

## Unaccompanied and Separated Refugee Minors

The Malaysian Social Research Institute (MSRI) provides services to asylum seekers and refugees from minority refugee communities in Malaysia, which are mainly from Middle Eastern, Southern Asian and African countries. MSRI's programs focus on education, health and livelihood support, among other services. The beneficiary population of MSRI is comprised of families and individuals from different backgrounds and of all ages. One sub-population of the MSRI beneficiaries are unaccompanied and separated children (UASC). I have had the great opportunity to work on some programs and projects for UASC, such as helping organize their afternoon English, math and computer classes and co-writing a funding proposal to expand MSRI's case management program specifically for children at risk. By getting to know some of these brave young people I have been inspired by their positive attitude, determination, optimism and strength. These past few months have strengthened my interest in working with children, as well as learning about child protection and the principle of the best interest of the child, and most importantly learning how to apply these principles in practice.

**“[In Malaysia] There are some 35,069 [refugee and asylum-seeker] children below the age of 18.”**

“As of end October 2016, there are some 150,669 refugees and asylum-seekers registered with UNHCR in Malaysia.

:: Some 135,475 are from Myanmar, comprising some 54,856 Rohingyas, 41,420 Chins, 10,928 Myanmar Muslims, 5,221 Rakhines & Arakanese, and other ethnicities from Myanmar.

:: There are some 15,194 refugees and asylum-seekers from other countries, including some 2,859 Sri Lankans, 2,692 Pakistanis, 1,809 Yemenis, 1,600 Somalis, 1,525 Syrians, 1,323 Iraqis, 841 Afghans, 633 Palestinians, and others from other countries.

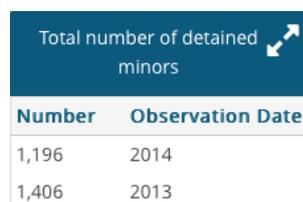
Some 68% of refugees and asylum-seekers are men, while 32% are women.

There are some 35,069 children below the age of 18.”

Retrieved from: [http://www.unhcr.org.my/About\\_Us-@-Figures\\_At\\_A\\_Glance.aspx](http://www.unhcr.org.my/About_Us-@-Figures_At_A_Glance.aspx)

### **Who are UASC?**

Unaccompanied children are asylum seekers and refugees who are under the age of 18 and are displaced without their parents or a legal caregiver. Separated minors, on the other hand, is a term used to denote minors who are separated from both their parents or their previous legal guardian but are under the care of another adult, usually extended family, in the host country. Unaccompanied minors include children who migrated on their own and whose family may reside in the country of origin, who got separated along the journey or who have lost both parents. There are numerous reasons as to why children migrate on their own, including conflict and war, and persecution of the minor or their family in the country of origin (comment 6). UASC are one of the most vulnerable refugee groups as they face a high risk of abuse, exploitation and trafficking, as well as the risk of



Number	Observation Date
1,196	2014
1,406	2013

Figure 1

developing mental health issues. The UN Committee on the Rights of the Child stresses the vulnerable situation of unaccompanied and separated children and has identified protection gaps in ensuring the protection of the rights of this population (Comment 6). According to General Comment No.6 (2005), the protection gaps include the greater risks that UASMs face of sexual exploitation, military recruitment, child labor and detention.

### Check this out!

UN Committee on the Rights of the Child (CRC), *General comment No. 6 (2005): Treatment of Unaccompanied and Separated Children Outside their Country of Origin*, 1 September 2005, CRC/GC/2005/6, available at: <http://www.refworld.org/docid/42dd174b4.html>

In this last blog as a CAPI intern at MSRI, I discuss some of the many challenges and risks that unaccompanied minors face in Malaysia and elsewhere. Then, I discuss the importance for actors, such as NGOs, who work with children to adopt principles and frameworks

**Fig. 1 – Retrieved from Global Detention Project**  
(<https://www.globaldetentionproject.org/countries/asia-pacific/malaysia>)

Based on a private conversation I had with someone who has worked at detention centers in Kuala Lumpur, I learned that some detention centers in Malaysia consider minors those who are under 16 or 14 years-old. Therefore, it's possible that these figures do not depict the actual number of children (under 18 years) detained in Malaysia in 2013 and 2014.

in order to facilitate every child's access to services and ensure the protection of their rights, as outlined by the Convention of the Rights of the Child. I conclude this blog by looking at the UNHCR Guidelines for Determining the Best Interest of the Child, a UNHCR tool that I was introduced to during my internship at MSRI.

This is a personal blog that is based on my own experience and what I have learned over the past few months through conversations with others and through reading articles and UN documents

on the topic of unaccompanied minors. What I discuss, is based on my own understanding of the situation and only my personal views are expressed.

### Unaccompanied and Separated Minors in Malaysia

Malaysia is a transit country where asylum seekers approach UNHCR to apply for refugee status. The objective is to then be resettled with UNHCR's assistance. The reality, however, is that a very small proportion of the refugee population in Malaysia, as in most transit countries, gets resettled. In order to be resettled one must meet the 1951 Convention criteria relating to refugee status. Based on their vulnerabilities resettlement must be identified as the most appropriate solution. In addition to fleeing conflict and persecution, other situations such as a disability, belonging to a vulnerable group (e.g. unaccompanied minor and female head of household), being a victim of torture or sexual-based violence increases one's chances of resettlement. A refugee under the age of 18 who is in Malaysia on his/her own, for example, has a higher chance of being resettled than a 20-years-old single male or female who had a similar experience in the country of origin. Many minors, however, become of age while they are waiting in Malaysia for the refugee status determination interview and result, which often takes years. When they turn 18-years-old and are no longer considered minors, the fact that they spent two, three, four or more years of their childhood and teenage years on their own without the support of their families in a new country seeking asylum, is no longer taken into consideration to the same degree. MSRI like other NGOs plays a big role in supporting the work of UNHCR by identifying people at risk who may meet the grounds for resettlement. They do so by referring them to UNHCR to speed up the processing of their case. Often, minors who are 16 and have a UNHCR appointment for their RSD interview two years later, get referred to UNHCR by NGOs and, thus, may receive an earlier appointment. Over the past few months I have observed the significance of partnerships between different organizations and have learned the importance

### Check this out!

UN High Commissioner for Refugees (UNHCR), *Progress Report mid-2016. Beyond Detention: A Global Strategy to support governments to end the detention of asylum-seeker and refugees, 2014-2019*, August 2016, available at: <http://www.refworld.org/docid/57b850dba.html>

of not duplicating services but rather complementing each other's work. Like all refugees in Malaysia, UASC have challenges accessing legal, medical and educational services as well as making ends meet. In Kuala Lumpur, some of these organizations include MSRI, SUKA Society, Asylum Access, Health Equity Initiative (HEI) and UNHCR - the UN refugee agency.

### **Risks and Barriers**

Facing the challenges of displacement at any age, and in many cases physical and emotional trauma, can have a tremendous impact on someone's well-being. Facing such challenges at a young age often has a bigger impact and could lead to life-long consequences. Individuals are impacted differently by similar situations and the support they require varies from case to case. To understand the challenges and risks and to address them, it is essential to look at the minor's experiences in the country of origin, the circumstances under which they travelled to the transit or host country (where applicable) and their experience in the transit country. From their research findings, Keles et al. (2016) suggest that when working and supporting UASC it is important to not only address earlier traumas but also focus on the challenges these children face in the resettlement country. It is important to identify, understand and address the potential risks UASC could be exposed to if they get resettled.

There are many variables that influence the impact that a traumatic experience has on an individual including the type and severity of the trauma, whether it consists of a one-time, repeated or multiple events and the age of the individual who endured the trauma. UASM may have experienced a variety of traumatic situations, from witnessing violence and war, to participating in armed conflict, losing parents and other family members, being separated from family members, witnessing the death of a loved one, enduring physical trauma and having experienced life-threatening incidents. In addition to the possibility that many have lost a loved one, the loss of security alone negatively affects one's wellbeing. The loss is multifaceted; it is a loss of opportunities, of legal status, of home, family, neighborhood and of one's childhood. Moreover, displaced children face challenges of learning a new language, learning about a different culture, adapting to a new environment, adapting to a new household with new caregivers, and so on. Facing such challenges, it is reasonable to assume that this youth may suffer from PTSD, depression and/or high levels of anxiety among other mental health problems.

The barriers to receiving the necessary support when facing challenges are numerous. This is true for the majority of the world population and is often due to financial barriers. For the asylum seeker population, the barriers to accessing health care include not only financial difficulties but also legal ones. The lack of legal status, especially in transit countries, makes it challenging, if not impossible, to access the necessary services that for some, especially for many citizens in resettlement countries, are easily accessible. Accessing health services is one of many social supports that are necessary for the wellbeing of an individual. For a refugee youth access to education and learning a new language, for example, is also vital in their wellbeing as language skills can foster their adjustment in a new country and is essential for future employment opportunities. Keles et al. (2016) also argue that providing opportunities for UASC to increase their social and cultural competence, as well as promoting respect for cultural diversity in resettlement communities are key to providing UASC with the means and the desirable setting to cope with challenges and contribute to their wellbeing. Children are very resilient and with the appropriate support and social systems in place they could learn to cope and overcome challenges.

#### **Check this out!**

Keles, S., Friberg, O., Idsoe, T., Sirin, S., & Oppedal, B. (2016). Resilience and acculturation among unaccompanied refugee minors. *International Journal of Behavioral Development*, 1-12.  
<http://dx.doi.org/10.1177/0165025416658136>

## **Comprehensive Child Protection Systems - UNHCR Guidelines on Determining the Best Interests of the Child**

Organizations and individuals working with children must put child protection policies in place and adhere to these policies. The first official training I received at MSRI was understanding the organization's code of conduct and child protection policy. MSRI's child protection policy is guided by the standards of the United Nations Convention on the Rights of the Child (CRC). The UN CRC is an international human rights treaty that articulates the rights of children. Four key principles under CRC are that children's rights should be protected and not subjected to discrimination, the principle of children's right to life (development and survival), the principle of the best interest of the child, and the principle of participation (i.e. the right to participate in decision-making processes, to have their voices heard and their views respected). The UNHCR guidelines on determining the best interest of the child (BID) is an outcome of Article 3 of the UNCRC, which states that adults are to ensure the child's best interest when making decisions that affect a child.

There are numerous legal instruments that can guide an organization's procedures in order to ensure that the rights and wellbeing of children are protected. These include international and regional instruments as well as national law and municipal jurisdictions. BID is a mechanism for determining a child's best interest when a decision affecting the child must be made. The protection measures outlined in the BID are relevant for refugee children and it is essential for those working with asylum seeker and refugee children to apply the best interest principle, along with other values. The UNHCR Guidelines on BID explain when, why and how to apply the best interest principle. It provides information on where various actors working with children can receive support in implementing the principle, such as from agencies, government and non-government organizations. Furthermore, the field handbook for the implementation of UNHCR BID Guidelines is an important tool that can support the work of various actors dedicated in protecting children's rights and wellbeing.

### **Check these out!**

United Nations High Commissioner for Refugees (UNHCR), *UNHCR Guidelines of Determining the Best Interests of the Child*, May 2008, available at: <http://www.unhcr-centraleurope.org/pdf/who-we-help/children/unhcr-guidelines-on-the-best-interest-of-the-child.html>

United Nations High Commissioner for Refugees (UNHCR), *Field Handbook for the Implementation of UNHCR BID Guidelines*, November 2011, available at: <http://www.refworld.org/docid/4e4a57d02.html>