

'We need to convince MPs on amendments'

PM: Govt to give further explanation to avoid pushback

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KUALA LUMPUR: The Rulers have approved it but the proposed constitutional amendment to resolve the issue of citizenship for children born to Malaysian mothers abroad remains a hot potato.

Some backbenchers have pledged to oppose it when the Bill is eventually tabled in the Dewan Rakyat and further explanation is now needed to convince them, said Datuk Seri Anwar Ibrahim.

"I think we need to explain (the situation) to the backbenchers," the Prime Minister told reporters when met after launching the Malaysia Digital Expo 2023 Grand Finale yesterday.

"Any constitutional amendment affecting the issue of citizenship has to be cleared by the Rulers, who have made a decision. This has to be honoured," Anwar said.

He had been asked to comment on the possibility of the amendments being blocked by govern-

ment backbenchers who are concerned over what they see as the negative impacts of changes to certain provisions in the Constitution.

The government had presented the proposed constitutional amendments to the Rulers during the 262nd Rulers Conference last month.

The Rulers' consent was needed before the amendments could be brought to Parliament as they involved the issue of citizenship.

DAP's Ipoh Timor MP Howard Lee has warned that several government MPs may not vote in favour of the amendments.

While the proposed amendments to Article 14(1)(b) will resolve the issue of citizenship of children born to Malaysian mothers abroad, it also involves several other amendments that may lead to a class of stateless children and Women, say critics.

Home Minister Datuk Seri Saifuddin Nasution Ismail told the Dewan Rakyat on Wednesday that the amendments would be tabled soon.

He said 148 votes - or two-thirds out of 222 votes - were needed in support as it involves constitutional amendments.

Anwar has the support of 149 MPs, including two rogue Perikatan Nasional MPs.

However, if a handful of government backbenchers refuse to vote for the amendments, the Bill is not likely to be passed.

In September 2021, children's rights activist Mahisha Sulaiha Abdul Majeed, six Malaysian mothers and advocacy group Family Frontiers, succeeded in their lawsuit in the High Court to allow children born abroad to Malaysian mothers to be registered as Malaysian citizens.

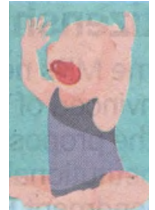
However, in August last year, the Court of Appeal overturned the High Court's decision.

The women and Family Frontiers were granted leave to appeal the case to the Federal Court, which is still pending.

On another matter, Anwar said he left it to the discretion of Dewan Rakyat Speaker Tan Sri Johari Abdul whether to name

The proposed amendments

Under the Federal Constitution, citizenship can be acquired through verification of citizenship status by operation of the law (Article 14); by registration (Articles 15, 15A and 16); and by naturalisation (Article 19). These are the proposed amendments to the laws, and their impact.



○ Section 1 (b) & 1 (c), Part II, Second Schedule, detailing who is a citizen by operation of the law.

■ **Proposed amendment**
Change "whose father" to "at least one of the parents".

■ **Impact**
It will grant Malaysian mothers equal rights to confer citizenship on their overseas-born children.

© Section 1 (e), Part II, Second Schedule, detailing who is a citizen by operation of the law.

■ **Proposed amendment**
Change "operation of law" to "registration".

■ **Impact**
Malaysia-born stateless children (e.g. many Orang Asli) will lose their safety net and no longer qualify automatically for citizenship.

© Section 19(b) of Part III of the Second Schedule, providing additional guidance of who is a citizen by operation of the law.

■ **Proposed amendment**
Change "operation of law" to "registration".

■ **Impact**
Abandoned children/foundlings will no longer have the right to citizenship and will have to "register".

○ Section 1 (a), Part II, Second Schedule, detailing who is a citizen by operation of the law.

■ **Proposed amendment**
Remove "permanent resident".

■ **Impact**
This abolishes the right to citizenship for children of permanent residents.

© Article 15A, granting broad discretionary powers to the Home Ministry to confer citizenship on those below the age of 21.

■ **Proposed amendment**
Change the age bracket from "21 years" to "18 years".

■ **Impact**
'Reduces the time window, for childhood citizenship applications.

○ Article 26 (2), setting out the conditions a foreign wife may be deprived of citizenship.

■ **Proposed amendment**
Change "date of marriage" to "date of obtaining citizenship".

■ **Impact**
Places foreign wives at risk of losing their citizenship if they opt out of a bad marriage.

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and shame MPs who skipped attending Parliament.

On Saturday, Johari had proposed that the names of MPs

found to be absent from Parliamentary sittings deliberately be displayed on the Dewan Rakyat website.