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For Immediate Release

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Immigration Department Violated Child Right to Education

Suara Rakyat Malaysia (SUARAM) is appalled by the news of Darshana in Seremban¹ and call for immediate action to remedy the situation. It was reported that Darshana despite being of schooling age was not permitted to attend school due to a new policy by the Immigration Department that forbids non-citizen from attending public schools.

It is shocking that every year, the Immigration Department of Malaysia is seemingly granted with broader arbitrary power to restrict the exercise of human rights in Malaysia. On top of the gross violation of human rights that is constantly reported from Immigration Detention Centre; the arbitrary barring of internationally recognized human rights defenders; and the act of preventing Malaysian human rights defenders from leaving the country; the Immigration Department would reach a new height in its power if it is allowed to influence and alter education policy.

On 6th January, the Education Minister, Mahdzir Khalid was reported to have said that stateless children are to be allowed to attend public school even if their application for citizenship under process². It is shocking that a mere enforcement agency was able to overrule a policy made by the Ministry of Education on the issue of access to school and education.

Under the Convention on the Rights of the Child, Malaysia have obligations protect and promote the right of the child irrespective of their status and origin. There is absolutely no excuse for a child born in the country and raised and cared for by Malaysian parents to be denied equal opportunity solely based on the failure of the Malaysian government in addressing the issue of statelessness in the country.

The Ministry of Home Affairs must answer for the gross human rights violations perpetrated by the Immigration Department. How did the Home Ministry achieve its supposed success in meeting the key performance index in 2017 when an enforcement agency under its care could

¹ <https://www.thestar.com.my/news/nation/2018/01/09/adopted-girl-cant-go-to-school-immigration-depts-policy-forbids-enrolment-of-noncitizens-without-pas/>

² <https://www.nst.com.my/news/2017/01/202346/stateless-children-should-not-be-denied-education-education-minister>

act in such a manner? How can an enforcement agency under its purview unilaterally overwrite and undermine the policy of another ministry?

SUARAM strongly condemn the human rights violations committed against Darshana and her parents and call for the revocation of the Immigration Department policy which deprive hundreds if not thousands of children from receiving education due to their statelessness. The minimum level promised by the Education Minister is barely tenable as it is and any act of depriving a child of primary education must be condemned without exception.

In Solidarity

A handwritten signature in black ink, appearing to read 'D. Doraisamy', with a stylized flourish at the end.

Sevan Doraisamy
Executive Director
SUARAM