

# Mobility: Immigration alert

August 2021



## Malaysia

### Malaysia announces multiple immigration policy changes

#### Executive summary

The Malaysian Government recently announced a series of immigration policy changes, which took effect earlier this month. Expatriates and their dependent family members whose immigration status in Malaysia expired on or after 18 March 2020 are now allowed to remain in the country until 31 December 2021, even if they do not obtain a Special Pass. The Government also announced that fully vaccinated travelers may now apply to quarantine in a private residence in lieu of a government-designated hotel. The Malaysian authorities resumed over the counter (in-person) services earlier this month and are now processing applications that require in-person visits, e.g., to change employers or cancel immigration passes. In addition, the Malaysian authorities are now only issuing a single six-month extension for expatriate pass approval letters instead of the multiple extensions they were issuing previously to accommodate applicants following the outbreak of COVID-19.

#### Right to stay extended for expatriates and their families

Earlier this month, the Malaysian Government announced that expatriates and their accompanying dependent family members whose Malaysian immigration passes expired on or after 18 March 2020 and who applied for new passes can remain in Malaysia lawfully until 31 December 2021, even if they did not obtain a Special Pass prior to the expiry of their immigration pass, as was previously required. The most common immigration passes for expatriates and their family members are Employment Passes, Professional Visit Passes and Dependent Passes. This measure was enacted due to delays in government processing of immigration passes,

including Special Passes. It does not apply to individuals who entered Malaysia under the Foreign Worker category, which is generally used by semi-skilled and unskilled foreigners working in Malaysia's agricultural, construction, services and manufacturing industries.

The new policy does not extend expatriates' authorization to work in Malaysia. Expatriates with expired Malaysian work authorization documents remain strictly prohibited from working in Malaysia. These individuals must renew their work authorization documents or obtain new ones prior to resuming their work activities in Malaysia.

#### New quarantine requirements for vaccinated travelers

The Malaysian authorities also recently announced that fully vaccinated foreigners entering Malaysia may serve the mandatory 14 to 21 day quarantine in a private residence in lieu of a government-designated hotel by applying for, and obtaining, a Home Surveillance Order (HSO) from the Malaysian health authorities. Fully vaccinated travelers are defined as individuals who received a second dose of the Pfizer, Moderna, Sinopharm, Sinovac or AstraZeneca vaccine at least 14 days prior to entry into Malaysia, or a single dose of the Johnson & Johnson or Cansino vaccines at least 28 days prior to entry. Travelers who are granted an HSO may be required to quarantine in a government-designated hotel if, upon arrival, they are deemed to pose a potential health risk by the Malaysian health authorities. Travelers who are granted a HSO are still required to take a polymerase chain reaction COVID-19 test no more than 72 hours prior to travel, and test negative, to be admitted.

### Resumption of over the counter (in-person) services

The Malaysian Government has resumed over the counter services for certain immigration applications that require in-person visits by applicants. Over the counter services were recently suspended when Malaysia went into a lockdown in June 2021. As a result of the resumption of over the counter services, foreigners and companies in Malaysia may now file certain immigration applications, e.g., to change employers in Malaysia and cancel passes prior to an expatriate's departure from Malaysia.

### Expatriate pass approval letters

The Malaysian Government has also updated its policy on extending the validity of approval letters for expatriates seeking to work in Malaysia. In general, expatriates are required to enter Malaysia and complete their work authorization (e.g., Employment Pass, Professional Visit Pass) applications from within the country no more than six months after the issuance of their approval letters. Prior to the outbreak of the COVID-19 pandemic, expatriates were permitted to apply for a single six-month extension if they could not enter Malaysia within six months of their approval letter being issued. In response to COVID-19, the Malaysian Government began issuing multiple extensions to accommodate applicants whose travel to Malaysia was restricted due to COVID-19-related border closures and travel restrictions. As border closures and travel restrictions start to decrease worldwide, the Malaysian authorities have reverted to their original policy of issuing a single six-month extension for approval letters. This means that expatriates and their Malaysian sponsors are now required to complete the work authorization application process no more than 6 months (or 12 months if they receive an extension) following the issuance of the approval letter.

### Key steps

EY will continue to monitor these developments. Should you have any questions, we encourage you to contact one of our immigration professionals.

#### Christopher Lim

Partner - People Advisory Services  
ASEAN Immigration Leader  
Tel: +603-7495-8378  
Email: christopher.lim@my.ey.com

#### Eunice Look

Director - People Advisory Services, Global Immigration  
Malaysia Immigration Leader  
Tel: +603-7495-8225  
Email: eunice.look@my.ey.com

#### Jehan Iskandar

Manager - People Advisory Services, Global Immigration  
Tel: +603-7495-8286  
Email: jehan.iskandar@my.ey.com

#### Chew Shu Shan

Manager - People Advisory Services, Global Immigration  
Tel: +603-7495-8547  
Email: shu-shan.chew@my.ey.com

#### Noorhana Nabila Abdullah

Manager - People Advisory Services, Global Immigration  
Tel: +603-7495-8400  
Email: noorhana.nabila.abdullah@my.ey.com

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