

ISSUES IMPACTING MALAYSIAN BINATIONAL FAMILIES

Every year in Malaysia, around **164,507 non-citizen spouses of Malaysians** find themselves navigating immigration policies that places them in precarious positions, despite years of building families and homes in this country. They face **limited rights to employment** due to restrictive stipulations and cumbersome processes; **restricted access to Permanent Residence** with unexplained rejections; and **legal status hurdles**, especially when separated or widowed, which put their and their children's well-being at risk.

1. LIMITED RIGHTS TO EMPLOYMENT

Issues

The LTSVP for non-citizen spouses of Malaysians contains a statement of prohibition from employment. Immigration states that work endorsement is possible with an offer letter, but this statement deters potential employers from the outset. This leads to various restrictions and challenges including;

- **Dependency on the Malaysian spouse** as non-citizen spouses must obtain permission from their Malaysian spouses, restricting their autonomy and exposing them to vulnerability.
- **State-Bound Employment** as the spouses must find employment within their state of residence, limiting job opportunities.
- **Prolonged Unemployment** as non-citizen husbands face an enforced 12-month period of unemployment prior to being eligible for work endorsement.
- **Restricted Employment Sectors** as several sectors remain inaccessible to non-citizen spouses until they secure a Permanent Residence (PR).
- **Inadequate Social Security** as the employers' contribution is not mandatory for foreign spouses, affecting their long-term financial security.

Impacts

- **Female non-citizen spouses often remain in abusive marriages** as they are forced to be dependent on their spouses economically and for visa renewal requirements.
- **Single-income households increase economic precarity**, particularly when the Malaysian wife is the sole earner and places economic strain on the Malaysian spouse.
- **Brain Drain as Malaysia risks losing skilled non-citizen spouses** due to bureaucratic employment hurdles.

Recommendations

- Remove the statement of prohibition on employment on the LTSVP.
- Allow employment across states, regardless of place of residence.
- Allow non-citizen spouses to work in all sectors, including those requiring professional licences.
- Include non-citizen spouses under labour laws, ensuring mandatory EPF, SOCSO benefits, and other entitlements.
- Remove the requirement for consent from the Malaysian spouse to work.



2. RESTRICTED ACCESS TO PERMANENT RESIDENCE

Issues

The Permanent Residence (PR) process is mired in bureaucratic delays, with no guarantee of approval and high rejection rates; where applications are rejected, no reasons are provided. Pending PR applications are retracted upon the death or divorce of the Malaysian spouse, even if there are children involved.

Delays in obtaining Permanent Residence (PR) impede access to professions that require PR status, impacting sectors such as banking, insurance, law, medicine, and e-hailing.

Impacts

- **Employment struggles among spouses as many roles demand PR or citizenship**, resulting in economic difficulties. This includes challenges related to banking, acquiring loans, and owning property.
- **Non-citizen spouses fear removal and family separation** in the event of death or divorce of the Malaysian spouse.
- **Having PR enables autonomy for female non-citizen spouses**, allowing them to leave abusive and violent marriages.

Recommendations

- Establish a streamlined PR process within six months, including a stipulated timeframe and reasons for rejection. Accord PR after 5 years on LTSVP, irrespective of nationality, qualifications, income, or children, and utilising existing documentation.
- Acknowledge long-term resident spouses in Malaysia. Address discrepancies in faster approvals for high-net-worth professionals, ensuring fairness for all.

3. LIMITED ACCESS TO LEGAL STATUS AMONG SEPARATED, DIVORCED AND WIDOWED NON-CITIZEN SPOUSES OF MALAYSIANS

Issues

- Non-citizen spouses without children must leave Malaysia upon divorce or widowhood. Even fathers with shared child custody lack visa rights, placing the sole responsibility of childcare on Malaysian mothers.
- Abandoned non-citizen spouses face visa renewal challenges, as the presence of their Malaysian spouse is obligatory. Some spouses manipulate the system by cancelling visas or forcing non-citizen spouses to leave.
- The statement of prohibition from employment on the LTSVP that is issued to foreign spouses disproportionately impacts single foreign spouses, leading to financial precarity.

Impacts

- **Non-citizen wives who are domestic abuse victims may endure harmful marriages** due to economic dependency on their Malaysian husbands, or to protect their own or their children's legal status.
- **Immigration constraints pose challenges for non-citizen spouses of Malaysians in maintaining close relationships with their children.** Divorced non-citizen fathers face barriers to co-parenting and child support, resulting in parental alienation.

Recommendation

Grant separated, divorced, and widowed non-citizen spouses the right to reside and work in Malaysia, regardless of nationality, gender, income, custody status, or number of children.