

Refugees and space in urban areas in Malaysia

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Refugees know that their safety and wellbeing depend on their accurate reading and careful negotiation of different spaces and landscapes in urban areas.

There are over 28 million people living in Malaysia. Among the three to four million non-citizens are around 100,000 asylum seekers, refugees and stateless persons. Malaysia is signatory neither to the 1951 Refugee Convention, nor to its 1967 Protocol. It has not enacted domestic legislation recognising the legal status of asylum seekers, refugees and stateless persons. However, it permits UNHCR to register, determine status and provide assistance to these populations. There are no refugee camps in Malaysia. Most reside in urban areas – the largest numbers in Kuala Lumpur, the Klang Valley and Penang. As of September 2009, UNHCR had registered 63,572 persons of concern from 44 countries in Asia, Africa and the Middle East, 32.8% of whom were women and girls. 91% of them originated from Burma.

UNHCR's ability to intervene to protect a person of concern to them is established through negotiation with law enforcement agencies and is therefore subject to change, sometimes at the whim of individuals holding key positions. As registration with UNHCR does not confer legal immigration status, most asylum seekers, refugees and stateless persons are vulnerable to the effects of an aggressive, punitive 'crackdown' on irregular migrants. From 2005 to 2008, the Immigration Department detained 216,373 persons and deported 191,583.

Unreliable income, exploitation at work (in particular, in the form of unpaid wages), extortion by law enforcement officers, robbery by local gangsters, the high cost of rent, health services and education, as well as the need to support those unable to find work, make poverty endemic amongst refugees in Malaysia.

Living and work spaces

The first task refugees undertake upon arrival is to contact relatives or friends in Malaysia. Social support and assistance are more likely to be extended to individuals with kinship ties and who come from the same village and/or region. Refugees are not distributed evenly across urban areas – there are certain places that have a much higher density of migrants and refugees than others. These places are selected for two main reasons. They are where informal work and low-cost accommodation are available, and where relatives, friends and – for those without connections – other people of their own ethnic identity reside.

There are two broad categories of living spaces in Malaysia. The first are what civil society groups and UNHCR describe as 'jungle sites'. These are plantations or pockets of jungle scattered in and around urban areas, a result of uneven urban development. In these jungle sites, refugees typically construct their own huts, made of plastic sheeting, wooden planks, trees and leftover construction materials. In areas more prone to sudden immigration raids, they avoid constructing even semi-permanent structures in order to reduce the likelihood of detection and instead sleep in the jungle.

The second are known as 'urban sites', typically run-down, low-cost, high-rise apartments located in densely populated areas. Several families and individuals share the cost of renting an apartment, with adults and children sleeping close together.

Humanitarian needs differ between these different sites. In jungle sites refugees lack clean water and sanitation, and are exposed to malaria and dengue. In urban sites,

there is chronic over-crowding, high potential for the spread of infectious diseases, and greater vulnerability to sexual and physical violence when women and men walk home at night after late shifts at work. Refugees suspect that perpetrators of these crimes are emboldened by the fact that survivors almost never lodge police reports for fear of being arrested for immigration offences. Refugees shift residence frequently for fear of arrest during immigration raids conducted in high-density areas and also because they are unable to pay rent.

Living spaces are always connected to work spaces. In jungle sites, refugees stay within an hour's walking distance of construction sites and plantation areas where they seek informal employment. In urban sites, they live close to markets, restaurants and shops willing to hire undocumented workers. Accessibility on foot to work locations is a fundamental consideration when choosing a place to live, as many cannot afford daily transportation. Refugees work 8- to 12-hour days for between RM20-35 (US\$5-9) a day alongside other migrants, both documented and in an irregular situation.

It is difficult for refugees in Malaysia to obtain regular work. In both jungle and urban sites, between 30 and 60% of refugees are employed at any time – and those who have work pay for the food and expenses of those who do not.

Spaces of detention and deportation

Immigration raids are conducted frequently by three enforcement agencies – the Immigration Department, the Royal Malaysian Police and a paramilitary civil volunteer organisation called the Malaysian Volunteer Corps (Ikatan Relawan Rakyat, RELA). Upon arrest, migrants and refugees are brought to different types of detention facilities ranging from immigration

detention centres (IDCs) to temporary holding cells and lock-ups in police stations. The Immigration Act 1959/63 permits law enforcement agencies to hold non-citizens for up to 14 days (Malaysians can only be held for up to 24 hours), after which they have to be brought before a magistrate.

Serious overcrowding is a chronic problem in spaces of detention. In May 2005, Malaysia's prisons and detention centres held 45,000 inmates, many of whom were migrants and refugees, in facilities designed to hold only 30,000 people. Ex-detainees in police lock-ups describe having had to take turns sleeping on damp, dirty floors. In IDCs, babies and children, including unaccompanied minors, are detained with adults. Ex-detainees in IDCs report having been beaten, verbally abused and deprived of adequate food, water and bedding. Skin diseases and respiratory tract infections are common, and those who are seriously ill – including those suffering from severe mental health problems – are not given adequate treatment. There have been deaths in detention due to illnesses, fights and suicide.

Refugees, asylum seekers and stateless persons, like other migrants in an irregular situation, are clearly unequal before the law in Malaysia. During their 14 days in remand, they are not permitted to make phone calls (although guards are susceptible to bribes), and are thus unable to secure outside assistance. Unless UNHCR or NGOs intervene, they usually receive no legal counsel or representation in court. Many are unable to understand the charges read to them. Even if they do understand, they are unable to mount an adequate defence, as irregular entry is an offence under the Immigration Act. Many are sentenced to months of imprisonment and/or whipping. Between 2002 (when the Malaysian government amended the Immigration Act to include whipping for immigration offences) and 2008, 47,914 individuals were whipped for immigration offences.

Whipping is also carried out at the end of a prison sentence, before refugees and migrants are deported. When they are deported, the nature of the geography where this happens, who is present and the process used

for their release are also significant for the refugees. For several years, refugees from Burma were handed over in isolated locations on the Thai-Malaysia border to human traffickers who forced them to pay money for their release. Group deportation procedures focus on expelling refugees and migrants from the physical boundaries of the state but fail to return them to their home countries, which are often hundreds of kilometres from deportation sites along the borders of Malaysia. Deportees often find themselves stranded in border zones, having to choose between resuming precarious lives in Malaysia or returning home impoverished (and, for refugees, in danger). Most choose to return to Malaysia, the safer option with a more promising future.

Spaces of appeal and protest

UNHCR and embassies are places imbued with symbolic meaning, places that represent the (otherwise abstract and amorphous) 'international community'.

UNHCR functions both as a space of appeal and a space for protest. In Malaysia, there is only one UNHCR office, located in a residential area on a hill in Kuala Lumpur. It is here that asylum seekers, refugees and stateless persons from all over Malaysia come to seek protection and assistance.

There are two entrances to the UNHCR office: a gate designated for people seeking assistance leading to the 'Annexe', and an entrance for staff, civil society groups and official visitors leading to the main office building. Over the years, UNHCR has had to expand its office space to cope with overwhelming caseloads. While in 2003 it was possible for refugees waiting in the Annexe to look through wire fences into the garden of the main UNHCR compound, over time these fences were replaced by impenetrable fences without holes, reinforcing the separate nature of two spaces – the concentrated, guarded area for appeal where refugees wait for long periods of time, and the freer, open space of the comparatively powerful, where officers make life-changing decisions in air-conditioned rooms. The latter space is accessible to refugees only by special invitation.

Refugees have ambivalent feelings about UNHCR, and this is manifested in the way they behave in and around its compound. Any appeal for help, small or large – whether to obtain a letter for a sick refugee to go to the hospital, to question the status of their asylum claim, to wait for a precious refugee status determination interview, to plead for UNHCR intervention in the arrest of a friend or a community member – usually entails hours of waiting at the Annexe, sometimes a whole day. This is a humiliating process, and refugees have expressed their dislike of it, saying that they "feel like beggars". Refugees often complain that they cannot get the attention of UNHCR officers and that they have to visit the UNHCR office several times before they receive any help or response.

Financial assistance is limited and UNHCR tries to prioritise those who need it most from a vulnerable population struggling with poverty and personal insecurity. This prompts refugees to make bitter observations about UNHCR, such as "they only want to help the old, the sick and the maimed" and "you must be dying, literally before their eyes, before they will help you". The treatment that asylum seekers, refugees and stateless persons receive at the Annexe shapes the way they think of the UN. It is often a shock to their idealised notions of the 'international community', especially when they experience being manhandled by guards or shouted at by UNHCR officials.

Refugees also see the UNHCR office as a space for protest. Over the years, there have been a number of demonstrations by refugees of different ethnic identities protesting against discrimination in treatment, corruption among officials and the lack of real solutions to their daily problems. UNHCR officers receive their letters and complaints but have, on occasion, also called in the police to remove protestors from their premises, much to the dismay of Malaysian civil society groups.

Embassies are also key spaces for protest and appeal. Protests are held outside embassies of refugee-producing countries as well as embassies of countries viewed as being sympathetic to these regimes.

Appeals are made to embassies of resettlement countries as well as of countries perceived to promote and uphold human rights. Over the years, refugees have written numerous letters of appeal to embassies, pleading for asylum and resettlement out of Malaysia. They all receive the same standard response: that refugee status determination is conducted by UNHCR and embassies only receive recommendations for resettlement from UNHCR.

Conclusion

In the wide expanse of cities, refugees are, surprisingly, found in very specific areas. They are not randomly scattered, even if they come from different backgrounds and have no knowledge of each other. They live, work, are detained, imprisoned, charged in court, deported, hold demonstrations and ask for help in (broadly speaking) the same places. They talk about similar problems in similar locations and there are similar patterns of movement among all of them, even though different groups do not interact with each other, separated as they are by linguistic, religious and cultural differences.

There are other types of spaces crucial to refugee life in urban areas that are important to examine for policy making, such as spaces for essential services (in particular, health care, education and legal aid) that may be governed by states, NGOs or refugee community groups. These are where refugees congregate to seek assistance, and where they can also be vulnerable to exploitation or arrest.

The policies and practices of states shape the relationship between space and refugees. However, states are unable to regulate space completely and refugees have their own ways to negotiate these key spaces. Understanding how refugees in urban areas interact within different types of spaces can help policymakers and practitioners design more effective protection and assistance programmes. This article suggests some ways in which these spaces are constructed, connected and imbued with meaning by refugees.

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"It is not easy to live with so many people in one place. But I am alive, my family is alive. We are poor here but we are in peace," says one ethnic Chin man, who lives with some 30 people in this flat. In order to optimise space, this balcony doubles as a bedroom at night.



More a prison than a home, their spartan apartment keeps them captive since the two Afghan refugee brothers in their 20s cannot work legally, even though they are desperate to support their families. "The employers always want to see my identity card. All my life I never had an identity card," says one.



A former physics student, a refugee herself, teaches refugee children at an informal community school in Kuala Lumpur. Enterprising refugees in Malaysia have shown a great deal of initiative in organising services for themselves. "I have knowledge; I can contribute to my community," says the young Chin teacher.



"We cannot live separately; no one can live by themselves. When we live together, we share our money, we share our food, we help take care of each other." In this flat, 50 refugees form a 'village' where communal cooking and cleaning are done and the members support and assist each other. Those who are able to earn an income help support those who cannot.

