



FAMILY FRONTIERS

Persatuan Kebajikan Sokongan Keluarga Selangor & KL (PPM-011-10-24072020)

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Government Must No Longer Delay the Amendment to Allow Malaysian Women to Automatically Confer Citizenship to their Overseas Born Children and Halt the Other Regressive Amendments that are causing the delay.

Family Frontiers and the Malaysian Mothers' Network for Equal Citizenship acknowledge Datuk Seri Dr Wee Ka Siong's call for the government to address issues related to non-citizen overseas-born children of Malaysian mothers during the recent Parliament session on 16 November 2023.

The Ayer Hitam MP called for the government, and the Home Ministry in particular, to assist in genuine cases before the tabling of the proposed amendment to Article 14 in Parliament that will grant Malaysian women the equal right as Malaysian men to confer citizenship automatically to their overseas born children. A case that he brought up to the Dewan Rakyat was of Esther Teo, a Malaysian mother working in Germany who had to leave her job and give birth to her second child in Johor to secure Malaysian citizenship.

Esther is only one of the many Malaysian mothers who are affected by their inability to confer citizenship to their overseas born children. Just like her, there are mothers who are raising their children single handedly, some who have illnesses, and some with children who are stateless if they are denied Malaysian citizenship. **These are Malaysian mothers and their children who are being left behind.**

Lived experiences of Malaysian mothers

Mimi is a Malaysian mother with two daughters and a newborn baby based in Saudi Arabia. Her second daughter, Maryam, holds Palestinian refugee status which does not give her any rights and protection. Without Maryam's special travel document from Egypt, she is not able to travel at all. To make sure her third child will not go through the same problem, she took a risk and flew back to Malaysia while pregnant so that she could give birth here.

Li Li is a Malaysian mother hailing from Johor Bahru. She is currently single-handedly raising her non-Malaysian child in Italy. Li Li had to deliver her child overseas in 2017 due to fear of miscarriage that she experienced with her first pregnancy. Having gone through a divorce, Li Li says she is left with no support system in Italy and is hoping to return to Malaysia where she can raise her child with the support of her family in Johor Bahru. However, she is constantly faced with the uncertainty that her child would have to struggle as a non-citizen in Malaysia without equal access to fundamental rights such as education and healthcare, including the possibility of family separation.

Camelia (real name withheld for privacy), a Malaysian mother, gave birth to her non-Malaysian child overseas. Both Camelia and her daughter are victims of severe marital

violence and fled to Malaysia for protection after Camelia was seriously injured by her husband. Her daughter has anxiety and developmental delays from witnessing this violence, requiring ongoing treatment that is costly in Malaysia due to her non-citizen status. In 2020 Camelia applied for her daughter's citizenship through a registration process dependent on the discretion of the Home Ministry, but has yet to receive a response. The child's father is now seeking custody by citing the challenges his child faces as a non-citizen in Malaysia.

Aini is a Malaysian mother with two children on the autism spectrum. One of her children is a non-citizen and cannot access affordable therapy services in public hospitals. Previously, Aini also had trouble enrolling her non-citizen daughter in a government school because she could not obtain medical insurance (which is required for a student visa) due to her autism.

With each passing day of this delay, the children of Malaysian women have been facing negative impacts on their health, education and overall wellbeing. As such, **their pain should not last any longer and the children's best interests must be protected by the government as per their promises.**

While we appreciate that the Home Minister has approved about 11,000 citizenships this year, there are still many other children who are waiting hopefully for theirs to be approved as well. Thus, the amendment to Sections 1(b) and 1(c) under Part II, Second Schedule of the Constitution to grant citizenship by operation of law to children born overseas to Malaysian mothers must be tabled without further delay.

The Government first promised to table the amendment to Article 14 during the February parliament sitting this year, and later postponed it to the September parliament session. While the promise all along has been to amend Article 14, five other regressive amendments that will remove protections against statelessness have now been bundled alongside the initial amendment.

It is now November, and Malaysian women and their non-citizen children are still left to wait, but now with the guilt of obtaining their rights in exchange for the rights of children prone to statelessness. As said by Esther:

“I will fight high and low for my child. But what about the foundlings? Who will fight for them?”

Family Frontiers reiterates the need for the Government to proceed with the Constitutional amendments to grant born-abroad children of Malaysian mothers the automatic right to Malaysian citizenship. At the same time, the Government must carefully re-evaluate and halt the other proposed amendments, considering the potentially severe and harmful implications on the welfare and protection of other vulnerable groups, in particular abandoned children and foundlings.

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