



FAMILY FRONTIERS

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

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Separated by the System: When Mothers Risk Being Separated From Their Malaysian Children In conjunction with Mothers' Day

"If your ability to live with your children has an expiry date, what would you do—walk away, or fight to stay?"

This is not a hypothetical question. It is the devastating reality faced by many non-Malaysian mothers raising Malaysian children. Following divorce or the death of a Malaysian husband, their spouse visas are abruptly revoked. Their already limited path to Permanent Residence vanishes and they are left scrambling for legal options—while raising Malaysian children who have every right to be here.

These women are left to navigate a complex system alone, all while carrying the full weight of single parenthood. They are raising their Malaysian children who are citizens of this country — children who belong here — yet these mothers are treated as outsiders, dispensable and invisible in the eyes of the law.

Without Permanent Residence – How do Non-Citizen Single Mothers Continue Life in Malaysia?

In 2023, of the 164,000 spouse visas issued, 131,735 were granted to non-Malaysian wives under the Long-Term Social Visit Pass (LTSVP). This visa, commonly known as the spouse visa, is entirely dependent on the husband's sponsorship. When that relationship ends—through divorce or death—the status and stay of these women become precarious.

Their only alternatives are short-term visas available to non-citizen mothers raising Malaysian children—such as the widow visa, divorcee visa, or one granted to abused spouses. But these visas come with strict and often punishing conditions: they require a Malaysian sponsor, which can leave women dependent on another man or external party, reinforcing their vulnerability. Although a Residence Pass is available, very few single mothers are able to obtain it. Even then, it is only valid for up to ten years, after which they are forced to return to short-term, insecure visas.

The visas are typically valid for only six months to a year and must be continuously renewed, creating constant instability. Most do not permit the right to work, depriving these mothers of autonomy, financial independence and the ability to provide for their Malaysian children who call this country home. How can these mothers be expected to nurture their children when

the law denies them the right to belong, to stay, and to care for themselves and their Malaysian children?

Without the right to work, these single mothers and their Malaysian children are once again shackled to their circumstances with no way out – they are forced to continue depending on others around them, leaving them vulnerable to abuse and exploitation.

Ankita (pseudonym to protect her identity), an Indian woman who was married to a Malaysian man with three children is a case in point. For over 10 years, she endured relentless abuse at the hands of her alcoholic and drug-addict husband. When she finally managed to escape and secure a divorce, she fled to a shelter for protection. In desperation, she approached immigration authorities, who granted her a visa for abused wives, allowing her to stay in Malaysia. But a critical question remains unanswered: **without the right to work, how is she expected to survive—let alone raise her Malaysian children—in a country that accepts her children, but refuses to accept her?**

It's important to remember that widowed or divorced husbands of Malaysian women—many of whom have Malaysian children—are also denied the right to stay and co-parent their children. The law makes no exception for their role as fathers. Instead, they are often given an absurd and deeply insensitive suggestion: to marry another Malaysian to secure a visa or obtain an exorbitant work permit or leave the country.

Will I be Forced to Leave My Children?

If these non-citizen single mothers are unable to get their visas renewed, they may be forced to return to their home country, leaving behind their Malaysian children. According to a survey conducted by Family Frontiers, 12.5% of the respondents have already been forcefully separated from their Malaysian children. 56% of them worry that they will be next.

After the passing of her husband in 2013, K (pseudonym to protect her identity), who lived in Malaysia for 19 years, faced the heartbreaking prospect of being separated from her Malaysian daughter after her Residence Pass expired in 2023. Having built a life in the country since marrying a Malaysian, she struggled to stay after his death, working legally and raising her daughter alone. When her pass neared expiry, she feared deportation, as she had no family in her home country and would be forced to leave her daughter behind. Though she reapplied and eventually secured a five-year Residence Pass in 2024, the threat of future separation still looms, highlighting the precarious status of non-citizen spouses raising Malaysian children.

Let Them Stay: Make Permanent Residence a Lifeline for Single Parents of Malaysian Children

In these cases, granting these non-citizen single parents access to Permanent Residence (PR) could be life-saving. PR would remove the barriers they face in accessing employment, opening bank accounts, providing a stable home, and - most critically - staying in Malaysia to raise their Malaysian children. It would restore their dignity, protect their families and ensure that their children grow up with the care and guidance of a parent who is present, supported and secure – after all it is in the best interest of the child.

This Mothers' Day, Malaysia must commit to prioritising gender equality, family unity, and the best interests of every child. Urgent reforms are needed to protect non-citizen single parents of Malaysian children:

- Facilitate a simplified application process for the "Visa Isteri Teraniaya" (Abused Wife Visa) and remove employment restrictions to empower survivors of domestic violence. This ensures they can rebuild their lives while supporting their Malaysian children.
- Allow visa renewals to proceed independently, without the necessity of the Malaysian spouse's presence or consent after five years of marriage. This measure protects non-citizen spouses from coercion and abuse, providing them with greater autonomy and stability.
- Remove the employment prohibition for Long-Term Social Visit Pass (LTSVP) holders, including those under visas such as the widow visa, "Visa Isteri Teraniaya" (Abused Wife Visa), and custody visa, enabling non-citizen spouses to achieve financial independence and contribute to the economy.
- The current pathways to Permanent Residence (PR) and citizenship are limited to individuals who remain in an active marriage with a Malaysian citizen. These pathways should also be made accessible to widows and divorced visa holders who, through no fault of their own, were unable to apply for PR or had to endure prolonged PR processing periods that remained unresolved until the death of their spouse.
- PR applications should not be revoked in the event of a Malaysian spouse's death or when divorced in the best interest of the Malaysian children.

As Chair of ASEAN, Malaysia must lead by example—upholding the right to family life of Malaysian children and ensuring that every parent who raises them can do so with dignity, security, and legal recognition.

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