

**REFUGEES IN MALAYSIA: A STUDY OF THE RIGHTS OF CHILDREN AND
WOMEN REFUGEES**

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The students/authors confirm that the work submitted is their own and that appropriate credit has been given where reference has been made to the work of others.

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CHAPTER ONE: INTRODUCTION

1.0 DEFINITION OF REFUGEE

Generally, the word 'refugee' is used to describe a person who is forced to flee his or her home for any reason for which the individual is not responsible, be it persecution, public disorder, civil war, famine, earthquake or environmental degradation.¹ Under the **Refugee Convention 1951**, the term 'refugee' is defined as *'any persons who, owing to a well founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country'*.² In other words, a 'refugee' is a person who is forced to leave home for specified reasons and who is outside the country of his or her origin and does not have its protection. Persons who are compelled to move but do not cross international borders are classifying as 'internally displaced persons'.³

This is usually a misconception and confusion at the definition of refugees and illegal immigrant. However, there are distinct differences. A refugee must be distinguished from a common illegal or economic immigrant. An illegal or economic immigrant normally leaves a country voluntarily to seek a better life and/or better working opportunities due to the inadequate economic conditions in their home countries. He or she has the luxury of choice i.e. if he or she elects to return home they would continue to receive the protection of their government. For example, usually illegal immigrant who came here are from Indonesia because of their poor living in their country. When they came here usually they can easily get the job as they did not choose what job they want as long as they get money and can give the money to their family in Indonesia. Refugee, on the other hand, flees because of the threat of persecution and cannot return safely to their homes in the circumstances then prevailing. Returning home is akin to committing suicide.⁴ For example, Myanmar citizens who came to Malaysia to get protection as in their country having war and they will stay here until their country not having

¹ Astri Suhrke, 'Global Refugee Movements and Strategies of Response', in M. Kritz (ed.), *US Immigration and Refugee Policy: Global and Domestic Issues* (1983), pp.157-62.

² United Nations Convention Relating to the Status of Refugees 1951 (hereinafter referred to as the 'Refugee Convention') at Article 1(a) (2).

³ B.S. Chimni, *International Refugee Law A Reader*, (Sage Publications, New Delhi, 2000) at pp. 1.

⁴ Amer Hamzah Arshad, 'To Leave or Not To Leave: The Refugee Dilemma', <<http://www.malaysianbar.org.my>> (22/8/2007).

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