

## THE UNHCR IN MALAYSIA: THE MANDATE AND CHALLENGES

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### ABSTRACT

*The aim of this study is to show that UNHCR plays a significant role in the protection of refugees in Malaysia even though it encountered endless challenges. This study analyses the role and duty of the UNHCR office in Malaysia since its first involvement during the Indochina refugee crisis in Southeast Asia. Specifically, it explains and analyses the challenges that UNHCR face in fulfilling its mandated duty in the country. The study covers the historical aspect of the UNHCR establishment and the definition of refugees. It also includes deliberation on UNHCR activities in Malaysia with particular attention to its protection work since 1970s to this date. With limited power the UNHCR is tested with legal issues surrounding refugees and the real value of UNHCR's work. This study argues that the relationship between UNHCR and the authority should be regulated and that UNHCR power must be respected and given due weight.*

Key words: UNHCR, refugee in Malaysia, protection challenges.

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### Introduction

The UNHCR is to refugees what UNICEF is to children - it provides protection via determination of refugee status, providing shelters and material assistance. The office of the United Nations High Commissioner for Refugees (UNHCR) was established by the United Nations General Assembly in 1949 (General Assembly Resolution, 1949) and the Statute of the Office of the UNHCR (UNHCR Statute) was adopted a year later (General Assembly Resolution, 1950). Its core mandate, according to Article 2 of the UNHCR Statute, is to provide international protection to refugees on a non-political basis and to seek permanent solutions for the refugee problem by assisting the government and private organisations in aiding refugees to return to their country of origin or voluntary repatriation and integration in a new community, either locally or in a third country.

UNHCR is the only supervisory body ever established by the UN with exclusive responsibility to watch over the implementation of the refugee convention (Goodwin- Gill and Jane Mc Adam, 2007) and its protection work is described in Article 2 of Statute of the Office of the UNHCR as purely humanitarian and social. Similar to the 1951 Convention Relating to the Status of Refugees (CRSR), the original plan of the United Nations General Assembly was to adopt the agency as a temporary measure in which the General Assembly as stated in Article 5 of the UNHCR statute is required to review whether the UNHCR office should continue with its function beyond 31 December 1953.

Today, after more than five decades, the UNHCR has been entrusted with a widening mandate to protect refugees 'until the problem of refugees is solved' (UNGA, 2003). The UNHCR is governed by the Executive Committee of the High Commissioner's Programme (ExCom) whose main objective is to advise the High Commissioner in the execution of its functions. Under Resolution XII 1166, 26 November 1957, the UNGA has requested the UN Economic and Social Council (ECOSOC) to establish an Executive Committee of the Programme of the UNHCR which 'consist of representatives of from twenty to twenty-five States Members of the United Nations or members of any of the specialized agencies, to be elected by the Council on the widest possible geographical basis from those States with a demonstrated interest in, and devotion to, the solution of the refugee problem'. Other functions of the ExCom are to review funds, to authorise appeals for funds and approve proposed budgets, and to advise and approve refugee assistance programmes. The ExCom has also produced various documents including reports, summaries and Conclusions, to guide states in putting the 1951 Convention and its Protocols into practice. The Conclusions are soft laws which are not legally binding but they provides guidelines of good practice and could constitute evidence of *opinio juris* in establishing the customary rule of refugee protection (Goodwin- Gill and Jane Mc Adam, 2007) such as the principle of *non-refoulement*.

### The Role And Functions

Functions of the UNHCR office are provided under Article 8 of the UNHCR statute and its responsibility has further developed through the UNGA and the ECOSOC provisions (UNGA, 1994). These include, but are not limited to, the following: promoting the Conclusions of international conventions for the protection of refugees by supervising their application and proposing amendments; promoting through special agreements with governments the execution of measures to improve the situation of refugees and to reduce the number in need of protection; and promoting the admission of refugees to contracting

states or to countries of temporary refuge. The office is also responsible for promoting activities relating to the application to national laws and regulations that would benefit refugees. By virtue of Article 3 of the UNHCR statute, UNGA and ECOSOC may, through their resolutions and policy directives, extend the functional responsibility of UNHCR but they cannot impose direct obligations on states.

As regards its duty under the 1951 Convention, UNHCR is empowered under Article 35 of the CRSR with a supervisory function to oversee the implementation of the Convention and its 1967 Protocol. This was earlier provided under Paragraph 8 of the UNHCR Statute. Its supervisory role is mainly concerned with promoting state compliance with the rules of the CRSR (Blokker & Muller, 1994) in order to give effect to its provisions, but no enforcement powers are given. To effectively exercise its supervisory function, UNHCR is authorised to, among other things, monitor and report on the situation of refugees, follow up the implementation of the Convention by states, and gain unobstructed access to asylum applicants, asylum-seekers and returnees (Turk, 2002). The creation of the UNHCR Working Group on Refugee Children in 1986, which was subsequently expanded to include refugee women, is a testimony of its commitment to seriously protect refugee children.

The UNHCR plays an important role in many refugee crises the world over (Martin, 1997) especially where a large-scale influx occurs in states that are not party to the CRSR or where a state party does not have its own refugee status determination (RSD) mechanism. Basically, it is the responsibility of governments to establish the mechanism to determine refugee status according to their international obligations and domestic legal frameworks but many states do not fulfil their obligation. Hence, UNHCR work is relevant in filling the gap left by the state, or where an UNHCR representative is involved in the state's own RSD mechanism, or where a state is incapable of undertaking the screening process on its own due to the abrupt influx of refugees at borders and in camps. As a supervisory body of the CRSR, UNHCR is mainly an instrument functioning to collaborate with states in promoting refugee protection and protecting and assisting refugees during crises.

In its function as a supervisory body of the CRSR and the mandate to provide international protection, UNHCR also offers advice on government-related matters, including helping to ensure that the determination process is fast, flexible, more open and less strict. In states that are not party to the CRSR, the UNHCR, at the request and/or consent of the government, will carry out the determination and screening process. In such situations, UNHCR will also provide protection and material assistance.

The role of the UNHCR is also important in providing protection for refugees who are not 'political refugees' as defined in the CRSR or the statute of the UNHCR. It must be highlighted that, when the CRSR was drafted, the ground of persecution during the period is focused on the five grounds as stated and does not address refugees fleeing generalised violence and natural disasters. In recent decades, large numbers of refugees have been escaping civil wars and other forms of violence but this is not dealt with in the CRSR. In such situations, the involvement of the UNHCR is often needed to ensure that refugees who escape for the reasons above are not returned by host states and that protection and assistance is given to them because their country of origin is unable to provide protection or where such protection is not available for any reason beyond the control of the refugees.

### **The Mandate**

Even though the UNHCR is required to employ a non-political basis attitude and operate on strictly humanitarian and social grounds, it is difficult thing to do. UNHCR deals with states, their politicians and their relation with other states, which is inevitably highly political (Forsythe, 2001). By being non-political, the UNHCR has been able to concentrate on improving conditions for refugees and avoiding taking sides with any particular parties in any crisis (Martin, 1997). Nonetheless, it is suggested that the 'non-political' disposition is almost impossible to maintain when dealing with today's sovereign states and highly sensitive issues (Martin, 1997).

Paragraph 2 of the Annex to the Statute of the Office of the UNHCR provides that the work of UNHCR shall relate, as a rule, to groups and categories of refugees. This is in contrast to Paragraph 6, which provides that the competence of the High Commissioner extends to individual refugees. However, the practices of UNHCR have shown that both groups and individuals are persons of concern to UNHCR. Difficulty also arises when UNHCR's actions of treating groups of displaced persons are taken as a finding that the source state is persecuting the group. To ease the problem, reference to Paragraph 2 of the Statute is replaced by declaring certain situations to be 'of concern to the international community', thus authorising the UNHCR to use his 'good office' in providing assistance and protection to the groups affected by the situations (General Assembly Resolution, 1958). Apart from mandated refugees (refugees who are not technically refugees under the definition of the Convention and the UNHCR statute but fall under UNHCR extended protection spectrum) UNHCR work is extended to internally displaced persons (IDP), and both are considered as groups within the competence and concern of the UNHCR. In short, UNHCR is mandated to offer assistance to refugees, asylum seekers, returnees, non-refugee stateless persons, internally displaced persons and persons threatened with displacement (Turk, 2010). Due to the breadth and depth of its protection function for IDPs, UNHCR's core refugee protection functions, as mandated, is said to have been eclipsed by the humanitarian relief work for IDPs (Hathaway, 2002).

Given that UNHCR is closely involved in many aspects of the lives of refugees, including those living in refugee camps and those who are in non-contracting states, its involvement inevitably extends to providing them with material assistance. It is believed that refugee protection would be more effective and meaningful were the UNHCR able to provide refugees with real physical assistance such as food, clothes and shelter. However, this role is only feasible with contributions from states. Moreover, before it can solicit contributions from donor states and organisations in order to provide material

assistance for refugees in need, it has to acquire the permission of the UN General Assembly (Martin, 1997). Thus, its protection role is often mixed up with that of providing 'assistance'.

After almost 60 years in operation, the UNHCR continues to respond to refugee situations in the midst of unrelenting constraints (Crisp and Damtew Dessalegne, 2002). In states that are not parties to the refugee convention, the UNHCR plays a fundamental and crucial role in providing a broad spectrum of refugee protection, from the process of determining refugee status to finding durable solutions.

### Refugee Status Determination (RSD) And Critiques Of The Unhcr Mandate

The UNHCR work in RSD has been extensive, and this includes services offered in more than 125 countries (UNHCR, 2013). Through RSD, the UNHCR has significantly contributed to refugee protection by promoting the implementation of the *non-refoulement* principle, assisting in finding durable solutions (Kagan, 2005), and identifying refugees in need of social and economic assistance (Kagan, 2005; Simeon, 2010).

However, its RSD activities are challenged by the inadequacy of the safeguards of its own RSD procedure (Kagan, 2005, Alexander, 1999) and the conflict of interest between UNHCR protection work and government policy (Kagan, 2005). It is argued that the protection provided for mandate refugees under the UNHCR is insufficient; in other words, the mandate program is unable to effectively protect refugees. A refugee who has been granted such status by the UNHCR while living in his/her country or a third country is called a mandate refugee. A mandate refugee is usually scheduled for resettlement; however, due to certain flaws in the RSD carried out by the UNHCR, a refugee may not be resettled (Bianchini, 2010).

Despite criticism of its RSD work (alexander, 1999), the UNHCR continues to conduct status determination. Its activities relating to RSD, according to Goodwin-Gill, are drawn from 'negative responsibility'. This refers to 'the idea that we are as much as responsible for what we do, as for what we do not do, for deliberately harming others, as for failing to relieve their suffering'. It is argued that UNHCR could not halt its RSD work even though the standard is well below international standards because it would feel responsible for not responding to the gripping and desperate needs of protection, especially when governments have failed or been unwilling to conduct RSD (Kagan, 2005).

Furthermore, without the RSD work of the UNHCR, refugees in countries without the RSD mechanism would continue on an endless journey because they would continue to seek protection from other states whenever attempts to claim refugee status had failed or been denied (Kagan, 2005). Even in countries that are state parties to the CRSR, an asylum-seeker may become an orbit refugee due to restrictive refugee policy practices in many European countries (Melander, 1987).

### UNHCR Office In Kuala Lumpur

The UNHCR has been present in Malaysia since the boat people era in 1970s. As Malaysia is not a **party** to the refugee convention, UNHCR plays a fundamental and crucial role of providing a broad spectrum of refugee protection, from refugee status determination to finding durable solutions (UNHCR, 2007). In fact, in Malaysia UNHCR is considered the main actor in safeguarding and assisting refugees by activities such as reception, registration, documentation, status determination and resettlement of refugees (UNHCR, 2014).

Currently there is only one UNHCR office in Malaysia situated in Kuala Lumpur, the capital city after it closed its office in Sabah. Thus, refugees have to approach or get to their office in Kuala Lumpur to apply for refugee status determination. From the very beginning, the Malaysian government is taking no part in any processes pertaining to refugees. All are being independently managed by UNHCR Malaysia (UNHCR, 2007; UNHCR, 2014).

It also monitors detention of refugees and intervenes where necessary, represents refugees charged in court with offences under the Malaysian Immigration Act 1959, and organises outreach activities to refugee communities (UNHCR, 2014). One such case in which UNHCR intervene is the case of *Iskandar v PP* (2005) 6 CLJ 205, where a boy aged 17 from Indonesia was charged with an offence under the Immigration Act 1959 for illegal stay. Representative of the UNHCR was present at the trial. The charge was then retracted when the prosecutor was satisfied that the boy is a mandate refugee under the auspices of the UNHCR.

With the collaboration of several Non-Governmental Organisations and volunteers, UNHCR provides assistance for refugees in a variety of areas including healthcare, education, financial assistance, shelter, counselling, and other welfare needs (UNHCR, 2014). This is especially important because refugees in Malaysia do not enjoy full access to such services (Malaysian Bar, 2008).

By the request of the Malaysian government, UNHCR took the responsibility to register refugees in Malaysia and to determine the individual's refugee status. Those who are recognised as refugees are given identification card/ papers and become persons of concern to UNHCR. The Malaysian authorities have agreed that those who hold the UNHCR identification papers will not be charged with illegal entry or failure to produce valid travel documents but this is not a guarantee against possible detention and abuse by the enforcement authorities including the civilians voluntary army. However, such policy is not sustainable as there are many reports of illegal detention. For example, beginning 2000, the civilian voluntary army (RELA) was

authorized to stop and detain illegal immigrants and this was recklessly and blatantly enforced with serious cases of human rights violation (Human Rights Watch, 2004).

UNHCR's notable work in the country can be traced during the Indochina refugee crisis and in the handling of Filipino refugees in Sabah. In both crisis, UNHCR played an important role in providing shelters and material assistance to the refugees amidst political pressure and challenging reaction on the part of the authority and the local people (Robinson, 2000; Muntabhorn, 1992; Rachagan, 1987; Wain, 1982).

In many reported cases (Human Rights Watch, 2004) refusal to acknowledge UNHCR's mandate has caused refugees and asylum seekers with UNHCR papers to be arrested during raids and road-blocks despite showing the identification document to the authorities (US Committee for Refugees, 1998; CHRO, 2008). The problem is ongoing (Supaat, 2013) despite numerous calls made by various NGOs and human rights advocates to acknowledge refugee rights.

Having UNHCR to do all the work relating to refugees does not mean that Malaysia has discharged its duty and responsibility under the International Law. As supported by many scholars, the principle of *non-refoulement* (NR) has become an international custom and therefore binds Malaysia despite its non-ratification of the CRSR. Under the rule of NR, a state is prohibited from returning any person or refugee to a territory that will expose the person to the risk of persecution, torture or inhumane treatment and degradation.

This study is of the view that the duties not to return also include the duty to screen persons who are present in Malaysia claiming to have suffered from persecution or torture so that genuine applicant can be identified or else, they are still at risk of being removed or deported. This is based on the decision of the court in the case of *C v. Director of Immigration* [2013] 4 HKC 563.

At the trial stage, the court needed to determine, first, whether the principle of *non-refoulement* is a customary international law and, second, whether the rule applies in Hong Kong and thus requires the authority to administer a refugee determination mechanism. As Hong Kong is not a party to the CRSR, its refugee applications are being processed independently by the UNHCR office.

It was decided by the court that the principle of *non-refoulement* does exist in customary international law; however, the rule was found to be contradictory to Hong Kong law and has been repudiated by the Hong Kong authority, thus rendering the rule inapplicable in Hong Kong. As the result, there is no requirement for Hong Kong to establish a refugee screening mechanism as claimed.

However, it must be pointed out that, apart from the UNHCR'S screening mechanism, Hong Kong has another parallel mechanism established by the authority to decide on applications for protection against torture claims under CAT. On appeal to the Court of Final Appeal, the court decided that refugee screening is a duty of state even though UNHCR is already in the territory to conduct refugee status determination. It was also acknowledged by the Court of Final Appeal that *non-refoulement* is a customary international law as was decided in the Appeal Court earlier.

### Issues And Problems Relating To UNHCR In Malaysia

The UNHCR operation is not without problem. One of the major issues is the absence of express and real power for the UNHCR to protect refugees. Since there is no specific regime for refugee protection under the Malaysian legal framework, UNHCR is basically operating on the courtesy of the government without legal ground. There is no written agreement that authorise the UNHCR. The authority gives the UNHCR oral permission out of courtesy as a matter of government policy. Without real legal power and cooperation, UNHCR work is less effective as compared to its work in contracting states. It can only offer limited assistance and protection to refugees such as the issuance of refugee identity card; material assistance; and collaboration with NGOs in providing healthcare and education.

Furthermore, UNHCR's choice in finding a durable solution for refugees is confined to finding a resettlement place at a third country and to arrange for voluntary repatriation. Local integration is never a choice. Hence, many times the UNHCR is prevented from finding a solution which is in the best interests of the refugee children. The other major issue is the government's refusal to be involved in any UNHCR's activities but expects the UNHCR to work on the government's term. For example the authority refuses to accept the ground of persecution as recognised under the CRSR and the mandate of the UNHCR. As a result, it has accused the organisation of blatant recognition of refugees by asserting that asylum seekers without genuine and valid claim are simply accepted as refugees and issued with the UNHCR identity cards.

The third issue relates to limited UNHCR presence, which is only found in Kuala Lumpur. This means refugees must travel to the city to make application. The journey and its expenses may hinder refugees living far from Kuala Lumpur from making the application. Furthermore, they may also refuse to travel in order to avoid the authorities especially members of RELA who are reported to have extorted refugees for money in return for being arrested (CHRO).

The fourth issue is more contentious and it relates to the procedure of UNHCR work. Several works can be referred to support the claim including Alexander, 1999; Kagan, 2006; Pallis, 2004; and Morris, 1997. Each of this article analyses UNHCR

problem in general and in other jurisdiction and this study is of the view that there is high possibility that those setbacks also occur in Malaysia.

One of the major claims is that the UNHCR practice in determining the refugee status of applicants lacks transparency and provides limited opportunity to appeal against a decision (Alexander, 1999). A letter of complaint sent to the High Commissioner (TAC, 2008) and the case of *Hunt- Matthes v Secretary General* (Case No. UNDT/NBI/2010/054/UNAT/1680, Judgment No. UNDT/2013/085) are illustrative of this point. In this case, the United Nations Dispute Tribunal was told of numerous disclosures about UNHCR negative practice made by the Appellant.

There are also complaints that reasons for rejection of application are not revealed and appeal against a decision is made to the same avenue of first application (Alexander, 1999). Nonetheless, despite its limited capacity, and the challenging environment, the UNHCR office in Kuala Lumpur continues to provide refugees in Malaysia with protection and material assistance including the arrangement for primary education and access to healthcare with the partnership of various voluntary bodies.

The UNHCR has been trying to convince the government of Malaysia to ratify the CRSR, in its bid to improve refugee protection and condition in the country. Unfortunately, after more than 40 decades, the effort is fruitless. The convention and its contents are perceived as threats to Malaysia's sovereignty because the government is expected to bow to its requirements as opposed to local laws because some of the provisions are in conflict with the Federal Constitution and other Federal legislation. This is also the perception shared by many countries (Dauvergne, 2003). As a developing country, the financial implication of the Convention requirements is huge and the Malaysia economy is unable to take in incredible expenses forecasted in setting up and implementing the framework and structure for refugee protection.

The government believes that ratification of the Convention is not a national aspiration (Vasudevan, 2007) and contrary to the national interest. As a developing country Malaysia is more interested in investing for its own citizens rather than spending money on refugees. Previously in 1970 clashes erupted between local people and refugees from Indochina who arrived in boats. The refugees were blamed for causing soaring price rise of groceries and the government was accused of providing more for refugees than its own people (Rachagan, 1987).

The benefits of being a state party to the convention are enormous though it cannot be directly assessed. However, as proved in many contracting states, by applying the same law and protection for all refugees, the state will avoid discrimination against refugees and double standard policies as demonstrated in previous refugee occasions; the Indochinese refugees and Filipino refugees (Rachagan, 1987; Muntabhorn, 1992).

### **The Way Forward**

This study strongly suggests that Malaysia officially recognise the presence and existence of refugee in this country by regulating the group and facilitate their enjoyment of their rights. By recognising the rights of refugees such as the right to education, it may prevent direct consequences of not giving refugee children their basic education such as illiteracy and other social problems. Education has always been considered as a factor to guarantee the social stability of a community.

It is also vital to stop practices which are in violation of the principle of human rights of refugees. Practices which are inconsistent with the provisions of the CRSR, such as detention and imprisonment will not serve any purpose for Malaysia. The refugees cannot be easily sent back and they may remain in detention centre for longer, placing more financial burden on the authorities especially relating to infrastructure and resources. If the refugee are to be deported, Malaysia is actually contributing to human trafficking and smuggling since traffickers are known to take advantage of refugee deportations. Since Malaysia's economy relies so much on migrants workers, the country should utilise the working age refugees by letting them to join the local work force. This will make it more reasonable for the government to combat economic migrants.

It is high time that Malaysia devises a specific legal and institutional framework to deal with refugees in the country. There is no way that we can stop them from coming in since our border is porous and many unofficial point of entry are being used. Furthermore, the phenomenon never ceases since 1970s. To avoid further mistreatment and violation of refugee rights, we need express protection granted under written law and thus inconsistencies and change of policies will not victimise refugees. The law should also requires the establishment of an independent refugee screening mechanism which is subject to appeal and judicial review.

### **Conclusion**

The discussion in this paper shows that the UNHCR is facing growing challenges. The challenges lie not only in the increase in the number of refugees and other persons of concern who fall under its mandate, but also because the UNHCR's duty of screening asylum-seekers on behalf or *in lieu* of a state's own machinery is tainted with several issues of credibility and fairness. There are also problems when states completely ignore UNHCR's work while letting the office carry out the refugee status determination; at the same time, UNHCR has no outright control over state matters, which makes the effort less effective than it should be.

Even with direct assistance from the UNHCR, refugees and asylum seekers find themselves in uncertain legal status; identification papers are not recognized and relied on easily altered policies to protect them. It looks like Malaysia is playing tug of war with the refugees; allowing them to stay in the country when they have UNHCR papers but at the same time failing to coordinate with all enforcement agencies to prevent any maltreatment.

Even though UNHCR is allowed to operate in Malaysia in order to process the applications for refugee status, the actual weight attached to UNHCR identity papers or documentation is highly questionable. In simple words, UNHCR presence is accepted by the authority but their powers are not recognised. Malaysian authority in its actions and practice seems to be trying to undermine the UNHCR mandate and is failing to acknowledge as refugees individuals holding such documents. The fact that these refugees and asylum-seekers are living in Malaysia and infringing the immigration laws of the country does not, however, make them a threat to Malaysian security or national and public order.

It is also clear that the UNHCR's broader mandate to protect other persons of concern besides the refugee Convention and its role in non-contracting states is crucial as an initial step in protecting refugee who will otherwise have an insufficient platform and standing to claim protection and refuge, even on a temporary basis, in many states. Nevertheless, without real power to enforce its mandate, the work of UNHCR is reduced to 'the least we can do' effort.

The UNHCR should be respected for what it already achieved for refugees and should not be perceived as a meddler. With better cooperation and mutual understanding, UNHCR can avoid doing unnecessary work such as intervention in court when a mandate refugee is charged for illegal stay. Any attempt to discredit UNHCR work will not make the protection effective. Harmonious cooperation can lead to more transparent handling of refugee. To further improve the relation with UNHCR and the protection of refugee, Malaysia should Malaysia should plan a strategic approach to the reception, handling and care of asylum seekers and refugee that include enacting specific statute, respect international customs and to improve cooperation with UNHCR.

## References

- Immigration Act 1959  
Statute of the Office of the UNHCR.  
**Iskandar Abdul Hamid v PP (2005) 6 CLJ 505**  
*Hunt- Matthes v Secretary General* (Case No. UNDT/NBI/2010/054/UNAT/1680, Judgment No. UNDT/2013/085).  
Alexander, M. (1999) Refugee Status Determination Conducted by UNHCR. *IJRL* 11 (2) 252.  
Bianchini, K. (2010) The Mandate Refugee Program: A Critical Discussion. *IJRL*, 22: 367.  
Blokner, N. and Muller, S. (Eds). (1994). *Towards More Effective Supervision by International Organisations: Essays in Honour of Henry G. Schermers*. Vol. 1. Dordrecht: Martinus Nijhoff.  
Chin Human Rights Organisation. Seeking a Safe haven: Living in Insecurity: Malaysia. <[http://www.refugees.org/uploadedfiles/CHRO%200706Seeking\\_a\\_Safe\\_Haven.pdf](http://www.refugees.org/uploadedfiles/CHRO%200706Seeking_a_Safe_Haven.pdf) > accessed 13 January 2009  
Chin Human Rights Organisation. Seeking a Safe haven: Update on the Situation of the Chin in Malaysia <[http://www.refugees.org/uploadedfiles/CHRO%200706Seeking\\_a\\_Safe\\_Haven.pdf](http://www.refugees.org/uploadedfiles/CHRO%200706Seeking_a_Safe_Haven.pdf) > accessed 20 May 2008.  
Crisp, J. and Dessalegne, D. (2002) Refugee Protection and Migration Management: Challenge for UNHCR. New Issues in Refugee Research, Working Paper No. 64. Switzerland : UNHCR.  
Dauvergne, C. (2003) Challenges to Sovereignty: Migration laws for the 21<sup>st</sup> Century'. Research Paper No. 92 in New Issues in Refugee Research . Switzerland: UNHCR .  
Forsythe, D. (2001) UNHCR's Mandate: The Politics Of Being Non-Political. Research Paper No. 33 In New Issues In Refugee Research Switzerland: UNHCR  
Hathaway, J. C. (2002) Who Should Watch Over Refugee Law? *FMR*: 14 , 23- 26.  
Human Rights Watch. (2004) Aceh Under Martial Law: Problems Faced by Acehnese Refugees in Malaysia. *Human Rights Watch* Vol. 16. No. 5 (C) p. 12.  
Kagan, M. (2005) The Beleaguered Gatekeeper: Protection Challenges Posed by UNHCR Refugee Status Determination. *IJRL*, 18: 307.  
Martin, D. A. (1997) 'Refugees and Migration' in Christopher C. Joyner (Ed), *The United Nations and International Law*. Great Britain: Cambridge University Press.  
Melandar, G. (1987) Refugees with No Country of Asylum: Strategies for Third-Country Resettlement' in John R. Rogge (ed), *'Refugee: A Third World Dilemma'* New Jersey: Rowman & Littlefield.  
Muntarbhorn, V. (1992) *The Status Of Refugees In Asia*. London: Clarendon Press.  
Palaniappan, Y. Refugees Live in State of Fear'. Myanmar Ethnic Rohingyans Human Rights Organisation Malaysia <http://merhrom.wordpress.com/?2007/06/21/refugees-live-in-state-of-fear> > accessed 20 May 2008.  
Rachagan, S. (1987) Refugees and Illegal Immigrants: The Malaysian Experience with the Filipino and Vietnamese Refugees' in Rogge J R (ed) *Refugees: A Third World Dilemma*. Rowman & Littlefield,.  
Robinson, W. C. (2000) *Terms of Refuge: The Indochinese Exodus and The International Response*. London: Zed Books Limited.  
Simeon, J. C. (2010) A Comparative Analysis Of The Response Of The UNHCR And Industrialized States To Rapidly Fluctuating Refugee Status And Asylum Applications: Lessons And Best Practices For RSD Systems Design And Administration. *I.J.R.L.* 22 (1) 72.

- Supaat, D. I. (2013) 'Refugee Children Under the Malaysian Legal Framework' UUM 7<sup>th</sup> International Legal Conference, 13-14 November 2013 (Kuala Lumpur, Malaysia).
- TAC, 'UNHCR Complaint', *Treatment Action Campaign* (2008) <<http://www.tac.org.za/community/node/2425>> accessed 18 July 2009.
- Turk, V. (2002) UNHCR's Supervisory Responsibility. *New Issues in Refugee Research*, Working Paper No. 67. Switzerland: UNHCR.
- Türk, V. (2010) UNHCR's Role in Supervising International Protection Standards in the Context of its Mandate'. *International Conference on Forced Displacement, Protection Standards, Supervision of the 1951 Convention and the 1967 Protocol and Other International Instruments*. May 17–20, 2010.
- US Committee for Refugees. (1998) *The least risky solution: Malaysia's detention and deportation of Acehnese asylum seekers*. Washington: US Committee for Refugees.
- Vasudevan, V. (2007) Refugees a Perennial Problem for Malaysia. *New Straits Times*. 18 April.
- Wain, B. (1982) *The Refused: The Agony of the Indochinese Refugees*. New York: Simon and Schuster.
- Chin Human Rights Organisation. Seeking a Safe haven: Living in Insecurity: Malaysia <[http://www.refugees.org/uploadedfiles/CHRO%200706Seeking\\_a\\_Safe\\_Haven.pdf](http://www.refugees.org/uploadedfiles/CHRO%200706Seeking_a_Safe_Haven.pdf) > accessed 20 May 2008.
- Chin Human Rights Organisation. Seeking a Safe haven: Update on the Situation of the Chin in Malaysia <[http://www.refugees.org/uploadedfiles/CHRO%200706Seeking\\_a\\_Safe\\_Haven.pdf](http://www.refugees.org/uploadedfiles/CHRO%200706Seeking_a_Safe_Haven.pdf) > accessed 20 May 2008.
- The Malaysian Bar. Malaysia's Treatment of Refugees. <[http://www.malaysianbar.org.my/press\\_statements/malaysias\\_treatment\\_of\\_refugees\\_.html](http://www.malaysianbar.org.my/press_statements/malaysias_treatment_of_refugees_.html)>, accessed 3 April 2008.
- The Malaysian Bar. Refugee Go Home- He Would If He Could. <[http://www.malaysianbar.org.my/human\\_rights/refugee\\_go\\_home\\_he\\_would\\_if\\_he\\_could.html](http://www.malaysianbar.org.my/human_rights/refugee_go_home_he_would_if_he_could.html) >, accessed 3 April 2008.
- USCRI. USCRI Condemns Malaysia's Arrest And Threat To Forcibly Return Acehnese Asylum Seekers' (Press Release) <<http://www.refugees.org/newsroomsub.aspx?id=1051>>, accessed 3 April 2008.
- Annex to the General Assembly Resolution 428 (V) of 14 December 1950.
- GA Res. 1167 (XII) (Nov 26, 1957), GA Res. 1286 (XIII) (Dec. 5, 1958).
- General Assembly Resolution 319 (IV) of December 1949.
- UNGA, "Office of the United Nations High Commissioner for Refugees", Resolution 2003, A/RES/58/151.
- UNGA, "Office of the United Nations High Commissioner for Refugees", Resolution 1994. A/ RES/ 48/ 116.
- UNHCR. (2014) UNHCR in Malaysia. <<http://www.unhcr.org.my/cms/basic-facts/unhcr-in-malaysia>> accessed on 20 May 2014.
- UNHCR. (2007) Country Operations Plan for 2007 Malaysia. <http://www.unhcr.org/cgi-bin/texis/vtx/search?page=search&docid=45221ff62&query=countryoperationsplanmalaysia>.
- UNHCR. (1992) Handbook on procedures and Criteria for Determining Refugees Status under the 1951 Convention and the 1967 Protocol relating to the Status of Refugees. Geneva: UNHCR.
- UNHCR. (2012) Where We Work (UNHCR). <<http://www.unhcr.org/pages/49c3646c206.html>> accessed 20 June 2013.