

Luther.

Immigration into Malaysia



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Immigration into Malaysia: Visa and work permits for expatriates

Malaysia's immigration policies are liberal and welcoming to expatriates. Besides general work permits for expatriates¹, several specialised visa types cater for all types of stays in Malaysia - *inter alia* short business trips, urgent work deployments, remote working in the digital industry, long-term residency permits and retirement options.

Visa applications can usually be submitted online and are processed within one to two weeks. In-person appointments or submissions of original passports to a consulate or visa centre are normally not required. Even the final endorsement of the visa into the passport can be done directly at the airport upon arrival in Malaysia.

However, as is often the case, the devil is in the detail. Applications for long-term visas may require the prior registration of the employer with the Immigration Department and the requirement of additional approvals in certain sectors may delay the application process. For some positions, local employees would need to be considered first and the employment of a foreign expert may need to be justified. Underlying immigration policies are often not made public. The policies can sometimes be rather vague or change without prior notice. Also, as in most countries, immigration decisions are usually subject to the discretion of the officers in charge.

At the same time, visa applications can be highly emotional for the applicants as delays or complications usually directly impact their personal life.

Planning immigration matters early and diligently is therefore a key factor for the success of an application and the overall project.

This guide aims to introduce the most relevant visa types for expatriates and investors (Part A), provide a comparison of the different visa types (Part B.) and give an overview of the immigration process for work permits (Part C).

A. Visa Types²

The two most important visa types for expatriates in Malaysia are the **Employment Pass** as the standard work visa for expatriates who are employed in Malaysia and the

Professional Visit Pass as a visa for foreign experts assigned to a project in Malaysia without being employed in Malaysia (e.g. for installation works or trainings).

However, other visa types may be better suited for short business trips or urgent technical assignments. Likewise, foreigners planning to live in Malaysia on a more permanent basis independent from a specific employer may opt for special long-term visa types.

The most relevant visa types for expatriates and investors are summarised below:

I. Short-Term Social Visit Pass

The standard visa for short touristic, social or business trips; usually granted upon arrival.

Nationals of most countries³ are eligible for a Short-Term Social Visit Pass ("**ST-SVP**") permitting a stay of up to 90 days, which is granted upon arrival in Malaysia. Passport holders of some countries (e.g., China, India, or Pakistan) must apply for the ST-SVP prior to their arrival in Malaysia.

1. Features

An ST-SVP permits stays for, *inter alia*, the following reasons:

- Visiting relatives;
- Tourism;
- Journalism / reporting;
- Meetings and conferences;
- Factory inspections;
- Auditing company accounts; and
- Contract negotiations and signings.

Not allowed are professional activities such as installation works, maintenance, repairs or other technical services.

2. Application Process

For nationals that are **not eligible** for an ST-SVP upon arrival, applications can be submitted online⁴ or to the closest embassy / consulate in the country of residence. The required

¹ The term "expatriate" is used here to differentiate from foreign workers employed for manual labour in the manufacturing, construction, agriculture, plantation and service industries, who are subject

² This guide describes the most relevant visa types for West Malaysia. Different immigration policies apply for East Malaysia.

³ Nationals of North Korea and Israel are not eligible and require special approval.

⁴ <https://malaysiavisa.imi.gov.my/evisa/evisa.jsp>

supporting documents include a confirmed return flight booking, proof of accommodation in Malaysia, proof of sufficient funds to finance the stay and documents supporting the purpose of the stay (e.g. an invitation of a business partner or to a conference).

Nationals **eligible** for a ST-SVP upon arrival should be able to present such supporting documents to the immigration officers at the airport or other border crossing when entering into Malaysia, if requested.

3. Immigration and Validity

ST-SVPs are generally single-entry visas. They are valid for a period of up to 90 days, depending on the nationality of the foreigner. ST-SVPs are not renewable.

II. Multiple Entry eVisa

Multiple Entry eVisas are a special type of ST-SVP for multiple short term stays within a certain period.

Foreigners that are not eligible for an ST-SVP upon arrival may apply for a so-called Multiple Entry eVisa (“MEV”), which allows them to enter into and exit from Malaysia for a specific purpose during a limited period of time without having to reapply for a new ST-SVP for each entry. The MEV is therefore not a separate visa type but a multiple-entry ST-SVP.

1. Features

An MEV allows a foreigner to enter Malaysia for several short-term stays for up to 90 days per visit (depending on the nationality of the applicant) during a term of 3 to 6 months.

MEVs can be issued for the following purposes:

- Business (limited to business meetings, factory inspections, conferences, and other activities not requiring a work permit⁵);
- Medical treatment;
- Wedding tourism; or
- Fly & Cruise.

2. Application Process

An application for an MEV can be submitted online⁶ by the applicant. In addition to the application documents required for an ST-SVP, applicants must provide documents supporting the specific purpose of their stay. This could be an invitation letter from a business partner, proof of the intended medical treatment, an invitation or booking for a wedding in Malaysia or the booking for a cruise starting and ending in Malaysia.

3. Immigration, Validity, Renewal

The approval of an MEV is issued online and must be presented upon arrival in Malaysia.

The duration of each stay during the term of the MEV is limited to the maximum duration of an ST-SVP based on the nationality of the applicant.

MEVs are not renewable.

III. PLS@Xpats

A special short-term work permit for urgent work assignments.

The PLS@Xpats programme was introduced in October 2022 as a result of the private sector’s demand for a short-term visa allowing foreign experts to enter the country to provide urgent technical work without a lengthy and complex visa application process.

1. Features

The PLS@Xpats work permission can be granted for the following purposes:

- Emergency work;
- Repair works;
- Installations;
- Recovery and reinstallation works;
- Maintenance;
- Testing and commissioning; and
- Other urgent tasks.

⁵ A business MEV does not allow the provision of any professional or technical services. Please refer to the PLS@Xpats permit (see Part A.III. below), PVP (see Part A.IV.) and EP (Part A.VI.) for visa types allowing the provision of professional services in Malaysia.

⁶ <https://malaysiavisa.imi.gov.my/evisa/evisa.jsp>

2. Requirements

The PLS@Xpats is technically not an independent visa type but a special working permission to conduct urgent work under an ST-SVP. **Important:** If the foreign expert is not eligible for an ST-SVP upon arrival, the expert must apply for an ST-SVP separately.

PLS@Xpats permissions are available for most industry sectors.

An applicant must explain why a foreign expert is required for a particular task and why the task is urgent or critical for the operation of its business in Malaysia. The application must be supported by an invitation letter from the local entity for whom the task is performed.

3. Application Process

Applications can be submitted online by the Malaysian entity for whom the task is performed, the foreign expert's employer or a service provider via a special portal.⁷

The official processing time is 3 to 5 working days from the date of submission.

4. Immigration, Validity, Renewal

The PLS@Xpats approval letter must be presented together with the supporting documents for the ST-SVP during the immigration process upon arrival in Malaysia.

The maximum duration of stay under a PLS@Xpats is 30 days. Renewals or extensions are not allowed.

IV. Professional Visit Pass

The standard short- or long-term work permit for work assignments of experts employed abroad.

Longer or non-urgent work deployments of foreign experts, who are employed abroad, require a Professional Visit Pass ("PVP"). PVPs require a local sponsor, who invites the foreign expert for a specific task. The local sponsor must submit the application for the PVP via its own registered immigration account.

1. Features

PVPs are granted for the following purposes:

- The transfer of expertise (or tasks requiring special expertise otherwise not available);
- Research;
- Training;
- Volunteering;
- Exhibitions; and
- Internships.

The foreign expert must be employed by a foreign entity and may not receive a salary from the local sponsor.

Family members of PVP holders are not eligible for special dependent visas.

2. Requirements

The foreign expert must hold the following minimum qualifications:

- A university degree and at least 3 years' professional experience in the relevant field;
- A diploma – a special qualification below university-level (not to be confused up with what is known as *Diplom* in Central Europe) – and at least 5 years' professional experience; or
- A technical certificate and at least 7 years' professional experience.

The local sponsor must justify why the foreign expert is required for the specific task. This may require detailed justification letters and additional supporting documents evidencing the need for the foreign expert.

3. Application Process

The application for a PVP can only be submitted by the local sponsor after registering with the Expatriate Service Division of the Immigration Department of Malaysia ("ESD") (for details please see Part C. below).

The application process usually takes between 14 and 21 working days. However, if the local company has not yet registered with ESD, a much longer period would be required.

⁷ <https://mtp.imi.gov.my/plsXpats/main>

4. Immigration, Validity, Renewal

PVPs can be granted for a maximum period of one year. A foreign expert can only obtain a PVP for up to a total validity period of one year under the same sponsor (e.g. a single PVP for a period of one year or 4 separate PVPs for a period of 3 months each over several years).

PVPs are generally not renewable.

PVPs are only endorsed into the foreign expert's passport after entry into Malaysia (i.e. the PVP sticker is only pasted into the passport after arrival). In order to enter into Malaysia legally, the foreign experts must obtain a so-called Single Entry Visa ("SEV") from a Malaysian consulate in their country of residence. Applications for SEVs can also be submitted online.⁸

V. DE Rantau Nomad Pass

A special visa for freelancers, independent contractors and remote workers in the digital, E&E and IC industries.

The DE Rantau Nomad Pass ("DE-RNP") is a new special type of PVP for digital nomads. It was introduced in October 2022 and offers certain benefits to digital nomads compared to regular PVP holders.

Digital nomads are freelancers, independent contractors and remote workers working in the IT industry (including *inter alia* software development, UX, UI, cloud services, cybersecurity, blockchain, AI, machine learning, and big data), digital marketing, digital creative content creation and similar digital industries.

Since July 2023, freelancers, independent contractors and remote workers in the electrical and electronic ("E&E") or integrated circuit ("IC") design industry are also eligible to apply for the DE-RNP.

1. Features

The DE-RNP allows freelancers, contractors, and remote workers in the relevant industries to live and work in Malaysia

independent from a specific employer for up to one year with an option for renewal for a second year.

In contrast to a regular PVP, DE-RNPs do not necessarily require a local sponsor or a foreign employer. If no local sponsor can be found, the Malaysian Digital Economy Corporation (MDEC) Sdn Bhd⁹ can act as sponsor against the payment of a security bond of between MYR 200 and MYR 2,000 depending on the nationality of the applicant.

DE-RNP holders may bring their spouse and underage children with them. Children under a DE-RNP require a separate "Permission to Study" to attend school in Malaysia.

Holders of DE-RNPs may also be eligible for additional benefits under the DE Rantau programme.

2. Requirements

Applicants must work as freelancers, independent contractors or remote workers in the above described digital industry, E&E industry or as IC designers and must be able to evidence this work with supporting documents.

Applicants must prove an annual income exceeding USD 24,000.

3. Application Process

Digital nomads can apply for the DE-RNP directly via an online portal.¹⁰ The application must not be submitted by a sponsor and does not require a prior registration with ESD.¹¹

Applications are processed within 4 weeks from the date of submission.

4. Immigration, Validity, Renewal

The DE-RNP is only endorsed into the passport upon arrival in Malaysia. The applicant must therefore apply for a SEV before departing for Malaysia.

A DE-RNP can be granted for a period of up to one year and can generally be renewed for a second year.

⁸ <https://malaysiavisa.imi.gov.my/evisa/evisa.jsp>

⁹ The Malaysian Digital Economy Corporation (MDEC) Sdn Bhd is a government agency under the purview of the Ministry of Communications and Multimedia Malaysia. It oversees the implementation of Malaysia's initiatives to strengthen and grow the digital industry in Malaysia. In this context, MDEC also processes visa applications for expatriates working in the digital industry.

¹⁰ <https://mdec.my/derantau/foreign/>

¹¹ Nationals of China and Bangladesh are required to provide a bank guarantee from a local bank in Malaysia. However, banks can only issue bank guarantees to persons who hold a long term visa in Malaysia and have a bank account in Malaysia. Nationals of the aforementioned countries may therefore not be able to successfully apply for a DE-RNP for the time being.

VI. Employment Pass

The standard work permit for expatriates working in Malaysia.

The most common work permit in Malaysia is the Employment Pass (“EP”).

1. Features

The EP is a multiple-entry residence visa and work permit, that allows foreigners to live and work in Malaysia over the term of the validity of the EP.

However, EPs are always linked to a specific employer in Malaysia. Employments with additional employers are not allowed. A change of the employer requires the cancellation of the earlier EP under former employer and the issuance of a new EP under the new employer.

2. Requirements

There are three categories of EPs with different features and requirements:

a) Category I

An EP Category I requires a minimum monthly salary of MYR 10,000. If granted, its maximum validity is 5 years; a validity period of between 1 to 3 years is, however, more common.

Holders of an EP Category I may apply for Dependent Passes (“DP”) for their immediate family members (see below under Part A.VII.).

b) Category II

The minimum salary for an EP Category II is MYR 5,000 per month. The maximum validity period of an EP Category II is 2 years. Family members can obtain DPs.

c) Category III

EP Category III requires a monthly minimum salary of only MYR 3,000. However, an EP Category III requires special

justification and additional approval from the Ministry of Home Affairs (MOHA). It can be granted for a maximum period of validity of 1 year and does not permit the issuance of DPs for family members.

d) Further requirements

Expatriates must fulfil the following minimum qualifications to be eligible for an EP:

- A university degree and at least 3 years’ professional experience in the relevant field;
- A diploma and at least 5 years’ professional experience; or
- A technical certificate and at least 7 years’ professional experience.

3. Application Process

The employer of the expatriate must submit the application for an EP via its registered online account with ESD.

The application is usually processed within 5 to 10 working days. However, longer processing times are common.

Companies in the digital industry¹² must submit applications for EPs via the eXpats portal of MDEC.¹³

Furthermore, additional prior approvals are required in certain industries (for example, in the manufacturing, tourism, financial, aviation, healthcare and construction industries). Applications for most sector-specific approvals can be submitted via the centralised Xpats Gateway of ESD and will be issued within 3 to 10 working days.¹⁴

More details on the application process for EPs are set out in Part C. below.

4. Immigration, Validity, Renewal

The maximum period of validity for EPs category (5 years for Category I; 2 years for Category II and 1 year for Category III). EPs for Category I and II are renewable. Holders of an EP Category III must leave the country for a cooling off period of at least three months after the EP has been renewed twice in a row or before reapplying with a different employer.

¹² These refer to companies which have been awarded the “Malaysia Digital” status – an incentive program for companies in the IT and digital industry under the purview of MDEC.

¹³ <https://mdec.my/expats/>

¹⁴ Depending on the tier of the sponsoring company within the ESD immigration system. The tier is based on a number of factors, including the issued capital, track record in immigration matters, revenue and industry of the sponsor.

EPs are only endorsed into the passport of the expatriate upon arrival in Malaysia. The expatriate must therefore apply for an SEV online or at the Malaysian Consulate in their country of residence before travelling to Malaysia for the first time under the EP.

An EP can be renewed electronically without the need to submit the original passport to the authorities. A renewed EP is issued electronically as an “ePass” and does not need to be endorsed in the passport.¹⁵

VII. Dependent Pass

The standard residence permit for spouses and children of expatriates.

Dependent Passes (DP) allow the legal spouse of an EP holder and their children below 18 years of age to reside in Malaysia.

1. Features

DP holders are not allowed to work in Malaysia.

Before children of an EP holder can be enrolled in school in Malaysia, a “Permission to Study” must be obtained from the Immigration Department. The Permission to Study requires a letter from the intended school and is granted in most cases.

2. Requirements

In order to prove the dependent’s relationship to the EP holder, a translated and certified copy of the marriage certificate (for spouses) and birth certificate (for children) must be submitted together with the application.

3. Application Process

The application for an DP must be submitted by the employer of the EP holder. The application can be submitted together with the application for the EP or subsequently after the EP has been endorsed into the expatriate’s passport.

4. Immigration, Validity, Renewal

The validity of DPs is linked to the validity of the principal EP. DPs are generally renewable.

DPs are also endorsed into the passport upon arrival to Malaysia. The family members must therefore obtain an SEV for the first entry into Malaysia.

DPs can be renewed electronically. An ePass is issued upon renewal without the need to endorse it physically in the passport.¹⁶

VIII. Long-Term Social Visit Pass

A residence permit for other family members of expatriates.

Long-Term Social Visit Passes (“LT-SVP”) permit unmarried children over the age of 18 and below the age of 25 as well as parents, parents-in-law and “common law spouses” of EP holders to reside in Malaysia.

“Common law spouses” are non-married long-term partners, who live together in a legally recognised relationship in the home jurisdiction of the expatriate.

1. Features

LT-SVP holders are permitted to reside in Malaysia.

However, they are not allowed to work or study under an LT-SVP and cannot apply for Permission to Study.

2. Requirements

The relationship to the EP holder must be evidenced by a translated and certified birth certificate of the child (for children), of the EP holder (for parents) or of the spouse (for parents-in-law). For parents-in-law, the marriage certificate of the EP holder must also be provided.

The recognised relationship between the EP holder and the partner or common law spouse must be confirmed by an acknowledgement letter of the embassy or consulate of the home country of the EP holder.

Additionally, a personal bond signed and witnessed by any Malaysian national must be provided to ensure the LT-SVP holder’s compliance with the immigration laws of Malaysia.

¹⁵ ePasses are only available if an EP has been previously pasted in the passport. If the expatriate has obtained a new passport, the renewed EP would need to be endorsed in the passport (i.e. the EP sticker would need to be pasted into the passport). The decision on the issuance of an ePass is subject to the discretion of the immigration officers.

¹⁶ Unless the dependent has obtained a new passport. The decision on the issuance of an ePass is subject to the discretion of the immigration officers.

3. Application Process

Applications for LT-SVPs must be submitted by the employer of the EP holder. Applications can be submitted together with the EP application or after the EP of the principal has been endorsed in their passport.

4. Immigration, Validity, Renewal

The maximum validity period of LT-SVPs is one year and linked to the validity of the principal EP. Renewals are possible.

LT-SVPs are endorsed into the passport after arrival to Malaysia. The LT-SVP holder must therefore apply for a SEV prior to the first entry into Malaysia.

IX. Resident Pass – Talent

A long-term residence and work permit for expatriates which is independent from a specific employer.

A Resident Pass – Talent (“**RP-T**”) allows a foreign expert to live and work in Malaysia over a long term, independent of a specific employer. It also allows the foreigner to start their own business in Malaysia.

1. Features

An RP-T is issued to the expatriate directly and no sponsoring employer is required. RP-T holders therefore have flexibility to change their employers within Malaysia without having to apply for a new visa.

Expatriates staying in Malaysia under an RP-T are also permitted to set up their own business.

The spouse and underage children of the eligible expatriate may apply for dependent RP-Ts. Spouses holding a dependent RP-T are permitted to work in Malaysia as well.

Children over 18 years, parents and parents-in-law are eligible for a renewable one year LT-SVP.

2. Requirements

To be eligible for an RP-T, a foreigner must

- Have worked in Malaysia for at least three years;
- Hold an EP with a remaining validity period of more than three months at the time of application;
- Earn a basic monthly income of at least MYR 15,000;
- Have paid income tax in Malaysia for at least two years;
- Hold a PhD, master’s or bachelor’s degree or diploma from a recognised university or a professional certificate from a recognised professional institute; and
- Posses at least five years of total work experience.

3. Application Process

The application for an RP-T can be submitted by the applicant online via a special portal.¹⁷ Applications are subject to the approval of a panel and are usually granted quite conservatively.

4. Immigration, Validity, Renewal

RP-Ts can be granted for a period of up to 10 years and are renewable.

X. Strategic Investor Pass

A special type of RP-T for strategic investors in key industries.

The Strategic Investor Pass (“**SIP**”) was introduced in July 2023 in conjunction with Malaysia’s latest investment policies and industry master plan as a special type of RP-T.

It aims to enhance Malaysia’s attractiveness to strategic investors and foreign talent by offering investors and their top management a special long-term visa with a stronger immigration status compared to EPs.

1. Features

The SIP offers the same benefits as RP-T.

In particular, holders of SIPs are allowed to set up their own businesses.

Dependents are eligible for a Dependent RP-T and spouses holding a Dependent RP-T are permitted to work in Malaysia.

¹⁷ <https://www.myxpats.com.my/rpt/>

2. Requirements

Only owners, members of the top management and top decision makers of strategic investors (and their families) are eligible.

Strategic investors are those who invest at least MYR5 billion in key industries in Malaysia. Key industries currently include the E&E, digital and pharma industries. Additional industries may be added at a later stage.

Unlike for the RP-T, applicants are not required to have held an EP for at least three years or to have paid income tax in Malaysia for at least two years.

3. Application Process

Candidates for SIPs are identified and recommended by the respective investment agencies.

4. Immigration, Validity, Renewal

SIPs are valid for 5 years and can be renewed for another 5 years.

XI. Malaysia My Second Home

A special visa for high net worth individuals to live, retire, and invest in Malaysia.

The Malaysia My Second Home Programme (“MM2H”) aims to attract high net worth individuals to live in Malaysia. It is primarily intended for foreigners wishing to retire in Malaysia.

1. Features

Successful applicants of the MM2H are granted a 5 year multiple entry visa to Malaysia.

Spouses, unmarried children under the age of 31 years and parents of the MM2H holder are also eligible for multiple-entry visas.

MM2H holders are generally not allowed to work in Malaysia but may own and be a director of a local business. Participants over the age of 50 can obtain an additional approval to work part time.

MM2H holders are eligible for certain tax benefits (including *inter alia* immediate tax resident status, tax exemptions for

certain types of foreign income and a tax exemption for the import or purchase of a car).

2. Requirements

At the time of the application, an applicant must

- Be 35 years old or older;
- Have liquid assets of MYR 1.5 million or more; and
- Have a monthly (foreign) income of MYR 40,000 or more.

Upon approval, a fixed deposit of MYR 1 million plus an additional amount of MYR 50,000 per dependent must be placed in a Malaysian bank account. MYR 500,000 can be withdrawn after one year.

The applicant must also provide a medical report and maintain a medical insurance valid in Malaysia.

The applicant and/or their spouse must reside in Malaysia for at least 90 days (cumulatively) in a year.

3. Application Process

Applications are usually submitted through licensed agents but can also be submitted by the applicants directly.

The fixed deposit must be paid after the application has been approved and before the visa is endorsed in the passport.

4. Immigration, Validity, Renewal

Under the MM2H Programme, a multiple-entry Social Visit Pass with of a validity of 5 years is issued to successful applicants, and this pass can be renewed.

XII. Premium Visa Programme

A long-term visa for high net worth foreigners wishing to live, work, invest, and study in Malaysia.

The Premium Visa Programme (“PVIP”) is a long term residency visa that allows high net worth foreigners to live, work and study in Malaysia for up to 20 years.

1. Features

The PVIP allows foreigners with a constant foreign income to live, work, invest and study in Malaysia without any minimum

presence requirements. Unlike the MM2H, there is no minimum age requirement and successful applicants are allowed to take up employment in Malaysia as well as conduct their own business without any specific restrictions.

Participants in the PVIP can be accompanied by spouses, children, parents, and foreign helpers.

PVIP visas are issued as multiple entry visas for a term of 20 years.

PVIP visa are valid for 20 years and can be renewed for a second term of 20 years.

2. Requirements

Applicants must prove a monthly foreign income of MYR 40,000 or an annual foreign income of MYR 480,000.

Applicants must also provide a letter of good conduct issued by their home country and a medical report from a private hospital or registered clinic in Malaysia. In addition, a proof of health insurance valid for Malaysia must be submitted.

A participation fee of MYR 200,000 for the principal applicant and MYR 100,000 for each dependent is payable upon application. Thereafter, an annual pass fee of MYR 2,000 per person applies.

No proof of liquid assets, no minimum age, and no minimum duration of stay per year is required.

Upon approval, participants must place a fixed deposit of MYR 1 million at a local bank, which may generally not be withdrawn during the term of the visa. However, 50% of the deposit can be withdrawn after one year for the purchase of real estate in Malaysia or for medical and educational purposes upon approval of the Immigration Department.

3. Application Process

Applications for a visa under the PVIP must be submitted via licensed agents and cannot be submitted by the applicant directly.

The fixed deposit must be paid after the application has been approved and before the visa is endorsed in the passport.

4. Immigration, Validity, Renewal

The approved PVIP visa will be endorsed in the participant's passport after arrival in Malaysia.

B. Overview

Pass	Work permit	Maximum validity	Renewal possible	Visa for family members	Local Sponsor required	Application process	Processing time	Endorsement required
ST-SVP	No, only business meetings	Up to 90 days	No	No	No	Online or on arrival	2 working days or on arrival	No
MEV	No, only business meetings	3 to 6 months; up to 90 days per stay	No	No	No	Online	2 working days	No
PLS@Xpats	Yes, for specific project	30 days	No	No	Yes	Online by sponsor or employer	3 working days	No
PVP	Yes, for specific project and specific sponsor	1 year	No	No	Yes	By local sponsor via ESD Account	14 to 21 days	Yes
DE-RNP	Yes, for specific industries	1 year	Yes, once for a second year	Yes	No	Online by applicant	4 weeks	Yes
EP	Yes, but for only one specific local employer	5 years	Yes	Yes	Yes	By employer via ESD Account	5 to 10 working days	Yes / ePass available
DP	No	5 years	Yes	N/A	Yes	By employer via ESD Account	14 to 21 days	Yes / ePass available
LT-SVP	No	1 year	Yes	N/A	Yes	By employer via ESD Account	14 – 21 days	Yes
RP-T	Yes	10 years	Yes	Yes	No	Online by applicant	21 working days to 3 months	Yes
SIP	Yes	5 years	Yes	Yes	No	Upon recommendation	n/a	Yes
MM2H	No	5 years	Yes	Yes	No	By agent or online	3 to 6 months	Yes
PVIP	Yes	20 years	Yes	Yes	No	By agent	2 to 6 months	Yes

C. The application process for EPs and PVPs in detail

Applications for most short-term and special visas can be submitted online via various platforms. This includes, in particular, applications for ST-SVP, MEV, PLS@Xpats, DE-RNP, RP-T, PVIP and MM2H. The applicant must usually first register for an account under the respective portal, then complete the online application form and upload the supporting documents, and finally, submit the application. The applicant can later download the approval by logging into their account. Service providers can assist with the preparation of applications or handle the applications process in its entirety if required.

However, the application process is more complex for the standard long-term work permits (i.e. EP and PVP) as well as for DPs and LT-SVPs for family members. Applications can only be submitted by the employers/sponsors of the expatriates through prior approved accounts with the immigration authorities and upon the abstract approval to employ foreigners by the Department of Labour. In some instances, additional approvals and recommendations are required. In addition, a special single-entry visa is required for the expatriate to travel to Malaysia and finally, the visa must be endorsed in the passport after the expatriate's arrival.

If an employer does not yet have the required immigration account and has never applied for an EP or PVP before, the whole process from account registration to endorsement of the visa into the passport can exceed 6 months. Timely and meticulous planning is therefore of the utmost importance for the successful issuance of an EP or PVP.

In the following sections, the individual steps of an EP application are set out to illustrate the process:

I. ESD Account

The first step for an application for an EP is the registration of an account with the Expatriate Service Division ("**ESD**") of the Immigration Department¹⁸ by the employer.

This account can be opened at any time without any specific EP application being made. Hence, if a company generally plans to employ an expatriate or sponsor a PVP for a foreign expert, it is recommended that it registers an ESD account immediately and does not wait until a visa for a specific expatriate is required.

1. Requirements

Only companies registered in Malaysia, societies and certain other organisations can open accounts with the ESD. Foreign owned Malaysian companies¹⁹ must have a minimum paid-up capital of MYR 500,000 and hold all licences required for their business to be eligible to open an account.²⁰

Companies must also be able to present a Business Premises License for their office or other business address.

2. Registration Process

The registration of an ESD account can be completed online and requires the approval of the ESD. After the application has been submitted together with all supporting documents, the official processing time for the approval is approximately one month.

3. Authorised officers for immigration matters

Upon approval of the account registration, the company must appoint

- one of their directors as an "authorised director";
- in most cases, their head of human resources as so-called "endorser" and "login-ID user"; and
- up to four staff members or service providers as "submission officers"

by submitting a "Letter of Undertaking" ("**LoU**") to the ESD.

These persons are authorised to administer the company's ESD account and, depending on their role, authorise or submit applications. Usually, companies choose to appoint service providers as submission officers so that they can handle the correspondence with the immigration officers and submit documents over the counter to the Immigration Department, if required.

The LoU must be signed and presented by the named director in person at the Immigration Department.

II. Workforce Projection

The next step after the account registration and the appointment of the authorised officers is the submission of a so-called workforce projection to ESD.

¹⁸ The ESD is the approving agency for EPs, PVPs, DPs and LT-SVPs for entities in most industries. However, applications of entities in the digital industry must be submitted via the eXpat portal to MDEC. The process is roughly the same under both approving agencies.

¹⁹ 51% foreign shareholding or more

²⁰ Foreign owned companies in the wholesale, retail and trade sector as well as in various service sectors require a minimum paid-up capital of MYR 1 million.

As of 1 April 2023, applications for workforce projections no longer require the submission of and are automatically approved once submitted.

It is therefore only necessary as a technical step to activate the application function for the individual EP and PVP slots within a company's ESD account.

III. MyFutureJobs

It is generally mandatory for employers to advertise vacancies for at least 14 days²¹ to local candidates on the government-run job platform "MyFutureJobs" before such positions can be filled by expatriates. If no suitable local candidate can be found by the 8th day of the advertising period, a "Hiring Outcome Report" detailing the company's efforts to find a local employee for the position can be submitted to the authorities to request the approval to hire an expatriate. If approved, a "recommendation letter" is issued within 3–5 working days and the employer can proceed with the application for an EP for the expatriate candidate.

However, this strict requirement is only of limited relevance in practice. One of several automatic exemptions applies to most expatriates. In particular, the following positions do not need to be advertised to local candidates before expatriates can be employed:

- Key management positions;
- Positions earning a monthly salary of MYR 15,000 or more;
- Positions filled by shareholders or owners of the employer; and
- Positions filled by expatriates transferred from group companies.

IV. General Approval of Labour Department

With effect from 1 January 2023, employers are obliged to obtain the approval of the Director General of Labour before employing new foreign employees.

The application for approval can be submitted online via a special portal.²² Employers must provide information on their business, their workforce, and the vacant position.

The approval is usually granted within one to two weeks.

The approval is usually valid for 6 months for an unlimited number of additional foreign employees employed during this term.

The approval letter of the Director General of Labour is required for the application for the individual visa.

V. Approvals by other authorities

Furthermore, additional special approvals from other authorities are required in some industry sectors.²³

Applications for most sector-specific approvals can be submitted through the centralised Xpats Gateway of ESD.²⁴

The approvals are required before an EP application can be submitted and will need to be uploaded to the ESD account of the sponsoring company. Applications are processed within 3 to 10 working days depending on the tier of the sponsoring company within the immigration system.²⁵

VI. Submission of application and approval

Once the individual application function in the ESD account has been activated (after a workforce projection) and all other approvals obtained, the company can submit the individual application for an EP or PVP.

The entire application process is carried out online and does not require the presence of the expatriates or their original passports.

Applications should be prepared carefully in advance to avoid additional requests from the immigration officers during the process. It may, in particular, take time to organise all supporting documents, which include, *inter alia*, the employment agreement of the expatriate stamped by the Inland Revenue Board of Malaysia, the detailed resume of the expatriate and a passport picture with a blue background.

After the submission, the processing time for the application is usually between 5 to 10 working days depending on the tier of the sponsoring company. However, at peak times, longer processing times are possible.

²¹ The minimum advertisement period has been reduced from 30 days to just 14 days effective from 15 June 2023.

²² www.eppax.gov.my for applications for expatriates (i.e., EP or PVP holders) – applications for other categories of foreign employees must be submitted through different portals.

²³ Sectors requiring additional approvals include, *inter alia*, the manufacturing, financial services, healthcare, tourism, aviation, biotechnology, construction, education and mining sectors.

²⁴ <https://xpatsgateway.com.my/>

²⁵ A company's tier depends on a number of factors, including its paid-up capital, turnover, track record with the immigration authorities, the stage of the company's lifecycle and the strategic importance of the company's industry.

D. How we can help you

Upon approval, an approval letter and a so-called “VDR letter” are issued electronically.

VII. Immigration and Endorsement

The Visa with Reference (“VDR”) letter is needed by the expatriate to next arrange for a so-called Single Entry Visa (“SEV”) to enter into Malaysia before the actual EP or PVP is pasted into the passport.

The SEV can also be obtained online²⁶ or directly from the closest Malaysian consulate at the country of residency of the expatriate. The SEV is usually issued on the same day at a consulate or within two working days if requested online.

The expatriate can then travel to Malaysia and present the approved SEV to the immigration officers, who will affix an entry stamp into the passport.

This stamp is required for the last step, namely the endorsement of the EP – i.e. the pasting of the actual visa sticker into the passport.

This can be done upon prior application directly upon arrival at Kuala Lumpur International Airport²⁷ or via delivery by courier to the office of the employer after the expatriate has entered the country.

Once the EP is endorsed, the expatriate is permitted to reside and work in Malaysia and can exit and enter the country freely during the validity of the visa. Long-term passholders may use the auto-gates for immigration at Kuala Lumpur International Airport for a faster immigration clearance process.

VIII. Summary

Even though the above-described process may appear complex, repetitive and bureaucratic, it is a well-working and modern system. The individual steps are standardised and can be completed online. The expatriate need not attend any appointments in person until the arrival in Malaysia and the entire process can be handled by the HR department of the employer or an external service provider.

However, if the required infrastructure is not set up in time and applications, are not planned early and prepared diligently, delays and complications are very likely. Proper planning is therefore the key to a successful expatriate onboarding process.

Our team has extensive experience in all immigration matters and our experts are well positioned to *inter alia*

- advise on immigration policies;
- manage and structure the expatriate onboarding process;
- set up and administer immigration accounts;
- prepare, submit and supervise visa applications;
- handle immigration emergencies and difficult applications;
- structure and manage applications, renewals, amendments and cancellations; and
- provide ad-hoc assistance.

²⁶ <https://malaysiavisa.imi.gov.my/evisa/evisa.jsp>

²⁷ For EP, DP, LT-SVP, and PVP applicants arriving to Malaysia via Kuala Lumpur International Airport 1

E. Your Contacts

If you have any questions or require assistance with immigration matters, do not hesitate to contact us:



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Our advisory services are tailored to our clients' corporate goals. We take a creative, dedicated approach to achieving the best possible economic outcome for each of our clients. The name "Luther" stands for expertise and commitment. With a passion for our profession, we dedicate all our efforts to solving your issues, always providing the best possible solution for our clients. Not too much and not too little – we always hit the mark.

We know how crucial it is to use resources efficiently and to plan ahead. We always have an eye on the economic impact of our advice. This is true in the case of strategic consulting as well as in legal disputes. We have complex projects on our agenda every day. At Luther, experienced and highly specialised advisors cooperate closely in order to offer our clients the best possible service. Thanks to our fast and efficient communication, permanent availability and flexibility, we are there for you whenever you need us.

Luther has been named "Law Firm of the Year: Germany 2021" and also "European Law Firm of the Year 2021" by The Lawyer, one of the most well-known legal magazines worldwide.

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About unyer

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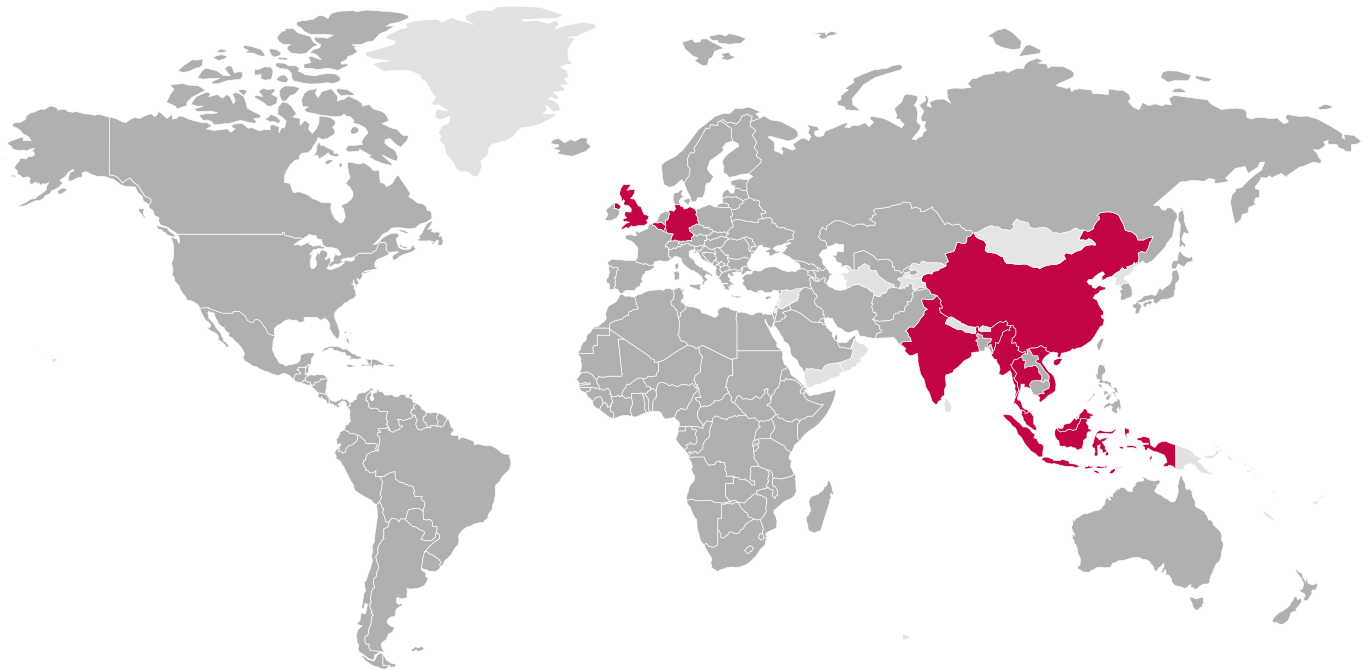
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Our locations

We have a global outlook, with international offices in 11 key economic and financial centres in Europe and Asia. We also maintain close relationships with other commercial law firms in all relevant jurisdictions. Luther is a founding member of unyer (www.unyer.com), a global organisation of leading professional services firms that cooperate exclusively with each other. This way, we ensure a seamless service for our clients throughout their demanding international projects.

Our partner firms are based in Africa, Australia and New Zealand, Europe, Israel, Japan and Korea, the Middle East, Russia and the CIS, South and Central America, the US and Canada.



- Luther locations
- Best friends

Our locations

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Essen	Shanghai
Frankfurt a.M.	Singapore
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Hanover	Yangon
Ho Chi Minh City	

Our awards



JUVE

In the 2022/2023 JUVE Guide to Commercial Law Firms, 52 lawyers from Luther were recommended, and 10 of these were also listed as “leading advisors”. The legal publisher JUVE ranked Luther in 31 areas of law. In 2022, Luther was nominated for the JUVE award “Employment Law” as well as “Real Estate” and was named “Law Firm of the Year” by JUVE in 2019. In the past, Luther already won the JUVE award “Law Firm of the Year 2017 for Environmental and Regulatory Law”.



The Legal 500

The Legal 500 Germany 2023 recommends Luther in 30 areas of law, with “Top Tier” rankings in two of these areas. 72 lawyers are being recommended, 12 of whom have been specially recognised as “Leading Individual” or “Next Generation Partner”. Luther has also been included for Germany in the first edition of **The Legal 500 Green Guide EMEA 2022**. This guide provides an overview of law firms’ engagement with sustainability, including both work for clients as well as firms’ own best practices and initiatives.



Chambers

In 2023, Luther was recognised by Chambers Europe for 13 practice areas in Germany as well as in two practice areas in Luxembourg. Moreover, 15 partners were included in the Individual Ranking. Additionally, in 2023, Luther was recognised by Chambers Global in three advisory areas in Germany and Myanmar, while five partners were also included in the Individual Ranking.



The Lawyer European Awards

Luther has been named “Law Firm of the Year: Germany 2021” and also “European Law Firm of the Year 2021” by The Lawyer, one of the most well-known legal magazines worldwide.



Kanzleimonitor

Kanzleimonitor 2022/2023 recommends Luther in 25 areas of law and has also included 16 Luther lawyers among the recommended lawyers mentioned by name.

Best Lawyers

„Best Lawyers in Germany 2024“

For the year 2024, 99 lawyers have been recommended by Luther as “Best Lawyers in Germany 2024”, an award presented by the US publisher “Best Lawyers” in cooperation with the German Handelsblatt, including one partner as “Lawyer of the Year” for his area of law, and 19 colleagues who have received the recommendation “Best Lawyers - Ones to Watch”.



WHO'S WHO LEGAL

WHO'S WHO LEGAL listed 21 lawyers in December 2022, four of whom were recognised as Thought Leaders, which is the highest award, and three of whom were named Future Leaders.

Imprint

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