



FAMILY FRONTIERS

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

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Press Statement

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Keeping Binational Families Together: Family Frontiers Welcomes Entry Permit Proposal, Calls for Broader Reform

Family Frontiers welcomes the Home Ministry's efforts to prepare special criteria to enable non-citizen spouses with Malaysian children to apply for Entry Permits, if their marriages come to an end. This is a crucial step to easing the parenting struggles of these spouses who have gotten divorced or widowed and are raising their Malaysian children.

According to current immigration policies, non-citizen spouses who were previously married to Malaysians and are now widowed or divorced, will have their spouse visas revoked. They are also barred from applying for Entry Permits, and any applications already in progress are automatically cancelled, cutting off any pathway to Permanent Residence (PR) in Malaysia.

Non-citizen wives in these situations who have Malaysian children may be eligible for alternative short-term visas, such as widow, custody, or divorce visas. However, these visas must be regularly renewed – either every six months, once a year, or in some cases, every few years. These visas do not grant these spouses certainty or the right to work, depriving them of autonomy and the ability to provide for her Malaysian children who call this country home. These visa renewals are limited until the children concerned turn 18 making this a ticking time bomb, threatening to force them out of the country and separate them from their kids.

"If you want to continue staying in Malaysia long-term, remarry," This is the statement many of them hear, which certainly is not the solution to the problem.

Aisha* (pseudonym to protect her identity), a non-citizen widow who lost her Malaysian husband in 2024, was told without her husband there to sponsor her spouse visa, she was left with two options: to return to her home country leaving behind her two Malaysian children, or obtain a widow visa, granting her short term residency in the country but stripping away her right to work legally. She had no choice but to choose the latter.

The situation is even more dire for non-citizen fathers. In cases of divorce or the death of a Malaysian wife, they are routinely denied even the limited protections afforded to mothers. If they do not qualify for any other visas, they would have no choice but to leave the country and their Malaysian children behind.

The Malaysian children of such parents would be forced to grow up in uncertainty and immense psychological stress due to the looming threat of separation from a parent. This instability can have lasting effects on their emotional development, academic performance, and sense of belonging in Malaysia.

Entry Permits: A Lifeline for Malaysian Binational Families

Entry permits followed by PR eligibility will not only grant divorced or widowed non-citizen spouses the right to reside in Malaysia indefinitely, but will also eliminate long-standing barriers to employment in critical sectors such as banking, insurance, law, and medicine. These permits, followed by PR, will also grant them access to obtain a Malaysian driving license, enabling full participation in daily life. Most importantly, they empower these parents to provide a stable, secure upbringing for their Malaysian children, ensuring their children's well-being is not further disrupted by the loss of their Malaysian parents. Malaysia is a signatory to Convention on the Rights of the Child, which upholds the best interests of the child and this new policy of providing Entry Permits and PR opportunities to eligible non-citizen parents of Malaysian children, strengthens the family unit during vulnerable times.

Without access to entry permits, non-citizen spouses holding widow, divorce or custody visas are left entirely dependent on their Malaysian sponsor (if one exists), both financially and in managing legal or logistical matters related to their Malaysian children. In Aisha's* case, the inability to work has trapped her in a cycle of financial dependence on her mother-in-law, forcing her into a situation that has become emotionally taxing and guilt-laden.

Moreover, enabling non-citizen spouses to work will allow them to actively contribute to Malaysia's society and economy. Many within the Family Frontiers network are highly educated and experienced professionals whose potential remains untapped due to restrictive policies. These individuals form a significant yet overlooked "latent workforce" as a pool of skilled talent capable of enhancing Malaysia's productivity and driving a positive brain influx.

Take the case of Chi, a divorced mother of a Malaysian child. Despite holding a degree and Masters degree in Hospitality Management from reputed overseas universities she is restricted by a 'divorce visa' that denies her the right to work. This not only violates her right to livelihood and dignity but also prevents her from contributing to her child's wellbeing and to Malaysia's economy and talent pool.

What else can Malaysia do?

In line with its human rights obligations Malaysia must recognise that marriage migration is a global reality. It is essential that immigration policies reflect this by supporting family unity and protecting the rights of non-citizen spouses and their Malaysian children.

In addition to expanding access to Entry Permits for non-citizen single husbands and wives, urgent and comprehensive policy reforms are essential to safeguard their rights and well-being:

- **Lift the employment restrictions** placed on Long-Term Social Visit Pass (LTSVP) holders, including those on widow, custody, and divorce visas. Allowing non-citizen spouses to work legally will empower them to achieve financial independence, support their families, and actively contribute to Malaysia's economy.

- **Revise Entry Permit criteria** to ensure eligibility is not solely based on the number of children. Tying it to parenthood unfairly disadvantages childless binational couples who nonetheless play vital roles within their family, society and communities. Many non-citizen spouses are primary caregivers to their Malaysian partners, and their right to remain in the country should not hinge on factors outside their control, such as infertility or personal family planning decisions.

Family Frontiers stands ready to engage with the Ministry of Home Affairs, the Immigration Department and the Legal Affairs Division in the Prime Minister's Department of Malaysia (BHEUU) to discuss the urgent need for secure pathways to Permanent Residence for non-citizen widows and divorced spouses, in line with the wellbeing of Malaysian binational families and in the best interest of the child, as upheld under the Convention on the Rights of the Child (CRC), to which Malaysia is a signatory.

As a nation that aims to progress, it is vital that these reforms are implemented without further delay, not just for the protection of the non-citizen spouses, but also for the sake of the Malaysian family unit.

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