

## Malaysia's Invisible Poor: The Stateless Communities

BY WIKI IMPACT TEAM | Updated 23 March 2021

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This article is a 'work in progress'. All statistics and facts mentioned are based on existing studies. When new research comes to light, this article will be updated.

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### What Does It Mean To Be A Stateless Person?



According to Article 1 of the United Nations Convention relating to the Status of Stateless Persons 1954, a stateless person is "a person who is not considered as national by the state under the operation of its law"<sup>[1]</sup>.

As someone who is not legally recognised as a national citizen of any country. The lack of a sense of identity makes them one of the most vulnerable communities in the world. Why? No one is legally responsible to take care of them.

A stateless person has no legal bond between any government or country. Without legal documentation, no government is obliged to provide basic citizen rights such as access to education, healthcare, employment, housing options and protection. More often than not these communities are treated as unwanted foreigners or left to fend for themselves. Citizenship for a country like Malaysia has many perks that maybe even Malaysians take for granted - but for the stateless, they simply do not have access to it.



Source: UNHCR

Peninsular Malaysia previously estimated that there were a total of 12,400 stateless individuals inhabiting it<sup>[2]</sup>. Although there is no estimate on numbers in East Malaysia, due to the complex history and irregular migrant flow around the state, the current number of stateless people in the region is estimated to be about 800,000<sup>[3]</sup>.

There are a number of reasons why a person would become stateless, and depending on the reason(s) presented, it will predict the chances of neutralisation (gaining citizenship) for the person. In Malaysia, these are the common reasons for statelessness:

- Generational Statelessness: Their parents or ancestors have always been stateless thus the
  children will also inherit the status. Malaysia does not provide citizenship to everyone that
  is born in the country. Unless there is legal proof that the person is of Malaysian heritage
  through documents, they are stateless.
- Unrecognised Marriages: The *jus sanguinis* principle to which Malaysia adheres to is strictly conditioned on proof of the legality of marriage on the part of the biological parents and place of birth of the child. In order to be eligible for automatic citizenship at birth, the child concerned must be born in Malaysia to lawfully married parents, to at least one parent who is a Malaysian citizen or holding a permanent residence status<sup>[4]</sup>.
- Illiteracy and Fear: The reluctance to register the birth of their child, or not being well versed in the importance of obtaining legal documents perpetuates the cycle of statelessness. Many stateless people who might be eligible for citizenship do not know how to go about obtaining the relevant documents and are faced with lengthy application processes. Undocumented Sabah residents may fear exposure and expulsion thus avoiding the application of citizenship entirely<sup>[3]</sup>.

Other reasons behind a persons' statelessness could be due to:

- Child abandonment
- Gaps in nationality laws
- Their nationality may have been repudiated by their previous state (due to racial, religious or gender issues),
- The state that gave their nationality may cease to exist,

- They are denied citizenship in the country where they were born,
- They do not possess any kind of identification documents because they have never found the need for documentation,
- The local government made no effort to document them as well<sup>[2]</sup>.

## The History Behind Statelessness: How Did It Come To Be?



Source: New Straits Times

The majority of this population in West Malaysia are of Tamil ethnicity whose ancestors were brought in as labourers from India to Malaysia through a labour recruitment system known as the Kangani system<sup>[5]</sup>. This system was actively operating from the early 19th century until the early 20th century when Malaysia — then known as Malaya — was under British colonial rule. Upon the independence of Malaysia, a huge number of Indian Tamils were not able to obtain Malaysian citizenship due to their lack of awareness of its importance and illiteracy.

As of today, a notable number of Indian Tamil communities in Malaysia lack the crucial documentation that would allow them to indicate their intergenerational links to Malaysia — and in turn, their Malaysian citizenship. This can be attributed to the significant barriers faced historically in accessing civil documentation due to the discriminatory application of laws and policies as well as their isolation<sup>[5]</sup>.

In East Malaysia, primarily in Sabah — residents from the Philippines were once refugees from the civil conflict that raged in the country during the 1970s and 1980s<sup>[5]</sup>. Children were rendered unregistered and stateless as a result of not possessing the documents needed to prove their legal identity. Among the reasons as to why the status of the stateless people of Sabah has been ignored is due to the prejudice that they all are descendant of illegal immigrants, but in reality, many are simply undocumented from birth rather than illegally in Malaysia.

# Can A Stateless Person Obtain Malaysian Citizenship?



Source: Ask Legal

The Federal Constitution contains a number of important safeguards against statelessness. In particular, a child born in Malaysia who would otherwise be stateless is a Malaysian citizen by operation of the law. If the child is unable to acquire another nationality within 12 months of their birth, Article 15A of the Federal Constitution provides that the "Federal Government may, in such special circumstances as it thinks fit, cause any person under the age of twenty-one years to be registered as a citizen". However, these safeguards are rarely applied in practice<sup>[6]</sup>.

The route to citizenship for stateless communities is through registration or naturalisation. The difference between them is that the former requires that the applicant reside in the country for an aggregate of at least five out of seven years prior to the application while the naturalisation process requires the applicant to reside in the country for the period of ten years prior to the application<sup>[7]</sup>.

Although the application process is structured and seemingly straightforward, stateless communities find it especially challenging because of the lack of documents to complete the process. Most common problems include the failure to provide a legal marriage certificate and whenever the newborn has not registered within 14 days of his/her birth<sup>[7]</sup>. In the event of a late registration (42 days for Sabah and Sarawak, and 60 days for peninsular Malaysia), an application for NRIC would need a magistrate endorsement of the late birth certificate.

This vicious cycle whereby the failure to present a marriage certificate results in the failure to register a child's birth non-registration is a never ending problem. There are other ways stateless communities obtain identification. (*This is explained in the Appendix*).

The legal process to gain identification is long, tedious and confusing. It can take years before any news of approval and it is not uncommon for applicants to be rejected without reason. Stateless communities have to be committed to the uphill battle of gaining "permanent resident" or "citizen" status. The process is made harder when they are left to figure it out on their own without support, aid or advice.

## Problems With Being Stateless And Its Relation To Multidimensional Poverty



Source: Al Jazeera

There are significant consequences for individuals and communities that are stateless or at risk of statelessness in Malaysia. As a result of the lack of identification, stateless communities are not granted the same basic human rights for day-to-day living and survival.

Faced with barriers in accessing education, housing, secure and safe employment and health services, these communities also endure the increased risk of arbitrary arrest and indefinite detention, deportation, human trafficking, barriers to accessing affordable healthcare including sexual and reproductive healthcare, discrimination, marginality and xenophobia, displacement, and barriers to accessing natural resources, traditional livelihoods and justice<sup>[18]</sup>.

These instances of human rights violations also fall in line with multidimensional poverty and give a clear understanding of just how "poor" the stateless really are. This paper aims to explore the different aspects of poverty that impacts the stateless community in Malaysia.

#### **Education For Stateless Children**



A basic human right is "Everyone has a right to an education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory..." [9].

The ability to access a basic education does not involve limitations of identification where IC or passports are required. Malaysia's federal constitution specifically mentions that any form of discrimination against any citizen on the grounds only of religion, race, descent or place of birth will not be tolerated when it comes to education<sup>[6]</sup>.

Unfortunately, this only protects the citizen's right to an education. What this means is that while attending primary education is made compulsory in Malaysia, the non-citizens, stateless or undocumented children are constantly being denied their right to an education. For this reason, the first "benefit" of being a citizen is the current education system.



Source: Al Jazeera

Being able to access a good, standardised education, from primary to tertiary is normal in the upbringing of a Malaysian citizen. Buying new uniforms, textbooks and having the room to grow as

an individual are all part and parcel of learning. Education leads to higher prospects of employment and a secure future - however stateless children are denied this right from the onset.

Many instances disclose that unregistered stateless children are being discriminately turned down from attending government schools. Stateless children in Malaysia do not have access to formal education as most public schools do not accept foreigners or children without proper identification. Even if they somehow managed to attend school, they are not entitled to education privileges such as the Textbook Loan Scheme.



Source: The Asean Post

Tertiary education in Malaysia would be a distant dream as stateless individuals would have to pay foreign student fees, without financial aid such as National Higher Education Fund Corporation - or better known locally as PTPTN. The stateless community are also not eligible to apply for upskilling programmes under the government, as they also require proper identification.

In 2018, the Malaysian government proceeded to allow stateless children to enrol into schools, on the condition that the relevant documents, such as the child's birth certificate, adoption papers or court order were provided, as well as a small fee when registering using the Jadual Pertama P.U.A (275) at the State Education Department or District Education office<sup>[10]</sup>. This was viewed as an

unreasonable request as children inherited their stateless status from their parents. Those that suffer are for example, the Bajau Laut demographic (generation of statelessness), the abandoned children, and children whose parents' marriage is not recognised by the Malaysian government. It is impossible to expect these groups of people to produce the necessary paperwork required.

At the end of the day, these children are left to rely on local changemakers, and NGOs to teach them. These efforts remain limited, as access to resources and the quality of education are questionable. It is also non-consistent classes, as even those that want to bring about change are stopped. In Sabah state, even the schools the community build for themselves, and which are outside the formal education system, are regularly destroyed<sup>[3]</sup>. It is to the credit of the stateless Sabah community that they recognise the value of education for their children, and rebuild those schools again, and again.



Source: The Star

On Pulau Berhala, an island off the shore of Sandakan Sabah, the stateless village has only one educational centre. The school has 236 students but only two teachers. The school was set up by the Malaysian military, which has a strategic base at the island to patrol the waters and protect Sabah. Its aim is to equip stateless children with the basic educational skills of reading, writing and

counting, but it does not offer students the opportunity to take national examinations or to graduate with any certificate that will help them apply for a job<sup>[11]</sup>.



We only teach the basic subjects: the Malay language, maths, Islamic studies. We do teach a bit of English, but just how to read basic words and count. We do not have the resources to do any more than that. - Amran, a teacher at a stateless school

While the average Malaysian children aged between seven to twelve years old are in school, the Bajau Laut children would be helping their parents by fishing or collecting shells. As a result of no education, these children are illiterate and without specific skills to earn a living. Poverty becomes a vicious cycle from one generation to next because of the inaccessibility to education.

## Opportunity And Employment For The Stateless

According to Article 17 of the United Nations Convention Relating to the Status of Stateless Persons, a stateless person has the right to engage in wage-earning employment. Additionally, Article 18 provides that they have the right to be self-employed while Article 19 further adds that they should be allowed to practice liberal professions<sup>[1]</sup>.

Despite all these stipulations, it is still very much the prerogative of the state to abide by or to ignore the above.

In Malaysia, however, the stateless are denied the right to legal employment. Previously, a stateless demographic, the Bajau Laut of Sabah, focused on using their known diving ability to support their livelihoods.

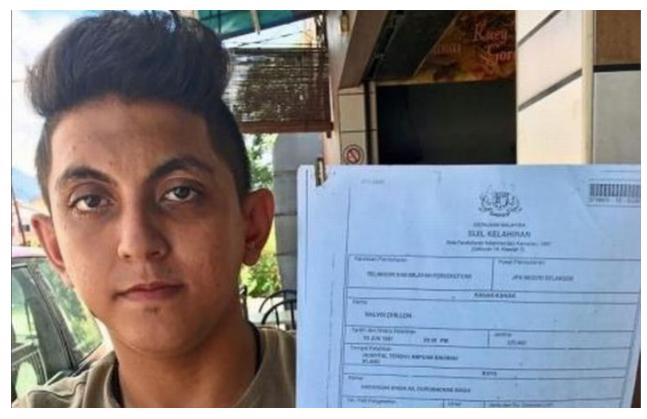


Source: Archdaily

Marine related work such as fishing, would act as their main source of food as well as their main form of income. Their daily catch would be sold off at the wet market or be used as barter in exchange for rice, cassava, sailcloth, netting-twine. However, presently, the Bajau community have transitioned to money-for-labour employment<sup>[12]</sup>.

The case of Nalvin Dhillon, a stateless boy living in Kuala Lumpur, had been working since the age of 15 years old. With no IC, he would apply for jobs using his birth certificate. Working odd jobs at a dim sum restaurant and washing cars part time. Nalvin was paid low daily wages. Only after a long duration, he was paid a monthly wage by cash<sup>[13]</sup>.

Nalvin thought about furthering his education to improve his chances of career development. He completed a Diploma in Human Resource and went on to apply for white-collared roles but businesses would reject his application on grounds that he does not have proper identification. He resorted back to the service industry.



Source: The Star



A friends' mother owned a restaurant and allowed me to work there. Unfortunately because of MCO and consistent lockdowns, the restaurant is now closed.

- Nalvin Dhillon, stateless person

Further to that, Nalvin with the help of his friends managed to secure a permanent role with a steady salary at another restaurant. His employment is a result of goodwill from the restaurant owners, but he is not entitled to EPF or any other staff benefits.

There are notable instances where few from the Bajau community have settled and stayed on land, are educated and working as government servants, private businesses or even setting up their own businesses. It's just that not everyone in the stateless demographic is as lucky as they are<sup>[12]</sup>.



There is little to no doubt that many stateless people have an income that is lower than the national poverty index of RM2,208.

Many live day by day, and barely make ends meet, let alone have any money as savings, for healthcare, or basic necessities. The absence of a consistent income has forced some of them to beg for money in towns and city centres where they can be seen hanging around tourist areas and traffic lights earning sympathy from drivers and tourists as they pass by.



Source: Licas News

Women and children are often seen begging around town and this activity puts them in a negative light by the Malaysian community. They are often frowned upon for loitering on the streets or not attending school. If not begging, some of them turn to vices to earn a buck or two or to simply survive. Unfortunately, these vices such as piracy, theft and other criminal activities are against the law<sup>[11]</sup>.

In 2019, an article highlighting the livelihoods of stateless children in Sabah mentioned the stresses of a mother, Ms. Asmida. Her husband, Mr. Suhidin, works as a fisherman and he earns around RM500 (US\$119.28) a month, which is less than half the minimum wage of RM1,100 set by the government. Her two sons spend their afternoons collecting recyclable waste from the landfill to be sold in Sandakan in case the family's food situation gets desperate<sup>[11]</sup>.



I never wanted them to be rubbish collectors. I wanted them to go to school, get a good job in the city and live in proper houses. - Ms. Amida, stateless person

In desperate situations, the stateless communities have to put aside their dignity to continue surviving. The greatest pity is when the children of the stateless are not given an option or freedom to craft their own future.

## Living Conditions Of The Stateless

An article by Channel News Asia identified that those living on Pulau Berhala, Sandakan, Sabah, were faced with horrible living standards. The stateless village was a collection of dilapidated houses just on top of rancid shallow waters that consisted of garbage, animal carcasses and human waste, due to the absence of a waste management system.



Hundreds of stateless households on the island would walk through the sewage barefooted, some would sort through it in order to collect plastic bottles, wooden planks or metal sheets that would later be sold off<sup>[11]</sup>.



Source: Channel News Asia

It is not uncommon for more than two members of the family to be sharing a room, however when it comes to sanitation and hygiene facilities, many households do not have garbage collection services and they are forced to discard rubbish anywhere.

An example of crammed living space is a houseboat of a Bajau Laut family shared between ten family members<sup>[14]</sup>. The boat is self-sufficient with gasoline, clean water, gas, and even a baby's cradle made of cloth tied to the low roof of the houseboat. However, it does not have electricity. There are no televisions, mobile phones, or clocks, which a modern household may consider as necessities.



Source: Archdaily

For stateless communities that are more land based, they tend to stay inside more. As they are not eligible for a driving licence or purchasing a vehicle of their own, many are reliant on their peers, to drive them to their destination. The stateless are not active users of travel apps like Grab or Uber as they have no IC to register.



I try to not go out of my house as much, because I am scared the police will catch me and throw me into prison. - Nalvin Dhillon, stateless person.



Source: Allegra Lah

To better understand the general state of living conditions in low income households, the Multidimensional Poverty Index (MPI) indicators have been used to form a comparison of poor living conditions and stateless living conditions as seen in the table below:

| MPI Indicator               | Deprivation cut offs (MPI)  | Common housing condition of the stateless                               |
|-----------------------------|---|---|
| Living Place's Condition    | Dilapidated or Deteriorating  | Dilapidated   |
| Room Crowdedness            | More than two members per room  | More than two members per room  |
| Toilet                      | Other than flush toilet   | Inadequate info   |
| Garbage Collection Facility | No facility   | No facility   |
| Transportation              | All members of the household<br>do not use either public or<br>private transport to commute     | Not frequently. Few own boats to go fishing. Some use public transport. |
| Basic Communication Tools   | Does not have radio,<br>television, mobile phone, fixed<br>line phone, computer or<br>internet. | Often deemed as unnecessary by stateless                                |

#### Healthcare For The Stateless

The cost of healthcare in Malaysia is higher for non-citizens which means that foreigners, including stateless and undocumented individuals without any identification would need to pay more for consultation and medication at local clinics and hospitals. This has raised concerns among members of the public regarding the wellbeing of stateless communities in Malaysia amid the current COVID-19 pandemic.

In a press release addressed to the Malaysian government, Brad Adams, the Asia director of Human Rights Watch cast light on the issue of healthcare accessibility for the stateless.

Malaysia can't effectively combat COVID-19 if migrants, stateless people, and refugees are unable to get health care because they can't afford it, face discrimination, or fear arrest and deportation. With many living in crowded settlements with no running water and no ability to isolate those who get sick, they are especially vulnerable to the COVID-19 infection<sup>[14]</sup>.

The stateless Bajau Laut community in Sabah are no different. They are excluded from receiving healthcare, citizenship and spaces in the society. They are not entitled to free healthcare as benefitted by a normal citizen. If they need any kind of service at the government hospital, they will have to pay based on the rates charged to foreign nationals, which is twice or more than the regular fee charged to locals<sup>[12]</sup>. As a result of inconsistent wages and a lack of savings, hospital visits and medical bills become a huge burden for them.

In my 24 years of living, I have never been to a government hospital. I take panadol, my aunt will get medicine for me, whilst I rest at home. Thankfully I have never had any serious injuries. As a member of the stateless community, if I were to go to a government hospital without an IC, I would be charged the same rates as a foreigner. It's RM100 just to register at the opening desk. Treatment, consultation are charged separately. - Nalvin Dhillon, stateless person



Source: Aliran

Another aspect of healthcare the need for women-related medical needs such as prenatal care and labour. These forms of healthcare are usually in the form of traditional methods such as home delivery which poses other health risks to both mother and baby.

Another common ailment that plague stateless children are skin infections, hookworm or skin lesions stemming from poor hygiene and sanitation practices and the lack of basic amenities. More serious health problems among adults that are common and recurring include malaria, typhoid and tuberculosis<sup>[12]</sup>.

The lack of accessibility and entry to government clinics and hospitals put stateless communities at great risk of poor health. Communities living in more rural areas also find it hard to get to local government healthcare centers.

## Light In The Tunnel For Malaysia's Stateless



Source: Malay Mail

Although the stateless have been called the "invisible" population, many refuse to stay idle despite being denied basic human rights. NGOs and volunteer groups across the country have pooled together in efforts to provide them with basic education, whilst others have continuously fought for their rights to leadership.

Advocates for Non-discrimination and Access to Knowledge (ANAK), an NGO based in Sabah, believes in fulfilment of basic rights for every child regardless of background or documentation status. ANAK provides paralegal advice and aid to stateless children and conducts research on statelessness<sup>[16]</sup>.

In Perak, <u>Nation of Women (NOW)</u>, a non-governmental organisation have been aiding stateless children in obtaining a formal education. The chairman Sharifah Hazlina Syed Musa Jamalullail stated that there were 44 stateless children in Hulu Perak who had to enlist the help of an NGO to

enrol in schools. NOW urges the government to appoint a task force at district levels to help children who face citizenship status problems<sup>[17]</sup>.

As greater awareness is being raised about the stateless communities in Malaysia, some of the stories have also highlighted the negative impacts caused by them as a result of being sidelined and ignored. This includes loitering, petty theft and other socially negative practices. To combat this, Home Minister Datuk Seri Hamzah Zainudin announced and encouraged stateless individuals to come forward and apply for citizenship to ease their living<sup>[18]</sup>. The minister expressed an understanding that if the problem were to continue unchecked, it would result in a national problem. However since this announcement, there appears to be little to no change that has taken place.

The case of statelessness is a long drawn episode affecting many generations. The human impact of statelessness is tremendous. Generations and entire communities can and have been affected. But, with political will, private good-will (NGOs) and a greater sense of general awareness from the public, we can all help restore the dignity, value and worth of this community. They are people just like you and me, they deserve to be seen and to be identified.

#### **REFERENCES:**

- UNHCR. (1954). Convention Relating to the Status of Stateless Persons. Retrieved from:
   https://www.unhcr.org/ibelong/wp-content/uploads/1954-Convention-relating-to-the-Status-of-State

   less-Persons ENG.pdf
- 2. UNHCR. (2018). *Ending Statelessness in Malaysia*. Retrieved from: https://www.unhcr.org/en-my/ending-statelessness-in-malaysia.html
- 3. I. Venkov. (2019). I am a person from here the Sabah stateless struggling without citizenship in Malaysia.

  Retrieved from: https://www.thetornidentity.org/2019/04/03/sabah-stateless-malaysia/
- 4. R. M. Razali. (2017). Addressing Statelessness In Malaysia: New Hope and Remaining Challenges. Retrieved from: <a href="https://files.institutesi.org/WP2017\_09.pdf">https://files.institutesi.org/WP2017\_09.pdf</a>
- 5. T. J. Duraisingam. (2016). Chronology of Policies Affecting Potentially Stateless Persons and Refugees in Malaysia. Retrieved from: <a href="https://files.institutesi.org/WP2016">https://files.institutesi.org/WP2016</a> 07.pdf
- Che Soh, R, et al. (2019). Protecting the Children's Right to Nationality in Malaysia: An Appraisal.
   Human Resource Management Academic Research Society. Retrieved from:
   <a href="https://www.researchgate.net/publication/340445435">https://www.researchgate.net/publication/340445435</a> Protecting the Children's Right to Nationality in Malaysia An Appraisal
- Refworld. Malaysia: Federal Constitution. Retrieved from: https://www.refworld.org/docid/3ae6b5e40.html
- 8. A. F. P. (2020). Eight years on, Malaysian eSports player wins citizenship battle. News Straits Times.

  Retrieved from:
  <a href="https://www.nst.com.my/sports/others/2020/09/621390/eight-years-malaysian-esports-player-wins-citizenship-battle">https://www.nst.com.my/sports/others/2020/09/621390/eight-years-malaysian-esports-player-wins-citizenship-battle</a>
- 9. United Nation. *Universal Declaration of Human Rights*. Retrieved from:

  <a href="https://www.un.org/en/universal-declaration-human-rights/#:~:text=Article%2026.,on%20the%20basis%20of%20merit">https://www.un.org/en/universal-declaration-human-rights/#:~:text=Article%2026.,on%20the%20basis%20of%20merit</a>
- 10. N. A. Ibrahim. (2018). *Stateless children can enrol in school*. New Straits Times. Retrieved from: <a href="https://www.nst.com.my/news/nation/2018/12/442608/stateless-children-can-enrol-school">https://www.nst.com.my/news/nation/2018/12/442608/stateless-children-can-enrol-school</a>
- 11. A. Yusof. (2019). Living in a sea of trash: Sabah's stateless children face bleak future. Channel News Asia. Retrieved from:
  - https://www.channelnewsasia.com/news/asia/sabah-stateless-children-sea-gypsies-bajau-laut-11561 194
- 12. W. Hassan, W. S., & Peters, D. (2020). The Vulnerability of Bajau Laut As Stateless People In Sabah. Jurnal Kinabalu, 183. Retrieved from: <a href="https://jurcon.ums.edu.my/ojums/index.php/ejk/article/view/2771">https://jurcon.ums.edu.my/ojums/index.php/ejk/article/view/2771</a>

- 13. Beep. (2020). Best Friends Of 30 Years Open Cloud Kitchen To Help Chefs Who Lost Jobs During MCO. Retrieved from: <a href="https://blog.beepit.com/kitchenco-cloud-kitchen/">https://blog.beepit.com/kitchenco-cloud-kitchen/</a>
- 14. H. Chiew. (2019). *Bajau Laut: Once Sea Nomads*, *Now Stateless*. Malaysiakini. Retrieved from: <a href="https://www.malaysiakini.com/news/476595">https://www.malaysiakini.com/news/476595</a>
- 15. Human Rights Watch. (2020). Malaysia: Migrants, Stateless at Extra Risk from Virus. Retrieved from: <a href="https://reliefweb.int/report/malaysia/malaysia-migrants-stateless-extra-risk-virus">https://reliefweb.int/report/malaysia/malaysia-migrants-stateless-extra-risk-virus</a>
- 16. HAKAM. (2018). How to reduce stateless numbers in Sabah. Retrieved from: https://hakam.org.my/wp/2018/04/17/how-to-reduce-stateless-numbers-in-sabah/#more-18131
- 17. M. Kaur. (2020). NGO welcomes govt's efforts in helping stateless children. The Star. Retrieved from: <a href="https://www.thestar.com.my/news/nation/2020/12/17/ngo-welcomes-govts-efforts-in-helping-statele-ss-children">https://www.thestar.com.my/news/nation/2020/12/17/ngo-welcomes-govts-efforts-in-helping-statele-ss-children</a>
- 18. H. S. R. Rahum, M. Carvalho & T. Tan. (2020). Help for stateless people. Retrieved from: https://www.thestar.com.my/news/nation/2020/12/15/help-for-stateless-people

#### APPENDIX:

Other ways stateless communities have gained citizenship:

#### • Citizenship through adoption by Malaysian parents:

Legal adoption by Malaysian parents of a child born in Malaysia to unknown biological parents led to the automatic acquisition of Malaysian citizenship by a child. The child in question was a Malaysian citizen by virtue of having at least a parent who is a Malaysian citizen under Article 14(1)(b), Section 1(a) of Part II of the Second Schedule of the Federal Constitution, and that the child had proved to be born in the country after Malaysia Day and not a citizen of any other country under Section 1(e) of the same Part II of the Second Schedule. When read together with the relevant provisions in the Adoption Act 195224 and the child's lawful adoption order, it held to carry the effect of granting citizenship by operation of law to the child<sup>[4]</sup>.

#### • Citizenship through representation and public advocacy:

There were previous cases where members of the stateless community were able to gain citizenship because of their participation in national competitions. The case of Muhammad Aiman Hafizi Ahmad, an E-sports player, was born in Malaysia to an Indonesian mother and adopted by local parents, but he had never been recognised as a Malaysian citizen and could not get a passport. Aiman had struggled in the fight for citizenship for eight years but was constantly met with unexplained refusals. The losses meant that he wouldn't be able to represent Malaysia in an esports tournament held in China. After being forced to miss the tournaments, he renewed his efforts by launching a widely publicised legal battle. Authorities eventually decided to grant him citizenship<sup>[8]</sup>.



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