

Since June 2012, local tensions and violence in Burma have escalated resulting in clashes between Arakanese and Rohingya ethnic groups. This has led to an increased presence in the international spotlight of human rights concerns as Rohingya, a Muslim minority in a predominantly Buddhist state, have been systematically discriminated against. The Burmese government considers Rohingya people to be illegal Bangladeshi immigrants, and has denied them citizenship rights since 1982, rendering them stateless.

Systematic persecution of Muslims has resulted in violence beyond Arakan State in recent months. On 22 March 2013, a clash between the Buddhists and Muslims in Meiktila, Burma, resulted in homes, shops, and mosques being burnt down.<sup>1</sup> The conflict spread to neighboring towns with more than 40 deaths and 61 injuries by the following day.<sup>2</sup> News agencies and human rights groups (including Human Rights Watch and the BBC) reported that local authorities witnessed and failed to act in the midst of such atrocities. As Rohingya fled in boats to neighboring countries such as Thailand, Malaysia, Indonesia and Australia, they have been violently rejected: pushed back to sea or imprisoned – and ultimately refused protection.<sup>3</sup>



Since 2009, JRS has been assisting Rohingya people seeking asylum in Cambodia, many of whom come through Thailand or from Malaysia. In June 2013 there are 17 recognized Rohingya refugees and four still seeking status, while others have moved on. Asylum seekers in Cambodia who do stay are granted a monthly Preliminary Stay Permission document by the government until their refugee status can be determined. While no Rohingya has ever had their status rejected, many have had to wait up to three years for decisions. These documents often go unattended by the Refugee Office and refugees are left with expired papers leading to further obstacles. When the UNHCR closed their Cambodia office in December 2012 five Rohingya asylum seekers fled, fearing they would no longer be protected. From January to April 2013 there were no UNHCR personnel in Cambodia, and though two representatives had arrived by

June, their offices are located at the UNDP, which refugees are not allowed to enter.

According to UNHCR, local integration in Cambodia is the permanent solution. However refugees rarely see it as such as they are often unable to receive documents of residency or citizenship. The

<sup>1</sup> It is worth noting that this was one of the first times the Muslim Burmese involved in the conflict were not labeled as Rohingya in many news sources. This violence also targeted people of another Muslim minority, Kaman, who are recognized citizens of Burma.

<sup>2</sup> "Burma: Satellite Images Detail Destruction in Meiktila." Human Rights Watch. April 1 2013. <http://www.hrw.org/news/2013/04/01/burma-satellite-images-detail-destruction-meiktila>.

<sup>3</sup> For more information on this conflict, read the 2013 Human Rights Watch report, "We Can Only Pray."

Nationality Law states that refugees in Cambodia should obtain a residency card, and following a seven-year residency they may apply for citizenship. In practice, no refugee has ever been granted a residency card – there is no procedure to obtain one, and it cannot be confirmed that such a card exists<sup>4</sup>.

The biggest concern for Rohingya is the perpetuation of statelessness. Although the nationality law speaks of guidelines for citizenship application, in practice there is no accessible process. A UNHCR publication on local integration states, "...the process of local integration becomes a durable solution only at the point when a refugee becomes a naturalized citizen of his or her asylum country, and consequently is no longer in need of international protection."<sup>5</sup> Because of this, Cambodia cannot offer a durable solution for Rohingya refugees so long as it lacks a clear pathway for naturalization and measures to protect against statelessness.

Asylum seekers are not legally allowed to work while their case is being processed. However, with small microfinance loans from JRS and some financial support from UNHCR, Rohingya refugees in Cambodia are working. The most popular business is selling roti through which they can generate a small income, as local officials do not usually interfere with this practice. Refugees who acquire status have the same rights as "legal foreign immigrants" which allows them to work. However, most refugees are unable to meet the requirements of the Labor Law (such as a valid passport or residency card) to obtain a work permit or employment card. This means it is extremely difficult for asylum seekers and refugees to find employment in Cambodia outside of self-employment. Such situations become complex when the laws are not implemented as they are written.

Rohingya refugee children are able to attend local Khmer schools. Some children attend English language schools with assistance from JRS. Adults are also offered Khmer and English language classes, and many have a strong grasp of both languages.

Due to Cambodia's ethnic diversity, the majority of the Rohingya have been able to live in local communities of Cham Muslims, and enjoy the benefits of living in an established Muslim community in Phnom Penh. Only a small number are living in other parts of the country. While Cambodia provides a safe environment, it is likely that Rohingya will face continued statelessness unless legal and practical provisions are taken to ensure a pathway to citizenship.

Rohingya refugees in Cambodia hope to find a more promising and durable solution for the future. Though many feel Cambodia can only be a temporary place, UNHRC's program does not offer third country resettlement elsewhere as an option. But until there can be peace and reconciliation in Burma for Rohingya – something few believe is a possibility – refugees will continue to seek a place where they will be granted citizenship and the ability to exercise their human rights without fear of discrimination or persecution.

*A JRS publication by Tori Duoos with Devin Morrow.*

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<sup>4</sup> Under Article 15 in the Sub Decree for the Procedure on Recognition as a Refugee, a resident card should be granted to refugees.

<sup>5</sup> Jeff Crisp. "The Local Integration and Local Settlement of Refugees: A Conceptual and Historical Analysis." UNHCR. April 2004.