



Mahidol Migration Center
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RESEARCH BRIEF

Precarity Among Urban Refugees and Asylum Seekers in Southeast Asia: Policy Gaps and Pathways to a Dignified Life



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Introduction

Thailand, Malaysia, and Indonesia are major hosts to a considerable proportion of Southeast Asia's refugee population. In fact, according to United Nations High Commissioner for Refugees (UNHCR) estimates, approximately 300,000 refugees and asylum seekers are currently in the region. Much of the literature on forced migration depicts the multidimensional experiences of being a refugee. From their country of origin to their destination, refugees experience violence, poverty, and other forms of human rights violations and risks that require immediate protection and assistance at various stages.

Several studies conducted in the three countries provide an in-depth understanding of how the lack of legal mechanisms for the protection of refugees and asylum seekers, especially those in urban areas, has pushed them to the margins of society, impacting their welfare and life prospects. Moreover, the lives of those forcibly displaced are structured within a system that deliberately categorizes them as "illegal," heightening their vulnerabilities as they are subjected to prolonged waiting and uncertainty in the host countries.

As non-signatory countries to the 1951 Refugee Convention and its 1967 Protocol, these countries may disregard its provisions and devise their own mechanisms to address the refugee situation (Abraham, 2024). This means that obligations under international and domestic law have not been adequately fulfilled, particularly with regard to the protection and preservation of refugees' human rights.



Urban environments in these countries have also created significant impediments for refugees and asylum seekers, where the vast majority reside, due to inadequate protection and assistance and their inability to exercise their rights as a result of the absence of a legal refugee framework. To deter irregular flows and asylum claims, migration policies in the region have become increasingly restrictive. Thus, being categorized as "illegal" further exposes them to multiple forms of exploitation and discrimination, detention and arbitrary arrest, and serious health consequences.



Moreover, reliance on UNHCR for refugee status determination has led to administrative delays and cycles of poverty and deprivation. A reassessment of support structures and protection mechanisms, therefore, must be prioritized on the policy agenda in order to effectively adopt and implement policies that respond to the needs of one of the most vulnerable populations in urban areas on humanitarian and human rights grounds.

Being a Refugee and the Right to Work

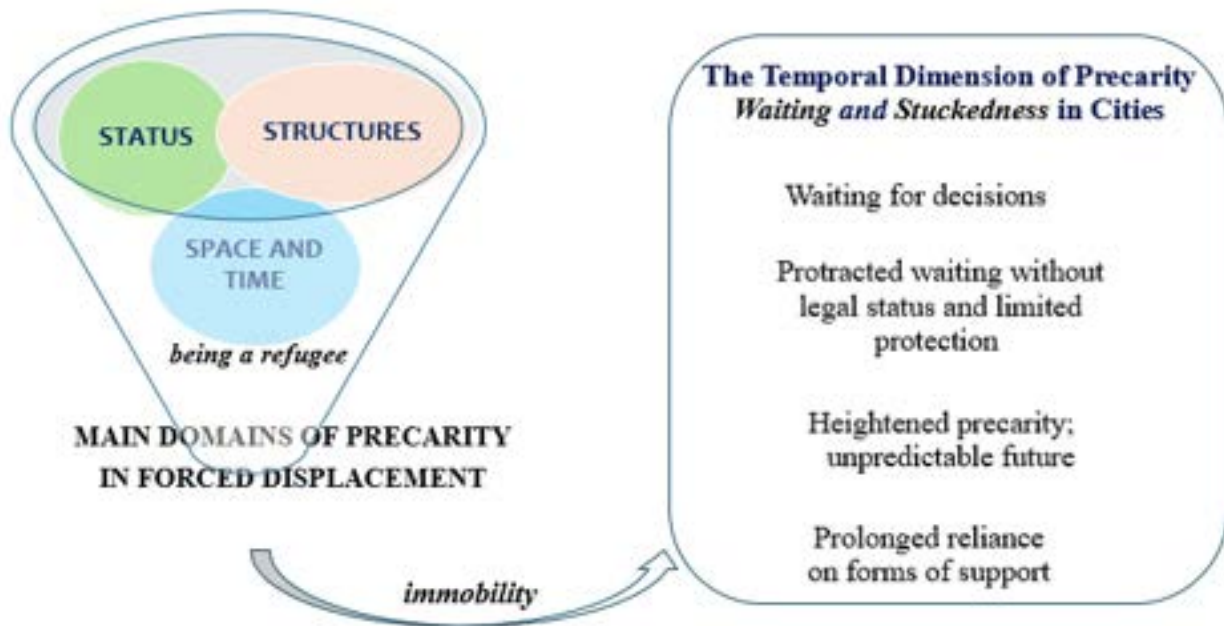
Migration scholarship has demonstrated how governance mechanisms influence the precarious status of refugees. Migration policies prohibit irregular entry and stay by foreigners, thereby creating illegality. Without legal recognition, refugees and asylum seekers rely on the unregulated informal economy, a sector linked to precarious and exploitative conditions, in order to cope with financial uncertainty. Another feature of forced displacement is the experience of waiting to be recognized. McNevin and Missbach (2018) highlighted the dimension of chronic waiting among refugees and asylum seekers stranded in Indonesia.

Their findings revealed the absence of legal pathways for integration into communities, vulnerability to detention or arbitrary arrest, and detailed accounts of abuse. “Indeterminacy,” according to the authors, is intensified as refugees continue to wait for a positive decision on their refugee status and eventual resettlement, or when the refugee status determination process is deferred, causing frustration and hopelessness. As Kneebone et al. (2025) note in the introductory section of their book, a significant proportion of refugees in Indonesia are in prolonged displacement (e.g., ten years or more).

Similarly, Malaysia accommodates the highest proportion of refugees in the region who have fled for various reasons, such as conflict, persecution, and repression; for example, the Rohingya and Chin from Myanmar, as well as those from other conflict zones in the Middle East, Africa, and South Asia.

They are found in urban and peripheral areas, as there are no refugee camps or centers in the country, and are subjected to regular state surveillance (Jalil & Hoffstaedter, 2024). Based on their findings, Jalil and Hoffstaedter (2024) contend that Malaysia continues to evade taking responsibility for refugee protection and acknowledging refugee status. Thus, protection remains largely arbitrary and at the discretion of enforcement units.

Figure 1: Domains and Temporal Dimension of Precarity in Forced Displacement



Although they are permitted to work informally and access basic services such as healthcare and informal education, they still face extortion, particularly when caught working, and remain susceptible to detention and deportation. The authors also argue that governance mechanisms create bureaucratic processes and inefficiencies in the RSD process, resulting in extended periods of waiting and delays and deepening precarity among refugees and asylum seekers, as illustrated in Figure 1.

Sarausad and Punpuing's (2025) study on urban refugees in Thailand presents a clear connection with findings from Indonesia and Malaysia, revealing how refugees navigate between refugee status decisions, financial instability, and "illegality." Legal deficiencies in Thai migration policies and their implementation by relevant authorities have disrupted their lives, prolonged their uncertainty, and hindered self-reliance. Apart from severe financial constraints, some participants were found to suffer from physical and mental health issues that require ongoing medical assistance. As legal barriers have pushed them into the informal sector, they are also exposed to occupational health hazards, poor working conditions, and substandard wages.

The studies clearly illustrate how governance structures create conditions of precarity and vulnerability, enforced temporariness, and illegality. The lack of legal recognition of refugees and asylum seekers has greatly impacted their safety and well-being, confining them to a cycle of invisibility, precarity, and prolonged waiting.

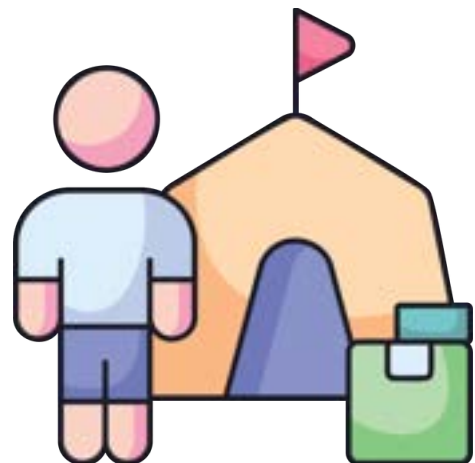


Policy Gaps in Refugee Protection and Assistance

Indonesia, Thailand, and Malaysia have taken important steps in addressing refugee issues within their national policies. However, it is important to note that refugee reception in these countries is temporary and at the discretion of each government. Moreover, the absence of a legal refugee framework means that arrangements regarding temporary protection are made on the basis of the countries' immigration laws.

As such, they rely primarily on UNHCR to process asylum claims and conduct RSD. The implementation of Thailand's National Screening Mechanism (NSM) in 2023 was viewed as a positive initiative by the government, demonstrating its commitment to expanding protection space for refugees and asylum seekers.

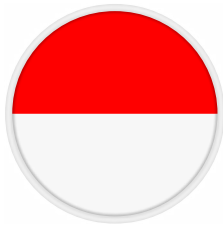
The NSM operates within restrictive immigration laws, raising serious questions regarding its effectiveness in providing legal protection for refugees and their ability to fully exercise their rights while in the country.



On the other hand, Malaysia's legal provision in Section 55 of the Immigration Act 1959/63 enables some flexibility, which permits temporary residence, employment, and access to basic services for particular groups through the government-issued IMM13 document (Jalil & Hoffstaedter).

However, due to the costs and difficulties associated with obtaining the document, many refugees remain without legal status (2024). Thus, UNHCR continues to be primarily responsible for the registration of refugees and asylum seekers. The Malaysian government has recently proposed a Refugee Registration Document following the unsuccessful implementation of its Tracking Refugee Information System (TRIS), processes considered a form of surveillance that offer no incentives to refugees (Jalil & Hoffstaedter, 2024).



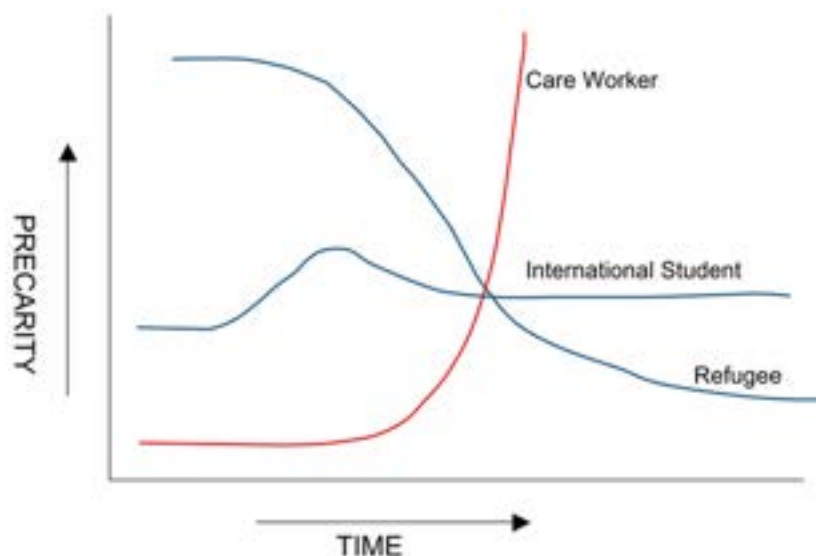


In the same way, Indonesia's establishment of the Presidential Regulation No. 125 of 2016 on the Handling of Refugees demonstrates its assurance with regard to refugee reception.

Nonetheless, according to Kneebone et al. (2021), this raises doubts about the government's recognition of its obligations toward refugees in the country, particularly given that the right to asylum is not included in its constitution. Like Malaysia, the right to seek asylum and access to durable solutions remain administered by UNHCR, as legal pathways for local integration are absent and refugees are not officially recognized.

Pathways to International Refugee Protection and the Shared Roles of the Major Host Countries

Figure 2: *Precarity transitions over time among types of migrants, Source: Chacko & Price (2020)*



For decades, refugee reception in Indonesia, Thailand, and Malaysia has centered on “humanitarian grounds,” as revealed in the studies. UNHCR and civil society organizations (CSOs) have been instrumental in providing humanitarian assistance and mitigating the precarious conditions of refugees while engaging with various refugee communities. However, the role of states in complying with international refugee and human rights law and in implementing these obligations is vital.

Figure 2 illustrates how migration policies influence experiences of precarity over time among temporary migrants and refugees, showing that a positive decision on an asylum application would drastically reduce precarity among refugees. Therefore, the three countries must review their policies and strengthen their governance frameworks to eliminate legal barriers to recognition and integration through a comprehensive, rights-based approach.





Another important consideration in these policies is the evolving vulnerabilities experienced by urban refugees and asylum seekers as a result of bureaucratic and administrative delays and the resulting dependence on support from NGOs and other organizations. The RSD process must be streamlined, allowing them to meet the necessary requirements and access essential services within a shorter timeframe. Proper enforcement of these policies and coordinated efforts at the local level are also necessary. The empirical works discussed in this paper likewise emphasize the need for legal recognition of refugees in cities and other areas to address marginalization, reduce invisibility, and guarantee access to resources. By doing so, social stability and economic growth in these countries can be enhanced.

All migrants and individuals have rights and must be afforded the full protection necessary while in host countries. Refugees and asylum seekers require special and extensive protection under international law, which includes legal recognition of their status and fundamental rights. The Global Compacts emphasize the importance of shared commitment and cooperation among countries, to which Southeast Asian states have pledged, in order to ensure safe, regular, and orderly migration and to develop complementary pathways that address protection needs. However, challenges remain for countries in meeting the needs of vulnerable migrants and the forcibly displaced while maintaining the securitization of their borders.

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About this brief

Selected theoretical and empirical works related to Indonesia, Thailand, and Malaysia form the basis for the policy review paper.

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