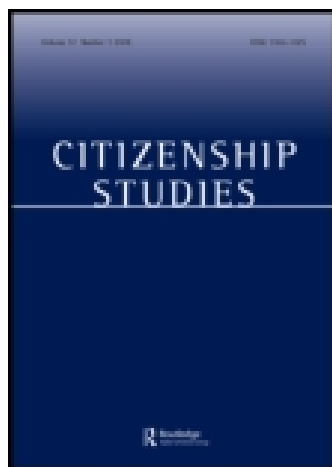


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Urban refugees in a graduated sovereignty: the experiences of the stateless Rohingya in the Klang Valley

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Employing Aihwa Ong's notion of 'graduated sovereignty,' this article problematizes urban displacement in the context of neoliberal citizenship. It follows the experiences of the stateless Rohingya, who, despite their protracted situation in the Klang Valley, are considered as only temporarily residing there. Disqualified from idealized citizenship based on a capitalistic Muslim subjectivity, they are disciplined mainly as low-skilled workers in the realm of the informal economy. Although internalization of neoliberal values (by the more entrepreneurial and capially endowed Rohingya) allows for more cosmopolitan solidarity with citizens, it still does not lead to citizen subject-making, suggesting racism and racialization in the governmentality of the population. Excluded from neoliberalism, Rohingya life in Malaysia is characterized by multiple taxation and interventions that make long-term residency in Malaysia unsustainable.

Keywords: urban refugees; Rohingya; taxation; neoliberal citizenship

Introduction

Urban refugees are now estimated to account for more than half of the entire refugee population (UNHCR 2009). This trend clearly presents dilemmas for refugee protection; as Gozdzia and Walter (2012, 5) noted, the UNHCR developed its first Policy Statement on Refugees in Urban Areas mainly to discourage urban settlement. The UNHCR only shifted its policy in 2009, and began to acknowledge 'cities as a legitimate place of refuge' (UNHCR 2009).

Kuala Lumpur has emerged as one of the major cities in Asia hosting urban refugee populations (Asia Pacific Refugee Rights Network 2013). Although not a signatory to the 1951 Refugee Convention, Malaysia has hosted refugees and asylum seekers for decades. This study looks, in particular, at the Rohingya – a stateless Muslim minority from Myanmar, whose displaced population constitutes one of the most protracted refugee situations in Malaysia.

Drawing on a yearlong period of fieldwork conducted around the Klang Valley (greater Kuala Lumpur area),¹ I examine concerns at the level of everyday life relating to Muslimhood, the IC (identity card), work, and the family. Each of these themes clearly warrants a more detailed analysis; nevertheless, the narratives presented here are aimed at illustrating 'ongoing processes of adjustment, negotiation and conflict' (Ong 2003, 15) in response to the governmentality at work in urban Malaysia. The focus is on how the Rohingya negotiate belonging and the mundane strategies employed in the absence of effective citizenship. My analysis is guided mainly by Aihwa Ong's theorization on

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neoliberal citizenship, particularly her notion of ‘graduated sovereignty,’ whose crucial aspect is ‘the differential state treatment of segments of the population in relation to market calculations, thus intensifying the fragmentation of citizenship already pre-formed by social distinctions of race, ethnicity, gender, class and region’ (Ong 2000, 57).

I argue that the everyday matters faced by the Rohingya reflect their disqualification from a rigidly predefined conception of an ideal Malaysian citizen. Although sharing the same religion as the state-favored Malays, they lack the desired economic and racial attributes preferred by the state. Despite their prolonged refugee situation in Malaysia, the Rohingya are considered to be short-term stayers. The following section starts by exploring the Rohingya’s disillusion and disappointment at not finding a Muslim refuge in Malaysia. The article then looks at the IC, which is a focal point repeatedly emphasized by respondents, and its relation to movement and productivity. Malaysia’s reliance on the immigrant labor market presents the Rohingya with an opportunity to work; however, participation almost always involves extortion. This ‘taxation’ constructs and regulates the Rohingya mainly as foreign labor subjects. While self-discipline and adherence to neoliberal norms allow for a degree of ‘quotidian transversality’ (Wise 2009) with citizens, the state response remains exclusionary. Frustrations from protracted displacement contribute to the Rohingya’s perception of being taxed by all, including by actors who are supposedly advocating for their rights and working on their behalf. The final section focuses on marriage and formation of the Rohingya family in Malaysia, and what they indicate about their belonging.

‘A different kind of Muslim’

As of January 2013, there are some 101,300 refugees and asylum seekers registered with UNHCR office in Malaysia – 92,650 are of Myanmar origin, and of this number, 25,830 are Rohingya (UNHCR Malaysia 2013). The bulk of the population arrived in the early and mid-1990s, following a major expulsion in 1992. Earlier sporadic migration may have occurred as early as the 1970s.

While earlier arrivals were likely spread out and integrated into small villages, Rohingya movement to Malaysia is increasingly standardized and directly routed to major cities as networks become consolidated through the years and the permanence of forced migration normalized. Many of the Rohingya refugees who arrived in the 1990s had to spend months in transit in southern Thailand (where they worked for months or a year or two to save up money before continuing their journey); nowadays, this practice is no longer necessary as new arrivals can rely on existing kinship and friendship with refugees who came earlier. Most Rohingya depend on the village network, and new arrivals typically spend their first months in Malaysia sheltered by a relative/friend from the same village. Rohingya homes in Malaysia often feature bare rooms and little furniture to make as much space as possible. One small apartment unit can house up to 20–25 people. In addition to providing shelter, refugees who have spent years in Malaysia usually are also implicitly obligated to help the new arrivals find work.

Rohingya movement to Malaysia conforms to the prevailing pattern in Southeast Asia, where the prevalence of irregular migration and the less significant nature of borders contributed to a blurring between internal and international migration (Skeldon 2006). In describing their new experience, some respondents emphasized adjusting from the rural villages in Arakan to urbanization in the Klang Valley rather than the transnational aspect of their migration. Those who came to Malaysia earlier often tease and make fun of the

new arrivals, laughingly commenting that the newly arrived ‘village folks’ (*orang kampung*) lack sophistication and understanding of the ways (*belum paham cara*) of the city. Respondents do not consider themselves to be ‘more Malaysian’ after their long displacement, preferring to say that they have adopted the local ways of life (*ikut style sini*). According to Mohamad,

I have come to this land, so I must take up the lifestyle here. How can we live here in their country if we do not do as they do? If I were in my country, I would follow the lifestyle there.

The Rohingya favor Malaysia as a destination, not only for its prosperity, but also because of its Muslim identity. Respondents who spent a considerable time in transit in Thailand agreed that the country was more hospitable, but at the same time posed great danger to the purity of a Muslim, due to its higher tolerance for alcohol consumption and extramarital sex. As one respondent, Ibrahim, explained, Thailand was ‘definitely an earthly paradise, heaven for the infidels.’ To preserve their identity as Muslims, they decided they could not stay and should proceed to Malaysia. ‘We passed through Thailand on the way here. Why didn’t we stay there? Because, we thought, “Malaysia is a Muslim country,” we should try to go there.’ Many respondents expressed predilection for Malaysia as there they would get to hear the sound of the Muslim call to prayers and are free to recite/study the Qur’an. One respondent, Hisham, imagined Malaysia as a *jannat* (heaven), a contrast to the hell of Myanmar, where he experienced religious persecution.

The Rohingya’s prolonged displacement in Malaysia ‘without immediate prospects for implementation of durable solutions’ meets the UNHCR criteria for ‘protracted’ refugee crisis (UNHCR 2009). However, despite this protracted nature of their stay, many Malaysians are ignorant of the situation that forced them to flee Myanmar, and because of their physical appearances, the Rohingya are often mistaken for Bangladeshis. Hashim, like many other respondents, finds he often has to explain himself to locals and clarify his identity:

The other day, a Chinese guy asked me, ‘If you’re really from Myanmar, why is your face different? You don’t look like the other Myanmar folks.’ I told him, ‘I come from the western part of the country. In our land, all the faces are like mine. Myanmar is a big country. Some have faces like this, others like that.’ Sometimes, local people don’t believe what we say. They think we’re all Bangladeshis.

The Rohingya’s objection to being regarded as Bangladeshis is based on two reasons. First, Bangladeshi migrant workers in Malaysia suffer from a bad image, and are often portrayed by local media as criminals (Gurowitz 2000). Second and more importantly, being mistaken as ‘Bangladeshi migrants’ reminds them of the very ground of their persecution and exclusion from citizenship in Myanmar. Respondents find locals’ ignorance of their persecution as odd, considering that Malaysians, in particular the Muslim Malays, are knowledgeable and vocal about the plight of the stateless Palestinians.

Arakan is much closer, but people here seem to know very little about us. All the Muslim world knows about Israel’s cruelty, but no one knows what Myanmar does to Muslims.

Malaysia is not a state party to the 1951 Refugee Convention. It does not recognize the legal status of a refugee; instead, the main legal reference used is the Immigration Act 1959/1963 (Act 155), which provides generally applicable regulations and basically divides individuals into two categories: (1) legally documented persons and (2) illegal undocumented persons (Cheung 2011). Under the Act, refugees and asylum seekers are designated as ‘illegal immigrants.’ In daily speech, the term used for ‘illegal immigrants’ in Malay is *pendatang haram*. *Haram* (Arabic, forbidden) is primarily an Islamic legal term applied to acts, policies, and objects that are prohibited and considered to displease

God. For the Rohingya, who consider themselves to be devout Muslims, the term *haram* applied to them ‘offends’ and ‘hurts’ because whereas they may have violated national (immigration) laws, they have not broken any religious law. Qarim preferred the term ‘*orang kosong*’ (undocumented people), which he regarded as ‘more pleasant to the ears’ and more objectively conveys his situation in Malaysia. Ibrahim recalled how in an attempt to regularize the Rohingya’s status in Malaysia through the IMM13 registration in 2006, they were harshly reprimanded for their *haram* status in Malaysia (I will discuss the registration process more thoroughly later in the essay):

They [Immigration authorities] gathered us at the KLIA Detention Centre and made us queue in line. They shouted and called us nasty names. This one officer kept saying, ‘You Rohingya, you *haram* folks. You’ve been staying here illegally. Only now, thanks to us, that you’re about to be made *halal*.’

Respondents made various references relating to the heart (*hati*) to express their discontentment and disappointment with Malaysia; ‘I no longer have the heart to stay in Malaysia,’ or ‘I already suffer too many heartaches here.’ Most respondents feel that they remain excluded in Malaysia despite their long stay, and point to the discrepancy between their expectation of Muslim hospitality and the actual treatment that they receive from fellow Muslims in Malaysia. For the Rohingya, the idea of a Muslim city of refuge is not fictitious. Such a city existed as a matter of historical fact; the Prophet Muhammad himself was a refugee. He escaped persecution in Mecca by making the *hijra* (pilgrimage) to Medina, where he and the *muhajirin* (the Muslim followers of Mecca accompanying his pilgrimage) were provided refuge by the *anshor* (‘the helpers,’ inhabitants of Medina). As Muslims, the Malays behave very differently from the *anshor* who came to the aid of the *muhajirin* and this is seen as deeply disappointing, since loyalty is supposed to be directed toward brothers in Islam.

Such a lack of religious solidarity is encountered in an incident whereby respondents faced problems in arranging burial for a deceased relative.

They asked for RM2,500 for the grave. We have no choice (but to pay). We must bury him. Muslims can’t be cremated. If we couldn’t come up with that amount, the mosque and cemetery would refuse to bury him. It’s as if this is not a Muslim country at all.

Respondents commonly commented that ‘The world has been turned upside down,’ since Malaysian Muslims no longer use religion as main reference in their lives. ‘They are Muslims, yes, but they have become different. They’re only Muslim in name, now.’ Jaafar lamented that Islam is now behind the times as there are no more helpful Muslims like the *muhajirin*. These brothers in *umma* (the global Muslim community) are gone. ‘The world follows technology now,’ he remarked to stress how contemporary Muslims conform to modern imaginaries and solidarities. According to him, the current age is marked with a belief in documents, instead of religious faith. Kamaluddin added to his comment, ‘In this world, those with power are those who have money.’

These comments are perceptive of the different kind of Muslim subjectivity which prevails in Malaysia and why the notion of the *umma* is eventually not elastic enough to ensure solidarity between Malaysian Muslims and *all* Muslims. In its postdevelopmental strategy, the Malaysian state has promoted a new Islamic narrative that is infused with notions of capitalistic development and entrepreneurialism (Ong 2000, 59). Through its pastoral power, the state has particularly sought to engineer the making of a large Malay middle class. Dubbed *Melayu baru* (the New Malay), these subjects possess ‘technological proficiency’ and ‘exemplary work ethic’ that will ensure ‘a high and escalating productivity’ necessary for Malaysia’s industrialization goals (Ong 1999, 203). Qualities

such as being self-disciplined, entrepreneurial, and wealth-accumulating are endorsed as Islamic (204) and subjects are defined by material success as much as their faith.

The Rohingya realize that as impoverished Muslims, they do not qualify to be these 'competitive and enlightened Muslims who can play the game of capitalism' (Ong 2006, 81). The state Islamic narrative is only willing to accommodate certain Muslims. They observe that Malaysian Muslims still extend hospitality to Muslim foreigners, but do so discriminately. Respondents most often contrasted their plight to that of rich Muslim foreigners, like students from the Middle East, who they viewed as warmly welcomed. Favoring certain Muslims and discriminating against others is seen as further evidence of how Malaysia is no longer very Muslim in its faith, as true Muslims are supposed to assume equality for everyone within the shared faith.

In everyday living, the Rohingya's resentment of Malaysians as less devout Muslims is traceable in criticisms of daily Muslim practices in Malaysia. A respondent, Razak, dislikes going to the Friday prayers at local mosques because preachers would at times insert discussions about local politics in their sermons. According to him, only discussions pertaining to religious matters should be allowed. As followers of the Hanafi *mazhab* (school of thought), the Rohingya see the Syafi'i *mazhab* to which Malaysians subscribe as lenient. 'Malaysians do not perform as many *sunnah* prayers as we do.' They also refrain from eating some foods like certain crustaceans, which Malaysian Muslims eat but are *makruh* (allowed but disliked) according to the Hanafi *mazhab*. They would avoid *sambal bilis* (dried anchovies in chili), which usually accompanies Malaysia's favorite rice dish because it contains *belacan* (fermented shrimp paste).

This assertion of difference by appealing to a moral high ground may be to compensate for their lack of legal rights. They constantly insist on religious identity as a way of belonging and basis for solidarity, rather than to put forth claims based on citizenship/nationality. Religiosity is asserted as a moral criterion that renders them deserving potential co-inhabitants of this Muslim-majority country. As Ahmad stated, 'I already know that I cannot appeal to Malaysia as a nation. But we share the same religious belief, it must give us of some sort of rights.'

Malaysia Boleh!: mobility, productivity, and taxation

I now turn to address the Rohingya's specific experiences as *working refugees*. I begin by discussing the national identity card, which raises questions about mobility and productivity. The 'IC' effectively distinguishes the stateless Rohingya from productive Malaysian citizens, and marks their allocation to different spaces of graduated sovereignty. In the production zone, low-skilled and migrant populations become subject to disciplining and surveillance (Ong 2006, 79). But in informal economic activities, extortion as a form of taxation becomes the main disciplining technique. Although citizenship originally rested on property ownership, and individuals were bound in service to the state by the universal duty to pay taxes, the Rohingya's contribution does not lead to citizen subject-making. Instead, the Rohingya are disciplined in Malaysia as part of the immigrant workforce, which is temporary and expendable.

Most respondents emphasized that their 'first and foremost' problem is lack of documents. In discussing the IC, they mainly stressed its undisputed usefulness in facilitating movement. In its absence, a person's mobility is subject to interruption. A respondent, Ghafur, used the Malay word *sangkut* as a metaphor to describe these repeated interruptions. *Sangkut* illustrates a condition of being stuck on something, while *tersangkut masalah* signifies getting into trouble.

Most accounts refer to interception by local authorities – the police or immigration – as the main disruptor of flows. One respondent, Salim, who has resided in various parts of Klang Valley since the 1970s, has been arrested 11 times and on some of those occasions deported to Thailand. But he takes the arrests/deportations lightheartedly, ‘Every time, I always managed to return. Malaysia is not like Myanmar, it only detains (people) for some time, but then lets you go,’ suggesting that interruptions are not dire. Ghafur provided the most telling account, summing up the everyday practice of bargaining for space in Malaysia and the mundane tactic that ‘frees’ and saves them from being stuck. It involves a parody of PM Mahathir Mohamad’s ‘Malaysia Boleh,’ which was a political slogan that combined a Malaysian can-doism with a grand design toward capitalistic development.

PM Mahathir had already said it a long time ago. ‘Malaysia Boleh.’ Malaysia can. Whoever can give money, can come and stay in this country. Let the *Agung* (the King) lead the way, we follow behind. Do you understand what I mean by *Agung*? Money. You see that in the currency notes there are pictures of them? I cannot keep what I earn to myself: I have to share with others.

Respondents often express envy for Malaysians, who, as holders of national identity cards, are free from these interruptions to daily movements. In a recurring theme of animality – reference to oneself as ‘like a cow’ is very common – respondents denote their ‘inhumanity’ and ‘bare life’ (Agamben 2000), in contrast to the smoothly navigated, productive life of the ‘human’ citizen. They often compare the national identity card to the more inferior UNHCR refugee card, expressing frustration at the latter since it limits them from employment. As one respondent, Hashimuddin, said, ‘The refugee card only allows us to play and wander about,’ suggesting how the card is deemed less legitimate, especially in the eyes of authorities. When stopped by the police, the Rohingya are usually reprimanded about the nature of their card – it is not a work permit. This discussion about the UNHCR card interestingly reveals when and how people get ‘*sangkut*.’ Movement is condoned when it is unproductive but immediately becomes problematic when it leads to refugees entering sites of employment.

The right to work is a central concern for urban refugees (Umlas 2011). To be without work is a source of shame and marks a loss of self-worth. Ibrahim remarked that staying home idle even for just a day would make him ‘sick.’ For the Rohingya, work is particularly important because they define a good citizen as someone who can provide labor. This argument is invoked when they try to make the case that Malaysia should take them as citizens, ‘Because we are strong, we can handle hard labor. We make good workers.’ The Rohingya take up a range of jobs in the informal economy. In the urban context of Klang Valley, many work as garbage collectors, in the market, or take up construction jobs (ERT 2010). In addition to collecting garbage, similar menial jobs include cutting grass, painting houses, and sweeping the streets. Even in the absence of readily available jobs, they could still find one – many new arrivals start out by putting together a makeshift cart to collect scrap metal and other throwaways to be sold to dealers. They could collect up to RM15–RM20 daily, with scrap metal priced at RM0.25/kg.

These jobs that they find in Malaysia are high risk in nature as they take place in relatively open, public spaces and expose them to arrests and extortions. New arrivals are particularly vulnerable, since, as mentioned earlier, they do not know ‘the ways of the city’ yet. Indeed, arrest is often referred to as the newcomers’ problem. Malaysia employs exceptionally high surveillance on ‘illegal’ foreign population. In addition to state authorities (immigration and police), the help of RELA – *Ikatan Relawan Rakyat* (People’s Volunteer Corps) – is also enlisted in policing the foreign population (ERT

2010; Hoffstaedter 2014). These rigorous legal disciplining and high surveillance enforce the ‘time-limited contracts’ of foreign laborers’ employment and residence; while they have limited rights to employment, they cannot apply for citizenship (Ong 2006, 83). Respondents claimed that the police or immigration authorities would take whatever they have in person at the time of encounter, ‘If we don’t have cash, then our mobile phone.’ In a shortened time horizon, heavy taxation and confiscation of the laboring subjects’ property occur because law enforcers are not bound to any social contract, unlike in their relationship with citizens. Corruption and rent-seeking practices thrive because the stake at hand is practically so small as to be absent.

In contrast to high surveillance on ‘illegal’ non-citizens, there is a notably weak policing of ‘criminal’ citizens. In the high-risk workplaces, rent-seeking practices are not monopolized by officials; they are also enacted by criminal actors at the other end of legal spectrum. Interruption can also come from actors who control the informal worksites/sites of production – this is particularly true in the case of those working in the markets – namely, thugs or vigilantes running protection rackets. The experience recounted by Abdullah, a fishmonger in Klang, is typical.

On the first day I started this business, a local gangster came and beat me up. Once I recovered, I returned and told him, ‘We can come up with an arrangement. I can pay you, but you have to protect me.’ We finally agreed on RM50 for protection money.

In Malaysia, crimes perpetrated against undocumented populations are under-reported – those assaulted often do not go to the police, fearing that they would themselves be arrested (IRC 2012). Their accounts are also overshadowed by dominant narratives depicting migrants as responsible for the alleged increase in crime (Dannecker 2009). It is also of note here that the Malaysian police excludes serious crimes from crime statistics report, including criminal intimidation, extortion, and causing grievous hurt (Boo 2013), which are the types of crime undocumented foreign populations are particularly vulnerable to.

Returning to Ghafur’s subversive parody of *Malaysia Boleh*, his assertion that the Rohingya cannot keep all to themselves shows resignation to extortion as a way to discipline undocumented foreign laborers. Mandal and Marjit (2011) point to the paucity of legal protection as the reason the informal sector is an easy prey for extortion and corruption, but I want to push this argument further. If taxation and markets have always been symbiotic, then extortion is simply a form of taxation in the informal economy. The Rohingya understand that all human work must be taxed, their objection is directed rather toward the *multiplicity* of actors ‘taxing’ them. The taxation that the Rohingya encounter goes beyond the criminals controlling protection rackets at the workplace. In fact, instead of Malaysians, the actors that they resent the most are their own Rohingya leaders.

I will elaborate the point on the leaders shortly, but first there are trajectories through which rent-seeking practices in Malaysia become more severe. The amount of extortion varies according to levels, from the streets to the national border. It escalates depending on where the Rohingya is taken to upon arrests. In the most fortunate cases, they are released after successful negotiation on the street. If lacking enough cash in possession, they would be taken to a nearby police station and released after friends/relatives ‘bail’ them out. The fee charged here would be higher. Those rounded up during raids would likely be sent to prison or detention camps, where they face even higher demand for release. Those unable to pay could spend months in detention facilities or face deportation.

Many suspect the Immigration Department of colluding with ‘agents’ operating at the borders as deportees would have to pay for the agents’ service to smuggle them back into

Malaysia. Failing to do so would result in being sold into forced labor, usually in Thai fishing boats, where people are confined for months at sea. Fayas, for example, was arrested in 2007 and taken to a detention center in Semenyih. He was later handed over by immigration authorities to agents, who took him to Kota Bharu, in Kelantan (a northeastern state abutting Thailand's Narathiwat province). He was then told to contact friends or relatives, who were to provide RM1800 for his release or else Fayas would be sold to the fishing boats.²

As the above-mentioned case shows, extortion also escalates when state authorities collude with non-state actors. The most illustrative case here is the failed registration for the IMM13, a temporary work permit, which also allows access to healthcare and education. The Malaysian government began registering the Rohingya for this document in August 2006. Around 5000 individuals had been gathered when the process was suddenly halted without official explanation. News that circulated, however, pointed to corruption by refugee leaders, who allegedly registered a number of Bangladeshis as Rohingya.

While the dominant circulating stories put the blame mainly on corrupt Rohingya leaders, a different version emerged from a few respondents, suggesting that government officials were also involved. Although still holding leaders responsible, they acknowledged that these leaders were pressured into registering non-Rohingya. The government officials in charge of the project reportedly demanded to be provided with a sum much higher than the cumulative amount of levies collected. As it was already difficult for the impoverished Rohingya to come up with RM90 levy per person, the only way to quickly generate cash was to register non-Rohingya (the Bangladeshis reportedly had no objection paying up to RM1000).

The failed IMM13 registration raised some important points. First, respondents see the Malaysian government's decision to halt the process as an unfair collective punishment. It also marked a defining event that saw the proliferation of refugee organizations claiming to represent Rohingya interests. During the period of the research, there were at least seven such organizations/committees in the greater Kuala Lumpur area. This could be read either as response to disappointment with the original organization representing the Rohingya, the Rohingya Information Centre (RIC), or as being motivated by greed, considering material benefits can clearly be had from assuming leadership. Narratives from respondents often suggest the latter. Particularly on the basis of the failed IMM13 experience, they view leaders as 'only interested in selling us, they don't love their own people.'

Leaders are usually ambitious men who elect themselves and not appointed by the community they claim to represent. Their authority is far from certain, and is increasingly challenged. If at first constituents make efforts to support the organizations' endeavors and voluntarily give donations, they become more and more reluctant to contribute as displacement is prolonged. The problem again is with taxation. Taxation is acceptable when the governing entities yield results, but after all these years, the leaders have not come up with durable solution for their statelessness. From the respondents' point of view, these leaders seem intent on maintaining the *status quo* and continue to extort money from them for as long as possible.

Acceptance of the selected few

State authorities and criminals are obviously not the only people the Rohingya encounter in Malaysia. Respondents also report meeting sympathetic locals, and some are able to

build good relations with neighbors or people at work. Encounters with these ‘transversal enablers’ (Wise 2009) provide evidence that cosmopolitan solidarity and a moral engagement that include the migrant Other do occur. Ibrahim, for example, said of his current neighbor,

There’s a Malay family next door, and they are very nice. We’ve been neighbors for six years now. They never scold me, never make any complaint. My little daughter, Khadija spends a lot of time with them. They take her sightseeing, to attend weddings, they even took her on holiday once in Perak. I can’t say all Malaysians are bad. There are good folks like them.

Meanwhile, the following are Yunus’ comments about his employer,

My boss understands my situation. I don’t know about other people’s bosses, but my boss is OK, I can never find fault with him. He’s good. Last time I was arrested in Sepang, he bailed me out.

Nazaruddin seemed to ease into the society most successfully. He prides himself in never being arrested, attributing it to his ‘good behavior’ and careful conduct. Arriving in Kuala Lumpur as a teenager in 1996, he immediately found a job working at a restaurant, and quickly earned his employer’s trust, eventually becoming his boss’ right-hand man. After years of working with this employer, he moved to Puchong and opened a small restaurant.

I have a Malay business partner. Basically, I just needed him for the purposes of the business registration. It was entered under his name. Everything else, I do them by myself. I run all the management and daily business.

The ‘quotidian transversality’ at work, however, is yet to constitute an expansive solidarity that is based precisely on the common ground of human rights. Currently, intermingling and mutual interdependence in exchange are more likely to be enjoyed by certain, favored Rohingya. Respondents who have good rapport with locals are usually literate and have a finer command of Malay. They either have better education, like Nazaruddin, who came from a privileged background (his father was a landowner in Arakan), or were self-motivated to learn. Ahmad, for example, claimed that he was different from other Rohingya because, ‘I have interest in the Malay language, and I took time to really learn, I taught myself how to read and write.’ This set of better-educated Rohingya is also more likely to downplay their refugee status. Mohamad Kobir preferred not being called a ‘refugee,’ because ‘people look down on refugees.’

While the majority of Rohingya in Malaysia take up high-risk jobs mentioned in the previous sections, these better educated/self-taught respondents are able to secure low-risk jobs. For example, Ahmad worked as a carpenter at furniture workshop, while Anwar worked as a math tutor in a tuition center. Their workplaces present relatively safe environments where the possibility for arrests is slim. As their jobs require more specific knowledge/experience, they become valued human resource, unlike the low-skilled Rohingya who remain a variable factor in production.

In this regard, literacy is crucial. For Ghafur, it sets citizens, or ‘the intelligent humans,’ and ‘the Rohingya animals’ apart. Although quick in picking up the spoken language (most respondents report that they needed less than two years to be fluent in Malay), not many Rohingya are able to read. Ghafur considers literacy as important if a person wants to master the customs and the ways of life of a citizen. According to him, as long as they remain illiterate, the Rohingya animals will continue to be preyed upon by lurking predators. He delineated how, as animals unable to read, the Rohingya end up in places they are not supposed to be and get caught up in trouble with authorities who discipline them through arrest.

Animals can't read street signs – they put up a sign saying, 'NO ENTRY' and yet we still enter. Then the police would come and arrest us, 'Don't you know you can't go here?' I don't know how to read, therefore I don't know the ways, and I am ignorant of the rules.

Another group of respondents who manage to secure low-risk jobs are those who arrived in the 1990s, and whose journey to Malaysia included a transit in Thailand. Yunus, while not as educated as the other respondents mentioned above, is advantaged by his migration experience. During the months in the borders with Thailand, he picked up bread-making skills. Many like him find it relatively easy to find restaurant jobs, especially in manning the bread (*roti canai*) station at *mamak* (Malaysian Indian Muslims) stalls. This set of skills that those migrating in 1990s possess is lacking among the Rohingya who arrived more recently.

Observation of these respondents suggests the importance of having education and skills to survive and be accepted. Those with social capital stand a better chance at interaction with locals, and acceptance is more likely when non-citizens already share some of the qualities of the citizens. Nazaruddin, in particular, provided an example of those who are able to pull themselves up by the bootstraps. His entrepreneurship highlights values favored by neoliberal state and how those who have internalized them are treated with a lighter hand. This self-discipline, however, still does not lead to citizen subject-making and does not secure conferment of citizenship from the neoliberal state, suggesting another factor at play in the governmentality.

UNHCR and non-governmental organization interventions

Unskilled/illiterate Rohingya get less welcome or support from locals. In the face of troubles (and they do get into '*sangkut*' more often), they do not expect much from the community/refugee organizations because of their distrust of the leaders. Instead, the UNHCR becomes a central figure they appeal to. According to Jaafar, 'The Rohingya are orphans in the world. We have no country, no family. The UNHCR is our mama and papa.' The UNHCR regularly intervenes on their behalf, especially in negotiating for release when refugees are taken to immigration detention facilities. Respondents also commonly seek the UNHCR's intervention during medical emergencies (e.g., child birth, accidents).

The UNHCR's capacity and resources, however, are limited. While it can provide short-term relief, it is unable to offer the same kind of protection that states offer. Shobir provided one of the most interesting remarks about the limitations of the UNHCR since it highlights the question of 'protection space' for urban refugees:

A policeman stopped me and asked to see my documents. He examined my UNHCR card and said: 'If you are a person of concern to the UNHCR, why aren't you living in their compound? What assistance does the UNHCR provide for you?' I said the UNHCR couldn't possibly shelter that many people. It can only give this card.

Limitation in its capacity and resources, however, is less of a source of resentment toward the refugee agency than the perceived discrepancy between its resettlement policies and the interests of the Rohingya. Respondents observed that Chin refugees were processed much quicker and a large number got resettled in third countries (see Hoffstaedter 2014). Only a handful of Rohingya families were resettled, usually those who were deemed most vulnerable. They viewed this as unfair, because the Chins arrived in Malaysia much later than they did. 'Shouldn't refugees be processed on a first come, first serve basis? We came here first, so we should have been resettled first.' As a consequence, some accuse the UNHCR of religious discrimination – but the more important point in protestations against the UNHCR's 'discrimination' pertains more to their insistent claim of 'true

refugee'-ness. Again, the Rohingya referred to their 'lack of IC' in emphasizing their plight, although this time it is invoked in the Myanmar context to refer to their statelessness. Denial of citizenship in Myanmar sets them apart from the other refugees fleeing the country. Since the Chins and other ethnic groups did not experience it, the Rohingya do not consider them to be true refugees, seeing them as less entitled to the status and less deserving of the UNHCR's assistance.

Instead of resettlement, the UNHCR has long pursued local integration as durable solution for the Rohingya. When interviewed on 27 July 2009, a UNHCR staff said that the refugee agency was of the opinion that integration was the best durable solution, and was not giving up on pushing for the IMM13. This was based on the considerations that 'the Rohingya are Muslims, speak the local language, and many have lived in Malaysia for some time.' But since Islam is not a basis for solidarity, this shared Muslim identity is actually not a strong rationale for integration. The UNHCR's goal to secure IMM13 for the Rohingya is also problematic as some respondents regard the document as a solution for economic migrants that therefore defeats their claim as refugees.

Regardless of whether resettlement or integration would be better, respondents think that the UNHCR is not doing enough to achieve *any* durable solution or to address the root cause of their problem, i.e. lack of citizenship. UNHCR interventions continue to occur in a humanitarian framework which does not address long-term needs. Like the tax-seeking authorities, UNHCR and the NGOs continue to operate in the short-term mode. The prolonged mismatch between the actual problem and the types of care they receive is seen as aggravating. A respondent whose family was exposed to many NGO activities expressed her annoyance:

Recently we had a H1N1 training. Before that, on gender-based violence. Our problem is we don't have identity cards. Why aren't they doing something about that? How can these trainings help us?

Another example is the schools which some NGOs/local organizations (usually in partnership with the UNHCR) open for Rohingya children. These NGO-run schools provided only limited curriculum, with educational programs for older children particularly lacking, leading to complaints from families that the children are not getting real/proper education. Ghafur commented, 'Our children never seem to get past that ABCD part.' More straightforwardly, Malik explained that what he wanted was not aid but empowerment, 'a chance to live independently, to be able to make [our] own lives and earn [our] own money.'

As protracted displacement continues and a durable solution not found, the Rohingya's perception of being taxed by all is inevitably, and unfortunately, also extended to the UNHCR/NGOs. They come to view these caregivers as 'selling' them too, enriching themselves through projects for the Rohingya. 'They need to keep us here in Malaysia, because without us, they have no projects, and could not get money to eat. The UNHCR must have some secret dealings with the Malaysian government to keep us here.' They view the UNHCR as deliberately maintaining them as refugees; they are not prepared for or considered worthy to be put on any path to citizenship.

In addition to mediating refugees' relations *vis-à-vis* the state, the UNHCR as a service agent is also well placed to 'translate dominant discourse into micropractices' (Ong 2003, 17). With regard to the Rohingya, the agency's resettlement of only the most vulnerable risks perpetuating and formalizing refugee subjectification as passive victims (Malkki 1996), as many respondents inundated the UNHCR with letters, medical reports, unpaid bills, and other proof of suffering (some regularly sent the same documents for years).

Yet, at the same time that they were presenting this suffering self to the UNHCR, they continued to participate in Malaysia's workforce, expressing confusion at the resettlement of the vulnerable, since, as has been mentioned before, they define a good citizen as someone who can provide labor, 'Not those who are sick or disabled.'

Inheritance of statelessness

While the opportunity to work is relatively negotiable (thanks to the intervening role of money), the family realm appears to be the most effective and categorical in denying citizenship and ensuring enduring statelessness for the unwanted Rohingya. If previous sections observe differential modes of treatment which endorse one ethnicity over others, and professional work over manual labor, the Rohingya family life highlights how neoliberal citizenship favors the male over female. As 'foreign labor is cheaper than homegrown female labor' (Ong 2006, 83), Rohingya men are at clear disadvantage and become ineligible for marriages to local women. Instead, they marry other non-citizens, consequently perpetuating their statelessness for generations.

Rohingya marriage to local Muslim women is rare. While generally reluctant to comment on why there are few marriages to local women, concomitant with notions of class, the Rohingya often make remarks alluding to their self-perceived unattractiveness that suggest racism toward them:

Those without money, they will not accept. If we were more handsome, or looked more like white people, they wouldn't treat us like this. The Malays don't like us because we're short and dark-skinned. They prefer white foreigners.

Out of 71 married male respondents observed in Puchong, only 1 is married to a Malaysian; 34 married Rohingya women, 33 married Indonesians, and 1 married a Thai. In the case of the respondent who was married to a Malaysian, the marriage did not help with the legal residency status. Indeed, in Malaysia the status of foreign husbands remains particularly uncertain even when they are documented (Vijandren 2013). The Federal Constitution has different provisions for non-citizen wives and husbands of Malaysian citizens: Article 15(1) stipulates that the foreign husband cannot become a Malaysian citizen by registration (unlike the foreign wife of a Malaysian man who can obtain citizenship under that law if she satisfies certain residential and character qualifications); instead, Article 19(1) states that foreign husbands are required to seek citizenship by naturalization (Women's Aid Organization 2012, 110). These laws rest on a patriarchal notion that the nationality of the family should be uniform and determined by the male 'head of the household.' This 'dependent nationality' asserts that a woman's citizenship is secondary to men's; therefore, a woman cannot support a foreign husband (IWRAP Asia Pacific 2006).

Many Rohingya marriages in Malaysia are second marriages, with husbands still supporting their first families in Arakan. Many sons, when they have come of age, join their fathers in Malaysia, perpetuating the predominantly male migration. Since 2009, however, there has been a significant increase in the importation of Rohingya 'mail-order brides' by air – refugees and activists reported 67 arrived in 2012 (*Aljazeera* 2013). These women would be brought over either from their villages in Arakan or from Bangladesh. Aisha, for example, came from the same village as her husband, Jamal, in Kyauktaw. She escaped with her family when she was a child, however, and grew up in Ukhia, in the Bangladeshi border. Upon marriage, she was smuggled to Malaysia by air, accompanied by her father.

When they cannot afford to marry Rohingya women (aside from paying for the smugglers' service and air travel, they are expected to pay a large dowry), Rohingya men would pragmatically wed other Muslim women in Malaysia, most often Indonesian female migrant workers. Some said they opted for this union (dubbed playfully as 'Rohingdon') because 'the dowry is cheap' (RM50–RM100), but a more thoughtful reason for marrying Indonesian women is offered by Ibrahim:

The Indonesians are poor like us. Us, fellow poor people, we understand each other. The poor never get along with the rich. My employer, for example, never understands my complaints. My wife can understand me. Others can't.

In other words, a kind of transnational or cosmopolitan affinity occurs between those of the same categorical identity as oppressed migrant Other. Solidarity is more likely to emerge in the graduated sovereignty between those belonging to the same class/status.

In most Rohingdon marriages, Indonesian wives deliberately choose to be stateless, maintaining that: 'My husband is Myanmar, so I am Myanmar too. My husband does not have documents, so I shouldn't.' Many of these Indonesian wives, if they initially came to Malaysia with proper documents, would no longer renew passports or work permits. Instead, their husbands would appeal to the UNHCR to also provide them with refugee cards. Interestingly, the Rohingya conform to the 'dependent nationality' notion that a married woman is linked to the state through her husband as they insist that wives follow their husbands in all aspects of life. Women's role is indeed subjugated in the Rohingya family (traditionally, they are confined to the home). While Rohingdon children are provided with refugee cards, it is problematic for UNHCR to issue them to the spouses, who have never been denied Indonesian citizenship. Usually, the UNHCR would issue a letter stating that the woman is the wife of a stateless Rohingya. Within the Rohingya community itself, Rohingdon marriage is not considered ideal. Some respondents expressed disapproval because the children from these marriages are more likely to grow up speaking only Malay.³

And how would these children prove themselves as Rohingya in the future? Would the UNHCR officers believe that they are Rohingya when they can't speak the language?

As Malaysia subscribes to the *jus sanguinis* principle of citizenship, children born to Rohingya and Indonesian wives inherit the father's statelessness. 'Foreigner' or 'Myanmar' is entered under the nationality column in birth certificates, and consequently, lack of citizenship is passed on to next generation(s). In effect, the Rohingya extend and perpetuate their stateless predicament with regard to their family formation.

In Malaysia, undocumented foreigners are barred from attending national schools. While some private schools are willing to take students from the population, they are much more expensive. Prohibited from education, Rohingya children are effectively denied a chance at becoming citizen-subjects as they never become equipped with the social capital (literacy, knowledge, skills) favored by neoliberalism. One way to secure education is to have children registered as *anak angkat* (foster children) to Malay acquaintances (usually neighbors), so that they could attend national school. Less common is the practice of sending Rohingdon children to the maternal grandparents in Indonesia to be raised there.

Considering the difficulties entailed in raising families in Malaysia, a few respondents choose to stay single, like Nazaruddin, who was 34 (considered to be an old bachelor) at the time of interview:

I've seen what happens to my friends when they start families. They can't send their children to school. In some cases, they get arrested, leaving the wife to look after the household. Or she could get arrested too. What's to happen to the children? I will think about marriage when I have proper documents.

Conclusion

The Rohingya experiences in the Klang Valley showcase their disenfranchisement from Malaysian citizenship. Islam is not enough as a basis for solidarity, and shared religious identity entitles fewer rights compared to qualification based on neoliberal values. At the state level, the government, with its specific interest in the biopolitical improvement of the Malays, has little political goodwill to include the dark-skinned, Bangladeshi-looking Muslim Rohingya as citizen subjects. Under the hegemonic ideologies of racialization at work, they are confined to what Ong calls the 'brown areas' of marginalization and neglect. A comparative case which showed a more flexible management of the non-citizen population transpired in Projek IC, in which fair-skinned Muslim 'illegal immigrants' from southern Philippines and Indonesia were issued identity cards (*Free Malaysia Today* 2013). While cosmopolitan crossings between the Rohingya and Malaysian citizens do occur, these solidarities are more likely to emerge with those who are most citizen-like and have internalized neoliberal norms. Instead, working-class cosmopolitanism between the Rohingya and other non-citizens who constitute the oppressed immigrant class is more likely to develop.

Disqualification from citizenship means that the Rohingya population, despite prolonged displacement, continues to be set in the national imagination as staying only temporarily. In the capitalistic social life, they are confined to the 'everyday circuit, which is short-term, individuated and materialistic' (Hart 2005, 331). The short-term nature of their stay, unfortunately, is also reflected in the interventions provided by their service agents, in particular the UNHCR. Programs offered to them by UNHCR and its implementing partners do not correspond to actual needs, adding to the Rohingya perception of being taxed by all. This point is noteworthy for well-meaning advocates trying to help alleviate their suffering.

While Aihwa Ong's concept of 'graduated sovereignty' serves to broadly explain the differential treatment of population based on market calculations, and the Rohingya's marginalization, the foregoing discussion hints that there are areas which warrant further explanation. For example, although pointing to the bifurcation of economy by distinguishing between professionalized and manual labor, Ong's 'neoliberal exception' never scrutinizes the informal economy. With evidence from the rent-seeking practices in the informal economy delineated in this article, we can sharpen criticism toward the neoliberal assertion on corruption. Rather than reducing political corruption, the Rohingya experiences suggest that the neoliberal agenda has led to corrupt practices flourishing and concentrated in certain zones classified as 'exception to neoliberalism.' Moving on from the work sector, we have observed that generations of displaced Rohingya are kept confined to 'illegality' as they could only marry those who are also 'illegals.' Discussions on dependent nationality indicate the need for more elaboration on the male privilege aspect of graduated sovereignty and the broader problematization of 'neoliberal exception' in relation to sexual/gendered citizenship. Inheritance of statelessness further suggests directing attention to children, who have been largely absent in neoliberal theorization, and the question of birthright citizenship.

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Notes

1. The qualitative fieldwork involved participatory observation and 70 in-depth open-ended interviews. The latter half of the research period was focused on Puchong. All respondents' names mentioned here in this article are pseudonyms.
2. Respondents' narratives on extortion at the borders are in keeping with the USCRI's (2009) *World Refugee Survey*, which mentioned in its section on Malaysia how immigration officials sold deportees to gangs of traffickers operating along the Thailand–Malaysia border. For an extensive report on the repeated cycle of arrests, detention, and deportation in Malaysia, please refer to a report done by the ERT (2010). It should be noted that the practice of extortion at the border has seemed to decrease significantly, mainly as a result of a US Senate Foreign Relations Committee probe in 2009 on the involvement of Malaysian officials in the extortion and trafficking, which led to Malaysia's worst ranking to date, Tier 3, in the US Trafficking in Persons Report in 2009. Nevertheless, more recent reports include refugees' testimonies that the police still commonly asked for bribes in lieu of arrests, even when they were registered with the UNHCR (see Refugees International 2011; IRC 2012), and that while there were fewer arrests of documented asylum seekers and refugees, large-scale arrests of those who have not yet been registered still continue (UNHCR 2013).
3. There are some cases in which although the wife is Indonesian, Rohingya remains the language of the household. This usually occurs when the nuclear family does not live separately from the husband's family (i.e., the Indonesian wife lives with the in-laws).

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