

Access to Healthcare for Non-Citizen Spouses and Children

by Bina Ramanand

Lead Coordinator - Foreign Spouses Support Group

About Foreign Spouses Support Group (FSSG)

- **Foreign Spouses Support Group (FSSG)** established in 2009 by two mothers who felt stigmatized as foreigners in raising their Malaysian children within the country.
- FSSG was set up to advance, promote and protect the rights of foreign spouses married to Malaysian citizens and their children.
- FSSG has now embarked on the **MALAYSIAN CAMPAIGN FOR EQUAL CITIZENSHIP** to advocate for a law reform to achieve gender equal in terms of citizenship laws
 - Particularly, for **Malaysian mothers** to have **equal rights** to confer citizenship on their **children born overseas** as Malaysian fathers

Annually there are 100,000 marriages of Malaysians with non-citizens.

Some of the challenges for foreign spouses to Malaysians include:

- **Short-term visas** that require timely renewal
- Statement of '**Prohibition from employment**' in visas
- **Long delays** for Permanent Residence (PR)
- **Lifetime dependency** on Malaysian spouse

Challenges - Healthcare

- Until 2014, foreign spouses and non-citizen children were charged foreigner rates
- **Foreigner rates** charged to foreign spouses while delivering Malaysian children
- Submissions were made to 2012 **CEDAW Alternative Report** and the 2013 **UPR** and **MWG** report
- Following that, these healthcare directive and guidelines were passed to extend Malaysian health care charges to the following:
 - **Foreign spouses married to Malaysians** - upon presenting marriage card & often requires the presence of the Malaysian spouse
 - **Permanent Resident**
 - **Children of either parent Malaysian/ PR (until the age of 12)**

Challenges - Healthcare

- The directive of the revised healthcare has **not cascaded all healthcare institutions**
- We received complaints from foreign spouses of Malaysians and non-citizen children whereby they were not extended equal access to healthcare as Malaysians
- **CASE:** Malaysian mother with 4 children - her daughter who's non-citizen was charged RM100 & her son who's Malaysian was only charged RM1 for the same treatment at the same time
- **UH and HUKM do not follow the MOH directive** (the foreign spouses & non-citizen children in the vicinity do not have equal access to public healthcare)
- The directive also did not include:
 - **Vaccinations**
 - **Healthcare in schools**
 - **Medical Insurance**

Challenges - Vaccination

- To be eligible for free vaccination, it is compulsory to have:
 - Malaysian Birth Certificate; **AND**
 - Either parent who is a Malaysian citizen
- If the child is **born overseas** and **does not possess a Malaysian birth cert.**, the child will be charged **foreigner's rate** even if either of his/her parent is Malaysia -
 - RM40 for registration, consultation and medication (for 5 days supply) + RM40 for immunisation
- If the child has a Malaysian birth cert. with a “**bukan warganegara**” status, he/ she is **entitled to free vaccination** if either parent is **Malaysian**

Challenges - Healthcare in Schools

- Non-citizen children in schools were excluded from **vaccination** and **healthcare and dental checks** in schools

Medical Insurance

- In 2019 it is possible for foreign spouses and non-citizen children to obtain health insurance, however, prior to this it was not available and for **older foreign spouses** this is a major challenge as they now have to **pay for higher insurance** as they near their **elderly stage**

SOCSSO - Employment Injury (EI) scheme

- Foreign Spouses of Malaysians are also excluded from Invalidity Pension Schemes

Obligations

- **SDG 3 - Good Health and Well Being :**
 - Ensure healthy lives and promote well being for all at all ages.
 - Malaysia is committed to support and implement the 2030 Agenda for Sustainable Development
- Malaysia is a **signatory to the Convention on the Rights of the Child (CRC):**
 - Article 24.1 States Parties recognize the right of the child to the enjoyment of the **highest attainable standard of health** and to **facilities** for the **treatment of illness** and rehabilitation of health. States Parties shall strive to ensure that **no child is deprived of his or her right of access to such health care services.**

Recommendations

- Ensure **equal access to healthcare** is extended to **non-citizen children below the age of 18**, regardless of their legal identity
- Ensure the directive of equal access to healthcare for 1) foreign spouses of Malaysians, 2) non-citizen children with either parent Malaysian, 3) permanent residents, **reaches all healthcare institutions**
- **For all children in Malaysia to be included in free vaccination and mandatory school healthcare & dental check programs**
- Ensure the directive from MOH is adhered by MOE hospitals (UH & HUKM)