



FAMILY FRONTIERS

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

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The Existing Overseas-Born Children of Malaysian Mothers Must Not Be Left Out by the Non-Retroactive Nature of the Amendment!

Family Frontiers and the Malaysian Mothers' Network welcomes the many citizenship approvals that have been granted to the overseas-born children of Malaysian mothers under Article 15(2). We believe that this is a testament to the Home Minister's [commitment](#) to resolve the remaining 14,000 applications for Malaysian citizenship by the end of 2024, that we are grateful for. These approvals have lifted burdens off the shoulders of these families.

While we recognise the government's efforts, it is regrettable that there are countless cases where these mothers have been awaiting the results of their citizenship applications for years, even decades, with minimal or no updates regarding the status of their applications.

Additionally, numerous Malaysian mothers are facing rejections for their citizenship applications after years of waiting with no reason provided. These arbitrary rejections render families hopeless, leaving them confused about potential discrepancies in their applications. This underscores the necessity for the retroactive application of the amendment to Article 14(1)(b), Part II and III of the Second Schedule, extending to all overseas-born children of Malaysian mothers, irrespective of their date of birth. Citizenship application under Article 15(2) is discretionary. It takes months, years, even decades, just to process with no guarantee of an approval.

The non-retroactive nature of the amendment perpetuates the denial of automatic citizenship to many Malaysian women's overseas-born children. This affects mothers awaiting citizenship applications under Article 15(2), especially those overseas, as well as those unable to apply yet. Among those overseas are divorced or widowed Malaysian women desperately seeking to return home. The amendment also excludes overseas-born children of Malaysian mothers, who are now above 18 and are ineligible to apply for citizenship, including some whose mothers have passed away.

Impacted mothers and their overseas-born children are left in constant worry, facing various challenges. Some worry because their children are stateless, while others fear for their children's future if something happens to them due to illnesses. Additionally, there are mothers dealing with health issues, custody disputes, single parenthood, and financial strain, all uncertain about what lies ahead.

Stories of existing overseas-born children of Malaysian mothers who will be excluded due to the non-retroactive nature of the amendment

Danial is a 24-year-old son of a Malaysian mother. He does not hold Malaysian citizenship as he was born overseas. He has been living in Malaysia as a “foreigner” since he was 12 years old. Upon finding out that she could not transmit her citizenship to her children, his mother had no choice but to take on the foreign father’s Dutch nationality for him in order to enable the family to uproot and return to Malaysia. Danial was living in Malaysia on a Student Pass, but is no longer able to do so as he has since completed his university life. This has resulted in him having to leave the country every few months to be able to get a short term visa to stay in the country. A wave of uncertainties awaits Danial, including the possibility of being separated from his family in Malaysia. As a talented racer and musician, Danial had to give up many opportunities, despite wanting to proudly represent Malaysia, the country he calls home.

Pugios is a single mother who gave birth in Australia. Tragically, she was abandoned by her former husband in Australia. Left with limited options, Pugios had no choice but to apply for her daughter’s father’s nationality, Chinese citizenship, to bring her daughter back to Malaysia. While her daughter’s Chinese passport was issued in Australia, she had never set foot in China. The reason for obtaining a Chinese passport was due to the inability to secure either a Malaysian or Australian one. Officials from the Chinese Embassy informed her that they reserved the right to revoke her daughter’s passport in 2026, its expiration date since she had never lived or even visited China as a Chinese citizen. She lives with a heart condition, and the thought of her daughter’s future without her was a constant weight on her mind. Pugios also bears the responsibility of caring for her ageing parents as the eldest child.

Rani* has been blessed with two children, born in 2012 and 2014 in Chennai, India. Due to complications during pregnancy, Rani was advised against long-distance travel, which led her to give birth to her children in India. Rani applied for citizenship for her children within 3 months of their birth. However, both applications were rejected without clear reasons. Despite facing setbacks, she reapplied. Having lived in Malaysia for the past six years, Rani feels pressured to obtain student visas annually for her children, even though she is a Malaysian citizen. This situation poses challenges for the family. Additionally, Rani has been diagnosed with breast cancer, further complicating their situation.

(*pseudonym given to protect the individual’s privacy)

Majority of countries who have amended their laws to allow women the right to confer citizenship to their overseas-born children have made it retroactive. Some of these countries include Algeria (2005), Egypt (2004), Kenya (2010), Madagascar (2017), Morocco (2007), Sri Lanka (2003) and Iran (2019)¹. To do otherwise would only continue to perpetuate inequality against Malaysian women, which is still contradictory to Article 8(2) of the Federal Constitution that does not allow for discrimination on the basis of gender.

¹ Sources:

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The government has a duty to honour its promise made to existing Malaysian women who were assured by both the Pakatan Harapan and Barisan Nasional administration that they would be granted equal citizenship rights for their overseas-born children.

We believe that the government and the Home Minister will do the right thing and ensure that the pending cases of the Malaysian mothers overseas are solved within the promised fixed time frame. An alternative transitional period after the amendment is passed should also be provided for children born overseas to Malaysian mothers whose children are not able to take advantage of the amendment to Part II Section 1(b) and (c). We hope that the government takes this opportunity to rectify this injustice that was supposed to be a milestone in Malaysia's history.

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