

After the Exit: Mapping ASEAN Intra-regional Partnerships for Refugee Protection in the Absence of USAID

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LIST OF ABBREVIATIONS

ACTS	A Call To Serve
AHA Centre	ASEAN Coordinating Centre for Humanitarian Assistance on disaster management
AHRD	ASEAN Human Rights Declaration
AICHR	ASEAN Intergovernmental Commission on Human Rights
ASEAN	Association of Southeast Asian Nations
CFR	Council of Foreign Relations
IDP	Internally Displaced Persons
IOM	International Organization for Migration
IRC	International Rescue Committee
JEC	Joint Economic Committee
MILF	Moro Islamic Liberation Front
NCPO	National Council for Peace and Order
NGO	Non-Governmental Organisation
PROGRESS	Partnership for Good Governance, Equitable, and Sustainable Development and Security
PROSPECT	Partnership for Regional Optimization within the Political-Security and Socio-Cultural Communities
RSD	Refugee Status Determination
UNHCR	United Nations High Commissioner for Refugees

UNICEF United Nations Children’s Fund

USAID United States Agency for International Development

1. INTRODUCTION

The United States Agency for International Development (USAID) has been a central driver of humanitarian and development assistance in Southeast Asia, including refugee protection in partnership with the Association of Southeast Asian Nations (ASEAN) Member States (Thailand Business News, 2025). Through initiatives such as the Partnership for Good Governance, Equitable, and Sustainable Development and Security (PROGRESS) and the Partnership for Regional Optimisation within the Political-Security and Socio-Cultural Communities (PROSPECT), USAID has supported anti-trafficking frameworks, capacity-building for legal aid, and direct service delivery in refugee camps (U.S. Mission to ASEAN, 2023). In 2025, however, the United States (U.S.) government altered its foreign aid approach and is poised to ‘close down’ USAID (BBC News, 2025).

In January 2025, U.S. President Donald Trump signed Executive Order 14169, initiating a 90-day suspension of most foreign aid programmes (AP News, 2025). USAID, recognised as the largest individual provider of humanitarian assistance globally, will allocate \$860 million to Southeast Asia in 2024. The agency is active in six of the region’s 11 countries: Cambodia, Laos, Myanmar, the Philippines, Thailand, and Vietnam. Southeast Asia, with a population nearing 700 million, exhibits significant disparities in economic development. Countries like Cambodia, Laos, and Myanmar rank among the lowest in terms of economic performance and depend heavily on international aid (Al Jazeera, 2025). Furthermore, in mid-March 2025, the U.S. Secretary of State Marco Rubio declared that 83 percent of USAID projects would be terminated, with the remaining initiatives to be managed directly by the State Department (The Diplomat, 2025).

In the context of refugee support, the impact of the recent U.S. decision to withdraw USAID funding has been felt immediately in Indonesia, Malaysia, and Thailand. For example, in Indonesia, the United Nations High Commissioner for Refugees (UNHCR) and the International Organization for Migration (IOM) have reduced shelter stipends for Rohingya refugees, leading to overcrowding and increased vulnerability (Reuters, 2025). In Malaysia, A Call to Serve (ACTS) is among several local non-governmental organisations (NGOs) providing support to refugees and has previously collaborated with UNHCR (The Diplomat, 2025). For the past decade, ACTS depended on annual funding from the U.S. State Department. However, with the discontinuation of these grants, the organisation has been forced to suspend its health workshops, scale back its mobile clinic services, and reduce the operating days of its permanent clinic from five days a week to three (The Diplomat, 2025). Moreover, in Thailand, the International Rescue Committee (IRC) has shut down multiple border-camp clinics, ending services for an estimated 100,000 refugees who relied on them for primary care, dialysis, and maternal health support (The Guardian, 2025). These events underscored ASEAN’s structural weaknesses in refugee governance. The region has no binding regional asylum framework, and only the Philippines and Cambodia are parties to the 1951 Refugee Convention and 1967 Protocol (East Asia Forum, 2025). In this case, the abrupt loss of USAID funding raises a critical research question: how can ASEAN sustain

refugee protection in the absence of a major external donor, and which member states are positioned to lead intra-regional cooperation?

After the Exit: Mapping ASEAN Intra-regional Partnerships for Refugee Protection in the Absence of USAID examines how the loss of U.S. support is reshaping refugee protection in Southeast Asia. It investigates whether ASEAN Member States can develop intra-regional partnerships to address the crisis and identifies which governments or local actors are best positioned to take the lead. By tracing policy gaps and emerging responses, this study aims to evaluate ASEAN's ability to build a more sustainable and coordinated refugee governance model in the post-USAID era.

2. HISTORICAL CONTEXT

2.1 The Establishment of USAID: Global Mandate and Objectives in Political and Human Rights Contexts

In 1961, when President John F. Kennedy signed the Foreign Assistance Act, he consolidated several U.S. foreign aid agencies into a single civilian arm and named it USAID. His advisers called it a “human front line” against communism: if farms produced more rice, children survived malaria, and teachers received steady pay, then coups and insurgencies would lack fertile ground (Norris, 2021).

Congress, however, never granted USAID a blank check. By the mid-1970s, hearings on Chile, Argentina, and South Korea exposed how security aid shored up regimes that jailed critics and forced dissidents into exile. Legislators responded with a new human-rights test. Amendments to Section 502B required the State Department to file annual country reports and suspended security assistance to governments that practised “gross violations” (Neier, 2023). Former U.S. President Jimmy Carter embraced the change, telling the United Nations (UN) in 1977 that “respect for human rights is the soul of our foreign policy”. Inside USAID, the message translated into civic-education grants, legal-aid clinics, and election observers, programmes that sat beside irrigation schemes and measles drives. Yet Cold War imperatives persisted, as Jakarta continued receiving U.S. support after annexing East Timor.

2.2 Evolution of the U.S. Refugee Policy in ASEAN

2.2.1 Indochina and the 1980 Refugee Act

The fall of Saigon in April 1975 triggered one of the 20th century's largest seaborne migrations. Fishermen's skiffs and rusting freighters carried families to Thai beaches, Malaysian islands and Indonesian atolls. Camps meant to hold a few thousand soon held hundreds of thousands; cholera and piracy sharpened the crisis. Washington's first reply was the Indochina Migration and Refugee Assistance Act, which funded evacuation flights and community sponsorship in the U.S. (History, Art & Archives, n.d.). Flows of migrants continued to increase, forcing President Carter to convene a Geneva pledging conference in

July 1979. There, he promised rapid U.S. processing in exchange for ASEAN states keeping ports and land borders open.

Nine months later, Congress passed the Refugee Act of 1980. The law absorbed the UN's definition of "refugee", set an annual ceiling of 50,000, and empowered presidents to lift that number when emergencies demanded it. Crucially, it created a permanent U.S. Refugee Admissions Program, signifying a move from *ad hoc* evacuations to an institutionalised, rule-based system. By 1989, roughly 1,000,000 Vietnamese, Lao, and Cambodian refugees had resettled in the U.S., a scale that persuaded Bangkok, Kuala Lumpur, and Jakarta that burden-sharing could work (Joint Economic Committee [JEC], 1980).

2.2.2 Security First After 9/11

The attack on September 11th, 2001 halted any immigration programmes for three months as the government revamped vetting methods (Council on Foreign Relations [CFR], 2025). The quota on immigrant intakes hovered around 75,000, but actual arrivals dipped as background checks slowed them down. At the same time, the U.S. improved their counter-terrorism partnerships in the southern Philippines, as well as in Indonesia's Sulawesi and Java islands. These regions were known for harbouring militant cells that were found to have exploited and profited from cross-border refugee smuggling (U.S. Department of State, 2007).

2.3 USAID's Programmes on Refugee Protection: Past Achievements in ASEAN

2.3.1 Transformation from Blueprints to Treaties: PROGRESS (2013-2018)

When ASEAN first launched its Human Rights Declaration in 2012, it was met with criticism, being dismissed as it bore no significant weight and served merely as talking points. USAID's PROGRESS project aimed to operationalise ASEAN's nascent human rights mechanisms. Over the five-year period, USAID funded training for the ASEAN Intergovernmental Commission on Human Rights, drafted shadow-report guidelines for civil society, and, most tangibly, supplied lawyers and linguists to help negotiators finalise the ASEAN Convention Against Trafficking in Persons (DAI, 2020). That treaty, adopted in 2015, defines victim assistance standards, which include medical care, safe shelter, and witness protection – all crucial in guiding national responders who often meet refugees first.

2.3.2 The Operationalisation of Treaties: PROSPECT (2018-2023)

Its successor, PROSPECT, pushed from paper to practice. It produced a 180-page Model Implementation Toolkit for the Trafficking Convention, translated it into eight ASEAN languages, and rolled out workshops in Chiang Mai, Johor Bahru, and Davao to facilitate local implementation. PROSPECT trained 700 frontline officers on how to separate those who are survivors of trafficking from those who are simply immigration detainees. These distinctions are important for the case of Rohingyas rescued at sea or Vietnamese workers who were debt-bonded and discovered in exploitative labour conditions at Thai fishing ports (NEXUS Institute, 2021). PROSPECT was also enacted to support ASEAN's 2019

Declaration on the Rights of Children in the Context of Migration, ensuring that children receive proper schooling, guardianship and birth-registration provisions that match international standards.

2.3.3 Country Breakdown: USAID Impact in Practice

Philippines: After the siege of Marawi by the Moro Islamic Liberation Front (MILF)

In 2017, the city of Marawi, located on the island of Mindanao, was captured by MILF fighters, causing around 370,000 of its residents to flee. As a response, USAID mobilised in a matter of weeks. Engineers were sent to clear unexploded ordnance, livelihood teams issued micro-grants to support local carpentry shops and rice mills, and peace facilitators brokered agreements, allowing displaced families to access rental housing safely (PACOM, 2021). By 2020, more than 14,000 people had been given some form of USAID income support. The mediation programme was so successful that it now informs a draft Philippine law on the internally displaced.

Thailand: Lifeline for protracted camps

Along the Karen-Thai border, nine camps still hold around 100,000 Myanmar refugees, many in their third decade of exile. USAID and the State Department's Bureau of Population, Refugees, and Migration channelled U.S. humanitarian funds, rice rations, tuberculosis clinics, and payments for high school education. Early in 2025, a temporary U.S. budget lapse left warehouses with barely a month of food, prompting camp committees to warn of ration cuts (Hale & Duangdee, 2025). Congress restored funding, but the scare highlighted how dependent the camps remain on a single donor.

Indonesia: Regulation and reality

Jakarta issued a Presidential Regulation on refugees in 2016, however the funding was left for local governments to deal with. USAID, the UNHCR and IOM jointly ran a shelter stipend in Medan and Pekanbaru, paying landlords directly to house Afghan and Somali asylum seekers. A 2024 evaluation found that the stipend reduced police detention rates by 40 percent and let refugees cook their own food rather than rely on institutional food services (Perry, 2025).

2.3.3 Why These Projects Matter

USAID's development-orientated mandate enables it to operate in spaces inaccessible to traditional humanitarian actors. It seeds local NGOs that will still be standing when headline crises fade; it financially supports data mapping so municipalities know where floodwaters will push the poorest; it funds cross-border tabletop exercises so immigration and navy units agree on rescue protocols before another maritime refugee crisis emerges. An external review of ASEAN disaster-risk sites calculated that USAID-backed early-warning systems cut expected displacement by one-fifth compared with 2015 baselines (Perry, 2025). Those

preventive wins seldom make the nightly news, but they spare families the wrenching choice between staying put and becoming refugees at all.

Across the region, policymakers now cite USAID workshops in the footnotes of draft laws: Indonesia's refugee task-force guidelines, Thailand's updated trafficking standard-operating procedures, and the Philippines' proposed the Internally Displaced Persons (IDP) Act. None of these measures alone resolve the limbo faced by Rohingya in Aceh or Chin families in Mae La, but together they improve safeguarding measures in ASEAN by creating a network of rules, trained officers, civil-society watchdogs, and community assets that make protection more likely and abuse harder to hide.

3. REFUGEE CRISIS IN ASEAN (2021–2025)

3.1 Overview of Current Refugee Trends and Push/Pull Factors in ASEAN

The military coup in Myanmar in February 2021 precipitated a violent conflict, as *junta* forces responded violently to peaceful demonstrations. This soon escalated into skirmishes between opposition groups, including ethnic militias, and the regime. As a result, people, particularly activists and intellectuals who have been persistently targeted, have fled the country (Hardman, 2025).

Simultaneously, ethnic minorities such as the Rohingya continue to face systemic oppression and brutality, pushing them to flee to neighbouring countries, often via dangerous and uncertain routes (Mishra, 2025a). In China, Uyghurs have been fleeing due to government policies widely viewed as oppressive, including detention in camps, forced labour, and restrictions on religious practices (Arablouie & Abdelfatah, 2021).

Meanwhile, activists and protesters who speak against their leaders or the monarchy are forced into exile due to the fear of imprisonment in their home countries, as they are considered a threat to the national order (Yee, 2024). Lawyers who are dealing with sensitive issues and siding with people who are practicing their democratic rights are trying to avoid prosecution by moving to a different state as well (Radio Free Asia, 2024).

The ongoing armed conflict in Myanmar has also triggered widespread economic collapse, prompting many to seek job opportunities and livelihoods abroad (Hardman, 2025). Given the presence of refugee organisations and communities on the Thailand-Myanmar border, there is a significant movement of refugees to settle in the camps and seek safety in Thailand (Karen Refugee Committee et al., 2023).

3.2 Refugee Vulnerabilities: Economic, Legal, and Security Dimensions

01 *Economic*

The UN Children’s Fund (UNICEF) reports a rise in malnutrition among Rohingya refugees, driven by multiple compounding factors. Prolonged rains have worsened poor hygiene conditions in the camps, leading to outbreaks of diseases such as cholera, dengue, and diarrhoea. Ongoing conflict in Myanmar has further displaced communities and disrupted food distribution (United Nations, 2025).

02 *Legal*

Out of all the ASEAN Member States, only Cambodia and the Philippines are signatories to the 1951 Convention and the 1967 Protocol Relating to the Status of Refugees. These agreements necessitate the signatory countries to provide access to fundamental needs like education, employment, and shelter. Moreover, under the principle of *non-refoulement*, they are prevented from sending back refugees to their home countries against their will (Chen, 2021). This implies that for states that did not accede to the agreements, they have no legal obligations to deliver these guarantees.

Legal impediments to having a refugee status pose enormous challenges and insecurity to many people. Although they could be regarded as refugees under international law, it is difficult to be recognised as such due to regulatory constraints. For instance, Thailand does not officially acknowledge the status of refugees, which means they are not granted the necessary protection and cannot access welfare benefits (Hardman, 2025).

03 *Security*

Migration in Asia is deemed complicated and is worsened by restricted legal gateways that push people to resort to illicit and unsafe means. Prompted by desperation, migrants engage with smugglers for assistance in exchange for a monetary payment. However, they end up in a dangerous situation in cramped boats with an inadequate supply of food and water, and are subjected to violence from the boatmen (Mishra, 2025b).

Refugees and asylum seekers have been targets of harassment and coercion from the receiving states. Since the ruling of the National Council for Peace and Order (NCPO) in Thailand in 2014, refugees have been subjected to different forms of intimidation, such as surveillance and physical attacks (Quinley, 2024). Some ASEAN Member States have participated in what is termed as “swap mart” with nearby nations, where they perform a trade-off with defectors without appropriate legal proceedings (The Straits Times, 2024).

3.3 Consequences of USAID's Suspension on NGOs and International Actors

The suspension of USAID precipitated perilous effects on many organisations and the people they were assisting. One of the heavily affected NGOs is the IRC, which has been active in overseeing health centres in nine refugee camps along the border of Thailand, reaching 80,000 individuals. The funding from USAID has paid medical practitioners to extend medical treatment to many patients. Hospitals were shut down without the financial support, leaving critical patients in despair and scrambling for help (Birtles et al., 2025).

In addition, food and cooking fuel are running dangerously low, as aid workers strive to support more than 100,000 refugees in the nine border camps in Thailand (Regan et al., 2025). Against this backdrop, UNICEF has raised that the U.S. aid austerity has a critical impact on its nutrition programme, as they will be impelled to downsize their operations, with numerous malnourished children reliant. In terms of humanitarian assistance, the hygiene facilities will be scaled down as well, which have been vital in delivering clean water (United Nations, 2025).

Furthermore, Save the Children used to be a partner of USAID, and it has served as a source of grants to small NGOs. Some of these NGOs were able to secure grants meant to initiate projects that are dedicated to migrants, such as shelters. However, they have also been forced to suddenly cancel their services (Birtles et al., 2025).

4. ASEAN'S POLICY FRAMEWORK AND RESPONSE

4.1 ASEAN's Existing Refugee Protection Mechanisms

Throughout ASEAN there is no legally binding regional asylum framework. The three key institutions of the region, including the ASEAN Charter, the ASEAN Human Rights Declaration (AHRD), and the ASEAN Intergovernmental Commission on Human Rights (AICHR), were designed to address human dignity and asylum rights in vague and non-binding terms, which does not place any binding commitments on participating states (Forum-Asia, 2020). The existence of norms promoting temporary asylum, like the Bangkok Principles of 1966 (updated in 2001), emphasise that temporary asylum is preferred over long-term protection or durable solutions (ASEANMP, 2022; UNHCR, 2001). Such norms have failed to be translated into practicable actions in the form of commitments or institutional actions in the region.

Only the Philippines and Cambodia have ratified both the 1951 Refugee Convention and the 1967 Protocol. The rest of the ASEAN countries have not ratified them, creating a fragmented and unclear legal environment towards refugees. In such settings refugees are often treated as irregular migrants and are vulnerable to detention, deportation, and criminalisation (Asylum Insight, n.d.).

The crisis in the Andaman Sea in 2015 revealed the institutional flaws within ASEAN. Malaysia, Indonesia and Thailand denied the disembarkation of thousands of Rohingya stranded at sea, on the ground of their insecurity and possible smuggling. According to Human Rights Watch (2015) and ASEAN MP (2022), these pushbacks were in the form of interdictions and forced returns, and they were rather a form of violation of the principle of *non-refoulement* stipulated in customary international law. Instead of using a protection-based approach, ASEAN created the focal point of the incident as the issue of human trafficking and irregular maritime migration, which further enhanced its security-first attitude to forced displacement (Forum-Asia, 2015).

ASEAN has not done that yet in terms of institutionalising the refugee status determination (RSD) or even a regional resettlement or burden-sharing mechanism. Therefore, it is still the role of the UNHCR to combat this gap. Under its portfolio, the agency monitors the registration and protection efforts of refugees in a number of ASEAN countries, even in countries where formal legal recognition of refugee status is absent (UNHCR, 2021).

4.2 ASEAN–USAID Collaborations: Past and Present

Initially, USAID attempted to strengthen ASEAN’s humanitarian capabilities; however, it did not directly contribute to developing regional mechanisms for protecting those affected by forced displacement. USAID also made a critical contribution to creating and developing the ASEAN Coordinating Centre for Humanitarian Assistance on disaster management (AHA Centre), an institution that was created to deal with natural disasters. Although such cooperation enhanced the status of logistics and coordination infrastructure, the mandate of the AHA Centre explicitly excludes forced migration and crises involving refugees (The Guardian, 2021).

At the same time, USAID supported other activities, in the spheres of public health, disaster preparedness, strengthening of civil society, and reforms of governance, which in turn have benefited the displaced groups by strengthening institutional resilience (Forum-Asia, 2020). However, these benefits never stabilised and formed a stable refugee protection system, and the gradual reduction of refugee-specific programmes by USAID has left ASEAN without comparable strategic foreign assistance (ASEANMP, 2022).

The AICHR and the AHA Centre currently lack the necessary mandates, financing, and enforcement mechanisms to address complex refugee crises. The consensual decision-making process adopted by AICHR arms each member state with a veto, bridging its ability to act swiftly in response to emergencies, including the Rohingya displacement (ASEANMP, 2022; Human Rights Watch, 2019). Despite the long-term efforts of some national representatives, in particular, Indonesia, these attempts have been affected all along by the fact that some influential states, especially Myanmar and Thailand, are opposing the idea of political rights in ASEAN (Forum-Asia, 2021).

4.3 Institutional and Political Limitations within ASEAN

The reluctance of ASEAN to develop useful refugee protection policies is largely explained by the foundational norm of non-interference, which prohibits the international investigative practice into domestic affairs of the member countries even in cases when they are the driving forces of transborder displacement (ASEAN Charter, 2008; Asia Centre, 2020). The norm has stood in the way of regional collaborative action against atrocities like the persecution of the Rohingya in Myanmar, which UN official investigators have described as crimes against humanity (UNHRC, 2018).

Most ASEAN countries fail to recognise the legal status of refugees and afford treatment to asylum seekers as refugees. They rather perceive asylum seekers to be illegal immigrants. For example, Malaysia and Thailand detain and deport asylum seekers and offer no procedures of permanent protection and settlement in the country (Human Rights Watch, 2016). The Philippines and Cambodia are the only countries with legal dispensations at the national level, which expressly recognise the destiny of *non-refoulement*, and also provide some level of assurances.

In the context of the ASEAN institutions in general and the AICHR in particular, there is a lack of legal powers, budget, and overall independence that can be used to enforce the norm as to refugees or to subject the state parties to obligations. The effort to reform, such as by lobbying the establishment of a regional refugee agency, has been stagnating because of deep-seated political hesitation, the dominant national sovereignty argument, and the lack of Action Pressure on most members of states (Forum-Asia, 2020; Asia Times, 2023).

At the same time, efforts of the civil society are peripheral, and the humanitarian reaction capabilities of the region are solely responsive, dispersed, and centred on bilateral diplomatic activities instead of collective legal pledges (Rohingya Khobor, 2025). Without radical institutional changes, institutional structure remains inadequate to cover legal and protection requirements of the growing number of individuals displaced in Southeast Asia.

Summary:

- ASEAN lacks a legally binding framework of refugee protection. Instruments such as the ASEAN Human Rights Declaration articulate only non-binding principles, without the implementation of any enforceable means (Forum-Asia, 2020).
- Moreover, the ASEAN states have ratified the 1951 Refugee Convention in only two countries, resulting in the divided legal environment in the region (UNCHR, Global Appeal 2012-2013).
- Past USAID activities enhanced humanitarian logistics and governance in the area but did not create any refugee-specific institutions, and its funding has since declined (The Guardian, 2021).

- Institutional response to regional displacement crises is constrained by ASEAN's principle of non-interference as well as veto-based politics of consensus (Asia Centre, 2020).
- Rohingya maritime crises - particularly the 2015 incident - highlight ASEAN's failure to indicate the inability of ASEAN to respect the principle of *non-refoulement* and reveal the structural policy weaknesses (Human Rights Watch, 2015; UNHCR, 2021).

To achieve sustainable solutions, the following is required:	
1. Restructuring the ASEAN Charter in order to allow humanitarian waivers	
2. Refugee protection at the AICHR, activated by an independent, stronger AICHR	
3. The creation of local systems to determine and register refugees	
4. More political commitment on the part of ASEAN governments to maintain international refugee standards	

5. INDONESIA



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<https://unsplash.com/photos/a-group-of-people-riding-on-the-back-of-a-boat-MIANwfOVISg>.

5.1 Country Profile and Role in Regional Refugee Response

In the absence of a comprehensive regional mechanism for refugees and asylum seekers, namely an ASEAN framework, the refugee crisis remains primarily an internal affair of each Southeast Asian country. This inaction stems from the reluctance of ASEAN Member States to infringe upon the sovereignty of other countries regarding irregular migrants (Thuy, 2022).

This leads to fragmented and sometimes inconsistent protection mechanisms, and makes collaboration between states more complicated.

As the largest country in Southeast Asia and “a key transit country for irregular migrant movements”, as described by the IOM, Indonesia has a constant refugee flow. Nearly half of all refugees and asylum seekers originate from Afghanistan, followed by Myanmar, Somalia, and 49 other countries (Migrant Refugees, 2020). The nature of Indonesia’s domestic legal framework relating to asylum seekers and refugees means that the individuals deemed illegal are treated as illegal immigrants, and are subject to detention and might legally become subject to deportation. They also face significant challenges concerning housing, healthcare, education, and employment opportunities. This leads to a dangerous situation where staying in Indonesia involves a risk of being arrested and returned to the country in which they fear persecution (OCHA, 2024).

This section of the report will analyse Indonesia’s domestic and international legal mechanisms concerning refugee protection and asylum seeking, how and by whom they are implemented, and the main challenges the country faces as a donor and host country.

5.2 Refugee Policy, Legal Frameworks, and Protection Mechanisms

Indonesia is not a party to the 1951 Convention relating to the Status of Refugees or its 1967 Protocol, nor does it have a national refugee status determination system (UNHCR Indonesia, n.d). Some domestic legal instruments govern the issue and the legal status of immigrants, including the 1945 Constitution, the 1999 Human Rights Law and the 2016 Presidential Regulation on the Handling of Refugees, which largely adopts provisions from the 1951 Refugee Convention, except for the right to work and citizenship (UNHCR, 2025). Indonesia signed the Palermo Protocol in 2007, the 1990 UN Convention on the Protection of the Rights of Migrant Workers and their Families in 2012, and passed a law (Law no. 21 of 2007) on Human Trafficking Crime (Migrant Refugees, 2020). However, domestic law makes no reference to asylum seekers or refugees, focusing on criminalisation and describing any person without a visa as an “illegal immigrant” (Migrant Refugees, 2020).

As of January 2025,
12,177 people
are registered with
UNHCR Indonesia, of
whom 69 percent are
adults, 29 percent are
children and 2 percent
are elderly (UNHCR,
2025).

The main domestic actors tasked with overseeing the implementation of the above-mentioned laws are the Ministry of Manpower and Transmigration, the Ministry of Law and Human Rights, the Ministry of Social Affairs and the Ministry of Child Protection and Women Empowerment. They collaborate closely with their local counterparts in the regions, such as civil society organisations and UN bodies. A clear example is the UNHCR, which was

authorised by the Indonesian government to carry out its refugee protection mandate and to identify solutions for refugees in the country (UNHCR Indonesia, n.d.).

The UNHCR is responsible for the RSD, a mechanism responsible for registering and processing the asylum seekers. The process begins with a collection of basic information, including photos, iris scans and a summary of why they fled their country. Each person receives documentation and is interviewed in detail with the help of an interpreter. UNHCR then uses these interviews to assess whether the individual has a well-founded fear of persecution based on a series of criteria such as race, religion, nationality, social group or political opinion. The process also checks if someone should be excluded from refugee status, for example, if they committed war crimes, crimes against humanity or acts against UN principles (UNHCR Indonesia, n.d.).

5.3 Capacity as a Donor and Host Country

The number of refugees reaching Indonesia has been increasing during the past years, particularly the number of individuals that get detained.

Refugees in 2020 (Migrant Refugees, 2020)	Refugees in 2023 (Global Detention Project, 2024)
~ 4,273 are registered in detention	~ 9,227 are registered in detention
Since 2018, only 556 refugees have been able to leave and start a new life in a third country	~ 2,930 asylum applications

In 2025, of the 12,177 people registered with UNHCR, 18,71 percent were men and 29 percent women. Among the children, 51 percent are boys and 49 percent are girls. 13 percent of refugees and asylum seekers in Indonesia are registered with a specific need, including people with a disability, unaccompanied or separated children, children at risk, people with a serious medical condition, the elderly and single parents with children (UNHCR, 2025).

As a host country, Indonesia places the refugees in dozens of immigration detention facilities, many of which have been denounced for their poor conditions (Global Detention Project, 2024). Approximately 48 percent of the refugee population is currently residing in IOM-managed accommodation centres, established as part of the Regional Cooperation Agreement between Indonesia, Australia and the IOM in 2000. 42 percent of the refugee population, mainly the individuals who arrived in Indonesia after 2017, are living independently and, with the exception of the most vulnerable, do not receive financial support for food, rent and basic needs (OCHA, 2024).

Refugees are not legally permitted to work in Indonesia, and access to primary and secondary education is conditional upon a valid UNHCR document and proficiency in the Indonesian language (UNHCR, 2025). This creates difficult conditions for their integration, and refugees

and asylum seekers often experience severe mental health problems as they cannot work or get an education and have little hope of resettlement elsewhere.

5.4 Key Challenges and Limitations

These issues show how Indonesia faces key challenges and limitations in managing the refugee flow. Its position outside the 1951 Refugee Convention and the absence of a national asylum framework leave individuals reliant on UNHCR for an RSD and basic needs, leaving them in a prolonged state of legal and social unprotection. Although Indonesia has nonetheless accepted and provided temporary shelter to refugees over the years, many live in not ideal detention facilities, struggle to meet basic needs, and are vulnerable to exploitation.

The Rohingya community displacement is a notorious example that illustrates these precarious conditions. The Rohingya are a Muslim minority who have been the target of violence and severe human rights abuses in Myanmar for decades. They have fled to neighbouring countries for the past decade, including Indonesia. Approximately ten percent of the refugee population are Rohingya refugees who arrived by boat in recent years and who are residing primarily in temporary shelters in Aceh and North Sumatra (OCHA, 2024).

The number of refugees and asylum seekers from this community in Indonesia fluctuates, particularly due to the maritime arrival of Rohingya refugees and subsequent onwards movements. So far, a total of 2,000 Rohingya have sought refuge in Indonesia. In the last two months of 2023, approximately 1,700 Rohingya landed in Aceh, with approximately 70 percent of these new arrivals comprising women and children. In 2024, more than 780 Rohingya refugees arrived by boat (UNHCR, 2025).

01

Case Study 1: Rohingya Refugees Saved From Capsized Boat

An Indonesian search and rescue ship in March 2024 found a capsized wooden boat that had been carrying dozens of Rohingya refugees. In total, 75 individuals were rescued by the ship and other local fishing boats, although witnesses claim many died and are unaccounted for (Reza Saifullah and Edna Tarigan, 2024).

02

Case Study 2: Indonesian Aid to Rohingya Reinstated

The UNHCR Migration Agency has reinstated humanitarian assistance to Rohingya refugees in Indonesia. The agency had been forced to reduce aid to over 900 Rohingya refugees due to the funding cuts of USAID. However, after exploring “various options in response to potential funding challenges”, sufficient resources remain available to allow the continuation of humanitarian efforts (Reuters, 2025).

6. MALAYSIA



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6.1 Country Profile and Role in Regional Refugee Response

According to the UNHCR, Malaysia hosts around 200,260 refugees and asylum seekers as of May 2025, with many of these refugees originating from Myanmar, Pakistan, Somalia, Yemen, Palestine, and Sri Lanka due to persecution in their home countries (United Nations High Commissioner for Refugees, 2025-b). 64 percent of these refugees are men, while 36 percent are women. Around 59,000 are children. This current statistic is an increase from the total number reported in 2024, which was at 192,000

As of May 2025,

200,260
people

are registered with
UNHCR Malaysia
(UNHCR, 2025).

refugees (United Nations High Commissioner for Refugees, 2025-a).

6.2 Refugee Policy, Legal Frameworks, and Protection Mechanisms

Malaysia is not a signatory to the 1954 Convention relating to the Status of Stateless Persons nor to the 1961 Convention on the Reduction of Statelessness, and its refugee policies have been deemed inconsistent, complex, and unclear (Hoffstaedter & Jalil, 2022). Refugees who come to Malaysia receive a form of legal protection through the refugee status determination programme of the UNHCR; however, this system is permitted by the Malaysian government only as a matter of courtesy, since refugee status is not officially recognised but merely acknowledged (Hoffstaedter & Jalil, 2022).

Malaysia adheres to the doctrine of dualism, meaning that international law must be incorporated into domestic legislation to be legally enforceable. This means that refugees in Malaysia are considered immigrants under the country's Immigration Act and must adhere to proper administrative processes in order to be protected (Rafique, 2025). Despite not having ratified the Refugee Convention and Protocol, it can be argued that it is still bound by the principle of *non-refoulement* (Rafique, 2025).

6.3 Capacity as a Donor and Host Country

With the USAID budget freeze, NGOs in Malaysia, which have been receiving aid, are concerned that this will affect their humanitarian efforts. Since Malaysia holds a considerable number of refugees in as a host country, a local human rights organisation warned that the funding cut will affect numerous NGOs, including those that work with refugees, with many having already experienced downsizing of their teams, while others struggle to sustain operations because of the lack of funds (The Straits Times, 2025). This situation makes it more difficult for Malaysia to adequately meet the needs of refugees in the country.

6.4 Key Challenges and Limitations

Several organisations in Malaysia have already been affected by the lack of funding. For example, Asylum Access Malaysia already experienced “massive layoffs” and had to give up some of their office space since the organisation was also impacted by the USAID cuts (The Straits Times, 2025). Another organisation that was affected was ACTS. Since ACTS receives funds from the United States, the budget freeze resulted in the suspension of its health workshops and greatly reduced its clinic services, impacting thousands of refugees in Malaysia who rely on the organisation for healthcare services (Lingk, 2025).

Aside from the reduction in support that refugees can receive from NGOs, the lack of comprehensive legal frameworks in refugee protection and inconsistency in the policies pose a significant barrier for refugees in Malaysia to establish a decent life in the country. The legal uncertainty of the status of refugees puts them in a vulnerable position since they are not authorised to work legally, cannot access proper education and healthcare, and can even face gender-based violence or discrimination (Rafique, 2025). Further, since Malaysia currently

does not have any national asylum framework, refugees are vulnerable to arrest, detention, and exploitation, and their status as stateless persons makes it challenging for them to acquire Malaysian citizenship (United Nations High Commissioner for Refugees, 2025-a).

7. THAILAND



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7.1 Country Profile and Role in Regional Refugee Response

Thailand has long been a key destination and transit country for refugees across Southeast Asia, particularly for those fleeing conflict in neighbouring Myanmar. The country hosts over 10,000 refugees, primarily in nine camps along the Thailand-Myanmar border, including Mae La, Nupo, Mae Ra Ma Luang, Umpiem Mai, Mae La Oon, Tham Hin, Karenni, and Ban Don Yang (Burma News International, 2025). Despite its significant role, Thailand is not a signatory to the 1951 Refugee Convention or its 1967 Protocol, which limits its legal obligations to protect refugees. Thailand lacks a dedicated national legal framework to safeguard urban refugees and asylum-seekers, resulting in these individuals facing the risk of being classified as undocumented migrants under the Thai Immigration Act unless they possess a valid visa (UNHCR Bangkok, 2016).

Thailand's geographic position and relatively stable economy make it a common destination for refugees. However, its policies are heavily influenced by political and security

considerations. For example, the 2014 coup by the NCPO led to increased surveillance and restrictions on refugee movements, exacerbating vulnerabilities (Freedom House, 2025). The country's role in regional refugee protection is further complicated by its reliance on international aid, particularly from USAID (Burma News International, 2025; Tyler & Trinh, 2025).

7.2 Refugee Policy, Legal Frameworks, and Protection Mechanisms

On top of its decision not to sign the 1951 Refugee Convention and the 1967 Protocol, Thailand's domestic legal framework reflects a lack of comprehensive legal protections for refugees. Refugees are effectively governed by the Immigration Act, which categorises them as "illegal aliens" subject to arrest, prosecution, detention, and deportation (UNHCR Bangkok, 2016). This legal ambiguity leaves refugees in a vulnerable position, with limited access to fundamental rights, including employment, education, and healthcare. The Thai government collaborates with the UNHCR to conduct RSD, but the process is slow, and recognition rates are low (UNHCR Bangkok, 2016; Coddington, 2025).

The key actors in Thailand's refugee response encompass the Ministry of Interior, which oversees immigration and detention policies, UNHCR which provides RSD and limited assistance but has no authority to enforce protections, and local NGOs, which fill the gaps in services but face funding shortages, especially after USAID's suspension (UNHCR Multi-Country Office Thailand, 2024). Moreover, Thailand has faced criticism for participating in forced repatriation arrangements, where refugees who evaded military conscription are arrested and forcibly returned to Myanmar without due process (Hardman, 2025).

These practices violate the principle of *non-refoulement*, a cornerstone of international refugee law, particularly the 1951 Refugee Convention, which prohibits the forced return of individuals to countries where they may face persecution. While Thailand is not a signatory and thus not bound to adhere to this principle by the treaty obligation, the *non-refoulement* principle has acquired a *jus cogens* status—a peremptory norm of international law (Allain, 2001). As such, the principle applies to the government regardless of its treaty ratification (Allain, 2001). The absence of international aid, particularly from USAID, may perpetuate the Thai government's disregard for this norm, contravening the fundamental international law and basic humanitarian standards.

7.3 Capacity as a Donor and Host Country

Thailand's capacity to host refugees is heavily dependent on international aid. Prior to USAID's suspension, the agency funded critical services in border camps, including: (1) food catering programmes ensuring basic nutrition; (2) healthcare networks such as tuberculosis and malaria treatments; (3) education initiatives; and (4) sanitation infrastructure (Burma News International, 2025). These services were not merely supplemental, they constituted the operational backbone of refugee survival in border zones.

While Thailand has demonstrated resilience in hosting refugees, its domestic resources are insufficient to meet their needs. The government has occasionally provided temporary shelter, such as in response to Rohingya boat arrivals, but long-term solutions remain uncertain and inconsistent (IOM Thailand, 2024). The IOM report notes that Thailand's total funding required for migrant and refugee assistance covers \$15,400,000 of documented needs, forcing reliance on unpredictable humanitarian appeals like USAID (IOM Thailand, 2024).

7.4 Key Challenges and Limitations

Thailand's approach to refugee protection faces entrenched and systemic challenges that have only worsened in the wake of USAID's suspension. The absence of a formal legal framework leaves refugees in a state of perpetual insecurity, where even basic rights, such as access to work, education, and healthcare, are often denied (UNHCR Bangkok, 2016). Without recognition under Thai law, refugees are classified as "illegal immigrants", exposing them to the constant threat of arrest, detention, and deportation (UNHCR Bangkok, 2016). This legal uncertainty is compounded by the government's reluctance to ratify international conventions, leaving gaps in protection to be filled by underfunded NGOs and overstretched UN agencies (UNHCR Multi-Country Office Thailand, 2024; Freedom House, 2025).

The withdrawal of USAID funding has had a catastrophic domino effect across refugee camps, where clinics, schools, and food distribution programmes once operated on life support. In Mae La, the largest and most densely populated camp, such a withdrawal has led to a food shortage, with only a few weeks' worth of supplies remaining (Hale & Duangdee, 2025). Similarly, in the Tak region, the funding cut has resulted in clinics shutting down. Pregnant women, once able to deliver in clinics staffed by USAID-supported doctors, now give birth in makeshift shelters with no medical oversight, and ill refugees have nowhere to obtain proper medical treatment (Weerasopon, 2025). The Thai government, while permitting these camps to exist, provides minimal direct support, relying instead solely on international aid that is now vanishing.

Underlying these issues is a broader regional failure. ASEAN's principle of non-interference has stifled collective action, leaving Thailand to manage a cross-border crisis with limited resources and even less political will (Waenalai, 2023). However, this is unfortunately an obstacle shared with other ASEAN countries as the principle prevents the establishment of effective mechanisms for preventive and proactive action (Waenalai, 2023). Without structural reforms, or at the very least a commitment to uphold basic humanitarian standards by relevant stakeholders, the situation will continue to deteriorate and leave refugees to pay the highest price.

8. CONCLUSION

8.1 Summary of the findings

8.1.1 The Value of USAID and the Impact of the Suspension

Originally created to counter communism, USAID evolved into a human rights-driven agency, providing humanitarian aid and development support to countries in need. USAID symbolises the U.S.'s commitment to global humanitarian standards.

For over 60 years, USAID has contributed significantly to Southeast Asia, particularly to the empowerment of various NGOs and humanitarian actors in refugee protection. For instance, USAID implemented the PROGRESS and PROSPECT programmes to shape Southeast Asia's refugee mechanisms through funding, training, and rescue protocols through the anti-trafficking in persons framework. Overall, USAID's mandate supported local NGOs in accessing areas that government agencies could not reach.

A shift in U.S. foreign policy from human rights to security priorities has reduced humanitarian funding in favour of defence spending. Since NGOs spearheaded the operation of USAID-funded programmes, they took the hardest hit, particularly in health services and supplies for refugee camps. Refugees and asylum seekers in Southeast Asia have now been left even more vulnerable than before due to reduced services in health, education, and legal protection.

8.1.2 Assessing ASEAN's Readiness for Intraregional Partnerships

Refugee populations in ASEAN primarily originate from Myanmar's 2021 coup, as well as from the Uyghur minority and political dissidents. These people deserve the right to life, as they did not flee their home countries by choice. However, refugees in Southeast Asia have often been treated as a security matter.

ASEAN, by its organisational design, does not have a legally binding agreement on refugee protection, including RSD or a regional resettlement mechanism. This problem stems from institutional constraints, as the majority of ASEAN Member States have not ratified the 1951 Refugee Convention and the 1967 Protocol. These legal gaps hinder the development of a cohesive regional refugee protection system.

As ASEAN institutional responses continue to be constrained, UNHCR remains an important organisation in charge of refugee protection, along with support from NGOs. Regarding USAID specifically, the agency assisted in ASEAN's humanitarian capacity building. Its major contribution largely went to building resilience for disaster relief, public health, and democratic governance, which indirectly strengthened assistance for refugees.

Without a regional mandate for refugees, ASEAN Member States respond to this matter as part of their internal affairs. Considering the countries discussed in this report, Indonesia, Malaysia, and Thailand all host the largest number of refugee populations in the region. What these countries have in common includes (1) the treatment of refugees and asylum seekers as illegal migrants, (2) the limitations of domestic resources, and (3) the reliance on UNHCR and NGOs for protection services. Indonesia stands out for adopting domestic legal measures to grant refugees legal status—an approach absent in Malaysia and Thailand.

8.2 Future Outlook and Recommendations

The dominance of USAID-funded NGOs in refugee protection reveals structural weaknesses in Southeast Asian institutions, which often fall short of international human rights standards. (Forum-Asia, 2020; Waenalai, 2023). Due to limited resources, many countries in ASEAN struggle to accommodate refugees while managing domestic economic and political challenges (Waenalai, 2023).

As the U.S. withdraws from this commitment, the deterioration of refugee protection services can be anticipated due to the shifting trend towards national security. The global commitment to human rights is challenged as Western countries recalibrate their foreign assistance policies (Tyler & Trinh, 2025). This also raises a critical question: is it fair to criticise developing countries for inadequate refugee responses when international support has waned? (Dinkela, 2021).

Upholding human rights demands collective responsibility – across countries of origin, transit, and destination (UNHCR, 2020). It also requires the U.S. and its fellow allies to demonstrate their serious willingness to assist vulnerable refugees, not only through funding but also through the facilitation of refugee resettlement (Jilani, 2021).

As ASEAN countries face domestic constraints and remain reliant on aid, other developed nations—such as Japan and Australia – could step in to fill the gap left by the U.S. (Tyler & Trinh, 2025). For instance, Japan has already been a reliable partner to ASEAN in terms of development assistance, three times more than the U.S. Australia also remains committed to maintaining its federal budget for foreign assistance in the region (Tyler & Trinh, 2025).

In light of USAID’s withdrawal, future research should explore ASEAN’s potential partnerships on refugee protection and examine how to reframe refugees as assets rather than threats to host communities (Zhou, Grossman, & Ge, 2023; Tyler & Trinh, 2025).

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