



FAMILY FRONTIERS

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Trapped by the System: Why Malaysia Must Reform PR Pathways for Non-Citizen Single Mothers

Maya (pseudonym used to protect her identity) arrived in Malaysia in 2009, a newlywed with a baby son and a heart full of hope, ready to build a family in her husband's home country. Sixteen years later, her dream remains a nightmare of immigration hurdles, leaving her in agonising limbo.

Despite being a dedicated mother to three Malaysian children and having built a life and career here for over 15 years, Maya is still waiting to be recognised as a permanent resident in the country.

Her journey began while registering her foreign marriage in Malaysia. Officials questioned why she and her husband married abroad, making Maya feel criminalised for a decision made in her homeland. This scrutiny dragged the legalisation of their marriage into a gruelling two-year-long ordeal. Due to the delay in registering her marriage, she was unable to secure a spouse visa that would allow her to live in the country legally. While still processing her marriage registration in 2010, a reputable local public university accepted her for a PhD programme, granting her a student pass and a temporary reprieve.

Upon completing her PhD in 2014 and after 5 years of permanently living in Malaysia with her spouse and children, Maya finally secured a spouse visa in Perak — one of approximately 132,000 non-citizen wives trapped in a similar visa limbo. When she asked about applying for PR, she was met with a dismissive "You do not qualify because you haven't had a spouse visa for 5 years yet."

Maya was surprised, as she was previously told by immigration officials that she was not allowed to continue her PhD studies if she converted her student pass to a spouse visa after her marriage registration was finally approved in 2011.

In 2020, a transfer of her immigration file to Penang was requested due to her work location, although the family residence remained in Perak, and she commuted between work and home weekly. Shortly after her file was transferred, the COVID-19 lockdowns presented significant challenges, and she was only able to renew her expired spouse visa the following year as visiting the Penang Immigration department was not permitted during the lockdowns. By early 2021, when she inquired about PR, the immigration official told her that she needed "to wait longer" because her file had only recently been transferred to Penang, even though she already held her spouse visa for five years.

Navigating Bureaucracy and Abuse: The Disproportionate Impact of Gender-Based Violence Upon Non-Citizen Wives

Meanwhile, her marriage was silently crumbling under the weight of domestic violence and drug abuse. Forced to leave her Malaysian husband to protect her children and herself, Maya faced her next visa renewal in 2022 with trepidation.

"Where is your husband? If you don't have divorce papers or a police report, your husband must come!"

Out of desperation, she tried to secure an abused wife visa to stay in the country without her husband's sponsorship. Unfortunately, it did not work, and Maya was forced to contact her estranged husband for sponsorship, and after much struggle, she secured a mere two-year spouse visa. In a final attempt to secure PR in 2022, the immigration official told her and her husband that she was now eligible to apply but that they needed to submit her application at their previous immigration office in Perak, following the husband's IC address.

Maya left her husband permanently after another episode of abuse in the same month. As the bureaucratic hurdles piled up, and by the time she was finally ready for her PR application, she was already in the process of divorcing, after 17 years of marriage. She has received full custody of her three Malaysian children.

The requirement for the Malaysian spouse to be present during visa renewals – despite ongoing abuse – is a significant problem that can threaten the ability of the non-citizen wife to stay in Malaysia. According to research conducted by the Foreign Spouses Support Group (FSSG), 19% of the participants stated that their Malaysian spouses have threatened to not be present at the Immigration Department during the visa renewal process, while 9.5% have stated that their Malaysian spouses have threatened to cancel their visa and/or have them deported.

Maya is not the only single non-citizen wife in this situation. Non-citizen spouses frequently face **discrepancies and conflicting information about the PR criteria**. A 2024 Family Frontiers study revealed that only 31% of eligible respondents could even *submit* a PR application. While recent policy updates allow non-citizen wives with three years of marriage and one year on a Social Visit Pass to apply for PR, **divorced single mothers like Maya are abandoned by these reforms, now deemed ineligible even though they have children in the marriage**.

Maya's options are stark: a custody visa, valid for six to twelve months, **prohibiting her from working**, or an annually renewable expat visa tied to her work, but keeping her in perpetual uncertainty. She chose the expat visa, refusing to be stripped of her autonomy and ability to provide for her Malaysian children. The custody visa's limit of renewal until children turn 18 is a ticking time bomb, threatening to force her out of the country and separate her from her kids.

However, her job is also not secure. After more than 10 years of service for a public university, her annual contract extension and visa renewal now require special approval by the Home Ministry, putting additional performance pressure on a single mother in academia who is the sole breadwinner for her young children.

Furthermore, she feels as though her career pathway and professional development has been crippled as her visa now binds her to her current job as her only right to remain in Malaysia. Maya's three Malaysian children are still minors; **uprooting them from Malaysia to her home country or separating from them is not an option.** The constant fear of family separation imposes a large stress on her, apart from her responsibilities as a single parent.

Maya's only saving grace is a clear **pathway to Permanent Residence.** This will not only secure her long-term residence but also grant her the right to work, contribute to Malaysia's economy and society, and provide stability for her Malaysian children who call this country home.

Urgent reforms are required for non-citizen single mothers like Maya:

- **Remove the employment prohibition for Long-Term Social Visit Pass (LTSVP) holders, including those on custody visas.** This is crucial for non-citizen spouses to achieve financial independence and contribute meaningfully to the Malaysian economy.
- **Expand PR pathways beyond active marriages.** These vital pathways must be made accessible to widows and divorced visa holders who, through no fault of their own, were unable to apply for PR or endured unresolved, prolonged processing periods until their spouse's death or divorce.
- **Prevent the revocation of PR applications due to spousal death or divorce.** The best interests of Malaysian children must be paramount; their parents' residency should not be jeopardised by life's unforeseen tragedies.

Family Frontiers stands ready to engage with the Ministry of Home Affairs and the Immigration Department and 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 wife — but also for the sake of the Malaysian family unit.

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