



FAMILY FRONTIERS

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

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Government to Immediately Review Proposed Amendments on Article 15(1) to Safeguard the Welfare of Non-Citizen Wives of Malaysian Men

Family Frontiers welcomes the long overdue efforts by the Government to amend citizenship provisions in the Federal Constitution to grant Malaysian mothers the equal right to confer citizenship on their overseas born children, on a similar basis as Malaysian men. We urge the Government to proceed with the proposed amendments to Article 14(1)(b), Sections 1(b) and 1(c) of Part II of the Second Schedule.

However, the Government also intends to include additional amendments, five of which are regressive and seek to remove existing safeguards and protections accorded within the Federal Constitution, which will exacerbate statelessness in Malaysia. One of these proposed amendments include an amendment to citizenship provisions for non-citizen wives of Malaysian men.

The proposed amendment seeks **to replace the 'date of marriage' with 'date of obtaining citizenship' in Article 26(2)¹ relating to Article 15(1)**. This will enable the Government to revoke the Malaysian citizenship granted to the non-citizen wife under Article 15(1) if the marriage is dissolved within 2 years of obtaining citizenship.

This amendment is concerning, as **revocation of citizenship can render these wives stateless**—as they would be made to relinquish their original nationality, as Malaysia does not permit dual citizenship. This places non-citizen wives in precarious situations, having lived in the country they call home for years. The threat of losing their Malaysian citizenship and fear of becoming stateless would make these spouses remain in abusive and toxic marriages for fear of being forced to separate from their Malaysian children if citizenship is revoked.

The Government's rationale for this amendment surrounded the need to curb "marriage of convenience". However, this neglects to consider the existing reality that citizenship is not immediately granted to a non-citizen wife upon marriage. In reality, the pathway to citizenship is marked with prolonged and arduous procedures, frequently resulting in unsuccessful outcomes.

To be eligible to apply for citizenship via Article 15(1), the wife would need to have **'resided** in the Federation throughout the two years preceding the date of the application and intends to do so permanently'. In practice, the 'residence' criteria translates to 'Permanent Residence' (PR). To apply for PR, the non-citizen wife must first reside in Malaysia for five and a half years on the Long-Term Social Visit Pass (LTSVP) after the Registration of Marriage. Following that, they will wait an additional 2-5 years for a response to their application. However, the PR process is mired

¹ Article 26(2) states that "The Federal Government may by order deprive of her citizenship any woman who is a citizen by registration under Clause (1) of Article 15 if satisfied that the marriage by virtue of which she was registered has been dissolved, otherwise than by death, within the period of two years beginning with the date of the marriage"

in bureaucratic delays, with no guarantee of approval and high rejection rates; where applications are rejected, no reasons are provided.

Seeing that PR is a prerequisite, this inherently hinders access to citizenship under Article 15(1). **Considering the immense challenges that exist in acquiring Permanent Residence (and thus, citizenship), the rationale for the proposed amendment lacks justification.**

A survey conducted by Family Frontiers in January 2022, involving 65 spouses of Malaysians who had submitted applications for PR since 2014, revealed disheartening results. More than 58% of the applicants had waited for a response for more than four years; 23% were rejected without reasons, and the rest had submitted applications within 2-4 years, with **zero approvals** granted.

Lived experience of a non-citizen wife married to a Malaysian man

Sameena (name changed to protect the privacy of the individual), having spent 14 years in Malaysia, with 11 of those years as a spouse to a Malaysian citizen, yearns for a sense of belonging and tangible rights in her husband and children's homeland. Despite fulfilling all the eligibility criteria, her Permanent Residence applications have been unsuccessful, leaving her feeling dejected.

Although the Immigration department maintains that non-citizen spouses can obtain permission to work, the visa held by a spouse is stamped with the statement "*any form of employment is strictly prohibited*", which severely restricts her career prospects. Even with a Bachelor's and Master's degree in Islamic Finance from Malaysia, Sameena faces numerous barriers when trying to seek employment in the field of finance, which will persist until and unless she is granted Permanent Residence.

Her poignant plea is simple yet profound—to live in Malaysia with her Malaysian family without the fear of separation and to be accorded equal opportunities that make social and economic liberty attainable, and without discrimination.

Family Frontiers also strongly believes that Article 15(1) should not discriminate between Malaysian men and women in their ability to confer citizenship on their spouses. Treating Malaysian citizens equally in their ability to confer citizenship, regardless of gender, ensures fairness and upholds the principles of equality and non-discrimination.

The lack of accessibility to Permanent Residence and citizenship through Article 15(1) leaves non-citizen spouses and their Malaysian families in instability and uncertainty, and neglects the best interests of the children. It is crucial for the Government to address these issues with utmost care to ensure fairness and protection for non-citizen spouses of Malaysians and the wellbeing of the families involved.

Family Frontiers urgently calls on the Government to separate the proposed amendments for further review and scrutiny and to expedite the constitutional amendments to grant Malaysian mothers the right to confer citizenship by operation of law to their children born overseas without further delay.

For Office Use:

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