



In Search of Survival and Sanctuary in the City

Refugees from
Myanmar/Burma in
Kuala Lumpur,
Malaysia
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Cover: A refugee and her daughter share a room with 14 other people on the 21st floor of a rundown high-rise building. Photo: Peter Biro.

Next page: A Burmese Muslim boy in a mosque outside Kuala Lumpur. Photo: Peter Biro.



I. EXECUTIVE SUMMARY

Malaysia is home to one of the world's largest urban refugee populations. Over 120,000 refugees and stateless persons from all parts of the globe have made their way to Malaysia's cities and towns in search of sanctuary and survival.¹ Ninety-five percent of Malaysia's refugees are from Myanmar/Burma.² They have escaped armed conflict, attacks on their homes and villages, forced labor by the military, communal violence, ethnic, political, and religious persecution. Refugees from Myanmar now live in communities scattered throughout Kuala Lumpur's Klang Valley and other areas of the country.

This study finds that there are a range of unmet needs impacting the lives and ability of refugees from Myanmar to survive in Kuala Lumpur. The data indicate that refugees from Burma³ continue to face substantial and constant protection abuses from a range of actors. They are economically struggling to meet their most basic of needs. Refugees from Myanmar have access to few resources and little recourse from abuses. Based on the study findings, the recommendations focus on five key areas: Protection, Refugee Community Development, Li, and Children and Youth. The full set of recommendations can be found at the conclusion of the report. Below are the priority recommendations:

1. Protection:

Due to the high risk and seriousness of abuse, exploitation, and detention in Malaysia, protection issues are among the most pressing needs identified by the refugees from Myanmar refugee communities.

- Expand advocacy efforts with the Malaysian government to develop a domestic legal framework to address the protection and treatment of refugees in Malaysia in accordance with principles outlined in the 1951 Convention Relating to the Status of Refugees and 1967 Protocol.
- Increase support for the United Nations High Commissioner for Refugees (UNHCR) to prioritize timely access to UNHCR documentation for refugees through efficient and accessible registration and recognition mechanisms and improve refugee access to information.
- Support the establishment of legal assistance programming to ensure refugees have an outlet to report abuse, crime, and protection-related issues, receive individualized advice and counseling, and facilitate access to the Malaysian justice system.
- Improve engagement and capacity-building with local police and government agencies on refugee issues.

2. Refugee Community Development:

Refugee Community-Based Organizations (CBOs) are largely the first point of contact for refugees from Myanmar when problems or needs arise. CBOs also provide essential service delivery functions within the communities. These structures need to be supported and prioritized.

- Provide institutional support for CBOs and increase capacity-building opportunities that aim to strengthen organizational structures.
- Support and encourage systematic data collection mechanisms within CBOs to increase reliable and complete information on community needs and challenges, track trends within the community, and inform service delivery functions.

3. Livelihoods, Health, and Children and Youth:

Without legal status in Malaysia, social protections and benefits for refugees are limited. Efforts are necessary to expand and strengthen access to social services for refugees in Malaysia.

- Expand advocacy efforts with the Malaysian government to provide work permits, eliminate barriers to government health services, and extend opportunities for refugees to attend public schools and educational programs in Malaysia.
- Support CBOs and build capacity to improve community-based programming on livelihoods, access to healthcare through community health workers, and education for children through community learning centers.

Study Design & Methodology

This study was conducted in order to define the main issues affecting refugee communities from Myanmar living in Kuala Lumpur, Malaysia; identify opportunities to effectively address issues of concern; and explore potential durable solutions for refugees from Myanmar in Malaysia. The findings from this study are intended to be used to strengthen successful strategies and inform future programming in order to address critical gaps in service provision for refugees from Myanmar in Malaysia. The overall assessment design was adapted from methodology developed by the Feinstein International Center (FIC) at Tufts University to profile migrant and displaced populations in urban areas. The study employed the following research tools:

- A quantitative survey conducted in over 1,000 randomly selected Burmese refugee households in Kuala Lumpur on topics relating to: migration history; employment skills and livelihoods; health; housing and household profiles; children and youth; protection; and access to assistance and services;
- A series of ten qualitative focus group discussions with Burmese refugee community leaders and general community members, including a subset of survey respondents;¹ and
- Key informant meetings with nine staff members working with UNHCR and non-governmental organizations (NGOs) that provide assistance and services to the Burmese refugee populations in Kuala Lumpur.²

Coordination with the refugee CBOs continued throughout the duration of the study. Research Assistants attended a two-week workshop on data collection techniques, which included specific information on collecting data using ethical methods. All Research Assistants signed confidentiality agreements. Surveyors were provided with a script to read to participants before collecting any information from participants, which included information on the purpose of the survey, the terms of confidentiality, and informed consent for participation in the survey. Participation in the survey was voluntary and limited to adults 18 or older who could speak on behalf of the household. All interviews took place in the house of the person being surveyed, where possible in private. The confidentiality of respondents was strictly observed. To avoid potential bias, no incentives or gifts were provided to respondents.

¹ IRC facilitated focus group discussion with leaders from the Coalition of Burma Ethnic Malaysia (COBEM) as well as members of the Arakan, Burma Muslim, Kachin, Karen, Karenni, Shan, Mon and two Chin communities. Workshops were held in every ethnic community targeted by the study, except for the Rohingya community. Although the Rohingya community was contacted, a workshop was not scheduled due to time and resource limitations. At the time of the survey, widespread violence had broken out in Arakan State with attacks largely targeting the Rohingya population. As a result, participation by Rohingya community leaders in the study was diverted to prioritize raising awareness about the situation in Myanmar and supporting newly arriving refugees in Malaysia.

² Staff participating in the key informant interviews represented the following Kuala Lumpur-based NGOs: A Call to Service (ACTS), International Catholic Migration Commission, Malaysian Care, and Tenaganita. Other NGOs requested to participate in the qualitative portion of the study but were unavailable included: Lawyers for Liberty, SUARAM, Tzu Chi Foundation, and UNICEF.



This family of eight share a small room in Kuala Lumpur. Photo: Peter Biro.

The final survey sample consists of 1,003 respondents representing the many distinct ethnic groups from Myanmar in Malaysia. The ethnic breakdown of the sample was largely constructed by the research plan to provide an approximate proportional representation of the various present ethnicities based on preliminary estimates of the populations in Kuala Lumpur. In the resulting sample, ethnic Chin comprised approximately 45% of the sample; Burma Muslim, Karen, and Kachin altogether comprised roughly 40% of the sample; and Arakan, Karenni, Mon, Shan, and Rohingya comprised 15% of the sample. The survey was conducted across the 15 areas of the city of Kuala Lumpur, with almost 29% of the interviews taking place in Kuala Lumpur's city center where there is considerable overlap among all the Burmese refugee communities. Women comprised just over half of the sample and about half of the sample held UNHCR documentation.

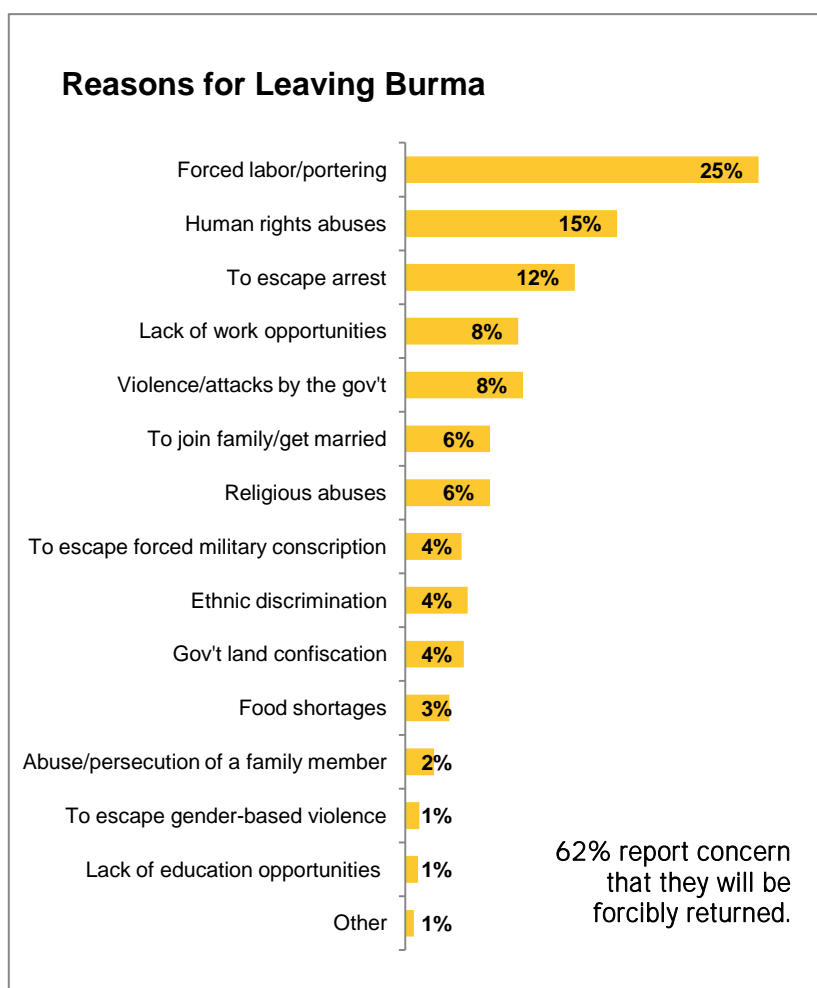
Findings and Analysis

For refugees seeking survival and sanctuary in urban-settings, cities hold a unique set of opportunities that are not always available in traditional refugee camp settings – opportunities for work, skill-development, education, access to public services and protections, and potential integration with the local population. At the same time, cities can pose unique challenges and obstacles for refugees – greater potential for isolation, exploitation, incurring debt obligations, protection and security problems, and limited access to targeted services or assistance. The success of refugees in navigating the city in order to take advantage of opportunities and avoid potential risks is largely dependent on their ability to develop and execute various self-reliance strategies. The strength of these strategies can be influenced by a number of factors, such as language skills, community connections and networks,

access to assets, employment skills, and adaptability to an urban environment. This study considers these factors in detail to provide a comprehensive analysis of the situation of refugees from Myanmar in Kuala Lumpur, Malaysia.

Migration History

The study found that refugees from Myanmar are in a disadvantaged situation when they arrive in Malaysia. Almost all refugees from Myanmar surveyed indicated that they fled Myanmar to escape some type of human rights abuse or violation, including ethnic, religious, and political persecution; violence and attacks against themselves, their families, and their villages; and severe forms of oppression. Almost all either owned nothing in Myanmar (45%) or abandoned assets (54%) when they left.³ Very few respondents (8%) felt they would be able to reclaim property left behind in Burma. Most respondents (68%) also reported paying between 1,500 to 5,000 RM (US\$500-1,600) to travel to Malaysia.⁴ This indicates that most refugees from Myanmar arrive with little or no assets to rely on as a source of stability. During the focus group discussions, a Karenni man explained, “The reason we leave is because of human rights abuses. All of our belongings are taken away from us by the government; we are forced to porter for the army; our women have been raped and forced into marriages; our villages have been burned and our people killed. The government has taken everything from us. We have nothing.”



³ Only five respondents from the sample (0.5%) said that they brought items of value with them when they left Burma.

⁴ All monetary denominations referred to during the study were converted into the Malaysian Ringgit (RM). At the time of writing, the approximate exchange rate for the Malaysian Ringgit was: 1 USD = 3 RM = 836 Burmese Kyat

Livelihoods and Employment

Upon arriving in Malaysia, refugees from Myanmar must learn to develop and adapt their skills to find livelihoods in Malaysia; however, the lack of education and limited experience in an urban-based vocation among refugees from Myanmar may complicate this process. Among those sampled, only 20% had completed high school or higher, with more than half of the sample having less than a middle school education. Most respondents (59%) worked as farmers in Burma, holding skills that are not easily transferable to an urban marketplace. While there is a strong and constant demand for labor in Malaysia, owing to the country's robust and rapidly expanding economy, only a small proportion of refugees from Myanmar arrive with the necessary education and skills to service Malaysia's industrialized needs. As a result, unemployment is high within the Burmese communities, with more than 36% of respondents reporting no job or livelihood in Malaysia. Of respondents who are working in Kuala Lumpur, most (41%) are working in restaurants earning between 500 to 1,000 RM (US\$160-330) per month.



A young works long shifts a dishwasher in a restaurant in downtown Kuala Lumpur.
Photo: Peter Biro.

Housing and Household Profiles

A large apartment building housing mainly refugees and migrants. Photo: Peter Biro.



In general, the Burmese refugee community in Kuala Lumpur tend to live in locations that are considered affordable, close to other community members, and convenient to public transportation. Most respondents interviewed in the survey (90%) lived in large apartment blocks (more than ten stories) or smaller apartment buildings (less than ten stories). Half of all households surveyed paid between 500 and 1,000 RM (US\$160-330) per month in rent, which is typically divided among the household members. Respondents largely (73%) reported contributing less than 500 RM (US\$160) per month towards the household rent. To minimize living expenses, it is common for several families to share living space and divide the rental and sometimes other expenses. Over half of the sample (57%) indicated that they shared living space with five to ten people and 31% of the sample indicated living in large households with more than 11 people sharing living space.



Children and Youth

Most of the households (64%) included children under the age of 18 with 35% of households with children reporting more than four children. Of those households with children, just over a third (52%) said there were primary school-aged children (between the age of 6 and 11) living in their household, representing a total of 731 children. In Kuala Lumpur, the survey found that most refugee children between 6-11 years old (84%) are participating in some sort of learning program. When the number of older children (12-18 years old) are taken into account, the percentage of children receiving an education drops to 37%, which is consistent with UNHCR findings.⁵ Refugee children are not permitted to attend Malaysian government schools and private schools are prohibitively expensive; accordingly most refugee children in Kuala Lumpur attend community-based learning centers or NGO-run educational programs. These programs are not accredited and cannot issue official diplomas or certificates that would be recognized to advance further education in Malaysia, Burma, or elsewhere. According to the survey data, about two-thirds (62%) of the primary aged children in school attend a CBO learning center, another 31% attend NGO-run learning centers. The quality of these programs repeatedly came up during the focus group discussions, with most stakeholders indicating a need for increased teacher support for stipends, teacher trainings, and financial assistance for the schools.

Refugee youth between the ages of 11 and 18 in Malaysia are at high risk of missing out on the opportunity to obtain an education. Considering the lack of programs targeting older children, it is not surprising that only one-third were attending an educational program. Beyond not receiving the benefits of an education, a majority of respondents (46%) indicated that youth in their household were not involved in any social activities, such as cultural activities, sports, or religious clubs. The study found that 18% of children between 6 and 18 years old were working; youth comprised 72% of children engaged in work (n=157), while 28% of working children were under the age of 11 (n=62). Most children work in restaurants or shops and are engaged for more than ten hours per days, six to seven days a week, and earning 500 to 1,000 RM (US\$160-330) per month. The earnings primarily go towards food and other basic necessities or to support the household expenses, indicating that children are being put into the workforce primarily out of economic necessity.



Muslim Burmese children in the streets of Kuala Lumpur.
Photo: Peter Biro.

⁵ UNHCR, "Education," <http://www.unhcr.org/my/Education-@-Education.aspx> (last visited 9 December 2012).



Healthcare is prohibitively expensive for refugees and immigrants in Malaysia. This patient is treated for free by Perch, a volunteer clinic that accommodates refugee patients in Batu Arang north of the capital. Photo: Peter Biro.

Health and Well-Being

Working long hours in difficult jobs for little money while living in cramped and dilapidated housing are likely contributing factors in health problems and high stress experienced by refugees from Myanmar in Kuala Lumpur. When respondents were asked how many times in the past year had they been unable to work or conduct daily activities due to sickness, 47% said they had been sick at least one time during the past year, 28% had been sick at least three times, and 16% said more than five times. According to a local NGO providing health services to refugees, the most frequently diagnosed condition among refugees is upper respiratory tract infections, with over 300 cases diagnosed between January and October 2012, followed by rheumatic complaints, hypertension, gastritis, and diabetes.

Most respondents in the general sample who received treatment for a medical condition, paid less than 500 RM (US\$160). Few people (11%) paid more than 1,500 RM (US\$500) for treatment. Treatments provided at the government hospitals were among the most expensive with 60% of treatments costing over 500 RM (US\$160). Despite this, almost 37% who sought treatment for a medical condition in Kuala Lumpur went to a government hospital or health center. More than 30% opted for a private hospital or clinic and 24% went to a NGO-run clinic. Although UNHCR-registered refugees are eligible for a 50% discount for treatment at government hospitals, financial difficulties was provided as the top reason among those who did not seek treatment after experiencing a serious medical problem (43%). Other reasons included lack of documentation (24%).



Photo: Peter Biro

Protection

Throughout the study, lack of documentation and legal status was repeatedly identified as a root cause of numerous problems and difficulties for the refugee population in Malaysia. The laws and policies governing the treatment of refugees essentially establish the protection environment and influencing the conditions, treatment, and experiences of refugees in a host country. In Malaysia, domestic laws extend few rights or protections to refugees. Malaysia has not ratified the 1951 Convention relating to the Status of Refugees or the 1967 Protocol, and refugees are not officially recognized by the Malaysian government. Refugees are unable to obtain residence or work permits; they are excluded from the formal economy and are denied driving or trading licenses; they cannot open bank accounts; refugee children cannot attend government schools; and access to other services or assistance is limited. Refugees in Malaysia are essentially treated the same as Malaysia's two million undocumented migrant workers. They are considered in the country illegally and are at risk for arrest and detention.

Forty-two percent of all respondents indicated that at least one member of their household had been arrested in the past year, amounting to a total of 992 individuals.⁶ Almost all (95%) were arrested for

⁶ When asked whether they or a member of their household had ever been jailed or detained in Malaysia, 84 (8%) of the sample said that they had been jailed or detained and 208 (21%) reported that a member of their household had been jailed or detained. The period of detention for respondents ranged from less than 24 hours to more than a year, with most reporting between a week and six months. Almost all respondents described the conditions and treatment in detention as bad or very bad.

failing to have legal documents. Despite the frequency of arrests within the Burmese refugee community, less than 2% (15 respondents) said they had experience with the Malaysian court system as an accused.⁷ Instead, arrests typically occur in order to extort money; after providing money, refugees are typically released. About half of all respondents reported paying money informally to Malaysian officials at least once during the past year. Of those who made payments, 38% said they paid four times or more in the past year, with payments ranging from less than 50 RM (US\$16) up to more than 10,000 RM (US\$3,300). More than a third (35%) paid not more than 500 RM (US\$160).

In addition to harassment and extortion by the authorities, refugees are highly susceptible to harassment and exploitation in the workplace due to the lack of work authorization or recognized legal status in Malaysia. Over 30% of the sample reported experiencing an abuse in the workplace, with partial or non-payment of wages being the most frequently reported problem. Of the 311 who reported experiencing a workplace abuse, 80% identified not receiving wages for work completed as the problem. Most of the abuses identified in the survey were committed by the employer. Without status in Malaysia, refugees are more susceptible to exploitation by employers who know they will not complain to the authorities about their treatment or conditions in the workplace.

The qualitative research indicates that refugees also experience crime in alarming frequency.⁸ Many focus group participants shared personal experiences with crimes. One Karen participant shared how he was beaten and robbed about a year ago. A Chin participant said robbers broken into his apartment, beat him in the head with an iron rod, and took everything in the apartment. He now has a large indentation and scar from where he was beaten. A Research Assistant working with IRC to facilitate this study was even robbed while traveling to the IRC office during the six-week data collection period. One Karen participant described the lack of safety and security for refugees in Malaysia saying, “We are scared of everyone. Police demand money from us, local people beat and rob us, other people from Burma also create problems for us. There is no law for us here.”

Abuses and crimes committed against refugees largely go unreported. In cases involving workplace abuses, 35% reported the problem; of the 96 respondents who had some experience with crime, 57% said that it was reported. When the entire sample was asked the hypothetical question of where they would report a crime, 34% said they would report to a CBO and 31% of respondents said UNHCR. Only 9% said they would report a problem to the police. The nominal number of respondents identifying the police as the place to report crimes indicates a lack of confidence in the police and possibly a fear of potential retribution due to their uncertain status in the country. When respondents were asked about their perceptions of the Malaysian authorities, an overwhelming majority of respondents (92%) said that they did not feel that the Malaysian authorities could help with crimes or problems experienced by refugees.

⁷ Of the 15 respondents with experience in the Malaysian court system, only five (30%) indicated having access to a lawyer or legal representative to get advice on their case, six (40%) said an interpreter was available during the court proceeding, and 8 (53%) said they understood the proceedings.

⁸ The survey respondents did not widely report on crimes. Only 96 respondents reported experiencing crime, with theft (n=26) and physical assault (n=30) being the most frequently reported. It is not clear why the survey data and qualitative research are inconsistent. It may be that the question was misunderstood or misinterpreted by the respondents. It may also be that the frequency of crime experienced by the refugee community in Kuala Lumpur is overstated because of the unsettling effect crime has on the community.

Access to Assistance and Services

Community-Based Organizations (CBOs) are an important resource for the refugee community in Malaysia. There are more than ten CBOs serving refugee communities in Malaysia. The CBOs are largely organized along ethnic lines,⁹ and form the foundation of the refugees' protection strategy. Community volunteers work as part of the CBO to provide a variety of services, including protection support, employment assistance, help in accessing health services, information distribution, and support for informal community learning centers, etc. The CBOs provide an essential link to the communities they serve by ensuring a central location for refugees to access information and services in their respective languages while also serving as a vital avenue of communication and contact with UNHCR and potential service providers.¹⁰ These organizations initially formed in order to cope with the considerable challenges facing Burmese refugee communities in Malaysia and the limited availability of refugee-focused service providers.

There are also a number of local nongovernmental organizations (NGOs) assisting refugees from Burma; however the range of services and capacity of these service providers to accommodate the expanding population of refugees is limited and the operating environment for NGOs and refugee service providers can be tense. UNHCR supports many of the activities of the local NGOs in addition to providing direct forms of assistance and services to the community. However, UNHCR's budget is consistently underfunded, resulting in limitations in staffing and financial resources. A very small number of international NGOs are operating in Malaysia with a specific mandate to assist refugees. Due to difficulties of registering as an NGO in Malaysia, most INGOs working with refugees operate under UNHCR's mandate. As a result of these limitations, there are numerous gaps in service provision and unmet needs within the refugee communities.

Refugee Service providers in Malaysia (A non-exhaustive list)

- A Call to Serve (ACTS)
- Dignity for Children (formerly Harvest Center)
- Hartford Academy
- Health Equities International (HEI)
- International Catholic Migration Commission (ICMC)
- Malaysian Care
- Mercy Malaysia
- Nur Salam
- Soroptimist International
- TECH Outreach
- Tenaganita
- Tzu-Chi Foundation
- Wadah/Future Global Network

⁹ There are at least 11 Burmese CBOs that represent the main ethnic and minority groups in Burma; there are also smaller CBOs to represent sub-ethnic groups or factions of the main Burmese communities. The primary CBOs in Malaysia include: Arakan Refugee Relief Committee, Alliance of Chin Refugees, Burma Muslim Committee, Chin Refugee Committee, Kachin Refugee Committee, Malaysia Karen Organization, Organization for Karenni Development, Mon Refugee Organization, Shan Refugee Organization, Rohingya Society of Malaysia, Burma Refugee Organization (this list is non-comprehensive).

¹⁰ Refugees from Myanmar speak a variety of distinct ethnic languages and few are competent in the local Malay language.

Priority Needs and Services

When asked about the primary need for assistance or service in their household, the most identified need (40%) was information on resettlement and registration. Considering the many benefits and protections that extend from UNHCR recognition, this is not surprising. The UNHCR card provides various benefits and protections to the refugee population, including 50% discounts for treatment at government hospitals, employers are more willing to hire people with UN documentation, and most importantly, general protection from arrest and detention. The second largest priority need identified by the sample was the need for protection assistance, with 15% of respondents identifying this category as a primary need within the household. The urgency of the need for protection came through during the focus group discussions as participants repeatedly shared personal and anecdotal stories of workplace abuses, harassment by employers, harassment by Malaysian authorities, problems with locals, crimes committed against them without any recourse, fear and experience with arrest and detention.

Demonstrating the level of need and difficulty of conditions among refugees in Malaysia, food aid was the third most frequently prioritized need among respondents. This finding supports a 2011 study by the International Organization for Migration (IOM) that found high rates (14%) and increasing trends of wasting, a primary indicator of acute malnutrition, among young Burmese refugee children (aged 6-59 months) in Kuala Lumpur.¹¹ This is an unsettling finding considering that Malaysia has a strong economy and is more developed than most of its neighbors. It is generally assumed that refugees in Kuala Lumpur are relatively better off economically. However, the cost of living in Kuala Lumpur is high and without protection guarantees, refugees are regularly exploited. As a result, their survival and economic conditions may not be as good as might be expected.



A young Kachin refugee clutches her identity card. Photo: Peter Biro.

¹¹ International Organization for Migration (IOM), "Nutrition Surveillance Reports: Health Assessment Programme," Issue No. 1, Jan-June 2011, http://publications.iom.int/bookstore/free/MHD_NL%20issue1_13sep_FINAL.pdf (last visited 9 December 2012).

Durable Solutions

In looking towards the future, a majority of refugees from Myanmar in Malaysia saw third-country resettlement as their only option. When asked where they hoped to be in the next three years, 89% said the United States or another western country. The reason for this is clear when considering the alternatives. Local integration is not possible considering the lack of a legal framework governing the treatment of refugees in Malaysia, and voluntary repatriation is at best premature. Although Myanmar is starting to demonstrate signs of changing, most international actors agree that it is not yet possible for refugees to return “in safety and with dignity,” and to an environment that enables social, cultural and economic reintegration. This is supported by the survey findings, which indicated a continued flow of recent arrivals with 12% of the sample having left Myanmar within the last year; a considerable amount of fear of return with 62% of respondents saying they were afraid of forcible return; and a majority of respondents saying they would likely be arrested and jailed (53%), recruited into forced labor or portering (12%), or killed (10%) if they returned. The process for resettlement from Malaysia can take many years, but this is the only option at the moment for refugees from Burma. As they wait, their search for survival and sanctuary in the city continues.



A Chin woman in her flat, which she shares with 17 others in Kuala Lumpur. Photo: Peter Biro.

II. INTRODUCTION

Background

By 2020, estimates suggest that half of Asia's population will live in cities – a sign of an increasingly urbanized world.¹² As refugees flee violence and persecution at home, they are also heading to cities with the hope of finding safe refuge among the multitudes. According to UNHCR, one half of the world's 10.5 million refugees now reside in cities and towns.¹³ With more than 120,000 refugees and stateless persons, Malaysia provides accommodation to one of the largest urban refugee populations in the world, and it is continuing to expand.¹⁴ At the end of 2012, UNHCR reported a registered refugee population of 88,000 and estimated another 10,900 unregistered refugees in Malaysia.¹⁵ A majority of Malaysia's refugees live in the Kuala Lumpur area and throughout Klang Valley, with smaller populations living in Penang, Johor, and other areas of the country.

Of Malaysia's 88,000 registered refugees, 95% are from Burma.¹⁶ It is hard to be certain when refugees from Myanmar first began arriving in Malaysia, but assuming similar migratory flows as documented in Burma's neighboring countries, it is likely that refugees from Myanmar have been living in Malaysia for decades. The first large-scale influxes of refugees out of Myanmar began in 1988 following a violent nationwide crackdown against political and ethnic opponents of Burma's military regime. Thousands more followed during the subsequent years of repressive military rule. By not sharing a border with Burma, Malaysia is not generally an immediate destination for refugees from Burma. However, over the past decade, refugees from Myanmar have reached a sizable presence in Malaysia. Despite indications of potential change in the country, Myanmar continues to produce new refugees who are fleeing to escape armed conflict, forced labor, communal violence, and ethnic, political, and religious persecution. Consequently, the refugee population in Malaysia continues to expand and absorb new arrivals. At the time of writing, UNHCR reported approximately 82,820 registered refugees from Burma, with several thousand more being unregistered. The Burmese communities of refugees in Malaysia are ethnically diverse and include ten main communities: the Arakan, Burma Muslim, Chin, Kachin, Karen, Karenni, Mon, Shan, Rohingya, and Burman.

¹² United Nations Department of Economic and Social Affairs, "World Urbanization Prospects: The 2011 Revision," ESA/P/WP/224, March 2012.

¹³ UNHCR, "Urban Refugees," <http://www.unhcr.org/pages/4b0e4c8a6.html> (last visited 20 November 2012).

¹⁴ UNHCR, "UNHCR Global Appeal 2013 Update," December 2012, <http://www.unhcr.org/50a9f82da.html> (last visited 9 December 2012).

¹⁵ Ibid.

¹⁶ Ibid. The refugee communities from Myanmar are ethnically diverse and include ten main communities: the Arakan, Burma Muslim, Chin, Kachin, Karen, Karenni, Mon, Shan, Rohingya, and Burman.

Malaysia has not ratified the 1951 Convention relating to the Status of Refugees or the 1967 Protocol, and refugees are not officially recognized by the Malaysian government. At the time of writing, Malaysia's Foreign Minister explained that becoming a party to the Convention would obligate Malaysia "to treat these people better than our own people."¹⁷ The rights included in the Refugee Convention include: the right of non-discrimination; the right to freedom of religion; the right to freedom of association; the right of access to courts; the right to employment; the right to freedom of movement; and the right to food, shelter, health and education. Without any official recognition or status by the government, refugees in Malaysia are afforded limited protection and very few benefits. Refugees are unable to obtain residence or work permits; they are excluded from the formal economy and are denied driving or trading licenses; they cannot open bank accounts; refugee children cannot attend government schools; and access to other services or assistance is limited. Refugees in Malaysia are essentially treated the same as Malaysia's two million undocumented migrant workers. They are considered to be in the country illegally and are at risk for arrest and detention.

Without domestic legislation to govern refugee issues, UNHCR is largely responsible for ensuring protection of refugees in Malaysia. UNHCR has maintained a presence in the country since 1975. Although UNHCR's formal agreement with the Malaysian government substantiating its work in Malaysia came to an end in 1996 with the expiration of the Comprehensive Plan of Action for Indochinese Refugees, Malaysia continues to accredit UNHCR country representatives and UNHCR is able to register and facilitate the refugee status determination process for refugees in Malaysia. UNHCR also provides direct assistance to refugees in Malaysia as well as supports local NGOs and CBOs providing a range of services and assistance to refugees. The Malaysian government does not interfere with the resettlement of refugees to third countries, and about 8,000 refugees are resettled annually from Malaysia to the United States, Australia, and other refugee-receiving countries.

Beyond UNHCR, there are also a number of local NGO service providers assisting refugees from Burma; however the range of services and capacity of these service providers to accommodate the expanding population of refugees is limited and the operating environment for NGOs and refugee service providers can be tense. NGOs in Malaysia are required to undergo an

Coalition of Burma Ethnics, Malaysia (COBEM)

In 2007, eight refugee CBOs came together to form the Coalition of Burma Ethnics, Malaysia (COBEM) in order to improve coordination and communication among the refugee CBOs as well as with UNHCR and NGOs working with the CBOs. COBEM has served as an effective model and has strengthened the voice of refugees in general in Malaysia by providing a forum for community leaders representing several communities to discuss issues and concerns of the refugee community and raise them as one voice. The eight members of COBEM include:

- Arakan Refugee Relief Committee (ARRC)
- Chin Refugee Committee (CRC)
- Alliance of Chin Refugees (ACR)
- Kachin Refugee Committee (KRC)
- Malaysia Karen Organization (MKO)
- Organization for Karenni Development (OKD)
- Mon Refugee Organization (MRO)
- Shan Refugee Organization (SRO)

¹⁷ Sumisha Naidu, "Malaysia Finds 'Conflict' in UN Refugee Convention," Australia Network News, 13 November 2012, <http://www.abc.net.au/news/2012-11-12/an-malaysia-speaks-on-refugee-treatment/4367642> (last visited 2 December 2012).

extensive registration process that includes submitting detailed information on their activities for government approval. In the past, local NGOs and service providers have been reluctant to assist refugees fearing government pressure and reprisals for assisting “illegal” populations. Local NGOs have indicated that government pressure has decreased over the years for organizations providing direct services but remains for NGOs engaged in advocacy or politics. Despite increased freedom to operate, local NGOs have limited human and financial resources to sufficiently meet the comprehensive needs of the refugee population. Describing the situation of service provision in Malaysia, one local NGO said, “The Malaysian government does not impose obstacles to humanitarian organizations working with refugees...but they also do not provide any support.” UNHCR supports many of the activities of the local NGOs in addition to providing direct forms of assistance and services to the community. However, UNHCR’s budget is consistently underfunded, resulting in limitations in staffing and financial resources. A very small number of international NGOs are operating in Malaysia with a specific mandate to assist refugees. Due to difficulties of registering as an NGO in Malaysia, most INGOs working with refugees operate under UNHCR’s mandate. As a result of these limitations, there are numerous gaps in service provision and unmet needs within the refugee communities.

To cope with the considerable challenges facing Burmese refugee communities in Malaysia and the limited availability of refugee-focused service providers, refugees from Myanmar have formed CBOs to provide assistance to their community members. The CBOs are largely organized along ethnic lines.¹⁸ To provide a location for community members to assemble, the CBOs have established “community centers” in neighborhoods where many of their members live and where they can go to receive information, to ask for advice or support, and to report problems. These self-help community centers are the foundation of the protection strategy employed by refugees from Burma. Community volunteers work as part of the CBO to provide a variety of services, including protection support, employment assistance, help in accessing health services, information distribution, and support for informal community learning centers, etc. The CBOs provide an essential link to the communities they serve by ensuring a central location for refugees to access information and services in their respective languages while also serving as a vital avenue of communication and contact with UNHCR and potential service providers.¹⁹ The CBOs are often the first place refugees go when they arrive in Malaysia, when they are in need of assistance, when they encounter some problem, or when they celebrate meaningful events.

According to UNHCR and local NGOs operating in Malaysia, the quality and capacity of Burmese CBOs vary widely across and within different Burmese communities. Some CBOs support several community programs and activities; others provide limited services and lack the capacity to provide basic assistance to their communities. The CBOs are largely run by untrained volunteers from the community, and leaders and staff of these organizations are themselves refugees and acknowledge their limited experience in administration or organizational management. While some of the main

¹⁸ There are at least 11 Burmese refugee CBOs that represent the main ethnic and minority groups in Burma; there are also smaller CBOs to represent sub-ethnic groups or factions of the main Burmese communities. The primary CBOs in Malaysia include: the Arakan Refugee Relief Committee, Alliance of Chin Refugees, Burma Muslim Committee, Chin Refugee Committee, Kachin Refugee Committee, Malaysia Karen Organization, Organization for Karenni Development, Mon Refugee Organization, Shan Refugee Organization, Rohingya Society of Malaysia, Burma Refugee Organization (this list is non-comprehensive).

¹⁹ Refugees from Myanmar speak a variety of distinct ethnic languages and few are competent in the local Malay language.

CBOs share information through COBEM,²⁰ coordination on activities and resource-sharing within COBEM remains limited. There is very little coordination of any kind among the smaller CBOs and less organized ethnic or minority groups.

Purpose and Scope of the Study

This study was conducted in order to define the main issues affecting refugee communities from Myanmar living in Kuala Lumpur, Malaysia; identify opportunities to effectively address issues of concern; and explore potential durable solutions for refugees from Myanmar in Malaysia. The research findings and analysis may be used to recommend improvements to the domestic legal and policy framework in Malaysia for refugee management as well as inform future programming intended to address critical gaps in service provision for refugees in Malaysia. The data may also serve as baseline information to establish appropriate benchmarks for future programming in Malaysia.

Information was collected on a range of issues in order to gain a comprehensive profile of the lives of refugees in Kuala Lumpur as well as their needs and concerns. The information collected included:

- Migration History
- Livelihood and Employment
- Health
- Housing and Household Profiles
- Child and Youth
- Protection
- Access to Assistance and Services

Although there are many refugee communities in Malaysia with serious needs and concerns, this study was limited to refugees from Myanmar living in Kuala Lumpur. This population was targeted for the study based on considerations that communities from Myanmar comprise a majority of the refugee population in Malaysia and IRC's significant experience assisting refugees and migrants from Myanmar in Thailand and through the resettlement process in Malaysia.

Due to time and resource limitations, the study covered only refugees from Myanmar living within the Federal Territory of Kuala Lumpur or Wilayah Persekutuan Kuala Lumpur. This target area is appropriate for the purposes of this study as Kuala Lumpur is the most populous urban center in Malaysia and a significant number of refugees from Myanmar live in Kuala Lumpur, including representation of all the main ethnic groups from Burma. Many key stakeholders, including UNHCR, indicated during the preliminary set-up phase of this study that the needs of refugees living outside of Kuala Lumpur were considerably greater due to their remoteness and limited access to services. However, by focusing on the communities in Kuala Lumpur, IRC now has a baseline to evaluate and compare conditions for communities living in other areas of Malaysia.

²⁰ The eight members of COBEM include: Arakan Refugee Relief Committee (ARRC), Chin Refugee Committee (CRC), Alliance of Chin Refugees (ACR), Kachin Refugee Committee (KRC), Malaysia Karen Organization (MKO), Organization for Karenni Development (OKD), Mon Refugee Organization (MRO), Shan Refugee Organization (SRO).

III. METHODOLOGY

Study Design

The overall study design was adapted from methodology developed by the Feinstein International Center (FIC) at Tufts University in Medford, Massachusetts in order to profile urban migrant and displaced populations. This methodology was piloted in 2011 by IRC and the FIC to profile Burmese migrants and displaced persons living in Mae Sot, Thailand as part of a larger study that included Kenya, Yemen, and South Africa. The research tools and methods were largely adapted from tools and research methods developed by the FIC. These tools include:

- A quantitative survey conducted in over 1,000 randomly selected Burmese refugee households in Kuala Lumpur on topics relating to migration history, employment skills and livelihoods, health, housing and household profiles, children and youth, protection, and access to assistance and services;
- A series of ten qualitative focus group discussions with Burmese refugee community leaders and general community members, including a subset of survey respondents;²¹ and
- Key informant meetings with nine staff members working with UNHCR and NGOs that provide assistance and services to the Burmese refugee populations in Kuala Lumpur.²²

Implementation

A full-time IRC Research Coordinator led a team of Research Assistants recruited from the ten targeted refugee communities. The Research Coordinator was responsible for: conducting preliminary research and identifying key local stakeholders; assembling a team of Research Assistants to facilitate the study objectives; facilitating a training workshop for Research Assistants; developing and ensuring the translation of the survey questionnaire in consultation with Research Assistants, technical advisors, and key stakeholders; supporting Research Assistants to develop a mapping of the locations of targeted refugee communities in Kuala Lumpur; overseeing the data collection and data entry process; conducting qualitative research through focus group discussions and key stakeholder interviews; conducting preliminary data analysis; developing the final report; and facilitating dissemination workshops for key stakeholders, including members of the refugee community.²³

²¹ IRC facilitated focus group discussion with leaders from the Coalition of Burma Ethnic Malaysia (COBEM) as well as members of the Arakan, Burma Muslim, Kachin, Karen, Karenni, Shan, Mon and two Chin communities. Workshops were held in every ethnic community targeted by the study, except for the Rohingya community. Although the Rohingya community was contacted, a workshop was not scheduled due to time and resource limitations. At the time of the survey, widespread violence had broken out in Arakan State with attacks largely targeting the Rohingya population. As a result, participation by Rohingya community leaders in the study was diverted to prioritize raising awareness about the situation in Myanmar and supporting newly arriving refugees in Malaysia.

²² Staff participating in the key informant interviews represented the following Kuala Lumpur-based NGOs: A Call to Service (ACTS), International Catholic Migration Commission, Malaysian Care, and Tenaganita. Other NGOs requested to participate in the qualitative portion of the study but were unavailable included: Lawyers for Liberty, SUARAM, Tzu Chi Foundation, and UNICEF.

²³ The Research Coordinator selected for this project worked with IRC in Thailand as a Program Manager and Advisor for the Legal Assistance Center (LAC) project in the Burmese refugee camps in Mae Hong Son and Tak Provinces. While with

The Research Coordinator received supervision and support from the IRC East Asia personnel based in Bangkok, Thailand as well as the IRC Research, Evaluation and Learning Technical Unit in New York. IRC also engaged Karen Jacobsen from FIC at Tufts University to provide additional technical support. Karen Jacobsen is the Research Director of the Feinstein International Center at Tufts University. She is also responsible for developing the methodology used to profile displaced urban populations. She is also the author and co-author of several journal articles, books, and working papers on profiling methodologies. The IRC technical advisors and consultant collaborated remotely from Thailand and the U.S. with the Research Coordinator based in Kuala Lumpur, Malaysia. Technical support was provided with project design, training materials, data collection design and implementation, data analysis, and final review of findings and recommendations.

1. Quantitative Methodology

The design of the quantitative portion of the study is intended to provide comprehensive data on the various Burmese refugee communities living throughout Kuala Lumpur's urban areas. The communities targeted to participate in the survey represented the main Burmese refugee communities with significant populations in Kuala Lumpur, including the ethnic Arakan, Burma Muslim, Chin, Kachin, Karen, Karenni, Mon, Rohingya, and Shan communities. To ensure geographical diversity of the respondents, the survey included respondents living in 15 neighborhoods with known Burmese refugee populations within the Kuala Lumpur city district.

The survey process took approximately six weeks to complete between 20 September and 2 November 2012 and was facilitated by a team of Research Assistants recruited from the targeted Burmese refugee communities and trained by IRC to conduct the survey. In total, the research team conducted the survey with 1,003 respondents throughout Kuala Lumpur. On average, the interviews took between 30 minutes to one hour to complete.

a. Community Mapping

As a first step to initiating the data collection process, the IRC Research Coordinator worked with the leaders of the refugee CBOs to develop a preliminary mapping of the refugee communities living in Kuala Lumpur and Klang Valley.²⁴ The level of detail and accuracy of the preliminary community mapping exercise varied greatly between communities, with some organizations having very detailed information about their community members and others having very little information. With the support of the Research Assistants, these maps were refined and updated as the study progressed. The community maps provided knowledge on the size and location of the refugee communities in Kuala Lumpur and formed the basis for determining the target sample populations.

the LAC project, she assisted in facilitating a survey to assess the project's impact on access to and perceptions of justice mechanisms in five camps along the Thai-Myanmar border. She also had previous experience working with the Burmese refugee communities and Kuala Lumpur-based stakeholders in Malaysia prior to joining IRC.

²⁴ Klang Valley comprises several sub-districts of the Kuala Lumpur Federal Territory. Kuala Lumpur is one of the sub-districts of Klang Valley and includes the city center.

b. Selection and Orientation of the Survey Team

IRC recruited an initial team of ten Research Assistants from the targeted refugee communities to support the data collection process. The initial team comprised six men and four women representing the ethnic Arakan, Burma Muslim, Chin, Kachin, Karen, Karenni, Mon, Rohingya, and Shan communities. Diversity within the team was necessary in order to ensure language requirements were met. Language requirements for Research Assistants included fluency in Burmese and at least one ethnic language as well as some amount of English (to accommodate the limited language skills of the Research Coordinator). IRC gave preference to candidates working with or recommended by the refugee CBOs to contribute to skill-building within the CBOs. The recruitment process included an application and in-person interview. To accommodate the large and linguistically diverse Chin community, two Research Assistants with different language skill-sets were recruited from the Chin community; in other communities, recruitment was limited to one Research Assistant per community.

The original ten Research Assistants participated in a comprehensive eight-day workshop conducted by IRC covering topics on data collection techniques, research methodology, and interviewing skills. The workshop agenda is included as *Appendix A: Data Collection Workshop Agenda*. As part of the workshop, the Research Assistants refined the community mappings, advised on the appropriate research methodology, provided input on the survey questionnaire, and revised the Burmese-version of the questionnaire.

At the conclusion of the workshop, the Research Assistants participated in a two-day pilot exercise to test the methodology and research tools. The pilot exercise took place in Subang Jaya, which is outside of the designated research area of Kuala Lumpur but has similarly diverse and concentrated pockets of refugees from Burma. The pilot was conducted in the morning and revision of the research methodology and tools took place in the afternoon.

IRC recruited an additional four Research Assistants from the Burma Muslim, Chin, Karen, and Kachin communities three-weeks into the data collection process to expedite the data collection process. Additional Research Assistants were recruited from the larger communities, which had to conduct more surveys. One Rohingya Research Assistant was also hired at this time to replace the original Rohingya Research Assistant who had to leave the project prematurely due to obligations within his community. IRC conducted a summary workshop for the newly hired Research Assistants to introduce them to key concepts and orientate them to the project activities. New Research Assistants also spent one day shadowing the more senior Research Assistants.

c. Sample Selection

In consultation with the IRC technical unit and the independent consultant from Tufts University, the study employed a stratified random approach to determine the sample population. First, IRC relied on the community maps and information provided by the community leaders to get an estimated size and location of the respective ethnic populations within Kuala Lumpur.

Based on the population estimates, the communities were categorized as either small, medium, or large. Below is a breakdown of the populations and their respective categorizations.

Categorization	Community	Est. Pop. in Kuala Lumpur (% of Total Refugee Pop. in Kuala Lumpur)	
Small	Arakan	320 (2%)	Total = 2,120 (15%)
	Karenni	80 (1%)	
	Mon	450 (3%)	
	Rohingya	980 (7%)	
	Shan	290 (2%)	
Medium	Burma Muslim	1,625 (11%)	Total = 5,875 (40%)
	Kachin	2,470 (17%)	
	Karen	1,780 (12%)	
Large	Chin	6,750 (45%)	Total = 6,750 (45%)
TOTAL		14,745 (100%)	

For small communities, the survey was conducted in three randomly selected locations; for medium communities, the survey was conducted in five locations; and in 10 locations for large communities. A probability proportional to size sampling technique was employed for each community to select the locations for conducting the survey.²⁵ A mapping of the selected survey locations for each community is included in *Appendix B: Mapping of Selected Survey Locations*. In some communities, additional locations were included in the survey after finding a lack of eligible and available respondents in the originally selected survey locations.²⁶ After taking into account community overlap in certain locations, the survey was conducted in 15 different locations throughout Kuala Lumpur.

To ensure a sufficient sample size, the targeted number of households to be surveyed was set at 1,000. The target number of households to be surveyed within each location was based on the total percentage of each of the three categories of communities. As small communities comprise a total of 15% of the total population of refugees from Myanmar in Kuala Lumpur, the target number of households to be surveyed was set at 150 households or 15% of the total sample; 400 households from medium communities or 40% of the sample; and 450 households from the large community or 45% of the sample. When evenly dividing the target household numbers across the selected survey locations, small communities planned to conduct 10 surveys in each of their three selected locations, medium communities planned to conduct 27 surveys in the five selected locations, and the large Chin community planned to conduct 45 surveys in the ten selected locations.

²⁵ Therese McGinn, "Instructions for Probability Proportional to Size Sampling Technique," RHRC Consortium Monitoring and Evaluation Toolkit, http://www.rhrc.org/resources/general_fieldtools/toolkit/55b%20PPS%20sampling%20technique.doc.

²⁶ If a location had an insufficient number of eligible respondents to meet the set sample targets, new locations were randomly selected by applying the same probability proportional to size methodology to the unselected locations.

Categorization	Community	Target No. of Locations	Target No. of HHs
Small	Arakan	3	30
	Karenni	3	30
	Mon	3	30
	Rohingya	3	30
	Shan	3	30
Medium	Burma Muslim	5	135
	Kachin	5	135
	Karen	5	135
Large	Chin	10	450
TOTAL		40	1,000

To ensure households were randomly selected, Research Assistants used two approaches depending on the information available in the survey location. For some communities, Research Assistants took advantage of detailed community lists compiled by neighborhood-level community leaders. These lists included the name and contact information for every known community member living in that location. The Research Coordinator randomly selected individuals on these lists using an excel formula. The Research Assistant then contacted each randomly selected individual, screened them for eligibility and availability, and scheduled interview appointments. This approach was largely utilized by the Arakan, Burma Muslim, Karenni, and Rohingya communities. For other communities, this approach was not feasible due to the lack of detailed and accurate neighborhood-level listings. Where listings were not available, the Research Assistants visited the selected survey location and created a detailed mapping of the location, marking the buildings where community members lived as well as the number of households within each building. The Research Assistants worked closely with neighborhood leaders and contacts within each location to create this mapping. Once this mapping was complete, the Research Coordinator randomly selected the buildings to conduct the survey using an excel formula. Research Assistants were instructed to randomly select households within the selected buildings by assigning each household a number and drawing from a bag of numbers.

d. Survey Questionnaire

The initial draft survey questionnaire was designed by the Research Coordinator in mid-August and was partially informed by questionnaires developed by IRC and the FIC for similar studies. A draft version of the questionnaire was reviewed by the IRC technical advisors as well as key stakeholders in Malaysia, including UNHCR, local NGOs, and refugee CBO leaders.²⁷ During the data collection workshop, the Research Assistants further revised the questionnaire. After review by the Research Assistants, the questionnaire was translated into Burmese by IRC staff. As part of the two-day pilot on 12 and 13 September 2012, the Research Assistants tested the translated version of the questionnaire with 40 respondents in Subang Jaya, an area that shares similar characteristics with the

²⁷ The draft questionnaire was sent to ten stakeholders for review. The following stakeholders provided feedback and comments: UNHCR, Malaysian Care, UNICEF, Lawyers for Liberty, International Catholic Migration Commission, and IRC's Resettlement Support Center.

targeted study location. Following the pilot, the questionnaire was edited and finalized by the research team.

The questionnaire contains a total of 86 primary questions and 67 secondary follow-up questions. The general question categories in the survey include:

- A. **Administrative Information:** *Questions 1-10*, covering Interviewer Information, Time and Location Information
- B. **Pre-Interview Questions:** *Questions 1-3*, covering Sex, Housing Structure, Housing Safety Information
- C. **Respondent Profile:** *Questions 1-10*, covering Age, Birthplace, Religion, Ethnicity, Language, Marital Status, Family Size, Education, Documentation, and Arrival Information
- D. **Migration History:** *Questions 1-11*, covering Departure, Skills, Lost Property, Reasons for Migrating, Reasons for Choosing Malaysia, Network in Malaysia, Travel to Kuala Lumpur, Useful Documents, Time and Movement in Kuala Lumpur, Future, and Threat of Return
- E. **Household Profile:** *Questions 1-4*, covering Household Size, Household Composition, Languages, and Organized Activities
- F. **Housing:** *Questions 1-4*, covering Access to Facilities, Terms of Tenancy, Eviction History, Neighborhood Safety
- G. **Livelihoods:** *Questions 1-5*, covering Livelihood, Household Livelihoods, Employment Abuse and Exploitation, Remittances, and Debt
- H. **Health:** *Questions 1-3*, covering Food and Nutrition, Respondent's Health, and Access to Health
- I. **Children and Youth:** *Questions 1-5*, covering Education, Boarding Schools, Child Labor, Child Abuse, and Youth
- J. **Protection:** *Questions 1-4*, covering Crime, Arrest, Court Systems, and Detention
- K. **Access to Assistance and Services:** *Questions 1-3*, covering Access to Assistance, Priority Needs, and Access to Information.

All questions were structured and coded. For a majority of questions, Research Assistants were instructed to read out the questions and allow the respondent to answer freely. Based on the respondent's answer, the Research Assistant chose the best fitting answer from list of coded responses. Some questions allowed for multiple responses. For ten questions, respondents were presented with the "showcard," which is a document that was translated into Burmese and contains a list of possible answer choices to the question asked. For showcard questions, respondents are able to review the showcard document and select from possible answers that apply from the showcard. Most questions included options to select "other" or "don't know/refuse to answer." The survey questionnaire including the code sheet and showcard is included in *Appendix C: Survey Questionnaire*.

e. Data Collection

The data collection process took place over a 29-day period. During the data collection period, the research team met Monday through Friday at the IRC office around 9 am to review the daily schedule and discuss any issues. The team then traveled by a van departing from the office to go to drop-off points at various locations around the city, with the last person being dropped-off at 10:30 am. Pick-up typically took place between 3:30 to 4:30 pm.²⁸ When the research team increased to 14 persons, a second van was acquired to assist with the transportation of the team. The Research Coordinator traveled with the research team to coordinate the logistics as well as for security purposes. The Research Assistants aimed to complete at least four surveys per day. By the end of the data collection process and after becoming familiar with the codes, the Research Assistants were able to conduct five or more surveys a day. The Research Coordinator collected the completed questionnaires at the end of every day.

f. Data Entry and Analysis

The Research Coordinator started entering completed survey forms into a data entry template during the data collection period. IRC interpreter staff assisted with the data entry during the data collection period. After the data collection process period ended, the research team spent four days entering and cleaning the remaining data. The data entry and cleaning process was complete on 9 November 2012 and sent to the consultant for analysis and further cleaning.

The quantitative data was analyzed using SPSS software. While waiting for a more comprehensive analysis from the consultant, the Research Coordinator pulled preliminary information on key findings to review with key stakeholders during qualitative interviews. The Research Coordinator also preliminarily analyzed data from each ethnic group to help facilitate qualitative focus group workshops with each community.

g. Research Ethics

Prior to engaging in the data collection process, the IRC Research Coordinator consulted with UNHCR and the 11 primary refugee community-based organizations (CBOs) for input and advice on the design of the study.²⁹ Stakeholders and community leaders were generally supportive of the survey. Coordination with the refugee CBOs continued throughout the duration of the study.

The workshop for Research Assistants conducted in preparation for the data collection process included topics on research ethics. Research Assistants were provided specific information on how to

²⁸ Some respondents were only available to participate in the survey after normal working hours, in the evening or during the weekend. The Research Assistants were free to decide whether to proceed with the interview. The Research Assistants from the Arakan, Burma Muslim, Karenni, Mon, Shan, and Rohingya community conducted several interviews during non-working hours.

²⁹ The refugee CBOs consulted for the purposes of this study included: the Arakan Refugee Relief Committee (ARRC), the Burma Muslim Community (BMC), the Burma Refugee Organization (BRO), Chin Refugee Committee (CRC), the Alliance of Chin Refugees (ACR), the Kachin Refugee Organization (KRC), the Malaysia Karen Organization (MKO), the Organization for Karenni Development (OKD), the Mon Refugee Organization (MRO), the Rohingya Society of Malaysia (RSM), and the Shan Refugee Organization (SRO). IRC also consulted with the Coalition of Burma's Ethnic in Malaysia (COBEM), which is a coalition organization comprised of the ethnic refugee leaders of the above listed organizations with the exception of BMC, BRO, and RSM.

collect data using ethical methods and all Research Assistants signed confidentiality agreements. Surveyors were provided with a script to read to participants before collecting any information from participants. Please see *Appendix C: Survey Questionnaire*. The script included information on the purpose of the survey, the terms of confidentiality, and informed consent for participation in the survey. Surveyors signed and dated the statement verifying respondent consent while preserving confidentiality.

Participation in the survey was voluntary; respondents could choose not to answer any question or stop the interview at any time. In two instances, respondents chose to terminate the interview prematurely. Participation was limited to adults 18 or older who could speak on behalf of the household. All interviews took place in the house of the person being surveyed, where possible in private (with only the surveyor and the respondent present). Survey teams were instructed to find a quiet, private and comfortable place in the respondent's house to conduct the survey. As part of the data collection training workshop, Research Assistants were trained about how to identify signs of abuse and what steps to take when abuse is observed or reported. Research Assistants also carried with them copies of information on service providers in Kuala Lumpur in order to provide referrals if necessary. To avoid potential bias, no incentives or gifts were provided to respondents.

The confidentiality of respondents was strictly observed. The respondent's name was not recorded on any of the survey documents. Each questionnaire had a unique document form and codes were used to identify location information. Answers of the respondent were coded and kept confidential. The Research Coordinator collected completed questionnaires at the end of each day and maintained questionnaires in a private, locked room.

After extensive consultations, the Research Coordinator, consultant and technical advisors decided not to undergo an Institutional Review Board (IRB) process. An IRB is typically conducted by a university or research institutions to review studies that include human subjects in order to ensure the methodology sufficiently protects the subject. The research team carefully weighed the advantages and risks of an IRB based on previous IRC experience in similar studies and knowledge of the local context. The study placed high importance on ensuring that strong ethics procedures were employed to reasonably ensure that respondents were not subject to harm as a result of participation in the study, and the team was confident that measures taken, such as informed consent and confidentiality procedures, would pass IRB ethical standards. The study's methodology and practices also drew from the previous work of the FIC's profiling exercises, which had already received IRB approval. Partnership with a national university may have also made information available to the Malaysian government, which poses particular risks for undocumented respondents. Since the study target group is a population already at risk and with other protection concerns, any agreement that would make them identifiable or traceable could potentially cause harm, even if individuals were not identified.

2. Qualitative Methodology

The Research Assistants organized qualitative focus group workshops within their respective communities to discuss the preliminary findings of the survey and share additional information. The Research Coordinator with the support of the Research Assistant from the respective community facilitated half-day discussions with each of the communities. The workshops were held primarily in the respective CBO offices, except for the Arakan workshop which was held at the IRC office due to a lack of space at the Arakan CBO office. A total of nine workshops were held

Community Focus Group Discussions	Stakeholder Interviews
<ul style="list-style-type: none"> ▪ Arakan Community ▪ Burma Muslim Community ▪ Chin Community x2 ▪ Kachin Community ▪ Karen Community ▪ Karenni Community ▪ Mon Community ▪ Shan Community ▪ Coalition of Burma's Ethnic in Malaysia (CBO) 	<ul style="list-style-type: none"> ▪ UNHCR ▪ Tenaganita (NGO) ▪ Malaysian Care (NGO) ▪ ACTS (NGO) ▪ ICMC (NGO)

between 24 November and 1 December 2012.³⁰ Participants in the workshops were selected by the Research Assistants and included CBO leaders, neighborhood-level leaders, and general community members. The Research Assistants were requested to limit the size of workshop to no more than 15 participants; some communities included more than 20 participants.

The Research Coordinator also contacted UNHCR and ten NGOs to participate in key stakeholder interviews. UNHCR and four service providers scheduled time to participate in the interview process. The Research Coordinator conducted interviews with key stakeholders between 22 and 30 November 2012. In addition to UNHCR and NGOs, the Research Coordinator also conducted a briefing on the preliminary data findings and facilitated a discussion with COBEM leaders on 19 November 2012.

³⁰ Workshops were held in every ethnic community targeted by the study, except for the Rohingya community. Although the Rohingya community was contacted and attempts were made to schedule a workshop, it was not possible. At the time of the survey, violence and attacks against the Rohingya community in Myanmar erupted and rose to extreme levels. As a result, the leaders of the Rohingya community were preoccupied with raising awareness about the situation in Myanmar and supporting their community in Malaysia.

Assessment Challenges and Limitations

The research team encountered numerous challenges and limitations in implementing throughout the study. During the initial planning process, the team discussed potential obstacles and took preventative measures to avoid problems before they arose. Despite best efforts, unexpected challenges arose and the team developed strategies to minimize the impact on the study. Below is a brief description of some of the main challenges and limitations of the study.

1. Lack of Accurate and Complete Population Information

A primary limitation encountered in the study was the lack of available information on the refugee or migrant population in Kuala Lumpur, which would be necessary in order to draw conclusions about the general refugee population in Kuala Lumpur based on the findings of this study. Accurate information on the size and location of the refugee population is extremely limited. Without reliable information on the target populations, the survey sample and locations were based on rough estimates extracted from the available information. Some communities had access to more accurate estimates than others. The Research Assistants worked closely with community leaders and contacts in the survey area to determine as best as possible to the size and location of their respective populations. Communities with organized networks of neighborhood-level leaders tended to have more reliable information about their communities. Smaller communities, such as the Shan and Mon, had the most difficulty locating information on their communities due to weaker leadership networks and the more transitory nature of their communities.

2. Security Concerns

The original research for the plan also had to be altered due to the considerable security concerns of the Research Assistants. As the Research Assistants were themselves members of the refugee community, they are not able to move freely around the city without potential problems from the Malaysian authorities. More than half of the Research Assistants were not registered with UNHCR and did not have any documents, putting them at greater risk if they were stopped by police.

Prior to initiating the data collection process, the IRC and the research team had several discussions about the security concerns and measures were put into place to minimize any potential security risks for the Research Assistants. The Research Assistants were issued original letters on IRC letterhead explaining the nature of the project and their involvement with IRC. The letter was signed by the IRC Deputy Director for Programs and translated into Bahasa Malay. A contact number was also included in the letter for the IRC Logistics Manager who is a Malaysian national. The Research Coordinator also traveled in the van and sat in the front seat to prevent any potential problems at traffic stops and to ensure the Research Assistants made it safely to their destinations without interference. By being with the van, the Research Coordinator was mobile and could reach the Research Assistants if any problem arose. As a foreigner, it was believed that her presence would help minimize potential problems with the authorities. All the Research Assistants had mobile phones and were provided with phone credit during their time with the project to ensure that they could contact the Research Coordinator at all times. The Research Coordinator regularly checked in with the Research Assistants throughout the day. When the Research Assistants completed the interview, they informed the Research Coordinator by phone and remained at the location until being picked up by the van.

During the data collection process, two Research Assistants from the Burma Muslim community were stopped by police and threatened with arrest for not having documents. The Research Assistants informed the Research Coordinator by phone. Upon presenting the IRC letter, they were released without being detained or having to pay money. Unfortunately, one Research Assistant from the Chin community was not as lucky and was robbed by a group of local youth in the morning on his way to the IRC office. He lost his phone, transportation card, back-pack, and wallet.

3. Logistical Limitations

This study was completed in four and a half months with only one full-time IRC staff dedicated to the project in a large, dense city where IRC's presence is new. This context resulted in numerous logistical limitations. Lack of program staffing in Malaysia led to delays and minor compromises on the implementation of the project. For example, the Research Coordinator did not have time to conduct interviews with the full range of stakeholders or to facilitate in-depth interviews with respondents as initially planned. The size and density of Kuala Lumpur also posed challenges in finding particular locations and navigating through congested streets. To minimize lost time in traffic by going to many different locations in the city, considerable coordination and cooperation within the research team was necessary. As much as possible, travel around the city was limited to off-peak hours.

IV. DEMOGRAPHIC BREAKDOWN

The final sample consisted of 1,003 respondents distributed across the 15 areas of the city of Kuala Lumpur. Almost 30% of the interviews took place in Kuala Lumpur city center where there is considerable overlap among all the refugee communities. This section provides an analysis of the demographic breakdown of the sample, including information collected during the qualitative research process.

Location

After conducting a preliminary mapping of all the known neighborhoods and locations of Burmese refugee communities in Kuala Lumpur, locations for conducting the survey were randomly selected. The following general survey locations included areas in City Center, North, Northeast, Northwest, East, Southeast, and Southwest of the city (see, *Appendix B: Mapping of Selected Locations*).

The largest percentage of respondents surveyed (29%) were from the city center. The city center includes neighborhoods such as Pudu, Chan Sow Lin, Imbi, Bukit Bintang, Jalan Alor, and Chow Kit. The second largest percentage of respondents (25%) were from areas northwest of the city area; 17% were from the southeast area; and 10% were from areas east of the city. Respondents from other areas of the city surveyed, including areas northeast of the city, north, and southwest comprised less than 17% of the sample. The reason for the high number of respondents from the city center is due to the high level of overlap among the communities in the city center. Essentially every ethnic group is represented in Kuala Lumpur's city center.

Neighborhoods Surveyed in Kuala Lumpur

City Center

N	Sentul Jaya
NE	Setapak Wangsa maju
SE	Cheras Sungai Besi Taman Lenseng Miharaj
NW	Kepong Sri Kuching Segambut
E	Kampung Pandan Maluri
SW	Kuchai Lama Sri Petaling

Gender

The total sample indicated a relatively even split of respondents along gender lines, with women comprising 51% of the sample and men 49%. However, the gender breakdown of the sample varied considerably when viewed by ethnicity. In the Karen and Burma Muslim communities women comprised a little over a quarter of the sample and represented just 3-10% of the sample in the Rohingya, Arakan, and Karenni samples. During the qualitative focus group discussions, the participants indicated that this breakdown accurately reflected the smaller proportion of women in their respective communities in Kuala Lumpur. The most common explanation for this was because the journey to Malaysia is very difficult for women and that typically men will come to Malaysia first and bring their family later once they have money and housing. The Karen and Karenni communities

indicated that women typically go to the camps in Thailand, which are perceived as safer than staying in Kuala Lumpur, and wait to make the journey to Malaysia after their male relatives are more established in Malaysia.

In the Chin and Kachin communities, women comprised more than 60% of each respective communities' sample. The Chin indicated this was not representative of the gender breakdown within the Chin communities in Malaysia but was more likely the result of the survey being conducted during the working day when most men are at work. However, the Kachin indicated that the sample did actually reflect the gender breakdown and that there are more Kachin women than men in the general Kachin population in Kuala Lumpur. During the Kachin focus group discussion, there were noticeably more women in attendance. They explained that women are more susceptible to attack and violence by the Burmese Army and are coming to Malaysia in larger numbers to escape the conflict in Kachin State.³¹

According to UNHCR, the gender breakdown among the general refugee population in Malaysia is 70% men and 30% women.³² If this breakdown holds true for the Burmese refugee population in Kuala Lumpur, the sample is low on male respondents.

Age

Most respondents were under the age of 35. Only 26% of respondents were over 35 years old, with 36-45 year olds comprising 18% of the sample, 46-55 year olds comprising 5%, 56-65 year olds comprising 2%, and those over 65 comprising 1%. The breakdown of respondents' age was generally consistent among the different ethnic groups.

Birthplace

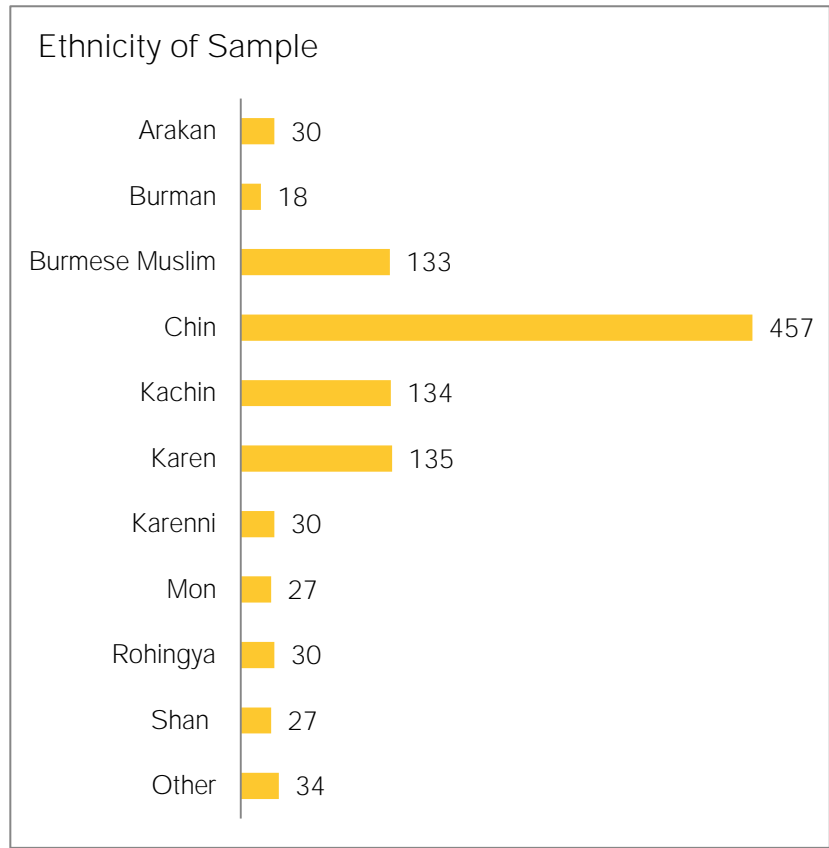
Respondents' birthplaces generally fell along the respective ethnic lines with most ethnic Arakan being born in Arakan State, most Chin in Chin State, most Kachin in Kachin State, etc. As might be expected, respondents identified as Burma Muslim indicated the largest geographical spread of birthplace locations, with a third indicating Rangoon Division as their birthplace, another third indicating Mon State, and the rest divided in other areas of the country. When asked whether this geographical breakdown was an accurate reflection of Burma Muslim communities in Burma, the focus group discussion participants confirmed that it did.

³¹ At the time of writing, attacks by the Burmese Army against the Kachin in Northern Myanmar were ongoing. See, **Migration History: Reasons for Migrating**, for more information.

³² Jeff Crisp, Naoko Obi, Liz Umlas, "But When Will Our Turn Come?: A Review of the Implementation of UNHCR's Urban Refugee Policy in Malaysia," UNHCR Policy Development and Evaluation Service, May 2012, <http://www.unhcr.org/4faa1e6e9.html> (last visited 9 December 2012).

Ethnicity

The ethnicity of the sample was largely constructed by the research plan in order to ensure a proportional representation of the ethnic breakdown based on preliminary estimates of each ethnic population in Kuala Lumpur. However, the survey also took into account respondents who identified with more than one ethnic group, such as a respondent with a Karen mother and a Karenni father. Of the sample, 165 respondents (17%) identified having dual ethnicities. Most of the respondents (54%) indicating a second ethnicity were from the Burma Muslim community. However, the sample generally followed the targeted proportions for each ethnic group, with the ethnic Chin comprising roughly 45% of the sample; Burma Muslim, Karen, and Kachin altogether comprising roughly 40% of the sample; and Arakan, Karenni, Mon, Shan, and Rohingya comprising 15% of the sample.



Religion

In terms of religion, the majority of the respondents are Christian (65%) with a minority belonging to the Buddhist (18%) or Muslim (16%) faiths. One respondent identified as an Animist. When compared by ethnic group, most Chin (99%), Kachin (96%), Karenni (97%), and Shan (61%) identified themselves as Christian; 100% of Burma Muslims and Rohingya identified themselves as Muslims; and all or most Arakan (100%), Mon (100%) and Karen (76%) identified as Buddhists.

Language Skills

Language barriers can pose obstacles and can also be a source of empowerment for refugees in an urban context. The survey asked a number of questions to identify available language skills within the Burmese refugee population in Kuala Lumpur. Respondents were asked about their native language as well as other languages that they are able to speak enough to communicate in day-to-day interactions. The native language for most respondents fell heavily along ethnic lines, with 85% to 100% of respondents within each ethnic group sample identifying one of their ethnic languages as

their native language. As several ethnic groups speak multiple, mutually distinct languages and dialects, respondents in the sample identified more than 50 different native languages.

In addition to asking about native language, the survey also asked respondents about other languages. In the context of Kuala Lumpur, the most important languages would be Malay (to communicate with the local population), English (which is widely spoken in Kuala Lumpur and is the main language of communication among the aid community), and Burmese (to communicate with people from other communities). Among the respondents, only 18 respondents spoke Malay, one respondent spoke English, and 74% spoke Burmese. Burmese was considered a second language for 61% of the respondents. Over a third of respondents (37%) could communicate in at least one other ethnic language. However, this skill is unlikely to provide as many benefits. The majority of respondents (96%) indicated being literate in at least one language, with most (82%) indicating an ability to read Burmese. Another 59% of respondents said they were literate in a second language as well.

Family Situation

The majority of respondents (66%) were married, with smaller percentages of single (31%), divorced (2%), separated (2%) respondents. Most married respondents (83%) said that their spouse was living with them as part of the household. Of the total sample, 20% of respondents reported having at least one child, with 36% having no more than two children. Other close family members, such as parents and siblings, largely lived in Burma. Only 48% of respondents reported that both their parents were still alive; 24% said they had no living parents.

Education

A majority of respondents (94%) had completed some level of formal education. Among respondents, there was a relatively even division among the percentage of respondents who had completed some amount of primary school (19%), middle school (18%), and high school (17%). A much smaller segment of respondents reported attending or completing University (5%), religious school (2%), or vocational training (9%).

Documentation Status

The most common documents for refugees from Myanmar in Kuala Lumpur to hold are either cards created and issued by the refugee CBOs or UNHCR cards. Just under half of the sample (48%) hold CBO cards. The CBO cards are professionally designed and look similar to the UNHCR cards, but the issuing authority is clearly stated as coming from a CBO and not UNHCR. The UNHCR logo does not appear anywhere on the card; however, the card contains much of the same information as the UNHCR card, including biographical data and photo of the card-holder as well as contact information for the CBO. Although the CBO card does not hold any official authority in Malaysia, it is largely perceived as providing a layer of protection for people without any other documents.³³

³³ To receive a card, refugees report to their community's CBO, provide some basic information which is typically recorded in ledger books, and pay a small membership fee. The membership fee helps to support the activities of the CBO and is generally waived for those who cannot pay.

Considering the benefits attached to the UNHCR card (e.g., protection from arrest, hospital discounts, eligibility for resettlement, etc.), there is a significant desire to obtain a UNHCR card among the Burmese refugee community. A woman from the Karenni community described the importance of the UNHCR during the focus group discussions, saying, “Without the UNHCR card, it is difficult to work and we feel unsafe every day. When we are stopped by the police, we are arrested or have to pay money.” As in other countries, the process for obtaining recognition from UNHCR is not easy and often involves a considerable wait. In Malaysia, refugees from Myanmar who approach UNHCR are typically referred to their respective CBOs first. While UNHCR does register refugees on an individual basis, they also rely on information provided by the CBOs.

About half of the respondents reported having protection documents from UNHCR, either a card or letter. When compared by ethnic group, the Rohingya and Chin respondents were more likely to have UNHCR documents than respondents from other ethnic groups, with 93% and 74% of their respective samples having UNHCR documents. Conversely, less than 40% of respondents from the Kachin, Karen, Karenni reported having UNHCR document. Less than 2% hold documents from Burma, such as a Burmese passport or a national ID card.

UNHCR Refugee Registration Exercises

Beginning in 2009, UNHCR organized mass mobile registration exercises for the communities from Burma. Through these exercises, UNHCR registered and issued documents to thousands of refugees, many of whom had been living in Malaysia for years with only the CBO documents for protection. The mass registration exercises have ended and UNHCR has not yet announced plans for another round of exercises. Although UNHCR continues to register refugees on an individual basis, with family reunification and protection cases prioritized, a considerable backlog remains and large numbers of refugees from Myanmar have been unable to register with UNHCR. The study found that 93% of respondents who arrived to Malaysia in the last year do not have UNHCR documentation.

V. FINDINGS

Cities hold unique opportunities for refugees that are not always available in camp-settings- opportunities for work, independence, and greater potential for assimilation with the local population. However, the success of refugees in urban settings is largely determined by their ability to develop and execute various self-reliance strategies. The strength of these strategies is influenced by a number of factors, such as language skills, community connections and networks, employment skills, and adaptability to an urban environment. This section presents the primary findings of the study and considers these factors and their impact on the lives of refugees in Malaysia. The findings are divided into the following areas of study:

- A. **Migration History:** including information on the primary reasons for leaving Myanmar and coming to Malaysia; the departure and arrival experience of refugees coming to Malaysia; the pre-migration situation of refugees coming from Burma; and movement of the refugee population in Malaysia.
- B. **Livelihood and Employment:** including information on the skills and employment experiences of refugees from Burma; problems experienced by refugees from Myanmar in Malaysian workplaces; and the financial situation of refugees from Burma.
- C. **Health:** including information on nutrition rates of refugees from Burma; illness and well-being within the Burmese refugee communities; access to health facilities for refugees from Burma; and mental and emotional well-being of the Burmese refugee population.
- D. **Housing and Household Profiles:** including information on housing conditions and neighborhood safety within areas where refugees from Myanmar live; and household sizes and relationships.
- E. **Children and Youth:** including information on education for primary school-aged Burmese refugee children, issues of child labor within the Burmese refugee community; and the situation of Burmese refugee youth.
- F. **Protection:** including information on crime and responses to crime in the Burmese refugee community as well as arrest, detention, and interactions with the Malaysian authorities by the Burmese refugee community.
- G. **Durable Solutions:** including information on viable options available for refugees from Myanmar in Malaysia.

Migration History

1. Reasons for Migrating

Most respondents indicated that they left Myanmar due to some form of government abuse or persecution. During the qualitative focus group discussions, a Karenni man explained the situation in Burma. He said, “The main reason we leave is because of human rights abuses. All of our belongings are taken away from us by the government; we are forced to porter for the army; our women have been raped and forced into marriages; our villages have been burned and our people killed. The government has taken everything from us. We have nothing.”

A quarter of respondents provided forced labor or portering as the main reason for fleeing. Although Myanmar has been a member of the International Labor Organization (ILO) since 1948 and its membership was reinstated as recently as June 2012, forced labor and portering is pervasive throughout Myanmar and is well-documented by human rights organizations. Laborers are typically recruited under threat by the military and assigned to work on government projects without compensation or daily provisions. Abuse and mistreatment of the workers by government officials or soldiers overseeing the laborers is common. Children, the elderly, and the infirm are not exempt. The frequency and duration of forced labor can impact people's livelihoods as they have to spend long periods of time working on government projects. The problem of forced labor was also illustrated during the qualitative focus group discussions with several participants sharing their personal experiences. One Arakan man explained, “The government took our land to expand their military barracks in Arakan. Without our land, we could no longer farm. They told us we had to work for them to build their camp. We were forced to work until we completed the project. If we could not work, they forced the women in our family to work.”

“Before the soldiers arrive, everything belongs to the village; but after the soldiers come, everything belongs to them. They take everything.”

-A Chin refugee describing some of the problems in Burma

While a large percentage of Mon respondents (52%) indicated that the reason they left Myanmar was for work opportunities, when asked about this finding during the focus group discussions participants explained lack of work in Mon State is directly connected to forced labor and land confiscation. One Mon participant said, “When the military comes, we lose our land and are forced to work for them. We have to carry their bags and build fencing. We are called two times a week and we sometimes have work an entire month. Whenever the military arrive, they kill our animals, steal our eggs, and demand laborers. They don't care about age; they take the old, the young, the women, and the sick.” Other Mon participants in the focus group discussions were surprised that land confiscation by the government was not more frequently identified by the survey respondents (only 16% of respondents gave land confiscation as a reason), indicating that land confiscation is a problem throughout Burma.

Most respondents (62%) said they feel at risk of being forcibly returned to Burma. In describing this fear of forced return, one focus group discussion participant said, “The police are always saying, ‘Why are you here? I can arrest you for being here and send you back.’ We cannot go back so when they

say this, we're very afraid." Almost all respondents from the Burma Muslim and Rohingya community (99% and 100% respectively) indicated a fear of return. This is likely due to the recent violence and widespread attacks against Rohingya and Burma Muslims in Arakan State. When all respondents were asked about what they thought would happen to them if they were returned to Burma, a majority of respondents saying they would likely be arrested and jailed (53%), recruited into forced labor or portering (12%), or killed (10%) if they returned.

Durable Solutions for Rohingya and Burma Muslims

UNHCR's earlier durable solution strategy for refugees from Myanmar varied by ethnic group. UNHCR prioritized resettlement for the large Chin population in Malaysia, who were mostly Christian and started coming in large numbers in early 2000. For Burma Muslim and Rohingya Muslim populations, who had been in Malaysia since the late 1980's, UNHCR put forward a strategy of local integration. This differentiated approach has since been abandoned and it is generally recognized that integration is not a possible solution until there are policy changes by the Malaysian government with regard to refugee treatment.

In addition to asking respondents why they left Burma, the survey also asked why they came to Malaysia. The reason provided by 30% of respondents was to find safety and escape abuse. Less than a third provided resettlement as the primary reason to come to Malaysia. A Karen respondent explained his reason for coming to Malaysia instead of staying in Thailand. He said, "There are large Karen refugee camps in Thailand, but I came here to Malaysia in order to secure a future for our children. People have lived in the camps for so long and the registration process is now closed. In Thailand, there is no future for refugees."

Conflict in Kachin State

In June 2011, the Burmese army attacked the Kachin Independence Army (KIA), the armed branch of the main Kachin opposition group – the Kachin Independence Organization (KIO). The attack broke 17 years of ceasefire between the government and the KIA and came after the KIO refused to transform into a Border Guard Force and submit to the control of the Burmese army as required in the 2008 Constitution. Since the attack in June 2011, the conflict spread throughout parts of Kachin State. Abuses by the Burmese army against Kachin villages in the conflict area are well-documented by human rights groups. At the time of writing, the conflict continues in Kachin State and has resulted in the displacement of more than 85,000 ethnic Kachin.

2. Departure/Arrival to Malaysia

Considering the protracted nature of the conflict in Myanmar and when compared to the refugees that have lived for generations in refugee camps in Thailand and Bangladesh, the findings indicate that the Burmese refugee population in Malaysia is relatively new. Considering that Malaysia does not share a border with Myanmar and is not generally considered an immediate destination for people fleeing

Burma, this finding is not surprising. Most respondents (almost 80%) left Myanmar within the last five years, with 12% having left within the past year. Rohingya have lived in Kuala Lumpur for the longest period of time with 60% of the Rohingya sample having been in Kuala Lumpur for more than five years. Almost a third of the Rohingya sample has lived in Kuala Lumpur for more than 10 years, by far the longest out of any of the other target groups. This finding correlates with the Rohingya's long-standing presence in Malaysia and UNHCR's earlier approach towards integration of Rohingya rather than resettlement.

Kachin respondents reported the largest number of recent arrivals to Malaysia, with 30% of their sample having come to Kuala Lumpur in the past year or less. The high number of new Kachin arrivals is likely a consequence of the recent conflict in Kachin State, which has produced thousands of internally displaced persons (IDPs) and refugees.

The most common modes of traveling to Malaysia include by foot (28%), by car (20%), or by boat (16%). During the focus group discussions, one Karen man said he walked for six days in the jungle to come to Malaysia from Thailand. Another man from Arakan said he took a ship from Rangoon to Thailand after fleeing from his village in Arakan State. Most respondents (74%) also reported paying between 1,500 to 5,000 RM (US\$500-1,600) to travel to Malaysia. The cost of traveling to Malaysia from Myanmar varied among the ethnic groups, with the Chin and Rohingya paying among the most to get Malaysia. Most Chin respondents (46%) reported paying between 2,500 to 5,000 RM (US\$830 to 1,660) while 42% of the Rohingya respondents reported paying more than 5,000 RM (US\$1,660). In contrast, most respondents (66%) paid less than 2,500 RM (US\$839) to get to Malaysia. As the Chin and Rohingya are largely from remote areas of western Burma, it is likely that the cost of travel to Malaysia for these groups is higher than for others. According to a Chin focus group discussion participant, the actual costs of travel are not always clear. He said, "We don't know what we are paying for. You would have to ask the agents. Everything is arranged by the agent. We're just told to pay."

Violence in Arakan State

Tension between the mostly Buddhist Arakan and the communities of Rohingya and Burma Muslims has existed for generations. This tension led to violence after reports that an Arakan woman was raped and killed by three Muslim men in Arakan State. Following these reports, a group of Arakan villagers attacked and killed 10 Muslims in June 2012. Days later, thousands of Rohingya Muslims rioted in Arakan's predominantly Muslim Maungdaw town, targeting Arakan residents and property. This led to widespread violence between the Arakan Buddhists and Muslim communities in parts of Arakan State. At the time of writing, the violence is continuing and has thus far resulted in more than 167 deaths, the destruction of over 10,000 structures, and the displacement of 115,000 people from Arakan State.

3. Pre-Migration Situation

The situation prior to departure from their home country is a likely determinant of a refugee's potential adaptability when they arrive in a country of asylum. The survey relied on two variables to evaluate the pre-migration situation of respondents, including possession and abandonment of assets in their home country and the strength of contacts or a social network in the country of asylum prior to arrival.

Whether a refugee possessed assets or lost assets when they left their home country may be a factor that could influence their financial situation and stability upon arrival. When asked about property or items of value that had been left behind in Myanmar when they left, almost 45% said they did not own anything when they left. Others said they left their house (17%) or land/farmland (15%). Respondents also mentioned personal belongings (13%), and 3% mentioned a shop or business. More than half of those who left property behind (51%) said they gave it away to family or friends. About a quarter (23%) said the property was confiscated by the military or government. Less than 3% said they sold it for market value. These findings indicate that few of respondents arrive in Malaysia with disposable income or assets that they can rely on as a source of stability in times of need. Very few respondents (8%) felt they would be able to reclaim property left behind in Burma, indicating that most people would have very little to return to in Burma.

More than 70% of respondents indicated that they had some contact and knew people in Malaysia before arriving. Approximately 38% of respondents reported having relatives in Malaysia while 35% reported knowing only friends or people from their village before arriving. There was some variation across the ethnic groups, with more than 40% of Kachin, Shan, and Arakan reporting no contacts prior to arrival. The Chin, Karen, and Mon had the highest number of households with prior contacts, indicating the possibility that these groups might have stronger networks in Kuala Lumpur. Having contacts or a network in place before migrating can benefit refugees in significant ways. Refugees with contacts are likely to adapt more quickly to their new environment by knowing people who can help them find jobs and housing, connect them to service providers, and provide them with advice and information for surviving in an unfamiliar city. These social networks also provide an important form of protection for refugees by providing a point of contact in case of emergencies as well as a financial backing if necessary. As one Chin man explained during the focus group discussions, “When we arrive to Kuala Lumpur, a relative or Chin community leader will pick us up and bring us to a house. They help locate housing for us and connect us to our community in Kuala Lumpur.”

4. Movement within Malaysia

A common perception of the Burmese refugee population in Kuala Lumpur is of one that is constantly on the move. Like migrant communities, the understanding is that refugees from Myanmar frequently move to follow new job opportunities and to search out more affordable living arrangements. As Karenni focus group discussion participant articulated, “The Karenni are always moving. We live wherever there are jobs available. We’ll also move to avoid police or where rent is lower or security is better.” The survey asked respondents a number of questions related to their movement within Malaysia, including the number of places they have lived in Kuala Lumpur since their arrival, their length of time at their current residence, and the number of times they have left Kuala Lumpur for an extended period of time. However, the findings did not support the idea of a population in constant transit. Rather, most respondents (60%) indicated that they have only lived in one location since arriving in Kuala Lumpur; 73% have lived in their current residence for over one year; and 88% indicated that they have never left Kuala Lumpur for an extended period of time. This finding was discussed during the workshop with the Arakan community. According to the participants in the Arakan workshop, movement in the city is limited for refugees due to their lack of status. This suggestion was confirmed by the survey, which found that of respondents who reported leaving Kuala Lumpur three to five times, 86% were UNHCR cardholders. Without legal status, it is difficult for

refugees to find housing and jobs so they tend to stay in one location, close to others from their community.

Livelihood and Employment

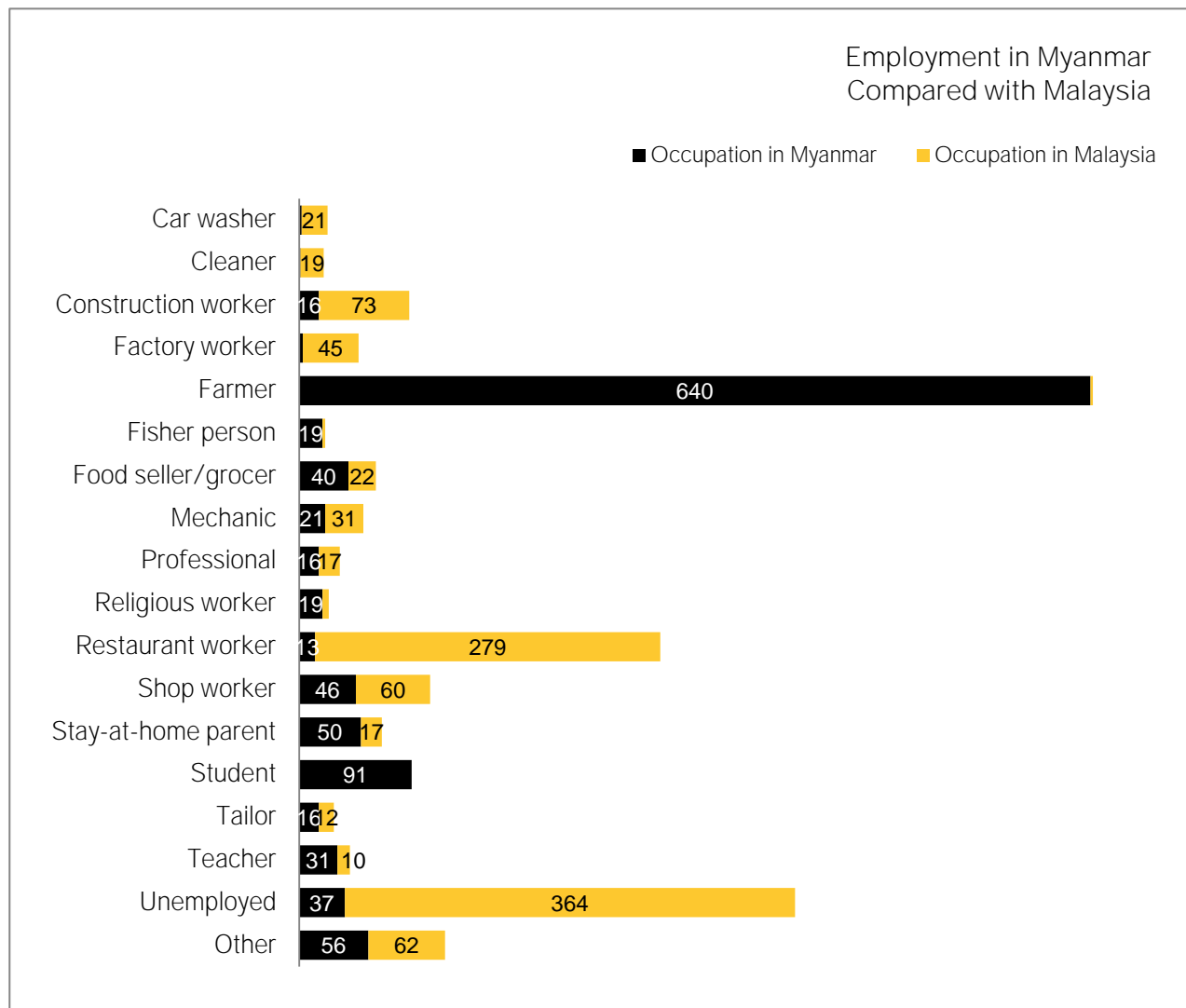
1. Respondent Skills and Employment

Employment and livelihoods is a fundamental issue for refugees struggling to survive in an urban context. Employment provides a route for refugees to earn a sustainable income, to establish important connections with the local population, and develop a set of new skills and experiences to improve the chances for success in the future. During focus group discussions, livelihoods and issues connected to livelihoods were consistently raised across all the communities. Multiple factors may impact the success of a refugee to find and maintain a sustainable livelihood in a country of asylum, including the adaptability of previous experiences and skill sets, status recognition in the country, education attainment, language abilities, etc.

The type of skills and employment experience a refugee brings from their home country and whether these skills are easily transferable to the context of the country of asylum are particularly influential on the employability of a refugee. When asked about their livelihoods in Burma, 59% of respondents said they were farmers. Rural-based skills, such as farming, typically do not translate well to the urban context. This poor adaptability of skill may explain the high rate of unemployment within the sample. More than 36% of the sample said they were unemployed in Kuala Lumpur. In contrast, only about 4% of the sample was unemployed in Burma. One Arakan man described this problem during the focus group discussions. He said, “We have no skills so we might get a job and work for one or two months, but then the employer sees that we don’t have the right skills to do the job properly and they kick us out.” Limited education and lack of documentation are also factors that may contribute to unemployment. Only 20% of the sample had completed high school or higher, with over half having less than a middle school education.

Focus group discussion participants repeatedly identified lack of documentation as another major obstacle to obtaining gainful employment in Kuala Lumpur. Refugees, even with the UNHCR card, are not permitted to work in Malaysia. Employers are reluctant to hire refugees in general, fearing potential legal repercussions if reported. One NGO suggested that more employers are checking documents now following the 6P registration program that granted amnesty to undocumented migrant workers and raised awareness about migrant status throughout the country. According to a Kachin focus group discussion participant, “If you want to work, you need a [UNHCR] card. Without a card, the boss won’t accept you.” Although refugees are not legally permitted to work in Malaysia, some are able to find opportunities in the informal work sector, largely doing unskilled, low-paying jobs. As such, documentation has an impact on the jobs obtained by refugees. For example, respondents with UNHCR cards are more 30% more likely to work in construction than those with only a CBO card. The study also found that UNHCR card tend to earn 10% less than non-cardholders.

Language skills are also a determinant of employment and a challenge for refugees from Myanmar in Malaysia as most do not speak Malay or English. There are too few respondents with English and Malay language skills compare across situations and draw conclusions; however, the lack of these speakers altogether demonstrates the needs for increased language trainings. Some local NGOs have started providing vocational training and other skill-building opportunities to improve the potential for refugees to earn a sustainable livelihood in Malaysia. Recognizing the importance of language-skills and technology, one NGO interviewed for this study said it had established English language and computer literacy training programs within the last year. As these programs are new, the impact on the employability of refugees is not clear yet.



Of all respondents who are working in Kuala Lumpur, most (41%) are working in restaurants, followed by construction work (11%) and working in shops (9%). The survey also sought information on the conditions of employment by asking about average days worked in a week, average hours worked in a day, and average earnings. The data indicated that of the employed respondents (n=630), 77% work six to seven days a week and 66% work more than eight-hours per day. This information varied slightly

by ethnic group. However, the Mon differed noticeably from the other ethnic groups with 74% of employed Mon respondents reporting a seven-day work and all reporting an eight-hour or longer work-day. However, Mon respondents also reported higher earnings than most other ethnic groups. A large percentage of Mon respondents (48%) earned more than 1,000 RM (US\$330) per month, compared with 74% of other ethnic groups that earned primarily between 500 and 1,000 RM (US\$160 and US\$330) per month. There are substantial variation in household earnings when location is taken into account. Most households (75-50%) located in the city center and areas east, northeast, and southeast of the city reported earning less than 1,500 RM (US\$500) per month, compared with 53-84% of households located north, northwest, and southwest of the city that reported earning more than 1,500 RM (US\$500) per month. More information is necessary about the nature of the businesses and jobs available for refugees in areas west of the city as compared to the east in order to better understand this finding.

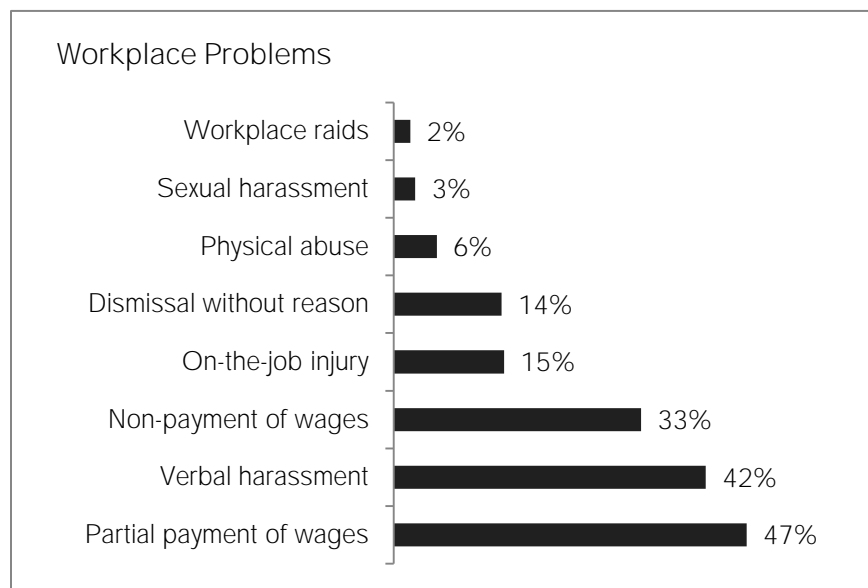
2. Problems in the Workplace

The lack of work authorization or recognized legal status in Malaysia makes refugees highly susceptible to workplace abuses. Employers may see the employment of refugees as an opportunity to exploit them, knowing they have no status to report poor conditions or treatment. Just over 30% of the sample reported experiencing an abuse in the workplace, with non-payment and partial payment of wages being the most frequently reported problem. Out of 311 respondents, 80% reported not receiving wages for work completed or only receiving partial wages. The second most frequently reported problem was verbal abuse (42%), followed by on-the-job injury (15%) and dismissal without reason (15%), and physical abuse (6%). Most of the reported abuse was committed by the employer.

Little recourse exists for refugees who experience workplace problems due to their lack of legal status in the country and most problems go unreported. Among respondents who identified a problem, only 19% reported it to an individual or agency outside the workplace. For problems that were reported, almost 20% of respondents indicated that they reported to a refugee CBOs, followed by UNHCR (17%). The

CBOs may try to negotiate directly with the employers, but with

unpredictable effectiveness. UNHCR will only intervene for the most serious and egregious cases, typically involving work-place injuries. Cases reported to UNHCR, such as non-payment of wages, are largely referred to a local NGO working with the migrant and refugee community in Kuala Lumpur. However, staff from that NGO acknowledged the difficulty of finding a solution for these cases, saying,



30% experience abuse in workplace. 19% of them report it.

“There are many pending cases as people often do not have even basic information about their employers, such as the employers name or address. Sometimes they are picked up at a bus stop along with other workers and brought to a location. They often don't know the terms of employment. They have no formal contract so they don't know what they were meant to be paid. This makes it difficult to find an acceptable resolution.” Recently, this NGO began exploring the possibility of submitting complaints to the Labor Department. The Labor Department has indicated that the lack of legal status would not be a bar to filing a complaint against an employer. However, it is still too early to tell whether these efforts will yield results.

3. Debt and Remittances

Despite the high costs of living and limited livelihood opportunities for refugees, most respondents (53%) with debt owed less than 1,500 RM (US\$500). Providing another demonstration of the impact documentation can have on the economic life of a refugee, the study found that respondents with UNHCR cards borrowed less than respondents without UNHCR documentation. This finding is not surprising considering that the effect UNHCR documents can have on the ability of refugees to earn a living, secure affordable housing, minimize abuses, and obtain benefits.

The sending and receipt of remittances is commonplace across all Burmese refugee communities in Malaysia. The survey asked respondents whether they had received money from or sent money to any family, friends, or others living outside of Malaysia in the past year. The survey also asked where money was received from or sent to and approximately how much was received or sent. According to the data, respondents were considerably more likely to have sent money than to have received money. From the total sample, 33% reported sending money to family, friends, or others in the past year, compared to 7% who reported receiving money in the past year. This finding may be attributed to a reluctance of the Burmese community to report receipt of money out of pride or it may be attributed to the economic position of refugees in Malaysia compared to their communities at home. During the focus group discussions with the Kachin community, a Kachin woman described the obligation of sending remittances back to family in Burma. She said, “It is necessary for me to work here, not only to earn a livelihood but also to support my family in Burma and the people who have been displaced by the conflict in Kachin. This is my duty.”

Health and Well-Being

1. Nutrition

The vast majority of respondents (88%) reported having two meals per day, without significant statistical variation between ethnic groups.

There is no cultural standard that limits people to two meals per day. If a person's economic situation allows for it, most people from Myanmar

would prefer three meals a day – breakfast, lunch, and dinner. While this finding may suggest that people are reducing their meals due to their poor financial condition, it may also be that respondents' definition of a meal would exclude smaller meals like breakfast. Regardless, this finding supports a 2011 study by the International Organization for Migration (IOM) that found high rates of wasting, a primary indicator of acute malnutrition, among young Burmese refugee children (aged 6-59 months) in Kuala Lumpur. Out of 682 children examined, the severity of wasting was found to be high at 13.5%

88% have two meals per day.

and the trend to be increasing.³⁴ UNHCR is now in the process of conducting a more comprehensive study on nutrition among refugees in Malaysia, with the final report expected to be released early 2013.

When asked about how much money respondents spent on food each month for their families, 58% indicated that they spent between 100 to 500 RM (US\$30 to 160) per month and a quarter spent 500 to 1,000 RM (US\$160 to 330) per month. This indicates that food expenses absorb 20-50% of the household's month income, considering that 40% of households earn between 500 to 1,000 RM (US\$160-330) per month. There was very little statistical variation among the ethnic groups. During focus group discussions, participants in various communities indicated that people who work in restaurants are often provided food from the restaurant as part of their terms of employment. As most respondents work in restaurants, it can be concluded that at least some meals are provided for by employers. This would explain the large percentage of Karen (24%) indicated that they had no monthly food expenditures.

2. Illness and Well-being

Respondents were asked how many times in the past year had they been unable to work or conduct daily activities due to sickness. A little less than half (47%) of the sample indicated that they had been sick at least one time during the past year, 28% had been sick at least three times and 16% said more than five times. According to a local NGO providing health services to refugees, the most frequently diagnosed condition among refugees since is Upper Respiratory Tract Infections, with over 300 cases diagnosed between January and October 2012, followed by rheumatic complaints, hypertension, gastritis, and diabetes. This breakdown of health problems mirrors the frequency of problems reported by respondents.

“When they learned I didn’t have documents and couldn’t pay for the services, they removed all the pins they had put in my leg.”

-Chin refugee with an external fixation device to mend a broken leg, describing his treatment at a government hospital in Kuala Lumpur.

3. Access to Health Facilities

Respondents were asked about the availability of government hospitals and health facilities. Overall, most respondents (77%) reported living within half an hour of a healthcare facility. When viewed by ethnicity, the Kachin lived the furthest from a healthcare facility, with 44% having to travel over half an hour and 15% having to travel over an hour to reach a facility. Nearly half of all respondents (49%) indicated that they would travel by foot to access the facilities, 21% travel by car, and 20% travel by bus. Respondents who indicated a longer trip to access facilities tended to travel by car or bus, while those that lived within 30 minutes would travel by foot.

Out of the total sample, 397 respondents (39% of the sample) reported experiencing a condition that required medical attention at least once since arriving in Kuala Lumpur. Of those who experienced a serious health condition, 374 or 94% actually sought medical attention. Most of those who sought treatment were women. The top two reasons provided by the 12 respondents who did not seek

³⁴ International Organization for Migration (IOM), “Nutrition Surveillance Reports: Health Assessment Programme,” Issue No. 1, Jan-June 2011, http://publications.iom.int/bookstore/free/MHD_NL%20issue1_13sep_FINAL.pdf (last visited 9 December 2012).

treatment after experiencing a serious medical problem included: financial difficulties (43%) and lack of documentation (24%). During the focus group discussions, one Kachin man described the various barriers to accessing healthcare in Kuala Lumpur. He said, "It is difficult for us to travel downtown to go to the hospital; the cost of travel is too much. We also cannot communicate to the hospital staff. When I go to the hospital, I ask the pastor to accompany me as he can speak some English. If we can't speak English, the hospital staff won't take good care of us."

Respondents were asked about where they went for treatment. Of the 374 who sought treatment for a medical condition in Kuala Lumpur, most (39%) went to a government hospital or health center, 33% opted for a private hospital or clinic and 28% went to an NGO-run clinic. When compared by gender, most women (50%) are likely to visit a government hospital whereas most men (49%) are likely to go to a private hospital or clinic for treatment. One Mon man during the focus group discussions explained the options available to refugees for healthcare. He said, "When the problem is not that serious, you go to [an NGO clinic]. If it's a serious health problem, then you need to go to the government hospital, but it costs a lot. It is possible to receive a 50% discount for treatment at a government hospital, but only if you have a UNHCR card."

Refugees in Malaysia are charged the same rate as a foreigner for treatment, which is twice as much as the local rate. However, starting in 2006, the authorities began allowing refugees registered with UNHCR to receive a 50% discount for treatment at government hospitals. Without documentation, refugees are still required to pay the foreigner's rate. The importance of UNHCR documentation to receive discounts for treatment provided at the government hospital also came up during the Chin focus group discussions. One man who had a broken leg with an external fixation device, shared his experience at the government hospital. He said, "They fixed my leg, but when they learned I didn't have documents and couldn't pay for the services, they removed all the pins they had put in my leg. When they took everything out, I was left worse off than before I came in." Another woman said, "I have a lump in my neck. It hurts when I swallow. Sometimes it feels like it is getting better but it keeps returning. I went to the Tzu Chi clinic and they referred me to the government hospital. The hospital told me that I need an operation, but it will cost 6,000 RM (US\$2,000). I'm not registered so I have no way to pay for the treatment."

Most respondents who received treatment for a medical condition, paid less than 500 RM (US\$160). Few people (11%) paid more than 1,500 RM (US\$500) for treatment. When the treatment costs are compared by facility, treatments provided at the government hospitals were among the most expensive with 60% of treatments costing over 500RM. Treatment at private clinics were among the least expensive, with 57% of treatments costing less than 500 RM. When compared by ethnicity, the Burma Muslims and Rohingya reported the highest amount of healthcare costs, with 59% of Burma Muslims and 64% of Rohingya paying over 1,000 RM (US\$330) for treatment. Most respondents (75%) who received treatment indicated that they were satisfied with the treatment they received.

Another issue raised during the focus group discussions, but not addressed during the survey was rehabilitation and long-term care. The man with the external fixation device shared concerns about rehabilitation. After he was released from the hospital, he could not return to his former residence as he can no longer earn money to pay for rent and due to the difficulty for him to move around. He indicated that he was staying at the Chin CBO office at the moment but acknowledged that this is not a long-term placement. Another man shared a more dire scenario, he said, "My son was working in

construction when he fell. Now he is paralyzed – he can't move his arms or legs. He has been in the hospital for the past four months. I don't know how to take care of him or what will happen to him.” There is one convalescent home for refugees operated by a local NGO, but space is limited.

4. Mental and Emotional Health

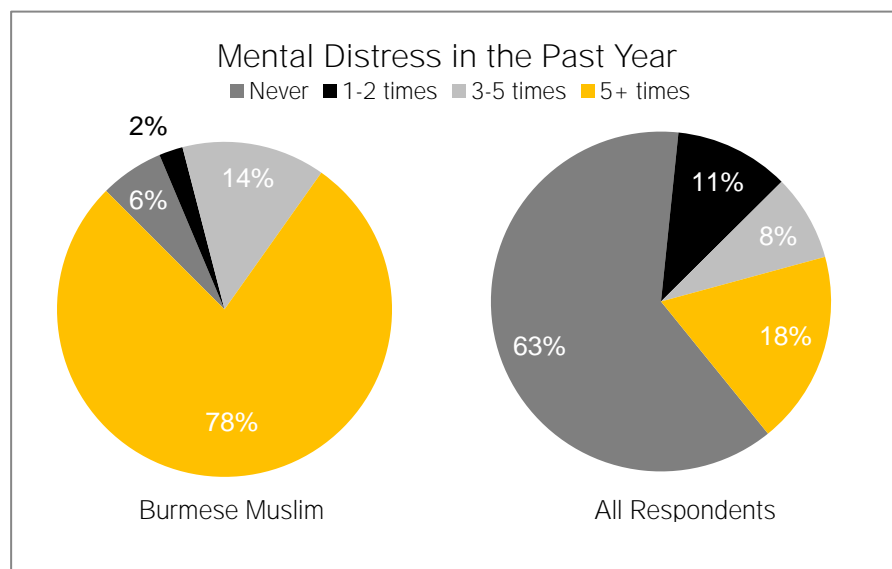
When viewed by ethnicity, Burma Muslim and Rohingya were more likely than other groups to have experienced emotional distress in the past year. When asked how many times in the past year have you been too sad or emotionally distressed to work or conduct daily activities, 60% of respondents said never while 18% said more than five times. In comparison with the total sample, 76% of Burma Muslims and 84% of Rohingya said they had been emotionally distressed more than five times in the past year to the point that they could not conduct regular activities. Similarly, the study found that Burma Muslim (66%) and Rohingya (84%) are considerably more likely than other groups to have been sick over the past year, in comparison to 16% of the total sample reporting illness more than five times in the past year.

“Since we were born, we’ve known about the problems of our Karen people. We’ve suffered for so long. This sadness lives in our hearts. We have few smiles left.”

-Karen Refugee

When asked about this finding during the focus group discussions with the Burma Muslim community, one participant suggested that the physical illness may be connected to the mental distress. The connection between mental and physical health was similarly suggested during an interview with a local NGO providing health services. The Burma Muslim focus group discussion participant further offered a range of reasons

for higher stress levels in his community, including the fact that the Burma Muslim community had been excluded from the resettlement process for many years.³⁵ He also said that Burma Muslims tend

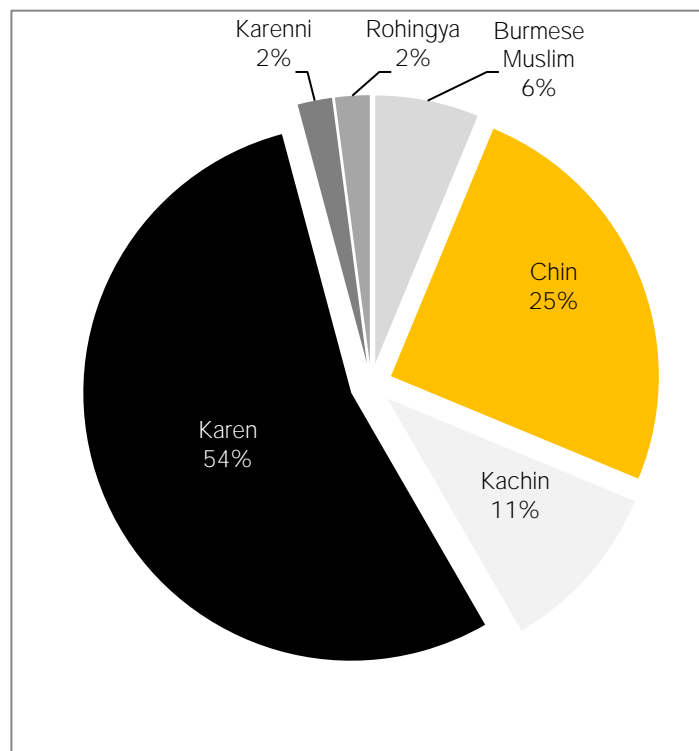


³⁵ UNHCR's earlier durable solution strategy for refugees from Myanmar varied by ethnic group. UNHCR prioritized resettlement for the large Chin population in Malaysia, who were mostly Christian and started coming in large numbers in early 2000. For Burma Muslim and Rohingya Muslim populations, who had been in Malaysia since the late 80's, UNHCR put forward a strategy of local integration. This differentiated approach has since been abandoned and it is generally recognized that integration is not a possible solution until there are policy changes by the Malaysian government with regard to refugee treatment. Burma Muslim and Rohingya are now being resettled to third countries; however, the earlier policy continues to impact both communities.

to have larger families to support, creating more financial obligations to meet. He indicated that Burma Muslim also have more difficulty finding jobs in Kuala Lumpur due to religious restrictions against working in non-halal restaurants. These same challenges and stresses would apply to the Rohingya community who had previously been excluded from the resettlement process and are also practicing Muslims.

Despite the presence of emotional distress in across all communities, only 48 respondents indicated receiving mental counseling in the past year. Burma Muslim and Rohingya communities, who reported higher rates of emotional distress, comprised only 8% of those who received mental counseling in the past year. Participants at the focus group discussions in the Burma Muslim community indicated that most Burma Muslim lack awareness of available counseling services and may be reluctant to go for treatment due to the time and transportation expense required. Participants in other community focus group discussions provided similar reasons for not seeking out mental health treatment.

Of the few respondents who reported receiving treatment in the past year, most (54%) were from the Karen community. Considering that the data from the Karen sample did not exhibit any significant difference in the rate or frequency of emotional distress than other ethnic groups, this finding is surprising. When raised during the focus group discussions with the Karen community, it was explained that one of the local NGO clinics providing mental health services has a Karen person on staff so more Karen are aware and are comfortable to go for mental health counseling. It was also suggested during the focus group discussion that the mental health indicators might be more pronounced if the Karen were not receiving treatment. One Karen participant in the focus group discussion indicated that depression and emotional distress is very common in the Karen community. He said, “Since we were born, we’ve known about the problems of our Karen people. We’ve suffered for so long. This sadness lives in our hearts. We have few smiles left.”



Received Counseling

Housing and Household Profiles

1. Housing Type and Safety

The type and condition of housing and the household living situation can be a strong indicator of the well-being of a community and can be a key element to protection in an urban environment. The survey asked several key questions to determine the nature of housing and refugee households. For housing, the survey looked at the type of housing structures where respondents live and safety conditions in the surrounding environment. Data about the household provides broader information the general refugee community, while also providing a more complete profile of the respondent.³⁶ The survey asked a number of questions to determine the nature of Burmese refugee households in Kuala Lumpur, including the size and composition of the household as well as language abilities and social networks of the household members.

The fact that the survey was conducted on-site at the homes of the respondents provided an opportunity for the Research Assistants to identify the type of housing structure and evaluate the surrounding area. The Research Assistants reported that most respondents (90%) lived in large apartment blocks or smaller apartment flats. However, 5% of the sample (n=46) lived in inferior housing including housing that is an impermanent room or structure, in a construction site, part of a hostel or boarding house, in a commercial building, or a tent or temporary shelter. These types of dwellings can put refugees at risk of health or security problems due to the impermanent nature of the housing material or arrangement.

The Research Assistants also observed whether the respondents' dwelling was located near any potentially unsafe or hazardous conditions. Prior to initiating the interview, the Research Assistants indicated if any of the following were within visual sight of the respondent's house: landslide area/steep hill/slope; flood prone area/river bank/canal; garbage pile or dump; highway Industrial area/factory zone; railroad/flyover; or construction site.

Overall, the survey found that 49% of the total sample live near a safety concern. When compared by ethnic group, the study found that all Arakan and Burma Muslims within the sample live within sight of a safety concern as did 82% of Rohingya and 60% of Karenni. In addition to observable environmental safety concerns, the general perception among most respondents about their neighborhood was that it is unsafe. When respondents were asked whether they generally felt safe in the neighborhood where they lived, 60% of the total sample indicated that they did not feel safe. When compared to other groups, a considerably smaller percentage of Karenni (3%), Kachin (12%), and Karen (16%) said they felt safe. When geographical locations around Kuala Lumpur were taken into account, the areas southwest of the city were perceived to be the least safe by respondents, with 77% saying they did not feel safe. The areas directly north of the city was perceived to be the most safe, with 71% indicating that they felt safe.

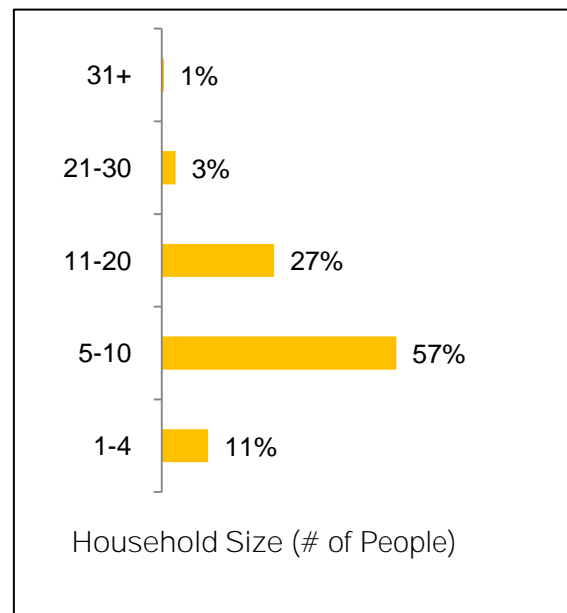
³⁶ For the purposes of this study, a household was defined as individuals who share the same housing arrangement and rent. This definition was constructed in accordance with the common living situation of refugees from Myanmar living in Kuala Lumpur based on discussions with various Burmese community leaders.

During the focus group discussions, participants indicated that it was difficult to find housing in Kuala Lumpur and said that most landlords will not rent to refugees without documents. As a result, refugees must rely on family and community connections to find housing. As one Chin man explained during the focus group discussions, “When we arrive to Kuala Lumpur, a relative or Chin community leader will pick us up and bring us to a house. They help locate housing for us and connect us to our community in Kuala Lumpur.”

In general, the refugee community in Kuala Lumpur tend to live in locations that are considered affordable, close to other community members, and convenient to public transportation. Several communities indicated that housing is often provided for by employers, particularly for restaurant or factory workers. However one problem with employer-provided housing is the lack of security with regard to accommodation. If the job comes to an end, the refugee loses not only income but also a living space.

2. Household Profile

To minimize living expenses, it is common for several families to share living space and divide the rental and sometimes other expenses. The most common expenses shared among the households included: rent (89%), electric bill (77%), and tap water bill (36%). Over half of the sample (57%) indicated that they shared living space with five to ten people and 31% of the sample indicated living in large households with more than 11 people sharing living space. Five respondents reported living in households with more than 30 people. When considered by location, households north of the city and in the city center are likely to have larger households, with 60-70% of households in the north and city center reporting more than nine people living together. To get an idea of the size of the shared space and degree of privacy, respondents were asked about the number of separate rooms in the dwelling. Most housing units (80%) had three rooms or less. Large household of ten plus people living in a single apartment with three rooms or less will undoubtedly have certain negative impacts on the health and well-being of the household.



When respondents were asked about the relationship with other people living in the household, most respondents reported that they were living with friends (24%), relatives (22%), or people from their home village (20%). Only 15% of the sample had no connection with the other people in their household. In comparison with other ethnic groups, the Chin were more likely to live with relatives. When asked about this finding, Chin focus group discussion participants explained that it is difficult to leave family behind in Chin State because the family relies on the support of the entire family. It was also explained that family members who remain in Myanmar tend to face pressure from the government authorities and may be put at higher risk for abuse or repercussions. Most of the households (64%) included children under the age of 18 with 35% of households with children

reporting more than four children. The largest percentage of households with children are located northwest of the city (29%) and in the city center (23%).

Half of all households surveyed paid between 500 and 1,000 RM (US\$160-330) per month in rent, which is typically divided among the household members. Respondents largely (73%) reported contributing less than 500 RM (US\$160) per month towards the household rent. The data also indicates that households living in the city center pay more in rent, with more than 40% of households paying in excess of 1,000 RM (US\$330) per month compared. In comparison, only 18% of households in other locations are paying more than 1,000 RM (US\$330) per month in rent. Considering that half of city center households also report earning less than 1,500 RM (US\$500) per month, it is likely that many households are barely meeting their rental obligations.

Although most respondents reported having informal rental arrangements with the house owner or landlord, few reported any experience with forced eviction in Kuala Lumpur. Only 69 respondents or 6% of the sample reported having experienced an eviction in Kuala Lumpur. Of those respondents, 39% said it was because they couldn't pay the rent, followed by 28% who said it was due to a problem with the owner or landlord of the building. Despite limited direct experience with forced eviction, most respondents (78%) indicated fear of potential eviction from their housing. The most frequently provided reason (45%) for fearing eviction was because of an inability to pay the rent.

The language skills and social networks of members within the household can have benefits that extend to the entire household. For example, a household that has one member who is able to English or the local language is able to act as a powerful advocate and liaison for all members of the household. Language skills may increase the likelihood of finding work, minimize potential conflict and misunderstanding with the local population, and open channels for outside assistance and support. Most respondents (85%) indicated that at least one person in the household could speak Malay. Respondents from the Kachin community were significantly less likely than other groups to have at least one person in the household who spoke Malay. As one Kachin focus group discussion participant explained, "Most Kachin households do not have anyone who can speak the local language because there are so many new arrivals in our community. The inability to speak the language makes it difficult to access healthcare and to go about our daily lives. Even just to go shopping for food can be difficult."

When asked about English-language skills, less than half of all households (47%) were likely to have an English speaker. The Chin, Karen, and Mon households are particularly disadvantaged when considering English-language skills. The lack of English speakers within the community will create future challenges for communities resettling to English-speaking countries. However, while in Malaysia, the communities have devised strategies to minimize obstacles created by language barriers. Participants in the Chin focus group discussion explained that language barriers were part of the reason for creating the Chin CBOs. The CBOs largely depend on community volunteers who can speak a variety of languages and are able to liaise with UNHCR and key service providers. The community depends on these CBOs to gain access to basic services and overcome obstacles created due to language barriers.

Participation in local networks and community activities helps to build valuable social connections and increase access to information, services, and opportunities. Thirty percent of respondents reported

household involvement with community activities. Of those households involved in activities, most indicated involvement in religious groups (54%), followed by involvement with a CBO (21%).

Children and Youth

1. Education

Most respondents (64%) reported living in households with children under the age of 18, with a total of 2,109 children reported living in refugee households. More than half of respondents (52%) said there were primary school-aged children (between the age of 6 and 11) living in their household, representing a total of 731 children. Of the households with children, 42% reported having just one primary school-aged child, a quarter of the households had two children, and more than a quarter had three or more children. Out of those primary school-aged children, respondents indicated that 84% are attending school regularly (at least 3 days a week, every month). When the number of older children (12-18 years old) are taken into account, the percentage of children receiving an education drops to 37%, which is consistent with UNHCR findings.³⁷ Most households with school-aged children were located in the city center (25%) and northwest of the city (26%). This may be connected to the fact that a majority of learning centers for refugee children are located in the city center.

About two-thirds (62%) of the children in school attend a CBO learning center, another 31% attend NGO-run learning centers. When asked about the cost to send one child to school per month, over half of the 305 respondents who answered said it cost less than 50 RM (US\$16) per month, another 22% said it cost between 50 to 100 RM (US\$16 to US\$30). This cost is all inclusive and includes school fees, supplies, textbooks, uniforms, etc. Most respondents (75%) indicated that it took children less than 15 minutes to travel to school. Overall, these findings suggest that most primary-school aged children in Kuala Lumpur are receiving an education and that schools are affordable and accessible. However, these programs are generally not accredited and cannot issue official diplomas or certificates that would be recognized to advance further education in Malaysia, Burma, or elsewhere. To attend an accredited or government school in Malaysia, legal status and documentation

Refugee Community Learning Centers

There are some 50 refugee CBO learning centers in Malaysia, with most heavily concentrated in Kuala Lumpur. Some ethnic communities support several learning centers located in various refugee-populated neighborhoods. Other ethnic communities do not support learning centers but send children to other communities' learning centers. The learning centers accommodate between 10 to 150 students, mostly between the ages of 6 to 11 years old. These centers run by community teachers, with some teachers receiving small stipends from UNHCR. Teachers receiving UNHCR stipends must be registered and attend regular teacher trainings. Besides UNHCR support, CBO learning centers depend on funding from small student fees and some private sponsorship. Classes are typically provided in rented flats, with facilities varying from community to community.

³⁷ UNHCR, "Education," <http://www.unhcr.org.my/Education-@-Education.aspx> (last visited 9 December 2012).

is required. As refugees do not have status in Malaysia, refugee children are not allowed to attend government schools.

Twenty respondents (2%) indicated that children in their household attended a boarding school. A local NGO and several CBOs provide boarding facilities for children. Boarding schools are quite common in rural villages in Myanmar as well as in the refugee camps in Thailand. Due to the scarcity of schools in Burma, children are often required to travel long distances to obtain an education. Boarding facilities help accommodate students from more remote villages. It appears that this model has been replicated in Kuala Lumpur to accommodate families living far from CBO schools. There are a range of potential protection issues associated with boarding schools, particularly if these boarding schools do not have proper oversight and monitoring. The existence of these schools raises questions about whether standards are in place to ensure the protection of children.

37% of children receive an education.

While children are largely attending schools, a question that could not be answered by the survey is about the quality of the education received by children at the CBO learning centers. According to local NGOs, more teacher-training is necessary. One NGO staff member working in the education sector said, "If I were to rank the community teachers from 1 to 10, 1 being poor, I would give the community teachers a 2 or 3... They are still following the methods used in Burma of rote-teaching, but we know this style is ineffective." Another NGO staff member said, "Out of 30 schools, there are maybe three teachers that are effective." When asked about where improvements could be made, the suggestion was that the community teachers are stronger in math and science, but that English-language skills needed to be improved. This is seen as particularly important to prepare children potentially resettling to third countries. The need for teacher-training also came up during the focus group discussions. Participants acknowledged that the teachers in their respective learning centers could benefit from increased teacher training and identified language-skills as a particular area of concern. As one Kachin focus group discussion participant indicated, "Our children's education is being delayed while they are here. It takes a long time before we can go to a third country. They are attending the schools here, but they aren't learning English. This will put them farther behind when we're resettled."

Besides the need for more teacher-trainings, NGOs also highlighted the need for increased institutional support for the schools. One NGO described how children in one community attend class in an abandoned building that is in near disrepair with poor ventilation and leaky pipes. Another NGO staff member indicated that some of the more established and well-supported learning centers have better trained teachers, but it is difficult for some communities to retain teachers due to the lack of sustained funding for teacher stipends. During the Mon focus group discussions, participants indicated that only teachers with a UNHCR card are eligible to receive stipends from local NGOs working in the education sector, but it is difficult to find teachers with a UNHCR card willing to work in the Mon learning center. The teachers that are recruited for the Mon learning center are supported by the Mon CBO. Other communities indicated that many teachers are working as volunteers and are not receiving any support for their efforts. To raise support for teachers, many CBOs rely on student fees, which can create tension between teachers that need to be paid and families that have difficulty paying even small student fees.

2. Child Labor

In total, respondents reported knowledge of 219 children (all children below 18) in the workforce or 10% of the total number of children (n=2,109) reported within sampled households. More than 70% (72%, n=157) of those children who are reportedly working were identified as older children or youth, defined for the purposes of this study as children between the ages of 12 and 18. This indicates that 28% of working children were under the age of 11 (n=62). The most commonly reported work performed by children was in the restaurant followed by construction work and working in shops, with the city center (28%), northwest of the city (23%), and southeast of the city (20%) reporting the largest percentage of working children. More than three quarters (77%) of respondents indicated that children work six to seven days a week and 81% said children work 8-13 hour days per day. The money earned by children, which was mostly between 500-1,000 RM (US\$160-330) per month, is mostly used to meet household needs. More than 70% said the money went to support the household, while 12% said money was used to support family living elsewhere. This indicates that children are being put into the workforce primarily out of economic necessity.

3. Older Children or Youth

From the total sample, 27% of respondents said that their household included older children or youth between the ages of 12 and 18. Of the households with youth, just over half included one youth, a third had two youths, and the remaining households had between 3-11 youths. The total number of youth living within the sampled households was 496. When compared with the education level among all respondents, youth in Kuala Lumpur are less educated. After they arrive to Malaysia, it is difficult for them to continue their education. Only one-third of youth are reportedly attending an educational program. When asked about what unpaid activities (such as cultural activities, sports, or club activities, etc.) youth were involved in, a majority of respondents (46%) indicated that youth in their household were not involved in any activities. Respondents were provided a list of potential activities that youth might be involved in; however only 19 respondents could identify activities that youth in their household were involved – 42% of the 19 said youth in their household participated in religious groups.

Protection

1. Crime and Response to Crime

Respondents in the survey did not widely report on crimes. When asked about what problems or crimes members of the household had experienced within the past year, 88% of respondents said they had not experienced any problems or crimes. This finding is surprising, considering that security and crimes were raised repeatedly during focus group discussions with many people sharing their personal experience of crime. A Research Assistant was even robbed while traveling to the IRC office during the relatively short period of data collection. It may be that the question was misunderstood or misinterpreted by the respondents. It may also be that the frequency of crime

“Police demand money from us, local people beat and rob us, other people from Burma also create problems for us. There is no law for foreigners here.”

-A Karen refugee describing protection risks in Kuala Lumpur

experienced by the refugee community in Kuala Lumpur is overstated because of the unsettling effect crime has on the community.

Of the respondents who reported experiencing a problem or crime in the past year, the most commonly reported problems were physical assault (31%) and theft (27%). This would fit with the nature of crimes described during the focus group discussions. One Karen focus group discussion participant shared his experience with crime, saying, “One year ago, I was beaten by a robber who took everything I had. Now I don’t dare to live outside. I am too afraid.” During a Chin focus group discussion, one man shared an account about a robber that broke into his apartment, whereby he was beaten and hit in the head with an iron rod. There has been no response from the police despite repeated reports. He said that his family has since shifted to a new location. A Karenni woman indicated that home break-ins were also common in her community. She said, “Even if we stay in the house, we are still afraid; robberies happen often.” One Kachin focus group discussion participant provided her explanation of the high rate of crimes in her community. She said, “We cannot speak Malay so the locals always bully and rob us. There’s nothing we can do. We need to survive in danger.”

When crime or problems occur, it is often not reported. More than half (57%) of the 96 respondents who had some experience with crime said that it was reported. When crime is reported, it is most commonly reported to UNHCR (21%) or a CBO (15%). When the entire sample was asked the hypothetical question of where they would report a crime, 34% said they would report to a CBO and 31% of respondents said UNHCR. Respondents with a UNHCR-card were 30% more likely to report a crime to the UNHCR than a non-cardholder. Only 9% said they would report it to the police. The nominal number of respondents identifying the police as the place to report crimes that occur indicates a lack of confidence in the police and possibly a fear of retribution due to their uncertain status in the country. When respondents were asked about their perceptions of the Malaysian authorities, an overwhelming majority of respondents (92%) said that they did not feel that the Malaysian authorities could help with crimes or problems experienced by refugees. Language barriers, lack of knowledge about their rights and unfamiliarity with the legal system, as well as previous traumatic encounters with authorities either in Myanmar or in Malaysia make refugees less likely to report crimes or problems when they arise. As articulated by a Kachin focus group discussion participant, “We are always afraid of the Malaysian authorities. They never help us.” Another Karen focus group discussion participant said, “We are scared of everyone. Police demand money from us, local people beat and rob us, other people from Burma also create problems for us. There is no law for foreigners here.”

When local NGOs were asked about this finding, they were not surprised. One person said that this is the same perception among the local Malaysian population and that “even Malaysians feel that the authorities will not help them with problems that arise.” Another NGO staff member said that perpetrators will sometimes threaten to report the refugee to the police for not having documents. However, when discussed with UNHCR, UNHCR indicated that although the perception among refugees is that the Malaysian authorities are not responsive to crimes and problems within the refugee community, in reality it is not the case. UNHCR indicated that they have found that the police will respond to criminal cases when reported and refugees have managed to raise cases to the Malaysian courts. According to UNHCR the problem is not so much about the lack of response from the police but rather a reluctance to report crime or problems to the authorities due to fear of the

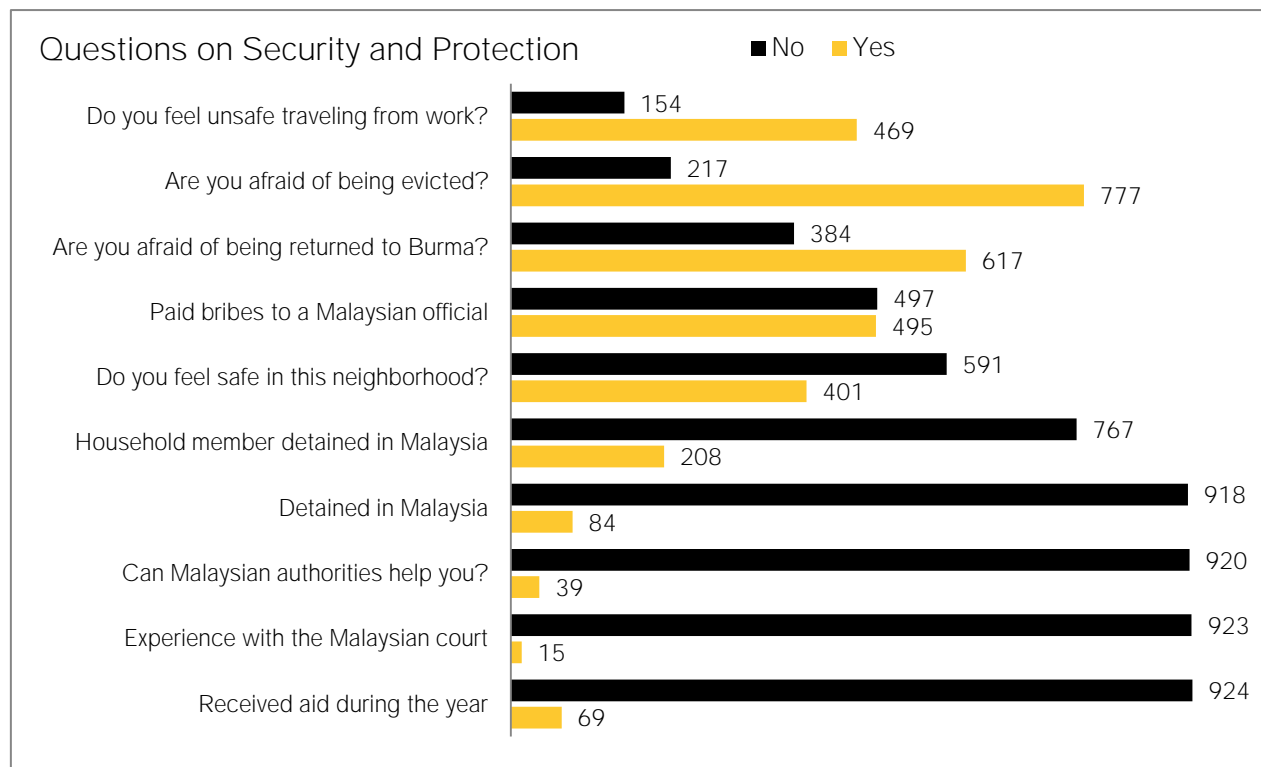
authorities, fear of potential delays for resettlement, or feelings of futility.

2. Arrests and Abuse by Authorities

In the past year, 42% of respondents indicated that at least one member of their household had been arrested. Out of the 418 households reporting at least one arrest, respondents indicated that a total of 992 individuals had been arrested within the past year. Almost all 95% were arrested for failing to have documents. These findings were supported by participants in focus group discussions. As one Karen man said, “In Burma, I was repeatedly called by the military soldiers to serve as a forced porter. Because I was always afraid of the government soldiers, I left Burma. But now, I do not have any documents and no status in Malaysia, and I am always afraid of police.”

42% of households report an arrest in the last year.

Despite these findings, UNHCR and NGOs interviewed indicated that there has been a substantial drop in the number of arrests when compared to years past. UNHCR indicated that it is now less common for people with UNHCR cards to be arrested due to a recently negotiated agreement with the Attorney General's office. Participants during the focus group discussions confirmed that people with UNHCR cards are much less likely to be arrested and are released once their documents are verified by UNHCR. Mass arrests and large-scale raids that were common in the past are also thought to be in decline. According to UNHCR, raids now only occur in places where there is already a high police presence or in places where there are complaints from neighbors or locals. This study can attest to the fact that raids are ongoing, as the survey had to be postponed in one neighborhood following a raid that led to the arrest of several dozen refugees from Myanmar and the temporary relocation of many others.



UNHCR and NGOs cited attention on abuses and greater awareness among Malaysian officials about migration issues as being responsible for reducing arrests. For example, the 2009 report by the U.S. Committee on Foreign Relations on trafficking and extortion of Burmese migrants in Malaysia and Southern Thailand is widely credited with bringing an end to the abusive mass raids and deportations of refugees to the Thai border.³⁸ This report also led to an examination and re-articulation of the role of RELA, a civilian paramilitary volunteer force, that was largely responsible for conducting the raids on refugee and migrant communities. Some NGOs also speculated about the unintended awareness-raising effects connected to last year's 6P program. Under the 6P program, the Malaysian government granted an amnesty for undocumented workers, providing a path for them to either become legalized or be deported without punishment.³⁹ The 6P program brought greater attention to immigration issues and different documentation statuses in Malaysia. UNHCR also indicated that the international attention brought by the "Australia-Malaysia refugee swap" led the government to reach out to UNHCR and opened up greater negotiation space. Under terms of the "refugee swap" deal, Australia was preparing to return 800 asylum-seekers to Malaysia in exchange for accepting 4,000 refugees over a four-year period. The proposal was widely covered and criticized in the international media, and in August 2011, the Australian High Court struck down the proposal ruling that Malaysia did not offer adequate legal protection for refugees.

Despite possible improvements on arrest rates, UNHCR acknowledged that there continue to be a considerable number of refugees who are arrested every year. However, arrests typically occur in order to extort money; after providing money, refugees are typically released. Those arrested without the requisite identification documents are usually quick to offer money to avoid detention and formal charges. About half of all respondents reported paying money informally to Malaysian officials at least once during the past year. When asked how many times they made an informal payment, about 65% said they had paid one to three times and a 38% indicated that they had paid more than four times in the past year. The amount of money paid varied from less than 50 RM (US\$16) up to more than 10,000 RM (US\$3,300). A third (34%) paid between 100 to 500 RM (US\$30-160). Given that the average income of refugees in Kuala Lumpur is between 500 RM and 1,000 RM (US\$160 and \$330) per month, these informal payments to Malaysian authorities are considered a significant expense for refugees. Participants in the focus group discussions indicated that it is difficult to avoid paying money to the authorities. One Chin man said, "Whenever the police approach, someone must pay money. If I don't have the money, then I'll need to call a friend or relative with money." Another Arakan focus group discussion participant said, "There is no way to escape without paying money to the authorities."

Average Income
\$160-\$330 US
per month

There was considerable variation among respondents who reported making payments to the authorities based on their location. The largest percentages of respondents who made payments were from the City Center (28%) and Northwest of the city (23%), areas where there is a high density and considerable overlap among the refugee communities. Respondents living Southeast of the city, where Rohingya, Burma Muslim, and Chin communities were surveyed, also comprised 20% of those who made payments to the authorities. Respondents from the Southeast also tended to pay more in bribes,

³⁸ U.S. Committee on Foreign Relations, "Trafficking and Extortion of Burmese Migrants in Malaysia and Southern Thailand," 111 Congress, 1st Session, 3 April 2009, <http://www.gpo.gov/fdsys/pkg/CPRT-111SPRT48323/html/CPRT-111SPRT48323.htm> (last visited 8 December 2012).

³⁹ The six Ps represent the Malay words for registration, legalisation, amnesty, monitoring, enforcement and deportation.

with 36% of respondents from the Southeast paying 1,500 to 5,000 RM (US\$500-1,660), compared to most respondents (62%) living elsewhere who reported paying less than 500 RM (US\$160) to the authorities. When informal payments are considered by ethnic group, the sample indicates that Chin are less likely to pay bribes. However, when raised with the Chin community, the response was that this is because the Chin sample largely comprised women and women are less likely to pay bribes because they limit movement outside the home. The Chin women in attendance at the workshop confirmed this information. None of the Chin women in the workshop had paid bribes while most of the men had. According to a focus group discussion participant from the Chin community, it is common for the police to stop them while they are traveling home from work. He said, "They check our entire body for money. There are even some police who have learned how to say, 'give me money,' in Burmese."

Despite the scale and frequency of arrests within the Burmese refugee community, less than 2% (15 respondents) said they had experience with the Malaysian court system as an accused. Considering the high number of informal payments to authorities, it is likely that refugees provide these informal payments to the authorities in order to avoid formal action by the court. Of the 15 respondents with experience in the Malaysian court system, only five (30%) indicated having access to a lawyer or legal representative to get advice on their case, six (40%) said an interpreter was available during the court proceeding, and 8 (53%) said they understood the proceedings. Insufficient data exists to draw conclusions about the treatment of refugees within the Malaysian court system; however, these limited findings are telling and provide support for further study.

When respondents were asked whether they or a member of their household had ever been jailed or detained in Malaysia, 84 (8%) of the sample said that they had personally been jailed or detained and 208 (21%) reported that a member of their household had been jailed or detained. There was significant variation in the rates of detention by ethnic group, with a greater percentage of respondents from the Arakan, Chin, and Shan reporting the detention of at least one member of their household. A Chin man with experience in Malaysian jail explained the system, "First you go to police lock-up and might stay for two weeks; after lock-up, you are taken to jail. In jail it will depend on the case, but most people are then taken to an immigration camp. In these camps, the person must wait for UNHCR to release them."

"Whenever the police approach, someone must pay money. If I don't have the money, then I'll need to call a friend or relative with money."

-Chin refugee discussing the common practice of paying bribes

The 84 respondents with direct experience of jail or detention in Malaysia were asked a series of questions about their experience. They were asked about how long they were detained, how they would describe the conditions and their treatment in detention, as well as what materials were provided to them during their period of detention. The period of detention for respondents ranged from less than 24 hours to more than a year, with most reporting between a week and six months. Almost all respondents described the conditions and treatment in detention as bad or very bad. About 60% said they received regular meals, 40% said they got water for bathing, and almost 20% said they got nothing.

In connection with the drop in arrest rates, NGOs and UNHCR also indicated that there are fewer refugees held in immigration detention. A local health NGO that conducts regular detention visits to provide treatment to refugees in detention indicated that there are not as many refugees detained as in previous years. UNHCR also conduct regular visits of immigration detention facilities to interview unregistered refugees who are detained. If found to meet the criteria for refugee status, UNHCR will issue documents and negotiate for their release. However, with 16 immigration detention facilities around the country, it can take two months or more before UNHCR is able to visit a particular detention facility to secure a refugee's release.

Access to Assistance and Services

1. Current Services

Assistance programs are largely provided by local NGOs that serve as UNHCR implementing partners. Programming includes health and psychosocial services, education support, and women's protection programs. However, a majority of the agencies interviewed indicated that their capacity to accommodate the expanding population of refugees in Kuala Lumpur is limited by funding and staffing constraints. Only a very small number larger international NGOs with access to greater resources are operating in Malaysia with a specific mandate to assist refugees. Due to difficulties of registering as an NGO in Malaysia, the international NGOs that are operating in Malaysia tend to operate under UNHCR's mandate.

As a result of these limitations, it is not surprising that there are numerous gaps in service provision and unmet needs within the refugee communities. When respondents were asked whether they or a member of their household received humanitarian aid or services during the past year, 92% indicated that they did not receive anything. Only 7% or 69 households reported receiving some form of humanitarian support or service. Of 69 households that reported receiving some assistance, 48% said they received food aid, 17% said material assistance, and 12% said cash assistance.

The small number of households reporting assistance is surprising. Since respondents were provided with a showcard list of various forms of aid services and assistance, it is unlikely that the finding is due to a lack of understanding of the question. Rather, this finding is likely a reflection of the lack of service providers and resources in Malaysia. This is particularly striking when compared with a similar-sized population of refugees in Thailand, where there are hundreds of NGOs and CBOs providing assistance and services to refugees. In Thailand, the range and services of NGO and aid providers servicing refugees run the gamut- there are international NGOs, local NGOs, CBOs, religious groups, humanitarian groups, advocacy groups, which provide for education, health, legal assistance, and services focused on women's issues, children's issues, and disabled persons issues. In Malaysia, the aid environment is considerably smaller.

Neither UNHCR nor the NGOs interviewed found this finding surprising. One NGO staff member said that this finding is likely a reflection of the lack of ongoing monitoring and direct service-provision on the household level. She said, "If you're not reporting on an emergency situation, then it's unlikely you'll have any interaction with service providers. Most of the services available are meant to deal with urgent problems." Other aid providers suggested that communities may be reluctance to acknowledge

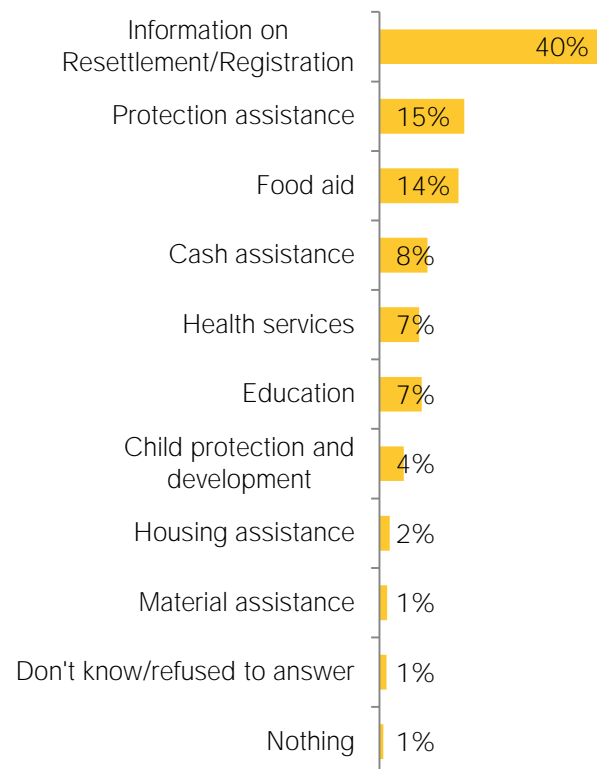
aid or assistance that they are receiving, either out of potential stigmatization or fearing that this information would de-prioritize their community for future services or assistance.

When asked during focus group discussions about where people go for aid or assistance, most participants indicated that they would refer to their CBO who would help direct them for further assistance. In general, the CBOs tend to be the first point of contact for the community. The community organizations act as representatives and provide a range of support services. Many CBOs rely on staff with necessary English and Malay language skills in order to serve as an effective liaison between their community members and NGOs, UNHCR, and the local Malaysian community. As one Chin focus group discussion participant explained, “[The Chin Refugee Center] CRC is the first place we go for help and CRC can contact many different offices on our behalf; they act as our mediator.” When asked about the effectiveness of the services provided by CRC, another man reflected, “The CRC can help with many points, but they are also constrained. They hold no authority to deal with crimes, but they can negotiate with an employer or write a letter to the UN.” A participant in the Karenni focus group discussion acknowledged staffing constraints that impact the Karenni CBO, the Organization for Karenni Development. She said, “The CBOs are working hard for the community; however there are very few community volunteers. If someone is arrested in Klang [in Eastern Kuala Lumpur] and a volunteer goes to collect information and negotiate with police, then there is no one is available to assist with an arrest in Times Square [in central Kuala Lumpur].” NGOs also acknowledged the strengths and limitations of the CBOs. One NGO staff member indicated that the CBOs representing the larger, more established communities, like the Chin, tend to have better structures and can operate more effectively than smaller groups that tend to rely on only a few volunteers, have little resources available, and weaker institutional structures.

2. Priority Needs

Respondents were asked about the primary need for assistance or service in their household. The most identified need across the entire sample was information on resettlement and registration. Of the sample, 40% identified information on resettlement and registration as the priority need within the household. Considering the many benefits and protections that extend from UNHCR status, this is expected. Throughout the focus group discussions, participants repeatedly raised documentation and the need for more information on how to obtain registration and resettlement. Access to a UN card was identified as a

Primary need for assistance or service



primary need across the communities. The UNHCR card provides various benefits and protections to the refugee population, including 50% discounts for treatment at government hospitals, more opportunities as employers are more willing to hire people with UN documentation, and most importantly, general protection from arrest and detention.

The second largest priority need identified by the sample was the need for protection assistance, with 15% of respondents identifying this category as a primary need within the household. The urgency of the need for protection came through during the focus group discussions as participants repeatedly shared personal and anecdotal stories of workplace abuses, harassment by employers, harassment by Malaysian authorities, problems with locals, crimes committed against them without any recourse, fear and experience with arrest and detention. From the quantitative and qualitative information, it is clear that refugees lack protection in Malaysia and when abuses or problems arise, refugees have few places to turn to get advice, obtain recourse. The main issue identified by the Arakan was protection. "Without protection, we have nothing. We cannot get any support or service." Similarly a focus group discussion participant from the Chin community said, "The main priority is security; in order to earn money and be able to provide for the family, security is needed."

The third most identified need identified by the sample was food aid. This is an unsettling finding as it demonstrates the level of economic need and conditions for refugees in Kuala Lumpur. However, it is also predictable considering the cost of living in Kuala Lumpur and low earnings reported by refugees. With food expenses absorbing approximately 20-50% of the household's month income, food security is a likely problem among refugee communities in Kuala Lumpur. Participants in the Chin focus group discussions, validated this finding saying, "Many women in the Chin community are surviving and providing for their children on the earnings from their husbands or male relatives. It is a hand to mouth situation in many households. Earnings are low and sometimes they are not paid. When employers fail to pay, people go hungry." Another Chin focus group discussion participant said, "I am very old and cannot get a job in Malaysia. My wife is working but she only earns 400 RM (US\$130) per month to support me and our two children. My wife brings the food left from her job and that's what we survive on." When compared by documentation status, food aid was the most frequently identified need among respondents with a UNHCR card, with 22% of UNHCR card holders prioritizing food aid. In comparison, only 5% of CBO card holders prioritized food aid, with 57% favoring information on registration and resettlement instead.

Most NGOs interviewed indicated the prioritization of food aid as surprising. However, this supports the finding of a possible reduction of meals within households which was discussed in the Health Section. As discussed in that section, IOM also found high rates of wasting, a primary indicator of acute malnutrition, among young Burmese refugee children (aged 6-59 months) in Kuala Lumpur during a 2011 study. UNHCR indicated that it is now in the process of conducting a more comprehensive study on nutrition among refugees in Malaysia, with the final report expected to be released early 2013.

3. Access to Information and Technology

As urban refugees are not confined to a camp, one of the complications for ensuring effective and efficient aid delivery is just finding and reaching the communities in need. To provide guidance on how to best reach targeted refugee populations, the survey asked respondents about where they get most of their information from and their access to technology. In considering responses across the sample,

most respondents (33%) indicated that they get most of their information from talking with neighbors, friends, and others, followed by reading material distributed by the community in their language (14%), and from the television (11%). This finding varied across the ethnic communities. For example, in the more than 90% of respondents in the Arakan and Karen community said they got their information from talking with others, whereas 25 to 30% of respondents in the Karenni and Chin communities said they rely on talking with others well as receiving community announcements and materials. The proportion of Karenni that rely on community material was 68% and 30% of Chin. The Mon (57%), Rohingya (45%), Burma Muslim (38%), and Chin (10%) respondents were more likely to get news from the television than other groups. The Burma Muslim (46%) and Rohingya (20%) also indicated higher frequencies of Facebook and social media use.

Considering the primary dependence of most communities on receiving information from others, several community leaders identified the effectiveness of transmitting information through a network of neighborhood-level leaders. One Karen leader said, "When any news or information needs to be passed to the community, [Malaysia Karen Organization] MKO will inform the neighborhood level leaders by calling them and asking them to pass on the message. The neighborhood level leader will then share the information." Most focus group discussion participants agreed with the findings that receiving information from friends and neighborhoods, including neighborhood leaders, was the most common way to receive news and information within their respective communities. These neighborhood level leaders may then make use of available community forums within their area, such as religious services

Chin focus group discussion participants highlighted the effectiveness of using church as a forum to deliver community announcements. However, other communities felt that announcements during religious services were not effective as many people cannot attend services due to work commitments so the message reaches only a segment of the population. Some communities, such as the Arakan community, indicated that the lack of regularly conducted religious services means there is no consistent forum for community members to gather and share information. The Arakan community also indicated that they do not publish any community newsletters or materials to transmit information to the community. Although receiving material printed in their own language is effective, several community leaders raised the high cost of distribution during the focus group discussions. In at least three communities, the CBOs discontinued community newsletters due to a lack of funding and sustained support for production and distribution.

When determining effective and affordable methods for sharing information with the community, it is useful to consider what forms of technology are available to respondents. Most respondents indicated that they have access to a mobile phone (58%) and a television (28%). Only 14 respondents indicated that they did not have access to any forms of technology. Mobile phones can be a powerful resource in an urban setting and are increasingly being used creatively to improve conditions for communities.

Durable Solutions

The three durable solutions available to refugees include: voluntary repatriation, local integration and third country resettlement. The survey asked respondents about where they hope to be in the next three years. A majority of the sample (89%) indicated the United States or another recipient country. Only six respondents said they hoped to be in Myanmar and only nine said Malaysia. This indicates that third country resettlement is by far the preference among most survey respondents.

1. Voluntary Repatriation

In order for voluntary repatriation to take place, refugees must be able to return “in safety and with dignity,” and to an environment that enables social, cultural and economic reintegration. Most international actors working on Myanmar agree that a voluntary repatriation program for refugees from Myanmar is premature. There are many issues to be addressed before repatriation can occur in line with international standards: conflict, violence, and state-sponsored abuses continues to occur throughout the country, landmines litter former conflict areas villages and continue to be deployed in other areas, and the stability of ceasefire agreements with Burma’s ethnic groups remain tenuous.

Only six respondents indicated a desire to voluntarily repatriate to Burma. However, the survey findings also indicate that voluntary repatriation may not be an immediate possibility for refugees from Myanmar in Malaysia. The flow of refugees from Myanmar to Malaysia is continuing, as indicated by the number of recent departures from Burma. Twelve percent of respondents indicated that they had left Myanmar within the past year, half of whom left within the past six months. Thirty percent of these respondents were from the Kachin community where conflict between the army and the Kachin ethnic opposition continues. Considering recent reports of state-sponsored violence in Arakan State, it is likely that refugees from Arakan will also continue to make their way to Malaysia. It is difficult to consider repatriation when the flow of refugees has not abated.

More than half of respondents (53%) felt that they would likely be arrested and jailed if they were returned, recruited into forced labor or portering (12%), or killed (10%) if they returned. This indicates that the perception among refugees of conditions in Myanmar is not an environment that would enable social, cultural, and economic reintegration. Rather, there is considerable fear of return. A majority (62%) of respondents indicated that they were afraid of being forcibly returned. When discussed with focus group discussion participants, most indicated that the security situation in Myanmar was not conducive to their return. As one participant said, illustrating the complications involved with a voluntary repatriation process to Burma, one Karenni focus group discussion participant said, “We cannot trust the ceasefire with the government. They break every promise they make. Even if we could trust them, our land is now occupied by landmines... And even if the land were cleared, it is not ours anymore. Will the government give us back our land?”

“We’ve experienced too many years of torture. We can’t trust the government and we’re not prepared to go back.”

-Refugee focus group discussion participant discussing the inability to return to Burma.

2. Integration

Considering the lack of a legal framework to govern the treatment of refugees in Malaysia, local integration of is not a viable option. As supported by the study findings, refugees from Myanmar are unable to obtain residence or work permits; they are excluded from the formal economy and are denied driving or trading licenses and cannot open bank accounts; refugee children cannot attend government schools; and access to other services or assistance in Malaysia is limited. Under the current laws, refugees are not able to obtain legal documents or status in Malaysia. Overall, only nine respondents indicated a preference for integration to Malaysian society.

3. Resettlement

In the absence of security in Myanmar and the lack of possible integration in Malaysia, it is not surprising that a majority of respondents identified resettlement to a third country as their preference. Some 8,000 refugees are resettled annually from Malaysia. A majority go to the United States. The process for resettlement from Malaysia can take many years, and most refugees from Myanmar have no other options available. As they wait, their search for survival and sanctuary in the city continues.

VI. CONCLUSION & RECOMMENDATIONS

This study finds that there are a range of unmet needs impacting the lives and ability of refugees from Myanmar to survive in Kuala Lumpur. The data indicates that refugees continue to face substantial and constant protection abuses from a range of actors. They are economically struggling to meet their most basic of needs. Refugees have access to few resources and little recourse from abuses. Based on the study findings, the recommendations fall into five key areas: Protection, Refugee Community Development, Livelihoods, Health, and Children and Youth. These recommendations are general suggestions for improvements within the humanitarian and protection environment in Malaysia for refugees and are intended to provide guidance to those working with or intending to work with Burmese refugee communities in Malaysia.

1. **Protection:** Due to the high risk and seriousness of abuse, exploitation, and detention in Malaysia, protection issues are among the most pressing needs identified by the refugee communities.
 - Expand advocacy efforts with the Malaysian government to develop a domestic legal framework to address the protection and treatment of refugees in Malaysia in accordance with principles outlined in the 1951 Convention Relating to the Status of Refugees and 1967 Protocol.
 - Increase support for UNHCR to prioritize timely access to UNHCR documentation for refugees through efficient and accessible registration and recognition mechanisms.
 - Ensure refugees have access to general as well as individual case-related information in community appropriate languages on the UNHCR registration, recognition, and resettlement processes; establish outreach and mobile clinics to improve access to information and provide case-related advice.
 - Support the establishment of legal assistance programming to ensure refugees have an outlet to report abuse, crime, and protection-related issues, receive individualized advice and counseling, and facilitate access to the Malaysian justice system.
 - Improve engagement and capacity-building with local police and government agencies on refugee issues.
 - Identify opportunities and encourage the development of linkages between the refugee communities and local communities in order to build better mutual understanding and respect.
2. **Refugee Community Development:** Refugee Community-Based Organizations are largely the first point of contact for refugees from Myanmar and provide essential service delivery functions within the communities. These structures need to be supported and prioritized.
 - Provide financial support to CBOs and increase institutional capacity building opportunities that aim to strengthen organizational structures.
 - Support and encourage the development of networks of neighborhood level community leaders in order to improve connections and communication within communities, increase reliable and complete information on community needs and challenges, and improve service delivery to refugee households.

- Support and encourage systematic data collection mechanisms within CBOs to increase reliable and complete information on community needs and challenges, track trends within the community, and inform service delivery functions.
- Identify opportunities for collaboration and resource-sharing among Burmese refugee communities while also recognizing differences and the developing community-specific programming.
- Strengthen collaboration and encourage linkages between refugee CBOs, local NGOs and service providers, and members of the donor community through engagement.
- Prioritize English language and computer literacy development programs for refugees.
- Explore opportunities with the refugee community and service providers to use technology, including mobile phones, to improve service delivery and protection within the refugee communities.

3. Livelihoods:

- Expand advocacy efforts with the Malaysian government to provide work permits and ensure fair labor standards apply to refugees.
- Increase support for vocational and language training programs as well as training on workplace safety and labor rights for refugees.
- Support CBOs to develop and expand community-based livelihoods programs to strengthen linkages with local employers and improve the ability of CBOs to manage and expand employer lists, negotiate employment terms, develop contracts, mediate disputes with employers, and report abuses.
- Develop mechanisms to monitor and report workplace abuses; explore opportunities to submit claims and access benefits through the Malaysian labor department.

4. Health

- Expand advocacy efforts with the Malaysian government to eliminate barriers to government health services and ensure affordable treatment for refugees; explore systems of insurance for refugees and allocate additional funds to government health centers located in areas with large refugee populations.
- Investigate in more detail nutritional and food needs among the refugee community and develop programming recommendations aimed at improving food security within the Burmese refugee community.
- Expand and support a network of community-based health workers and volunteers in all Burmese refugee communities to improve awareness of available healthcare resources, provide interpreting and translating services, and liaison between the community and healthcare systems.
- Increase support to local NGO clinics providing primary medical care, medicines, mental health services, and other healthcare services to the refugee community.
- Explore opportunities and expand on existing programs that provide mobile healthcare services, including mental health services; target outreach to particularly at-risk communities, such as the Burma Muslim and Rohingya communities.

5. Children and Youth

- Expand advocacy efforts with the Malaysian government to provide opportunities for refugees to attend public schools and educational programs in Malaysia.
- Provide financial assistance to refugee CBOs to support the development, expansion, and improvement of the community-based learning centers; expand capacity-building opportunities for teachers.
- Identify strategies to deliver learning opportunities for children from communities or living in locations without available educational programs.
- Develop monitoring mechanisms for CBO- and NGO-run boarding schools and develop guidelines to ensure the protection of children attending these schools.
- Increase opportunities for older children and youth to engage in educational programming, vocational skill-building, and social activities.
- Investigate in more detail the issue of child labor among refugees in Malaysia and develop recommendations to improve the protection of refugee children.

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IRC Overview

The International Rescue Committee (IRC) responds to the world's worst humanitarian crises and helps people to survive and rebuild their lives. Founded in 1933 at the request of Albert Einstein, the IRC offers lifesaving care and life-changing assistance to refugees forced to flee from war, persecution or natural disaster. At work today in over 40 countries and 22 U.S. cities, we restore safety, dignity and hope to millions who are uprooted and struggling to endure. The IRC leads the way from harm to home.

The IRC has had a presence in the East Asia region for more than three decades, starting in Thailand in 1975 to respond to refugees from Vietnam, Laos, and Cambodia. Today, a majority of IRC's work is focused on providing services to Burmese refugees. IRC in Thailand is currently aiding nearly 140,000 refugees in nine camps along the Thailand-Myanmar border, providing drinking water and food as well as services like health care, sanitation, legal assistance and resettlement processing, and protection for children and abused women. IRC also supports programs affecting the 2.5 million migrants from Myanmar in Thailand as well as other programming to assist displaced persons from Burma. IRC opened a country office in Myanmar in 2008 to provide emergency response and recovery programs to victims of cyclone Nargis. Today, IRC in Myanmar is providing a range of services (health, community development, livelihoods, agricultural, relief assistance water and sanitation) in Rahkine, Chin, Kachin and Shan States.

The IRC has had a presence in Malaysia since 2006 through its Resettlement Support Center (RSC) and recently registered with the Malaysian government as a foreign company. IRC-RSC assists persons throughout East Asia seeking permanent resettlement in the United States. Covering 15 countries, the IRC – RSC prepares refugee applications for the U.S. Refugee Admissions Program, provides information to resettlement agencies about arriving refugees and offers cultural orientation training to those refugees bound for the United States. Since starting operations in the East Asia region, the IRC-RSC has assisted over 100,000 people seeking admission to the United States as refugees.

From Executive Summary page 4:

1 UNHCR, "UNHCR Global Appeal 2013 Update," December 2012, <http://www.unhcr.org/50a9f82da.html> (last visited 9 December 2012).

2 In 1989, the government changed the name of the country from Burma to Myanmar. IRC refers to the country as Myanmar. The refugee communities from Myanmar are ethnically diverse and include ten main communities: the Arakan, Burma Muslim, Chin, Kachin, Karen, Karenni, Mon, Shan, Rohingya, and Burman.

3 The term "Burmese" refers to the language or the people of Myanmar as a whole, including all the ethnic nationalities, whereas the term "Burman" refers to the dominant ethnic group in the country. Although Malaysia hosts a range of other refugee communities, this study focused only on the situation of refugees from Burma. Any reference to "refugees" in this report applies only to refugees from Burma.



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