



FAMILY FRONTIERS

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

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The Stateless Children of Malaysians Must Not Be Forgotten in the Government's Pursuit of Amending Citizenship Laws

Family Frontiers refers to the [news](#) of a 10-year old girl who was declared Malaysian by the Shah Alam High Court on 5 January 2024 after being abandoned at birth and later legally adopted by a couple. We express joy for the family's success in obtaining citizenship for their daughter, a right that she was wrongfully denied.

The ruling was made in accordance with Article 19B under Part 3 of the Federal Constitution which considers any new born child found exposed anywhere in Malaysia to have been born there of a mother permanently resident there a citizen by operation of law. The registrar's unlawful decision to categorise the child as a non-citizen was a grave mistake on their part; one that could have been easily prevented.

If it were not for the family's decision to seek legal redress, the child would remain stateless and have limited access to fundamental rights such as education and healthcare. This would also impose extra financial burden on her parents as they would need to seek private alternatives. The child will have to constantly live in fear of separation from her family, which is something no child should ever have to face.

Furthermore, not every family has the financial means and the resources to file court cases to obtain their citizenship rights. Provisions like Article 19B of the Federal Constitution were created to protect the rights of those vulnerable to statelessness and with no other alternative but to seek citizenship in the country they were born in. These provisions were progressive and upheld the fundamental right of children to nationality.

However, the government's earlier initiative to regressively amend citizenship provisions in the Federal Constitution to withdraw such rights is a clear violation of their commitments towards ensuring the safety of all children in this country. These amendments include:

- Homegrown stateless persons, children born outside of legally recognised marriages, adopted or abandoned stateless children, and indigenous communities will no longer be constitutionally protected against statelessness.
- Foundlings and abandoned children will no longer be entitled to Citizenship by operation of law.

- Children born to permanent residents (PR) will no longer have access to automatic citizenship, posing a risk of multi-generational statelessness for the children of stateless PR holders.
- Reduction of the age limit for applying for citizenship from "21 years" to "18 years" which will worsen statelessness among young adults, limiting the time for processing and appeals.
- An amendment aimed at deterring marriage of convenience which will allow the revocation of citizenship granted to foreign wives of Malaysian men if the marriage dissolves within 2 years, raising concerns about potentially trapping spouses in potentially abusive marriages.

If the regressive citizenship amendments become a reality, the lives of helpless children will be left at the mercy of the Ministry of Home Affairs (KDN) solely, with no check and balance to hold them accountable. This proves the importance of having the existing provisions in the Federal Constitution without diminishing KDN's role to ensure that everyone complies with the stated conditions of citizenship.

We would like to reiterate that the impacted children are not foreigners: they are born to Malaysian parents and have pledged their allegiance, loyalty and attachment to this country. This is their homeland and the place where their dreams and goals would bear fruit. Malaysia has the opportunity to do the right thing and allow these children to become citizens and grow up to become functional, contributing members of the society.

It is heartbreaking that these innocent children are left to fend for themselves despite making no mistake. Citizenship is their **only** gateway to obtaining every right their peers have access to. They must **not be left behind**. As such, we urge the government to only proceed with the amendments to Article 14(1)(b) of the Federal Constitution and allow Malaysian women the automatic right to confer citizenship to their overseas-born children without further delay. **The remaining regressive citizenship amendments must be recalled.**

Furthermore Malaysia have ratified to the United Nation's Convention on the Rights of the Child but there are still 5 Preambles being under reservations. We call upon the government to fully adopt all to stand as a progressive nation for the best interest and wellbeing of every child.