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SURVIVING STATELESS REFUGEES: THE UNCERTAIN FUTURE OF ROHINGYA'S CHILDREN IN MALAYSIA

It is unsurprised that Malaysia drawn the mass migration of Rohingya refugees who are fleeing the sporadic massacres as well as the persecution of the Myanmar government. According to United Nations High Commissioner for Refugees (UNHCR), the flow of these refugees accounts to a total of 154,000 as of end of March 2017.¹ The Rohingya refugees have been in Malaysia since the announcement of the genocide campaign by the Myanmar government against the Muslim Rohingyas a year ago. The need to escape the dire situation in Myanmar, which had been done illegally, these refugees, along with their later generations are identified as illegal migrants. From the legal perspective, the Myanmar children who were born in Malaysia considered no-existence as their births were not documented. The situation, therefore, renders the children to be stateless with an unpromising future. Despite the odds and uncertainty, the communities have crafted themselves for life on the fringe, determined to live their lives as decent human beings and continue to remain Muslims. They have survived without identity cards, jobs or even medical coverage. The purpose of this article is to highlight and analyze the discrimination and inequality faced by the Rohingyas in Malaysia, as well as to propose effective steps to eliminate discrimination and promote equality for the Rohingya refugees. This qualitative article, entails long-recognized human rights problems and aim to shed some light upon less well-known patterns of discriminations against the Rohingyas. For the purpose of this research, the author visited two centers for the Rohingya children; one located in Selayang which is on the outskirts of Kuala Lumpur, and the other in Cheras Baru, Selangor. The latter is chartered by the Myanmar Ethnic Rohingya Human Rights Organization Malaysia (MEHROM) which is operated by the Rohingya community themselves. Interviews were carried out with the principals of the aforementioned centers, as well as officials from the UNHCR and the Rohingya.

Keywords: *Burma/Myanmar, Rohingya, refugee, third generations, stateless.*

Introduction

This article is part of a larger study which deals with the Rohingyas refugee community in Malaysia. Ethnographic field research method described by Schatzman and Strauss in 1977 and Burgess in 1984² have been used and a variety of material was collected in this study. The most important material consists of semi-structured interviews with both male and female refugee parents. Interviews also were conducted with UNHCR External Relations Officer Yante Ismail. Due to the author personal connection to the community, this study utilized a snowball sampling method to locate the interviewees. In total, 70 refugees in Klang Valley, Kuantan, Pahang, Kedah and Penang were interviewed in this study. The timeline of structured and semi-structured interview ran from 2014-2015. The aim of the interviews was to obtain a broad understanding of the refugees' situation and problems as seen from their perspectives. Some of the interviews had to be completed with the help of interpreters. In addition to the interviews with refugees, Rohingya society and association were studied through interviews and participant observation. For data collection, the author visited two centers for the Rohingya children; one located in Selayang which is on the outskirts of Kuala Lumpur, and the other in Cheras Baru, Selangor. Interviews were carried out with the principals of the centers mentioned above, President of Myanmar Ethnic Rohingya Human Rights Organization Malaysia (MEHROM), Zafar Abdul Ghani and Mohamad Rafiq. The interview were carried out and the data were transcribed and recorded.

First and foremost, the article will briefly examine the history of the Rohingya Muslim group and reasons that drove them to flee Myanmar.³ Next, the paper will look at the present humanitarian activist of the refugees in Malaysia, particularly concerning the issues of education, safety, and protection. Lastly, the article will ponder upon the future of the refugees in addition to outlining measures that may serve as a magic bullet for more comprehensive and lasting solution.

Malaysia is still searching for ways to reduce and curb the flow of the Rohingya which has accounted for approximately more than 150,000⁴ up to this day. With the violence that show no indication of ending anytime soon, the refugees keep coming to their preferred destination including Malaysia, thus make Malaysia as their host or refuge country. In order to reiterate this issue, immediate action needs to be carried out. It is perhaps not an overstatement to say that each day one Rohingya child is born to a Malaysian-born Rohingya mother. Given with every new Malaysian-born generation of the Rohingyas, it becomes increasingly clear that they are no longer just the "Rohingyas"⁵ or the "Myanmarese".⁶ Despite being born in the Malaysian land, these second and third generations of Malaysia-born Rohingyas are rendered stateless and ineligible for residency or citizenship, due to the reason that the first generations

entered the country illegally. Although attempts have been made to improve this, for example registration, the Rohingyas are still stripped off of the most essential and basic needs of humans. In truth, possessing an identification card (after registering) only entitled one to meagre benefits, for often the holders of these IDs are denied the right to work, as well as access to health care and education. Additionally, since registration is not always viable for those living outside of Kuala Lumpur, where a handful of the office premises are located, the majority of these refugees do not make the journey, as they fear arrest or extortion. As well as the difficulty of travelling, communication and documentation.

An approximate of 150,000 Rohingya who came to Malaysia hoping to be relocated to other countries through UNHCR programmes. However, some of them have decided to board living in Malaysia, despite the fact that they have no legal status. As put forth by⁷ many Rohingya refugee children born in Malaysia remain stateless owing to the undocumented status of their parents. Consequently, they agreed that “this undefined status and lack of identification documents resulted in their children to be “cut off from the basic child’s rights for education and healthcare.” With regards to social inequality and social exclusion, sociological studies mostly correlate this prolonged issue with the role of education, although, studies on the education of underprivileged and discriminated groups such as refugees are uncommon.

In many cases, refugee issues are seen as an adult problem and a temporary one, despite the fact that nearly 50 percent of the refugee and asylum seekers are children and most of them living in host countries for a lengthy durations. In contrast to a handful of studies on refugees students conducted in developed countries, only a few have been carried out with respect to refugees living in developing countries. The difference in the studies conducted has been assumed as having to do with the issue of hostility. For example, Andrea Rossi in her article *An Impact of migration on children in developing countries* (2008), the author made an assumption that there might be differences in hosting refugee in a country for example like Malaysia as a non-signatory of the 1951 UN refugee convention. Malaysia is not party to the 1951 Refugee Convention nor its Protocol and does not have an asylum system regulating the status and rights of refugees. The absence of a legal framework on asylum issues is a source of great unpredictability in the lives of refugees in the country. This challenging protection environment is placed within a context of some 3 million migrants, 1.9 million of whom are considered illegal.⁸

Overall, researchers on refugees have been concerned primarily with issues like reconciliation, peace-building, health, employment and primary education. Ensuring education for refugees is a momentous challenge for both the host government and the international organizations. This increases the challenge for students and their families to manage educational access with struggle in foreign land. As stated earlier, many researches have been done

on education for refugees in their places of resettlement, but in comparison, research on the provision of education in places of temporary settlements is less comprehensive. Education is often seen as an essential tool that facilitate in ensuring stability and a sense of normalcy for the refugee children, and it would be particularly helpful either when they repatriated or resettled in a third country.⁹ In a midst of conflict or violence, education is often seen as a luxury for refugees or internally displaced people like Rohingya who are also struggling for food, aid and shelter.¹⁰ In this scenario, Malaysia is a temporary settlement for refugees as it only allows them to stay on humanitarian grounds while waiting to be resettled or repatriated. Education among the Rohingyas children as highlighted in this paper, as much as it needs to solve the immediate solution, need also address the long-term goals and prepared the refugee children to be independent and uplift them from poverty. Without this, they will go on living in a state of limbo for generation to come. This is unexplored area but research in particular group (the Rohingyas) is inadequate and one hopes that this study would throw light on educational and other rights faced by a group on migration to a new place.

The Rohingya's History: Never Ending Misery

The Rohingyas are one of the most vulnerable communities in the world today. Stripped of their nationality and subjected to widespread persecution by their own government, these asylum seekers have travelled far and wide over the past forty years, desperately seeking refuge and a better life. Among the preferred destinations for these refugees are Bangladesh, Thailand, Malaysia, India, Pakistan and Saudi Arabia. For the vast majority, reaching new shores does not mean that they have closed a vicious chapter of their suffering.¹¹ All too often, the Rohingyas life revolves around a continuous cycle of acute discrimination, escape, trafficking, poverty, detention, extortion and deportation. The Rohingyas are a Muslim community of South Asian descent, closely related to the Chittagonian Bengali of the neighbouring Bangladesh. An approximate of one million Rohingya live in the Rakhine state of Myanmar today. With over 700,000 are concentrated in the northern region of the state. The establishment of the 1982 Citizenship Law of Myanmar has stripped the Rohingya of their nationality, rendering them to become legally stateless.¹² To further worsen the situation, Myanmar does not accept the Rohingya ethnic as members of the social community. The implementation of the 1982 law therefore provides the basis for arbitrary and discriminatory treatment against the Rohingya community. As a result, their human rights and freedoms have been systematically eroded through a series of draconian policies, arbitrary taxes and controls.¹³

Below is a translated statement by one of the refugees, describing the difficulties he had to go through in Myanmar:

*"I can't go back there in Myanmar. They will catch and shoot and kill me. My uncle was already shoot to death. I just want to work and eat here in Malaysia, I can't go back."*¹⁴

The Myanmar's Rohingyas in Malaysia: Present Scenario

Most of the Rohingyas especially the children are able to speak fluent Malay as a result of their stay in the country for a long period of time. They have also fairly well integrated with the local community, finding support from local mosques in terms of religious and spiritual needs. Rohingya refugees in Malaysia usually comprised of large families of seven or eight members. According to UNHCR, more than 4,000 Rohingyas (30% of the population) are women and many have children while residing here in Malaysia. Rohingya children make up the largest group of refugee children in Malaysia with a total of 9,761. Most of these children speak fluent Malay with a spattering of Rohingya dialect. Some communities have been known to set up classes for their children, but this is sporadic and unreliable as the lack of properly trained teachers and sufficient teaching materials make the effort unsustainable.¹⁵ Aside from the issue of unemployment, the Rohingya refugees are particularly concerned about their children who are mostly never been in any formal and proper schooling system.¹⁶ According to the latest data by the UNHCR, more than 70% of Rohingya children are of school age.¹⁷ That being said, some of the children are the third generation of Rohingyas¹⁸ born in Malaysia. Access to public school is restricted as most of the refugee children do not have birth certificate, as a legal prerequisite for admission. As they have no legal documents, they are not allowed to attend school, seek healthcare or use the services of Government Kadi, for marriage purpose.¹⁹

The Rohingya have been seeking refuge in Malaysia since the 1980s. As of the end of March 2017, there are approximately 53,850 Rohingya refugees registered in Malaysia, with a larger number remained unregistered.²⁰ The refugee community themselves estimated the number of unregistered asylum seekers to be equivalent to those registered with the UNHCR.²¹ Since the 2012 violence in Rakhine state, there was an increase in the number of Rohingya families arriving in Malaysia, as well as Rohingya women coming to marry or join their husband. Children accounted for approximately 30,850 of the population of the registered Rohingya refugees. As of end of March 2017, a total 9,761 were Rohingya children out of the 30,850 immigrants. The breakdown of the figure of Rohingya children registered with the UNHCR Malaysia is stated as following table 1.²²

Table 1: Rohingya children in Malaysia

Age Group	Female	Male	TOTAL
Below 5	2,102	2,222	4,324

6-9	829	968	1,797
10-12	514	601	1,115
13-17	749	1,776	2,525
TOTAL	4,194	5,567	9,761

Source: UNHCR Malaysia, infomalaysia@unhcr.org, www.unhcr.org

In addition to the figures presented above, there have also been an increasing number of unaccompanied minors, including children who entered the country unaccompanied and those who were separated from their parents as a result of detention. Aside from the recent mass arrivals, Malaysia homed a large population of illegally settled Rohingya who have been in Malaysia for two or three generations.²³ They resided throughout Malaysia, with larger communities in and around Kuala Lumpur, and in other states such as Pulau Pinang, Johor, Kedah, Kelantan and Terengganu. For years, this population, particularly those who did not register with the UNHCR, have been living in insecurities as among the concerned are their rights in living and working in a country that considers them to be “illegal immigrants”. Without the right to work and denied access to health care, education and other basic social services, for decades, the livelihood strategies of the Rohingyas in Malaysia were in the informal labor sector, while experiencing constant harassment and being exposed to the risk of extortion, arrest, detention and deportation (in some cases).²⁴ Refugees in Malaysia are treated significantly different from the Rohingya refugees in Bangladesh as for example they do not live in camps. Instead, they (the former) live within the local community, trying to assimilate as much as they could. They usually live in cramped low-cost flats in the city where they could find odd jobs in the wet markets, restaurants and factories. Many Malaysians themselves are not aware of these refugees and often mistaken them for illegal immigrants.²⁵

With respect to birth rates, a high number of Rohingya children were born in this country. However, since Malaysia does not practice the *jus soli* principle, citizenship is not granted to these children.²⁶ Malaysia is also not a signatory to the 1951 Convention relating to the Status of Refugees. As such, there are no legal mechanisms in place to grant citizenship status to the refugees. The Malaysian government, however, allows the refugees to stay in Malaysia on humanitarian grounds while waiting for them to be deported and resettled to a third world country.

The Rohingyas were given a reprieve in 2006 when the Malaysian government began issuing IMM13 permits from immigration which offered them some form of legitimacy. This would protect them from being harassed by the authorities or even being arrested.²⁷ Unfortunately, the efforts to legitimize the Rohingya were halted when the government decided to reevaluate the refugee situation.²⁸ This has since caused them undue distress and prevented them from integrating into the society. The Malaysian government has gradually softened its stance throughout the years, although refugees are still

vulnerable to constant harassment and detention.²⁹

Education for Rohingya Refugees in Malaysia

As for education, the UNHCR with the assistance from local non-governmental and faith-based organizations operate learning centers for refugee children. There are about 120 learning centers in West Malaysia, mostly located in Klang Valley, Johor and Penang. The majority of the teachers in these schools are from the refugee communities themselves with local and foreigners volunteering on a regular basis. These learning centers are also conducted in flats, and are usually cramped with 60-100 children, though there are centers with smaller numbers. Learning centers are opened where there is a big number of refugee community living in that area.³⁰ The Rohingya refugees have been living in Malaysia for more than two decades without proper access to basic education and healthcare. This means a generation lives without formal education. Many Rohingya adult refugees are illiterate, with some being able to read and write *Jawi* only after years of living in Malaysia. During the interview, the 41 year old principal of Madrasah Hashimiah, Ustaz Hafiz Hashim from northern Maungdaw recited a list of items that the school cannot afford, including employing full-time teachers and purchasing books. Ustaz Hafiz teaches only Islamic studies and the Al-Quran to a group of 20 students aged between seven and twelve. Below is a translated version of his statement:

“But this is not enough. The children need to learn how to read and write. They must know how to count. They must know science and geography. What future will our Rohingya children have without knowledge?” (Hafiz Hashim Qassim, Principal Madrasah Hashimiah, from interview, translated).³¹

The Rohingya refugee children attend the learning centers operated by the community and faith-based organization with the assistance of UNHCR. For the Rohingya refugee community, the purpose of education for their children is to succeed and have a better life compared to their parents. As pointed out by one of refugee parent:

“Our students are interested in learning. We as the parents want our children to succeed so that they may have a better life. Not like ours. I can't read and write. I do not want my children to be like me too. (Refugee parent, from interview, translated)³²

Most of the learning centers are assisted by UNHCR by providing textbooks, compensation for the teachers and teacher training. The children are taught Malaysian syllabus using books provided by the UNHCR. They

learn Mathematics, English, Science and Malay Language besides their own native Myanmar language. Most of the time, the volunteered teachers rarely came to learning centers and teach the students due to financial problem and other constraints.³³ At Madrasah Hashimiah, there are two sessions; morning and afternoon separated according to grades, with the older children attending the morning session while the younger ones in the afternoon. The Rohingya Community School Puchong and The Rohingya School Community of Cheras Baru do not have the facilities to conduct classes for different levels. All students aged six to thirteen attend the same class together.³⁴ Monthly compensation are given to the principal and teachers in the form of cash. The problem of this practice obtained from the interviews, was that the compensation received is not enough and insufficient. Teacher training is provided to all refugee school teachers with the assistance of the UNHCR. Trainings provided include pedagogy and leadership.³⁵

Education center for Rohingya third generation in Malaysia

As stated above, formal education is denied to refugee children as they are illegal immigrants according to the law. The law as it stands does not allow them to be enrolled in public schools. The only education they receive is from informal classes organized by a non-governmental organization with the help of UNHCR. The following table 2 presents the list of NGO and UNHCR that provides informal education for refugee especially for the Rohingya children in Malaysia.

Table 2: Education centre for Rohingya children in Malaysia

Education Centre	Establish Since/Funder
Rohingya Islamic Center Kg Cheras Baru	1998/Yayasan Salam (terminated in 2000)
Rohingya Learning Center	2001/ABIM
Rohingya Children Learning Center	2004/Harvest Center Sdn Bhd
Madrasah Hashimiah for Orphange	2008/UNHCR
Rohingya Education Center	2008/Taiwan Buddhist Tzu-Chi Foundation
Rohingya Education For Refugee	2009/UNHCR
Rohingya Learning Center Tasik Permai	2009/PERKIM
Rohingya Learning Center Tasik Tambahan	2009/PERKIM
Rohingya Learning Center Taman Muda	2009/PERKIM
Rohingya Learning Center Kg Pandan	2009/PERKIM
Rohingya Learning Center Selayang	2009/UNHCR
Life Bridge Learning Center in Penang	2011/JUMP Network Group
Rohingya Learning Center Baitul Rahmah Sg Petani, Kedah	2013/Council of Rohingya Ulama
Malacca Learning Center for Refugee Children	2014/UNHCR

Source: UNHCR and information given by Rohingya network

As shown in table 2, the effort improving the well-being of these

refugees started in 1998, where Yayasan Salam helps to educate some Rohingya children in Kampung Cheras Baru as a partner of the UNHCR. However, this project was then terminated in 2000. In 2001, the Muslim Youth Movement of Malaysia (ABIM) funded for the school so that the Rohingya children can learn how to read and write. Similarly, the UN refugee agency partnered with a non-governmental organization, the Taiwan Buddhist Tzu-Chi Foundation, opened five new education centers within the Klang Valley in 2008, to educate over 300 Rohingya refugee children. The project received funding from the United States government, bringing education to the Rohingya community on an unprecedented scale in Malaysia. Likewise, from January 2008, the UNHCR extended a supportive hand to facilitate primary education to the Rohingya refugee children in Tasik Permai, Tasik Tambahan, Taman Muda, Kampung Pandang and Selayang respectively as these schools were also not fully equipped.³⁶ Another school was also supported by the Muslim Welfare Organisation of Malaysia (PERKIM), a local NGO chaired by Tun Dr. Mahathir Mohamad, the former prime minister of Malaysia since September 2009. The school was situated in Lembah Jaya, Ampang. Altogether, there were 3 teachers including a religious teacher and 120 students enrolled for regular classes. All the school and students expenditures such as rental, accommodation, textbooks for children, and necessary material are provided by PERKIM. Eventually, two out of five UNHCR's schools were closed down as all the students moved to PERKIM School.

In Johor Bahru, by private initiative of Rohingya community some schools were set up to educate their children. Due to the lack of funds, it was unable to go further and have to wait for any assistance from UNHCR or other NGO to develop school curriculums as minimum standard. According to the strategic country plan by the UNHCR, the 2012-2016 UNHCR budgets for the protection of children is USD \$209, 825, whereas the total education budget for the refugee is USD \$1, 555, 717.³⁷ If the government's stance of offering humanitarian ground remains unchanged, the UNHCR may set up some more schools for Rohingya children in different places like Klang, Johor and Penang.³⁸

In addition, Harvest Centre Sdn Bhd, has set up an informal school in Sentul. About half of the centre's students were Rohingya refugee children. Believed to be Malaysia's first Montessori school for marginalized children, Harvest Centre was set up in 2004, run on public donation and seed funding from the World Vision.³⁹ The school, which has qualified and full-time staffs and a host of volunteers, entered as an implementing partner with UNHCR.⁴⁰

Another school namely "Darul Uloom Blossom Garden" in Kampung Sungai Pinang, Klang, had two teachers, one is in charge of religious studies while the other teaches English, Mathematics and Science. The school was funded by the Future Global Network Foundation (FGN), a local NGO, and due to insufficient incentives they could only support two teachers.⁴¹ Even

though that there was no teacher available to teach Bahasa Malaysia, the children spoke fluent Malay as a result of their daily communications with the locals. Even though the children been emphasise on the importance of Bahasa Malaysia for mundane communication, the Rohingya refugees made an effort in maintaining their native language by opening one school in Kuantan, Pahang. Pahang Rohingya Language School (PRLS) in Kampung Kurnia, Batu 3, Kuantan Pahang, was opened on July 18, 2013, driven by the awareness of the importance of education among the Rohingyas children. The school, supervised by the Rohingya Social & Welfare Association of Pahang (RSWAP) allocated a moderately big classroom with a set of 30 chairs and desks. The teachers employed were volunteers from the International Islamic University Malaysia (IIUM) and they taught English, Mathematics and Science. For religious education, they have 3 Rohingya Imams. A total of 45 children aged from four to sixteen attended the school when it first operated.⁴² Eventually, the school was closed in October 2014 due to poor attendance of Rohingya's children and lack of funding.

As mentioned earlier, providing education is important, but what is more important is the quality of education. It should be provided to benefit these children in the future. Without education, they will go on living in a state of limbo for generations to come. This is especially pertinent in the case of the Rohingya refugees since their country of origin has declared them stateless. Below is a translated statement from one of the concerned refugee parent obtained from the interview:

*We are unwanted. Myanmar do not want us. Bangladesh also do not accept us. We belong nowhere. But, when in Malaysia, we want our children to have proper jobs here...to go to university here. My son wants to be a doctor and my daughter a teacher. But can they achieved their dream? With our status, I don't know. (Refugee parent, from interview, translated)*⁴³

Rohingya and Beggars

There is a growing concern among the Rohingya community in Malaysia that their children would end up as beggars or risk involving in bad activities due to the lack of education opportunities. In Penang, for example, it is estimated that out of the 15,000 refugees, which are mostly from Myanmar, 5,000 of them are beggars.⁴⁴ In the past two decades, most of the Rohingya children born and raised in Malaysia did not have access to government schools, despite primary school education is being free and compulsory. As a result most of these children are working in odd jobs like construction sites and garbage collectors. To make it worst, some children ended up as beggars on the street or at restaurants. In the case of one Rohingya refugee, Zaleha, 12, has no choice

but to beg for money at eateries. She was spotted selling copies of the Yassin priced at RM1 each, while some were seen with begging bowls. Her case referred to Welfare Department (JKM) as she was caught doing her activities. In an interview with a family of Burmese who migrated to Malaysia during the late 80s, Ibrahim Sadik, Rohingya himself, stated that only education would take the refugee children off the streets and prevent them from becoming a generation of beggars. He referred to Zaleha's case as below:

“Zaleha was actually selling religious books but this is also considered like begging because there is no fixed amount for the books. It is up to the people to give him whatever amount they thought suitable. The family is ashamed to allow Zaleha to do this but they have no choice and the girl is also too young to get a job. The father used to go round collecting metal scraps and recycled items but later he became too ill and has since bedridden.” (Ibrahim Sadik, Rohingya refugee, from interview, translated)⁴⁵

Security and Other Rights

Other than education and associated with beggars activities, third generations of Rohingya refugees also face security problems. Being uneducated, the Rohingyas faced difficulties obtaining legal documents that subjected to their security and other rights such as eligibility refugee card and medical cards. However, in truth, there is a widespread lack of understanding within the Rohingya refugee community of how registration works and who is prioritized for registration. For example, one middle-age man, who arrived in Malaysia three years earlier were not aware that they (refugee) needed to submit a letter to the UNHCR. When asked other Rohingyas have been advised to try other strategies.

*“My only hope is to be registered and resettled by UNHCR. I don't think there is anything that can made life in Malaysia easier except being recognized by UNHCR. I am applied many times, I feel very sorry UNHCR hasn't ever replied. Some of the people recognized by UNHCR have not suffered as much as I have, I lost everything”*⁴⁶

The Way Forward For Rohingya Children

H. Letchamanan⁴⁷ pointed out that, it is clear that the educational needs of the Rohingya children in Malaysia deserve immediate attention. The case of Rohingya refugees is unique and should be treated differently from the other refugees. Firstly they are stateless, therefore they have little or no hope in returning to their country of origin unless there are drastic changes in the

political decisions in Myanmar. Secondly, they are the longest living refugees in Malaysia, and will most probably continue to reside in this country for the next few decades. All parties concerned must be able to look into this situation both realistically and practically. A structured and stable learning environment equipped with the necessary tools is pivotal to complete and cater for their psycho-social needs. The current situation as explained above is clearly an impassable issue to neglect. A quality education in this scenario needs to ensure that one of two outcomes takes place: a) to provide an opportunity for the refugee children to be employed in today's modern and mobilized workforce, or, b) to empower the refugee children to be able to survive in the challenging world. Currently, the UNHCR is discussing with the Malaysian Ministry of Education regarding the possibility of allowing the refugees' children receiving formal education in local schools.⁴⁸

Conclusion

After conducting an in-depth study on the situation of Rohingya refugees in Malaysia, it can be proposed that the silver bullet is to resettle them to third world countries since the South East Asia are hostile towards them, due to the influence of the Burmese military regime in the ASEAN nation. There is no confusion even though this is an early note of research as the author done it comprehensively which is totally true from the right angle and the concerned refugee quarters would take appropriate measures to have an independent investigation to the issue in order to strengthen security measure for the Rohingya refugee under International Protection Standard.

The systematic and widespread human rights violation of Rohingya is not an internal matter. It has caused tens of thousands of Rohingyas to flee as refugees to neighboring countries including Malaysia and other ASEAN countries. Ultimately, the Rohingya people in Malaysia will want to receive recognition as members of a society with the ability to live in dignity and contribute to the communities they live in. Since they are unable to receive such acceptance from the larger community in Myanmar, they have placed aspiration and hope on Malaysia instead. While many accept their plight, they do have aspirations on behalf of their children who they hope will have an even better future. In light of the information presented in this preliminary note, the following measures should be taken into consideration.

Firstly, Malaysia should not discriminate against the Rohingyas as they are also entitled to human needs and rights. While this can be achieved in part through proper implementation of existing laws and policies, it also requires prompt changes to certain laws and policies which are (in) directly discriminatory. Further actions to strengthen the rights of the Rohingya people can be taken by addressing the community's history.

With regards to the issue of statelessness and lack of legal status in

Malaysia, it is a core problem that impinges the lack of freedom and human rights. While the statelessness of the Rohingyas is the result of discrimination in Myanmar, the resultant lack of legal status in Malaysia is largely because the country does not have a protection framework in place for stateless persons. Although the punitive provisions of the Immigration Act and the lack of a domestic framework for the protection of refugees and asylum seekers place all persons of concern to UNHCR at risk, the statelessness of these Rohingyas places them at an even greater disadvantage. As stated above, while the Rohingyas are effectively stateless, it draws parallels between their plight and that of Palestinian refugees living in Lebanon, Syria, Egypt and Jordan. Many third and fourth generation of second born Palestinian do not have their country of birth, even if the original refugee were in fact economic migrants.⁴⁹ Inspecting this issue critically, if Malaysia continues to delay taking necessary actions to reduce the migrant flow to a trickle, there will be more problems present in the future. Alternatively, the government can grant citizenship, identification card, as well as access to education rights since Rohingyas that have already settled in Malaysia will continue to reproduce for the next generation. This study is being only limited to the human rights of Rohingyas refugee in Malaysia and not covered other group of community. If the condition more favorable, this study could have been comparative study. A comparison between the Rohingyas and other refugees.

Endnotes

1. UNHCR. Figure at Glance in Malaysia, <http://www.unhcr.org/en-my/figures-at-a-glance-in-malaysia.html> 2017.
2. See also Scott Reeves, Ayelet Kuper, Brian David Hodges, Qualitative research methodologies: Ethnography. They used an example of ethnographic research within the health services literature that include Strauss's study of achieving and maintaining order between managers, clinicians, and patients within psychiatric hospital settings.
3. Myanmar has been the official name of the country since 1989, in this paper, Burma will be used for the pre-1989 contexts.
4. Based on UNHCR figure, for details access www.unhcr.gov.my
5. The Rohingyas are an ethnic, religious and linguistic minority, mostly concentrated in the northern part of Myanmar's westernly Rakhine state, on the border with Bangladesh, forming a majority in Maungdaw and Buthidaung townships. They are mostly Sunni Muslim and Rohingya language speakers. They are considered the largest single group of stateless people in the world and together are thought to account for as many as one in every seven stateless persons. Up to date official statistics on the population of Rohingya do not exist. The government refuses to recognize the term Rohingya

- and has typically referred to them as ‘Bengali migrants’.
6. Aziz, Ayanthi, Finding Room for the Stateless: Locating the Rohingya in a Difficult World of Nations in *Development and Marginalization : The Poor, Indigenous Peoples and Forced Migrants*, API Fellows, 2010.
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 9. The author interviews the representative from the UNHCR, Yante Ismail, in Kuala Lumpur, June 2014. The interview was conducted at her office in UNHCR Jalan Petaling, Kuala Lumpur.
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 14. An interview conducted in the MEHROM office, in Cheras Baru, Kuala Lumpur at 9am on June 2014. The person interviewed confessed that he has already been caught more than 50 times by Malaysian authorities over the past 12 years.
 15. Author’s interviews with representative from UNHCR, Yante Ismail, Kuala Lumpur, June 2014
 16. Their language (Rohingya) is derived from the Bengali language and is similar to the Chittagonian dialect spoken in nearby Chittagong, in Bangladesh.
 17. The author interviews the representative from the UNHCR, Yante Ismail, in Kuala Lumpur, June 2014.
 18. Basically, the concept of ‘generation’ behind this terminology originates in Demography and Anthropology: it describes the vertical dimension in kinship-structures, i.e. the relational difference between parents and children (and grandparents/grandchildren etc.) as a universally relevant social categorization in all cultures and societies. The idea of the concept of ‘second generation’ in the context of Migration Studies is to address the offspring of parents who migrated

- to the place where their children were then born and/or raised. See for example, Jens Schneider , First/Second Generation Immigrants, Institute for Migration Research and Intercultural Studies (IMIS) University of Osnabrück, Germany, 2015.
19. The information given were based on self-interview conducted with a Rohingya family, Anwar and Sharifah in Ampang, 2015.
 20. UNHCR. Figure at Glance in Malaysia, <http://www.unhcr.org/en-my/figures-at-a-glance-in-malaysia.html> 2017.
 21. The figure given is based on the UNHCR, although, according to personal conversation and discussions with Rohingya's people and the NGO's representative, the figure estimation may be as high as 40,000.
 22. UNHCR Malaysia, Figures at a Glance. See http://www.unhcr.gov.my/About_Us_-_Figures_At_A_Glance.aspx
 23. Azharuddin Mohamed Dali & Azlinariah Abdullah, *Air Mata Kesengsaraan Rohingya Identiti, Pelarian dan Penindasan*, InTeam Publishing, Kuala Lumpur, 2012.
 24. Equal Only in Name: The Human Rights of Stateless Rohingya in Malaysia, Report by Equal Rights Trust (ERT) in partnership with the Institute of Human Rights and Peace Studies, Mahidol University, October 2014.
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 26. Quoting Malaysian government source: "Syed Hamid presents plan on Rohingya Muslim", An Exclusive Interview with *Astro Awani* as to commemorate 2nd Commemoration Day of Rohingya Genocide on 3rd June 2014. Tan Sri Syed Hamid Albar, former Foreign Minister of Malaysia was appointed as the OIC Special Representative on Rohingya Muslim of Myanmar by the OIC Secretary General OIC, Iyad Amin Madani on May 2014. See www.astroawani.com. See also "Citizen of Nowhere : The Stateless Community in Malaysia", 14th Malaysia Law Conference, 31 October 2007
 27. IMM13 document for the Rohingya refugees in Malaysia is issued by the Immigration Department. The reason for the suspension however was not made known to the public. The IMM 13 document allows the holder to work legally in Malaysia and send their children to school. It was reported that the registration exercise, which started on 1 August 2006, was suspended on 17 August 2006 due to alleged corruption, fraud and bribery involving agents and "middle men" in the registration process
 28. Report by ERT "*Trapped in a Cycle of Flight: Stateless Rohingya in Malaysia*", researched by Chris Lewa and drafted by Amal de

- Chickera, January 2010. The author interviewed Amal de Chickera in Kuala Lumpur for Workshop on Rohingya held in University of Malaya (UM), on February 2014. Amal also appeared live on Awani's program "*Analisis Awani*", on February 2014.
29. *Equal Only in Name : The Human Rights of Stateless Rohingya in Malaysia*, Report by Equal Rights Trust (ERT) in partnership with the Institute of Human Rights and Peace Studies, Mahidol University, October 2014
 30. The author's observations of the Madrasah Hashimiah in Selayang, Selangor and The Rohingya School Community of Cheras Baru, Kuala Lumpur, June 2014.
 31. The author interviewed Hafiz Hashim Qassim, in Madrasah Hashimiah, Selayang, Selangor, at 9am, on June 2015
 32. An interview conducted in Madrasah Hashimiah, Selayang, Selangor, at 11am, on June 2015
 33. The author interviews the representative from the UNHCR, Yante Ismail, in Kuala Lumpur, June 2014. The interview was conducted at her office in UNHCR Jalan Petaling, Kuala Lumpur.
 34. The author's observations of the Rohingya Community School Puchong, Selangor and The Rohingya School Community of Cheras Baru, Kuala Lumpur, on June 2014.
 35. The author interviews the representative from the UNHCR, Yante Ismail, in Kuala Lumpur, June 2014. The interview was conducted at her office in UNHCR Jalan Petaling, Kuala Lumpur.
 36. The information given were based on the author's interview with the representative of the UNHCR, Yante Ismail, in Kuala Lumpur, June 2014. The interview was conducted at her office in UNHCR Jalan Petaling, Kuala Lumpur. In a later time, a live telephone interview with Yante Ismail was also carried out for the purpose of the Bulletin Awani program, at 2pm, on June 2014.
 37. UNHCR, 2012-2016 Education Strategy. See <http://www.unhcr.org/pages/49c3646cda.html>
 38. The author interviewed Hafiz Hashim Qassim, in Madrasah Hashimiah, Selayang, Selangor, at 9am, on June 2015
 39. World Vision is an international Christian humanitarian organisation dedicated to working with children and families to overcome extreme poverty and injustice. Their work is to promote human transformation, seek justice for the oppressed peoples. World Vision serves all people regardless of religion, race, ethnicity or gender. Today, World Vision is helping more than 100 million people through its various development, humanitarian and emergency relief programs. With more than 45,000 staff in 100 countries, it is one of the largest relief organisations in the world. For information, access www.worldvision.org.

- com.my
40. The information given were based on the author's interview with the representative of the UNHCR, Yante Ismail, in Kuala Lumpur, June 2014
 41. Future Global Network Foundation.
 42. The author's observations based on the visit of the Pahang Rohingya Language School (PRLS), in Kuantan, Pahang, at 10am, on October 2014. For more details visit www.rohingyablogger.com/2013/07/pahang-rohingya-language-school-first.html
 43. The author interviewed Mohamad Faruk on December 11 at his settlement in Cheras Baru.
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 45. An interview conducted in the MEHROM office, in Cheras Baru, Kuala Lumpur at 2p.m. on June 2014
 46. The author interviewed Mohamad Ibrahim on December 11 at his settlement in Cheras Baru.
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