



INTERNAL AUDIT DIVISION

REPORT 2024/024

Audit of mandate refugee status determination processes at the Office of the United Nations High Commissioner for Refugees in Malaysia

Strategic use of mandate refugee status determination was well defined; however, some processes needed to be strengthened for enhanced effectiveness

19 June 2024

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Audit of mandate refugee status determination processes at the Office of the United Nations High Commissioner for Refugees in Malaysia

EXECUTIVE SUMMARY

The Office of Internal Oversight Services (OIOS) conducted an audit of mandate refugee status determination (RSD) processes at the Office of the United Nations High Commissioner for Refugees (UNHCR). The thematic audit report on mandate refugee status determination (AR/2023/092) was issued in 2023 and contained overarching observations and recommendations addressed to the relevant Bureaus and Divisions.

This thematic audit also identified observations specific to the UNHCR Representation in Malaysia, which was one of the UNHCR offices covered as part of the audit. The current report includes such observations.

The Representation's approaches to strategic use of RSD were well defined. The Representation had established good infrastructure and practices regarding case identification and prioritization and records management. The effectiveness of the implementation of mandate RSD was however impacted by inadequate staff capacity, shortage of interpreters, gaps in monitoring of cases, large number of frauds and inconsistencies and growing backlogs in case processing.

OIOS made five recommendations. To address issues identified in the audit, the Representation in Malaysia needed to:

- Carry out an assessment of RSD staff capacity versus needs and ensure staff complete key training;
- Implement measures to improve service delivery by interpreters including addressing gaps related to adequacy, attrition, and specific language skills;
- Regularly collect, analyze and report registration and refugee status determination case data to inform more efficient and effective service delivery;
- Revisit threshold for investigation of the backlog resulting from the detection of mass identity fraud and prioritise the cases based on urgency and importance and focus investigative efforts accordingly; and
- Prepare an action plan to improve staff productivity and address the growing backlog in registration and refugee status determination.

UNHCR accepted all recommendations, implemented two and has taken action to implement the remaining three. Actions to close the outstanding recommendations are indicated in Annex 1.

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Audit of mandate refugee status determination processes at the Office of the United Nations High Commissioner for Refugees in Malaysia

I. BACKGROUND

1. The Office of Internal Oversight Services (OIOS) conducted an audit of mandate refugee status determination (RSD) processes at the Office of the United Nations High Commissioner for Refugees (UNHCR), which included a review of related activities in the Representation in Malaysia (the Representation).
2. The thematic audit covered mandate refugee status determination (RSD)¹, which is the process through which UNHCR determines if a person seeking international protection is a refugee under international law. It determines who falls within UNHCR mandate, enabling protection from refoulement as well as realization of rights for refugees. A thematic audit report was issued in 2023 with overarching observations and relevant recommendations addressed to the relevant Bureaus and Divisions. The current report addresses observations specific to the Representation in Malaysia.
3. Malaysia is not a state party to the 1951 Refugee Convention and its 1967 Protocol. It does not have a legal or administrative framework for managing refugees and has not set up a government agency or mechanisms to process asylum seekers and refugees when they arrive in the territory. On the other hand, the Malaysian Government has put in place ad hoc administrative arrangements to facilitate the work of UNHCR in providing assistance and protection to refugees and asylum-seekers, including their recognition of UNHCR-issued identity documents to asylum-seekers and refugees, with which this population can access some public services such as health and education.
4. The UNHCR Representation in Malaysia is the largest mandate RSD operation in the Asia and the Pacific region. As of 7 May 2023, UNHCR Malaysia had a registered active population of 134,577 refugees and 46,778 asylum seekers from 60 different nationalities, mostly from Myanmar i.e., 157,989 or 87 per cent of the population. It therefore worked with a significant caseload in a complex domestic environment.

Table 1: Number of mandate RSD decisions issued in Malaysia from 2020 to 2023

Year	Recognition first instance	Recognition on appeal	Rejections first instance	Rejections on appeal	Total
2020	3,746	346	61	65	4,218
2021	3,326	176	46	128	3,676
2022	8,194	144	193	94	8,625
2023	8,022	75	132	103	8,332

5. The Representation was headed by a Representative at the D1 level, and it had as of 31 December 2023, 112 regular staff posts (20 Professional, 18 National and 74 General Service). Additionally, the office had 23 affiliate workforce staff. The Representative reported to the Director, Regional Bureau for Asia and the Pacific (the Bureau). The Representation recorded a total expenditure of \$12.2 million in 2022.
6. Comments provided by UNHCR are incorporated in italics.

¹ AR/2023/092 issued on 26 December 2023

II. AUDIT OBJECTIVE, SCOPE AND METHODOLOGY

7. The objective of the audit was to assess the adequacy and effectiveness of mandate RSD activities carried out by the UNHCR Representation in Malaysia in ensuring that they were conducted strategically or through the identification of broader and/or tangible protection benefits of RSD for groups or individuals seeking international protection; and asylum seekers benefited from accurate, fair, timely and consistent decision-making.

8. OIOS conducted this audit from March to December 2023 covering the period from January 2020 to December 2023. Based on an activity-level risk assessment, the audit covered the following higher and medium risks areas: (a) strategic use of RSD; (b) staff capacity and well-being; (c) management of mandate RSD; and (d) monitoring and reporting.

9. The audit methodology included: (a) interviews with key personnel; (b) review of documentation; (c) analytical review of data; (d) sample reviews of proGres case files; and (e) observation of premises, RSD interviews and recordkeeping practices.

10. The audit was conducted in accordance with the International Standards for the Professional Practice of Internal Auditing.

III. AUDIT RESULTS

A. Strategic use of RSD

Coherent approaches were defined for the strategic use of RSD

11. The Representation defined valid and coherent approaches on the strategic use of RSD contained in the (a) 2020 Malaysia RSD strategy; (b) internal concept note on case processing strategy in the context of increased resettlement places dated 14 June 2021; (c) internal office note summarising the 2021 case processing strategy dated July 2022; and (d) the May 2023 revised approach to the Rohingya.

12. These documents adequately reflected UNHCR's guidance on the strategic use of RSD, which requires that status determination is undertaken where these processes will result in tangible protection benefits and justify the significant (human and other) resources required for mandate RSD. These documents also contained identification, prioritization, and de-prioritization criteria, and clearly identified case processing modalities per profile/caseload, all consistent with the RSD procedural standards. The Representation adequately evaluated which case processing modalities are most appropriate in the context of the operation's caseloads and the protection environment. It also defined detailed standard operating procedures (SOPs) consistent with the RSD procedural standards.

13. The Representation further noted that the worsening human rights situation in Myanmar would result in more new arrivals and thus it was reassessing the caseload of asylum-seekers in need of RSD and the staff resources/timelines required and would explore if the RSD strategy needed further adjustment to make more efficient use of strategic RSD.

B. Staff Capacity and well-being

Staffing capacity needed to be based on global standards

14. UNHCR guidance requires that managers accurately assess long and short-term RSD staffing needs and make the best operational and strategic use of the regular and affiliate workforce in their operations. Per the RSD procedural standards, adequate capacity ensures that the requisite number of staff and managers are in place to process the existing caseload, keeping always in mind trends of growth or decline among numbers of applicants, and changes in applicants' profiles.

15. As of March 2023, the RSD Unit had 34 positions, 9 of which were regular positions, the remaining 25 (74 per cent) being affiliate workforce. Eleven positions (32 per cent) were vacant at the time of the audit. The operation expedited the ongoing recruitments and was able to fill 10 of the 11 positions by December 2023. During the recent downsizing exercise undertaken globally, three positions in the RSD Unit were impacted (two positions discontinued and one position downgraded).

16. Although the Representation maintained that the staffing complement was based on global standards, protection staffing benchmarks and the complexity of the caseload and case processing modalities, no documentation was availed to evidence that such assessments were done, despite the staffing constraints highlighted as well in the risk register.

17. The significant staff turnover was attributed to the COVID-19 pandemic, several resignations and the fact that RSD is intellectually challenging, difficult, intense and involves a heavy workload. In addition, several staff had gone on promotion or temporary appointments to other operations. High turnover, with prolonged vacancies and repeated efforts to recruit, train and deploy substitute staff created a risk of significant operational inefficiencies. The turnover experienced in the RSD Unit in 2022 improved in 2023. The Representation added that RSD staff attrition is unfortunately a global challenge due to the intensity and psychological impact of this kind of work.

18. The Representation prepared an RSD staff training matrix and it was observed that many caseworkers and reviewers had not completed key training programmes.

- (1) The UNHCR Representation in Malaysia should: (a) assess refugee status determination staff capacity versus needs; (b) develop a plan to achieve a more balanced ratio between regular and affiliate workforce positions; and (c) ensure staff complete key training programmes.**

UNHCR accepted recommendation 1 and stated that the Representation assessed refugee status determination staff capacity versus needs and developed an RSD workplan in 2024. However, due to the global realignment exercise and limited budget allocation, the Representation lacked the financial resources to increase current RSD staffing levels in 2024 or to regularize affiliate positions. In 2024, the 30/70 percent ratio has been achieved in the overall staffing structure of the Representation (with 29 per cent of staff in the affiliate workforce category and 71 per cent in the regular workforce category). UNHCR further stated that all RSD staff have completed mandatory and foundational training in RSD. Currently, the majority of the eligibility officers are enrolled in the Asia and the Pacific Interviewing for Protection Learning Programme, launched in February 2024 but due to limited available slots they have not yet had the opportunity to undertake the RSD Learning Programme.

The Representation was addressing the staff well-being concern

19. RSD is time and resource intensive and there was a risk that the daily pressure of the workload and work environment, the pressures of working with vulnerable persons, and an insurmountable backlog would lead to de-motivation, stress, burnout, and cynicism among staff. Through feedback collected in interviews with 10 RSD staff (Eligibility and reviewing officers), the audit noted that staff wellbeing required attention with staff reporting signs of burnout, compassion fatigue and secondary trauma, due to heavy workload, escalating backlogs, limited career progression and interaction with persons who had undergone traumatic experiences. To address these issues, the Representation introduced debriefing sessions for staff, regular meetings with managers, consultation after particularly difficult interviews, which measures were aimed at improving their well-being. Ensuring appropriate levels of institutional care could help prevent or alleviate stress while also improving efficiency for case processing and reducing turnover among staff.

C. Management of mandate RSD

Good physical infrastructure is established

20. Under the leadership of the Representative and with contributions from staff, the Representation established good infrastructure for registration, RSD, and resettlement activities. The reception area and the interview rooms are well constructed, and the building had the relevant safety measures in place, child friendly area, access and waiting rooms for persons with disabilities and special needs, bathrooms, drinking water and enough sheltered seating space. Confidentiality of counseling and collection of information and data was also ensured and anti-fraud messaging was visible.

Management of interpreters needed improvement

21. A well-managed system for the recruitment, supervision of, and support for interpreters is indispensable to the effective delivery of RSD services. The Representation budgeted for 75 interpreters who were recognized refugees as well as students (50 refugees and from between 15 to 20 students at any given time). These can be full-time or part-time interpreters. At the time of the audit, the Representation had 10 vacant interpreter positions. The UNHCR rates for interpretation services were not competitive for the Malaysian market and therefore many skilled refugees were not interested in being hired. There was in particular a significant gap in the number of Rohingya interpreters, who were in great demand and could easily find other jobs.

22. The operation had SOPs in place on translation and interpretation services dated December 2022 that clarified roles, responsibilities, and procedures for interpreter management aiming at supporting a successful collaboration between different units and staff.

23. The audit identified this area as challenging, due to escalating demand for interpreter services, attrition, prolonged vacancies, non-competitive interpreter remuneration, difficulty in recruiting, changing demands for interpreters for certain languages like Arabic, Rohingya, and Chin dialect, limited availability of female interpreters and limited funding. Consequently, RSD cases were delayed because of non-availability of interpreters and increased workload for existing interpreters. The number of interpreters was also low, since the resources are shared with other units (e.g., Registration and Resettlement), and often interpreters struggled to cope with the heavy workload.

<p>(2) The UNHCR Representation in Malaysia should implement measures to improve service delivery by interpreters including addressing gaps related to adequacy, attrition, and specific language skills.</p>
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UNHCR accepted recommendation 2 and stated that the Representation has recruited an additional 34 interpreters (23 males and 11 females) from April 2023 to April 2024. Service delivery by interpreters improved and the issue of attrition was addressed by improving benefits, giving better leave allowance including sick leave, offering opportunities for skills development, holding monthly operational meetings with interpreters and organizing quarterly meetings with the Representative.

RSD case management needed improvement

22. Based in a review of 21 RSD files which included active, inactive and closed cases, the audit identified weaknesses, including: (i) different individuals with the same case number; (ii) incomplete documentation in the case files; (iii) lack of adequate follow up for lengthy periods, including of fraud cases; and (iv) prolonged delays and gaps between arrival, registration and RSD. This occurred because the Representation did not consistently use information available in UNHCR systems to improve service delivery and reduce backlogs.

(3) The UNHCR Representation in Malaysia should strengthen the collection, analysis and reporting of registration and refugee status determination case data to inform and drive efficient and effective service delivery.

UNHCR accepted recommendation 3 and stated that the Representation continues to prioritize efforts to improve collection, analysis and reporting of data in proGres Registration and RSD modules, including to identify individuals/cases in relation to which action is required. These have included exercises to correct/update data on RSD cases and referrals, administratively close individual records and RSD cases, as well as regular monitoring of active RSD cases and their processing statuses, active referrals for RSD, case processing timelines, and individual staff productivity and case management. In addition, Monthly internal Registration and RSD reports provide senior management with data and analysis of RSD and Registration trends.

The Representation was taking actions to enhance the record keeping and file management

24. The Representation maintained an electronic filing system as well as a physical filing system, which were guided by file management SOPs dated December 2022. The filing team maintained three filing rooms that hold the physical case files. Entry to the filing rooms was restricted and only accessed by authorized filing room staff, direct manager of the Filing Team (Registration Associate), the Registration & Identity Management Officer, the Deputy Representative and the Representative.

25. The filing rooms were well organized. However, the files currently stored were well beyond the capacity of the filing rooms and this led to an estimated 8,000 files being stored at random places across the filing rooms including on the floor.

26. In December 2022, the Representation received a mission by the Records and Archives Section. The mission produced an extensive report that provided a clear roadmap on the actions that needed be taken. This mission noted that the operation had 249,000 paper case files, of which 129,00 were active case files in the Representation and 120,000 were closed files stored at an offsite records storage centre; some 13,700 paper files had been destroyed after digitization. Most paper files in the filing rooms were stored on cardboard shelving, not metal shelves. As with all paper, cardboard will degrade in time, and these will eventually need to be replaced. There were concerns for the 8,000 files kept on the floor, as there was evidence of water damage, and boxes stored near a water fountain or where food or open drinks were kept.

27. The Representation conducted a comprehensive review of file management and decided that they would continue to maintain physical files in the designated areas considering the practicality and inability to cover the high costs to digitize all of the existing physical files in the foreseeable future. This detailed document also listed project risks and benefits, for example: (a) costs associated with scanning machines and/or software, staff time for scanning, accidental loss of data, poor data quality after scanning, and the continued need to keep existing physical files; and (b) inconsistent e-filing practices as well as increased staff time to assess case histories for individuals. The review provided a risk analysis detailing the risk probability, severity and score, as well as mitigation, reduction, transfer or acceptance actions. This document represents a good practice that can be replicated in other UNHCR operations.

28. The Representation shared its e-Filing project plan with the Regional Archivist based in the Regional Bureau of Asia and the Pacific, after which detailed SOPs and other relevant documents were developed. The Representation has implemented a one-month pilot with the Registration Unit from 19 June to 14 July 2023, which followed the stock-taking phase where necessary adjustments and updates of SOP/Annex were done. Since adequate actions have been taken, no recommendation is raised.

D. Monitoring and reporting

There was growing backlog in the number of pending fraud cases and inconsistencies

29. The Representation had established a Risk Integrity and Oversight Team responsible for risk and integrity management, fraud case management and training and communication to enhance fraud awareness. Production of fraudulent UNHCR documents stemmed from syndicates across Malaysia operated by migrants and nationals. Demand for these documents was high, particularly for undocumented individuals awaiting registration with UNHCR and they were purchased to prevent detention, allow access to basic services including medical care and for livelihoods/ employment. Fraudulent documents replicate genuinely issued UNHCR documents or create new identities. Fraudulent documents could be detected through scanning of SQR code on the card (e.g., codes cannot be scanned or provide a different identity upon scanning).

30. The Representation clearly communicated to asylum seekers and refugees throughout the RSD Procedure and other channels that services of UNHCR and partners were free-of-charge, and that any request for monetary or non-monetary compensation should immediately be reported to UNHCR. The office completed a fraud vulnerability checklist in December 2022. According to a Power BI statistical report prepared by the operation on fraud allegations, as of February 2024, there were 7,889 fraud cases reported since 2014, 928 of which were active and included 801 and 106 cases opened in 2023 and 2024, respectively.

31. The status information of pending fraud cases showed that 195 cases were awaiting assessment by the Anti-Fraud Focal Point (AFFP), 3,921 were pending investigation and 54 were awaiting the decision of the Fraud Assessment Panel. In 1,002 cases, fraud was established but no sanctions were applied, and, in 778 cases, fraud was not established. Due to the large numbers and limited processing capacity at the Representation, the average pendency in days was 514 (AFFP assessment), 405 (investigation approval), 3,518 (for investigation findings) and 2,532 (Fraud assessment panel decision). Similarly, the number of inconsistencies detected was high at 5,187, of which 4,033 had been resolved.

32. The number of fraud cases and inconsistencies was high in the operations, even relative to the large caseload. The Representation clarified that this was attributed to the mass identity fraud issue between 2009 and 2014 during the mobile registration exercise, misappropriation of identity and the prevalent use of fraudulent UNHCR documents by non-registered asylum seekers prior to registration with UNHCR.

- (4) The UNHCR Representation in Malaysia should revisit the threshold for investigation of the backlog resulting from the detection of mass identity fraud and prioritize the cases based on urgency and importance and focus investigative efforts accordingly.**

UNHCR accepted recommendation 4 and stated that the Representation decided in consultation with Headquarters that cases of misappropriation of identity would be investigated by the Representation. Due to resource/staffing constraints in the Representation’s Risk, Integrity and Oversight Team, fraud investigations are prioritized based on urgency and importance. The urgency of the investigation is based on protection risks and solutions considerations. Meanwhile, measures have also been taken to mitigate the potential for fraud, by streamlining fraud and integrity considerations across the office. RIOT also engages in fraud mitigation measures by providing information to communities on the “zero tolerance” policy on fraud.

Long outstanding backlogs in Registration and RSD needed to be addressed

33. In the last few years UNHCR has been facing an unprecedented caseload due to increasing displacement and fundamental changes in country conditions in the region, particularly in Myanmar and Afghanistan. Capacity for RSD continued to fall far short of the needs as compared with the number of claims, despite increases in processing capacity. This resulted in increased and recurrent backlogs. Systemic issues, e.g., insufficient staffing, inadequate case management and scheduling challenges resulted in inefficiencies and/or reduced output over a sustained period, which were a root cause for the backlog.

34. At the end of 2023, the population of concern was expected to reach 183,815 persons, consisting of 136,020 refugees and 47,795 asylum-seekers, most of whom were from Myanmar (86 per cent).

35. Based on data extracted, OIOS obtained the following statistics from proGres v4 on pending RSD cases on 15 March 2024 for the Representation. Figure 1 shows the number of cases pending at different processing stages in the last 6 years from 2019 onwards. In addition, 234 case were pending at different stages for the period 2009 to 2018.

Figure 1: Pending cases from 2019-2024

RSD status	2019	2020	2021	2022	2023	2024	Total
Pending at 1st instance							
Pending Interview	10	149	521	277	1658	207	2822
Pending Assessment	53	26	67	42	254	217	659
Pending Review	3	88	259	274	399	253	1276
Number of cases pending at 1st instance	66	263	847	593	2,311	677	4,757
Pending at appeal							
Pending Appeal Application	6	13	22	135	120	126	422
Pending Appeal Interview	32	18	6	3	35	5	99
Pending Appeal Assessment	1	0	0	2	14	19	36
Pending Appeal Review	0	0	1	0	1	16	18
Number of cases pending at appeal	39	31	29	140	170	166	575
Total	105	294	876	733	2,481	843	5,332

36. OIOS noted that there was a significant reduction in the number of cases pending from the comparable figure as of May 2023 when the backlog was 17,129, which was a positive development. This was due to concerted efforts made by the Representation to close cases following adjustments to the RSD/case processing strategy and practices. Data extracted from the RSD Indicator Report, showed that inflows were stretching processing capacity. Areas for concern persisted in terms of indicators relating to

average number of days taken between stages and number of individuals awaiting decisions (as shown in table 2) and the fact that several cases were pending at first instance processing and appeals stages (as shown in figure 1).

Table 2: Mandate RSD key performance indicators in UNHCR Malaysia

Indicator/Year	2021	2022	2023
Average days from registration to first instance interview	1,031	1,200	755
Average days from initial RSD interview to first instance decision	154	151	262
Individuals interviewed awaiting a decision at first instance for more than 6 months	667	1,172	1,022
Average number of days from appeal submission to decision	1,285	1,215	1,940
Number of individuals identified in need of RSD without a final decision	6,098	5,893	5,023

37. Consequently, applicants waited long periods for registration and RSD processes, which was a serious protection concern due to the heightened risk of arrest and possible risk of refoulement. The Representation had already noted that due to long-term imbalance of casework and review capacities, cases were piling up. To address long waiting periods for RSD adjudication, closer attention was required to improve staff productivity and where feasible to enhance capacity for RSD to adequately provide asylum seekers with access to fair and efficient RSD procedures.

(5) The UNHCR Representation in Malaysia should prepare an action plan to improve staff productivity and address the growing backlog in registration and refugee status determination in particular the long pending active cases and those pending interviews.

UNHCR accepted recommendation 5 and stated that following various adjustments to the RSD/Case Processing Strategy and practices, the Representation was able to reduce cases in need of RSD significantly in 2023. The RSD workplan entails ongoing monitoring and analysis of the pending RSD caseload and planned RSD processing. It also includes clear scheduling parameters and monitoring mechanisms to improve staff productivity.

IV. ACKNOWLEDGEMENT

38. OIOS wishes to express its appreciation to the management and staff of UNHCR for the assistance and cooperation extended to the auditors during this assignment.

Internal Audit Division
Office of Internal Oversight Services

STATUS OF AUDIT RECOMMENDATIONS

Audit of mandate refugee status determination processes at the Office of the United Nations High Commissioner for Refugees in Malaysia

Rec. no.	Recommendation	Critical ² / Important ³	C/ O ⁴	Actions needed to close recommendation	Implementation date ⁵
1	The UNHCR Representation in Malaysia should: (a) assess refugee status determination staff capacity versus needs; (b) develop a plan to achieve a more balanced ratio between regular and affiliate workforce positions; and (c) ensure staff complete key training programmes.	Important	O	Completion of RSD Learning Programme by caseworkers and reviewers.	31 December 2025
2	The UNHCR Representation in Malaysia should implement measures to improve service delivery by interpreters including addressing gaps related to adequacy, attrition, and specific language skills.	Important	C	Action completed	Implemented
3	The UNHCR Representation in Malaysia should strengthen the collection, analysis and reporting of registration and refugee status determination case data to inform and drive efficient and effective service delivery.	Important	C	Action completed	Implemented
4	The UNHCR Representation in Malaysia should revisit the threshold for investigation of the backlog resulting from the detection of mass identity fraud and prioritize the cases based on urgency and importance and focus investigative efforts accordingly.	Important	O	Revision of threshold for investigation of backlog arising from mass identity fraud and prioritization and investigation of cases based on urgency and importance.	31 December 2025
5	The UNHCR Representation in Malaysia should prepare an action plan to improve staff productivity and address the growing backlog in registration and refugee status determination in particular the long pending active cases and those pending interviews.	Important	O	Implementation of an action plan to address registration and backlogs.	31 December 2025

² Critical recommendations address those risk issues that require immediate management attention. Failure to take action could have a critical or significant adverse impact on the Organization.

³ Important recommendations address those risk issues that require timely management attention. Failure to take action could have a high or moderate adverse impact on the Organization.

⁴ Please note the value C denotes closed recommendations whereas O refers to open recommendations.

⁵ Date provided by UNHCR in response to recommendations.

APPENDIX I

Management Response

Management Response

Audit of mandate refugee status determination processes at the Office of the United Nations High Commissioner for Refugees in Malaysia

Rec. no.	Recommendation	Critical ⁶ / Important ⁷	Accepted? (Yes/No)	Title of responsible individual	Implementation date	UNHCR comments
1	The UNHCR Representation in Malaysia should: (a) assess refugee status determination staff capacity versus needs; (b) develop a plan to achieve a more balanced ratio between regular and affiliate workforce positions; and (c) ensure staff complete key training programmes.	Important	Yes	RSD Officer	Parts (a) and (b): 1 January 2024 Part (c): 31 December 2025	<p>The UNHCR Representation in Malaysia accepted this recommendation based on OIOS's initial observations/recommendations, and subsequently took immediate actions to address the observations. Based on the actions taken and listed below, we consider parts (a) and (b) of this recommendation implemented and request their closure.</p> <p>(a) The UNHCR Representation in Malaysia assessed refugee status determination staff capacity versus needs and developed an RSD workplan in 2024. The workplan aligns staffing capacity with the Representation's Case Processing Strategy, which takes into consideration the heightened protection and solutions needs of the most at-risk refugees and asylum-seekers.</p> <p>The UNHCR Representation in Malaysia made various adjustments to the Case Processing Strategy in 2023 and has since implemented several new procedures and adjusted case identification/referral</p>

⁶ Critical recommendations address those risk issues that require immediate management attention. Failure to take action could have a critical or significant adverse impact on the Organization.

⁷ Important recommendations address those risk issues that require timely management attention. Failure to take action could have a high or moderate adverse impact on the Organization.

Rec. no.	Recommendation	Critical ⁶ / Important ⁷	Accepted? (Yes/No)	Title of responsible individual	Implementation date	UNHCR comments
						<p>practices/thresholds, to make more efficient and strategic use of RSD in line with the Global RSD Strategy.</p> <p>The UNHCR Representation in Malaysia has also engaged in extensive efforts to update RSD case and referral data in proGres and has undertaken a reassessment of the caseload in need of RSD. This has informed the development of a 2024 RSD workplan based on staff and processing capacity. The workplan also took into consideration the 2023-24 global realignment exercise (as a result of which three RSD positions were affected: two discontinued and one downgraded) and includes realistic projections as to RSD processing capacity based on available resources.</p> <p>(b) The UNHCR Representation in Malaysia has prioritized recruitment to vacant RSD positions in 2022-23, addressed issues relating to staff attrition/retention, and invested considerable efforts in staff development, performance and welfare. However, due to the global realignment exercise and limited budget allocation, the UNHCR Representation in Malaysia does not have the financial resources to increase current RSD staffing levels in 2024. In the current financial situation, it is therefore not possible</p>

Rec. no.	Recommendation	Critical ⁶ / Important ⁷	Accepted? (Yes/No)	Title of responsible individual	Implementation date	UNHCR comments
						<p>to regularize affiliate positions, without compromising essential services provided to refugees.</p> <p>Should fundraising efforts result in increased resources, and in consultation with HQ and the Regional Bureau, the UNHCR Representation in Malaysia will be in a better position to develop a plan to achieve a more balanced ratio between regular and affiliate workforce positions in the RSD Unit. It is to be noted however, that in the first quarter of 2024, the 30/70 percent ratio has been achieved in the overall staffing structure of the Representation (with 29% of staff in the affiliate workforce category and 71% in the regular workforce category).</p> <p>(c) All RSD staff have completed mandatory and foundational training in RSD. Various RSD-related training initiatives have also been designed and delivered at the operation level in 2023-24, including development of guidance and associated briefings on case processing for Rohingya and Afghans (linked to adjustments to the case processing strategy in 2023), development of guidance and associated briefings on identifying exclusion triggers, a workshop on RSD Standard Operating Procedures,</p>

Rec. no.	Recommendation	Critical ⁶ / Important ⁷	Accepted? (Yes/No)	Title of responsible individual	Implementation date	UNHCR comments
						<p>a workshop on interview techniques, a workshop on RSD for asylum-seekers from Somalia, a workshop on interviewing and assessing LGBTIQ+ asylum claims, a workshop on implementation of a simplified RSD modality for Pakistani Ahmadis, a workshop on RSD for asylum-seekers from Myanmar, and a workshop on people management for supervisors in the RSD Unit. Currently, the majority of the eligibility officers are enrolled in the Asia and the Pacific Interviewing for Protection Learning Programme, launched in February 2024 by the GLDC, DIP and RBAP. Due to limited available slots globally, the majority of the eligibility officers in Malaysia have not yet had the opportunity to undertake the RSD Learning Programme. The operation will continue to encourage their application for the programme and advocate with HQ and the Regional Bureau for regular cohorts to be launched and for RSD staff in Malaysia to be included.</p>
2	The UNHCR Representation in Malaysia should implement measures to improve service delivery by interpreters including addressing gaps related to adequacy, attrition, and specific language skills.	Important	Yes	Assistant Protection Officer (Centre Coordinator)	1 January 2024	The UNHCR Representation accepted this recommendation based on OIOS's initial observations/recommendations, and subsequently took immediate actions to address the observations. Based on the actions taken listed below, we consider this recommendation implemented and request its closure.

Rec. no.	Recommendation	Critical ⁶ / Important ⁷	Accepted? (Yes/No)	Title of responsible individual	Implementation date	UNHCR comments
						<p>The heterogeneity of the refugee population and the many languages spoken necessitate extensive efforts to recruit interpreters with the right language skills and ability to function in the high-paced processing context. Cultural sensitivities and the difficult protection situation of the refugee communities also make it challenging to recruit female interpreters.</p> <p>The UNHCR Representation in Malaysia has engaged in more frequent interpreter recruitment exercises in 2023-2024, resulting in an additional 34 interpreters (23 males and 11 females) recruited from April 2023 to April 2024.</p> <p>The UNHCR Representation in Malaysia has continued to implement measures to improve service delivery by interpreters and address the issue of attrition and recruitment by improving benefits (subject to resource availability), giving better leave allowance including sick leave, offering opportunities for skills development, holding monthly operational meetings with interpreters and organizing quarterly meetings with the Representative. Efforts to improve interpreters' skills and performance is on-going, as is providing regular one-on-one feedback and guidance on performance issues arising.</p> <p>It is to be noted that despite fundraising efforts, the current financial situation makes it extremely challenging to maintain the quality and number of interpreters at the needed levels. Should fundraising efforts result in increased</p>

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						resources, and in coordination with HQ and the Regional Bureau, efforts will be made to allocate additional resources to ensure adequate interpretation services at the level required to address the protection, assistance and solutions needs of refugees and asylum-seekers.
3	The UNHCR Representation in Malaysia should strengthen the collection, analysis and reporting of registration and refugee status determination case data to inform and drive efficient and effective service delivery.	Important	Yes	Senior Protection Officer	1 January 2024	<p>The UNHCR Representation in Malaysia accepts the recommendation, noting that it is closely linked with Recommendation 5 which was accepted based on OIOS’s initial observations/recommendations, and subsequently took immediate actions to address the observations. Based on the actions taken and listed below, we consider this recommendation implemented and request its closure.</p> <p>The UNHCR Representation in Malaysia continues to prioritize efforts to improve collection, analysis and reporting of data in proGres Registration and RSD modules, including to identify individuals/cases in relation to which action is required. These have included exercises to correct/update data on RSD cases and referrals, administratively close individual records and RSD cases, as well as regular monitoring of active RSD cases and their processing statuses, active referrals for RSD, case processing timelines, and individual staff productivity and case management (as outlined in the 2024 RSD workplan and monthly RSD reporting).</p> <p>Furthermore, the UNHCR Representation in Malaysia has developed a 2024 RSD workplan with clear workstreams, prioritization criteria</p>

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						<p>and scheduling/processing parameters that is subject to monthly monitoring and quarterly review.</p> <p>Moreover, monthly internal Registration and RSD reports provide senior management with data and analysis of RSD and Registration trends.</p>
4	<p>The UNHCR Representation in Malaysia should revisit the threshold for investigation of the backlog resulting from the detection of mass identity fraud and prioritize the cases based on urgency and importance and focus investigative efforts accordingly.</p>	Important	Yes	Assistant Protection Officer (Anti-Fraud Focal Point)	31 December 2025	<p>The UNHCR Representation in Malaysia accepted a similar recommendation based on OIOS’s initial observations/recommendation, and subsequently took immediate actions to address the observations..</p> <p>Based on the discussions during a global Anti-Fraud Focal Point consultation in September 2022 in Geneva, it was decided in consultation with Headquarters that all cases of misappropriation of identity should be investigated by the UNHCR Representation in Malaysia. This policy has been reflected in the current iteration of the operation’s Anti-Fraud SOPs (Section 4.2.2 (v) on Page 13).</p> <p>Due to resource/staffing constraints in the Representation’s Risk, Integrity and Oversight Team (RIOT), fraud investigations are consistently prioritized based on urgency and importance. In particular, this signifies aligning the prioritization of cases with the Case Processing Strategy which considers the urgency of the investigation based on protection risks and solutions considerations. (For example, if a fraud investigation is required and the person is in the resettlement pipeline, that case will be prioritized). In doing so, maintaining the integrity of UNHCR</p>

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						<p>processes and mitigating the impact of fraud and exploitation on refugees remains a key priority.</p> <p>The UNHCR Representation in Malaysia notes that a prioritization strategy is the only way to effectively address pending cases, in the face of inadequate resources and decreasing staffing allocations.</p> <p>Meanwhile, measures have also been taken to mitigate the potential for fraud, by streamlining fraud and integrity considerations across the office. These include review and updating of office SOPs, training and awareness-raising among staff and other stakeholders, infrastructure enhancements to improve integrity, targeted messaging on online platforms, and working closely between RIOT and other functional units to ensure that all fraud allegations are addressed. As with the strategic use of case processing, and in line with global anti-fraud policies, limited resources in the UNHCR Representation in Malaysia signifies that the necessity to conduct fraud investigations is commensurate with the protection and solutions needs of individuals. RIOT also engages in fraud mitigation measures by providing information to communities on the “zero tolerance” policy on fraud. The Risk Register addresses measures taken to mitigate the risk and response to fraud.</p> <p>Whilst acknowledging the outcome of discussions at a global level on the topic of thresholds for investigation, the UNHCR Representation in Malaysia will continue to</p>

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						examine ways to address the high number of active fraud cases and limited processing capacity, including by revisiting the threshold for investigation.
5	The UNHCR Representation in Malaysia should prepare an action plan to improve staff productivity and address the growing backlog in registration and refugee status determination in particular those long pending active cases and those pending interviews.	Important	Yes	Senior Protection Officer	31 December 2025	<p>The UNHCR Representation in Malaysia accepted this recommendation based on OIOS’s initial observations/recommendation, and subsequently took immediate actions to address the observations.</p> <p>The UNHCR Representation in Malaysia has undertaken a reassessment of the caseload in need of RSD. The number of cases in need of RSD reduced significantly in 2023 following various adjustments to the RSD/Case Processing Strategy and practices. Based on these adjustments a 2024 RSD workplan / Action Plan was developed.</p> <p>The RSD workplan entails ongoing monitoring and analysis of the pending RSD caseload and planned RSD processing, taking into consideration profile, existence of specific needs or referrals, type and priority of referral, processing timelines, and the need to uphold the integrity of case processing by processing long-pending cases and those presenting complexities. It includes clear scheduling parameters and monitoring mechanisms to improve staff productivity, based on a staffing structure that affords relatively inexperienced staff sufficient supervision and guidance.</p> <p>The UNHCR Representation in Malaysia also assessed Registration staff capacity versus needs, and has updated its Case Processing Strategy in 2023 to align Registration staffing</p>

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						<p>capacity with the Representation's Case Processing Strategy, a Strategy which prioritizes the heightened protection and solutions needs of the most vulnerable asylum-seekers and refugees.</p> <p>The UNHCR Representation in Malaysia has highlighted in the Risk Register that insufficient number of registration staff negatively impacts the attainment of UNHCR global registration standards in terms of waiting times. These unmet standards were exacerbated by two years of movement restrictions related to COVID-19, fundamental changes in conditions of country-of-origin (namely Myanmar), resulting in higher numbers of arrivals, as well as funding/staffing constraints.</p> <p>Due to the global realignment exercise and in the absence of increased funding, coupled with increasing population numbers as a result of the deteriorating conditions in Myanmar, the UNHCR Representation must prioritize those with heightened protection risks for registration and weigh capacity against needs to mitigate protection risks for asylum-seekers. With existing resources, the UNHCR Representation in Malaysia will register a total of 15,000 individuals per year, based on priority protection, assistance and solution needs of refugees/asylum-seekers. (In 2023, the UNHCR Representation in Malaysia conducted prioritized registration for 15,222 individuals accordingly.)</p>

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						<p>The UNHCR Representation continues to process cases strategically; prioritizing asylum-seekers for registration and RSD based on vulnerability and protection needs coupled with chronological factors as much as possible, as well as the requirement to uphold the integrity of processing. Ensuring the most efficient use of processing capacity remains a key priority, taking into account available resources, the impact on refugee protection and solutions, and staff welfare. The risks associated with our Case Processing Strategy and ways to address and mitigate these risks in light of overwhelming needs and limited staffing resources are clearly highlighted in the Risk Register.</p> <p>Acknowledging the continued high numbers of applications for registration and active RSD cases, the UNHCR Representation in Malaysia will continue to ensure strategic, prioritized and efficient use of case processing, including registration and RSD. The UNHCR Representation in Malaysia will also continue to develop and monitor implementation of workplans, and advocate for increased processing/staffing capacity, with a view to reducing the respective backlogs.</p>