



## **Global NewsFlash**

### Malaysia – New Immigration Update

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## **Overview**

The Malaysia Immigration Department (MID) has recently announced several changes regarding the requirements for applications of Employment Pass (EP), Professional Visit Pass (PVP), Dependant Pass (DP) as well as the Long-Term Social Visit Pass (LTSVP). These changes will be effective from 1 September 2016.

## Changes to note

The new requirements are applicable for all pass applications mentioned above.

### Passport validity

For any immigration matters, **Passports must have at least 12 months validity** during the application and for the purpose of pass endorsement.

### Approval Letter

Applicants **must bring along the MID's approval letter for their respective passes and present the letter at the Immigration Checkpoint** when they first land into Malaysia after being notified of their approved application of Employment Pass (EP) Category I, II & III with/without dependent pass. The Immigration Checkpoint will endorse a special 30 day entry validity period for the endorsement to be completed by the next working day where possible. **This 30-day entry validity is critical for pass endorsement onto the passport.** Failure to present the approval letter and obtain the consequential 30-day entry period will deny the endorsement of the approved pass and a resubmission will be required.

For countries that require a Malaysian entry visa, applicants must apply for and obtain a visa with Reference (VDR) from any Malaysian embassy/high commissions/consulate general in the foreign country where they reside. The Visa/VDR in addition to the said Approval Letter are required to be presented at the Immigration Checkpoint upon entering Malaysia.

### VDR requirements for changing a pass (for existing pass holders applicable only for restricted national)

Existing pass holders who are changing to the new pass as listed below will be required to **exit Malaysia and collect VDR in order to be endorsed for a new pass:-**

- I. EP Category III to EP Category III
- II. DP to EP Category III
- III. Student Pass to EP Category III

#### IV. PVP to EP Category III

### Cooling-off period

Existing pass holders who are changing to the new passes as listed below must **exit Malaysia and serve a 3-month "cooling off period" before the endorsement of the new pass:-**

- I. Change of employer from EP Category III to EP Category III under new employer
- II. Temporary Employment Pass (PLKS) to any EP category I, II & III
- III. An upgrade from Professional Visit Pass (PVP) with 12 months duration to Employment Pass.

### Endorsement of approved pass upon entry

EP applicants must endorse the approved pass within the 30 – day period from the date of entry into Malaysia. Whereas for PVP applicants, they are required to endorse the approved pass within 14 days from the date of entry.

### Translation and attestation of certificate

If certificates (i.e. marriage/birth/ academic) for the purpose of pass application is not in Bahasa Melayu (Malay) or English language, the certificates have to be translated by the official translator in the applicant's home country and certified by Malaysia Embassy in their respective home country. *(For China and Bangladesh nationals, this is the only option available).*

Alternatively, translation can be done in Malaysia by the official translator Malaysian Institute of Translation & Books (MITB) and certified by the respective Embassy in Malaysia. (Not applicable for China/Bangladesh national).

## Permission to study for EP holder (higher learning at a public/private university)

Applications must be submitted manually to the MID.

## New Born

For noncitizen children born in Malaysia who obtain passports after reaching six months of age, a Special Pass and overstay clearance from the Enforcement Unit of MID, Putrajaya must be acquired before a Dependent Pass can be endorsed.

## LTSVP renewals

### I. **Children 18 years or older**

The original letter from the relevant Embassy in Malaysia certified by the Commissioner of Oath on the latest status (single, unemployed and under custodian of EP holder) is required for **every renewal**.

### II. **Common Law wife**

The original letter from the relevant Embassy in Malaysia to prove the relationship is required for **every renewal**.

## i-Card

The expatriate identity card (i-Card) will now only be issued to EP I and EP II level applicants. Dependents and EPIII level pass holders are not eligible for i-Cards.

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## Deloitte's view

The implementation of the new regulations by the MID would have a significant impact on foreign nationals applying for immigration passes in Malaysia. Specifically,

1. Applicants can enter Malaysia only upon receipt of the approval from MID and applying for VDR (where applicable for certain nationalities).
2. They can enter for social visit purposes prior to the issuance of the approval. However, they must leave Malaysia and re-enter for work purposes after the pass is approved.
3. Failure to comply with the "physical absence rule until approval" may result in the delay of approval issuance (since the MID can track the presence of applicant in country) and will only be released when the applicant departs from Malaysia.
4. The approval letter must be presented at the immigration checkpoint upon arrival. This will entitle the applicant a special 30-day validity period for endorsement purposes only. If the approval letter is not presented, the social visit pass endorsed will deny the pass to be endorsed.
5. Nationals which require a Reference Visa must apply prior to arrival and to be presented together with the approval letter at the Immigration checkpoint.
6. Visa upon arrival is not available at Immigration checkpoint.
7. Ensure that the passport has at least a 3-year validity period at the time of application of the pass in order to meet the minimum 12-month validity requirement and for a complete endorsement of the applied period.
8. The cooling off period will mean an exit and no return until the period lapses before the new category of pass can be applied.
9. The timely endorsement of pass upon arrival is critical. We recommend this as a top priority to be completed on the first working day. Subsequent travels upon arrival are not encouraged until the endorsement is complete.

The requirements are now stringent and failure to comply will result in a rejection of application or a re-submission of the application. The MID will not entertain any appeal. The employer and the applicant must therefore take note of the requirements and schedule the needful on a timely basis.

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