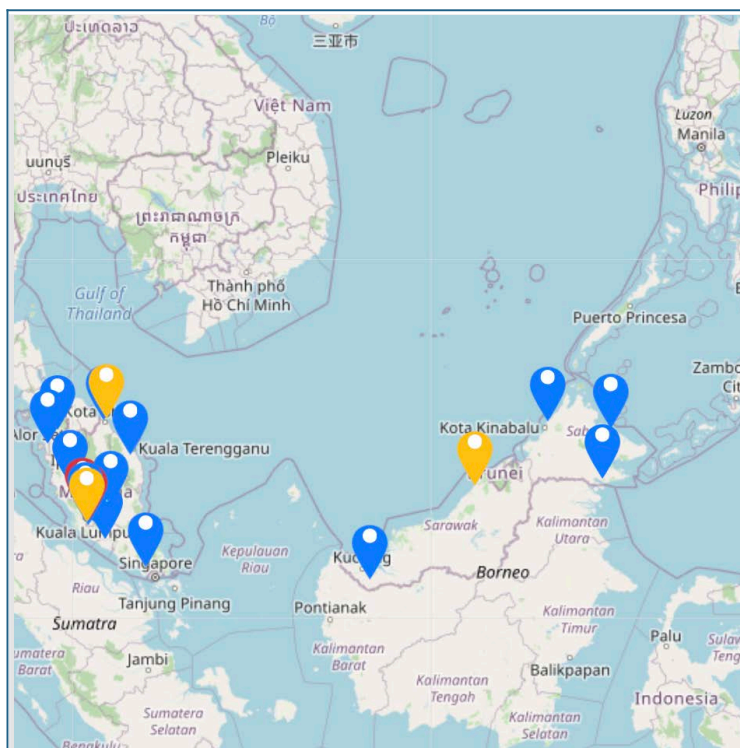


Malaysia Immigration Detention Data Profile



Quick Facts	
Immigration detainees (2017)	47,092
Detained minors (2017)	885
Persons expelled (2014)	59,765
International migrants (2019)	3,430,380
New asylum applications (2019)	27,627
Number of immigration detainees on a given day (2020)	13,000

NOTES ON USING THIS PROFILE

- Sources for the data provided in this report are available online at: <https://www.globaldetentionproject.org/countries/asia-pacific/malaysia>
- "Observation Dates" indicate the timeframe statistical data correspond to or other data were last validated. More than one statistical entry for a year indicates contrasting reports.

STATISTICS

Detention, expulsion, and incarceration statistics

		Observation Date			Observation Date
Total number of immigration detainees by year	47,092	2017	Number of immigration detainees on a given day	13,000	2020
	86,795	2016			
	68,000	2013			
Total number of detained minors	885	2017	Number of dedicated long-term immigration detention centres	14	2014
	166	2017		12	2014
	1,196	2014		13	2014
	1,406	2013		15	2014
				13	2010
			17	2008	
Estimated capacity of dedicated long-term immigration detention centres	14,000	2014	Number of transit facilities	2	2014
	13,000	2014			
	6,640	2010			
	11,400	2007			
Number of persons removed/returned (voluntary returns and deportations)	59,765	2014	Criminal prison population	51,602	2016
	10,000	2009		39,740	2013
				38,387	2010
				50,305	2007
				43,424	2004
				28,891	2001
				29,150	1998
				24,831	1995
		21,612	1992		
Percentage of foreign prisoners	29.1	2016	Prison population rate (per 100,000 of national population)	167	2016
	29.4	2013		133	2013
				135	2010
				186	2007
				170	2004
				119	2001
				129	1998
				118	1995
				111	1992

Demographics and immigration-related statistics

		Observation Date			Observation Date
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Population	32,400,000	2020	International migrants	3,430,380	2019
	30,331,000	2015		2,514,200	2015
	29,300,000	2012		6,000,000	2014
				2,469,200	2013
International migrants as a percentage of the population	8.3	2015	Estimated number of undocumented migrants	2,000,000 - 3,000,000	2014
	8.3	2013		540,000 - 1,800,000	2011
Refugees	129,107	2019	Ratio of refugees per 1000 inhabitants	3	2016
	121,302	2018		3.32	2014
	103,839	2017		3.19	2012
	92,209	2016			
	94,166	2015			
	97,513	2014			
Total number of new asylum applications	27,627	2019	Refugee recognition rate	90,4	2014
	20,346	2016			
	25,711	2014			
	20,183	2012			
Stateless persons	9,631	2018			
	10,068	2017			
	10,931	2016			
	40,000	2015			
	40,000	2014			

DOMESTIC LAW				
LEGAL TRADITION				
Legal tradition	Name		Observation Date	
	Common law			
	Muslim law			
	Customary law			
LAWS AND REGULATIONS				
Constitutional guarantees?	Yes/No	Constitution and Articles	Year Adopted	Last Year Amended
	Yes	Federal Constitution of 1957 as amended in 2007 by Act A1320. Article 5	1957	1957

LAWS AND REGULATIONS			
Core pieces of national legislation	Name	Year Adopted	Last Year Amended
		Immigration Act 1959/63. Amended up to 1 January 2006.	1959
LAWS AND REGULATIONS			
Additional legislation	Name	Year Adopted	Last Year Amended
	Act 670. Anti-Trafficking in Persons and anti-Smuggling of Migrants Act 2007. As at 1 November 2014. Section 25.	2007	2014
	Act 537, Prison Act 1995.	1995	2009
	Act 150, Passports Act 1966.	1966	2006
LAWS AND REGULATIONS			
Regulations, standards, guidelines	Name	Year Published	
	Immigration Regulations 1963. Regulation 39(b).	1963	
GROUNDS FOR ADMINISTRATIVE IMMIGRATION-RELATED DETENTION			
Immigration-status-related grounds	Name	Observation Date	
	Detention to prevent unauthorised entry at the border	2015	
	Detention for unauthorised entry or stay	2015	
	Detention to effect removal	2015	
	Detention of unauthorised persons by executive discretion	2015	
GROUNDS FOR ADMINISTRATIVE IMMIGRATION-RELATED DETENTION			
Non-immigration-status-related grounds providing for administrative detention in immigration legislation.	Name	Observation Date	
	Detention on health-related grounds	2015	
	Detention on public order, threats or security grounds	2015	
CRIMINALIZATION OF IMMIGRATION-RELATED OFFENCES			
Does the country provide specific criminal penalties for immigration-related violations?	Fines	Incarceration	Observation Date
	Yes	Yes	2015
CRIMINALIZATION OF IMMIGRATION-RELATED OFFENCES			
Grounds for criminal immigration-related detention/incarceration and maximum potential duration of incarceration	Grounds for Incarceration	Maximum Number of Days of Incarceration	Observation Date
	Unauthorized entry	1825	2015
	Unauthorised stay	1825	2015
	Unauthorized re-entry	1825	2015
LENGTH OF DETENTION			
Maximum length for administrative immigration detention in law.	Number of Days	Observation Date	
	No Limit	2015	

LENGTH OF DETENTION				
Maximum length of time in custody prior to issuance of a detention order	Number of Days		Observation Date	
	14		2015	
	30		2015	
LENGTH OF DETENTION				
Maximum length of detention for asylum-seekers	Number of Days		Observation Date	
	No Limit		2014	
PROCEDURAL STANDARDS				
Provision of basic procedural standards	Name	In Law	In Practice	Observation Date
	Right to appeal the lawfulness of detention	Yes	No	2014
	Independent review of detention	No	No	2014
	Right to legal counsel	No	No	2014
	Information to detainees	No	No	2014
	Access to consular assistance	Yes	Yes	2014
	Access to asylum procedures	No	Yes	2014
	Complaints mechanism regarding detention conditions	No	No	2014
Access to free interpretation services	No	No	2014	
NON-CUSTODIAL MEASURES (ALTERNATIVES TO DETENTION)				
Types of non-custodial measures	Name	In Law	In Practice	Observation Date
	Release	Yes	infrequently	2014
VULNERABLE PERSONS				
Is the detention of vulnerable persons provided in law? Are they detained in practice?	Name	In Law	In Practice	Observation Date
	Accompanied minors	Provided	Yes	2014
	Unaccompanied minors	Not mentioned	Yes	2014
	Stateless persons	Not mentioned	Yes	2014
	Victims of trafficking	Prohibited	Yes	2014
	Elderly	Not mentioned	Yes	2010
	Pregnant women	Not mentioned	Yes	2010
Persons with disabilities	Not mentioned	Yes	2010	
MANDATORY DETENTION				
Mandatory detention	Filter	Name		Observation Date
	Yes	All apprehended non-citizens who do not have proper documentation		2010
EXPEDITED REMOVAL AND RE-ENTRY BAN				
Re-entry ban	Name		Observation Date	
	Yes		2015	

Latest Update

... began to rise in the wake of these raids. On 25 May, the country's Director General for Health Noor Hisham Abdullah announced 172 new cases - of which 159 were foreigners, including 112 cases in three of the country's immigration detention facilities (in Sepang, Bukit Jalil, and Semenyih). According to the IOM, deportations have continued throughout the pandemic. On 12 May, almost 400 Myanmar nationals were deported on charter flights - reportedly in an effort to free up additional space in detention facilities. (The previous day, for example, saw more than 1,300 non-nationals—including 98 children—arrested in a raid in Kuala Lumpur.) Rinas also adds that several embassies have been working with immigration authorities to expedite deportations in order to prevent lengthy stays in detention.

Refugees and undocumented migrant workers in Malaysia are being targeted as part of a purported anti-Covid-19 campaign, which has included mass arrests and raids across the country since the start of May. According to Al Jazeera, "There has been growing public anger in recent days over the presence of migrant foreigners, with some in Malaysia accusing them of spreading the coronavirus and being a burden on government resources." Malaysia has approximately two million registered foreign workers, however thousands more live and work in the country without proper documents. This is in part due to the fact that Malaysia does not recognise refugees and considers them to be undocumented migrants. The country is also notorious for terrible conditions in its immigration detention centres as well as its brutal penalties, including caning, for being in the country without authorisation. The Global Detention Project has documented some two dozen detention centres in the country, which are called "immigration depots." Rights groups, including Human Rights Watch and the Asia Pacific Refugee Rights Network (APRRN), reported that hundreds of migrants were taken into custody during May Day raids, including children. "Malaysian government does a U-turn on its earlier pledge not to arrest and detain undocumented migrants. Children as young as one year old have also been detained," Lillianne Fan, chairman of the Rohingya Working Group at APRRN, said in a statement. The group posted a video on Twitter reportedly showing long lines of migrants being led through the streets of Kuala Lumpur after a raid. According to the BBC, "The raids took place in a part of the capital known to house foreigners. The UN has urged the Malaysian authorities to release children and vulnerable individuals from the detention camps where migrants are held. Phil Robertson of Human Rights Watch tweeted that the detentions risked worsening the pandemic in Malaysia, both in terms of potential outbreaks inside the camps but also by making undocumented people less likely to co-operate." According to The Guardian, "Those detained included young children and ethnic Rohingya refugees from Myanmar. Social media posts, including some by Malaysian politicians, have recently blamed Rohingya of committing crimes and accused them of dominating areas of the capital. The xenophobic campaigns have included activists having their names and photos circulated alongside inflammatory accusations, and have injected further fear into a community struggling for food and shelter through the pandemic lockdown. Police said the operation was aimed at preventing undocumented migrants from travelling to other areas amid movement curbs imposed to contain the spread of the virus outbreak, the state news agency Bernama reported." The day before the May Day raids, Home Minister Datuk Seri Hamzah Zainudin said that "Rohingya nationals who are holders of the UN High Commissioner for Refugees (UNHCR) card have no status, rights or basis to make any claims on the government." According to a report in The Star, the Home Minister also said that anyone claiming to represent Rohingya in Malaysia would be considered illegal under the Registrar of Societies Act (RoS). He said, "The Home Ministry has made checks with the RoS and found no organisations under the name 'Rohingya' are registered in Malaysia. Any organisation that claims to represent the Rohingya ethnic group is illegal under the RoS Act, and legal action can be taken."

2020

In late February, some 16,000 people attended a religious gathering at a mosque on the outskirts of Kuala Lumpur. Among the attendees were large numbers of undocumented Rohingya refugees. This gathering proved to be a "hotspot" for Covid-19, with significant numbers of those in attendance developing symptoms. Seeking to stem the spread of the virus, the Malaysian government, together with UNHCR, sought to trace the refugees in attendance and ensure they were tested, and authorities such as the police commissioner in Sabah - a state which is home to large numbers of migrants, refugees, and stateless persons - encouraged undocumented persons who attended the event to come forward to be tested. Although the country's Circular 10/2001 requires health care providers to report undocumented persons to the police, the country's Defence Minister vowed that the government would not arrest anyone based on their immigration status who sought medical services in relation to Covid-19, and the Ministry of Health confirmed that Covid-19 treatment would be free for any foreigner displaying symptoms. Despite these assurances, some organisations such as MSF have noted that the country's past heavy-handed treatment of migrants and refugees may leave many hesitant to seek assistance. Aside from these steps, the Malaysian government appears to have adopted few measures to protect migrants and asylum seekers, such as those behind bars. The country's immigration detention facilities are particularly notorious for their cramped, unsanitary conditions, but to date, no detainees have been released. Instead, it appears that authorities may be continuing to place people in detention. On 5 April, the country's Maritime Enforcement Agency intercepted a boat carrying 200 Rohingya refugees. According to Amnesty International Malaysia, this group were placed in 14-day quarantine, and are expected to soon be moved into already over-crowded immigration detention facilities. Amnesty thus called on authorities to urgently provide alternative measures to detention - particularly for elderly detainees and those with underlying health issues - to take steps to prevent overcrowding, and to ensure the right to adequate health care.

2020

INTERNATIONAL LAW

Relevant international treaties and date of ratification

	Name	Ratification Year
International treaties	CRPD, Convention on the Rights of Persons with Disabilities	2010
	CEDAW, Convention on the Elimination of All Forms of Discrimination against Women	1995
	CRC, Convention on the Rights of the Child	1995
	VCCR, Vienna Convention on Consular Relations	1991
Ratio of relevant international treaties ratified	4/19	

Relevant international treaties and date of ratification

	Name	Reservation Year	Observation Date
International treaty reservations	CRPD Article 3	2010	2017
	CRPD Article 15	2010	2010
	CRC Article 14	1995	1995
	CRC Article 28	1995	1995
	CRC Article 37	1995	1995

Relevant international treaties and date of ratification

	Number	Observation Date
Ratio of complaints procedures accepted	0/3	2017

Regional treaties, regulations, and directives

	Name	Year of Ratification (Treaty) / Transposed (Directive) / Adoption (Regulation)
Regional legal instruments	ASEAN CATPWC Convention Against Trafficking in Persons, Especially Women and Children	2017

Non treaty-based international human rights mechanisms

	Name	Year of Visit	Observation Date
Visits by special procedures of the Human Rights Council	Working Group on arbitrary detention	2010	2015

Non treaty-based international human rights mechanisms

	Name	Recommendation Excerpt	Recommendation Year	Observation Date
<p>Relevant recommendations by UN Special Procedures</p>	<p>Working Group on arbitrary detention</p>	<p>"117. Regardless of immigration status, nobody should be subjected to arbitrary detention or appalling detention conditions. The Government is reminded that it is its responsibility to guarantee the right to physical and psychological integrity and the right to security in immigration detention centres.[...] 119. The Government should also rule out detention of asylum-seekers and refugees as well as vulnerable groups of migrants, including unaccompanied minors, families with minor children, pregnant women, breastfeeding mothers, elderly persons, persons with disabilities, people with serious and/or chronic physical or mental health problems. 120. The Government should, in all cases, provide for automatic periodic review by a court of law on the necessity and legality of detention. 121. The Government should also provide for an effective remedy for detainees to challenge the necessity and legality of detention at any time of the detention period and ex post facto, and define the circumstances. 122. As long as there is a regime of mandatory administrative detention for migrants in an irregular situation, the Government should legally define its maximum period rather than basing it on Government regulations or policy. 123. The Government should also provide for a system of legal aid for immigration detainees. 124. The Government should assume the responsibility of improving the conditions in immigration detention centres as a matter of urgency. 125. RELA [Ikatan Relawan Rakyat Malaysia Volunteer Corps], as a volunteer force, should not be used for law enforcement nor for guarding immigration detention centres. "</p>	<p>2010</p>	<p>2010</p>

Non treaty-based international human rights mechanisms

Relevant recommendations of the UN Universal Periodic Review	Recommendation Issued	Year Issued	Observation Date
	<p>No</p>	<p>2009</p>	<p>2017</p>

INSTITUTIONAL INDICATORS

Governing structures

Federal or centralized governing system	Federal or centralized governing system	Observation Date
	<p>Federal system</p>	<p>2015</p>

Institutions responsible for immigration detention					
Custodial authority	Agency	Ministry	Ministry Typology	Observation Date	
	Federal Task Force of Sabah			2015	
	Immigration Department	Interior Ministry	Interior or Home Affairs	2015	
	Immigration Department	Home Affairs	Interior or Home Affairs	2014	
	Officer in Charge of the prison	Interior Ministry	Interior or Home Affairs	2014	
	Prison Department of Malaysia	Interior Ministry	Interior or Home Affairs	2014	
	Immigration Department	Interior Ministry	Interior or Home Affairs	2014	
	Immigration Department	Ministry of the Interior	Interior or Home Affairs	2014	
	Jabatan Penjara Malaysia - Prison Department		Prison	2009	
	Jabatan Penjara Malaysia - Prison Department		Prison	2008	
	Jabatan Penjara Malaysia - Prison Department		Prison	2007	
Institutions responsible for immigration detention					
Apprehending authorities	Name		Agency	Ministry	Observation Date
	immigration officers, police officers and custom officers				2014
	RELA - Peoples Volunteer Corps, under the Ministry of Home Affairs				2012
Institutions responsible for immigration detention					
Detention Facility Management	Entity Name		Entity Type	Observation Date	
	Department of Depot Management, Ministry of Home Affairs, in peninsular Malaysia and Sarawak		Governmental	2015	
	Federal Special Task Force, for facilities in Sabah		Governmental	2015	
	Department of Depot Management, Ministry of Home Affairs		Governmental	2015	
	Federal Task Force of Sabah		Governmental	2015	
	Federal Special Task Force		Governmental	2015	
	Prisons Department of Malaysia		Governmental	2014	
	Prison Department of Malaysia		Governmental	2014	
	Immigration Department, with collaboration from the prisons department, police, RELA (Peoples Volunteer Corps under the Ministry of Home Affairs) and the civil defence force (JPAM).		Governmental	2013	
	Jabatan Penjara Malaysia - Prison Department		Governmental	2009	
	Jabatan Penjara Malaysia - Prison Department		Governmental	2008	
	Jabatan Penjara Malaysia - Prison Department		Governmental	2007	
	Pasukan Petugas Khas Persekutuan Negeri Sabah		Governmental	2007	
Penjara Wanita Kajang		Governmental	2007		

Institutions responsible for immigration detention

Formally designated detention estate?	Formally designated immigration detention estate?	Types of officially designated detention centres	Observation Date
	Yes	Dedicated immigration detention facilities	2014

Institutions responsible for immigration detention

Types of detention facilities used in practice	Immigration detention centre (Administrative)	Immigration field office (Administrative)	Transit centre (Administrative)	Reception centre (Administrative)	Offshore detention centre (Administrative)	Hospital (Administrative)	Border guard (Administrative)	Police station (Criminal)	National penitentiary (Criminal)	Local prison (Criminal)	Juvenile detention centre (Criminal)	Informal camp (Ad hoc)	Immigration detention centre (Ad hoc)	Surge facility (Ad hoc)	Observation Date
															2015
Yes										Yes					2014

Detention monitoring institutions

Authorized monitoring institutions	Institution	Institution Type	Observation Date
	International Committee of the Red Cross (ICRC)	International or Regional Bodies (IRBs)	2017
	Human Rights Commission of Malaysia (SUHAKAM)	National Human Rights Institution (or Ombudsperson) (NHRI)	2015
	International Committee of the Red Cross (ICRC)	International or Regional Bodies (IRBs)	2014

More information about immigration detention in Malaysia is available at the website of the Global Detention Project (www.globaldetentionproject.org)