

# *Immigration Guide*

## Malaysia

*PwC International Assignment Services*



### *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 an entry visa from a Malaysian consulate or embassy in their home or residing location prior to arrival in Malaysia.

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 air ticket. Approval would be at the discretion of the Malaysian Immigration Department.

### *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 on Social Visit Passes in Malaysia 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 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 one year. Upon approval, the Malaysian Immigration Department would stamp the Employment Pass onto the original passport.

Generally, foreigners who are qualified to fulfill the following three positions would be eligible to apply for an expatriate position and Employment Pass – Key Post, Executive Post and Non-Executive Post.

### ***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 one year. The foreigner must remain employed by the home country and cannot enter into direct employment with the Malaysian company. Upon approval, the Malaysian Immigration Department would stamp the PVP onto the original passport.

A PVP may be extended for a further period after completion of twelve months by “breaking” the presence (i.e. by observing a cooling-off period) before applying for another 12 months. There is no guidance by the Malaysian Immigration Department on the specific period required to “break” presence but generally, the new application of PVP could only be made between 2 weeks to 3 months from the expiry of the previous PVP. The approval of new PVP is subject to the merits of each case, at the discretion of the Malaysian Immigration Department.

### ***Permission to Work for Foreign Spouse Married to Malaysian***

A foreign spouse who is legally married to a Malaysian is eligible to apply for Permission to Work after obtaining a Long Term Social Visit Pass (LTSVP). LTSVP may be granted 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 provided an application for Permission to Work is made supported by job offer / Employment Contract. Upon approval, the Malaysian Immigration Department would stamp the Permission to Work onto the original passport.

## *Family Members*

The spouse, children below the age of 18, handicapped or disabled children and legally adopted children of Employment Pass holders are eligible to apply for a Dependant's Pass to reside in Malaysia.

Parents, parents-in-law, children above the age of 18 and unmarried, and unmarried spouses accompanying the Employment Pass holder are eligible to apply for a Long Term Social Visit Pass.

## *Application Process*

### **Employment Pass**

The Malaysian employer is required to make an application for an Expatriate Position to the relevant immigration approving 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 may be required. The foreigners must remain in their home country or country of residence pending approval of the Employment Pass.

### **Professional Visit Pass**

The Malaysian sponsoring company is required to make an application for a Professional Visit Pass to the Malaysian Immigration Department for approval. The foreigners must remain in their home country or country of residence pending approval of the Professional Visit Pass.

### **Supporting Documents**

Supporting documents include passport copy, highest academic qualification certificate copy, most up-to-date resume and passport sized photograph.

For Dependant's Pass applications, supporting documents include legalised copies of marriage and birth certificates, and an enrolment letter from the relevant school in Malaysia, if the children are going to attend school in Malaysia.

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

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

## Timeline

The Malaysian immigration authorities' processing time, barring any unforeseen circumstances or delays, is as follows:

- Employment Pass - varies between five working days to eight weeks
- Professional Visit Pass – varies between seven to fourteen working days
- Permission to Work for foreign spouse married to Malaysian – within three working days
- Dependant's Pass/Long Term Social Visit Pass – varies between five working days to fourteen working days

## Additional Point to Note

### Cancellation process

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

## 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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