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### **New Requirement for Employment Pass Application Process**

Effective 1 August 2016, the Expatriate Services Division (“ESD”) of the Immigration Department of Malaysia (“IDM”) requires that all Employment Pass (“EP”) (Categories I, II, and III) or Professional Visit Pass (“PVP”) applicants and their dependants for the Dependent Pass (“DP”) are to obtain their Approval Letter from the IDM (“Approval Letter”) before travelling to Malaysia.

With the implementation of the new requirement, applicants can only enter Malaysia after obtaining the said Approval Letter in respect of their EP/PVP/DP applications. The Approval Letter for the EP/PVP/DP is to be presented at the Malaysian Immigration checkpoint upon arrival.

In addition, visa applicants entering for work purposes are required to obtain a Visa with Reference (“VDR”) from any Malaysian Embassy/High Commission/Consulate General abroad, prior to entering Malaysia to complete the work permit process.

#### **Previous process**

Previously, applicants for these passes were allowed to enter Malaysia as visitors while waiting for their application to be approved. Once approved, they could then convert their business visit status to a work permit holder status while remaining in Malaysia.

This is no longer the case. Any applicant who enters Malaysia **before** the Approval Letter for his or her application is issued will need to exit and re-enter Malaysia, pending the issuance of the Approval Letter for their application.

#### **Who is affected?**

Applicants submitting their applications via the ESD online portal.

#### **Impact**

- If an applicant has entered Malaysia without obtaining an Approval Letter, he/she will be required to leave, comply with the visa requirements (if a visa applicant) and re-enter Malaysia when the Approval Letter is granted.
- If the applicant is in Malaysia while the EP/PVP/DP application is being processed, the application will be put on hold and the processing of such application will only continue when the applicant departs from the country.
- Entry into Malaysia will be allowed while the application is in process for applicants who have valid reasons to remain in the country. However, such presence in Malaysia will delay the processing of the application.
- After arriving in Malaysia with the Approval Letter and VDR (if a visa is required), the expatriate must present the relevant documents at the IDM for the endorsement of the EP/PVP/DP on their passport.

#### **Recommendations**

Employers sponsoring foreign nationals for EP/PVP/DFP applications should ensure that such applicants are not in Malaysia at the time of filing the application. An applicant is not to travel to Malaysia for the purpose of his employment until the Approval Letter has been issued by the IDM.

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