

Working with Refugees in Malaysia

Internship report by Melody Stanford

Although all Castan Centre Global Interns have challenges and thought-provoking experiences, I am probably the only one who faced so many challenges before heading off on assignment. My initial placement was to be an eight month internship with Africa-Middle East Refugee Assistance in Cairo, commencing July 2011. With the advent of the Revolution, however, and because the Egyptian elections were scheduled for September 2011, I became concerned that my internship in Cairo would be terminated prematurely. I therefore decided, with the kind assistance of the Centre, to apply to UNHCR Malaysia as an alternative.

I chose UNHCR Malaysia as I have a basic grasp of Bahasa Malay and am interested in working in South-East Asia once I complete my studies. Fortunately I was accepted to intern with their 'OPI' (Outreach, Protection and Intervention) unit at UNHCR Malaysia from early December 2011 until the end of March 2012.

Due to most refugees and asylum-seekers living in cities and towns for long periods of time without legislative recognition, there is wide scope for legal issues to arise in their daily lives. The OPI unit, which is unique to UNHCR Malaysia, was developed precisely to deal with legal issues encountered by refugees post-recognition and prior to resettlement in another country.

The crux of my role at OPI was managing a fluctuating caseload along with 2-4 Malaysian legal aid students and another intern (at first, Karen from Malaysia, and later, Martin from Sweden). OPI operates by way of walk-in, not prescheduled, interviews and so between 10-30 POCs (Persons of Concern – encompassing asylum seekers and refugees) were interviewed daily.

The issues reported during interviews commonly included the denial of wages from employers, assaults and robberies, extortion by authorities, sexual and gender based violence, requests for financial assistance and forced deportations.

After completing an interview we were required to write a report and consult an OPI Officer regarding further action to be taken. In many cases, a solution or partial solution could be found for the POC. In many others, however, I was pained to explain to the POC that the UNHCR was unable to provide assistance. This usually occurred where the POC lacked the legal standing to pursue action, where the UNHCR mandate didn't encompass the matter at hand, or where there were insufficient resources to help the POC. I found this latter situation a challenge to accept, especially in cases of financial assistance for medical patients. The line drawn between saving a life and making a life comfortable to live always seemed arbitrary and based on a theoretical point of view.

Access to justice and social services were undoubtedly the greatest challenges faced by POCs in Malaysia. One positive development is that the Malaysian government has agreed to reduce the foreigner's rate at public hospitals by 50% for refugees holding a UNHCR card. This still represents, however, a cost far in excess of that paid by Malaysian residents. One access issue that particularly concerns me is that refugee children, technically 'illegal immigrants' under Malaysian law, are denied access to public education. Further, there is a legislative bar to NGOs providing education to 'illegals'. As a result, refugee schools operate clandestinely and with no public funding or uniformity in curriculum, and have low attendance rates.

Overall, I thoroughly enjoyed my internship with UNHCR Malaysia. I most enjoyed the personal interactions I had, and relationships I developed, with both individual POCs and the people I worked alongside. I now feel far better equipped to work with refugees and asylum seekers here in Australia, as I bettered my interpersonal skills, interview techniques and ability to manage difficult caseloads. Unexpectedly, I also learned a great deal about office politics and managing difficult personalities in the workplace. My experiences at UNHCR Malaysia will have a lifelong impact, as I feel more certain than ever that my passion lies with refugee advocacy.

News from our human rights community: PILCH

There are many people in Victoria without the means to get good legal help. The Public Interest Law Clearing House (PILCH) connects people and organisations with legal problems to lawyers willing to act pro bono.

There are many cracks for vulnerable people to fall into. Legal aid and community legal centres do a great job but they can't do it all.

We see people being let down by an unfair infringements system – people who have many thousands of dollars in fines; people with legitimate claims for asylum who have had their claim rejected; seniors who have been taken advantage of, sometimes by close family; we see small organisations trying to contribute to a better community but hitting legislative hurdles.

We seek to leverage pro bono resources to ensure this legal need is met.

Sometimes the best way to help people get justice is to fix unfair

laws. We undertake law reform work to ensure that laws are fair and to increase people's access to legal help. Recently, we advocated strongly with many others to keep the Victorian Charter of Human Rights and Responsibilities and received a commitment from the Attorney-General to fix the law that prevents in-house lawyers doing pro bono work.

We're always looking for people to get involved in our work. One way to do this is to attend our annual Human Rights Dinner which we host jointly with the Human Rights Law Centre. It's on the 15th of June. Tickets go quickly, but for those who miss out there is a fantastic collection of items up for auction: dinner with Nicola Roxon, a cricket box signed by Merv Hughes, rare photographic prints, wine and much more. Details can be found here:

<https://register.pilch.org.au>

To learn more about PILCH and other ways to get involved visit:
www.pilch.org.au