

Joint Statement: Malaysia must uphold international law and protect Rohingya from detention and returns to Myanmar

31 July 2026

In recent weeks, the government has suspended UNHCR refugee registration, detained 110 Rohingya refugees following forced evictions from their homes, called for a review of UNHCR's presence in Malaysia¹, and announced plans to pursue the return of 5,000 Rohingya refugees from Malaysia and 300,000 Rohingya refugees from Bangladesh through discussions with Myanmar's military junta, despite the continuing genocide against the Rohingya and despite the fact that the military authorities have neither restored Rohingya citizenship nor provided credible guarantees of safety, freedom of movement, or protection upon return. This is also despite the fact that Myanmar's current leader is the subject of an arrest warrant application before the International Criminal Court for crimes against humanity committed against the Rohingya. At the same time, Rohingya communities have not been meaningfully consulted and face an unprecedented surge in online hate speech, harassment, threats, abuse, forced evictions, school closures, and arbitrary detention.

Malaysia has rightly positioned itself as one of the world's most vocal state defenders of Palestinian rights, explicitly grounding its advocacy in international law. This demonstrates that Malaysia is fluent in the language of international law, non-refoulement, and the rights of the displaced people. That same fluency has been largely absent from its domestic approach to the Rohingya. The principles Malaysia invokes abroad must be applied consistently at home; international law cannot be championed in one context while disregarded in another.

We, the undersigned international and regional organisations, working on nationality rights and the protection of stateless people, express our profound concern at these developments. We call on the Government of Malaysia, UNHCR, ASEAN, and the wider international community to act urgently to protect the rights, dignity and safety of the Rohingya people.

Statelessness, discrimination, and genocide: the root cause of the Rohingya crisis remain unresolved, any returns to Myanmar violates international law.

We are deeply concerned over the government's announcement to return 5,000 Rohingyas to Myanmar. The persecution of the Rohingya began with the deliberate denial of nationality. Myanmar's 1982 Citizenship Law systematically excluded the Rohingya from citizenship, rendering an entire people stateless by design. Denied nationality, they were deprived of legal protection, education, healthcare, political participation and employment. This systematic exclusion culminated in genocide, crimes against humanity, and the forced displacement of hundreds of thousands of Rohingya into neighbouring countries. Statelessness left them vulnerable to arbitrary detention, exploitation, exclusion from formal refugee status, and susceptible to hate campaigns painting people as 'illegitimate' or 'removable'.

Today, the root causes of this persecution remain unchanged. The military junta continues to wage widespread violence against civilians while the discriminatory legal framework denying

¹ Malaysia's foreign minister says the country should reconsider whether to allow the United Nations refugee agency to operate unless it imposes stricter controls on issuing refugee documents. Al Jazeera, Malaysian foreign minister calls for review of UNHCR's presence, 28 July 2026.

Rohingya nationality remains firmly in place. Any attempts to deport or ‘repatriate’ Rohingya under current conditions would expose them to a well-documented and continuing risk of genocide, persecution, arbitrary detention, torture, and other serious human rights violations, in breach of the principle of non-refoulement under international law.²

How the rise in hate speech and increased hostility has negatively impacted the lived realities across Rohingya communities.

Online hate campaigns and misinformation have fuelled hostility towards Rohingya communities and normalised discrimination, harassment, and violence. At least 100 Rohingya individuals have been evicted from their homes, with more facing increasing discrimination from landlords. At least nine alternative schools have been forced to close following threats and harassment, while children are experiencing bullying and violence. Thousands of Rohingya continue to live under the constant threat of arrest and prolonged immigration detention, often without meaningful judicial review or any realistic prospect of release. Unable to work lawfully, many remain trapped in poverty and vulnerable to exploitation. This climate of hostility has created a profound chilling effect, community members report being afraid to seek protection, register with UNHCR, report abuse, speak publicly about their experiences, access services, or exercise their basic rights for fear that visibility itself might expose them to harassment, evictions, detention or further discrimination. Malaysian authorities must take prompt and effective action to investigate and respond to online incitement targeting Rohingya communities.

Malaysia’s new opaque Refugee Registration Document (DPP) scheme that replaces UNHCR’s registration role is deeply concerning.

We are deeply concerned with the suspension of UNHCR registrations and the lack of transparency of the *Dokumen Pendaftaran Pelarian (DPP)*. The government has yet to publicly explain the legal basis of the DPP scheme, its eligibility criteria, appeal mechanisms, safeguards for children and vulnerable groups, or how personal data will be collected, stored and protected. We are equally deeply concerned that the Malaysian government has said that the DPP scheme will ultimately lead to only three possible outcomes: repatriation, third-country resettlement, or deportation for legal offenders. A registration system that records the presence of stateless people while offering no legal status, no meaningful rights, and no pathway to durable solutions risks institutionalising statelessness rather than addressing it.

ASEAN’s response must address Rohingya right to nationality.

Having placed the Myanmar crisis on the regional agenda during its ASEAN Chairship in 2025, Malaysia must sustain this momentum and continue pressing ASEAN to address the root causes of Rohingya displacement, particularly their systematic denial of nationality. ASEAN and its Member States have collectively committed, through the ASEAN Human Rights Declaration, to

² Malaysia is not party to the 1951 Convention Relating to the Status of Refugees, 1954 Convention Relating to the Status of Stateless Persons or the 1961 Convention on the Reduction of Statelessness. As a result, Malaysian law does not recognise refugees or asylum seekers as a distinct legal category from other non-citizens without immigration status, nor does it provide a domestic refugee status determination procedure. In the absence of a national asylum framework, UNHCR conducts refugee status determination and issues documentation to refugees and asylum seekers in Malaysia. The absence of treaty ratification, however, does not relieve Malaysia of its obligations under customary international law, including the principle of non-refoulement, or its obligations under other international treaties to which it is a party.

uphold equality, non-discrimination, human dignity and the right to a nationality. Any renewed regional engagement with Myanmar must therefore place the restoration of Rohingya nationality and meaningful participation of Rohingya representatives at its centre. At the same time, ASEAN must ensure that engagement with Myanmar does not legitimise a military junta responsible for widespread and systematic violations of international law.

CALLS TO ACTION:

➤ **We call on the Government of Malaysia to:**

- Immediately halt any deportation, transfer or return of Rohingya to Myanmar where there is a real risk of persecution, genocide, torture or other serious human rights violations, in accordance with the principle of non-refoulement.
- Immediately restore UNHCR's uninterrupted access to refugee registration and international protection, ensuring that no person is left without access to refugee status determination during the transition to any national registration system.
- Ensure that the DPP scheme complies with international human rights standards by making public its legal basis, eligibility criteria, procedural safeguards, appeal mechanisms, data protection framework and oversight arrangements, and by ensuring that documentation leads to meaningful legal protection rather than prolonged legal limbo.
- Take immediate action to prevent and respond to hate speech, discrimination and violence targeting Rohingya communities, including investigating coordinated campaigns of incitement, harassment, holding perpetrators accountable, and publicly rejecting narratives that dehumanise or scapegoat refugees and stateless people.
- Halt forced evictions of Rohingya families, investigate patterns of discriminatory eviction by landlords and local authorities, and ensure access to alternative shelter and protection for those displaced.
- End the arbitrary detention of Rohingya refugees, immediately release those held without lawful justification or judicial review, and ensure that immigration detention is never used as a default response to statelessness or irregular entry.
- Guarantee access to education, healthcare and livelihoods for all Rohingya children, women and men within Malaysia, consistent with Malaysia's obligations under international human rights law.

➤ **We call on UNHCR to:**

- Ensure that the suspension of refugee registration does not become a suspension of protection, maintaining effective access to refugee status determination and international protection throughout the transition to the DPP scheme.
- Exercise its protection mandate proactively and transparently, including through regular public reporting on detention, deportation, access to asylum, and the human rights consequences of the DPP transition.
- Advocate consistently and publicly for durable solutions that address root causes, including the restoration of nationality and citizenship rights for the Rohingya.

➤ **We call on ASEAN and its Member States to:**

- Ensure the meaningful participation of Rohingya representatives in all regional discussions concerning their future.
- Place the restoration of Rohingya nationality and citizenship rights, protection, political participation, and accountability for atrocity crimes at the centre of all regional engagement on Myanmar.
- Reject any regional action that legitimises Myanmar's military junta or facilitates the return of Rohingya before conditions for voluntary, safe, dignified and rights-based return exist, including the restoration of Rohingya citizenship.

Co-issued by:

1. Nationality For All
2. Institute on Statelessness and Inclusion
3. Global Movement Against Statelessness
4. Asia Pacific Refugee Rights Network
5. Statelessness and Dignified Citizenship Coalition Asia Pacific

For media enquiries, please contact:

- Nicole Fong, Nationality for All: nicole.fong@nationalityforall.org
- Tiana Xavier, Institute on Statelessness and Inclusion: Tiana.Xavier@institutesi.org
- Thandeka Chauke, Global Movement Against Statelessness: thandeka@againststatelessness.com