

CHAPTER

4

IMMIGRATION PROCEDURES





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IMMIGRATION PROCEDURES

1. ENTRY REQUIREMENTS INTO MALAYSIA

1.1 Passport or Travel Document

All persons entering Malaysia must possess valid national passports or other internationally recognised Travel Documents valid for travelling to Malaysia. These documents must be valid for at least six months from the date of entry into Malaysia.

Those with passports not recognised by Malaysia must apply for a document in lieu of Passport as well as visa issued by the Malaysian Representative Office abroad. Applications for visas can be made at the nearest Malaysian Representative Office in the respective countries.

In countries where Malaysian Representative Office has not been established, applications can be made to the nearest High Commission or Embassy.

1.2 Visa Requirement

A visa is an endorsement in a passport or other recognised travel document of a foreigner indicating that the holder has applied for permission to enter Malaysia and that permission has been granted.

Foreign nationals who require a visa to enter Malaysia must apply and obtain a visa in advance at any Malaysian Representative Office abroad before entering the country.

Visa requirement by countries are as follows:

Countries that require visa

• Afghanistan*	• Cote D'Ivoire	• Myanmar (normal passport)
• Angola	• Djibouti	• Nepal
• Bhutan	• Equatorial Guinea	• Niger
• Burkina Faso	• Eritrea	• Rwanda
• Burundi	• Ethiopia	• Republic of Serbia & Republic of Montenegro
• Central African Republic	• Guinea-Bissau	• Sri Lanka
• China	• Hong Kong (Certificate of Identity or Document of Identity)	• Taiwan
• Colombia	• India	• United Nations (Laissez Passer)
• Congo Democratic Republic	• Liberia	• Western Sahara
• Congo Republic	• Mali	

Commonwealth countries that require visa

• Bangladesh	• Cameroon	• Ghana
• Mozambique	• Nigeria	• Pakistan

Countries that require visa for stay exceeding 3 months

• Albania	• Algeria	• Argentina
• Australia	• Austria (Vienna)	• Bahrain
• Belgium	• Bosnia-Herzegovina	• Brazil
• Croatia	• Cuba	• Czech Republic
• Denmark	• Egypt	• Finland
• France	• Germany	• Hungary
• Iceland	• Ireland	• Italy
• Japan	• Jordan	• Kirgystan
• Kuwait	• Kyrgyz Republic	• Lebanon
• Liechtenstein	• Luxembourg	• Morocco
• Netherlands	• Norway	• Oman
• Peru	• Poland	• Qatar
• Romania	• St. Marino	• Saudi Arabia
• Slovakia	• South Korea	• Spain
• Sweden	• Switzerland	• Tunisia
• Turkey	• Turkmenistan	• United Arab Emirates
• United Kingdom	• Uruguay	• Yemen

Countries that require visa for stay exceeding 14 days

• Iran	• Macao (Travel Permit/Portugal Certificate of Identity)	• Somalia
• Iraq	• Palestine	• South Yemen
• Libya	• Sierra Leone	• Syria

Countries that require visa for stay exceeding 1 month

• Armenia	• Guinea Republic	• Paraguay
• Azerbaijan	• Haiti	• Portugal
• Barbados	• Honduras	• Russia
• Belarus	• Hong Kong SAR	• Sao Tome and Principe
• Benin	• Kazakhstan	• Senegal
• Bolivia	• Latvia	• Slovenia
• Bulgaria	• Lithuania	• Sudan
• Cambodia	• Macao SAR	• Surinam
• Cape Verde	• Macedonia	• Tajikistan
• Chad	• Madagascar	• Togo
• Chile	• Moldova	• Ukraine
• Costa Rica	• Mauritania	• Upper Volta
• Ecuador	• Mexico	• Uzbekistan
• El Salvador	• Monaco	• Vatican City
• Estonia	• Mongolia	• Venezuela
• Gabon	• Nicaragua	• Zaire
• Georgia	• North Korea	• Zimbabwe
• Greece	• North Yemen	
• Guatemala	• Panama	

For nationals of United States of America, no visa is required for social, business or academic purposes visits (except for employment).

For nationals of Israel, visas are required and prior permission must be obtained from Malaysia's Ministry of Home Affairs. However for nationals of Republic of Serbia and Republic of Montenegro, visas without permissions are required.

For nationals of ASEAN countries (except Myanmar), no visa is required for a stay less than one month. For a stay exceeding one month, a visa will be required (except from nationals of Brunei and Singapore).

Nationals from other countries other than those stated above (except Israel), are allowed to enter Malaysia without visa for social visits not exceeding one month.

Note:

** Visa with reference i.e. with the approval of Malaysia's Immigration Department is required.*

1.3 Passes Requirements

Other than application for entry for the purpose of social or business visits, application for visit passes must be made before the arrival in the country.

A pass is an endorsement in the passport constituting permission to stay for an approved duration. Foreigners who visit Malaysia must obtain the pass at the point of entry besides visa (where required) which allows him to stay temporarily in Malaysia.

All such applications must have sponsorship in Malaysia whereby the sponsors agree to be responsible for the maintenance and repatriation of the visitors from Malaysia if necessary.

Passes given to foreign visitors upon arrival are as follows:

i. Visit Pass (Social) Short Term

A Visit Pass is issued to foreigners for the purpose of a social or/and business visit, such as:

- Owners and company representatives entering Malaysia to attend a company meeting, conference or seminar, inspect the company's accounts or to ensure the smooth running of the company.
- Investors or businessmen entering to explore business and investment opportunities or setting up manufacturing plant.
- Foreign representatives of companies entering to introduce goods for manufacture in Malaysia, but not to engage in direct selling or distribution.
- Property owners entering to negotiate, sell or lease properties.
- Foreign journalist or reporters from mass media agencies entering to cover any event in Malaysia (approval from Malaysia Ministry of Home Affair).
- Participants in sporting events.
- Students sitting for examinations in local university or on goodwill mission.
- Visitor entering on other activities than above as approved by the Director General of Immigration.

These passes cannot be used for employment or for supervising the installation of new machinery or the construction of a factory.

ii. Visit Pass (Social) Long Term

Long term social visit pass may be issued to a foreigner for temporary stay in Malaysia for a period of not less than six months. Extension may be given based on visitors' eligibility and upon fulfilling certain conditions.

Foreign spouses to Malaysians, holding a long term social visit pass are allowed to be engaged on any form of paid employment or in any business or professional occupation without converting their Social Visit Pass status to Employment Pass or Visit Pass (Temporary Employment).

iii. Visit Pass (Temporary Employment)

This is issued to foreigners who enter the country to take up employment for less than 24 months.

iv. Employment Pass

This is issued to foreigners who enter the country to take up employment for a minimum period of two years. Employment pass is issued after the applicant has obtained the approval for expatriate post from the relevant authorised agencies.

v. Professional Visit Pass (PVP)

This is issued to foreigners for the purpose of engaging on short-term contract with any agency.

The categories of foreigners who are eligible are:

Professionals/ Volunteers	<ul style="list-style-type: none">• invited lecturers/speakers;• experts in the installation or maintenance of machines;• those who provide technical trainings; etc• https://esd.imi.gov.my
Artistes	<ul style="list-style-type: none">• those entering for filming or performance; those entering for promotion of albums or new products; etc.• https://epuspal.kkmm.gov.my
Missionaries (Islam or other religions)	<ul style="list-style-type: none">• members of an international organisations;• researchers recognised by the Government of Malaysia;• those entering for religious purposes• Visa Division Immigration Department of Putrajaya

The validity of the pass varies but it does not exceed twelve months at any one time.

Applications should be made by the agency concerned.

vi. Dependant Pass

This facility is accorded to families of expatriates officials. Dependant Pass is issued to spouse, children (below 18), parents and common law wife of the Employment Pass holders. This pass may be applied together with the application for an employment pass or after the employment pass is issued.

vii. Student's Pass

This is issued to foreigners who wish to study in Malaysia in any educational institutions which courses have been approved by Malaysia's Ministry of Higher Education and the intake of the foreign student has the approval from Malaysia's Ministry of Home Affairs

Note: For further information, please visit <https://educationmalaysia.gov.my>

2. EMPLOYMENT OF EXPATRIATE PERSONNEL

The Malaysian government is desirous that Malaysians are eventually trained and employed at all levels of employment. Thus, companies are encouraged to train more Malaysians so that the employment pattern at all levels of the organisation reflects the multi-racial composition of the country.

Notwithstanding this, where there is a shortage of trained Malaysians, companies are allowed to bring in expatriate personnel i.e. 'key post' or 'time post'. Key posts are posts that are permanently filled by foreigners whereby time posts are positions filled within a specified period.

2.1 Types of Expatriate Posts

Expatriates are foreigners who are qualified to fulfil the following positions:

i. Key Post

These are high level managerial posts in foreign-owned private companies and firms operating in Malaysia. Key posts are posts essential for companies to safeguard their interests and investments. The expatriates are responsible in determining the company's policies in achieving its goal and objectives.

ii. Time Post

a) Executive Post

These are intermediate level of managerial and professional posts. The post requires professional qualifications, practical experience, skills and expertise related to the respective jobs. The expatriates are responsible in implementing the company's policies and supervision of staff.

b) Non-Executive Post

These are posts for the performance of technical jobs that require specific technical or practical skills and experience.

2.2 Guidelines on the Employment of Expatriate Personnel

There are two stages in the employment of expatriates:

- i. Application for an expatriate post from relevant authorised bodies determined by the nature of the business.
- ii. Upon approval of the expatriate posts by the approving bodies, the company must submit an application to the Immigration Department for endorsement of the employment pass.

Companies undertaking Manufacturing Activities, R&D Activities, Hotel and Tourism Projects and other services; and applying Tax Incentives under MIDA's Purview.

Companies undertaking manufacturing activities, R&D activities, hotels with 4-star rating or higher; and tourism projects; and other services and applying for the tax incentives under MIDA's purview are eligible to be considered for expatriate posts with the minimum paid-up capital as follows:

- i. 100% Malaysian-owned company: RM250,000
- ii. Jointly-owned by foreign and Malaysian: RM350,000
- iii. 100% foreign-owned company: RM500,000

The approval of key posts will be subjected to the condition that the company must be incorporated in Malaysia and must deposit its foreign paid-up capital of at least RM1,000,000. However, the number of key posts cannot be linked directly with the foreign paid-up capital.

The approval for the term posts will be imposed the following conditions:

- i. Minimum basic salary of at least RM5,000;
- ii. Minimum academic qualification and minimum experience;
 - a) Manufacturing company:-
 - Degree with at least 3 years' experience in the relevant field; and/or
 - Diploma with at least 5 years' experience in the relevant field; and/or

- Technical Certification with at least 10 years' experience in the relevant field; or Academic qualifications/experience proposed by companies, whichever is higher.
- b) Contract R&D Company, R&D Company and in-house R&D company:-
 - Degree with at least 3 years' experience in the relevant field; and/or
 - Diploma with at least 5 years' experience in the relevant field; or academic qualifications/experience proposed by companies, whichever is higher.
- c) 4-star hotel and above and tourism projects:-
 - Minimum academic qualification is Degree with at least 5 years' working experience in the hotel/tourism industry.

The number of expatriate posts will be considered based on the merits of each case. However, a wholly and majority foreign-owned contract R&D Company, R&D Company and in-house R&D Company will be subjected to the maximum of 50% of total R&D personnel i.e. in the ratio of 1 expatriate to 1 Malaysian R&D personnel. The duration of term post can be considered for a maximum of 5 years.

Applications should be submitted to MIDA

Operational Headquarters (OHQs), Regional Development Corporations (RDCs) & International Procurement Centres (IPCs) and Principal Hub

The applications for expatriate posts for OHQs, RDCs, IPCs and Principal Hub can be considered based on the criteria as follows:

- i. OHQs, RDCs, IPCs can be considered on a minimum paid-up capital of RM500,000;
- ii. Principal Hub can be considered on a minimum paid-up capital of RM2.5 million.

The number of expatriate posts will be considered based on the company's requirements and the duration of term posts is for a maximum of 5 years.

The approval of expatriate posts for OHQs, RDCs, IPCs and Principal Hub will be imposed the following conditions:

- i. Minimum basic salary of at least RM5,000 for expatriate posts
- ii. Degree with at least 5 years' experience in the relevant field; or academic qualifications/experience proposed by companies, whichever is higher.

- iii. For Malaysian-owned OHQs, RDCs, IPCs companies can be considered for key posts subject to minimum paid-up capital of at least RM500,000.

Applications should be submitted to MIDA.

Regional Establishments (REs)/ Regional Office(ROs)

The applications for expatriate posts (term posts) for REs/ROs can be considered based on the following criteria:

- i. Minimum operating expenditure of at least RM300,000 per annum
- ii. Minimum basic salary of at least RM5,000 for expatriate posts.

The number of term posts will be considered based on the merits of each case. The duration for the term post approval will be in line with the duration of the RE/RO status. The approval for expatriate will be granted by both posts and individuals.

Application should be submitted to MIDA

Other services without tax incentives and unregulated services

- i. Applications for expatriate posts for other services and unregulated services sub-sectors other than previously mentioned, should be directly submitted to the Immigration Department. MIDA will only facilitate the companies to apply for the expatriate posts to Immigration.

Fisheries, Livestock and Agriculture Industries

- i. The applications for expatriate posts for new companies (without incentives) and existing companies in the Fisheries, Livestock and Agriculture Industries should be submitted to MIDA.
- ii. The approval of expatriate posts will be considered subject to similar guidelines and conditions stipulated for the Manufacturing Sector.

3. APPLYING FOR EXPATRIATE POSTS

All applications for expatriate posts from new and existing companies (including those not involving expansion or diversification) in the manufacturing and related service sectors should be submitted to MIDA. This includes companies required to obtain manufacturing licence as well as companies exempted from the manufacturing licence.

For further information on immigration procedures, please visit www.imi.gov.my.

4. EMPLOYMENT OF FOREIGN WORKERS

In Malaysia, foreign workers can be employed in the manufacturing, construction, plantation, agricultural, services and domestic help sector.

Services sector consists of eleven sub sectors: (restaurant, cleaning services, cargo handling, launderette, caddy in golf club, barber, wholesale/retail, textile, metal/scraps/ recycle activities, welfare homes and hotel/resort island.)

Only nationals from the specified countries below are allowed to work in the selected sectors:

Approved Sectors	Nationals of:
<ul style="list-style-type: none"> Manufacturing Plantation Agriculture Construction Services sector 	<ul style="list-style-type: none"> Indonesia Cambodia Nepal Myanmar Laos Vietnam Philippines (male only) Pakistan Sri Lanka Thailand Turkmenistan Uzbekistan Kazakhstan
<ul style="list-style-type: none"> Services (cooks, wholesale/retail, barber, metal/scraps/recycle, textile) Construction (fixing of high voltage cable only) Agriculture Plantation 	<ul style="list-style-type: none"> India

Approval is based on the merits of each case and subject to conditions that will be determined from time to time. Applications to employ foreign workers will only be considered when efforts to find qualified local citizens and permanent residents have failed.

An annual levy on foreign workers is imposed as follows:

Approved Sectors	Annual Levy (Peninsular) RM	Annual Levy (Sabah/Sarawak) RM
Manufacturing	1,850	1,010
Construction	1,850	1,010
Plantation	640	590
Agricultural	640	410
Services	1,850	1,490
Services (Island Resorts)	1,850	1,010

All applications for foreign workers should be submitted to the One Stop Centre, Ministry of Home Affairs except for applications for foreign domestic helpers which should be submitted to Malaysia's Immigration Department.

For further information on employment of foreign workers, please visit the Ministry of Home Affairs website at www.moha.gov.my.