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## **The Role of Social Worker in the Context of Refugees and Asylum Seekers Rights in Indonesia**

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### **ABSTRACT:**

The plight of refugees and asylum seekers has been a global issue of critical importance for social workers in Indonesia. At the end of February 2018, the public was overwhelmed by mass media coverage of the large number of refugees living on the streets in front of the Immigration Office in Jakarta. In fact, many of the difficulties experienced by them in Indonesia, such as legal status, poor detention and others. Their existence needs to be noticed by the government and be a very important concern for social workers in Indonesia. Social workers are often compromised in working with refugees and asylum seekers to successful social functioning. This paper presents mixed methodology through individual interviews and an exploratory study in which social workers play a pivotal role in responding to the issues as well as potential way for being supporting document for Indonesian government to ratify the 1951 Refugee Convention.

**Keywords:** Refugees, Asylum Seekers, Social Worker, Social Functioning, 1951 Refugee Convention

### **Introduction**

In recent years the situation of refugees and asylum seekers has again become a major issue for Indonesia. Based on UNHCR Global Trends (2016), as many as 22.5 million refugees and asylum seekers

migrate to various countries including Indonesia.

Factors that have contributed to international migration include many things. Among the people on the move

today to resettle, many are seeking employment or educational opportunities while others want to reunite with family members and still more are fleeing persecution, conflict or violence in their countries.<sup>1</sup> However, historically the chances of refugees ever being resettled are only around 1 percent.

History of refugees in Indonesia began in 1979, as many as 170.000 refugees by setting up camps in Galang Island, Kepulauan Riau.<sup>2</sup> Nowadays, there are 6.191 asylum seekers and 8.279 refugees were registered cumulatively at UNHCR located in Jakarta<sup>3</sup>, according to UNHCR, they are mostly from Afghanistan and Pakistan, and also from Myanmar, Iraq, Iran, Sri Lanka and other countries (UNHCR 2016, p. 1). One-third of the total 14.470 are living independently without any assistance.

Despite the high volume of refugees entering its territory for transit, Indonesia has not yet ratified the 1951 Refugee

Convention relating to the Status of Refugees and the 1967 Protocol relating to the Status of Refugees thus Indonesian Government does not have the legal obligations to take an active role in deciding the status of refugees or asylum seekers.<sup>4</sup> This leads to a dilemma for both asylum seekers and refugees who are intentionally or unintentionally stranded in Indonesia, and the Indonesian Government itself.

Many refugees and asylum seekers may find that they are obliged to live with limited privileges, rights, freedoms, and benefits, until they receive their refugee status from the host country (George, 2012). Most of the difficulties experienced by refugees and asylum seekers in Indonesia; they can not obtain local identity documents such as citizen's status, children born from asylum seekers and refugees when in Indonesia are not entitled to receive birth certificates. Some asylum seeker and refugees are especially vulnerable to be homelessness. Families with young

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<sup>1</sup>UNHCR (4), "All in the Same Boat: The Challenges of Mixed Migration," <http://www.unhcr.org/pages/4a1d406060.html>, accessed 10 May 2018.

<sup>2</sup> *Ibid*

<sup>3</sup> *Op.cit*

<sup>4</sup>Hukum Online (1), "Indonesia Perlu Ratifikasi Konvensi Tentang Pengungsi," <http://www.hukumonline.com/berita/baca/lt4f351aacc4a70/indonesia-perlu-ratifikasi-konvensi-tentang-pengungsi>, accessed 28 April 2018.

children are at risk of living under the poverty line because they have no money-making work other than assistance from UNHCR or related institutions. Other highly vulnerable groups of asylum seekers and refugees are individuals suffering from torture and trauma; persons with disabilities or mental health problems; single women; and unaccompanied children.

Social workers are at the frontline of solidarity with vulnerable groups in all societies and international exchange of knowledge is necessary for dealing with trans-cultural problems (Hessle 2007). What is evident from research and the realities of practice is that social workers need to be knowledgeable and effective in their role with refugees and asylum seekers. Professional leadership, support and training both nationally and internationally in transcultural issues, immigration legislation, trauma counselling and support and inter-professional working is essential to prevent the demoralization of social workers working in this area.

Therefore, this paper will seek to explore available integrative literature,

quantitative document analysis, and provide combined methodology through semi-structured interviews and an exploratory study of the role of social workers in responding to the issues of refugees and asylum seekers rights in Indonesia within these three major areas of concern: Legal Rights, Detention, and Biological, Psychological, Social and Spiritual (BPSS) Aspects. We also present conceptual framework for supporting document to be addressed by Indonesian government to ratify the 1951 Refugee Convention.

### **Social Problems Faced Refugees and Asylum Seeker in Indonesia**

Most refugees and asylum seekers are not able to move directly to a place of permanent resettlement due to the largely unplanned and unanticipated nature of the move and the sudden circumstances which precipitate the move.<sup>5</sup> For these reasons, the role of transit country in international migrations increases because this process can go on for a while and pass through certain locations whether it is planned or

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<sup>5</sup> Australia, *op.cit.*, p. 5.

not, before they can reach their final destination. During the time, refugees and asylum seekers in Indonesia face a broad range and intersecting web of social problems, including;

### **Legal Rights**

As we know that the main problem of these refugees and asylum seekers is because of their legal status. The root of this problem grows significantly, then it evolves touching many aspects of their lives. Asylum seekers and refugees consisting of families with children, a single young man or woman, including unaccompanied children has become new social problem in Indonesia. They live on the margins of society, fearful of arbitrary harassment, extortion, arrest and detention. Some of them be homeless because of inadequate shelter, unable to work to fulfill their living needs and access the free health care if they have health problems, not many schools can accept them to learn because of language barrier and unqualified teachers,

not to mention psychosocial problems because of the trauma of torture or feelings desperately need to be handled over which happened in their home country before coming to Indonesia.

Despite all the limitations, these asylum seekers and refugees come to other countries to seek protection and asylum. Heading to Indonesia or some other countries for transit, hoping that they will be able to settle in a country and continue their dreams. There are human rights embedded in them wherever they are as a universality. They just want to live like human being, gain freedom, and feel happiness.

### **Detention Condition**

Currently, Indonesia has 13 detention centers across the Indonesia's vast archipelago to accommodate those who are considered as illegal migrant according to Indonesia's immigration law.<sup>6</sup> This number is inadequate considering that thousands of asylum seekers and/or

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<sup>6</sup> "Dampak Singgahnya Pencari Suaka Ke Australia Terhadap Peningkatan Kejahatan Transnasional di Indonesia," <http://journal.unair.ac.id/filerPDF/jahi0eaa661d8a2full.pdf>, accessed 19 April 2018, p. 2.

Indonesia's detention houses are located in Tanjung Pinang, Balikpapan, Denpasar, Jakarta, Kupang, Makassar, Manado, Medan, Pekanbaru, Pontianak, Semarang, Surabaya, and Jayapura.

refugees have illegally entered Indonesia. For instance, Immigration Detention Center in Kalideres Jakarta has a maximum capacity of 120 but it currently houses 155 asylum seekers, 69 refugees and a handful of foreigners who had overstayed their visa. It is meant to hold only foreign nationals who have violated visa regulations or who are to be deported. It can take a long time for asylum seekers to get resettlement in a new country once they have registered with the local UNHCR office, the fastest is four years according to the agency's records and many of them succumb to the harsh conditions of living in transit. Some asylum seekers and refugees in Indonesia have now sought shelter at immigration detention centers, including one in Kalideres in the west of the capital Jakarta. These immigration detention centers are meant for foreign nationals who violate Indonesia's immigration laws. Nevertheless, the centers have opened their doors to asylum seekers and refugees, but they are fast running out of space.

In detention, refugees are typically kept in locked cells and inhumane treatment from detention center officer (Missbach and Sinanu 2013). Health and sanitation conditions are extremely poor and doctors are slow to respond to refugee health issues (Human Rights Watch, 2013). Many refugees in Indonesian detention centres are distressed. Deprived of freedom of movement, locked up for long hours, away from their families, poor living conditions, lack of recreation and stress resulting from the waiting process of their asylum claim to UNHCR.<sup>7</sup>

Also intermingling between refugee and asylum seeker on the one hand and illegal migrant in the same detention center may spark conflict.<sup>8</sup> One of the examples of conflict raising from over-capacity and tempering between refugees and asylum seekers and illegal migrants has happened in the detention center in Medan which caused 8 Rohingyas died.<sup>9</sup> Over-capacity and people being prone to conflict are one of indications that the right to safety in

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<sup>7</sup> *Ibid.*

<sup>8</sup> *Id.*

<sup>9</sup> Okezone, "Delapan Pengungsi Rohingya Tewas, Rudenim Medan Overcapacity,"

<http://news.okezone.com/read/2013/04/05/340/786683/8-pengungsi-rohingya-tewas-rudenim-medan-over-capacity>, accessed 22 April 2018.

detention center is not optimal. Right to safety in this context is the right to safety as guaranteed in the Law No. 39 of 1999 on Human Rights (“Law 39/1999”). Article 30 of Law 39/1999 stipulates that “Everyone has the right to safety” in which the word “everyone” means protection over the right to safety provided by the Indonesian Government which covers everyone within the Indonesian territory, including refugees and asylum seekers.

One of the unaccompanied children who had lived in the shelter, Shafee<sup>10</sup> told the story of his experience while he was living in one of the detention houses in Tanjung Pinang before being transferred to the shelter. He said that he did not get sufficient food while he was there and felt uncomfortable. He had to sleep together with other refugees in one room, have nothing to do, just sleep, occasionally chatted with other fellow refugees, even he just sat silently a whole day for looking at the situation that happened inside the detention house while thinking of his fate.

### **Biological, Psychological, Social and Spiritual (BPSS) Aspects**

Through the handling process of refugees and asylum-seekers, there are some issues that will surface to their core concerns as well as biological, psychological, social and spiritual aspects. Refugees and asylum seekers lose their homes, their communities, their jobs, and are often forced into poverty, which can be detrimental to their mental health and well-being (Palmer, 2007). At the emotional level, Galambos (2005) mentions that refugees, asylum seekers, or Internally Displaced People (IDPs) may experience the loss of family members, friends, long-standing social contacts, and their overall social support and community. Galambos (2005) adds that a cultural loss is also experienced; specifically, the loss of established social norms and values. In addition, there are unique psychosocial problems, such as extreme anger, that characterize the experience of these individuals or those who are secondary victims to the loss (George, 2012). Limitations on those aspects have an impact

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<sup>10</sup> The name has been changed to a pseudonym. Interviewed April 2018.

on their unfocused spiritual activities, inadequate shelter environments and the inability to socialize with local communities causing difficulties in worship.

These problems are much better dealt with within the context of the community itself, rather than the artificial environment of the courts (Ife, 2006). This means that community acceptance can be obtained through the role of social workers who are tasked with understanding local communities of the refugees and asylum seekers. Therefore, humanitarian services within which there are social workers represent an important aspect of community development in this case the social functioning of refugees and asylum seekers through the advocacy roles of central government, local government and stakeholders.

### **The Role of Social Workers in Concern for Successful Social Functioning**

Professionals in the human services field specify that refugees and asylum seekers need long-term recovery mental health interventions such as group, individual, and family counseling,

cognitive behavioral therapy, and learning relaxation techniques, as well as a psychosocial education of the host community (Boisvert, 2006). Taking a holistic approach by incorporating social and political factors will help to further improve their quality of life across geographical locations and settings (Palmer, 2007). By providing for these basic needs, especially in the areas of safety, education, health care, counseling, and most importantly the provision of psychosocial support, the overall well-being of the individuals might be improved (Kim, Torbay, & Lawry, 2007).

In this context, it is timely that social workers should seek to improve their capacities to contribute to care for all those who have sought refugees and asylum seeker including unaccompanied minor. Social work as a profession clearly has much to offer in services for them. From a skill base that integrates intrapersonal and interpersonal helping with the practicalities of assisting people to negotiate their way around the social welfare system, social workers can respond to the complex needs of them within an understanding of the

wider context of family relationships and social institutions.

The values of social work, acknowledging principles of both social justice and the dignity and worth of each individual person, likewise enable social work to focus on the importance of ensuring that responses to successful social functioning.

The concept of social functioning is a key to understanding the unique focus of social work and distinguishing social work from the other helping professions. Positive social functioning is a person's ability to accomplish those tasks and activities necessary to meet his or her basic needs and perform his or her major social roles in the society. Basic needs include such fundamental concerns as having food, shelter, and medical care, as well as being able to protect oneself from harm, finding acceptance and social support, having meaning and purpose in life, and so on (NASW, 1999).

In such cases, social workers usually collaborate with legal professionals. Their role may include gathering important documentation, writing detailed reports that can support

their client's case, and serving as a primary contact to law enforcement officials. Social workers may also work with newly arrived refugees and their families by helping them adjust to their new surroundings. This may include leading cultural orientations, providing job placement assistance, supporting clients through social services referrals and much more.

Trends in migration and current patterns of settlement are complex and reflect different characteristics related to the histories of different countries as well as more recent geo-political and economic pressures (Castles, 2000). In Indonesia, the situation is very political and the authority is left entirely to the destination country or related parties to take care of them. In this case, social workers begin to become facilitator for them to provide information, give understanding regarding the problem, explore their potential and also work together to find solutions.

Social worker can also lead refugees and asylum seekers to see other problems such as access to education or job skills. They asked to learn on how to accustomed to living in Indonesia by studying the language, volunteering or



seeking education in local schools. One of the most frequent roles of social workers is as a motivator. Social workers should be able to encourage, motivate and create a passion to get better and convince them of their own abilities. Some refugees who are quite good in Indonesian language can be interpreter in some schools for fellow refugees or they are paid professionally or just voluntarily. They are obviously not allowed to work in Indonesia, but by doing such activity may help them to survive.

Related to the health problems or other service access, social workers play the role as a broker. The process of connecting people with institutions or stakeholders which have resources or providing information on accessing services required. Social workers make some efforts to collaborate with Puskesmas<sup>11</sup> and linked to further health information. The refugees and asylum seekers simply register by showing the identity card from UNHCR. They get medicine and other facilities just like the local community. In addition, social

workers also connect them to other public services as needed.

Slipi Lia interviewed one Afghanistan refugee Hamed<sup>12</sup> who had been advised by the UNHCR to expect resettlement to United States America. His hobby is reading book, he is very excited when a social worker accompanied him to the one of the university's libraries near by his shelter so then he can go there every day. Although he does not have access to borrow books because he does not have an official ID but he is keen on reading books there, it is very good because he can indirectly interact with students in the library.

Also, refugees who escaped hostile environments or have experienced traumatic events in their home country may need specialized counseling. Social work counselors with trauma training can help these individuals recover and move forward with their lives. Most refugees and asylum seekers will be easier getting stress, frustration and sadness when they are aware on their status and remembering what has happened in their country or about their

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<sup>11</sup> Term of community health services

<sup>12</sup> The name has been changed to a pseudonym. Interviewed April 2018.

family condition. Some children who are handled by authors living in UNHCR shelters often come to social workers to convey their longing to their family or worry about their future what if they do not live in a shelter anymore because they are over 18 years old. It is very important for the social worker to understand the cultural and normative characters that usually applied in their country to help them adjust to the new environment in Indonesia.

The ability to show empathy also needs to be trained because what we know from the mass media (e.g., newspapers, radio, television) about the conflict happens in their country is only a small snapshot of the actual situation. Slipi Lia ever told the story of dark times of Indonesia in 1998 (ending the three decades of the [New Order](#) period of [authoritarian](#) President [Suharto](#)) to Ali<sup>13</sup>, one of the unaccompanied children in a part of counseling sessions and then he responded by retelling his story that happened in his country every day and even every hour, he and his family could be the one who died. It can be seen that he is angry and afraid on the expression of his face. We

just need to be a good listener to them. We could never have a picture of this situation with them but we can show the sincerity of our empathy.

In addition, in this study we also emphasize the role of social in clinical practice especially for unaccompanied minor (UAM) also known as separated children. Their experiences are characterised by trauma, loss and separation which in turn is connected with potential emotional problems (Hodes et al., 2008). UAM are at high risk of mental distress, particularly post-traumatic stress disorder (Hodes, 2000). Uncertainty about the future is considered to have a major impact on the well-being of UAM. In this regard, negotiating a complex asylum system and adapting to a new 'way of life' have also emerged as major psychosocial challenges for UAM (Kohli, 2011). Therefore, social workers must response following best practices include culturally competent services, advocacy, and thoroughly supported community integration.

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<sup>13</sup> The name has been changed to a pseudonym. Interviewed April 2018.

## **Indonesia's Today Refugee Policy and Social Work's Position**

Ratifying the 1951 Refugee Convention then becomes one issue for the Government of Indonesia. There are thousands of asylum seekers in Indonesia who have not acquired the status of refugee in order to obtain the rights guaranteed in the 1951 Convention, due to the complexity of determining their status, as conducted by UNHCR. These people do not have any job, any clear status, nor any residence in Indonesia. They are living dependently with the assistance of the Government of Indonesia and may be burdening the State's budget. Hence, ratifying the 1951 Convention has become one special issue to rectify this situation.

The 1951 Convention is one of the key documents on protecting the refugees. The definition of a refugee, as laid out in article 1 of the 1951 Refugees Convention, as amended by the 1967 Protocol is "a person who owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is

unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it". The Convention entered into force on 22 April 1954, and it has been subject to only one amendment in the form of a 1967 Protocol, which removed the geographic and temporal limits of the 1951 Refugee Convention.

Since Indonesia is not a party to the 1951 Refugee Convention and its 1967 Protocol, Indonesia does not render formal rights to asylum seekers and refugees within its territory. Indonesia merely provides "tolerance" for their presence under UNHCR or International Organization for Migration (IOM). Moreover, Indonesia does not have domestic mechanisms to process asylum claim or to give permanent protection and integration for asylum seekers. However, Indonesia is bound to the principle of non-refoulement (prohibition to return) contained in Article 33 of the 1951 Refugee Convention as a customary international law applicable to any refugee, asylum-

seeker, or foreigner who needs some form of shelter from the State having control over them.<sup>14</sup> This prohibition to return determines that: “No Contracting State shall expel or return (refouler) a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion”.<sup>15</sup>

Basically, protection for asylum seeker and refugee is the responsibility of every State whether it ratifies the 1951 Refugee Convention and its Protocol or not. The thing that differentiates between State party and non-State party is the coverage of the rights and obligations between the two. Obviously, State party has broader rights and obligations than non-State party. To the date, Indonesia views asylum seeker as illegal migrant due to the fact that most of them enter Indonesia’s territory unlawfully

by breaching Indonesia’s immigration law with the absence of valid immigration document. This situation has lead to arrest and they end up in a detention center.

It is important to note that seeking asylum is not an unlawful act but detaining asylum-seekers for the sole reason of having entered without prior authorization runs counter to international law.<sup>16</sup> Research shows that in 90% of cases, detained asylum seekers are eligible to be released from detention.<sup>17</sup> The same research has showed that when asylum seeker is treated with respect and humane, they show higher rate of cooperation along the process till the end.<sup>18</sup> Furthermore, there is proof supporting the relation between experiencing alternative detention before their asylum claim is rejected and an increase on the number of voluntary departure.<sup>19</sup>

Of the issue above, the ratification of 1951 Convention is considered as one

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<sup>14</sup> Vladislava Stoyanova, “The Principle of Non-Refoulement and the Right of Asylum-Seekers to Enter State Territory,” *Interdisciplinary Journal of Human Rights Law* Vol. 3 No. 1 (2008-2009): 1

<sup>15</sup> UN General Assembly (1), *Convention Relating to the Status of Refugees*, 28 July 1951, *United Nations Treaty Series* Vol. 189.

<sup>16</sup> UNHCR (8), *Beyond Detention: A Global Strategy To Support Governments To End The Detention of Asylum-Seekers and Refugees*, (Geneva: UNHCR, 2014), p. 5.

<sup>17</sup> Alice Edwards, “Detention Under Scrutiny,” *Forced Migration Review*, Vol. 44, (2013), p. 5.

<sup>18</sup> *Ibid.*

<sup>19</sup> *Ibid.*

solution to regulate the refugees. But this issue has also created some controversies. Some argue that Indonesia should ratify this convention, on the other hand others argue that ratifying this convention will only gain more problems in Indonesia.

First, ratifying the 1951 Refugee Convention will help Indonesia to have a clear mechanism on overcoming the refugee status. To obtain such rights from the 1951 Convention, a person should acquire refugee status. By ratifying the Convention and its Protocol, Indonesia will be able to exercise its jurisdiction by imposing the applicable national law and deciding the status of the refugees, so Indonesia can directly contribute and get involved on the settlement of the refugee problems. By becoming the Contracting State, Indonesia will also have clear obligations and mechanisms on coping with the refugees' problems. So that the problematic mechanism explained above will be solved.

Ratifying the 1951 Convention will also be a form of fulfillment of Indonesia's obligation as a member of United Nations. It has been Indonesia's obligation to enforce the human rights protection,

provide fair access to protection and asylum to those in need, with the need to combat people-smuggling and human-trafficking networks, and the legitimate interest of States to maintain control of national borders. This is a form of manifestation of the Universal Declaration of Human Rights and the Law No. 39 of 1999 on Human Rights. Furthermore, Indonesia has also included the ratification of the 1951 Convention on its National Action Plan for Human Rights 2015-2019 through Presidential Decree No. 75 of 2010, so it is only about the implementation of the Law to fulfill its obligation.

Furthermore, becoming part of the 1951 Convention can boost Indonesia's image as a country that promotes human rights and the implementation of Universal Declaration of Human Rights. This action will make friendlier ties among nations. However, ratifying these instruments may only gain more problems in Indonesia. The existing problems about the welfare, education, religious sentiment, and protection of the people of Indonesia has not been resolved and handled well yet. Indonesia has to consider its capability to protect its people first before other

nationalities. On foreign relations, Indonesia has to regard its national interest as stated on Article 3 of Law No. 37 of 1999 that foreign policy adheres to the principle of free and active but prioritizes national interest.

People also argue that by ratifying the 1951 Refugee Convention, it means Indonesia is welcoming the refugees to stay. Inviting the refugee to stay means that Indonesia has to prepare an amount of the budget for the refugees. By 2014, Indonesia has spent USD 8,146,7933 or about 110 billion Rupiah. This amount of money could be spent to carry out Indonesia's welfare program. Although Indonesia is South East Asia's biggest economy and a member of the G20 group of countries, half of its population is living in poverty with limited job opportunities (Handayani 2012). Health and higher education is mostly unaffordable for ordinary Indonesians. While Indonesia is developing rapidly, its public infrastructure, including schools, clinics, hospitals and roads, is greatly overshadowed by the public need (OECD 2015).

Although Indonesia has not yet ratified the 1951 Refugee Convention but

still appreciated for its free and active foreign policy does not discourage to uphold Human Rights including civil rights, children, women, disability and the elderly. **In the end of 2016, the Government of Indonesia has enacted the Presidential Decree (Perpres) No. 125 to be an operational guideline in the handling of refugees, especially during emergencies.** Under the Perpres, the handling of refugees is carried out based on cooperation between the Central Government and the United Nations through the High Commissioner for Refugees in Indonesia and/or international organization overseeing migration issues or humanitarian which has an agreement with the Central Government.

Nowadays, as many as 14.470 refugees registered at UNHCR are cumulative and come from Afghanistan (55%), Somalia (11%) and Iraq (6%). Those identified as refugees will receive protection as long as UNHCR seeks long-term solutions that are typically placements in other countries. To this end, UNHCR is closely linked to countries that have the potential to receive refugees.

As social workers are definitely seeing these asylum seekers and refugees is part of a social being that also has the role and social function in personal life. They have own problems that disrupt their social functioning. these refugees are usually confused in identifying the needs and problems faced with too much. Therefore, social workers help them to be able to determine which problems and needs are priorities.

There are numerous avenues through which social work practitioners can help shape policy regarding services and resources for refugees and asylum seekers. Of the most prominent, social workers should get involved in advocacy and policy change on behalf of refugees and asylum seekers, who may not be entitled to services, or lack access to them due to their circumstances (Delgado, Jones, & Rohani, 2005). Mosley (2014) argues that through advocacy, social workers can help procure resources and improve policies by serving as vital information conduits regarding how policy is working on the ground. Such advocacy efforts will demonstrate and deepen social work's commitment to social

justice and the interests of the most vulnerable in society.

In advocacy, social workers need to improve the knowledge of community about the issues facing refugees. Convincing interested stakeholders to assist these refugees and asylum seekers is not as easy. Raising of the public awareness to see these asylum seekers and refugees as human beings, also does not discriminate against them because of illegal status. it is definitely clear that action needed to get people's attention towards an issue, and to control policy makers to find a solution (Schuller, 1995).

In this context, social workers have an important role to work with the community and minimize the impact of Indonesia has not ratified yet the 1951 Refugee Convention. The opportunity of refugees and asylum seekers resettled into a third country will always exist and most importantly they do not lose hope of it.

### **Recommendation for Indonesian Government Towards Ratification of The 1951 Refugee Convention.**

Indonesia should determine its position in responding to the current

refugees and asylum seekers who continue to make Indonesia as a destination country. Indonesian government has the authority to make regulations on clear boundaries to be able to accept anyone who can become a citizen and anyone who can not become a citizen. Those qualified to become Indonesian citizens require them to be able to integrate locally and assimilate with the local people and to be sanctioned in violation under applicable law as well as on the basis of existing social norms. it is also definitely an obligation of Indonesia to treat the refugees and asylum seekers is the same position as other Indonesian citizens.

The available options are voluntary repatriation to be taken considering that resettlement in Indonesia as a long-term solution is not achieved or deported. Thus Indonesia has provided 'legal ways' for these refugees to start their new lives and not to do 'smooth ways' on the basis of humanity to accommodate them but the uncertainty of their citizenship status so they can not earn a decent living as their rights in Indonesia.

The next recommendation is the establishment of an area that allows several countries to assist each other in handling

refugees who transit to arrive in a third country. We call this a sister state, in which two or more countries cooperate and do not charge of a single country for asylum, but it is the regional responsibility of those countries in the event of Australia, the United States, Germany and most countries in Western Europe tightened their borders for refugees and asylum seekers. As well as, several articles and instruments of 1951 Refugee Convention need to be assessed for its standard, especially for developing countries such as Indonesia, as the per head index for refugees defined by UNHCR is very high and should be in line with State Budgets (APBN) and local wisdom in Indonesia. it should be of UNHCR concern or a review of the 1951 Convention to conform to the contemporary issues related to refugees.

Indonesian government's attention to refugees and asylum seekers does not mean ignoring the domestic obligations of Indonesia, but always combined with the international responsibility that always upholds Human Rights.

This paper is such a form of encouragement and support to Indonesian policy frameworks to participate in



promoting recognition and encouraging the legal framework of refugee protection by ratifying the 1951 Refugee Convention and the 1967 Protocol. It is also in line with one of the Indonesian State Philosophy “Pancasila” that upholds the fair and civilized values of humanity. Alongside with that, social worker as a profession plays a crucial role in helping the asylum seekers and refugees to uphold and protect their rights to freedom of movement, housing, education, justice, lawful employment, integrating into their host communities, and so forth.

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