties to take all feasible measures to maintain the family unity of refugees and displaced persons (Rüegger, 2018), which is especially significant in armed conflicts where families may be separated, and the protection of children is paramount (Gleditsch, 2007).

Under IHL, refugees are entitled to the same protections as civilians, which include the right to humane treatment, protection against violence, and access to justice (Malanchuk, 2023). IHL acknowledges the legal status of refugees, ensuring they are treated with dignity and respect during armed conflicts. Additionally, collective punishment against civilians, including

refugees, is prohibited. This means that refugees cannot be punished for actions they did not commit, nor can they face punitive measures solely for being part of a specific group or community (Arsalan, 2023). Moreover, refugees have the right to access justice and seek redress for violations of their rights. This encompasses the ability to report abuses and seek protection from authorities (Targba, 2022). Access to justice is essential for holding accountable those who violate the rights of refugees and ensuring they can seek remedies for any harm suffered.

Customary International Law

Customary International Law (CIL) is formed through two key elements; first, state practice, which refers to the consistent and widespread behavior of states in their interactions; and second, *opinio juris*, the belief that these practices are legally required or accepted as law by states (Gilbert, 2019). CIL is binding on all states, regardless of whether they have ratified specific treaties, making it a crucial source of international law.

The principle of non-refoulement, which protects individuals from being returned to places where they may face persecution, is safeguarded under CIL in addition to international refugee law, international human rights law (IHRL), and international humanitarian law (IHL). This principle is widely recognized as a customary norm and is included in various international treaties, such as the Refugee Convention and the Convention Against Torture (Shah et al., 2019; Supaat, 2015; Chan, 2006). The right to asylum stems from non-refoulement and the protection of human rights, obliging states to grant asylum to individuals fleeing persecution and demonstrating their commitment to humanitarian values (Frahma, 2024).

CIL prohibits discrimination based on race, religion, nationality, or political opinion, a principle particularly important for refugees who often experience discrimination in host countries. This prohibition ensures that refugees are treated equally and fairly, allowing them access to rights and services without bias (Chan, 2006). Additionally, CIL mandates that states provide humanitarian assistance to those in need, including refugees. Such assistance includes essential access to food, shelter, and medical care, which are vital for the survival and well-being of refugees (Walton, 2021). Offering humanitarian aid reflects a broader commitment to human rights and dignity.

While customary international law (CIL) is binding, enforcing it can be complex. Compliance relies on the willingness of states to follow these norms. International organizations, such as the United Nations and the International Committee of the Red Cross, are crucial in promoting adherence to customary norms and providing oversight (Pogge, 2005). Additionally, national courts may invoke customary international law in their rulings, further reinforcing its application (Ndeunyema, 2020; Supaat, 2017).

DOMESTIC LEGAL FRAMEWORK

The protection of civil and political rights of refugees are found in the Federal Constitution under Article 5- 13 encompassing liberty of the person (Article 5); prohibition of slavery and forced labor (Article 6); protection against retrospective criminal laws and repeated trials (Article 7); equality before the law (Article 8); prohibition of banishment and freedom of movement (Article 9); freedom of speech, assembly, and association (Article 10); freedom of religion (Article 11); rights concerning education (Article 12); and rights to property (Article 13). Although the term "refugee" does not appear in the country's fundamental legal framework, this omission does not exclude refugees from enjoying constitutional protections. When the term "person" is used in the Federal Constitution, it includes both citizens and non-citizens, as seen in Articles 5, 6, 7, 8, 11, and 13. However, refugees are not entitled to the rights and privileges under Articles 9, 10, and 12, which are reserved exclusively for Malaysian citizens.

Immigration Act 1959/63

The provisions of the Immigration Act 1959/63 apply to all individuals entering Malaysia, including refugees, without exception. As a result, refugees must fulfill any legal requirements for entering and remaining in the country, as specified in Sections 5, 6, 7, and 15 of the Immigration Act 1959/63. They risk detention, charges, conviction, fines, imprisonment, whipping, or deportation for any violations (Immigration Act 1959/63; Sections 6, 15(4), 32(1), and 57). Refugees do not receive separate treatment under the Act compared to other regular migrants. Since refugees often travel without legal documents, they frequently enter the country clandestinely through unauthorized points of entry to evade authorities. In such cases, a refugee may violate Section 5 by using an unauthorized entry point and could face penalties under Section 57, including fines and imprisonment, or both. They may also be charged under Section 6 for entering without a valid permit or pass. In the case of *Kya Hliang & Ors v Pendakwa Raya* [2009] MLJU 18, the appellants, who were refugees, were convicted under Section 6(1) of the Immigration Act 1959/63 and sentenced to one month of imprisonment and one stroke of whipping. Although the court could not spare them from the jail sentence, it did set aside the whipping due to their status as refugees.

While the Immigration Act 1959/63 does not specifically address refugees, it serves as the primary legal framework under which refugees are often categorized as illegal immigrants. This classification poses significant obstacles to their rights and protections.

Section 8 defines prohibited migrants as individuals who are not allowed to enter or remain in Malaysia for reasons specified in subsections 1-6. If a refugee falls into any of the categories of prohibited migrants, they may be denied entry. This situation can occur when asylum seekers attempt to enter the country through valid channels and possess valid travel documents but are denied entry due to their inability to demonstrate sufficient means to support themselves or their likelihood of becoming a public charge (Immigration Act 1959/63, Section 46). Since the immigration authority has discretion over entry decisions, asylum seekers can be refused entry for any reason listed under Section 8.

In Malaysia, a person who has been refused entry and presents himself to immigration to apply for asylum faces significant challenges due to the absence of regulations or mechanisms to address such situations. Instead, they are directed to the UNHCR office. Regardless of their claims of persecution in their country of origin, these individuals are treated the same as any other prohibited migrant. Under Malaysian law, individuals denied entry are subject to deportation; if immediate deportation is not feasible, they are detained until arrangements can be made (Immigration Act 1959/63, Sections 31, 32, & 35). This approach to

handling refugees stands in stark contrast to practices in other jurisdictions that have ratified the 1951 Convention Relating to the Status of Refugees (CRSR), such as the United Kingdom, where mechanisms are in place at points of entry to process asylum applications.

Malaysian immigration law violates refugee rights recognized under international law in two significant ways. First, it fails to establish procedures for screening refugee applicants or individuals claiming asylum, resulting in their classification as illegal immigrants. Second, individuals without legal travel documents may face penalties and deportation, regardless of their justified status as refugees. Both scenarios risk violating the principle of non-refoulement.

The Child Act 2001 (Act 611)

The Child Act 2001 represents a significant advancement in child protection in Malaysia, as its provisions align with the four core principles of the UN Convention on the Rights of the Child (UNCRC): non-discrimination, the best interests of the child, the right to life, survival, and development, and respect for the views of the child. The Act defines a child as a person under the age of eighteen (Child Act 2001, Section 2). Its main provisions offer specific protections against abuse, neglect, and trafficking; ensure care and rehabilitation for child victims and offenders; establish Courts for Children; and criminalize the procurement of children for prostitution, trafficking, and abduction. Importantly, it also safeguards a child's right to remain with their family. The Act's Preamble affirms that every child is entitled to protection and assistance in all circumstances, without discrimination based on race, color, sex, language, religion, social origin, or any physical, mental, or emotional disabilities. The emphasis on the best interests of the child further supports the case for integrating refugee children into the education system and ensuring their access to essential services.

Education Act 1996

The Education Act 1996 regulates the education system in Malaysia, including provisions for the education of children. While the act primarily focuses on the educational rights of Malaysian citizens, it also affects the education of refugee children. Although the Act does not explicitly discriminate against children based on their citizenship status, allowing immigrant children to enrol in publicly funded schools, certain regulations limit the enrolment of refugees.

Firstly, a child must be registered using their birth certificate. Secondly, while primary and secondary education is free for citizens, schools can charge fees for various purposes. These two requirements pose significant barriers to refugee children's access to public schooling. In many instances, refugee children may not possess birth certificates, preventing them from registering. Even if they manage to register, their parents often lack the financial resources to pay the fees. Additionally, other related expenses, such as school uniforms, books, and transportation, further hinder access to education for refugee children.

The Human Rights Commission of Malaysia (SUHAKAM)

The Human Rights Commission of Malaysia, known as SUHAKAM, plays a vital role in advocating for and protecting the rights of refugees in the country. Although Malaysia is not a signatory to the 1951 Refugee Convention, SUHAKAM's mandate encompasses the promotion and protection of human rights for all individuals, including refugees and asylum seekers. SUHAKAM provides recommendations to the Malaysian government regarding policies related to refugee protection and collaborates with the United Nations High Commissioner for Refugees (UNHCR) to address the needs of refugees in Malaysia.

Malaysia's domestic legal framework provides fundamental human rights protections. However, restrictive immigration laws categorize refugees as illegal immigrants, exposing them to penalties, detention, and deportation, which contradicts international human rights standards. Although progressive measures like the Child Act 2001 provide some safeguards, there are still significant challenges for refugee communities due to gaps in education access and legal protections.

VULNERABILITIES OF REFUGEE FAMILIES

In the context of refugees, "vulnerabilities" refer to conditions or characteristics that increase their risk of suffering harm or disadvantage. These vulnerabilities can be categorized into physical, economic, social, psychological, and legal. Physical vulnerability encompasses the risks of violence, exploitation, and health issues that refugees may encounter in host countries or during their journeys. Often living in precarious conditions, refugees are exposed to physical dangers, including violence and inadequate healthcare (Feinberg et al., 2021; Fouad et al., 2021). Economic vulnerabilities arise from barriers to employment, education, and access to social services, leading to poverty and economic instability. Such economic challenges are compounded by legal restrictions on work and limited access to resources (Feinberg et al., 2021; Fouad et al., 2021).

Social vulnerability includes the isolation and discrimination refugees may face in their host communities. Language barriers, cultural differences, and xenophobia can hinder their ability to integrate and access support networks (Valdez et al., 2015; Montgomery et al., 2022). Many refugees have experienced trauma due to conflict, persecution, or displacement, resulting in mental health challenges such as anxiety, depression, and post-traumatic stress disorder (PTSD). Limited access to mental health services can worsen these psychological vulnerabilities (Mancini et al., 2019; Greenbank, 2020). Legal vulnerability pertains to the challenges refugees face regarding their status, including difficulties in obtaining asylum, navigating immigration laws, and accessing legal protections. This legal uncertainty can heighten their risk of detention, deportation, and exploitation (Freedman, 2019; Bragg, 2021).

Multiple factors contribute to these vulnerabilities. Refugees may have endured significant trauma before fleeing, including torture, violence, and loss of family and community support, resulting in long-term psychological and physical issues (Mancini et al., 2019; Feinberg et al., 2021). Upon arriving in host countries, refugees often confront challenges such as cultural integration, loss of social networks, and limited access to essential services, which can further exacerbate their vulnerabilities (Fouad et al., 2021; Valdez et al., 2015). Institutional and systemic barriers, such as restrictive immigration policies, lack of legal

recognition, and inadequate support services, can deepen vulnerabilities within refugee populations (Freedman, 2019; Bragg, 2021).

Refugee families in Malaysia face numerous vulnerabilities due to their inherent personal characteristics. Age plays a crucial role, as both the very young and the elderly are particularly susceptible to health issues and lack of adequate care. Disabilities and chronic illnesses further exacerbate these vulnerabilities, limiting access to necessary healthcare and support services. Additionally, ethnic and gender identities significantly impact the experiences of refugees. Women and girls often encounter gender-based violence and limited access to educational and economic opportunities.

The personal circumstances of refugees profoundly influence their vulnerability. The locality and duration of where they live can determine their access to essential services and safety. Refugees often reside in overcrowded and under-resourced areas, making it difficult to access healthcare, education, and employment. Their living arrangements and relationships also play a critical role; family separation or living in unstable conditions can heighten stress and insecurity. Employment status and financial stability are major concerns, as refugees often engage in precarious and low-paying jobs, leading to economic insecurity. Social background, education, and skills also affect their ability to integrate and thrive; many refugees face barriers to accessing education and developing skills that are essential for economic independence.

The social and environmental circumstances surrounding refugees further compound their vulnerabilities. External factors such as weather conditions can significantly impact their living conditions, especially for those in temporary shelters or informal settlements. The broader economic environment also plays a role; a struggling economy can limit job opportunities and access to resources for refugees. Attitudes and behaviors of the local population towards refugees are critical; xenophobia, discrimination, and social exclusion can severely hinder their integration. Lastly, the experience of being displaced itself brings a host of challenges, including trauma, loss of social networks, and the struggle to adapt to a new and often unwelcoming environment.

Understanding vulnerabilities in the refugee context is essential for developing effective policies and interventions. Recognizing the multi-dimensional nature of these vulnerabilities can help humanitarian organizations and governments tailor their responses to meet the specific needs of refugees. For example, addressing economic vulnerabilities may involve providing access to job training and employment opportunities, while addressing psychological vulnerabilities may require enhanced mental health services (Montgomery et al., 2022; Greenbank, 2020). By acknowledging and addressing these multidimensional vulnerabilities, we can better advocate for comprehensive policies and support systems that facilitate the integration and well-being of refugee families in Malaysia.

DURABLE SOLUTIONS TO REFUGEE PROBLEM

Durable solutions are a crucial aspect of refugee protection, representing long-term strategies designed to address the challenges faced by refugees while ensuring their safety, dignity, and ability to rebuild their lives. By offering a pathway to stability, these solutions enable refugees to transition from vulnerability to self-sufficiency and active participation in society (Yacob-Haliso, 2016). The pursuit of durable solutions includes three primary approaches: repatriation, local integration, and resettlement. Each of these solutions comes with its own challenges and opportunities, and their feasibility and desirability can vary based on the context and the specific needs of the refugee populations involved.

The first solution, repatriation, or the return of refugees to their country of origin, is often considered the most fundamental and preferred solution to the refugee crisis worldwide (Komakech & Orach, 2022). Ideally, repatriation should be voluntary, allowing refugees to return home in safety and dignity. However, the feasibility and desirability of repatriation are heavily influenced by the conditions in the refugees' home country, such as ongoing conflict, political instability, and lack of infrastructure (Crisp & Long, 2016; Gerver, 2016). In some cases, refugees may be pressured or forced to return, which undermines the principle of voluntariness and can lead to further suffering and displacement (UNHCR, Harrell-Bond, 1989). Thus, while repatriation remains a desirable solution, its implementation must be carefully managed to ensure it is voluntary and sustainable.

The next solution is local integration which involves refugees becoming an integral part of the host community in their country of asylum. This process includes establishing sustainable livelihoods, gaining access to essential services, and developing social connections within the local community. Integration has become a key policy objective for the resettlement of refugees, emphasizing the importance of creating environments where refugees can live independently and contribute to society (Ager & Strang, 2008). Successful local integration requires engaging the receiving community and facilitating access to employment, housing, and the protection of basic rights (Lumley-Sapanski & Callahan, 2019). In Malaysia, local integration presents unique challenges due to the country's legal framework, which does not formally recognize refugees. Nonetheless, fostering local integration can significantly improve the quality of life for refugees and contribute to the social and economic fabric of the host community.

Finally, resettlement, is a solution that involves transferring refugees from the country where they initially sought protection to a third country that has agreed to admit them as refugees with permanent residence status. While resettlement can provide a durable solution for refugees who cannot return home or integrate locally, it comes with its own set of complex challenges. Refugees often face significant stresses related to acculturation into a new cultural setting, experiences of discrimination, physical safety concerns, and ongoing educational, financial, and employment hardships (Beiser, 2009). The resettlement process must address these challenges by providing adequate support systems to facilitate successful integration. This includes addressing mental health concerns, as many refugees have been exposed to violence and trauma, which can impact their ability to rebuild and recover in a new environment (Lutz & Portmann, 2021; Moise et al., 2022).

The concept of durable solutions highlights the connection between humanitarian assistance and development. By integrating refugees into local communities or facilitating their safe return, these solutions foster resilience and self-reliance, essential components for sustainable development (Susetyo & Chambers, 2020). Furthermore, durable solutions embody the principle of shared responsibility among nations in tackling refugee crises, promoting international cooperation and solidarity as countries collaborate to provide protection and support for refugees (Souter, 2013).

Despite their importance, several challenges hinder the effective implementation of durable solutions for refugees. The willingness of host countries to accept refugees for local integration or resettlement is often influenced by political, social, and economic factors. Many host countries resist integrating refugees due to concerns about resource allocation and security (Vezzoli et al., 2022). In cases of voluntary repatriation, ongoing conflict or instability in the refugees' home countries can prevent safe returns. Refugees may also hesitate to return if they perceive that conditions remain unsafe (Mithun, 2023). Additionally, limited resources and support from the international community can impact host countries' ability to provide adequate support for local integration and resettlement, leading to protracted refugee situations where refugees remain in limbo.

While repatriation, local integration, and resettlement each offer potential solutions, their success depends on careful planning, adequate support, and the active involvement of both refugee populations and host communities. By adopting a comprehensive and compassionate approach, Malaysia can contribute to durable solutions that enhance the well-being and integration of refugee families.

JUSTIFICATION FOR REFUGEE INTEGRATION IN MALAYSIA

Local integration of refugees in Malaysia involves facilitating their inclusion and participation in social, economic, and cultural life. This process allows refugees to become part of the host society while preserving elements of their cultural identity. Integration encompasses not only meeting basic needs but also providing opportunities for refugees to engage fully in social, economic, and political activities (Cowling & Anderson, 2021; Chuah et al., 2019). While Malaysia currently acts as a temporary settlement for refugees, the prolonged wait times for resettlement highlight the need for a more proactive approach to integration.

A protracted refugee situation refers to a scenario in which a significant number of refugees from the same nationality have been in exile for five years or more in an asylum country, without immediate prospects for durable solutions such as voluntary repatriation, local integration, or resettlement (Shand et al., 2020). This situation is marked by its long duration, often extending for decades. The Rohingya in Malaysia are in a protracted refugee situation, having lived in the country for more than 40 years without a clear path to durable solutions, such as repatriation, local integration, or resettlement (Letchamanan, 2013). Additionally, many refugees fleeing conflicts in countries such as Syria, Afghanistan, and Somalia have been displaced for extended periods (Crawley & Kaytaz, 2022; Mohr et al., 2022).

In such situations, refugees frequently encounter limited opportunities for lasting solutions. Voluntary repatriation may be unsafe or unfeasible due to ongoing conflict or persecution in their home countries, while resettlement options are often scarce. Local integration is typically obstructed by legal barriers and socio-economic challenges (Karim, 2023; İçduygu et al., 2017). As a result, refugees in protracted situations often become dependent on humanitarian assistance, which can create a cycle of vulnerability and marginalization. This dependency can persist for years, hindering their ability to achieve self-sufficiency (Abdi, 2005; Kreibaum, 2014).

Long-term Presence in Temporary Host Country

Malaysia is a temporary settlement for refugees, allowing them to stay on humanitarian grounds while awaiting resettlement or repatriation (Supaat, 2015; Au et al., 2022). Repatriation, while considered a preferred solution globally, presents significant challenges. For many refugees in Malaysia, resettlement is viewed as the most viable option, with repatriation and local integration often seen as impractical or impossible due to various constraints (Rahman & Dutta, 2023).

Refugees in Malaysia often face prolonged waiting periods before being resettled in a third country, with some individuals, particularly from the Rohingya community, remaining in Malaysia for over five years. Reports show that many have been stuck in limbo for much longer due to a lack of durable solutions (Rahman & Dutta, 2023). The average duration of stay prior to resettlement can vary significantly, ranging from three to ten years, depending on factors such as the specifics of an individual's case, UNHCR processing times, and the availability of resettlement slots in third countries (Cowling & Anderson, 2021). The resettlement process itself is lengthy and complex, requiring refugees to undergo a rigorous screening process conducted by UNHCR, which can take years to complete.

Denying refugee rights has serious negative consequences for both the refugees and the host communities. When refugees are stripped of their rights, they often experience social exclusion and marginalization, leading to feelings of isolation and despair. This alienation can hinder their ability to form meaningful connections with the local population (Rahman & Dutta, 2023; Chuah et al., 2018). Social isolation can worsen mental health issues and impede integration efforts.

Without legal protections, refugees become more vulnerable to exploitation and abuse. They may be compelled to work in unsafe conditions for low wages, with limited access to legal recourse or support (Sunam, 2022). This vulnerability can entrench cycles of poverty and dependency. Additionally, denying refugees the right to work legally restricts their ability to earn a living and contribute to the local economy, negatively impacting their financial stability and depriving the host country of the economic benefits that refugees could provide (El-Kayed & Hamann, 2018; Shohel, 2023).

Furthermore, the denial of rights can cause significant psychological distress among refugees. Many already endure trauma from previous experiences of violence and persecution, and the added stress of living without rights can exacerbate mental health issues such as anxiety, depression, and post-traumatic stress disorder (PTSD) (Chuah et al., 2018).

Challenges of Repatriation

The challenges and limitations of repatriation are evident, especially when the conditions in the refugees' home countries remain unstable or unsafe. Refugees in Malaysia face substantial challenges regarding repatriation, influenced by various factors such as ongoing violence in their countries of origin, unsafe return conditions, trauma, and uncertainty. For example, the situation in Rakhine State remains unstable, characterized by ongoing conflicts and a lack of guarantees for the safety of returnees (Chuah et al., 2018; Rahman & Dutta, 2023). As a result, Rohingya refugees are understandably hesitant to return to a situation where they might encounter further violence or persecution.

For repatriation to be feasible, safe and dignified conditions must exist in the home country. The absence of such conditions in Myanmar presents a significant barrier to the repatriation of Rohingya refugees (Zimmermann, 2010; Komakech & Orach, 2022). Reports of continued military presence and hostility toward the Rohingya community further complicate the possibility of return. The repatriation process is complex, often involving negotiations among governments, international organizations, and the refugees themselves. This complexity can lead to delays and uncertainties, making it challenging for refugees to return home (Abas & Samuri, 2024; Iduma & Musa, 2019).

Many refugees in Malaysia live in poverty and depend on humanitarian assistance. The prospect of returning to a country where they may lack means of livelihood can discourage them from considering repatriation (Farzana et al., 2020; McConnachie, 2021). Additionally, refugees often establish social networks and support systems in their host countries. The fear of losing these connections and the stability they provide can make returning to an uncertain situation in Myanmar less appealing (Komakech, 2023; Susetyo & Chambers, 2020).

Furthermore, many refugees have experienced significant trauma due to violence and persecution. The psychological impact of these experiences can result in anxiety and fear about returning to their home country, where they may face similar threats (Gerver, 2013; Saleh et al., 2023). Lastly, the uncertainty surrounding the repatriation process, including the lack of clear timelines and conditions for return, can exacerbate feelings of helplessness and despair among refugees (Reinhardt, 2012).

Benefits for Refugees and the Host Country

Integrating refugees into Malaysian society is not only beneficial for the refugees themselves but also for the host country. Providing support and resources to refugees can lead to numerous positive effects on economic, social, and cultural dimensions of society.

Refugee integration has significant potential to contribute to Malaysia's workforce and economic development. Studies have demonstrated that the economic integration of refugees can lead to increased labor market participation, thereby boosting the overall economic growth of the host country (Vroome & Tubergen, 2010; Herlina, 2022; Javaid et al., 2022). Refugees bring diverse skills and experiences, which can fill labor shortages and drive innovation. By allowing refugees to work legally and access economic opportunities, Malaysia can harness their potential to contribute positively to the national economy. This can lead to increased tax revenues, greater consumer spending, and a more dynamic labor market.

Socially, integrating refugees can improve social cohesion and community relations. Successful integration fosters positive relationships between refugees and the host society, reducing social tensions and promoting harmony (Khuu & Bean, 2021; Şimşek, 2018; Hellmann et al., 2021). Diverse and inclusive communities encourage understanding and tolerance among different cultural groups, enhancing social capital and community networks (Ran & Join-Lambert, 2019; Abramitzky et al., 2021). These networks are beneficial for both refugees and the host society, as they facilitate mutual support, collaboration, and resilience in the face of challenges.

Culturally, refugee integration enriches the host country's cultural fabric by facilitating the exchange of ideas, traditions, and perspectives (Martén et al., 2019; Abramitzky et al., 2021). This cultural exchange fosters creativity and innovation, leading to a more vibrant society. Moreover, the presence of diverse cultural groups contributes to the preservation and sharing of various cultural heritages, enhancing the host country's cultural landscape (Marshall & Begoray, 2019; Sathiyamoorthy, 2018). Cultural diversity can also attract tourism and global interest, further benefiting the country.

Public Health and Well-being

Successful refugee integration has positive implications for public health and well-being. When refugees have access to healthcare and social support services, it contributes to their physical and mental well-being, leading to improved health outcomes and a better quality of life (Jankulovska & Tozija, 2020; Balaam et al., 2023). Integrating refugees into the healthcare system can help address health disparities and promote inclusive healthcare services, benefiting the overall public health system. Additionally, healthy and well-supported refugees are better able to contribute to society and the economy, creating a virtuous cycle of well-being and productivity.

Integrating refugees into Malaysian society is not only a humanitarian imperative but also a strategic advantage. The economic, social, cultural, and public health benefits of refugee integration are substantial and far-reaching. By adopting comprehensive integration policies, Malaysia can transform the challenges of hosting refugees into opportunities for growth and enrichment, ultimately creating a more inclusive, dynamic, and prosperous society for all.

While Malaysia is currently viewed as a temporary settlement for refugees, the prolonged wait times for resettlement necessitate a more proactive approach to integration. Addressing the challenges of repatriation and local integration can lead to significant benefits not only for the refugees but also for the host country. By investing in the integration of refugees, Malaysia can improve economic outcomes, enhance social cohesion, and increase cultural diversity, creating a more inclusive and prosperous society for all.

CONCLUSION

The integration of refugee families in Malaysia presents both challenges and opportunities. Although Malaysia's legal framework does not formally recognize refugees, international human rights principles and economic considerations provide strong reasons to improve their status and access to essential services. This study emphasizes that granting refugees access to employment, education, and legal protections would enhance their well-being and positively impact Malaysia's economic and social landscape. Current policies that classify refugees as illegal immigrants exacerbate their vulnerabilities and hinder their ability to achieve self-sufficiency.

Given the prolonged presence of many refugee communities, particularly the Rohingya, Malaysia must reconsider its approach to refugee management. With repatriation remaining uncertain and resettlement opportunities limited, local integration

emerges as a viable solution. By implementing gradual legal and administrative reforms, Malaysia can uphold its humanitarian commitments while benefiting from the economic contributions of refugees.

Collaboration with international organizations, NGOs, and the private sector can promote refugee inclusion in the workforce and education system. Recognizing refugee marriages and providing legal identity documents would further enhance their protection and stability. Ultimately, adopting a structured approach to refugee integration will align Malaysia with global human rights standards and foster a more inclusive and sustainable society.

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