



Basic Information for Asylum Seekers in Malaysia

Role of UNHCR

The Office of the United Nations High Commissioner for Refugees (UNHCR) is the refugee agency of the United Nations that was established in 1951 to provide international protection to refugees and solutions for refugees. UNHCR works to safeguard the rights of refugees, promote their well-being and help secure durable solutions.

Who is a refugee?

According to the *1951 Geneva Convention Relating to the Status of Refugees*, a refugee is a person who is outside the country of his/her origin, has a well founded fear of being persecuted for reasons of race, religion, nationality, political opinion or membership of a particular social group, and owing to such fear is unable or unwilling to avail himself/herself of the protection of that country.

Please also note that Applicants for whom there are serious reasons for considering that they are responsible for serious crimes might be excluded from refugee status.

How do I register with UNHCR?

Registration is the first step you have to undertake to seek international protection with UNHCR.

Registration involves recording your personal bio-data, travel route, reason for seeking asylum as well as capturing your photo and finger prints for identification purposes.

There are two distinct registration procedures for non-Myanmar and Myanmar applicants.

Non-Myanmar Applicants:

In order to obtain an appointment for registration with UNHCR, you are requested to be present in the Office on **Wednesdays at 12.00 pm** (except on Public Holidays). Please note that no priority will be given for persons coming earlier than the stated time. Any changes in policy will be notified at the notice board outside the office.

Myanmar Applicants:

Given the high number of applicants in the queue who have been previously scheduled for Registration by the Office, any new registration exercise that will be taking place in the future will be communicated and coordinated closely with the refugee communities.

What should I bring with me the day of registration?

- Please bring all documents relevant to your case i.e. passports, identity papers, marriage certificate, birth certificate, family census or National ID etc. on your appointment date;
- Please bring any UNHCR issued document e.g. appointment card, referral letter on your appointment date;
- Please bring a detailed written statement, in the language of your choice, of how and why you left your country of origin.

Remember that:

- All persons seeking asylum (including family members and/or any other dependants) should be present at the Office for registration;
- It is important that you provide correct and complete information when registering. Incomplete or incorrect information may be detrimental to your case.
- Each person registered will have a file number and all further communication with the Office must indicate the file number;
- You may need to spend a full day at the Office. Please be patient.
- Once registered with UNHCR you will be issued with an Asylum Seeker certificate which will expire on the day of your next interview. You will also be given an appointment slip for your interview.

Family Inclusion

- You may add family members to your case;
- If you are already registered with the Office and waiting for your RSD appointment, you can bring along during the RSD interview your family members who have not been registered yet;
- If you are a recognised refugee, you may write a letter to the Office requesting for family inclusion either by mailing to us, faxing 603 2141 1780 or e-mail at mislureq@unhcr.org

For any further information about registration procedures, please contact us at the addresses provided above.

Refugee Status Determination (RSD) by UNHCR

After you are registered you will enter the Refugee Status Determination (RSD) process and you will be scheduled for an RSD interview –please note that this may take up to one year. The RSD interview will assess your eligibility as a refugee.

During the refugee status determination procedure, you are required to:

- Submit any documents and evidence available regarding your application;
- Tell the truth and be cooperative;
- Inform us about family members accompanying you. Adult family members will be interviewed individually;

During the refugee status determination procedure you have the right to:

- Be interviewed in a language you can communicate in;
- To be represented by a lawyer or a legal representative, who qualifies as such under UNHCR's established procedures, during your refugee status determination procedure.

How long will it take for me to be issued with a decision?

- This depends on the nature of your case, as each case has to be considered individually. Approximately it takes from 1 to 6 months.

What if I am not recognized at first instance?

- If you are notified with a negative decision you have the right to submit an appeal request within 30 days. When you submit an appeal your file will be reviewed by a different officer than the one who decided the First Instance.
- The officer can overturn the First Instance decision and grant you refugee status. If the First Instance decision is confirmed your file will be closed.
- Please note that it may take up to one year before you receive your Appeal Decision.

Please take note that:

- **Each applicant has a different profile, background and reason for fleeing his/her country; hence each case will be assessed individually according to UNHCR rules and procedures.** Please, do not pay attention to rumors spread among refugee communities about specific stories to be presented in order to be granted refugee status;
- **Intentionally misleading UNHCR about the facts of your case or your identity is fraud.** Please note that this will negatively affect the processing of your case and may lead to a negative decision. UNHCR reserves the right to take appropriate measures in such cases;
- Your statements and documents will be kept confidential and will not be shared by UNHCR with other third parties without your consent; **Please note that under no circumstances will UNHCR share your information with the Government of your country of origin;**
- Do not sign any documents unless read, understood and approved by you;
- While in Malaysia you, like any other foreigner, are expected to respect the laws, customs and traditions of the society hosting you;
- **Verbal and physical threats made to UNHCR staff violate national law. UNHCR will report any person**

making such threats to the Police and these persons may be prosecuted;

- If you have lost contact with a family member due to armed conflict or other situations of violence, you may visit ICRC's family website at: <http://www.icrc.org/FAMILYLINKS>

How can I contact the RSD unit?

If you have any RSD related question you can email us at: mislursd@unhcr.org

Please use this email address for specific questions related to the RSD process, submit additional documents and evidence and to communicate changes in your contact numbers.

Given the number of queries received daily by the Office, please be patient, we will respond to you as soon as possible

You can also write a letter to the UNHCR address mentioned below

Detention

The Malaysian Government is not party to the international conventions which recognize and protect refugees (1951 Geneva Convention Relating to the Status of Refugees). This means that while you are in Malaysia you will not be recognized as a legal resident in the country.

If you are Stopped / Arrested by the Police

- You should calmly cooperate with the police and find out the reason for your arrest;
- Show the police your UNHCR document/UNHCR reference number and tell the police to call **UNHCR Hotline number 012-6305060** to verify;
- Memorize UNHCR Hotline number and if possible, your individual number;
- Alert UNHCR, friends or family As soon as possible and provide UNHCR Reference Number, place of arrest, which police station and contact of Investigating Officer (if possible).

When you are brought to the Magistrates Court:

- Inform UNHCR you are being charged in court. Ask magistrate for permission to contact UNHCR, family/friend.
- Ask for interpreter if you don't understand Bahasa Malaysia.
- Inform magistrate you are person of concern to UNHCR.
- Do not plead guilty if charged under s.6(1)(c) Immigration Act ("Kes Kosong").
- Do not nod or shake your head under any circumstances-if you don't understand what is being said ask for an interpreter by saying "UNHCR". Repeat if need to.

PLEASE CONTACT misluopi@unhcr.org for urgent assistance
**Please refer to UNHCR Detention Booklet for further information*

Services for asylum seekers and refugees

As an asylum seeker, you can access treatment at all public health facilities and will be charged the foreigner's rate. Refugees are entitled to 50% discount on medical bills at government health facilities. This is not applicable to asylum seekers. Treatment costs for infectious diseases at government health facilities are free-of-charge.

Primary health care services can also be accessed at ACTS Clinic (Brickfields) and Buddhist Tzu-Chi Free Clinic (Jalan Pudu). Please refer to the UNHCR health directory for more information and services.

Financial aid and medical assistance are eligible for recognized refugees only. If you suffer from a serious medical condition requiring urgent treatment, please submit a medical note from a government health facility explaining your medical condition and required treatment to Individual Assistance Desk (IAD). You may submit your medical note to IAD through post, fax (03-21171493) or by hand on Monday, Tuesday and Friday from 9am to 11am. For further enquiries relating to health and assistance, you may send an email to misluiad@unhcr.org

Durable Solutions

Once you are recognized as a refugee, you will receive a refugee card in substitution of your Asylum Seeker certificate and UNHCR will try to identify a durable solution. UNHCR recognizes three durable solutions for refugees: voluntary repatriation, local integration, and resettlement.

Voluntary Repatriation is when a refugee can safely and willingly decides to return to his/her country of origin. UNHCR may be able to assist you to return home if you choose.

Local Integration is when a refugee is permitted by the country of asylum to legally reside within their country and is able to enjoy equally most of the rights of a citizen and is under the protection of the asylum country.

Resettlement

Resettlement is when a refugee leaves the country of asylum and legally settles in another country that has agreed to admit him/her as a refugee and to grant him/her a permanent status in their country. **Resettlement is not a right.** UNHCR has no legal obligation to submit you for resettlement. If you qualify for resettlement, UNHCR will contact you to provide resettlement counselling and assess your case further. It is important to note that not all refugees qualify for resettlement and not all refugees will be contacted by UNHCR for further assessment.

Durable Solutions Unit can be reached at mislurst@unhcr.org. Given the number of queries received daily by the Office, please be patient, we will respond to you as soon as possible

All UNHCR services are free of charge. Please report anyone who is requesting money or any other favours from you in order to benefit from UNHCR services using the Complaints Box or emailing mislu@unhcr.org

UNHCR Contacts:

Address:

UNHCR Representation in Malaysia
570, Jalan Bukit Petaling
P.O. Box 10185,
50706 Kuala Lumpur

Telephone: +603 2118 4800

Fax: +603-2141 1780

Email: mislu@unhcr.org

Website:

<http://www.unhcr.org.my>

Please check our website regularly. In the section "Information for Refugees" we will post information which may be useful during your stay in Malaysia.

When you write, call or approach UNHCR in person for any reason related to your case, please always make reference to your file number. Please do not share your file number with third persons.

Complaints:

If you have a complaint about mistreatment, harassment, abuse or other improper conduct, you can drop your written complaints into the Complaints Box at the reception area of UNHCR Office or email it to mislu@unhcr.org.

Your complaint will be treated sensitively and kept strictly confidential.

Please note that UNHCR cannot consider anonymous complaints.