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A Case Study on Citizenship Application by Stateless Adopted Children in Malaysia

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ABSTRACT

One of the reasons for stateless children in Malaysia is they are adopted yet their biological parents are either unknown or non-Malaysian. The number will keep increasing if there is no change implemented by our government to solve this issue. This paper aims to analyze the function of adoption in matters of statelessness and see how it assists these stateless children. as well as to study the application of citizenship by adopted children and how the decision is being made by the National Registration Department and court in Malaysia. A qualitative approach was applied by conducting a case analysis of the citizenship application. Based on the analysis, it is found that there is a chance for the adopted children to obtain citizenship by application to the court under Article 14(1)(b) of the Federal Constitution. Another method is by proving "special circumstances as it thinks fits" to the National Registration Department under Article 15A of the Federal Constitution. However, there would be less hassle if clear amendments are made to our Federal Constitution and Adoption Act 1952 to grant Malaysian citizenship to adopted children by Malaysians despite the status of their biological parents. Additionally, there exists an urge for the National Registration Department to provide specific guidelines and criteria to approve citizenship applications for these adopted children.

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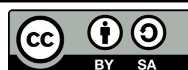

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1. Introduction

The majority of people do not think about their nationality or citizenship daily, granted that it is usually an automatic citizenship from the day they were born. Nonetheless, the recognition of nationality is just as important as it sets forth the advantages of enjoying rights such as health care, education, jobs, and many more. That said, it is right to say that people without nationality or citizenship, or stateless, can be deemed the most powerless and vulnerable. Statelessness, as stated by Gyulai (2012), occurs in two contrasting circumstances which are “the migratory” and “statelessness in situ” circumstances. Gyulai further described the latter as referring to individuals with “significant and stable ties” to a country. This means that in situ statelessness is tied to a country through long-term residence or birth, and many others. Many factors could lead to the existence of stateless people. It could stem from the differences in legal terms between countries, rejecting citizenship while not acquiring another, or failure of registering a child’s birth (Goris, Harrington & Kohn, 2009). In Malaysia, there are currently more than 300, 000 children who are stateless as reported by the former Deputy Prime Minister and Home Minister Ahmad Zahid Hamidi (Chiew, 2019). Although these children were born in Malaysia, they are denied basic standards of living like education and health care. These children grow up in poverty and subsequently end up being in a marginalized group.

Currently, according to Liew (2012) aside from the Universal Declaration of Human Rights and the

Convention on the Rights of the Child, Malaysia is not a signatory to most of the major statelessness conventions (1954 Statelessness Conventions; 1961 Statelessness Conventions; Convention on the Rights of the Child 1989; the Refugee Convention and many others). This explainsthe limited use of human rights language as far as domestic stateless cases are concerned. However, in 1995 Malaysia accepted international law as a portion of the rule of law within a constitutional democracy, in which children's rights are also covered but Malaysia had particularly reserved some of the provisions which include the article concerning children's citizenship. Previous studies did highlight the issue of statelessness in Malaysia which revolves around several factors (failure to register marriage and childbirth, undocumented refugees and migrants, abandonment of child), but not much has focused on the adoption of stateless children. With the statelessness cases becoming a homegrown occurrence in Malaysia, this paper aims to analyze and investigate the function of adoption in matters of statelessness, and see how it assists these stateless children. as well as to study the application of citizenship by adopted children and how the decision is being made by National Registration Department and court in Malaysia.

2. Method

This current study employs the qualitative approach, based on several reported cases of statelessness in Malaysia. A case study will allow the derivation of in-depth insight into specific occurrences and situations about real-world circumstances (Webley, 2016). Some cases of the application for citizenship by adopted children were selected for an in-depth analysis. Seven reported cases of citizenship application in Malaysia ranging from the year 2010-2019 were chosen. Relevant Malaysian Citizenship Law and other laws concerning children's rights will also be referred to alongside the analysis and other related Acts, Regulations, and court orders as necessary.

3. Results and Discussion

3.1 National and International Law Concerning Children's Rights

Every child is subjected to their rights. Statelessness can negatively affect children and may even impact how they would survive living in a country as they have no access to the privileges of health care, let alone others like education and employment. As they remain undocumented, the country would not acknowledge them, therefore making them stateless. However, under the Convention onthe Rights of the Child 1989 (CRC), and some other major conventions concerning Children's Rights, each existing child's right is protected. According to UNICEF (2014), the CRC is deemed as "a universally agreed set of non-negotiable standards and obligations … that should be respected by governments." According to the CRC, article 7:

I. The child shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality, and, as far as possible, the right to know and be cared for by his or her parents.

II. States Parties shall ensure the implementation of these rights by their national law and their obligations under the relevant international instruments in this field, in particular where the child would otherwise be stateless.

The CRC itself is pillared by four principles contributing to the supposed attitudes towards children (UNICEF, 2014). First is the principle of non-discrimination (Article 2) where every child should be allowed to enjoy the rights they deserve and must never be discriminated against. Second, is the principle of the best interests of the child (Article 3), where children should be provided support and necessary protection from their vulnerable young age. Third, is the principle of children's right to survival and development (Article 6) which focus on the children's social and economic rights.

Lastly, is the principle of the views of the child (Article 12). This principle stress respecting the views and opinions of the child. With these said, the international conventions concerning children's rights bring forth the crucial necessity to prioritize children's needs, and these children's statelessness must be addressed immediately after birth to protect their rights. There should even be an opportunity given to the children to voice their opinions, should their nationality be influenced by their parents' actions causing the loss of citizenship (Che Soh et al, 2019) which is by the principle of non-discrimination insinuates.

With the CRC as the international law concerning children's rights, it is only natural for Malaysia who has ratified the convention in 1995 to also implement the set of rules and laws about the "civil, political, economic, social, health and culture" privileges of children within the country. However, Malaysia had put in place some reservations on several of the CRC provisions. One of the reservations is on the aforementioned Article 7 which specifically concerns children's names and nationality. The halt of implementation of this particular article, among the others is mainly for addressing the disparity between the articles within CRC and several national and Syariah laws (Shanin, 2014).

Nevertheless, any decisions for granting citizenship should also be within the jurisdiction and by the country's national law, since all matters about nationality or citizenship must be decided by a particular jurisdiction while being steered by international standards (Bloom,Tonkiss & Cole, 2017). In Malaysia, the citizenship of a child is depending on the parents' marital and citizenship status when they are born. In determining a child's status of citizenship, it must fall within Article 14 of the Federal Constitution where the child must be born in Malaysia and any of the parents is either a citizen or a permanent resident (a person with unlimited grant and permission to reside within the Federation). This is the legal position in Malaysia which is intended to prevent children from being stateless upon being born. Despite that, Latheefa Koya, the co-founder of Lawyers for Liberty stated that the parents must apply for the child's citizenship at the National Registration Department (NRD) which is a painfully long process that risks unjustified rejection, especially if there are issues of out-of-wedlock birth (Azizan, 2018).

3.2 Children being Adopted but without Citizenship in Malaysia

The amount of stateless children in Malaysia reflects a significant number, as the number rises year by year. About 15, 000 children who are born in Malaysia and have Malaysian fathers were denied their nationality at such a young age. From this number, around 2,500 are still not receiving formal education because of inadequate documentation (Azizan, 2018). In the following year, the then Home Minister, Ahmad Zahid Hamidi further exposed that there are about 30 million (31.62 million, according to The World Bank, 2019) underage children who are identified as stateless in Malaysia (Chiew, 2019). This number made up 0.1% of the whole Malaysian population that still lives without proper identification and privileges despite our advancement into another decade.

Several causes can be deduced to understand the factors of stateless children in our country. Among possible causes are the failure to legally register marriage and birth of a child, baby dumping, undocumented migrants and refugees, and the adoption of children. This current study focuses on the last cause which is the adoption of children who still failed to obtain citizenship in Malaysia. Adoption is legally defined as the passing over of parental rights and responsibilities over a child from the child's biological parents to the adopted parents (Milbrandt, 2014). Adoption of a child should be done following the principle of the child's best interest (Article 3, CRC) in ensuring the child would receive the necessary protection and safety. Nonetheless, in the case of stateless children, despite being born in Malaysia and adopted into a family whose parents are of Malaysian nationality, citizenship is never granted easily. Because of two different management about adoption in Malaysia, things become further perplexing to some extent. National Registration Department denied the citizenship of these adopted children because of the inconsistencies in the management of the adoption law in Malaysia, especially the Adoption Act 1952 and the Registration of Adoptions Act 1952 (which will be further discussed in the following section).

3.3 Adoption law in Malaysia

Adoption is supposed to assure the life of the children with the new family ties hence the purpose of the adoption law which provides for the best interest of the children. Adoption, there are two major acts in Malaysia named the Registration of Adoption Act 1952 and the Adoption Act 1952. Registration of Adoption Act 1952 concerns Muslim adoption where the adopted child does not inherit any right or legal status from the adopted parents. This is also known as de-facto adoption where the registration of adoption is made as a formal process. Adoption Act 1952 on the other hand does not apply to Muslims. The court has the power to make an order that authorizes the applicant that is the adopted parent or parent to adopt a child.

Section 9 of the Adoption Act 1952 gives a special position to the adopted child where the child is treated as if he or she was born to the adopted parents out of lawful wedlock. The adopted parents will have to bear the rights, duties, obligations, and liabilities regarding the future custody, maintenance, and education of the adopted child. This will result in the child being entitled to inherit the property of the adopted parents which is guaranteed under the Distribution Act 1958 and the Probate and Administration Act 1959. In Re TSY (an infant), Edgar Joseph, J. in his judgment explained the outcome of the adoption order in which "it destroys the legal bond between the infant and the natural parents and puts him in precisely the same position as the natural child of his adopted parents. The making of an adoption order may, therefore,be rightly described as the use of the statutory guillotine".

Section 25A (1)(b) of the Adoption Act 1952 stipulates that the Certificate of Birth of the adopted child shall not have the word adopted, adopter, or adoptive or any other word that carries the same effect. The applicant's counsel in the case of Chin Kooi Nah v Pendaftar Besar Kelahiran & Kematian Malaysia (2016) pointed out that the legislative intent behind this provision that was amended in 2000 is to avoid the child from having an adverse psychological effect upon knowing the fact that he or she was adopted.

From the wording in the Adoption Act 1952 and Registration of Adoption Act 1952, we can conclude that provision regarding the citizenship of the adopted child was not mentioned anywhere in both acts. If the biological or natural parents is traceable and a Malaysian citizen, there is no issue with the citizenship of the child as the child will adopt Malaysian citizenship. However, a problem arises when the biological or natural parent of the child is not traceable or is not of Malaysian citizenship. Their status in this country is uncertain because their Certificate of Birth will state either as "permanent resident" or "non-citizen". Therefore, their adoptive parents will have to find a way so they can have their rights of citizenship and be registered as Malaysian citizens.

3.4 Citizenship by Operation of Law in Malaysia

One of the ways the adopted parent may adopt in applying for citizenship for their child is by applying for citizenship by operation of law under Article 14(1)(b) of the Federal Constitution. This provision is usually read together with section 1(a), Part II, Second Schedule of the Federal Constitution. Two requisites need to be satisfied to receive citizenship by operation of law. First, the person must be born in Malaysia, and secondly, either one of the parents is a Malaysian citizen or permanent resident when the child was born. Most of the case that has been decided focused on the issue of the word 'parents' that is whether adopted parents should be included within the definition hence the adopted child may obtain citizenship by operation of law.

Although the number of stateless children who are adopted by Malaysian citizens is quite high, we can hardly find the number of reported court cases regarding their fight for citizenship. Among the earliest unreported case that can be found in Lee Chin Pon & Anor v Registrar General of Births and Deaths in Malaysia (2010). In this case, the child was born stateless and was adopted by the applicant. The adopted parents filed a judicial review challenging the decision of the National Registration Department in which their adopted child was registered as a "permanent resident" in his birth certificate. The court declared the child's Malaysian citizenship by automatic operation of law under Article 14(1)(b). This case become a precedent that a lawfully adopted child who was born in Malaysia on or after Malaysia Day has the constitutional right to be a Malaysian citizen.

The approach is rather different in the case of Foo Toon Aik v Ketua Pendaftar Kelahiran & Kematian Malaysia (2012). The applicant in this case is the father of the child who formed an unregistered marriage with a Thai lady named Ms. Ngamta Thongsom in 2004. They did not register the marriage in either Malaysia or Thailand resulting in a child named Foo Shi Wen being born. The mother then returned to Thailand while the child was left with the father. The father applied for an adoption order for the child. National Registration Department had registered the adoption order and issued a replacement birth certificate stating citizenship status as "Bukan Warganegara". The father filed a judicial review to challenge the decision of the National Registration Department and therefore proclaiming the child to be a citizen by operation of law under Article 14(1)(b) of the Federal Constitution. The applicant argued that the child automatically by operation of law inherits the citizenship of his adoptive father because the adopted child should be regarded as if he was born to the adoptive father in lawful wedlock under Section 9 of the Adoption Act. The court held that Section 9 does not specifically provide on the issue of citizenship and in a situation where the law is silent, the court cannot simply read that the Adoption Order affects the citizenship of the child.

The court on deciding the status of the child concluded that he was born out of wedlock and failed to meet the requirement to obtain citizenship by operation of law under Article 14(1)(b). The court opined that the word 'parent' in Article 14 refers to a "lawful parent in a recognized marriage in the Federation". If the child is illegitimate, the parent is defined as the biological mother of the child. Despite the court's dismissal of the application of the applicant, the learned judge pointed out Section 15A of the Federal Constitution as a possible solution as there are no specific prerequisites under this provision. Section 15A of the Federal Constitution states that "Subject to Article 18, the Federal Government may in such special circumstances as it thinks fit to cause any person under the age of twenty-one years to be registered as a citizen." The case of Foo Toon Aik set out the lacking in the Adoption Act and disclosed the practical situation where Malaysia reserved Article 7 of the CRC. As a consequence, the stateless children who are adopted by Malaysian nationals do not directly inherit Malaysian citizenship from their adoptive parents.

Another case that concerns the citizenship battle is the case of Yu Sheng Meng (a child represented by his litigator, Yu Meng Queng) v Ketua Pengarah Pendaftaran Negara & Ors (2016). In this case, the plaintiff is a child born out of wedlock. His father is Malaysian and his mother is Indonesian. He was adopted by Yu Meng Queng and was registered as a non-citizen because his biological mother was not a Malaysian citizen. The adoptive father tried to apply for citizenship but was rejected by the National Registration Department. They then filed for this suit following the rejection. The defendant applied to strike out the Plaintiff's

originating summon. The High Court decided to dismiss this suit as the biological mother was a non-citizen of Malaysia and therefore failed to prove the requirement under Article 14 (1)(b) and section 1(a) Part II, Second Schedule of the Federal Constitution. The court also took into account Section 15(2) of the Federal Constitution in determining the child's citizenship. However since there was no proof that the biological father and mother are married, the child was treated as illegitimate and the citizenship status followed the biological mother. The court also pointedout the fact that the plaintiff has not exhausted all the available remedies before applying to court as the application under Article 15A to the Ministry of Home Affairs is still pending.

A similar decision was made by Collin Lawrence Sequerah JC of Penang High Court in the case of Chin Kooi Nah (suing on behalf of himself and as litigation representative to Chin Jia Nee, child) v Pendaftar Besar Kelahiran dan Kematian, Malaysia (2016). The applicant in this case filed a judicial review following the decision of the respondent to register their adopted child as "Bukan Warganegara" in the birth certificate. The applicant argued that the intention of parliament in Section 9 and Section 25A of the Adoption Act is to avoid the psychological effect on the child from the fact that he is adopted. The child should be considered as if he was born in lawful wedlock by the adoptive parents and since the adoptive parents are Malaysian citizens, the child shall also be treated as a Malaysian citizen.

The High Court decided on three main issues in this case. Regarding the definition of the word "parent" in Article 14(1)(b) and section 1(a), Part II, Second Schedule of the Federal Constitution, the court has a similar view as in Foo Toon Aik's case that parent only refers to biological and lawful parents, therefore, it is not possible to grant citizenship to the child. The citizenship of the biological parents of the child is unknown, hence he did not fulfill the requirement under Article 14(1)(b). The court then looked at the adoption order and decided that it does not give the right to citizenship by operation of law. The learned judge compares our ownSection 9 of the Adoption Act with adoption law in Australia, the United Kingdom, and Singapore. These three countries have clear provisions on whether to grant citizenship to adopted children or not. The situation is rather different in Malaysia as there is no definite law on the matter and the court is not in the position "to read into the articles of the constitutional provisions that are not there". Finally, the learned judge opined that there are alternative methods under Article 15A of the Federal Constitution but the applicant has not resorted to this method. The Court of Appeal affirmedthe decision made by the High Court and dismissed the appeal.

In another case concerning the stateless adopted child, the court required the applicant to establish that the child was not a citizen of any country. In Than Siew Beng & Anor v Ketua Pengarah Jabatan Pendaftaran Negara & Ors (2017), the applicant filed a judicial review in the High Court seeking a declaration that the second applicant that is the child was recognized as a Malaysian citizen under Article 14 read together with section 1(a), Part II, Second Schedule of Federal Constitution. The High Court dismissed the application and found that the applicant failed to fulfill the requirement of the two provisions.

The case was subsequently brought to the Court of Appeal. The Court of Appeal points out two requirements to be fulfilled which are the place of birth and blood or lineage. The court sums up the requirement for citizenship by jus soli and jus sanguinis from the provisions under Federal Constitution. Article 14(1)(b) summarizes the conditions for citizenship by jus soli that is place of birth. On the other hand, the requirement in paragraph 1(e) of Part II, Second Schedule summarizes the requirement of citizenship by jus sanguinis that is by blood or lineage. The judge decided that the requirement of jus soli was fulfilled since there is evidence showing that the child was born in 1998 in a Poliklinik in Ampang. However, the requirement for jus sanguinis was not fulfilled because the biological parents of the child were not traceable. Hence, the lineage of the child cannot be identified and therefore he cannot be categorized as "was not born a citizen of any country." The court dismissed the appeal and affirmed the High Court's decision.

The learned judge of the High Court in the case of Pang Wee See & Anor v Pendaftar Besar Kelahiran dan Kematian, Malaysia (2016) took a different view and decided that the child is a citizen. The decision was formulated based on the decision in Lee Chin Pon & Anor v Registrar-General of Births and Deaths Malaysia. The birth of the child was first registered with the Applicants' name as the biological parents. Later when they want to apply for MyKad at National Registration Department, the Applicant told the truth to the officer. They are not the biological parents of the child neither they perform any formal adoption of the child.

After being advised by the officer, the parents applied to adopt the child and were granted by the court. However, when they received the new birth certificate from the National Registration Department, the nationality of the child was stated as a non-citizen. The applicants then apply for judicial review challenging the decision of the National Registration Department. The High Court allowed the application of the Appellants on the ground that the citizenship status of the child had changed after the adoption. The

decision of the judge was based on Section 9 of the Adoption Act that stipulates "the adopted child was a child born to the adopter in lawful wedlock" and Section 25A (6) of the same act that stipulates "shall be received as evidence of facts and particulars relating to the birth of the child in respect of whom the certificate of birth was issued". Based on these two provisions, the child fulfilled the requirement of section 1(a), Part II, Second Schedule of the Federal Constitution, and a Malaysian citizen by operation of law.

This decision however was appealed by the Senior Federal Counsel to the Court of Appeal. The Court of Appeal had determined one main issue regarding the effect of an Adoption Order on the citizenship of an adopted child. In determining this issue, the Court look at the citizenship provisions in the Federal Constitution and opined that the provisions are only provided by the Federal Constitution and there is no other law on citizenship nor reference to any other statutes being mentioned. Hence, the intention of Parliament is clear that the word "parent" in Article 14(1)(b) and section (1)(a) part II, Second Schedule of the Federal Constitution refers to biological parents as there is no specific mention of adoptive parents. The phrase "is at the time of birth" refers to biological parents. Here, they must be a Malaysian citizen or permanent resident for their child to obtain citizenship status.

The Court of Appeal is also common its Section 9 and Section 25A of the Adoption Act. Section 9 has specifically spelled out the rights of the adopted child hence the rights should be limited to that only. Although the provisions say that the child is considered as a child out of lawful wedlock of the adopted parents, it is "erroneous" to regard them as the biological parents. The Court of Appeal agreed that Section 25A does seem to propose automatic citizenship for an adopted child, however, the court stressed that there is no mention of citizenship status in this act. Here, the court is of the view that the "Adoption Act 1952 could not pretend to confer citizenship to an adopted child upon successful issue of the Adoption Order".

Another case about this issue is the case of Cho Chiang Huat v Pendaftar Besar Kelahiran dan Kematian (2019) where the court seems to take the same approach as the Court of Appeal in the case of Pang Wee Swee and Than Siew Beng. The High Court held that the applicant failed to prove the element in jus sanguinis that the child "was not born a citizen of any country." The applicant in this case cannot establish the identity and citizenship of the child's biological parents. The court has distinguished this case with the fact of the case in Madhuvita Janjara Augustine v Augustine all Lourdsamy & Ors where the biological father is a Malaysian citizen while the biological mother is a citizen of Papua New Guinea and both can be identified.

This case was further appealed to Federal Court by the applicant. The court in granting the decision determined their major issue in this case. Among the issue is whether section 1 (e), Part II of the Second Schedule of the Federal Constitution requires a child to prove the identity of the biological parents. The court referred to Section 19B and conclude that since the child was found abandoned, it is presumed that he was born to a mother permanently resident there and that the child was entitled to citizenship by operation of law. The Federal Court went on to highlight that this case is now a precedent on how the Ministry of Home Affairs and the Respondent ought to deal with all such future cases regarding abandoned newborn children. When confronted with an application for registration of such newborn children, the burden is on the Respondent to conduct a proper investigation to determine the status of such a child's biological parents or mother. After investigation, if it is found that the child is abandoned, the Respondent is obligated by the highest law of the land in section 19B of Part III to recognize the citizenship of the children by operation of law except if there is contrary evidence.

3.5 Citizenship by Application in Malaysia

Most of the learned judges in cases that have been discussed above would ask the applicant that is the adoptive parent whether they have applied for citizenship under Article 15A of the Federal Constitution before they bring the matter to the court. Here, Article 15A of the Federal Constitution does not contain any explicit requirements except the child has to be under 21 years old.It is then up to the Federal Government to determine the special circumstances as it thinks fit to allow the citizenship application.

Based on Hansard Parliamentary Debates dated 31 January 1962 on page 4528, the then Deputy Prime Minister Tun Haji Abdul Razak explained the implementation of Article 15A. The new clause gives power to the Government to grant a person under the age of 21 citizenship if the Government thinks that there are reasonable grounds to grant that person Malaysian citizenship. In the case where the government sees that a child probably has no parents here or is attached to the country, the government may choose to register him as a citizen. This provision merely gives power to the Government to register a person as a citizen if there is hardship or it is for the best interest of the child.

From the excerpt, we can conclude that a child shall not be left stateless. This reflects the provision in the Convention on the Right of Children that every child has a right to citizenship. It is important to consider

the interest of the child in granting citizenship. In the case of M. Navin, the Court of Appeal has outlined four conditions to be used by the Home Ministry when determining an application made under Article 15A of the Federal Constitution. The four conditions are the person must be below 21 years old and has no parents; the person is attached to the country; there will be difficulties; and the best interests of the child (Goh Siu Lin, 2016). The National Registration Department issued Identity Card to the child on April 2016 which ended his long battle to fight for Malaysian citizenship.

Under the failure of Yu Sheng Meng in the court case in 2015 where the court decided to strike out the case, the child citizenship battle does not end there as the adoptive parents continue hoping the government to grant citizenship under Article 15A of the Federal Constitution. The 11-year wait for citizenship finally paid off as the Ministry of Home Affairs approved his citizenship in September 2019 (Radzi Razak, 2019). However, the original adoptive father that represented the child inthe case in 2015 died due to leukemia and the child was then adopted by his firm partner, Tan Khek Peng.

2019 also witnessed the granting of an application for citizenship under Article 15A for three stateless boys while their appeal was still pending in the Federal Court. Although this was good news because they finally managed to become Malaysian citizens, the counsels representing them have different views on the decision of the Home Ministry. Latheefa Koya who represented one of the children was of the view that the decision of the Home Ministry was a "missed opportunity" for the Federal Court to decide on this issue as this will affect the fate of other stateless persons (Ida Lim, 2019). However, in 2021, there is a binding precedent from the Federal Court over this matter. The court also gives guidelines to the National Registration Department and Ministry of Home Affairs in granting applications for citizenship by operation of law.

4. Conclusion

From the analysis of the cases that have been decided in Malaysia, it appears that there is a chance for adopted children to obtain citizenship by operation of law under Article 14(1)(b). The highest judicial precedent for this matter is the case in Federal Court.

There are also chances for these stateless adopted children to obtain citizenship under Article 15A of the Federal Constitution in which "special circumstances as it thinks fit need to be proven. Additionally, there exist guidelines by the Court for National Registration Department to decide on the citizenship status of these children following the precedent case of Pang Wee See & Anor v Pendaftar Besar Kelahiran dan Kematian, Malaysia. Despite this, it would be beneficial if a major amendment could be made to our Federal Constitution and Adoption Act 1952 to unambiguously grant Malaysian citizenship to adopted children by Malaysians, regardless of their marital status.

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