

## THE CONSEQUENCES OF MARRYING ILLEGAL IMMIGRANTS

الْحَمْدُ لِلَّهِ الَّذِي أَرْسَلَ رَسُولَهُ بِالْهُدَىٰ وَدِينِ الْحَقِّ لِيُظْهِرَهُ عَلَى الدِّينِ كُلِّهِ وَلَوْ كَرِهَ الْمُشْرِكُونَ،  
أَشْهَدُ أَنْ لَا إِلَهَ إِلَّا اللَّهُ وَحْدَهُ لَا شَرِيكَ لَهُ، وَأَشْهَدُ أَنَّ سَيِّدَنَا مُحَمَّدًا عَبْدَهُ  
وَرَسُولَهُ، اللَّهُمَّ صَلِّ وَسَلِّمْ وَبَارِكْ عَلَى سَيِّدِنَا مُحَمَّدٍ وَعَلَى آلِهِ وَأَصْحَابِهِ وَمَنْ  
تَبِعَهُمْ بِإِحْسَانٍ إِلَى يَوْمِ الدِّينِ.  
أَمَّا بَعْدُ، فَيَا عِبَادَ اللَّهِ، اتَّقُوا اللَّهَ حَقَّ تَقَاتِهِ وَلَا تَمُوتُنَّ إِلَّا وَأَنْتُمْ مُسْلِمُونَ.  
أَعُوذُ بِاللَّهِ مِنَ الشَّيْطَانِ الرَّجِيمِ

وَمِنْ آيَاتِهِ أَنْ خَلَقَ لَكُمْ مِنْ أَنْفُسِكُمْ أَزْوَاجًا لِتَسْكُنُوا إِلَيْهَا وَجَعَلَ بَيْنَكُمْ مَوَدَّةً  
وَرَحْمَةً إِنَّ فِي ذَلِكَ لَآيَاتٍ لِقَوْمٍ يَتَفَكَّرُونَ ﴿٢١﴾

Let us increase our faith and righteousness to Allah the Almighty by doing all that He prescribes and avoiding all that He prohibits. May we be forgiven by Him in this world and the hereafter.

Dear brothers and sisters,

Marriage is a Sunnah that is highly encouraged in Islam. Through marriage a well organised muslim family society (*ummah*) will be built. Allah the Almighty says in chapter 4 (al-Nisa') verse 1:

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

يَا أَيُّهَا النَّاسُ اتَّقُوا رَبَّكُمُ الَّذِي خَلَقَكُمْ مِنْ نَفْسٍ وَاحِدَةٍ وَخَلَقَ مِنْهَا زَوْجَهَا وَبَثَّ مِنْهُمَا رِجَالًا كَثِيرًا

وَنِسَاءً وَاتَّقُوا اللَّهَ الَّذِي تَسَاءَلُونَ بِهِ وَالْأَرْحَامَ إِنَّ اللَّهَ كَانَ عَلَيْكُمْ رَقِيبًا ﴿١﴾

Which means: *O mankind, fear your Lord, who created you from one soul and created from it its mate and dispersed from both of them many men and women. And fear Allah, through whom you ask one another, and the wombs. Indeed Allah is ever, over you, an Observer.*

Dear brothers and sisters,

It is true that love is blind and love has no boundaries. A woman is willing to leave her family for the sake of love. Some are willing to commit adultery with the person they love. There have been a lot of news where husbands have been deported to their homeland for not having legal documents to stay in this country, marriage without proper marriage certificates, etc. This is the reality of what is happening in our country. Eventually the women and their children will be left behind to fend for themselves.

The marriage of Malaysians with foreign nationals, especially those without legitimate marriage permits, has a great impact on the family institution in this country whether from the Islamic law or from the legal point of view. The biggest issue is certification of these marriages. Every marriage must first go through the identification of the status of the couple who wish to marry either single or having a wife/husband, widow/widower, virgin or otherwise.

Similarly, complying with the rules of marriage i.e. man, woman, islamic legal guardian (*wali nikah*) , witnesses and pronouncement of ijab qabul along with other marriage documents should be in accordance with the Pahang State Islamic Family Law procedure.

Among the important things in marriage is the determination of a legal guardian. The Prophet (Pbuh) greatly emphasized marriage when he mentioned:

أَيُّمَا امْرَأَةٍ نَكَحَتْ بِغَيْرِ إِذْنِ وَلِيِّهَا فَنِكَاحُهَا بَاطِلٌ فَإِنْ أَصَابَهَا فَلَهَا مَهْرُهَا بِمَا أَصَابَ  
مِنْ فَرْجِهَا وَإِنْ اشْتَجَرُوا فَالْسلْطَانُ وَلِيُّ مَنْ لَا وَلِيَّ لَهُ

Which means: *Any woman who gets married without the permission of her wali, her marriage is invalid, her marriage is invalid, her marriage is invalid. If the marriage has been consummated then she is entitled to the mahr because she allowed the man to be intimate with her. If she does not have a wali then the ruler is the wali of one who does not have a wali.*

Dear brothers and sisters,

It is absolutely important for us to take note that a marriage done without legal documents and procedures as mentioned above will cause some issues to arise from the legal point of view or Islamic jurisdiction, including:

**Firstly:** marriages that do not comply with Islamic law.

**Secondly:** these marriages cannot be registered because of the absence of required documents.

**Thirdly:** difficulties to deal with any agency or department in particular if the wife is pregnant and needs to seek treatment.

Keempat: Taraf kewarganegaraan anak yang lahir, status nasab dan maklumat bapa akan melalui kesukaran kerana tidak dapat mengemukakan dokumen, surat atau sijil perkahwinan

**Fourth:** the citizenship status of the child, the nasab status (lineage) and the father's information will be difficult to obtain because couples cannot produce marriage documents, marriage letters, or marriage certificates.

**Fifth:** all matters will be handled by the wife as there are concerns about the husband being detained by the authorities.

Let us cooperate so that the Muslim family institution in our country is in tact. We must follow the proper procedures and guidelines set by the religious authorities so that these issues do not arise.

Remember that it is against the law for any individual to marry illegal foreigners who do not have legal documents or having the documents but without obtaining permission from the religious authorities. The couples would not be able to legally register their childrens' birth and problems will arise when the children need to be registered for school. The marriage will also cause difficulties in claiming inheritance when a death occurs due to failure to produce legal marriage documents or even to register for umrah pilgrimage because of inability to obtain a mahram visa.

Let us protect our families so that they do not get involved in marriage with illegal foreigners. May our families be safe from the burden of an undesirable problem.

Allah the Almighty says in chapter 24 (surah An-Nur) verse 32

أَعُوذُ بِاللَّهِ مِنَ الشَّيْطَانِ الرَّجِيمِ

وَأَنْكِحُوا الْأَيْمَىٰ مِنْكُمْ وَالصَّالِحِينَ مِنْ عِبَادِكُمْ وَإِمَائِكُمْ ۚ إِنْ يَكُونُوا فُقَرَاءَ يُغْنِهِمُ اللَّهُ مِنْ فَضْلِهِ ۗ وَاللَّهُ

*Which means:* And marry the unmarried among you and the righteous among your male slaves and female slaves. If they should be poor, Allah will enrich them from His bounty, and Allah is all-Encompassing and Knowing.

بَارِكَ اللَّهُ لِي وَلَكُمْ فِي الْقُرْآنِ الْعَظِيمِ ۝ وَتَفَعَّلِي وَإِيَّاكُمْ بِمَا فِيهِ مِنَ الْآيَاتِ وَالذِّكْرِ

الْحَكِيمِ ۝ وَتَقَبَّلَ مِنِّي وَمِنْكُمْ تِلَاوَتَهُ ۝ إِنَّهُ هُوَ السَّمِيعُ الْعَلِيمُ، أَقُولُ قَوْلِي هَذَا ۝

وَأَسْتَغْفِرُ اللَّهَ الْعَظِيمَ لِي وَلَكُمْ ۝ وَلِسَائِرِ الْمُسْلِمِينَ وَالْمُسْلِمَاتِ ۝ وَالْمُؤْمِنِينَ

وَالْمُؤْمِنَاتِ ۝ فَاسْتَغْفِرُوهُ إِنَّهُ هُوَ الْغَفُورُ الرَّحِيمُ ۝