

Navigating Malaysia's Visa Jungle

VISA. Changing visa requirements, paper intensive applications, different types of visa or permits and online platforms as well as lack of up-to-date knowledge result in a proverbial jungle. This article offers you a clearer path using a comprehensive overview of the requirements.

By Dr Eva Langerbeck

Immigration law distinguishes between visa, work and residence permits. With a valid visa, you can enter and leave Malaysia, whereas a work permit allows you to work and remain in Malaysia for a specific period of time. Residence permits enable its holder to remain in Malaysia for a certain duration only.

Are You a Tourist?

Most tourists obtain a visa on arrival. This visa allows you to enter and remain in Malaysia for up to 90 days depending on your nationality. Nationalities that require a visa prior entering Malaysia have to apply for a Short-Term Social Visit Pass at a Malaysian embassy or high commission. Any form of employment – whether you get paid or not – is strictly prohibited under a Visa on Arrival or Short-Term Social Visit Pass and they can only be extended in case of emergency (accident, hospitalisation).

Are You Here on Business?

Attending short meetings, sports competitions and negotiations does not require a work permit. You can

enter Malaysia either on a Visa on Arrival or a Short-Term Social Visit Pass.

Are You Here for Work?

Any form of employment in Malaysia including voluntary work, internships, repair of machinery, installations, giving training or consultation in Malaysia, giving seminars and lectures at a Malaysian university, or performing as an artist or being a speaker, requires a work permit – even if you are getting paid by a foreign company or not getting paid at all.

months, you need a Professional Visit Pass. If you have never worked in Malaysia before and want to work here on a permanent basis, the Malaysian company has to apply for an Employment Pass (up to 24 months). The pass is conditional and renewable for up to 4 times. You can work for the respective company only. It comes with a Multiple Entry Visa, so that you can leave and enter Malaysia as often as you want.

Alternatively, there is the option to apply for unconditional work permits, e.g. Residence Pass Talent or Permanent Entry Permit if you are eligible.

For Professional Visits

Service technicians, engineers, consultants, trainers, doctoral fellows, advisors or speakers who enter Malaysia in order to perform services, advise, train etc. require a work permit – even if they only stay in Malaysia for two weeks. For a period of up to 12 months, the inviting party (sponsor, company, university etc.) has to apply for a Professional Visit Pass together with a Multiple Entry Visa.



Overstaying may result in being blacklisted and will affect future visa and permit applications.

If you work for a foreign company which sends you to Malaysia for a period of up to 12



Are You Here as a Freelancer?

Freelance is prohibited for foreigners as both activities require an unconditional work permit. In order to be able to issue invoices, you require a company registration. If you hold an unconditional work permit, a business registration or general partnership is sufficient.

Internships

Internships require a Professional Visit Pass. Your internship can be up to 6 months (not renewable). Besides, you either need to work for a foreign company or be registered at a foreign university to be eligible.

Studying in Malaysia

If you want to study in Malaysia, you need to be admitted to a university and have to apply for a Student Pass. The university will assist you.

What About Family?

If you work in Malaysia and hold a valid Employment Pass, your legal spouse and children can hold Dependant Passes. However, your spouse will not be able to work in Malaysia.

If you are not married and hold a valid Employment Pass, your boyfriend or girlfriend can hold a renewable Social Visit Pass for up to 12 months. Any form of work is strictly prohibited under such a pass.

Living in Malaysia

If you want to permanently live in Malaysia, you require a residence permit. Residency under Visa on Arrival (Tourist Visa) or Short-Term Social Visit Passes is strictly prohibited and immigration officers will question and detain foreigners who frequently stay in Malaysia for longer periods.

If you want to retire in Malaysia, Malaysia My Second Home (MM2H) may be applicable. MM2H allows you

to legally stay in Malaysia for up to 10 years (renewable). Working is prohibited but you can bring your children, spouse or parents-in-law under Long-Term Social Visit Passes.

Overstaying

Overstaying is an offence under the Immigration Act. Immigration has the right to detain and arrest you. You need to obtain official clearance from immigration, submit a valid proof of leaving the country (flight ticket to home country) and pay a fine as to the amount of overstay. Overstaying may result in being blacklisted and will affect future visa and permit applications.

**► FOR MORE INFORMATION,
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