

Filipino Refugees in Sabah: State Responses, Public Stereotypes and the Dilemma Over Their Future

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Abstract

Over the past four decades Malaysia has seen a rise in the inflow of foreign nationals. Among them are a substantial number of refugees estimated to be between 57,000 and 70,500 in 2008. The refugees, who are largely from neighbouring countries, are only found in Peninsula Malaysia and the eastern state of Sabah. This paper, which limits itself to Filipino refugees in Sabah examines state administration of the refugees, the various stereotypes accorded to them by the general public and the dilemma of the state over their future. The validity of these stereotypes is tested by looking at their daily lives viz. their family structure and composition, community organisations, economic activities and their interactions with “others” and the state. The negative impact of external constraints on their lives is highlighted, particularly the ambiguous legal status of second and third generation refugees born and bred in Sabah. By presenting the stark realities of their lives, the writer hopes to refute some public misconceptions about them and by doing so help the state overcome its dilemma over the future of the refugees. The paper is based on fieldworks carried out intermittently between 2003 and 2005.

Keywords: refugees, asylum seekers, cross-border migration, migrant workers, illegal immigrants, irregular migrants, ethnic stereotyping, undocumented children

I Objective and Scope of Paper

The last four decades have seen an acceleration of cross-border migration worldwide. Some people move voluntarily in search of better opportunities, others are forced out of their countries by war, desertification or natural disaster. UNHCR (United Nations High Commissioner for Refugees) estimates that over 34.5 million people were displaced in 2007 and of these, 11.7 million have crossed over to other countries and have become refugees. In the ASEAN region, Malaysia has become one of the favourite destination countries for cross-border migrants. In 2007, foreign nationals in the country were estimated at 2.7 million accounting for 10 percent of the population. Of these, the majority are migrant workers and a relatively small number are refugees and asylum seekers (see Section III).

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Over the past three decades Malaysia has accommodated asylum seekers and refugees from many countries such as Vietnam, Cambodia, the Philippines, Bosnia, Indonesian Aceh and Myanmar. A source from UNHCR, Kuala Lumpur estimates that in June 2008, there were around 39,700 refugees and asylum seekers in Malaysia, in addition to Filipino refugees who are found only in Sabah, whose number is estimated between 57,000 and 70,500. This paper confines itself only to the Filipino refugees.

Malaysia has not ratified the 1951 Geneva Convention on Refugees and the 1967 Protocol and is not obliged to give protection to those who come to its shores seeking political asylum. Officially, such aliens are viewed as “illegal immigrants.” However, unlike economically motivated illegal immigrants, the refugees in Sabah have long been granted special permission to stay, with limited access to employment, social services and public amenities. Life for the refugees is a continuous struggle as they have few basic rights. Some sectors of the population oppose their presence and accord them negative stereotypes.

This paper examines the state administration of the refugees, the various stereotypes accorded to them by the general public and the dilemma of the state over their future. The validity of these stereotypes is tested by looking at their daily lives viz. their family structure and composition, community organisations, economic activities and their interactions with “others” and the state. The negative impact of external constraints on their lives will be highlighted, particularly the ambiguous legal status of second and third generation refugees born and bred in Sabah. By presenting the stark realities of their lives, the writer hopes to refute some public misconceptions about them and by doing so help the state overcome its dilemma over the future of the refugees.

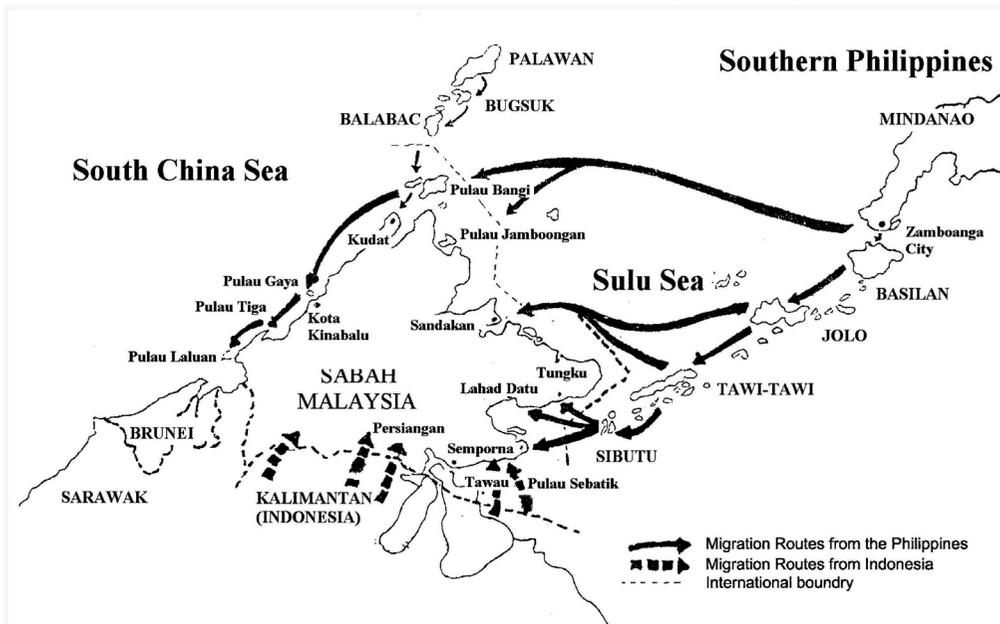
Fieldwork for the paper was carried out intermittently between 2003 and 2005. It was funded by the Malaysian Ministry of Science, Technology and Innovation (MOSTI) under its Identified Research Priority Area (IRPA) grant awarded to a team of researchers headed by the writer at the Universiti Malaysia Sabah (UMS). The paper includes both primary and secondary data.

II Significance of Study

Filipino refugees have been in Sabah for the past three decades and the problems associated with their status make them a favourite topic for social science enquiry. Among the earliest works on them are by Rachagan and Dorall [1981] and Bahrin and Rachagan [1984] which form part of a bigger report from a joint research project on the refugees undertaken by the three University Malaya academic staff. The former provides an account of the conflict in Mindanao which led to the inflow of a large number of “displaced” Filipinos into Sabah in the early seventies and the impact of their entry on the local population and on Malaysia-Philippines relations. The latter examines in some detail the reasons for their entry, the responses of the Sabah state, the Malaysian Federal government and some sections of the public as well as the role of UNHCR in resettling the refugees.

The entry of the Filipino refugees into Sabah as shall be explained in Section IV, was followed by an accelerated inflow of Filipino “irregular” economic migrants in the 1980s. To many Sabahan, the two categories of migrants became almost inseparable. They viewed Filipinos in the state as refugees and the refugees as illegal immigrants. At the end of the eighties, in an attempt to monitor and control the immigrant population in Sabah, the state undertook measures to register the immigrant population and, in doing so, divided them into three categories: refugees, economic migrants and illegal immigrants.

In spite of such categorisation, in many academic writing in subsequent years there was a tendency to lump together Filipino refugees and economic migrants. As seen in a number of works, the focus of discussion was not on their status as refugees and its related problems but the socio-economic, political and security problems associated with them as immigrants in Sabah. Rafidah Karaman [1988] wrote an ethnography of the Filipino refugees in Kampung Pondo, Pulau Gaya, off the coast of Kota Kinabalu, describing their socio-economic status. Two other studies by Zulkiflie Hassan [1994/95; 1999] also have similar features. Zulkiflie’s earlier work is on the Filipino community in Pulau Gaya, an island next to that studied by Rafidah Karaman, for his academic exercise at undergraduate level. This was followed by a Master’s thesis on the socio-political organisation of Filipino communities in Sandakan. In 2001, Halina Sandera, on the other hand, examined the process of acculturation of first and second generation Filipino migrants in Kampung Baru-Baru in the district of Tuaran for her Master’s thesis and this was later published in book form in 2003.



Map 1 Migration Inflow into Sabah

Source: Pasukan Petugas Khas Persekutuan [2001: 1].

In recent years, there has been much interest in studying Filipino migrants (*pendatang Filipina*) among academic staff and students from the School of Social Sciences, Universiti Malaysia Sabah. Wan Shawaluddin and Ramli Dollah are perhaps the most active researchers on the subject. In 2002, the two presented a paper on the Filipino Muslims in Sabah from a security perspective at the 7th Borneo Research Council Conference in Universiti Malaysia Sabah. The link between the Filipinos and security in Sabah is further deliberated in their subsequent papers [Ramli *et al.* 2003; Wan Shawaluddin and Ramli 2005]. The subject of their discussion is Filipinos who live in water villages (*Kampung Air*) who are a mixture of refugees, illegal immigrants and legal workers.

In view of the paucity of data on Filipino refugees as a separate category of people with specific problems that are different from economic migrants in Sabah, we undertook to study them as part of two research projects in 2003–05.¹⁾ Some of the findings from this research have been presented in two seminar papers [Azizah Kassim and Ubong Imang 2005; Azizah Kassim 2005]. The former attempts to come up with a reliable estimate on the number of Filipino refugees in the state, identify their geographical distribution and assess their future prospects in Sabah, while the latter examines their ambiguous position vis-à-vis Malaysia's immigration law and state policy on refugees. Detailed accounts of two Filipino communities in the vicinity of Kota Kinabalu can also be found in a research report submitted to Universiti Malaysia Sabah [Azizah Kassim 2006]. This paper is another attempt to fill in the gaps in our knowledge on the Filipino refugees.

Another objective of the paper is to draw public attention to the plight of the Filipino refugees. They are also the target of an on-going operation by the Federal and state authorities to root out illegal immigrants/irregular migrants²⁾ in the state as announced by the Deputy Prime Minister in Parliament in late June 2008 [New Straits Times, 26 June 2008]. In previous amnesties and other rooting out exercises in Malaysia it is common for policy implementers to group refugees and illegal immigrants together eliciting many criticisms from non-government organisations and others. One such critic is the US Committee for Refugees and Immigrants (USCRI), which, in a 2008 report on the state of world refugees, condemned Malaysia for its poor treatment of refugees and immigrants in the country. The USCRI report identified Malaysia as one of the worst violators of refugee rights along with Burma, China, India, Thailand and Bangladesh and consequently accorded Malaysia an 'F' grade [*World Refugee Survey* 2008]. In light of such strong criticisms, there is a need for academics, policy makers and implementers, and others to fully understand the status of the refugees, so that they can be treated differently from irregular economic migrants. The need is more compelling now as Malaysia has been identified in the UNHCR 2008 report on refugees as the second most

1) Findings from the two projects are available in two research reports presented to Universiti Malaysia Sabah i.e. Respons Pemerintah dan Rakyat Tempatan Terhadap Pendatang dan Pekerja Asing di Sabah [Azizah Kassim 2005] and Pola Penempatan dan Organisasi Sosio-Ekonomi Kumpulan dan Komuniti Pendatang Asing Di Sabah: Kajian Kes Di Kota Kinabalu dan Kawasan Sekitarnya [Azizah Kassim 2006].

2) The term irregular migrants will now be used inter-changeably with illegal immigrants.

popular refugee destination next to Kenya.

III Foreign Nationals and Refugees in Malaysia

Since the implementation of the New Economic Policy (NEP)³⁾ in 1971, Malaysia has seen a significant increase in the number of foreign nationals in the country. Under the NEP which lasted for twenty years (1971–90), among factors which contributed to the inflow of foreign workers, were the modernisation of rural life which included the expansion of agriculture and formal education, and the increased rate of industrialisation and urbanisation. Numerous jobs created in smallholdings and the estate sector were rejected by the locals who, having benefited from formal education preferred to migrate to towns and work in paid employment especially in the formal economy. In the urban areas too, the low end three D jobs (dirty, difficult and dangerous) in construction and services were (and still are) unpopular with local workers. To overcome labour shortages in these sectors foreign workers were recruited.⁴⁾

In 1970, the number of non-citizens was around 764,000 comprising about 7.4 percent of the population. Their number rose to 1,384,700 (5.6%) in 2000. Between the three major states in the Malaysian Federation, viz. the Peninsula, Sabah and Sarawak, Sabah had 44.5 percent of the total foreign population in Malaysia in 2000, accounting for 23.6 percent of its population. In 2006, the number of foreign nationals in Malaysia rose further to approximately 1,836,000 out of a total population of 26,640,000 [*Malaysia Yearbook of Statistics 2006*: 37] Of these 748,900 (40.7%) were in Sabah, forming about one fourth of the state population of 2,997,000. By 2007, their number was officially estimated at 2.7 million.

Presently, the alien population is a heterogeneous group comprising legally recruited foreign workers, students, permanent residents, refugees, Malaysia My Second Home (MM2H) participants and irregular migrants whose number cannot be ascertained. The refugee population is relatively small. In June 2008, UNHCR Kuala Lumpur estimated their number at around 39,700 in the Peninsula, in addition to approximately 57,194 refugees in Sabah, i.e. a total of about 96,894. However, the USCRI World Refugee Survey gave a much higher figure for December 2007 i.e. 164,400 (see Table 1) and that the ratio of refugees to the total population in Malaysia is 1 : 165. There may be discrepancies in the figures given but the fact remains that there is a substantial number of refugees in the country. Malaysia is fast becoming a popular destination for asylum seekers as indicated by the number of refugee applications worldwide in 2007. Within that year, 75,000 new applications for refugee status were received by UNHCR.

3) The NEP was introduced after the 1969 race riots involving Malays and Chinese in the Federal capital, Kuala Lumpur. As the riot was attributed to the economic imbalance between the generally poor rural based Malays (and other indigenous groups) and the relatively well-off urban based Chinese, the NEP was devised with two main objectives. Firstly, to reduce and eventually eradicate poverty among all Malaysians irrespective of race. Secondly, to restructure Malaysian society to correct economic imbalance and identification of race with economic function and geographical location [*Second Malaysia Plan 1971–75*: 1].

4) Until the early 1980s, foreign workers were recruited and employed clandestinely.

Table 1 Estimate of Refugees/People of Concern in Malaysia (2008)

UNHCR Refugee Factsheet – June 2008			USCRI World Refugee Survey 2007		
Myanmarese		33,100	Myanmarese		69,700
Rohingyas	13,300		Myanmarese	44,700	
Chins	13,200		Myn. Chins	25,000	
Myanmar's Muslims	3,900				
Other Myn. Minorities	2,700				
Indonesians		N.A	Indonesians		21,800
Iraqis		580			
Sri Lankan		1,800			
Somalis		470			
Filipinos* (people of concern)		@57,194**	Filipinos		70,500
Others		3,750	Others		2,400
Total		96,894	Total		164,400

Sources: UNHCR *Refugee Factsheet* [2008] and USCRI *World Refugee Survey 2007* [2008].

Notes: * Filipino refugees are found in Sabah only.

** Statistics provided by the Minister of Home Affairs in Parliament in June 2008.

N.A = Not available

@ = Around

Of these 13,800, the second largest number of applicants was received in Malaysia [UNHCR *Refugee Factsheet* 2008: 14].

It must be emphasised that refugees in Malaysia are found only in Sabah and the Peninsula. Of the many types of refugees found in Malaysia (see Table 1), Sabah is host to Filipino refugees only. The rest of the refugees and asylum seekers are found in the Peninsula. The Filipino refugees, who in the 1970s and 1980s were recognised by UNHCR, are now excluded from UNHCR Kuala Lumpur Factsheet on Refugees. They are presently categorised by the world body merely as “people of concern” whose needs are less urgent than newly arrived asylum seekers.

Although Malaysia is not a signatory to the 1951 Geneva Convention on Refugees and the 1967 Protocol, generally it does not turn away asylum seekers coming into the country to seek refuge. Swarmed by asylum seekers from the Philippines and Vietnam and a smaller number from Cambodia in the early seventies, Malaysia has, on humanitarian grounds, given temporary shelter to them until they can be repatriated to their homeland or sent to a third country for resettlement. By doing so Malaysia observes the principle of *non-refoulement* in conformity with customary international law [Fradot 2007]. Since then Malaysia has been receiving asylum seekers from other countries in the ASEAN region viz. Thailand, Aceh and Myanmar, and from Bosnia and Sri Lanka in addition to a few from Middle Eastern countries such as Iraq and Palestine.

All the Vietnamese refugees in Malaysia have either been sent to a third country or eventually repatriated in 1996 while the Cambodians, whose number was small, have been assimilated into Malaysian society in the Peninsula. However, Filipino refugees are still languishing in Sabah as their fate remains unresolved until today. Although they are referred

to as “refugees” in many official discourses, their status as refugees has been highly contested by politicians as shall be explained subsequently.

IV Filipino Refugees in Sabah

The entry of Filipino refugees into Sabah has been well documented. Nonetheless, some salient points about their arrival need to be repeated here to provide the backdrop to our discussion. Since the late sixties, the Mindanao region in the southern part of Philippines has been embroiled in civil war resulting in many of its population leaving the country to seek refuge in neighbouring Sabah. The inflow of refugees which accelerated in 1972 subsided around 1984 [Bahrin and Rachagan 1984]. Tun Mustapha, who was Sabah’s Chief Minister in the first half of the seventies, granted them permission to stay on humanitarian grounds. However, the real motives, as suggested by Bahrin and Rachagan [1984] were more than just “humanitarian.” He was also driven by economic, political and personal objectives. Economically, Mustapha saw the advantages of accommodating the refugees. The seventies was a time when logging and plantation sector activities in the eastern part of Sabah were expanding, but the state was facing acute labour deficit due partly to the small population size and the difficulty in bringing in labour from the more populated western coast because of the lack of roads. Although measures were taken by the state to overcome the labour shortage by establishing the Malaysian Migration Fund Board⁵⁾ to facilitate recruitment of workers from outside Sabah, labour was still in short supply [*Malaysia: Labour Report 1983/84*: 35–38]. The arrival of the Filipino refugees was timely as it helped to overcome the labour deficit. Hence, they were welcomed especially by state administrators and employers.

Mustapha’s personal and political motives were related to his religious belief, his origin and his role as the head of the Muslim based political party, the United Sabah National Organisation (USNO).⁶⁾ As the majority of the refugees are Muslims,⁷⁾ Mustapha felt it was his duty as a devout Muslim to protect his Muslim brethren from Mindanao. Moreover, Mustapha claimed ancestry to the Sultanate of Sulu where the refugees came from. Accepting them in Sabah was potentially beneficial to him politically, as their assimilation would help boost membership of USNO and consequently its political strength.

Mustapha’s accommodating stance facilitated around 100,000 refugees to stay in Sabah from the early seventies. As they arrived by sea, most of them were initially located on mudflat terrains in coastal areas especially in Tawau, Kota Kinabalu and Sandakan. Many

5) The Malaysian Migration Fund Board was formed in 1966 to facilitate recruitment of workers from other parts of Malaysia (the Peninsula and Sarawak) to work in the agricultural sector. As response from the two Malaysian states was limited, workers from Indonesia were later recruited.

6) USNO was disbanded in the mid nineties and its members incorporated into the United Malay National Organisation (UMNO), the main partner in the Barisan Nasional (BN) coalition, the party in power in Malaysia. Presently, BN has fourteen component parties from the Peninsula, Sabah and Sarawak.

7) According to Rachagan and Dorall [1981], the refugees who arrived in the early seventies were not all Muslims. About one percent were Christians.

factors facilitated their adaptations, two of which are most important. Firstly, before the Filipino refugees came to Sabah in the early seventies there had been a continuous inflow of economic migrants, viz. in small numbers, from the Mindanao region to the state.⁸⁾ Many of the early migrants have settled down in Sabah (see among others, Halina Sandera [2003]). And some of these early migrants provided the refugees with socio-economic support and protection [Zulkiflie Hassan 1994/95]. Secondly, assistance was extended to them by the United Nations High Commissioner for Refugees (UNHCR) between 1976 and 1987. With the help of the Federal government and UNHCR, they were relocated in 34 resettlement villages of which only five have been gazetted (see Azizah Kassim and Ubong Imang [2005]). The aim was to resettle them permanently as indicated in a Report from the Chief Minister's office, which among others stated,

At present the Government has acquired 157 acres of land about 13 miles away from Kota Kinabalu, as a temporary measure to resettle about 380 families.... Living in shanty huts all over the town without any amenities.

... the aim of the Government is to provide permanent settlement to these 50,000 refugees who are scattered all over the state... [Jabatan Ketua Menteri 1976: 5]

The objective of the UNHCR went beyond permanent settlement. The aim was to assimilate them with the local population as stated by its then Regional Representative to Southeast Asia, Sampa Kumar, who was reported to have said,

We want the refugees to be assimilated into the local population. At the same time we want them to contribute to the local economy [*Daily Express*, 7 July 1978].

The resettlement project included provisions of basic infrastructure, which comprised wooden huts, roads, mosques and schools, in addition to helping them find jobs to support themselves. Those resettled away from the sea, such as in the Telipok resettlement village near Kota Kinabalu, the state capital, were allocated land to plant rice, rubber, fruit trees and vegetables. Others who were relocated by the sea, such as in the Kinarut resettlement village (also in the vicinity of the state capital) were given fishing boats and nets so as to start fishing activities. In the urban areas such as Kota Kinabalu, facilities for trading were also provided.⁹⁾ Apart from employment opportunities given by UNHCR and the state, other forms of employment, besides logging and plantation work, were available to them especially in construction and service sectors [Bahrin and Rachagan 1984].

The Federal authorities gave them permission to stay and work in Sabah. They were

8) Migration flow from the southern Philippines to Sabah was restricted when Sabah joined the Federation of Malaysia in 1963.

9) The Filipino market in Kota Kinabalu survives until today.

issued a special pass, the HF7 (which was later changed to the IMM13),¹⁰⁾ a facility which is extended to their offsprings. The permission to stay, which was signed by the then Minister of Home Affairs on 12 September 1972, under the Passport Order Act (Exemption) (2) (Amendment), as explained by Bernard Dompok in his capacity as Minister in the Prime Minister's Department in 2001, allows the refugees,

... to stay and work without limitation of time in Sabah and Labuan. ... they (Filipino refugees) were also encouraged to return to their home country once the situation permits them to do so. [*Daily Express*, 18 April 2001].

According to an official report from the Chief Minister's Department in 1976, about 30,000 of them had already been given work permits. The UNHCR stopped providing assistance to the refugees in Sabah in 1987. Regarding the termination of its services to the refugees, an officer from UNHCR wrote,

We eventually closed down our office in 1987, after UNHCR determined that this refugee group had a standard of living comparable to the local population. Meaning that more or less they were on their own feet. Since then, UNHCR did not have any representative office outside Kuala Lumpur. [Ong 2005: 80].

With the withdrawal of the UNHCR, a special unit in the Sabah Chief Minister's office viz. the *Unit Penempatan* (lit: Unit for Resettlement) took over the administration of the refugees.

IV-1. *State Intervention Since the Eighties*

By the end of the eighties Sabah had been inundated by irregular economic migrants mainly from Indonesia and the Philippines. They arrived clandestinely and in large numbers and this was a cause of concern to the Malaysian authorities who viewed them as a threat to security. Some of the Filipino irregular migrants infiltrated the refugee resettlement villages. In an attempt to stop these villages from becoming a launching pad for illegal immigrants and the area a security risk, the Federal authorities took over the administration of the Filipino refugee settlement from the state run *Unit Penempatan* in 1989. The task was given to a newly established unit, the Special Federal Task Force (Sabah and Labuan) or SFTF (S/L).

The SFTF (S/L) helped organise the refugee community by establishing the *Jawatankuasa Kemajuan dan Keselamatan Kampung*¹¹⁾ (*Masyarakat Pelarian*) or Committee for Village Development and Security (Refugee Community) known locally as the JKKK (MP). This was an attempt to monitor the activities of the refugees. The Committee members, who are elected by the villagers every two years under the supervision of the SFTF (S/L), are

10) The HF7 and IMM13 are code names used by the Malaysian Immigration authorities to refer to these passes.

11) Started in the post independence era, the JKKK is part of the state bureaucracy i.e. at the very bottom.

responsible for maintaining order in the community. They also act as an intermediary between the refugees and officials of the SFTF (S/L). It provides a conduit through which official information is channelled to the refugees and for the refugees to relay to the authorities their problems which may be personal or communal in nature. Of the former, the most common is their application to the National Registration Department for Permanent Resident status, which are often not attended to for years. The latter usually concerns their deplorable living conditions such as the unpaved roads in the village, the lack of piped water supply, their children's lack of access to formal education, problems of drug abuse and gambling among the villagers. The Chairman of the Committee assumes the task of village head and he usually represents the villagers at meetings held by the SFTF (S/L).

From time to time the SFTF (S/L) makes token contributions to the communities in the form of financial assistance such as for a feast (*kenduri*) to mark the beginning of the Muslim fasting month of Ramadan or religious festivals such as the *Hari Raya* celebrations; or donations of goods such as prayer mats, microphones and religious texts to their prayer houses. Some of the refugee leaders are also occasionally sent to attend seminars or courses to enlighten them on the workings of the Malaysian society so that they understand the rules and regulations affecting them and know what is expected of them and their communities.

Now that there are two institutions responsible for the refugees i.e. the *Unit Penempatan* and the SFTF (S/L), the needs of the refugees should be better served. However, it was not to be, as the delineation of power and responsibilities between the State and the Federal institutions were not well defined. This was aptly demonstrated in our research when we asked some officers from the two institutions why there were no attempts to upgrade the deplorable infrastructure and housing environment in the two villages under study—Telipok and Kinarut. An officer of the *Unit Penempatan* informed us that since SFTF (S/L) has taken over the administration of the refugees, it is their responsibility to upgrade basic infrastructure in the village. But the SFTF (S/L) insisted that physical development such as road repairs, electricity and piped water supplies are the responsibility of the Sabah state government. According to one of its staff, as a Federal institution the SFTF (S/L) has no power to execute projects that impinge on the use of land in the state. It merely focuses on monitoring community activities to reduce security risks emanating from the refugees.

The confusion as to who is responsible for the Filipino refugees' welfare is not confined to State and Federal administrators, but appears to have been shared by politicians in the ruling party as well. The present Chief Minister of Sabah, Musa Aman, seems to think that the refugees are still under the jurisdiction of the UNHCR. The *Daily Express*, 3 March 2005 reported as follows,

Musa also said Filipino refugees in Sabah were still under the United Nations High Commission for Refugees (UNHCR).

"They still do," he said when asked about the status of refugees, most of who are holding IMM13 documents and whether they were still under the UNHCR or the Federal and State governments.

Musa said the government had to get permission from the UNHCR if it wanted to resettle refugees

from the settlements in Kampung Mautas, Sandakan, to make way for the Palm Oil Industrial Cluster (POIC) development.

“It (UNHCR) is still looking after the refugees... (in Kampung Mautas case) it wants us to do a proper housing before moving them (the refugees) from kampung Mautas,” he said.

Consequently, the refugees are gradually losing some of the basic rights that they once enjoyed under the administration of USNO (1967–75) and the succeeding Berjaya government (1976–85). Initially, refugee children were given access to state schools up to secondary five levels. Such access was limited from 1995. The Federal government imposed an annual fee on their children’s education i.e. RM120.00 and RM240.00 for primary and secondary students respectively, while local children enjoy free education. The school fees have to be paid in a lump sum annually at the beginning of the academic year. The imposition of the school fees did not stop refugee children from attending state schools although many refugee families are poor. Official statistics show that in 2003, over 51,814 Filipino children were in state schools at the primary and secondary levels (Department of Education, Sabah 2004). This is due to the high value placed by the refugees on formal education that they see as a means for upward social mobility. However, what led to a decline in the number of refugee children attending state schools in the subsequent years was an official ruling introduced in 2002, which made it compulsory for alien children to present their birth certificates on enrolment. Many refugee children do not have birth certificates due to a variety of reasons (see Section V–1.3).

Similarly, their access to state medical services was also limited in the nineties when foreign nationals were required to pay a higher fee for medical services. For example while a local pays RM1.00 per out patient treatment, foreign nationals pay RM15.00. Although they are refugees, they are treated in the same manner as other immigrant groups in the country.

However, compared to refugees in the Peninsula, those in Sabah are still better off as they had been relocated in resettlement areas; allowed to stay legally with their families and permitted to work. Such a privilege has not been granted to refugees in the Peninsula, except for those from Aceh (around 2,700) in the aftermath of the Tsunami in early 2005.¹²⁾ As a result, refugees in the Peninsula who are in possession of an UNHCR refugee card have great difficulty in finding employment, as they are not legally allowed to work. Those who ventured to work in the informal sector run the risk of being arrested [SUARAM 2007: 101–112].

In the mid eighties, the Parti Bersatu Sabah (PBS) that is dominated by non-Muslim Kadazans replaced the Muslim dominated Berjaya government in Sabah. Since then there has been a gradual change in the way the Muslim Filipino refugees are administered by the state. As explained earlier, some of their basic rights have gradually been taken away. The “accommodating” attitude of the state in the early years which emphasised inclusion and assimilation have been replaced by one of resentment and exclusion. The shift could be due, in

12) According to an officer of the Department of Immigration, Malaysia (Enforcement Unit), the IMM13 passes given to the Aceh Tsunami victims was terminated at the end of 2008. Interview on 24 September, 2008 at the Ministry of Home Affairs Malaysia, Putrajaya.

part, to the influx of irregular foreign workers largely from Indonesia and the southern Philippines into Sabah which continues to the present day. With the large inflow of illegal immigrants, foreign nationals in Sabah began to be viewed in a negative light and this inevitably had an adverse effect on the refugees. The oversupply of alien workers also devalued the relevance of the refugee workforce in the state economy, and the involvement of some of the immigrants in criminal activities exacerbated local resentment against immigrants including the refugees.

Since then, some sections of the population including local politicians, have held unfavourable views of the refugees as reflected in the various negative stereotypes attributed to them. Some of these stereotypes will now be examined and compared with empirical evidence elicited through our research in the two refugee settlements under study i.e. Telipok in the administrative district of Kota Kinabalu and Kinarut, in the district of Papar. A profile of each of the two villages is presented below to provide a background for the ensuing discussions.

IV-2. *Profiles of Villages Studied: Telipok and Kinarut Resettlements*

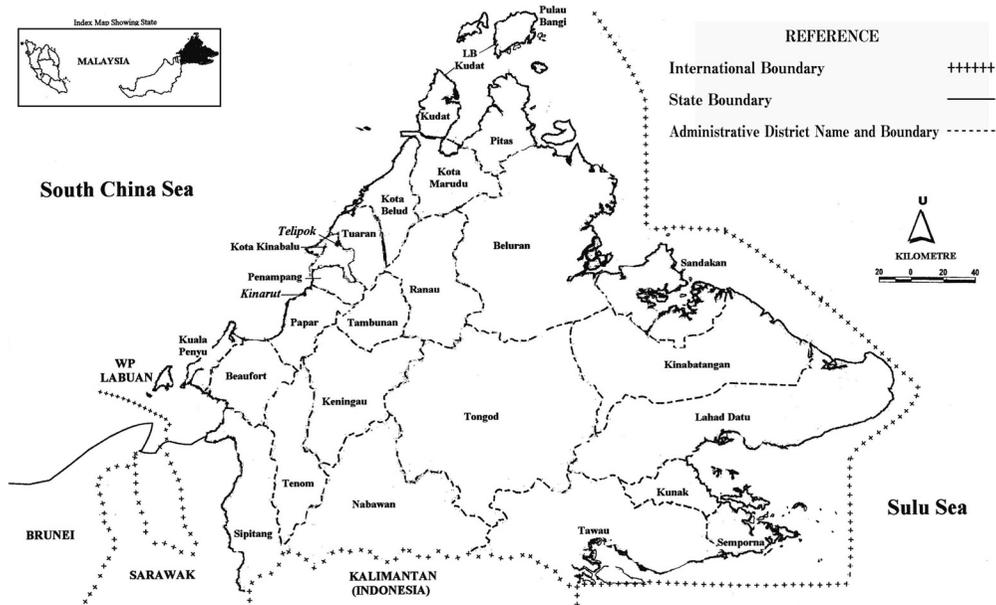
The two refugee resettlement villages studied were *Skim Penempatan Pelarian Telipok* and *Skim Penempatan Pelarian Kinarut*, which will be referred to as Telipok and Kinarut only. Both villages, which are located in the vicinity of Kota Kinabalu, the state capital, form part of the five refugee resettlement villages that have been gazetted. The refugees were initially staying along the sea in front of the Kota Kinabalu Hyatt Hotel and in Pulau Gaya. Part of the reasons why the state moved them out was to clear the city of their unsightly and polluted living environment that was considered bad for the capital's image.

IV-2.1. *Telipok: A Profile*

Telipok, about 15 kilometres to the north of Kota Kinabalu town, was the first refugee resettlement established in 1978 with funding from the Federal government. It was in a rubber plantation that was not easily accessible because there were neither roads nor public transportation. Covering an area of about 157 acres¹³⁾ and comprising a narrow "u" shaped swampy valley bordered by steep slopes, the village initially had a hundred wooden huts built on stilts with zinc roofs. Uniformly constructed one-room huts were located on the slopes. Each family was given a hut in addition to some land with rubber trees for them to tap and part of the swamp to plant rice and vegetables. Basic amenities were very limited. There was a mud track built like a loop that encircles the swamp. There was no piped water supply and water was drawn from dug out wells along the slope. Rainwater was also collected for daily use. There was also no electricity supply, so they used wood for fuel and kerosene for light. The swamp also served as a garbage and waste disposal area.

Although some of the refugees claimed to be farmers before seeking asylum in Sabah, they were unable to adapt to rubber tapping. So they felled the rubber trees and replaced them

13) Data from the Jabatan Ketua Menteri, 1976.



Map 2 Location of Telipok in the District of Kota Kinabalu and Kinarut in the District of Papar
Source: [GoM 2001a: 123]

with fruit trees and food crops.¹⁴⁾

By 2005, the village landscape had changed considerably. The area is now overcrowded, as the housing units have increased more than six-fold to 630 and the population increased nine times to around 4,500. Over 50 percent of the houses had now been rebuilt on the lower part of the slope and in the valley especially over the swamp. The size and structure of the houses were more varied now. Some of the one-room shacks were still there, juxtaposed by others that had been extended or renovated into two-room units. There were also a few three-room detached houses which were built over reclaimed land from the swamp. However, most of the houses were two-room huts huddled against each other in rows, some with narrow passages between them. In small open spaces between rows of houses or behind them were the remnants of old fruit trees (such as *tarap*, jackfruit and *rambutan*) and aside from these there were no other indications of agricultural activities going on in the village (see Section V-3).

In 2005, there was still no piped water but electricity supply was available to a few. One of the villagers had bought a generator and was selling electricity to a few households between 7 pm-12 am every day. Those who could not afford to buy electricity supply used gas or kerosene for light and for cooking. Water for drinking was bought from vendors in nearby Telipok town at a cost of 50 sen a gallon and rain water was still gathered for other uses. In

14) Information from a member of the JKKK (MP) committee who was in his early teens when his family moved to Telipok.

addition some of the residents still obtain water from the old wells on the hilly slopes. The only difference now was that they made use of long rubber hoses to draw the water to their houses. The single unpaved road was riddled with potholes which swelled with water when it rained and spat out dust on hot sunny days.

There were two mosques for communal religious activities. One of them had been built on the terrace of a steep slope with money donated by the state (*kerajaan*) "a long time ago."¹⁵⁾ It could be reached by climbing about 50 flights of zigzag wooden steps. The other, which was built in 2005 and was still to be fully completed, was located by the roadside close to the entrance of the village. There was also a community hall, which was now used for Islamic religious classes¹⁶⁾ for the village children, and a *surau*¹⁷⁾ at one edge of the swamp. The presence of three prayer places reflected the three main ethnic groups dominant in the village—the Suluk, Siamal and Ubian.¹⁸⁾ Each ethnic group dominated a prayer house where their respective religious leaders could read their Friday sermons in their mother tongue which was unintelligible to the others especially the non-Filipinos amongst them who consisted mainly of local Bumiputra¹⁹⁾ and two Pakistani traders who rented one of the houses.

Furthermore, the village was no longer isolated. Close to the entrance of the village were gated apartment buildings (still unoccupied in 2005). At the top of the slope was a low cost housing area where squatters evicted from Pulau Gaya in 2002 had now been resettled. The presence of the low cost housing created enormous problems for some of the refugees as waste (including animal dung) from the housing area drained into the valley where the refugees lived, and thereby polluted their water supply. In addition, housing development on the hilltop resulted in a lot of sedimentation in the swamp that in turn caused flooding in the village whenever it rains.

Despite the dilapidated and overcrowded housing, there were a few cars, vans and motorcycles in the village, bought out of necessity, as there is no public transportation to the village. For many, the village is just a dormitory as most activities, especially economic ones are done externally. Consequently, the village looks somewhat deserted during the weekdays, particularly in the morning. During the weekends, the village was packed with people and the narrow road turned into playground for children.

IV-2.2. *Kinarut: A Profile*

Kinarut, which is located about 20 kilometres south of Kota Kinabalu, is in the district of Papar.

15) None of the respondents remember the year when it was built.

16) These classes are called *Kelas Fardu Ain* (KAFA) designed to teach children the basics of Islamic teachings.

17) A *surau* is a prayer house, smaller than a mosque, to serve the need of a section of the community.

18) These are self-ascribed categories. The writer is unable to determine if these ethnic categories are similar to those in the southern Philippines.

19) Bumiputra literally means "sons of the soil." The term is used in Malaysia since the early seventies to refer to the indigenous population as opposed to the non-Bumiputra i.e. Malaysians who are descendents of immigrants such as the Chinese and Indians.

Lying on a flat area about 10 acres close to the Kota Kinabalu-Papar main road and to the sea, it is easily accessible. Established in 1979, it was the second refugee resettlement to be built and the first to be funded by UNHCR. It had initially 360 units of semi-detached wooden houses built on stilts with zinc roofing, allocated to three self ascribed ethnic groups among the refugees—Ubian, Siamul and Sulu. There was a single mud track running through the village. As in Telipok, it had neither piped water nor electricity supply. Similarly, water for daily use was obtained from dug out wells and by harvesting rainwater. They also used kerosene for light and wood for cooking.

The Kinarut landscape has also changed now with many of the houses rebuilt, repaired or extended and new ones added to accommodate the rising number of family members due mainly to natural increases. It is also overcrowded now, with 465 houses in 2005 and a population estimated by the village leaders at around 4,500. It has a mosque, and a small *surau*, which is sometimes used, as a community hall. An open space next to the mosque is often used as a children's playground. The village has been provided an electricity supply since 1987, but there is no piped water supply with the exception of a household which has been allowed to sell the water to the community at a cost of 50 sen per gallon. The village road was in a very poor condition just like the one in Telipok, as it has not been repaired since the village was established. With overcrowding and no waste collection services in the area, disposal of human waste and daily rubbish is an acute problem. The village also experiences frequent flooding after heavy rain because of the flat ground and clogged drains.

The area around the village had been developed into modern housing estates, industrial and shopping areas; and on the beach front close by were holiday resorts that had opened up employment opportunities for the villagers. Unlike Telipok, Kinarut was situated close to secondary and primary schools and state medical facilities.

The daily lives of refugees in these two communities will now be used to test the validity of the various negative stereotypes on the refugees.

V Negative Stereotypes and Prejudices: How Valid Are They?

It is common for the immigrant population to be made the scapegoat for problems in the host country. They are often blamed for the increase in crime rate, for unemployment among the locals, for overcrowding in schools and for environmental pollution. The case is similar in Sabah. Foreign nationals in the working class category are usually seen in a negative light. Bernard Dompok, President of UPKO, expressed quite succinctly the prevailing negative stereotypes of the refugees. He is reported to have said,

The refugees have always placed pressure on social services, including school and hospitals, besides being a source of social problems. [*New Straits Times*, 2 July 2007]

Others see them as illegal immigrants who pose a threat to security²⁰⁾ and with their high growth rate many Sabahans fear they may soon out-number the local population. Yet others see them as taking away jobs from the locals and polluters of the environment. The refugees are perceived as “naturally inclined” to do polluting activities like using dynamite to catch fish. The validity of these stereotypes will now be examined.

V-1. *Refugees Are Illegal Immigrants?*

To facilitate the administration of the refugees, the Malaysian state authorities divide the Filipinos in Sabah into three categories—the early migrants who arrived before 1970s, the refugees who came between 1970 and 1984 and the economic migrants who entered from 1985 onwards [Mohamad Rosli Jambiri 2005]. In reality, the inflow of Filipinos into Sabah from the Mindanao region has been a continuous process for centuries and the groups, who arrived in different stages, are inter-related by ethnic and kinship ties. Hence there is a tendency for all the three groups to merge, which in turn helps shape the perception of the local population towards them. For many Sabahan, the term “refugees” is synonymous with “Filipinos” and the three categories are often regarded as one. As the status of the refugees has been highly contested lately, there is confusion regarding their status and a tendency among the local population to view them as illegal immigrants. The confusion is due to the following reasons:

V-1.1. *Public Statements Equating Refugees with Illegal Immigrants*

As stated earlier, Malaysia is not a signatory to the 1951 Convention on Refugees and as such it does not regard asylum seekers in the country as refugees but as illegal immigrants because they arrived without travel documents. There are a number of public statements by Ministers at the state and federal levels where the status of the refugees are contested. Examples of such statements are:

- a. “We allow people for temporary stay and when that stay is over they have to go back. We have never granted anybody refugee status.” Syed Hamid Albar, then Minister of External Affairs. [*The Star*, 4 September 1999]
- b. We don’t use the term refugee anymore because they have been issued with social passes and are allowed to work. [Chong Kah Kiat, then Chief Minister of Sabah, in a speech in 2001-<http://www/sabah.gov.my/events/2001cmspeech>].
- c. Ketua Menteri Sabah Datuk Chong Kah Kiat berkata status pelarian yang diberikan kepada warga Filipina yang melarikan diri ke Sabah sekitar awal 1970’an sudah ditarik balik. . . . [*Berita Harian*, 25 July 2001].
[The chief Minister of Sabah Datuk Chong Kah Kiat said the refugee status conferred on the Filipinos

20) This is consistent with the official view of illegal immigrants who are seen as public enemy number 2. The number one enemy is drug addicts (Enforcement Unit, Department of Immigration, Putrajaya 2005).

who escaped to Sabah in the early 1970s has been withdrawn...”].

Such statements are confusing, even to a Member of Parliament as reported in a national daily in 2001. The newspaper, *Berita Harian*, 25 July 2001 reported as follows,

d. Ahli Parlimen Tuaran, Wilfred Madius Tangau yang mendakwa terkejut apabila mengetahui tidak ada golongan pelarian Filipina di Sabah. . . . Beliau pada mulanya tidak percaya dengan jawapan itu kerana sejak 30 tahun lalu hingga sekarang, beliau difahamkan ada 57,000 pelarian Filipina di Sabah dan jawapan bertulis Wisma Putra minggu lalu pula mengatakan tidak ada pelarian di Sabah. [The Member of Parliament for Tuaran, Wilfred Madius Tangau claimed he was shocked to know that there are no refugee groups in Sabah. . . . At first he did not believe the answer given as since 30 years ago until now, he has been made to understand there are 57,000 Filipino refugees in Sabah and the written answer by Wisma Putra²¹⁾ last week said there are no refugees in Sabah].

The same *Berita Harian* report also quoted the then Chief Minister Chong as saying,

e. Saya akui memang ada kekeliruan terhadap perkara ini, mereka yang dulunya dianggap pelarian kini memerlukan pas yang perlu dipernaharui setiap tahun supaya boleh tinggal di sini. . . . [I admit there is a confusion regarding this matter, those who were once regarded as refugees now needs a pass which must be renewed annually so they can stay here. . .]

A national daily in March 2007 carried another report which reiterated Malaysia's stand on the refugees by the then Minister of External Affairs. He is reported to have said,

f. Malaysia will not recognise refugees as it does not want to open the flood gates to illegal migrant workers. . . . Not all who say they are refugees are political refugees. . . . Some are here for economic reasons and this is a burden to our society. . . . Syed Hamid Albar. [*New Straits Times*, 9 March 2007].

In spite of these statements by relevant Ministers, empirical evidence shows that many asylum seekers in Malaysia have been verified as refugees by UNHCR Kuala Lumpur as explained in Section III-1. Malaysia may not recognise them as refugees nor have legislation to deal with and manage them, but the fact remains there are thousands of them in the country who will continue to be here until a durable solution to their problem is found. They could be here for decades as in the case of Filipino refugees in Sabah and the Rohingyas in the Peninsula. Refugees in Sabah were officially categorised as refugees and are still referred to as such by the state and the public and in official reports such as that by USCRI [2008]. What is relevant in the case of the Filipino refugees is that official permission has been given to enable them to stay and work under a special pass, the IMM13. As long as they renew the pass annually, they are considered legal migrants. Hence they are NOT illegal immigrants or economic migrants and as such must be treated differently.

21) Wisma Putra refers to the Malaysian Ministry of External Affairs.

V-1.2. *Failure to Renew the IMM13 Passes*

Generally, the Filipino refugees are aware of the need to renew their passes and such awareness becomes heightened with impending amnesty exercises such as those in 2002 and 2005 which saw hundreds of refugees lining up to renew their passes at the Immigration Department in Kota Kinabalu [*Borneo Post*, 6 June 2002]. However, a few are unable to do so usually due to financial problems. Many refugees cannot afford to pay for the cost of renewing their passes because they are poor (see section V-3) and they have large families. In Telipok and Kinarut, the average size of the respondents' household is 6.5 persons, which is higher than the national average of 4.8 in 2004. A family of six, with four children above 12 years old, who are unemployed, will have difficulty in paying RM540.00 (RM90 × 6) a year to renew their IMM13 passes. For some, this amount is equivalent to a month's income. It is, therefore, not uncommon for some refugee families not to renew their passes although they are fully aware of the consequences of not doing so. Such a failure changes their status to that of "irregular migrants" which makes them vulnerable to arrest and deportation by overzealous state officials.

V-1.3. *The Presence of Undocumented Refugee Children*

Another factor that has led many to associate the refugees with illegal immigrants is the presence of unregistered children among them. Many families complain that the National Registration Department (NRD) refuses to register their newly born babies because the parents are unable to produce the necessary documents which, according to an officer of the NRD, are as follows: the baby's clinic card; the mother's maternity card, the parent's marriage certificate and identification cards; and a letter of labour summary from a hospital [Halimah Daud 2005: 100].

Some parents do not have marriage certificates because their marriage which was conducted according to their ethnic customs²²⁾ was not registered with the Department of Islamic Affairs, Sabah (JHEAINS)²³⁾ as is required by the state. Some did not register their marriage because they were unaware of the need and importance of doing so, while others who were aware of the requirement were unsure of the procedure.

In addition, many expectant mothers chose to deliver their babies at home because their families cannot afford to pay the medical fees²⁴⁾ at state or private hospitals. So they are unable to provide the child's clinic card, mother's maternity card and the letter of labour summary from a hospital as required by the NRD. Thus parents of a newly born baby may have only one set of the required documents i.e. the parent's identification papers which in this case are the IMM13 passes, but these are not enough as the NRD insists on the presentation of

22) In a Muslim marriage the *akad* (marriage contract) ceremony is executed in the presence of the bride's *wali* (guardian) or his representative, the bride, the groom and two adult and credible witnesses. Registration of marriage is a state administrative requirement and failure to register does not invalidate the marriage.

23) JHEAINS is short for *Jabatan Hal Ehwal Agama Islam Negeri Sabah*.

24) At state hospitals foreign nationals pay higher medical fees than the locals. In the case of a normal delivery, they pay RM100.00 in addition to the cost of a room/bed which is between RM40.00–RM140.00 per day and other miscellaneous expenses.

Table 2 Kinarut and Telipok-Respondents' Year of Arrival as an Indication of Their Actual Legal Status

Year	Telipok No. (%)	Kinarut No. (%)
Early Migrants*	9 (8.0)	23 (21.9)
1945-1960	0	3
1961-1965	2	4
1966-1970	7	16
Refugees	79 (69.9)	69 (65.7)
1971-1975	39	40
1976-1980	29	17
1981-1985	11	12
Economic Migrants*	20 (17.7)	8 (7.6)
1986-1990	15	2
1991-1995	5	3
1996-2000	0	3
No information	5 (4.4)	5 (4.8)
Total	113 (100)	105 (100)

Source: Data from fieldwork (2003-05) as shown in Azizah Kassim [2006]

Note: * It appears that those who came before 1970 and the later economic migrants have mistakenly been recognised as refugees by the authorities and issued with IMM13 passes. In this paper the writer concurs with the official recognition and regards them as refugees.

all the documents. As a result many refugee children have no birth certificates and are undocumented and as such were often mistaken for children of Filipino irregular (economic) migrants.

V-1.4. *Infiltration of Their Community by Filipino Economic Migrants*

A few Filipino refugees tend to accommodate economic migrants from their villages back home who come to Sabah illegally. Such practices also induce the public to associate them with illegal immigrants. Among the 113 respondents in Telipok, only 79 (69.9%) can be categorised as genuine refugees who arrived between 1970 and 1985. Nine (8.0%) arrived before 1970 and 20 (17.7%) after the refugee influx have subsided after 1985. In Kinarut, 23 (21.9%) of the respondents arrived from 1945 to 1970; 69 (65.7%) arrived before 1985, while the rest from 1986 and 2000 which makes them economic migrants (see Table 2).

The early migrants who arrived in the sixties and earlier could have applied for citizenship when Sabah achieved independence in 1963, but did not do so. Being uneducated and without access to official information they were unaware of their rights as provided under Section 16A of the Federal Constitution.²⁵⁾ These figures also show that there are economic migrants in the two communities, albeit a small number, who claim to be refugees and recognised as such by the authorities.

25) Section 16A: Citizenship by registration (persons resident in States of Sabah and Sarawak on Malaysia Day). See Malaysia: Federal Constitution [As of 15 September, 1998: 23].

Some newly arrived economic migrants have resorted to buying fake documents including the IMM13 in an attempt to share the privileges enjoyed by the refugees. A number of fake IMM13 pass holders have been detected and arrested. This warranted the authorities to warn “genuine” refugees, especially those with Permanent Resident status not to abet such practices nor harbour illegal immigrants or risk having their IMM13 passes and Permanent Resident status revoked [*Borneo Post*, 29 July, 2004].

V-2. *Is The Number of Filipino Refugees too Large?*

Statistics on the Filipino refugee population as given by many official sources have always been subject to question. In fact an UPKO ex-Member of Parliament, Wilfred Madius Tangau, has expressed his concern about these statistics. He is reported to have said,

In 2001 there were 43,482 IMM13 holders in Sabah while the following year there were 55,508 and last year 62,202. Recently, in a briefing to the Backbenchers Club (BBC) we were told that there were 61,000 IMM13 holders which also include their children. [*Daily Express*, 9 July 2004]

The writer has collected some statistics on the refugees from various sources as shown in Table 3. It must be remembered that these figures are mere estimates. The writer is made to understand that figures from the SFTF (S/L) refer to the number of IMM13 passes issued and not to the number of refugees per se. As each pass may contain more than one name i.e. a parent and his/her children below the age of 12, the actual number of refugees could be much higher.

Even if we assume that the number of refugees is double that given by the Minister of Home Affairs in 2008 which was 57,194, it accounts for only about 3.82 percent of the state population of 2.997 million. The refugee population is relatively small forming about half of the estimated number of Filipinos²⁶⁾ in Sabah, and over 14.3 percent of the number of Indonesians estimated at around 799,000.²⁷⁾

According to official statistics, it is the Indonesians, and not the Filipinos who form the

Table 3 Some Estimates on the Number of Refugees in Sabah

Year	Number	Sources
1976	50,000	Report from the Office of the Chief Minister, Sabah, 1976
1977	71,000	Registration by state authorities
1990	57,197	SFTF (S/L)
1995	68,557	SFTF (S/L)
2000	70,000	Chief Minister of Sabah
2004	68,889	Deputy Home Affairs Minister, Tan Chai Ho (<i>Daily Express</i> , 10 July 2004)
2007	57,194	Minister of Home Affairs, Hamid Albar in Parliament, July 2008

26) Estimates by Estaban Conejos, Philippines Under Secretary for Migrant Workers [*New Straits Times*, 4 July 2008]

27) Estimates by the Indonesian Consulate in Sabah [*New Straits Times*, 28 June 2008].

largest number of foreign nationals in Sabah. The Indonesian Consul General is reported to have said that there are only 230,000 legal Indonesian workers in Sabah, in addition to about 569,000 illegal immigrants [*New Straits Times*, 26 June 2008]. However, in spite of their large number they do not attract as much attention and resentment from the local public as the Filipinos. This is probably because Indonesians are largely in the plantations and smallholdings in the countryside and as such, the local population does not easily see them. In comparison, the Filipinos (refugees included) are mainly urban based and as such are more conspicuous especially because they tend to live among themselves forming their own ghettos. They compete with the locals for affordable living space and for jobs especially in services and petty trading.

Many refugee families have expanded over the years. In Telipok, for example, a two-generation family comprising eleven people (father, mother and nine children) who arrived in the early seventies have expanded to almost a hundred members covering four generations.²⁸⁾ However, other refugee families seem to have expanded at a slower rate. Available statistics on them indicate their expansion rate is less than two fold over a period of thirty years. This may be due to a number of reasons as follows:

- i. Some of the pioneer refugees have died due to old age.
- ii. Some refugees have returned to their homeland. We found such cases in our fieldwork in Telipok where five pioneer refugee families had returned to their homeland and sold their houses to others who migrated into their settlements.
- iii. Some refugees have attained Permanent Resident²⁹⁾ status, which makes children born to them subsequently, Malaysian citizens. Only three among the 113 respondents in Telipok and one out of 105 respondents in Kinarut (in addition to eight of their family members) have attained

Table 4 Legal Status of Respondents and Their Household/ Family Members

Legal Status	Telipok			Kinarut		
	Respon- dents	Family Members	Total No. (%)	Respon- dents	Family Members	Total No. (%)
PR	3	—	3 (0.4)	1	8	9 (1.3)
IMM13	108	301	409 (56.0)	104	481	585 (87.1)
Temporary Residents	1	171	172 (23.6)	—	3	3 (0.5)
No Info.	1	9	10 (1.4)	—	7	7 (1.0)
Malaysians		136	136 (18.6)		68	68 (10.1)
Total	113	617	730 (100)	105	567	672 (100)

Source: Tabulated from fieldwork data as shown in Azizah Kassim [2006].

Notes: PR = Permanent Residents.

No Info. = No Information.

28) One of the pioneer refugees who arrived with his wife and children in the seventies died during our fieldwork in 2005. He was over 80 years old. He left behind over 60 grandchildren and great grandchildren, all of whom were born in Sabah.

29) The Deputy Minister of Home Affairs is reported to have said that 586 refugees have been awarded permanent Resident status [*Borneo Post*, 9 July 2004].

- Permanent Resident status. The data also indicate that a substantial number of their offsprings have become citizens i.e. 136 (18.6%) in Telipok and 68 (10.1%) in Kinarut (see Table 4).
- iv. Many children born to the refugees are not registered with the National Registration Department due to problems in getting their birth certificates as explained earlier.
 - v. The communities are also undergoing social and spatial mobility. Many of their children who have had the benefit of formal education in the early years have been able to get good jobs in the public and private sectors and migrated to other parts of Sabah and to the Peninsula. Some of our respondents proudly informed us that some of their children are in the police force, in teaching services and working in clerical jobs in public administration. Others are employed in the private sector. In Telipok, for example, we were informed that the son of a refugee couple has graduated from the Faculty of Science and Technology, Universiti Malaysia Sabah and is working as an engineer with a private firm in the new Federal capital, Putrajaya. Spatial mobility is also induced by intermarriage with the local population and the overcrowded condition in the refugee resettlements. Children of mixed marriages between refugees and members of the local population are categorised as citizens of Malaysia.

V-3 *They Take Away Jobs from the Locals?*

There are also accusations that immigrants such as the Filipino refugees are taking away jobs from the locals. Our research reveals that the refugees are mainly involved in jobs that are rejected by the local population. These are not just the 3D jobs, but the 4D ones as they are considered dirty, dangerous, difficult and demeaning. Their chances of entry into blue and white collar jobs are extremely limited due to their lack of formal education and skills training (see Table 5).

As shown in Table 5, most of the respondents in both villages are in paid employment especially in the construction sector where they are engaged mainly as labourers. They are hired as and when there is a need for workers, by building contractors with whom they are closely allied. In Telipok which is situated close to the Kota Kinabalu Industrial area, a few are also engaged in factory jobs as production operators. For those in paid jobs, wages are given only when they work, so their income fluctuates in relation to such factors as weather condition, personal health and job availability. When the economy is sluggish and construction work is hard to come by, some family heads are laid off for months before a new job comes along. To compound these unfortunate economic circumstances, they have no insurance and medical coverage or paid leave which are mandatory for legally recruited foreign workers. Their working hours are also long and it is not unusual for them to work 12 hours a day, everyday of the week as their employers have deadlines and targets to meet.

The number of self-employed is substantial i.e. 17.5 percent in Telipok and 23.2 percent in Kinarut. In both villages, there are many petty traders operating little sundry shops to serve the needs of their respective communities. However, a few petty traders in Telipok work beyond the boundary of the village i.e. in the nearby Telipok and in Kota Kinabalu towns. A few are taxi or mini bus drivers providing much needed transportation for the people in the community as the village is located away from the main road and has no access to public transport systems. In addition there are also cleaners, a carpenter, a painter and a gardener.

Table 5 Employment Patterns among Respondents in Telipok and Kinarut

Types of Jobs	Telipok			Kinarut		
	No.	%	Valid %	No.	%	Valid %
Paid Employment	90	79.7	82.5	76	72.3	76.8
Constructn. Supervisor	5	4.4	4.6	—	—	—
Construction Worker	77	68.1	70.6	57	54.2	57.6
Shop Assistant	—	—	—	8	7.6	8.1
Domestic Helper	—	—	—	6	5.7	6.1
Security Guard	1	0.9	0.9	1		1
Tailor	—	—	—	1		1
Lifting Goods	—	—	—	1	4.8	1
Air-con Repair	—	—	—	1		1
Kindergarten Teacher	—	—	—	1		1
Painter	1	0.9	0.9	—	—	—
Waiter	2	1.8	1.8	—	—	—
Production Operator	4	3.5	3.7	—	—	—
Self Employed	19	16.8	17.5	23	22	23.2
Taxi Driver	3	2.6	2.8	—	—	—
Trader	10	8.9	9.2	9	8.6	9.1
Fishermen	—	—	—	12	11.4	12.1
Cobbler	—	—	—	1	1	1
Painter	1	0.9	0.9	—	—	—
Gardener	1	0.9	0.9	1	1	1
Carpenter	1	0.9	0.9	—	—	—
Cleaner	3	2.6	2.8	—	—	—
Sub-total	109	96.5	100	99	94.3	100
No information	4	3.5		6	5.7	
Total	113	100		105	100	

Source: Tabulated from fieldwork data as shown in Azizah Kassim [2006].

In Kinarut, there are also petty traders, a cobbler and a small number engaged in fishing, as their settlement is close to the sea. Their jobs reflect the nature of economic activities of refugees in many resettlement areas in Sabah.

As shown in Table 6, a small number of the respondents' offspring seems to have done slightly better than their parents, but these are confined to those who were lucky enough to benefit from the free state education before 1990s. Some who have gained Permanent Resident status or citizenship are now in paid employment in the public and private sectors. Three of the respondents' children in Telipok and one in Kinarut operate small businesses. However, as alluded to earlier, most of the "successful" children have out-migrated to other parts of Sabah and the Peninsula and some have become fully assimilated into the Malaysian society. Unfortunately, their young children who now have limited access to state schools may not be so lucky. Like their parents, they are more likely to be confined to the labouring class.

Generally, their income is low. In Telipok, the respondents' average monthly income varies between RM500.00 and RM3,000.00 a month. With an average family size of 6.5 per

Table 6 Nature of Employment among Respondents' Children

Employment	Telipok No. (%)	Kinarut No. (%)	Notes on Employers
Paid Employment			
Factory Worker	31 (28.7)	2 (2.9)	Corporate Sector
Construction Worker	37 (34.3)	32 (47.1)	Indiv. Contractors
Shop Assistant	25 (23.1)	22 (32.3)	Corporation and Individuals
Welder	—	2 (2.9)	Corporate Sector
Driver	2 (1.9)	—	-do-
Hotel Worker	2 (1.9)	—	-do-
Waiter (Restaurants)	6 (5.5)	—	-do-
Child Minder	2 (1.9)	—	Private homes
Domestic Helper	—	5 (7.3)	-do-
Teacher	—	1 (1.5)	Public Sector
Engineer	—	1 (1.5)	-do-
<i>Skim Sangkutan*</i>	—	1 (1.5)	-do-
Self-Employment			
Petty Trader	3 (2.7)	1 (1.5)	Family Enterprise
Fisherman	—	1 (1.5)	-do-
Subtotal	108 (100)	68 (100)	
Not in Employment (Mainly young children)	324	314	
Total No. of Children	432	382	

Source: Tabulated from fieldwork data as shown in Azizah Kassim [2006].

Note: * A temporary scheme by the government to train unemployed graduates.

household such an income is highly inadequate. To augment family income, in many families the household head has to take up a part time job. If there are young children old enough to work, they too are encouraged to take up employment.³⁰⁾ Only by doing so, a family/household monthly income increased to an average of RM920.00 and per capita income at RM142.00. In Kinarut, the average monthly income appears to be higher than in Telipok i.e. between RM200.00 to RM4,600.00. Those with higher income are in trading which is often run as a family enterprise. The average household income is RM1,049.00 and per capita income RM169.00.

In both communities the average household income seems to be slightly higher than the average monthly household income for urban areas in Sabah which is RM881.00 [*Rancangan Malaysia Ke Sembilan (2006-2010)*: 348]. But because their family size is larger, the respondents' per capita income is lower than the average for Sabah, which is officially estimated at RM173.00. Thus they form part of the urban poor in the state.

The refugees are clearly doing jobs few locals would want not only because these jobs are difficult, dirty, dangerous and demeaning, but also because of the long working hours and low pay. The only competition they pose on the local population is in petty trading in the urban

30) Some refugee children start working life at nine or ten years old. Many are employed as assistants on a daily basis by traders at the wet market in Kota Kinabalu. Some sell lottery tickets and a few resort to begging (fieldwork 2003-05).

context. Hence the prevailing perception that they are taking away jobs from the locals is not entirely true. In fact, a withdrawal of their labour may have a negative impact on economic activities especially in the construction and service sectors.

V-4. *Refugees as a Source of Social Problems and a Threat to Security?*

In the seventies, immigrants coming to Sabah (refugees included) were not seen as a security threat. It was only with the influx of economic illegal immigrants in the mid-eighties and the increasing involvement of a few in criminal activities when foreign nationals began to be viewed as a security risk. The refugees too started to be seen as a threat because they are lumped together with irregular migrants (*Pendatang Asing Tanpa Izin (PATI)*).

Among members of the public, there is a tendency to regard the Filipinos in Sabah as prone to crime, a stereotype that a few academics have endorsed in their papers and publications. Writing on the Filipino migrants in Sabah from a security perspective, Ramli, Wan Sahawaluddin, Diana and Marja [2003] elaborated on their participation in piracy, widespread use of fire arms, high rate of crimes, their involvement in setting up “lawless” settlements, underground activities and gangsterism, smuggling, drug abuse and kidnapping. According to them the Filipino migrants’ propensity to be involved in crimes is due to their poverty and continued adherence to their indigenous customs. The latter emphasises the need among some Filipino migrants to preserve family and personal honour (*maratabat*) at all costs, including causing injury to those who challenged their honour. Subsequently two of the writers [Wan Shawaluddin and Ramli 2005] wrote a conference paper entitled, “*Pendatang Filipina di Kampung-kampung Air di Sabah—Komuniti Tanpa Undang-undang*” (lit. Filipino communities in water villages in Sabah: Communities without law). Using data from the police and fieldwork as evidence, they reiterated Filipino migrants’ involvement in crimes as stated in the earlier paper and added another type of illegal activity i.e. fish bombing. They concluded that these villages are dangerous places that make outsiders, including the police, afraid to enter because according to the writers,

Ini kerana jika ada orang luar yang memasuki kawasan penempatan ini ia akan menyebabkan pendatang Filipina merasa curiga bahawa ada pihak sedang mengawasi aktiviti mereka. Lazimnya orang luar tadi akan dipukul atau dibunuh. . . [*ibid.*: 199]
[this is because if there were outsiders who entered this settlement area, the Filipino migrants will be suspicious that there are others who are watching their activities. Usually the outsider will be beaten or killed.]

Erroneous statements such as the above have done much injustice to the reputation of the Filipino refugees. Because the writers’ subject matter is Filipino migrants in general, readers conclude they refer to the Filipino refugees as well. The experience of many researchers proved otherwise. An anthropology student, Supriya Singh, who spent eight months doing fieldwork living among the Filipino water village communities in Sandakan in 1978, has nothing unpleasant to say about her hosts [Supriya Singh 1984]. Our experience doing fieldwork

among the Filipino refugees appears similar to that of Supriya Singh's. We were well received by their community leaders and others, and some opened their doors to us to let us see their sparse homes, and in spite of their poverty they offered us food and drinks. They allowed us into the privacy of their homes and they talked to us freely about their experience as refugees. They also narrated their problems including the involvement of a few of their fellow refugees in anti-social and criminal activities.

The crime index from the Malaysian Police Headquarters in Kuala Lumpur has a breakdown of criminals based on their nationalities and types of crime committed. At the national level, the number of crimes committed by foreigners in the last decade is between 2% and 3%. However, a close study of the crime index reveals that foreign nationals are more involved in violent crimes (such as murder, armed gang robbery and rape) and less in property crimes (such as theft or burglary). Involvement in crimes is highest among Indonesians which is hardly surprising as they form the largest group of immigrants in Malaysia. In Sabah, where over 39 percent of all crimes in the country were committed in 2006; involvement of Indonesians and Filipinos in violent crimes such as murder and armed gang robbery is much higher compared to the locals.³¹⁾

With regards to Filipinos, the crime index does not differentiate between Filipino economic migrants and the refugees. As such there is no way of proving that Filipino refugees are more prone to criminal activities compared to Indonesian migrants and the local population. Our fieldwork indicates that while there are criminal activities and anti-social behaviour committed by a few of the residents in the two villages, by and large, they are law-abiding people. The majority are aware of the negative images the locals have of them and are keen to prove to others that these negative images are wrong.

The refugees are also fully aware of the dire consequences if they are involved in crimes. Their IMM13 passes will be revoked and they will be deported. In the many focus group discussions we had with local leaders, they expressed their concern about gambling activities (*wahui*) in the two villages and incidences of drug and substance abuse, trafficking and other forms of crimes among a few residents. The crimes, they believe, are because their children have too much free time as they are not in school; and many adults among them lack education and skills to get decent jobs. With limited access to jobs, like many other under-privileged immigrants in the state, they improvise ways to overcome their predicament. The lack of official documents such as birth certificates and identity cards are often overcome by acquiring fake ones. Deprived of a means of income, some are forced to steal, beg, burgle, or rob to get money to buy food to sustain themselves and their families.

Marginalised by mainstream society, they stick to their own group and keep alive their customary ways. While extreme poverty and deprivation as a result of limited access to economic opportunities can and will induce some people to crime; marginalisation and alienation can induce immigrants to pursue their native norms and customs which may conflict with the

31) Information from Police Headquarters in Bukit Aman Kuala Lumpur, 2007.

rules, regulations and the laws in Sabah. That a few have committed crime does not make the refugee population a “lawless community” as asserted by the two writers above.

There is a need to differentiate the refugees from Filipino economic migrants (both irregular and legal) and to acknowledge that much of the social problems and crimes committed by them are externally induced by structural factors.

V-5. *Refugees Cause a Strain on Social Services and Public Amenities?*

There is also concern that the presence of the refugees (and other foreign nationals) in Sabah is causing a strain to social services and public amenities. As alluded to earlier, like other working class immigrants in the state, the refugees have limited access to social services. Many of their children are not eligible to enrol in state schools and this has led to an increase in the use and exploitation of child labour in the urban areas and in the number of child beggars. A substantial number of foreign nationals make use of state medical services as shown by hospital records. In 2007 for example, use of state medical facilities by non-citizens in Sabah was 3.24 percent for outpatient treatment, 13.53 percent for in-patient treatment and 21.05 percent for delivery of babies [Jabatan Kesihatan Negeri Sabah 2008].³²⁾ These figures cannot be considered high as foreign nationals form 25 percent of the total state population. However, the real problem lies in the fact that many failed to pay their medical bills which over-stretches hospital budgets and burdens medical staff and the state medical facilities. The burden is not caused by Filipino refugees alone but by all migrants in the state.

As described earlier, Filipino refugees have been designated 34 areas where they can live; hence the reference to them as a “warehoused refugee population” [*World Refugee Survey 2008*: 24]. As such, unlike economic migrants, the refugees are least likely to compete for housing in the urban areas. In fact, it is their resettlement areas, which have been infiltrated by others as revealed by statistics from the SFTF (S/L) for 1990 and 1995 [Pasukan Petugas Khas Persekutuan 2001]. Their settlements have effectively been “invaded” by illegal immigrants, legal migrant workers, Bumiputra and others. Filipino migrants who compete for housing in squatter areas, for living spaces in shop houses and urban kampungs are more likely to be legal or irregular economic migrants.

However, like the rest of the urban population in Sabah, they also contribute to environmental pollution and the expansion of urban slums. They too put a heavy strain on basic amenities such as water and electricity.

VI Do Filipino Refugees Have a Future in Sabah?

“We built all that,” said Pak Shukor, a seventy five-year old respondent who lives in Pulau Gaya, an island located across the bay directly opposite Kota Kinabalu waterfront. He was pointing

32) Unpublished data made available to the writer by the Department of Health, Sabah by letter dated 12 February, 2008.

to the rows of modern buildings on the mainland along the shores of Kota Kinabalu around the commercial areas of the capital city. These are hotels; apartments and shopping complexes that he helped build as a construction worker for almost forty years. He also claimed that he was involved in the land reclamation work of the area on which these buildings are now constructed. However, now he can only enjoy the beauty of the Kota Kinabalu skyline from his humble abode in Pulau Gaya as he cannot afford to live nor shop in these modern buildings. "Those are only for the rich," he sighed.

For many Filipino refugees like Pak Shukor, their contributions to the development of Sabah have not been acknowledged by the public or by the state. Policy makers and state administrators have failed to appreciate the positive contributions made by the refugees. This is because they have not experienced the drudgery and pain of having to toil in the sweltering sun, day in and day out and at exploitative wages that confine the refugees to a vicious circle of grinding poverty. Their views on the refugees are clouded by long held negative images. To them refugees are "illegal immigrants and security risks" who must be dispensed with.

Many political party leaders at the state level have opposed their presence since the eighties. As explained by Bahrin and Rachagan [1984: 210], the reasons are largely political. The writers state as follows:

For Sabah, the existence of a large number of Filipinos, even while satisfying the current critical labour needs of the state, has immense social and political implications. . . . The predominantly non-Muslim Kadazans who consider themselves the "definitive people" of Sabah already fear that the influx of Filipino Muslims would jeopardise their tenuous claim to numerical strength and therefore, cultural and political supremacy in Sabah. . . . The Kadazans are not alone in their fear. The Chinese community, amongst whom are the principal beneficiaries of cheap labour of the Filipinos have also been responsive to the alarm raised by the politicians.

The fear of the Muslim Filipino refugees for political reasons seems to have persisted until today especially among non-Muslim political leaders. Such a fear has been fuelled by allegations of the refugees being given "backdoor citizenship" under the "Projek IC" by the previous Berjaya government, (see among others, Zulkiflie Hassan [1999] and Mutalib [1999]) which makes them eligible to vote in the general elections. This is implied in a statement by Bernard Dompok, Minister in the Prime Minister's Department, in a newspaper interview that touched on illegal immigrants [*New Sunday Times*, 29 June 2008]. Among others, he said,

But the voting demographics have changed. And this is a concern for local Bumiputra.

The presence of the refugees (and other aliens especially the irregular migrants) has been a constant feature in the agenda of many state election campaigns in Sabah since the mid-eighties and of Parliamentary debates especially in the last decade. The problem of refugees in Sabah has been raised in Parliament many times. Among Members of Parliament (MP) from Sabah who pursued the matter persistently are UPKO's Wilfred Madius Tangau, the previous MP for

Tuaran, and the party President, Bernard Dompok. Other political leaders such as from Party Bersatu Sabah (PBS); United Malay National Organisation (UMNO); Liberal Democratic Party (LDP) and Sabah Progressive Party (SAPP) have also expressed their concern and views regarding the matter. Since the last election in March 2008 the issue of illegal immigrants in Sabah (which to some, include Filipino refugees) has taken centre stage in Parliamentary debates and features prominently in Sabah-Federal relations. This has compelled the Federal government, in June 2008, to announce a massive crackdown plan to root out and deport illegal immigrants in Sabah. The exercise, which began in August 2008, is on going.

Any action against the illegal immigrants in Sabah is bound to affect the fate of the Filipino refugees because of the general assumption that they are illegal immigrants. Many attempts have been made by the Federal government to resolve their ambiguous status by proposing to the state government that the Filipino refugees be given Permanent Resident status in view of their long presence in Sabah. However, every time the proposal is made, it fails to produce favourable response from prominent politicians in Sabah. Below are some examples:

i. In June 2004, the then Minister of Internal Affairs, Azmi Khalid announced in Parliament that issuance of IMM13 is discouraged and that the present IMM13 holders should apply for Permanent Resident status which will be considered on a case by case basis rather than a general policy. Response from the state appeared lukewarm. The Chief Minister was reported to have said that he was prepared to discuss the issue with the Federal government [*Daily Express*, 7 July 2004]. Evidently nothing was done for the problem of Filipino refugees continued to plague the state in the following years and the matter kept coming up in subsequent election and parliamentary debates.

ii. In June 2007, Nazri Aziz, Minister in the Prime Minister's Department announced in Parliament that the government had a long term plan to offer Permanent Resident status to the Filipino refugees. The response from UPKO's President Bernard Dompok, according to a newspaper report [*New Straits Times*, 2 July 2007] was as follows,

Kota Kinabalu: A resounding "NO." This is the response from the United Pasokmomogan Kadazan Dusun and Murut Organisation to a proposal to grant Filipino Refugees here permanent Resident status. . . . Dompok said the only other option is to send the refugees back to their country of origin.

According to the same news report, Bernard Dompok's views are strongly supported by UPKO's Youth Chief, who was reported to have said,

The granting of PR status was not the solution to the problem of Filipino refugees in the state. The excuse of them not being able to return to their country of origin should not be accepted.

It must be stressed that local politicians who are against the Federal government's

proposal to give the refugees Permanent Resident (PR) status are mainly non-Muslims. Muslim politicians in Sabah, especially those from the United Malay National Organisation (UMNO) are either silent on the issue or adopt a neutral stance. This is manifested in the response given by the current Chief Minister, Musa Aman, to the proposal in 2004, as mentioned earlier. His subsequent response is also equally non-committal. Such a stand can be explained in two ways. Firstly, as members of UMNO and part of the UMNO led Barisan Nasional government, Sabah UMNO members must adhere to, or appear to adhere to, decisions made at the Federal level. It would be politically incorrect to do otherwise.³³⁾ Secondly, Sabah UMNO leaders are generally not opposed to the proposal, as it will benefit the party in the long run. As stated earlier, once refugees are given the PR status their children will be citizens and as Muslims they are potential UMNO members and voters.

iii. In June 2008, Malaysia's then Deputy Prime Minister, Najib Razak announced a plan to root out and deport illegal immigrants in Sabah [*New Straits Times*, 26 June 2008]. With the confusion over the status of refugees, inevitably the ensuing polemics on illegal immigrants in the media frequently include the refugees as well. This is very clear in relation to a suggestion made recently by the Philippines Undersecretary for Migrant Workers Affairs, Estaban Conejos who was reported to have said,

Malaysia should consider granting permanent resident status to Filipino migrants who have been staying in Sabah for a long time [*The Star*, 4 July 2008]

Conejos' statement received strong opposition from politicians of various political parties in Sabah. However, while some, such as UPKO's politicians, are against giving Permanent Resident status to all long staying Filipino migrants, including the refugees, others such as those in UMNO, confine their opposition to irregular economic migrants only [*New Sunday Times*, 6 July 2008].

VI-1. *The Dilemma Over the Future of the Refugees*

According to UNHCR, there are three strategies that can lead to durable solutions to the refugee problem. These are, a) voluntary repatriation to the home country, b) resettlement in another country, and c) finding appropriate permanent integration mechanisms in the country of asylum [UNHCR 2008: 9]. In the case of the Filipino refugees, some form of integration has taken place as planned by the state and Federal government with assistance from UNHCR in the seventies and early eighties. Unfortunately a change of view on the refugees among subsequent Sabah's ruling party derailed the integration process putting the refugees in a legal

33) It is the policy of BN that any disagreements (especially regarding public policies) among its fourteen component member parties are thrashed out behind closed doors and not made public. Some politicians from small parties such as UPKO do sometimes oppose policies made by the UMNO led BN but they do so at their own risk.

limbo and leaving them in an ambiguous position with an uncertain future. Sending them to a third country will not be a viable option. In view of the increasing number of asylum seekers entering Malaysia, such as the Rohingyas and the Chins from Myanmar who require urgent attention and assistance, UNHCR Kuala Lumpur now merely views the refugees in Sabah as “people of concern” and has long excluded them from its Refugee Factsheet. If Sabah is unwilling to allow local integration by giving them Permanent Resident status as proposed repeatedly by the Federal government, there is no other option but to repatriate them as suggested by the UPKO President.

Many politicians in Sabah appear to believe that by giving the refugees Permanent Resident status, Sabah will be saddled with problems such as pressure on social services and public amenities, social problems and high crime rate. They believe that by sending them home, the state will be relieved of these problems. It must be stressed that their repatriation too will have serious socio-cultural, economic, security and political consequences. Some of these are as follows:

VI-1.1. *Repatriation and Possible Re-entry as Irregular Migrants*

Our study indicates that about 80 percent of the respondents in Telipok and 70.5 percent in Kinarut have never returned to their homeland since they arrived, as they have no more relatives there nor a place to return to.³⁴⁾ Some refugees arrived when they were young children and apart from the name of village or area they came from, they know very little of their place of origin. Those who returned are mainly economic migrants who have infiltrated into their communities. Where would they go supposing they are repatriated? Even if there was a place for them to return to, sending them back would mean uprooting their lives and depriving them of their means of income. The southern Philippines is still experiencing political instability and with limited job opportunities there, a good number of them would undoubtedly try to re-enter Sabah illegally to look for employment. There are strong indications that they will do so as evidenced by recent media reports in the Philippines. One such report by Michael Lim Ubac, among others states as follows:

“For deported Filipinos: It’s Sabah or bust”

Zamboanga City — Filipinos deported from Sabah in Malaysia are bent on returning despite the threat of getting arrested again, jailed, humiliated and caned.

Basit Nur. . . who had gone to Sabah to work as a carpenter, said being held for almost three months at the Ruma Mera detention centre there was more bearable than seeing his family mired in poverty (sic). . . I will return. Even if I don’t have the money for processing of my papers here, I will find ways to return. And I will make sure that I will outsmart the police there. . . Shame can’t be eaten. What’s important is a job to sustain one’s family. . . I have to return. . . [*Philippine Daily Enquirer*, 24 July 2008].

34) Bahrain and Rachagan [1984] stated that one of the reasons why the refugees left their homeland was because their land was confiscated by Christian settlers.

Having experienced life in Sabah for many years, refugees find it easy to re-enter the state if they choose to do so. This is shown in the case of one deportee who has now returned and lives in one of the villages studied. If this situation was realised, it would further aggravate the problem of illegal immigrants and security in Sabah.

VI-1.2. *Breaking Up Family Units*

In many Telipok and Kinarut refugee families, the legal status of their family members is mixed. It is not uncommon for a man to be an IMM13 pass holder, his wife a permanent resident and their children, citizens. There are also siblings divided by nationalities. In the cases of families/households with mixed legal status among their members, sending the refugees home would lead to a break up of family units. This would cause undue hardships especially if those sent home were the family breadwinners. In such cases repatriation would aggravate poverty among family members left behind. This situation, in turn, is bound to create more social problems.

VI-1.3. *Undocumented Children: Will the Philippines Accept Them?*

There are a number of undocumented children among the refugees and sending them to the Philippines would be a major problem if previous experience in deportation is any guide. For repatriation to be possible, the Philippine authorities will insist on official documents to verify that those being repatriated are indeed Filipinos. There is a distinct possibility that those without documents will be barred from entry. Should this situation occur, Sabah will be saddled with the responsibility of caring for thousands of “forcibly orphaned” undocumented children. Is the state ready to shoulder the social, economic and other responsibilities required in taking care of these children?

VI-1.4. *Loss of Manpower for Sabah*

Filipino refugees have contributed positively to Sabah’s economic development by taking up jobs rejected by the locals. As Sabah’s economy is highly dependent on foreign workers, the expulsion of refugee labour, in spite of their small number, is bound to have a negative impact on urban economic activities. This is because they are mainly urban based and tend to concentrate in petty trading, construction and the service sectors. It is generally acknowledged that the local population is not prepared to work in construction and services due to the low wages and hard work involved. In addition, employers are reluctant to hire local workers for their lack of commitment to their jobs and the high wages demanded [Chew S.H. 2004]. It makes little sense to send away experienced and committed workers and replace them with newly recruited economic migrants who are unfamiliar with the state, its people and working conditions.

VI-1.5. *Adverse Effects on Malaysia’s Reputation in the International Community*

In observing the principle of *non-refoulement*, Malaysia has allowed thousands of refugees

temporary shelter on humanitarian grounds. However, the lack of legislation on how to deal with and manage the asylum seekers and refugees has led to their marginalisation and alienation. This has invited strong criticism from many local non-government organisations such as SUARAM and Tenaganita; and international ones such as the USCRI as mentioned earlier. Presently, Malaysia's human rights performance is at a record low and it will get even worse if the Filipino refugees are repatriated. Moreover, the refugees were resettled with a view to assimilation and to repatriate them now after over three decades when some families have expanded into three generations is irresponsible and inhumane. Such a measure may adversely affect Malaysia-Philippine relations. In addition, as the refugees are Muslims, their repatriation may also tarnish Malaysia's standing among member countries of the Organisation of the Islamic Conference (OIC).

VII Concluding Remarks and Suggestions

Trying to find a durable solution to the problem of Filipino refugees in Sabah is an extremely difficult task—one which must be done judiciously. The difficulty is compounded by many factors: the unresolved claim on Sabah by the Philippines government; the changing official attitude towards the refugees by different political parties in power at the state level; uncertainty among policy makers and state officials over who is responsible for the refugee population as well as the influx of illegal immigrants and their attendant problems. Hence the refugee problem is a complex one which requires multi-dimensional solutions.

One major hurdle in solving the problem of refugees in Sabah is the tendency among some state officials, political leaders and members of the general public to lump refugees together with Filipino irregular migrants. The state must address this confusion immediately by taking steps to “separate” the Filipino refugees from Filipino irregular migrants. This can be done in several ways. Firstly, the refugees must be encouraged to renew their IMM13 passes every year so that their status does not change to that of illegal immigrant. As the cost of renewing these passes is beyond the means of many, it has to be reduced to a level affordable to the average refugee family. Secondly, the infiltration of irregular migrants into refugee villages must be curbed and steps be taken to purge those already there. This requires strict implementation of the Immigration Act 1959/63 viz. sections 55A, 55B, 55D and 55E which empower enforcement officers to arrest, detain and deport illegal immigrants; and to take action against those who harbour, employ, abet or are involved in trafficking them. Thirdly, the state must register all undocumented refugee children. There is also a need to relax rules and regulations pertaining to registration of newly born alien babies to ensure that they are registered with the National Registration Department. When the two categories of migrants are separated and the distinction between them is well defined and understood, the chances of refugees being mistaken for irregular migrants are reduced. It will also be harder for irregular migrants to abuse whatever little benefits the state has given to the refugees. This, in turn, may help reduce public opposition to the refugees.

Refugees are victims of circumstances and the Filipino refugees in Sabah are doubly “victimised” by both the source country and Malaysia for their failure to resolve the refugee problem over three decades. Living in a legal limbo is akin to walking in a dark tunnel in search for a light at the end of it i.e. to be permitted to stay in Sabah where two generations of refugees have been born and where their families have established a strong foothold. There are many reasons why Malaysia should offer them the light. As this study has shown, they are neither illegal economic migrants nor are they taking away jobs from the locals. They are also not a threat to security. Their number is relatively small and they are not likely to be of major strain to social services and public amenities. Moreover, they have close socio-cultural and kinship ties with many ethnic groups in Sabah as they were once one people who have been separated by the political and economic interests of western colonial powers. As such they can very easily become integrated or assimilated into the local society. Indeed some of them have done so successfully. Most significantly, in the last over three decades the Filipino refugees have contributed positively to Sabah’s economic development. By retaining them, Sabah not only acknowledges these contributions but also avails itself of their manpower, which it badly needs in view of labour shortages in the state. Such magnanimity augurs well for Malaysian politicians especially those in Sabah and for Malaysia’s reputation in the international community.

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Acronyms Used in this reference

- GoM Government of Malaysia
- SSG Sabah State Government
- ILBS International Law Book Series
- UNHCR United Nations High Commissioner for Refugees
- USCRI United States Committee for Refugees and Immigrants