



## Youth Co:Lab Challenge Kit: Income Generation for Undocumented Persons

1. **An undocumented** person is unable to provide the documents (e.g. birth certificate, national identification card, passport) necessary to prove that they are a citizen of a country. Since undocumented people cannot prove that they belong to any country, they cannot count on a government to protect them and meet their needs, making them extremely vulnerable, defenseless against all sorts of exploitation and rights violations. They face insecurities in terms of their employment, income and restrictions to their access to health care and education. An undocumented person might find themselves at a high risk of statelessness if they lack the documentation to prove their nationality.
2. **Stateless are not considered as nationals by any State under the operation of its law.** Statelessness is sometimes referred to as an invisible problem because stateless people often remain unseen and unheard. They often aren't allowed to go to school, see a doctor, get a job, open a bank account, buy a house or even get married. Denial of these rights impacts not only the individuals concerned but also society as a whole, in particular because excluding an entire sector of the population can lead to social tensions and significantly impair economic and social development.

### Statistics / Stories

- <sup>1</sup>Sabah, among other states in Malaysia, hosts the highest number of non-Malaysian citizens (27.7% or 886,400), predominantly the Indonesian (85%) and Filipino (15%) migrants. They are primarily found in Sandakan and Tawau. However, such official statistics do not include Sabah's high numbers of undocumented workers or their dependents. In 2015, it was estimated that the ratio of legal and undocumented migrants in Malaysia was 1:1.
- In June 2018, the Sabah Coalition of NGOs estimated <sup>2</sup>800,000 stateless, undocumented people in Sabah. Most of the stateless people live in remote places and many are children of indigenous people, such as the Rungus, Murut and Dusun.
- Four distinct populations of concern in Sabah who are associated as undocumented or stateless are; 1) Citizens who are undocumented (Indigenous people); 2) Filipino refugees including the Suluk people and Indonesian migrants; 3) Bajau Laut nomadic fishermen community; and 4) others who are undocumented including children of migrant workers.

<sup>1</sup> <https://www.ums.edu.my/fpsk/images/Journal/J.2016/2.9.pdf>

<sup>2</sup> <http://www.theborneopost.com/2018/06/22/800000-estimated-stateless-undocumented-people-in-sabah-ngo/>

- In Peninsular Malaysia, unofficial estimates in 2017 put the figure of stateless Indians<sup>3</sup> at 300,000<sup>4</sup>.
- <sup>5</sup>Undocumented migrants, contribute to the country's economy as they fill low-paying jobs, often considered 3D (dirty, dangerous and demeaning) and specific occupations like building homes, cleaning offices, agriculture / farm work, and generally jobs that nationals refuse. So local employers hire undocumented immigrants at a very low wage, perhaps taking into account their illegal status.

## Challenges

- <sup>6</sup>Undocumented and stateless persons including refugees do not have any formal access to the labour market and are therefore compelled to work in the informal sector, often in exploitative situations or in jobs presenting special hazards and risks. Furthermore, employers who hire refugees may be subjected to prosecution for hiring and harbouring irregular migrants under the Immigration Act. This effectively deters potential employers from providing work opportunities to refugees and asylum-seekers.
- <sup>7</sup>Migrant workers, documented and undocumented, often worked under difficult conditions, performed hazardous duties, had their pay withheld by employers, and had no meaningful access to legal counsel in cases of contract violations and abuse. Some workers alleged their employers subjected them to inhuman living conditions, confiscated their travel documents, and physically assaulted them. Employers of domestic workers sometimes failed to honour the terms of employment and subjected workers to abuse. Employers reportedly restricted workers' movement and use of mobile telephones; provided substandard food and living conditions; physically and sexually assaulted workers; and harassed and threatened workers, including with deportation.
- <sup>8</sup>For fear of being exposed and face deportation, thousands of undocumented people living and working in the country face the dilemma of whether or not to access health care e.g. give birth in a hospital. As a result, large numbers of children born in Sabah do not receive

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<sup>3</sup> During British Colonial rule a significant number of persons were brought to Malaysia from India and Sri Lanka to work in plantations. After Malaysia re-gained independence, this group and their descendants were entitled to acquire Malaysian citizenship under the Federal Constitution. However, the Malaysian Indian Community has faced challenges related to identity documentation and confirmation of Malaysian citizenship for many years. Extracted from: <http://www.unhcr.org/en-my/ending-statelessness-in-malaysia.html>

<sup>4</sup> <http://www.freemalaysiatoday.com/category/nation/2017/11/06/stateless-indians-dont-rely-on-mydaftar-figures-alone-says-mp/>

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<https://worldconferences.net/proceedings/icssr2015/full%20paper/IC%20006%20ILLEGAL%20IMMIGRANT%20AND%20SECURITY%20CRISIS%20IN%20SABAH.pdf>

<sup>6</sup> <http://www.refworld.org/pdfid/513d9a0e2.pdf>

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<sup>8</sup> <http://www.nowherepeople.org/new-page/>

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birth certificates and documentation and are shut out from accessing public schools and affordable healthcare.

- Stateless people have to pay higher medical fees and are treated like foreigners when seeking medical treatment at government hospitals.
- <sup>9</sup> Furthermore, the undocumented are not captured in the national statistics. They are also the most under-researched group, hence making development of interventions specifically targeting them difficult. Their illegal status also caused them to not dare to seek legal redress from any unjust treatment.

### <sup>10</sup>Strategies that provide income livelihood alternatives for the undocumented

1. **Increase access** and freedom to choose employment strategies that allow them to generate income to cover essential needs without harassment, exploitation, intimidation or discrimination from state authorities or civil society. Exploring also 21<sup>st</sup> century skills for those who have no access to formal education due to lack of documentation.

***Ideas worth exploring:** JobStreet for undocumented – Platform that communicates and advertises information about full-time / part-time job openings and vacancies whether in the formal / informal sector, on which potential employers must agree to a set of minimum employment requirements, due employment processes and safeguards against exploitation to be listed (this also ensures that the profiles of applicants can be captured for further national development planning); consider employment opportunities for undocumented in rural areas or provide solutions for affordable commuting to urban areas; skills training; etc.*

2. **Promote integration** and advocate for refugees to be treated with similar respect and basic human rights

***Ideas worth exploring:** Awareness campaigns and advocacy – providing information about challenges and human rights undocumented; creating a safe space for national and undocumented / statelessness to have a conversation / share stories with one another; create joint-livelihood projects with locals to enhance social cohesion and trust; etc.*

3. **Valid identification documents.** Persons whom are undocumented have neither the basic elements of identity in the form of a birth certificates, passport, or national identity card, thereby preventing them to access services such as healthcare, education and to financial services. Even if they do, it is often at a higher cost than what Malaysians are charged for public services. Without a proper ID, undocumented persons also cannot access social benefit transfers and wages into transaction accounts.

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<sup>9</sup> <https://www.ums.edu.my/fpsk/images/Journal/J.2016/2.9.pdf>

<sup>10</sup> <http://www.unhcr.org/4eeb19f49.pdf>

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***Ideas worth exploring:** Innovative solutions that enable access to formal mechanisms without depending on traditional forms of identification*

4. **Community self-reliance programmes** to strengthen livelihood and reduce vulnerability.

***Ideas worth exploring:** Community cooperative strategies / approaches where community of undocumented or stateless self-organise to work, e.g. farm, fish, and shares opportunities and risks to become a self-sustaining community.*

## Potential partners

### Government

- Department of Statistics Malaysia (DOSM)
- Economic Planning Unit (EPU)
- Suruhanjaya Hak Asasi Manusia Malaysia (SUHAKAM)
- National Registration Department
- Ministry of Human Resource
- MyCorps Malaysia

### Private companies / associations

- Agriculture sector
- Hospitality sector
- Food & beverage sector
- Service sector
- Malaysian Indian Restaurant Owners Association

### International development agencies

- World Bank
- Alliance of Financial Inclusion

### NGOs

- Development of Human Resources for Rural Areas (DHRRA)
- Tenaganita
- Suara Rakyat Malaysia (SUARAM)
- Centre for Orang Asli Concerns (COAC)
- Jaringan Orang Asal SeMalaysia (JOAS)
- Yayasan Chow Kit
- PACOS Trust
- IMAN Research

### UN Agencies

- International Labour Organisation (ILO)
- UN Children's Funds (UNICEF)

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- UN High Commission for Refugees (UNHCR)
  - UN Capital Development Fund