

Immigration Guide

Malaysia



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Entry Visa

Nationals from countries which have negotiated a visa waiver concession for entry into Malaysia do not require an advance entry visa. All other nationals must obtain a single entry visa or visa with reference from a Malaysian consulate or embassy in their home or residing location prior to arrival in Malaysia.

Full details in relation to Malaysia visa requirements can be found on the website of the Malaysian Immigration Department (MID).

The Social Visit Pass that is granted to all foreigners at the point of entry by the immigration checkpoints ranges from 14 to 90 days, depending on the foreigner's nationality. It is possible to apply for an extension prior to its expiry in exceptional circumstances, for example, due to illness or accident with evidence to prove the situation together with a confirmed ticket must be submitted. Approval would be at the discretion of the MID.

Business Visitor

The Social Visit Pass issued upon entry enables business visitors to participate in the following business activities:

- Attending business meetings, discussions or conferences
- Inspection of factories
- Auditing of company's accounts (applicable to internal auditors only)
- Signing agreements
- Survey on investment opportunities or setting-up factories
- Attending seminars.

Foreigners granted Social Visit Passes are prohibited from engaging in any form of employment in Malaysia, including supervision of the installation of new machinery or construction of factories or providing or conducting training.

Work Pass

Foreign nationals intending to work in Malaysia must obtain the appropriate category of work pass prior to commencing work:

Employment Pass

An Employment Pass is issued to foreigners who are engaged under an employment or secondment agreement with a Malaysian company to perform managerial or professional duties, or technical roles that require specific practical skills and experience for a minimum period of two years. However the duration may vary depending on the relevant industry sector making the application.

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Temporary Employment Pass

A Temporary Employment Pass is issued to an individual taking up employment in Malaysia for less than 24 months.

Professional Visit Pass

A Professional Visit Pass (PVP) is issued to skilled foreigners holding acceptable qualifications or specialist skills required to provide services to a Malaysian company on behalf of the overseas company on a short term basis of up to twelve months. The foreigner must remain employed by the home country and cannot enter into direct employment with the Malaysian company. A PVP may be extended for a further period after completion of 12 months by “breaking” the presence before applying for another 12 months, the new application of PVP could only be made after 3 months from the expiry of the previous PVP. The approval of a new PVP is subject to the merits of each case.

Permission to Work for Foreign Spouse to Malaysian

A foreign spouse who is legally married to a Malaysian national may be eligible to obtain “Permission to Work” and granted a Long Term Social Visit Pass for a period up to 5 years or to the validity of the holder’s passport (whichever is earlier). This would enable them to be engaged in any form of paid employment, business, or professional occupation. The foreigner must hold a valid social visit pass and job offer prior to making an application. This facility is granted based on their eligibility and satisfaction of the required conditions without converting their Social Visit Pass to Employment Pass.

Family Members

The spouse, children below the age of 21, handicapped or disabled children and legally adopted children of Employment Pass holders are eligible to apply for a Dependant Pass to reside in Malaysia.

Parents, parents-in-law and unmarried spouses accompanying the Employment Pass holder are eligible to apply for a Long Term Social Visit Pass. The spouse and children below the age of 21 years old of a Temporary Employment Pass holder would be eligible for a Long Term Social Visit Pass.

The spouse of a PVP holder would be eligible for a Long Term Social Visit Pass. Other family members of a PVP holder may be able to remain in Malaysia under the provisions of a Social Visit Pass.

The spouse of an Employment Pass holder is allowed to take up employment while holding a Dependant Pass by submitting an application for permission to work to the MID. Upon approval, a ‘Permission to Work’ stamp will be endorsed on the Dependant Pass holder’s passport. Other family members who intend to engage in any form of employment in Malaysia must secure an appropriate work pass in their own right following cancellation of the existing Dependant or Long Term Social Visit Pass.

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Employment Pass

The Malaysian employer is required to make an application for an Expatriate Position to the Expatriate Committee of MID or 6 other relevant approving Government Agencies to justify the need to employ a foreigner for the post. The company's nature of business would be the factor in determining the relevant approving agency.

A recommendation or support letter from monitoring agencies of the related industry which does not have any representative in the Expatriate Committee of the MID may be required.

Approval of the Expatriate Position must be obtained prior to submission of the endorsement of Employment Pass application. Nationals from certain countries are required to remain in their home or residing country pending approval of the application before entering Malaysia to complete the endorsement process.

Automatic Approval of Expatriate Position

An expatriate with a salary of RM8,000 or more per month will be eligible for an automatic approval for an expatriate position. An application to the MID still needs to be lodged by the Malaysian employer and all basic criteria of the company and the expatriate have to be met.

An application must be made to the Director of Employment Pass Unit who will review and evaluate the application instead of the Expatriate Committee.

Professional Visit Pass

An application must be made to the MID for approval of the Professional Visit Pass by the Malaysian company. The foreigner must remain in their home country or country of residence pending approval of the PVP.

Supporting Documents

Supporting documents may include academic certificates, employment contract or letter of confirmation of assignment, justification of the requirement for an Expatriate Post and a detailed job description, and information relating to the local and overseas company and Malaysian sponsor. An additional Letter of Undertaking would be required for the application of Expatriate Position with salary of RM8,000 or more per month.

Additional documentation such as copies of tax receipt and salary slips of the applicant are required for renewal of Expatriate Positions. A PVP application would require the applicant's overseas payslips as proof of overseas employment.

Dependant Pass applications will include submission of marriage and birth certificates, and an enrolment letter from the relevant school or college in Malaysia, if the children need to attend school or college in Malaysia.

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Any supporting documents in a foreign language must be translated into English and endorsed by the relevant Embassy.

Long Term Social Visit Pass and Permission to Work for foreign spouse married to Malaysian applications will include submission of marriage certificate and offer letter from company/government agency or business/company's registration.

Timeline

The processing time for an Employment Pass application submitted to the MID is approximately seven working days. Applications requiring approval of the Expatriate Position application from a Government Agency other than the MID may take approximately four to six weeks. The processing time for Expatriate Position application with salary of RM8,000 or more per month will typically take between three to seven working days.

The processing time for a Professional Visit Pass application can range between seven to fourteen working days.

Additional Points to Note

An Employment Pass or Temporary Employment Pass holder who wishes to cease his or her existing employment in Malaysia and commence work for another Malaysian company is required to serve a three-month "cooling-off period". This requirement may be waived by the MID if strong justification is made to the MID and/or a release letter is obtained from the existing employer.

The MID imposes stricter regulations (for example, by carrying out stringent background checks) for nationals from Bangladesh, Bhutan, Cuba, India, North Korea, Myanmar, Nepal, Pakistan, People's Republic of China, Sri Lanka and Taiwan.

Cancellation process

The sponsoring Malaysian company must submit a request to cancel the Employment Pass, Temporary Employment Pass or Professional Visit Pass and any related family passes at least three working days or within one month prior to the intended termination date.

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Non-Compliance

Employing a person who is not in possession of a valid pass is an offence which may incur a fine ranging from RM 10,000 to RM 50,000 and/or imprisonment for a term not exceeding 12 months for each unauthorised employee.

In addition to the fine, a stricter imprisonment penalty for a term of between six months to five years and whipping of not more than six strokes may be imposed on a Malaysian company which employs more than five foreigners not in possession of valid passes.

Forgery or alteration of the pass endorsement or supporting documents is also an offence, which upon conviction may be liable to a fine, imprisonment and whipping.

Contact

This Guide is intended to provide a general overview of the immigration criteria and options for foreigners seeking to reside and work in Malaysia. For advice relating to a specific immigration matter please contact:

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