The Effects of COVID-19 on Refugees in Peninsular Malaysia: Surveillance, Securitization, and Eviction

Aslam Abd Jalil[a]* & Gerhard Hoffstaedter[b]

[a]Universiti Malaya, Malaysia
[b]University of Queensland, Australia

*corresponding author: aslamaj@um.edu.my

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This paper focuses on the largest group of refugees in Malaysia, the Rohingya. Many Rohingya have made Malaysia their home, even though they have no legal status in the country. When COVID-19 was detected in Malaysia, the government followed a strategy of suppression, with targeted lockdowns in areas of COVID-19 outbreaks. As most refugees work to survive, they hold important front-line jobs and were exposed to COVID-19 at higher rates of infection than Malaysians. In this paper, we trace the way the Malaysian government, Malaysian people, and refugees encountered COVID-19, and how refugees became the subject of enhanced securitization and surveillance based on prejudice. We show how the state enacted securitization first at the borders, before it inverted this process and focused on domestic border work wherein neighborhoods, mosques and markets became central places of immigration control and exclusion for refugees. Based on data collected during ethnographic fieldwork in peninsular Malaysia between 2020 and 2021, we argue that the securitization of refugees, their surveillance and even expulsion and eviction demonstrates continued and heightened scapegoating of refugees for all of Malaysia's ills. These actions reinforced the stigma and stereotype of refugees being legally undocumented and therefore outside of and too often unwelcome in the Malaysian body politic.

Keywords: COVID-19; Malaysia; Refugees; Rohingya; Securitization; Surveillance

PROLOGUE

It is another humid day on the outskirts of Malaysia's largest city Kuala Lumpur. The Malaysian government has closed most businesses due to the outbreak of COVID-19 clusters across the country. Most roads are deserted due to strict lockdowns, but the wholesale fruit and vegetable market here is still open for business. Inside the market compound, workers wear color-coded shirts to indicate what they sell: Green for vegetables, red for fruit, and blue for fish. Traders are rushing around to purchase food for their restaurants and shops, many of

which remain open for takeaway and delivery orders. One thing missing here today is the usually large contingent of migrant and refugee workers, predominantly Rohingya and Myanmar Muslims. Mohamad, a Rohingya refugee who usually works there, looks over to the market from his apartment. He cannot work and therefore will not earn any money, because local authorities put up restrictions on foreigners working at the market. Ostensibly, such restrictions are implemented for health and safety as well as national security reasons, but Mohamad guesses that it is prejudice against refugees, and Rohingya in particular, that is driving these restrictions, which now means he and his family will go hungry.

INTRODUCTION: REFUGEES AND COVID-19

Malaysia is a non-signatory country to the United Nations Refugee Convention, which means refugees have no formal status or rights in the country. By 2022, around 185,000 refugees, the vast majority of which are Rohingya from Myanmar, have been registered by the United Nations High Commissioner for Refugees (UNHCR) with many thousands more living in Malaysia unregistered (UNHCR, 2022). In the absence of a domestic refugee policy, the UNHCR is the only agency that conducts the refugee status determination process and issues identity cards as well as manages the eventual return or resettlement to safe third countries. There is also a tacit acknowledgement of this substantial refugee presence by the Malaysian government through the National Security Council Directive No. 23, which classifies them as *Pendatang Asing Tanpa Izin* (PATI), or foreigners without permission. This directive, which was signed in 2009, outlines freedom of movement for refugees within peninsular Malaysia and permits self-employment for self-sustenance. However, the immigration and police authorities often do not respect this directive; this was especially the case during the COVID-19 lockdowns, as we explore in detail in this paper.

Refugees in Malaysia must be self-sufficient as they do not receive support from the state or the UNHCR. Thus, they must work to sustain themselves and their communities. Refugees are widely tolerated as workers and form an integral part of Malaysia's shadow economy that covers much of the hospitality industry, general services, construction, and agriculture, but they are treated as undocumented migrants by the law (Muniandy, 2020). They can become subject to extortion, rent-seeking, and other discrimination as their lack of legal status usually means they have no recourse through the courts or via the police if they are maltreated or become victims of crime.

The COVID-19 pandemic exacerbated these vulnerabilities and the general precarity of refugees (Missbach & Stange, 2021; Nungsari et al., 2020). When COVID-19 was detected in Malaysia, the government followed a strategy of suppression with targeted lockdowns in areas of COVID-19 outbreaks internally (Tang, 2022), whilst closing its borders externally. The first Malaysian Movement Control Order was imposed on 18 March 2020 under the Prevention and Control of Infectious Diseases Act 1988 and the Police Act 1967 (NST, 2020). This restrictive order included a national ban on sporting, cultural and religious mass gatherings. From 11 January until 1 August 2021, a state of emergency was declared by the King on the advice of Prime Minister Muhyiddin Yassin. According to the Prime Minister, one of the justifications for suspending the parliament was to provide power to the military,

in addition to immigration and the police, in securing the national borders against undocumented foreigners, including refugees (Yassin, 2020). This reinforced the stigmatization and public view that refugees posed a national threat.

Many refugees hold important front-line jobs in wholesale markets, construction, restaurants, and garbage collection, for example. As a result, they were exposed to COVID-19 and infected at higher rates. The government closed entire neighborhoods frequented by migrant workers and refugees, in some cases physically separating them from the rest of the Malaysian body politic. Such securitization of an entire populace swept the country, with ordinances targeting refugees and migrant workers for expulsion and eviction. In this paper, we trace the way the Malaysian government, Malaysian people, and refugees encountered COVID-19 and how refugees, especially, became the subject of enhanced securitization and surveillance based on prejudice. This paper will demonstrate how the state enacted securitization first at the borders, the external edges of the nation-state, before it inverted this process and focused on domestic border work, wherein neighborhoods, mosques, and markets became central places of immigration control and exclusion for refugees, especially Rohingya. These actions reinforced the stigma and many stereotypes of refugees as outside the law and therefore unwelcome to the Malaysian body politic. This paper also seeks to interrogate the logic used by the state to operationalize these harsh policies towards migrants and refugees during the pandemic.

METHODS

For this paper, ethnographic fieldwork was carried out between 2020 and 2021 with a range of refugee groups, but with a focus on the Rohingya, who live in urban and semi-urban areas in peninsular Malaysia. This was part of one of the authors' PhD fieldwork, engaging with seventy interview participants consisting of refugees and various stakeholders such as state officials, policymakers, and activists. Data collection involved participant observation, interviews, and visits to workplaces, people's homes, and public places, mostly in the Klang Valley. Rohingya form the largest refugee group in Malaysia by far and therefore this paper focuses on their experiences. Many Rohingya speak Malay, which allowed for easy communication and data collection. Since the Rohingya community is patriarchal and both authors are men, the majority of the 31 Rohingya refugee respondents were men, with only 5 women interviewed. Besides participant observation and interviews, the COVID-19 pandemic and subsequent lockdowns in Malaysia necessitated extensive online ethnography, including on social media and via messaging applications such as Facebook and Whatsapp in both Malay and English. These tools necessarily include some limitations around access, as using them privileges the views of those engaged in online social media and who possess mobiles with access to these sites. However, in our experience, most Rohingya have access to mobile phones and at least one messaging application or were able to be contacted via mobile phone to speak to them during lockdown periods. We were also able to gage the perspectives of local Malaysians about refugees through their postings and discussions on Facebook. Besides social media, we collected data from media reports the Malaysian authorities publicized, for example on their immigration operations. Refugees and activists also provided

information from the ground via online platforms. Consent was obtained from participants either verbally or in writing except for publicly available information online. Nevertheless, all sensitive data was anonymized in line with the 'do no harm' principle. This research follows The University of Queensland Human Research Ethics guidelines (Approval number: 2019002148).

ROHINGYA REFUGEES IN MALAYSIA

Rohingya are a stateless group of people hailing from Rakhine State, in Myanmar. Since the 1982 Burma Citizenship Law only recognized 135 ethnic groups as citizens, excluding Rohingya (Brett & Hlaing, 2020), they have subsequently been denied basic rights such as owning property, access to education and healthcare. It is estimated that there are 850,000 Rohingya living under apartheid-like conditions in Myanmar, 1.6 million live in Bangladesh and over 1.24 million in other countries such as Saudi Arabia, Pakistan, India, and Malaysia (Alam, 2019). Rohingya have been coming to Malaysia since the 1970s (Kassim, 2015) and the 1980s (Letchamanan, 2013), mostly by boat via Thailand or directly to Malaysian waters. The communal violence against Rohingya since 2012 caused large-scale displacements and irregular movement culminating in the 2015 Andaman boat crisis (Amnesty International, 2015). In the first quarter of 2015, around 25,000 mostly Rohingya people left the Bay of Bengal and 8,000 of them were left stranded on boats (BBC, 2015) that created a 'human ping-pong' between Thailand, Indonesia, and Malaysia as no country was willing to take them in (Murdoch, 2015). As the persecution against Rohingya in Myanmar intensified and the future in refugee camps in Bangladesh is bleak, Rohingya are forced to keep taking the perilous boat journeys to Malaysia. This trend continued even when Malaysia reinforced its borders as part of the measures to contain COVID-19.

As of September 2022, 105,870 or 58% out of 183,430 UNHCR-registered asylum seekers and refugees in Malaysia are Rohingya. Activists on the ground estimate that the Rohingya population residing in Malaysia is almost double if unregistered ones are included. Many Rohingya see Malaysia as a destination country because of its affluent Muslim majority country status and the extensive existing Rohingya community networks. To date, there are up to four generations who live in stateless limbo as refugees in Malaysia (fieldwork interviews 2020). Although Rohingya often quickly assimilate into the dominant Malay society by speaking the Malay language and practicing Malay culture, they still face racism due to their physical attributes (Hoffstaedter, 2017b) and lack of education (Azis, 2014). In the absence of the right to work and denial of access to education in Malaysia, most Rohingya work informally as "temporary, unskilled, and low wage workers" in a range of sectors (Wahab, 2017, p. 102), including as market helpers, grass cutters, petty traders, recycling collectors, and construction workers. As informal workers with often daily wages paid in cash, they were badly affected during the COVID-19 lockdowns by the loss of jobs or reduced hours of work.

Many Malaysians see refugees as the Other (Hoffstaedter, 2017a) or even dangerous Other (Ansems de Vries, 2016). As Malaysia continues to grapple with its domestic ethnic relations, refugees and migrants have become convenient scapegoats to deflect attention from often fraught domestic politics. Refugees have become the target for electoral gain when politicians and authorities may offer empathetic or threatening

rhetoric at the same time whilst enforcing immigration controls including deportations for political gain (Walden, 2022). COVID-19 has exacerbated this often xenophobic sentiment in Malaysia, which has become more harmful than the virus itself (Tan, 2020). The Malaysia Racial Discrimination Report 2021 revealed that out of 53 incidents investigated, 13% were attributed to xenophobia, with Rohingya singled out as primary targets (Pusat Komas, 2022). One example was a media report that stated local residents believed that Rohingya refugees were unhygienic, brought crime and drugs to the neighborhood, and posed unfair competition to the job markets.

SURVEILLANCE AND SECURITIZATION AT THE BORDER

Surveillance theories and concepts can be categorized into three phases. The first phase encompasses physical and spatial surveillance, typified by the panopticon. The second phase entails networked surveillance using digital technologies. The third phase combines the first two phases by monitoring physical and digital spaces, including corporate and governmental control as well as technologies of the self and self-surveillance (Galič et al., 2017). This paper focuses on how refugees are being surveilled physically and spatially since the Malaysian authorities (still) lack digital data on most refugee bodies. This crude method to surveil a populace during the COVID-19 pandemic led to most nation-state borders being shut. In the Malaysian case this happened most strikingly, when several Rohingya boats were pushed back in the name of public health. In this context it must be noted that the border and its bordering regimes "do not simply respond to existing nationalism or racism. Rather, they activate and mobilize them in the face of a nest of economic and political problems" (Brown, 2014, p. 93), which may be expanded to health emergencies such as the pandemic. Thus, the border and its concomitant discourses of the nation often respond to and interact with other discourses around perceived threats, such as foreigners.

In line with the strict border control measures imposed, the Malaysian authorities turned the refugee boats away, even though they were already in Malaysian waters. In April 2020, Malaysia turned away at least 596 Rohingya (Amnesty International, 2020) and 300 Rohingya in June 2020 (Yildiz, 2020). In the first five months of 2020, Malaysian authorities turned away 22 boats carrying Rohingya trying to seek refuge (BBC, 2020). It is unknown what exactly happened to all the boats after being pushed back to sea, because Thailand, Indonesia, and Bangladesh, like Malaysia, used public health measures to close their borders. Such measures proved to be fatal when UNHCR reported that 2020 became the "deadliest" year for sea journeys for Rohingya with 218 dying or having gone missing (UNHCR, 2021a).

To discourage additional boat arrivals, the National Task Force on strengthening Malaysia's borders circulated a poster depicting security forces with guns stating: "Ethnic Rohingya migrants, your arrival is not welcome" (Amnesty International, 2021). Those who managed to reach the Malaysian shore were charged with unlawful entry and detained (AFP, 2021), despite an earlier court decision overturning the punishment of Rohingya who arrived by boat, citing the international protection accorded to them (Azmi, 2020). However, some refugees continued to arrive in Malaysia via the land border with Thailand by paying people smugglers and traffickers. In interviews, refugees told us about the harrowing realities of their journeys. For example, Rahman is a

30-year-old Rohingya man who left for Malaysia alone in 2017. His wife was arrested by the authorities in Myanmar and therefore he had to take care of his two children, who had been living with their mother. His eight-year-old daughter and nine-year-old son undertook a boat journey from Myanmar to Thailand in 2021. They were kept hostage there by traffickers and finally released to enter Malaysia in December 2021 after Rahman paid them RM 30,000 (USD 6,700). To secure such an amount of money, he had to travel across the country in order to borrow from friends living across peninsular Malaysia. This cost him even more when he was dismissed from his job because he had missed too many days travelling and trying to source the ransom monies. This shows the compound effect of hardened borders that push displaced and vulnerable people to their limits.

SURVEILLANCE AND SECURITIZATION OF DOMESTIC SPACES – POLICING CLUSTERS

Refugees are subject to a range of surveillance techniques and infrastructures of control by the Malaysian state, the UNHCR and sometimes their own refugee community organizations (Hoffstaedter, 2019). Refugees in Malaysia are predominately urban refugees — there are no refugee camps in Malaysia — living with and amongst the Malaysian population mainly in urban centers of Penang, Johor, and the Klang valley, including Kuala Lumpur (Hoffstaedter, 2015). Whilst most refugees in Malaysia are there undocumented, the Malaysian government knows where they live and its immigration and police forces are keenly aware of the presence of refugees in these urban centers, with many local police offices and Special Branches being in direct contact with refugee representatives and refugee community organizations. However, unlike neighboring countries like Singapore, where migrant workers were confined to their workplaces, refugees in Malaysia are much more spread out and not easily confined to specific locations, except for those who have been detained in immigration detention.[1]

This became a national issue for Rohingya refugees because an early COVID cluster was detected as part of an Islamic missionary group Tablighi Jamaat mass gathering, which many Rohingya from across peninsular Malaysia had attended.[2] The gathering at Sri Petaling Mosque in Kuala Lumpur from 27 February until 1 March 2020 involved 16,000 attendees comprising Malaysians, visitors from 27 countries, as well as migrants and refugees residing in Malaysia, and quickly became the country's largest COVID-19 infection cluster (Malaysiakini, 2020). Because the gathering involved thousands of attendees travelling from many countries, it posed an extremely high risk; however, Rohingya were quickly singled out by the media and the authorities

1 Malaysia has 21 immigration detention centers throughout the country, which the Human Rights Commission of Malaysia (SUHAKAM) has declared overcrowded and understaffed (Bernama, 2022c). Currently, there are 17,500 people including over 1,500 children at these facilities (Tan, 2022). The overcrowded and poor conditions caused at least three COVID-19 clusters (David & Lee, 2020).

2 The transnational Tabligh movement, which was founded in 1927 in India and reached Malaysia in the 1950s, aims to bring Muslims back to the core teachings of the Prophet Muhammad through short term preaching and outreach activities (Sharep, 2018). They often gather at a local mosque for at least three days and up to four months doing various Islamic activities including prayers, sermons, and preaching to the local community.

as most uncooperative. During contact tracing, the Malaysian authorities started to track down around 2,000 Rohingya attendees (Das & Ananthalakshmi, 2020), a figure disputed by the former President of the Rohingya Society in Malaysia, who believed it was only around 600 with the remainder being Myanmar Muslims and other groups (fieldwork interview, Ampang, 7 June 2020). Mercy Malaysia and other humanitarian organizations collaborated with the UNHCR and the Malaysian Ministry of Health to conduct screening for Rohingya attendees, who feared attending screenings because of the risk of getting arrested and not being able to provide for themselves and their families during the quarantine period (Bernama, 2020). The Tablighi cluster sparked false allegations that went viral on social media about refugees and migrants refusing to get tested for COVID-19 (AFP Malaysia, 2020).

These allegations further catalyzed xenophobia and reinforced prejudices against Rohingya and the refugee community in general, who were accused of not adhering to local rules. A recent survey found that almost 50% of Rohingya respondents reported that they experienced racism during the COVID-19 pandemic in the forms of abusive language and hate campaigns on social media (Mixed Migration Centre, 2020). The Tablighi cluster fomented in the Malaysian public a certain view of Rohingya and refugees more broadly as a danger. The material effects of such profiling and othering are best described by what happened next in terms of the government's response.

To combat the rise of COVID infections, the Malaysian authorities classified areas according to different color codes to indicate the number of cases. Red zones referred to areas with high numbers of cases and were put under Enhanced Movement Control Order (EMCO). People who lived in red zones could not leave their homes or compounds, with barricades and barbed wire going up around apartment blocks and even entire neighborhoods. These were patrolled by the Malaysian security forces, including the army. The color-coded classification was helpful to mitigate risks, but it also became a target when immigration raids were conducted in red zones (Sukumaran & Jaipragas, 2020). Residents were only informed through a press conference and circulated press statements on the government's social media accounts and websites. The patrolling authorities also made public announcements over loudspeaker in the affected areas, but only in Malay, which posed a significant language barrier for some refugees. In one case, several hours after the lockdown rules were lifted, hundreds of migrants and refugees, including children, were arrested by the authorities. These sorts of incursions, and one may argue overreach, by authorities created a climate of fear as they focused on immigration offences, but in effect undermined public health efforts to contain the virus infection, which did not discriminate based on someone's immigration status. Many sick individuals reconsidered coming forward to get tested because of their immigration status, even though they had UNHCR documents. The risk that sick, undocumented individuals in Malaysia face is not new because the pre-existing *Circular of the Director-General of Health No. 10/2001: Guidelines for Reporting Illegal Immigrants Obtaining Medical Services at Clinics and Hospitals* requires all healthcare workers per the Immigration Act 1959/1963 to report to immigration and police the presence of undocumented persons, including children, who seek treatment at public healthcare facilities (Nambiar, 2020). This Circular, issued in 2001, effectively restricts access to healthcare, in addition to the overpriced foreigner rates being charged at public clinics and hospitals for all non-citizens.

The presence of security personnel, barbed wires, and barricades in the neighborhoods where refugees live also aggravated some refugees' mental health conditions, such as post-traumatic stress disorder. During the lockdowns, the only mental health service provider to refugees, Health Equity Initiative, reported that their patients experienced heightened rates of anxiety and depression, mainly because of loss of employment, their inability to pay rent, their inability to get basic necessities such as food, their risk of arrest and detention and risk of deportation (Verghis et al., 2021). But effects on men and women were different, especially for very patriarchal societies such as the Rohingya. For many Rohingya women, the presence of the military and security forces on the streets triggered pre-existing trauma of being targeted for their Rohingya ethnicity and being women in Myanmar and Bangladeshi refugee camps. Fatimah, a Rohingya woman activist, recounted: "In Myanmar, Rohingya women have risks of arrest, kidnapping and rape. In Malaysia, Rohingya women are still terrified when they see the police. It reminds them of the situation in Myanmar" (fieldwork phone interview, 10 April 2021). Most married Rohingya women were housewives working at home during the lockdowns, so constant surveillance created a traumatic atmosphere for them. Furthermore, the loss of livelihoods for most — as men or household earners could not leave to go to work — lead to an increase in domestic violence, adding even more suffering to their already marginalized lives (fieldwork phone interview, 29 April 2020).

TARGETING ROHINGYA AS A SCAPEGOAT

At the beginning of the COVID-19 pandemic in April 2020, several other incidents contributed to an unprecedented backlash against the Rohingya community. The Tablighi cluster, another major COVID-19 cluster in Selayang, an area known to house many Rohingya (Karim, 2020), and the irregular boat arrivals in Malaysian waters created the perception among the Malaysian public that the refugee community in general, and Rohingya in particular, was not adhering to the COVID-19 measures and that this could jeopardize their public health (Badd, 2020).

During EMCO, everyone was expected to stay at home to contain the virus spread unless they had a permission letter from the authorities to leave home for work. Being informal and undocumented workers, refugees had no access to this exemption letter and therefore they could be arrested by the authorities or harassed by civilians for leaving their homes. A four-minute video clip went viral on social media detailing a Rohingya grasscutter getting harassed by Malaysians for not staying at home during the strict EMCO (FMT Reporters, 2020). He was also quizzed about his Islamic knowledge as a Muslim, probably as it was during the holy month of Ramadan. Many Rohingya considered this a direct attack on the Rohingya community, who have always seen Malaysia as a Muslim country with a strong Muslim brotherhood, and subsequently as a haven.

Senior Minister Ismail Sabri Yaakob continued the effort to arrest and deport undocumented migrants per the Immigration Act via a police operation specifically targeting undocumented foreigners, and saw these actions in line with other countries' practices during the pandemic (The Star, 2020). However, refugees were most surveilled and targeted by the authorities because they (along with migrants

more generally) have for a long time been deemed a high risk and danger for the spread of communicable diseases (Kassim, 2017). Such fears and prejudices became material for social media, especially Facebook and WhatsApp, where netizens shared old videos, pictures, and their personal experiences of refugees and what they considered 'unacceptable' behavior and culture (Bala & Lumayag, 2021). Some photos of dirty areas and small garbage tips around a well-known Rohingya neighborhood were circulated to portray refugees as a public nuisance and a national burden. The backlash against Rohingya urged the refugee community to perform 'grateful politics' on social media to counter the xenophobic sentiment (Nursyazwani & Abd Jalil, 2023). Using Facebook, some Rohingya shared their stories of escaping genocide in Myanmar and being hosted by Malaysia with hashtags #GratefulRohingya #ThankYouMalaysia.

Figure 1. A Facebook public post screenshot states "Entering Selayang market area full of Rohingya is akin to entering a garbage area. Dirty and smelly... Is this ethnic group dirty? I can't imagine rearing a cow there". (screenshot by the authors).

Even national leaders got involved in these online discussions. The former Prime Minister Najib Razak was once a champion for the Rohingya cause; for example, by organizing a massive rally in Kuala Lumpur in 2017 against the Rohingya genocide. Faced by the public outcry against refugees, especially Rohingya who had become the face of refugees in Malaysia by then, he backtracked his support by stressing the burden that Malaysia already carried by hosting Rohingya. On 24 April 2020, Najib Razak

posted on his Facebook page to counter the criticisms by Amnesty International regarding the boat turn backs (Razak, 2020):

> Firstly, I am not a hypocrite. BN [Barisan Nasional] Government during my time has helped the Rohingya a lot (…) We did not hold a rally to tell all the Rohingya refugees to come to Malaysia. (…) Secondly, my [Facebook] post today wants to reprimand Rohingya ethnics in the country to respect Malaysian laws and be sensitive to the sentiment and concerns of the [Malaysian] people during the COVID crisis (…) Thirdly, we CANNOT allow the two boats to land in Malaysia because we do not want another tragedy to happen. If the news spread widely that the two ships landed successfully and were accepted by Malaysia, then it is not impossible that tens or hundreds more boats will try to escape to Malaysia.

The public anger reached its zenith in April 2020 when Zafar Ahmad, the president of Myanmar Ethnic Rohingya Human Rights Organization Malaysia (MERHROM)[3], was falsely accused on social media of demanding Malaysian citizenship be granted to Rohingya refugees. This sparked a backlash on social media by some Malaysians. According to one Special Branch officer of the Royal Malaysian Police we talked to informally, the harsh reaction was compounded by the financial, physical, and mental effects of the COVID-19 pandemic faced by some Malaysians (fieldwork interviews 2020). He believed that some netizens had too much "free time" staying at home during the lockdowns, which allowed them to target Rohingya on social media. On the platform change.org alone, our records show that there were 27 petitions launched in April 2020 with 454,742 signatures gathered in total urging the government to take stern actions against Rohingya and even asking for the deportation of Rohingya from Malaysia. In contrast, there was only one petition, '#HormatNyawa: Save Lives at Sea' with just over 28,000 signatures calling for the Malaysian Government to rescue Rohingya boats at sea and allow their disembarkation according to the COVID-19 health protocols (Refugee Action for Change, 2020). Despite formal complaints by concerned advocate groups and individuals being made against the petitions and all petitions being taken down, this unprecedented public backlash prompted the government to issue an official statement re-asserting its stance not to recognize refugee status or any refugee-based organizations in Malaysia (Zainudin, 2020).

So far, we have discussed how the Malaysian public seized on refugees as potential threats and spreaders of disease during the pandemic and how Malaysian authorities responded to a perceived threat by closing entire neighborhoods. What started out as surveillance and measures of containment quickly turned to a full-scale securitization of refugees, migrants and foreigners living in prescribed areas of concerns to the authorities. We use securitization following the Copenhagen school (Buzan et al., 1998) and Biao Xiang's recent framing as the "state-led intervention in individual mobility to minimize perceived public threats" whilst maintaining "the established social order" (Xiang, 2022). The aim of such securitization is to enable the continued mobility for goods, capital, and people the state wants or needs to move, whilst containing and securitizing those it does not want to move. Thus, the Malaysian state used its powers to

3 MERHROM was founded by Zafar Ahmad in 1998. The organization is made up of only himself and although he has been a vocal activist for some time, he does not enjoy much support from the Rohingya community (fieldwork interviews 2021).

limit the mobility of people it knows it can treat in the harshest of ways without repercussions. Indeed, such a myopic securitization of a particular populace demonstrated the government's aim to politicize the presence of refugees and migrants in Malaysia.

MOSQUES

Malaysia's perception as a modern Muslim nation has attracted Rohingya to come and rebuild their lives there for a long time. Within peninsular Malaysia, Rohingya have much more freedom of movement compared to being confined to refugee camps in Bangladesh or their villages or Internally Displaced Camps in Myanmar. Nursyazwani (2020) argues that Rohingya in Malaysia should be termed "mobile refugees" to describe their relative mobility and imaginary citizenship their UNHCR card provides them. In Myanmar, Rohingya are deprived of their basic human rights, including the right to practice their religion – mosques are being targeted by the authorities and local mobs. Malaysia represents a haven for many in the community as they can embrace an outward Islamic lifestyle. In many places, Rohingya are welcome to attend local mosques together with Malaysians or set up their own prayer spaces.

The COVID-19 pandemic interrupted this when non-citizens were restricted from attending religious spaces. The prohibition of foreigners to enter mosques and *surau*[4] varied from state to state since religious affairs are under the purview of each state or the federal territory. Notifications were posted outside suraus and mosques that sometimes directly addressed Rohingya. In front of Surau Kampung Plentong Baru in Johor, for example, a banner stated: "We are not welcoming Rohingya…

Figure 2. "Sign outside a mosque declaring Rohingya are not welcome, Johor, 2021." (photo by the authors).

4 A prayer space smaller than a mosque that usually does not conduct Friday prayers.

We do not need you here". The ban was imposed in different phases beginning in 2020. In the federal territories of Kuala Lumpur, Putrajaya, and Labuan (an island in East Malaysia) a guideline on 18 March 2021 still prohibited the entrance of foreigners (Kumar, 2021), which was only lifted in November 2021 (Ahmad, 2021), much later than in other states. Two muftis from two states justified the policy as a public health measure and one of them even recommended the government relocate refugees who posed economic and socio-cultural threats to designated areas to limit their interaction with locals (Thomas & Nambiar, 2020). In a press statement, the Religious Affairs Minister apologized for the ban, citing that it was necessary under the standard operation procedures, but emphasized that the rude behavior towards non-citizens was inexcusable (al-Bakri, 2020).

Others were more accommodating throughout the ban. After the ban was imposed, some mosques continued to allow foreigners to enter and join the prayers. For example, a mosque in Klang allowed the Rohingya community to join Adilfitri[5] prayers in 2020, commemorating the end of Ramadan together. Refugees, who are mostly concentrated in urban areas such as Kuala Lumpur, felt this discrimination most once the ban had been lifted as they continued to be surveilled by locals as a potential danger.[6] Indeed their very presence in urban localities became a politicized issue when the Home Affairs Minister on his official Facebook page declared eleven locations throughout peninsular Malaysia 'foreigner hotspots' (Zainudin, 2021). He thanked netizens for the collective effort to provide information about the presence of foreigners in those locations and assured the public that the authorities would monitor them closely to ensure public safety.

This shows how an exclusionary policy can normalize discriminatory behavior within a society even after it has been abolished. A recent IOM survey (n=420) of refugees in Malaysia during the COVID-19 pandemic reported that 43% of refugees were stopped by the authorities for documentation checks with some being extorted and arrested (IOM, 2021). Some refugees were unable to renew their UNHCR documents due to the lockdowns and containment strategies that locked down their neighborhoods. Therefore, UNHCR issued and updated letters on its website to be presented to the Malaysian authorities explaining this situation (UNHCR, 2021b). However, this was not respected by the authorities who continued to arrest refugees with expired cards or those without UNHCR cards (fieldwork interviews 2021). The arrested refugees and asylum seekers could be deported or detained in immigration detention centers indefinitely, because since August 2018 UNHCR has had no access to them to assess asylum claims. Such exclusionary politics were further played out in places where many refugees work, for example wet markets across the country.

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5 Aidilfitri is a religious celebration that marks the end of Ramadan, the holiest month in the Islamic calendar.

6 Such citizen surveillance has been used globally and was instrumental in the post 9/11 global war on terror where citizen-detectives surveilled 'others' (Vaughan-Williams, 2008) and new legal and political arrangements expanded border and immigration controls (Walsh, 2014). Malaysia has a long history of such vigilante immigration control because they deploy the large People's Volunteer Corps Malaysia (Ikatan Relawan Rakyat Malaysia) regularly for raids, to run immigration detention centers and, since 2020, to help enforce the EMCO, even though many human rights abuses have been documented (see e.g. Chin, 2008).

MARKETS AS KEY SITES OF RACIALIZED EXCLUSION

Selayang is an urban area that straddles both the federal territory of Kuala Lumpur and the state of Selangor in peninsular Malaysia. The area has become an ethnic enclave for refugees and migrants who mostly work in two wholesale markets, namely Selayang daily market and Kuala Lumpur wholesale market. The proximity of the two markets made Selayang a migrant and refugee enclave that attracted the public attention. A prominent COVID-19 cluster at KL Wholesale Market was linked to the Tablighi cluster (Palansamy, 2020b) and consequently was put under EMCO. A few weeks after EMCO was declared in the area, the authorities arrested 1,368 undocumented migrants, including 261 women and 98 children (Dzulkifly, 2020).

As most refugees live in cramped apartments, physical distancing was extremely difficult or simply impossible. The high infection rates caught the attention of the public and authorities, blaming the significant presence of refugee and migrant communities in Selayang for the outbreak. The public backlash prompted the authorities to act by enforcing the relevant laws to evict foreigners from the market compound. Foreigners like Mohamad from the prologue were no longer allowed to enter or work on the market compound, because local Malaysian workers should be prioritized for market jobs as imposed by the KL City Council (DBKL). This has only recently been strictly enforced at KL Wholesale Market. After all foreigners were expelled from working in the market complex, employers had a hard time recruiting local workers to replace them. This disrupted most business operations, because for the past 20 years foreigners have been the backbone of the market, working under precarious working conditions and for low wages, often below the Malaysian minimum wage (Muniandy, 2020).

Therefore, finding locals to replace foreigners was complicated, especially as the work is hard and the wages low. In addition, local workers demand access to workers' rights that are usually denied to refugee workers. Consequently, the traders were struggling to operate at full capacity due to their heavy dependence on refugee and migrant laborers (Soo, 2020). Besides banning non-citizens from entering the market, the enforcement agencies gave stern warnings or revoked the trading licenses of those business operators who still hired foreigners. The Malaysian public, meanwhile, chimed in alongside the authorities voicing concerns that the foreign traders were 'dirty' and offered cheaper prices that jeopardized the local traders (Bernama, 2022d).

Despite the efforts by the authorities, during a visit in October 2021 we found that refugees and migrants were only evicted from the KL Wholesale Market compound, not the Selayang daily market or surrounding shops and businesses. Outside of the fenced compound there were many Rohingya and Myanmar Muslim refugees working as porters at the shop lots. We also interviewed Zubair, a Rohingya man in his 50s who had been working as a sweeper in the market compound for the past eight years. The sub-contracting practice for the cleaning services opened a loophole for Zubair to still be employed even though he had been banned officially. Nevertheless, DBKL claimed that in 2020 they managed to evict more than 1,500 non-Malaysian traders and workers in line with the Wholesale Market By-Laws (Federal Territory of Kuala Lumpur) 2002 (Bernama, 2022a).

In Meru, Klang, a 30-minute drive west of Kuala Lumpur, there is a wet market complex in which the Rohingya community has formed their own enclave, working and living in the shophouse units. Many live in shophouses that are around 100 meters away from the main sections of the market. In Klang, there was also a ruling that prohibited undocumented workers to be employed in the market complex. We met a representative of the Klang Stall Holders' Association, who showed us a copy of the association chairman's letter dated 15 December 2020 sent to the Klang Municipal Council that detailed the issues market employers had trying to find local employees and why they relied on foreign labor. The letter emphasized their effort to find local workers by following the procedures stipulated by the government. The efforts included advertising vacancies on an online job portal for a minimum of one month. The Klang local council (MPK) finally allowed the stall holders to hire refugees until April 2021 because they admitted that it was difficult for the traders to hire local workers. After the deadline passed, many Rohingya refugees continued to work there as usual because they had become indispensable for the market operations. Thus, since most market workers are Rohingya refugees, enforcing immigration rules strictly is not an option because it would disrupt the market operations for both the traders and customers. This was an instance where economic considerations outweighed enforcement and securitization concerns. It was simply too costly to evict the Rohingya workers completely as they provide cheap labor that is much needed in the post-COVID-19 economic recovery phase.

SECURITIZATION AND EXCLUSION

In the peri-urban and urban spaces we have detailed refugees and the urban poor share similar struggles and denials of their rights, such as the vulnerability to eviction, be it from their workplace, home, or informal settlements (Sanyal, 2012). Exclusion policies as we have described have only exacerbated refugees' vulnerabilities, including worsening their socioeconomic situation and living conditions (Kikano et al., 2021). The public perception in Malaysia is often that refugees are given daily allowances and accommodation, when in fact they must sustain themselves. During the COVID-19 pandemic, the Tzu-Chi Foundation was one of the few non-governmental organizations willing and able to support refugees deprived of income during lockdowns and evictions from workplaces. They provided one-off cash assistance between RM 180 and RM 600 to refugee families based on their vulnerability and family size. The amount was still far from enough as the loss of income meant that refugees were struggling to pay their rent and food. At that time, a local NGO reported that 95% of 100 Rohingya interviewed did not get their salary for the month (Verghis et al., 2021). In a survey involving 400 respondents conducted by the Refugee Coalition of Malaysia, over 95% reported that they had lost their jobs. Ninety percent of them lived in rented accommodation with 60% paying between RM 500 (USD 100) to RM 1,000 (USD 200) monthly rent. Seventy five percent of them were only able to pay rent until April 2020 and 40% of them were threatened with eviction. On 10 June 2020, the Immigration Department of Malaysia sent letters to landlords in Kuala Lumpur and Selangor to warn them against renting their properties to undocumented foreigners, including refugees. The letter cited the specific

punishments outlined under the Immigration Act 1959/63, including a fine of up to RM 30,000 (USD 6,700) and potential imprisonment of maximum 12 years, or both, for each undocumented foreigner housed. Besides mailed letters, they also put-up banners to warn landlords or landowners not to rent out their properties to undocumented persons. This resulted in housing evictions for some refugees because their landlords were worried about the legal repercussions they might face. This aggravated the precarity for refugees who were unable to pay their monthly rent due to the loss of income during lockdowns. The media reported that over 100 UNHCR cardholder tenants faced eviction from their homes due to this ruling (Razak, 2020).

Responding to this matter, the Federal Territories Minister expressed his shock and then clarified that UNHCR cardholders were exempted from this ruling after much pressure from refugee rights activists (Palansamy, 2020a). Despite this verbal clarification, there was still some confusion on the ground because of the issuance of a reminder letter to landlords by the Immigration Department earlier. During our fieldwork, community members seeking assistance raised the issue of a family being asked to vacate their apartment with us. We suggested they show a news article to the landlord to defy the eviction. As a result, the property agent allowed them to remain. This eviction issue stems from the non-recognition of refugees who are lumped together into a catch-all category of 'undocumented migrant/foreigner' under the national laws and regulations.

These evictions were the beginning of a process of removing people the Malaysian government sees as hazardous in terms of the health of the nation. This, in effect, spelt out the way refugees and other undocumented migrants in Malaysia are seen by the state: as 'matter out of place' that simultaneously creates boundaries and presents a purified version of the Malaysian body politic (cf. Douglas, 2005). Subsequently, on 23 February 2021, the Malaysian Government deported around 1,200 individuals to

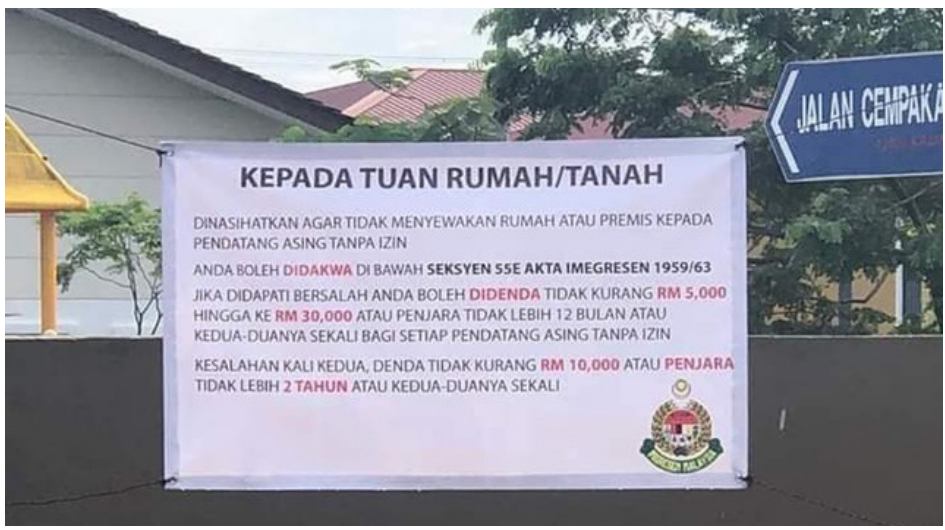

Figure 3. Viral photo circulating on Facebook that shows a banner reminding house owners and landlords not to rent out their premises to PATI or face punishments with a logo of the Immigration Department.

Myanmar. Nearly 100 of them were asylum-seekers (Reuters, 2021). The deportation included three people registered with UNHCR and 17 children who had at least one parent in Malaysia, in clear defiance of a court order to halt the deportation amidst the military coup in Myanmar (Ananthalakshmi & Latiff, 2021). The court ruling had little effect to stop more deportations. From April until October 2022, Malaysia deported over 2,000 Myanmar nationals, including military defectors who had not been assessed by the UNHCR yet (HRW, 2022). Such refoulment actions are against international laws and norms and reveal Malaysia's ongoing contradictions in how it deals with refugees on the often invoked 'humanitarian grounds' or 'humanitarian exception' (Abd Jalil, 2021; Lego, 2012).

CONCLUSIONS

This paper demonstrates that the COVID-19 pandemic has exacerbated existing vulnerabilities of refugees, especially regarding their migratory status, loss of livelihoods and the general public's negative perception of them. It also highlights the logic used by the state to operationalize its harsh policies towards non-citizens, particularly migrants and refugees, in the name of public health. Deploying a range of surveillance, securitization, eviction and deportation measures, the Malaysian government has weaponized undocumented foreigners, including refugees. Rohingya refugees became the focus of xenophobic sentiment during the pandemic for several reasons: Firstly, Rohingya were accused of not following the lockdown rules. Secondly, a fabricated message of a Rohingya activist demanding Malaysian citizenship went viral. Thirdly, the arrival of some boats carrying Rohingya refugees in Malaysian waters during the lockdowns was seen as a threat to public health and national sovereignty. As a result, refugees, and migrant workers more broadly, and Rohingya in particular, have been othered into categories that the public should be aware of, afraid of, and inform on. The Malaysian state, alongside vigilante citizens, engaged in domestic borderwork, where neighborhoods, mosques, and markets became central places of immigration control and exclusion for refugees. In this paper, we showed how heightened and even frenzied securitization exacerbated existing vulnerabilities and further marginalized refugees in Malaysia. We have argued that this securitization of refugees and migrant workers, their surveillance, and even expulsion and eviction demonstrate continued and heightened scapegoating of refugees and migrants for all Malaysia's ills. These actions reinforced the stigma and stereotype of refugees being legally undocumented and therefore outside of and unwelcome in the Malaysian body politic.

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ABOUT THE AUTHORS

Aslam Abd Jalil is a fellow at the International Institute of Public Policy & Management (INPUMA), Universiti Malaya. He has a background in anthropology, public policy and business studies and is combining these three fields in researching the issues of refugee work rights and labour migration in Malaysia.

▸ Contact: aslamaj@um.edu.my

Dr Gerhard Hoffstaedter is Associate Professor in anthropology in the School of Social Science at the University of Queensland. He conducts research with refugees in Southeast Asia, on refugee and immigration policy and on religion and the state. His first book entitled *Modern Muslim Identities: Negotiating Religion and Ethnicity in Malaysia* was published by NIAS Press. A co-edited volume *Urban Refugees: Challenges in Protection, Services and Policy* was published with Routledge in 2015. He is course director for the social anthropology Massive Open Online Course *World101x: The Anthropology of Current World Issues* that has taught tens of thousands of students how to think more anthropologically.

▸ Contact: g.hoffstaedter@uq.edu.au

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