
BETWEEN A ROCK AND A HARD PLACE

Afghan Refugees and Asylum Seekers
in Malaysia

EXECUTIVE SUMMARY

HEALTH EQUITY INITIATIVES

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INTRODUCTION

Afghan refugees in Malaysia are a relatively recent phenomenon. Most arrived around 2007. Afghan refugees and asylum seekers are a minority in the overall caseload of the total number of Persons of Concern to the Office of the United Nations High Commissioner for Refugees (UNHCR). As of 02 April 2010, UNHCR had registered 423 refugees and 108 asylum seekers from Afghanistan, out of a total of 86,829 refugees and asylum seekers from 47 countries in Asia, Africa and the Middle East who were fleeing conflict, ethnic and religious persecution and politically repressive regimes.

Health Equity Initiatives (HEI) decided to undertake an appraisal of the needs of Afghan refugees in Malaysia in order to develop a stronger and more holistic understanding of the challenges faced by them and to facilitate a programmatic response.

Objectives

The objectives of this study were to assess the protection and humanitarian needs of Afghan refugees and asylum seekers in Kuala Lumpur and the Klang Valley, to identify their current coping strategies, and to provide practical recommendations to stake holders and mental health support to the community based on the findings.

Approach and Methodology

The study took place in May 2009, using rapid appraisal techniques. It was supported by community leaders and members that HEI had been working with.

The family was taken as the unit of study, with 'family' referring to all persons in a household related by blood or marriage. The few single persons without families in Malaysia were considered separately as a family or unit of study. A total of 73 families participated in the survey.

The main tool for data acquisition was a standardized questionnaire, which included a mix

of both open and close ended questions focusing on four major areas of need, namely, housing, food, education, and health care.

Besides quantitative data, qualitative data was acquired through various means: group discussions with community members; key informant interviews (with community leaders, NGOs and UNHCR); in-depth interviews on protection needs; email interviews with other stakeholders, such as educational service providers; and analysis of HEI's mental health services and case handling files.

Additionally, secondary data and literature on the global Afghan refugee problem and UNHCR's guidelines and policy documents on Afghan refugees were reviewed.

Following the spirit of action research, interventions, including health education and referrals for medical and mental health problems, were undertaken during the course of the data collection. The results of the study were shared with and validated by community leaders, and the means by which the results would be disseminated were also discussed with them.

MAIN FINDINGS

Socio-Demographic Profile

The study population was mainly comprised of Afghan refugees belonging to the Hazara ethnic minority (84%). 86% were men and 14% women (half of whom were single women-headed households).

The age of the respondents ranged from 21 years to 58 years, with the majority falling within the 21-40 year age group. Most of the respondents (86.3%) were married. The average family size was about 5 people, with an average of three children per household.

At the time of the study in May 2009, the Afghan refugees in the study had been living in Malaysia for about a year.

Approximately one third of the study sample had completed primary school, another 35% had completed secondary education and only 10% had a university degree. The rest had no formal education.

Only 22% held a full-time job. The others were unemployed and/or worked part time.

Income

The average monthly household income (inclusive of income of other family members) was RM 527.46 (USD 155). Sixteen respondents reported no income.

Reasons for Coming to Malaysia

Most of the respondents (84%) arrived from Iran. Only 11% arrived directly from Afghanistan. A few others came from Pakistan and the United Arab Emirates (UAE). Significantly, for those who came from Iran, the mean duration of stay in Iran was about 20 years.

The predominant reasons for coming to Malaysia included “fear for life,” “fear of deportation” and “better opportunities.”

In-depth interviews with some families indicated that they had elected to leave Iran after many years of exile to seek protection elsewhere when the threat of *refoulement*, as a result of arrest and deportation from Iran, became more serious and pressing. Other families, with long residence periods in Iran, reported that their children had to cease education by 1997. Employment opportunities were reportedly also limited, as they were only allowed to work in certain industries, including home-based initiatives, construction and masonry work.

EDUCATION NEEDS

Of the 73 households/families in the study, 56 had school age children (133 school age children in total). Amongst those who had children, a majority (53.7% families) had at least 1 or 2 school age children

In general, the Afghan refugee families in the study seemed to place a high premium on the education of their children and believed female children should have equal opportunity to study. Several families stated that they left Iran because it had become impossible for their children to receive an education there.

Coping with the Cost of Education

Most of the respondents stated that they could only “sometimes, rarely or never” afford the cost of education for their children. The average monthly expenditure on education was RM 86.00 (USD 25.29), and this was incurred toward education provided by informal schools, which lack resources, adequate infrastructure and facilities.

The majority coped with education costs by using past savings and/or borrowing money.

HOUSING NEEDS

Living Arrangements

About three quarters of the Afghan refugees in the study lived with their own families in Malaysia. The rest shared living spaces with their extended family and/or community members in order to save on housing costs.

Instability of Residence

Regardless of their period of stay in Malaysia, more than half of the Afghan refugees in the study shifted residence from every 4 months to every 12 months. The main reasons for moving were high rental and over-crowding in shared accommodation.

Coping with Housing Costs

The average monthly rental for housing was RM 464.72 (USD 136.68). The great majority (90.4%) were unable to pay their rent on time, regardless of their income level.

Afghan refugees coped with their housing needs largely by borrowing, using past savings and

current salary, sharing accommodation, and spending less on other needs.

Some respondents shared about harassment and intimidation by locals in the neighborhoods where they lived. However, they stated that they would not take action or solicit State protection because they could, in turn, be arrested because of their undocumented status. They also feared that taking action could bring about reprisals.

FOOD NEEDS

For the Afghan refugees in Malaysia even a staple diet of wheat and potatoes is a luxury, in spite of the lower cost of potatoes (relative to meat) in the Klang Valley.

Coping with Food Needs

The study showed that the average monthly expenditure on food was RM 479 (USD 140.88). Regardless of their employment status, the majority of the study population was often unable to meet their food needs.

Respondents met their food needs primarily by borrowing from friends, buying cheaper food items, using their savings, and spending less on other things.

For those who had a job, income from employment helped to tide over food costs. However, the crunch was acutely felt by those with larger families and those who were unemployed, who stated that they were unable to cope.

Several families with young children stated that they were unable to afford the cost of milk for their children.

Some NGOs and faith based organizations make food donations to some families, but these are often *ad hoc* and insufficient to meet their daily needs.

The lack of refugee recognition and the inability of refugees to work, as per Malaysian law, make them vulnerable to destitution and hunger.

HEALTH NEEDS

Results from the current study indicate that Afghan refugees in Malaysia struggle for access to health care services. Challenges include information accessibility, economic accessibility and physical accessibility or safe physical reach.

They are unable to communicate effectively with health service providers, are barely able to manage their health care costs, and they cited fear of enforcement authorities as their biggest fear when traveling to/from health care facilities.

The study population also reported serious health needs and concerns, including chronic illnesses, mental health and other major medical problems.

Data from HEI's mental health outreach and services indicated that a number of them had clinical depression and displayed many of the symptoms of post-traumatic stress disorder (PTSD), namely, recurrent, intruding, distressing recollection of the traumatic event; flashbacks; intense psychological distress at reminders of the traumatic event; persistent avoidance of stimuli associated with the traumatic event; difficulty sleeping; and irritability with outbursts of anger among other symptoms.

Coping with Health Needs

Given that cost was a major barrier to accessing health care, there was a tendency to prioritize non emergency care over treatment for chronic illnesses and major medical problems. However, non emergency care was accessed only if it was absolutely necessary.

The average monthly expenditure on health care per family amounted to RM 96.61 (USD 28.41). By and large, the Afghan refugees in the study avoided going to the doctor because it cost too much.

Cost was not the only barrier to accessing health care services. Other barriers included fear of enforcement personnel while traveling to a health facility and linguistic and communication barriers at the health facility.

The respondents cited several ways of coping with health needs, ranging from delaying treatment or visiting the doctor, borrowing money, selling jewelry and possessions, and using traditional medicine that they had brought from Iran. Some also reported that they were generally unable to cope with their health problems.

The impact of being unable to meet their health needs varied amongst the respondents: from experiencing worry, anxiety and stress (49 respondents), to experiencing depression and sadness (38 respondents), physical pain (28 respondents), sleeplessness (24 respondents), problems with activities of daily life (18 respondents), loss of work (12 respondents), loss of income (10 respondents), personal relationships suffered (4 respondents), increased dependence on family and friends (2 respondents), and increased use of over-the-counter medication (1 respondent).

LIFE AS A REFUGEE AND ASYLUM SEEKER IN MALAYSIA

In addition to the specific questions that were asked, the study participants were invited to share any further difficulties they had.

The additional problems cited centered around two main concerns: 'economic concerns', reflected in the responses "financial difficulties" and "unable to work/no work," and 'protection concerns', reflected in the responses "UNHCR registration" and "security."

Economic concerns were expressed by 52% of the study population and issues related to protection were cited by 38% of the respondents.

Many respondents stated that their situation created interpersonal stress and relationship problems in the family, between spouses and between parents and children. Afghan refugee men were especially embarrassed because they could not help their family, and children felt their parents were neglecting them.

Many of the study participants had a dark and bleak outlook on life.

On the whole, the majority of the respondents (78.9%) stated that they were unable to cope with the multi-dimensional difficulties they faced as asylum seekers.

CONTEXTUALIZING THE NEEDS

The overarching "Economic Concerns" and "Protection Concerns" raised by the Afghan refugees in this study provide the contextual lens for understanding the capacity of the study participants to meet their daily basic needs.

Economic Concerns

Refugees do not have a formal right to work in Malaysia.

To be 'employed', as a refugee in Malaysia, is no guarantee of a regular job or steady income or entitlements to social security benefits. They have no choice but to work in an unregulated informal sector with no labor protections.

The average monthly income of the respondents was RM 527.46 (USD 155.13). The poverty-line income¹ (PLI) per urban household per month for Peninsular Malaysia is RM 663 (USD 195) [based on the Ninth Malaysia Plan, p.328 (1)]. According to the mid-term review of the Ninth Malaysia Plan, the PLI was RM 720 (USD 211.76) for Peninsular Malaysia [p. 58 (2)].

Out of the 71 respondents who answered the question about income earned, 40 out of 71 respondents earned no income or earned an income below RM 663 (USD 195), and, 53 out of 71 earned no income or earned an income less than RM 720 (USD 211.76).

¹ According to the Ninth Malaysia Plan, "A household is considered poor if its income is less than its own PLI, that is, it lacks the resources to meet the basic needs of its individual members", (p 327).

The PLI is generally critiqued for its underestimation of poverty (3-4). That the majority of the Afghan refugees in the study earned less than the underestimated PLI for Peninsular Malaysia and endured several problems with access to employment, could be taken as a reflection of their depressed economic situation.

Protection Concerns

An understanding of their security concerns necessitates an appreciation of the way in which historical and current global trends and events related to Afghanistan and Afghan refugees intersects with their daily lives in Malaysia.

During the data collection phase of this study, there had been a sharp increase in the number of UNHCR registered Afghan asylum seekers who were rejected for refugee status. UNHCR first instance rejection letters indicated that the Afghan government is able to extend state protection to people at risk of persecution from non-state actors, and that they are unlikely to be harmed by armed conflict and militia attacks.

In recent months, however, there has been a reversal in this trend. Most Afghan asylum seekers have now been recognized as refugees and have received their UNHCR cards.

However, in meetings in 2009 and 2010 with the community, UNHCR maintained that the community had few opportunities for resettlement.

With opportunities for local integration bleak and opportunities for resettlement currently slim, there is increasing frustration in the community about the direction of their lives. Options of returning to Afghanistan and Iran were not choices that the Afghan refugees in the study were willing to make.

The Afghanistan Option

The data from the study and testimonies of asylum seekers from in-depth interviews indicated that they were unwilling to return to Afghanistan.

Reasons cited by the study participants included the ongoing armed conflict; human rights violations, especially with regard to minorities and women; the absence of support from extended family and kin (because of the scattering of their family members and relatives across parts of the globe as a result of the conflict); the absence of livelihood opportunities; the absence of basic amenities, like water and power; the non existence of the home they once left in their quest for security; and the imperative to repay the “blood debts” that some of them owe.

Moreover, many of the Afghan refugees are victims of terrorism themselves, including by the Taliban. In addition, women expressed fears of harassment, repression and violation of their human rights.

In response to UNHCR’s discussion with the community in 2009 on the option of voluntary return, several asylum seekers stated that they would rather die in Malaysia than have to go back to Afghanistan.

The Iran Option

The Afghan refugees/asylum seekers in the study who came from Iran categorically stated that they were unable and unwilling to return to Iran for various reasons: withdrawal of their identity cards, expiry of identity cards and notification by the Iranian government that they will be deported if they continue to stay in Iran, fear of deportation from Iran to Afghanistan and/or having been deported to Afghanistan and being unable to live there, restricted mobility in the country, absence of livelihood opportunities, inability of their children to attend school, and violence by anti-refugee vigilante groups.

The Resettlement Option

The Afghan refugees in the study expressed unreadiness to return to Afghanistan and Iran at the present time for all the reasons discussed above. Resettlement was their most favored durable option. Yet, resettlement is not a right,

and attempting to resettle all Afghan refugees in exile is practically very challenging.

The Afghan refugees in Malaysia recognized this conundrum. Their frustration, however, was with the limited resettlement opportunities available to them compared to refugees from other countries.

The current scenario of shrinking resettlement options is increasingly accompanied by tighter immigration policies that impact opportunities for refugees to seek international protection. Recent policy direction is particularly concerning, as evidenced in the case of Australia, which includes the tightening of borders; the introduction of policy suspending the processing of asylum claims of individuals from Afghanistan and Sri Lanka; the use third countries like Indonesia to intercept and preempt onward movements of Afghan asylum seekers to Australia; and enlisting the services of international agencies like the International Organization on Migration (IOM) to deal with such population movements. These circumstances often entail repatriation back to conflict ridden areas where refugees' lives and security are in peril.

Though Canberra distances itself from the counsel and interventions provided by IOM to asylum seekers, the Australian government reportedly allocated an \$8 million budget for IOM in 2009. The government also funded the renovation of Indonesian detention centers, the harsh conditions of which are said to be a factor in asylum seekers accepting offers of repatriation (5-6). This policy of Australia runs in tandem with its resettlement program which, according to UNHCR, is one of the best (7).

Long-Term Refugee Hood

The challenging options of return to Afghanistan or Iran, the paucity of resettlement opportunities, and the harsh and unwelcoming environment of the Malaysian refugee context conflate the spatial and temporal dimensions of the problématique of the urban refugee phenomenon for the Afghan refugees in the study.

Afghans have endured generations of exile in Iran, Pakistan and other countries neighboring Afghanistan. The consequences of long-term refugee hood, namely, the non-resolution of their exile status; the lack of identity, meaning and purpose in life; and the lack of formal status in society over more than a single generation are often needs that are sidelined in favor of strategies that aim to temporarily alleviate their material hardship in the urban context. This can also be seen in the Malaysian situation.

While there has been an increase in funding and humanitarian support from UNHCR and other organizations for the community in the past year, the community continues to grapple with the biggest dilemma of their lives - an uncertain future and ambiguity and improbability regarding the resolution of their protracted exile status.

Whither Will They Go?

The respondents indicated that Malaysia was one of the best choices for seeking effective refugee protection as well as offering more concrete durable solutions compared to Iran. This is due to the relative low cost of travel here and the ease (in previous years) of obtaining visas from the Malaysian Embassy in Tehran. More significantly for these Afghans is the possibility of arranging such travel legally without needing recourse to traffickers and people smugglers, with the dangers inherent in such irregular undertakings. A vast majority of these asylum-seeking cases comprise extended family groups and families with young children.

Where onward movements to other asylum countries were not previously considered, some have reported being compelled towards using people smuggling networks to seek protection further afield (e.g. in Indonesia or Australia).

Such desperate risks expose them to the dangers of being trafficked, abused and exploited.

At the time of publishing this report, many of the families who had participated in this study had been reported to have reached Australia and some were reported to be in Indonesia.

THE WAY FORWARD: EXPLORING ISSUES RELATED TO DURABLE SOLUTIONS

Obviously, there are no easy solutions to this complex problem.

The magnitude and complexity of the problem makes it imperative for continued collective international action, addressing the problems of Afghan refugees in exile and also of peace and reconstruction efforts in Afghanistan.

Some strategies that could contribute to international protection and durable solutions for Afghan refugees in Malaysia are discussed below.

Refugee Identification and Protection

Given the valid need for the international protection of Afghan refugees and asylum seekers in Malaysia, and the compelling refugee testimonies gathered by the NGOs SUARAM and HEI, there is a strong need for refugee claims to be properly adjudicated according to international standards, with robust examinations of the individual experiences, including if protection was effective in Iran.

Increasing Resettlement Quotas for Afghan Refugees

Resettlement aims to provide protection to refugees whose life, liberty, safety, health or other fundamental human rights are at risk in their country of asylum. Resettlement is not only a durable solution and a means of providing international protection to refugees, it is also an “instrument of international burden sharing” (8). According to UNHCR, resettlement in recent years has been “vital in resolving some protracted refugees situations around the world, including creating protection space and opening up solutions that may have remained closed otherwise” (9).

There is an urgent need for resettlement quotas by traditional resettlement countries to be increased. Special attention should be given to

individuals with special medical needs, women and girls at risk and elderly persons. The Afghan community in Malaysia has individuals who fall within these categories.

Integrating Refugee Resettlement into Migration Agendas

Countries with ageing populations and workforce shortages need to consider integrating refugee resettlement into their migration agendas and systems, which is an idea that has been raised previously (8, 10).

Incorporating refugee resettlement into the migration agenda must be concomitant with the protection of specific refugee rights as enumerated in the 1951 Refugee Convention, and not limited to the customary international legal principle of *non-refoulement*.

Particular mention should be made of strategies that can be implemented by a country like Malaysia, with known labor shortages. Recognizing refugees and extending to them refugee protection, including granting them the formal right to work, not only makes better economic sense than incurring increased costs of recruiting new foreign labor from overseas; it also validates the country’s efforts to be a key player in the international human rights arena.

Incorporating Protection Needs of Refugees in Anti-Trafficking and Border Control Strategies

Efforts to reduce opportunities for traffickers and transnational crime syndicates to compromise the security agenda of States can only be achieved if border control strategies and enforcement also provide for safe opportunities of mobility for those in need of international protection.

Rebuilding of Afghanistan

International assistance and support needs to continue, especially for the development of basic services (including health care, water and sanitation systems, especially in rural and remote areas of Afghanistan) and the strengthening of

Afghanistan's public services and institutions. Support also needs to be extended to enable the country to develop its livelihood opportunities for returning Afghans, especially in rural areas. In the absence of sustainable livelihood options, they are vulnerable to recruitment by insurgents and other criminal networks. Further, good governance should be strengthened by fostering the development, efficiency and effectiveness of public institutions and supporting the National Human Rights Institution of Afghanistan and civil society groups engaged in promoting democracy and human rights.

Conclusion

Thus, from a refugee protection perspective, unless the humanitarian and security situation in Afghanistan improves, and unless the strident efforts to compel Afghan refugees in Iran to

return home to situations of insecurity are capped, Afghans matching the profile of these Afghan asylum-seekers will continue to seek protection in countries like Malaysia.

Along the same lines, continuation of the quick and correct identification of refugees within the numbers of Afghan asylum seekers registered with UNHCR in Malaysia, the recognition and protection of refugees (inclusive of the right to work) by countries of transit or destination like Malaysia, Indonesia, Iran, and Pakistan, the increase in resettlement opportunities, and, increase in opportunities for the movement of people in need of international protection are crucial to protect them from undertaking precarious journeys further afield in search of more effective refugee protection and more sustainable life solutions.

RECOMMENDATIONS

1. To UNHCR Malaysia:

Increase refugee protection for Afghan refugees in Malaysia by:

- 1.1. Continuing to strengthen the refugee identification procedures, and, ensuring fair and efficient access to registration and standards-compliant RSD processes;
- 1.2. Advocating with refugee receiving countries for an increase in resettlement quotas for Afghan refugees;
- 1.3. Exploring migration-related solutions for Afghan refugees with Malaysia and refugee-receiving countries.

2. To Countries of Asylum (neighboring and non-neighboring countries of Afghanistan including Malaysia, Indonesia, Pakistan, Iran, India):

- 2.1. Recognize refugees and accord them the protection required under international law;
- 2.2. Stop the arrest and detention of refugees and asylum-seekers;
- 2.3. Stop deportations and respect the principle of *non-refoulement*;
- 2.4. Recognize and integrate the special protection needs of refugees and asylum seekers within enforcement of border control and anti-trafficking strategies;
- 2.5. Include refugees in anti-poverty strategies and accord refugees the right to work;
- 2.6. Facilitate access of refugees to education and health care services.

3. To Countries of Resettlement:

- 3.1. Increase resettlement quotas for Afghan refugees;
- 3.2. Recognize and integrate the special protection needs of refugees and asylum seekers within enforcement of border control and anti-trafficking strategies.

4. To Donors:

- 4.1. Increase aid to developing countries hosting exiled Afghans, especially countries like Iran and Pakistan in which the largest populations of Afghan refugees reside;
- 4.2. Support Malaysian NGOs and organizations to initiate and implement humanitarian and human rights interventions for Afghan refugees in Malaysia;
- 4.3. Continue support for the rebuilding of Afghanistan, including strengthening of good governance; increasing the capacity public institutions to deliver aid and services, especially in rural and remote areas; and building a culture of human rights in the country.

5. To NGOs:

- 5.1. Initiate and implement humanitarian and human rights interventions for Afghan refugees in Malaysia, including providing health care and education services, and, legal protection services related to labor rights and detention;
- 5.2. Explore regional co-operation and networking (especially countries in contact with and hosting significant populations of Afghan refugees, like Pakistan, Iran, India, Indonesia, Malaysia, and Australia), and explore cooperation with the NHRIs in Pakistan, Afghanistan, Malaysia, India, Indonesia, and Australia to:
 - 5.2.1. Draw attention to the need for enhancing refugee identification and protection measures within anti-trafficking initiatives;
 - 5.2.2. Develop national and regional strategies of advocacy and lobbying for the protection needs of Afghan refugees, including advocating to governments for durable solutions;
 - 5.2.3. Monitor the human rights and effective protection of Afghan refugees and asylum seekers.

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