

## Migration Policies in Malaysia 2017-2019

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# IMISEM

EVERY IMMIGRANT IS AN EMIGRANT  
How Migration Policies Shape  
the Paths to Integration

IMISEM CASE REPORT  
Migration Policies in

## Malaysia

2017-2019

Coordinated by:


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So Young Chang

January 2022

# G I G A

German  Institute for Global and Area Studies  
Leibniz-Institut für Globale und Regionale Studien

## Imprint

The IMISEM CASE REPORTS are Open Access publications licensed under the CC BY 4.0  available for download free of charge at our Project Website: [www.imisem.info](http://www.imisem.info) as well as in the Social Science Open Access Repository, which will also host the IMISEM Dataset.

“Every Immigrant is an Emigrant” (IMISEM) is a 4-year project that was funded by the Leibniz-Gemeinschaft and developed at the German Institute for Global and Area Studies (GIGA) from April 2017 until August 2021. The IMISEM project was led by Dr. Luicy Pedroza.

The case reports were authored by a multinational team of researchers coordinated by Luicy Pedroza, Pau Palop-García and So Young Chang. The team of authors (i.e., data collectors) comprised 18 persons (3 core researchers plus 15 student assistants and interns), in alphabetical order: Daniel Braga Nascimento, So Young Chang, Natalia Chudoba, Jenny García Ruales, Belén Goyeneche, Paula Koller, Elena Korshenko, Zihao Lin, Charlotte Metzger, Eduardo Pagés, Pau Palop-García, Luicy Pedroza, Barbara Pilz, Neslihan Önder, Mayya Solonina, Béla Soltész, Arnaz Tejakusuma, and Girindra Wiratni Puspa. For their commitment in the final editing phase, we acknowledge the valuable contributions of Great Uchechukwu Udochi and Micaela Lincango. We are also grateful for the institutional support of the GIGA, especially Peter Peetz, Petra Brandt, Sabine Barth, Jan Lüth, Bert Hoffmann and Verena Schweiger. We also thank Sonia Octavio and Bertram Richter for their support in the cover design and Andrew Crawford for his work in programming the website for the publication of these reports in addition to all the visualizations linked to the IMISEM dataset. Authors alone are responsible for the content of the reports. GIGA and the editors cannot be held liable for any errors and omissions, or for any consequences arising from the use of the information provided.

The data collection for IMISEM took place in Berlin (Germany) from 2017 to 2019 and reflects the state of migration policy at the time of data collection. For maximal transparency, this report follows the structure of the original questionnaire which the team used to collect the information. That tool -an empty questionnaire- is also available in our Project Website for anyone who would like to work further, either to update the cases in the IMISEM sample, or to collect information for cases which were not included in the IMISEM sample. The IMISEM Team encourages both kinds of extensions, which would be very valuable contributions to the scholarly community working on comparative migration policies.

This report you are about to open has been automatically created based on the information contained in the IMISEM dataset, with an R script (version 2.0) coded by Pau Palop-García. Editors of the IMISEM Case Reports: Dr. Luicy Pedroza & Dr. Pau Palop-García.

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## **About IMISEM**

“Every Immigrant is an Emigrant (IMISEM)” is a 4-year project that was funded by the Leibniz-Gemeinschaft and hosted at the German Institute for Global and Area Studies (GIGA) from April 2017 until August 2021. Its main distinctive feature is that it adopts a comprehensive view of migration policy. This includes not only the policies that regulate the stages of entry, immigrant residence and integration to citizenship access, but also encompasses the stages of emigration, emigrant rights abroad, and retention of citizenship. Thus, this project bridges for the first time the two sides of migration policy which both the policy and research communities have assumed to exist, but which so far have not been systematically analyzed in their connections. By collecting information on a vast array of information for policies across these six areas (three “stages” \* two “sides”) for 32 cases from three world regions, we hope to offer the scholarly and policy communities the resources to discover connections between the different areas of migration policy within and across cases as well as noteworthy migration policy innovations in so far little-known cases in the world. The IMISEM project was led by Dr. Luicy Pedroza. The data collection for IMISEM took place in Berlin (Germany) from 2017 to 2019 and reflects the state of migration policy at the time of data collection. This report has been created based on the information contained in the IMISEM dataset.

## **The IMISEM case sample**

The sample of 32 cases across Asia, Europe, and Latin America were selected based on heterogeneity in the level of economic development, levels of both flows and stocks of emigrants as well as immigrants, and then finally chosen upon taking into consideration the linguistic abilities and other pragmatic concerns that were decisive for the research team’s ability to explore and understand legal sources and policy regulations of the polities. The cases included in the sample are Argentina, Austria, Bolivia, Brazil, Chile, People’s Republic of China, Colombia, Costa Rica, Dominican Republic, East Timor, Ecuador, El Salvador, France, Germany, Guatemala, Hong Kong, Hungary, Indonesia, Ireland, Japan, Macau, Malaysia, Mexico, Peru, Philippines, Portugal, Singapore, South Korea, Spain, Taiwan, Trinidad and Tobago, and Uruguay.

We use the terms “country” and “state” in all the reports for purposes of consistency, but we are aware that some of the *polities* that we have included in the sample would require a different treatment because of situations of subordination to a higher-level political community (as in the cases of Hong Kong and Macau as Special Administrative Regions) or contested sovereignty issues (as in the case of Taiwan). We kindly ask our readers to bear in mind these important characteristics for any interpretation of the data presented.

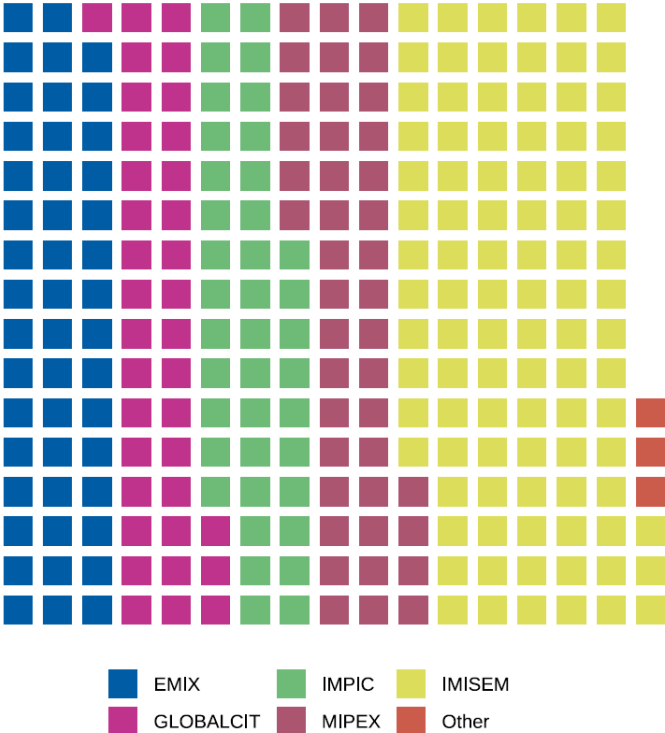
## **About the IMISEM Questionnaire**

For maximal transparency, this report follows the same structure of the IMISEM Data Collection Tool (a questionnaire) which the team used to gather the information. This questionnaire was not distributed to experts to be filled in, but rather served as a systematic tool with which the data collectors/authors were able to collect information in an orderly, systematic, and comparable manner across cases. A template of the IMISEM Data Collection Tool is available for download on our website. It is important for us, the IMISEM Team, to acknowledge how the IMISEM Data Collection Tool builds on previous efforts in

data collection on migration policies. The strategy behind the selection of questions was the following: first, based on a wide survey of the literature, we decided which dimensions and sub-dimensions of policies were relevant for our research goals and noted down the questions that we deemed necessary to gather the information for each of the IMISEM dimensions. Second, we did a thorough review of all the questionnaires produced by previous projects and selected from them those that covered the policy dimensions identified in our initial literature review. As a final step, we came up with new questions that covered those areas that had not been addressed by previous projects and yet seemed crucial to understand migration policies comprehensively and across the three regions that we cover.

The final version includes 288 main questions (and over 800 sub-questions), 90 of which (31.3 %) are original formulations of the IMISEM project and 198 are based on questions developed previously by projects such as [IMPIC](#), [EMIX](#), [GLOBALCIT](#) and [MIPEX](#). The first draft of our Data Collection Tool was piloted on a case from each region and thereafter went through several revisions to refine and modify the wording of questions. As none of the existing tools we drew on had included Asian cases in their original sample, it was important that our tool itself reflected policies that we might encounter in the broader sample pool with their apparent priorities and specificities. An example of this is the addition of questions on broker agencies that assist potential migrants with emigration and immigration, which are highly visible actors in several Asian cases. Adapting questions coming from projects that had originally focused on European cases only also meant discarding items that captured regulations applicable only for European migrants/citizens (i. e. for the European cases in our sample we collect information that applies to “third-country nationals”). The iterative process of piloting and refining questions led to the final version of the IMISEM Data Collection Tool. Figure 1 shows the origin of the questions that are included in our questionnaire.

Figure 1: Origin of the questions included in the IMISEM Data Collection Tool



Each square represents a main question of the IMISEM Questionnaire/Data Collection Tool.

Source: Own elaboration.



## Format of the answers contained in this report

The format of the answers that we present in this report follows the needs of the team to have comparable answers, so that we could more easily assign a numerical code later and therefore produce a dataset which lends itself to different analyses. Yet, we also wanted to include an explanation of the answer in some detail so that our readers can understand how we interpreted the sources and why we assigned a certain code. The importance of including an explanation for each answer cannot be understated. The explanations allow us to add nuance to the instances where there is room for debate and contestation over the interpretation of regulations. By explaining our answers, we hope to increase the transparency of the steps between data collection and data coding, and to invite other researchers to draw their own interpretations and conclusions, which may differ from our own.

Each of the answers in this report is composed of four fields:

**Answer:** this field contains the qualitative answer to the given question (for instance, “yes” or “no”).

**Code:** this field contains the quantitative answer to the given question. This reflects how we translated the qualitative answer into a number or code (for instance, “yes” can be coded as 0, and “no” as 1). The codes allow us to create composite indicators and compare across cases. The transformation of the qualitative answers into codes have been carried out following the IMISEM Codebook, the free access to which is also available on our website.

**Explanation:** this field contains the interpretation for the answer. It is meant to help the reader understand the logic behind the qualitative answer given by the coder. It often refers to the regulations -or lack thereof- and explains how we understood it.

**Sources:** this field contains a description of the sources consulted by the collector/author to come up with the answer and the explanation. Usually, primary sources (such as laws, all kinds of regulations and official government websites) are provided first, followed by consultations with official authorities (if the team considered necessary to corroborate information or decide for an interpretation), and secondary sources.

## Format of the sources

We used a shortened version of the Chicago style for the citation of the different sources to reduce the length of the reports. The sources include the name of the web page, publication, report or legal document in the original language, followed by the translation in English within “[ ]”. Given the complexity of the questions, answering many of them required using more than one source. Therefore, in a single question, several references appear in the same paragraph. They are separated by the following sign: “/”.

For example, the following format was used for legal documents, the most used type of source:

Name of regulation in original language [Name of regulation in English]. Year of enactment (Year of the version). Art. X.

Example: Constitución Española [Spanish Constitution]. 1978 (1992). Art. 78.

## **Varieties of Standard English**

In accordance with the diversity of nationalities and backgrounds in our team, we decided against homogenizing the use of English, which means that readers will find different spelling norms being applied across reports. We followed the use that is customary in the case we collected information for or that which our collectors felt at ease with. The same principle applies to other languages, such as Spanish or German.

## **Contact**

We sincerely hope that our dataset proves useful for your purposes. Please let us know if you have any feedback at: [lpedroza@colmex.mx](mailto:lpedroza@colmex.mx) or find us through our ORCID numbers:

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# 1. Emigration policies

---

## 1.1. General

**EMIGRATION\_1: The attempt to leave the country is punishable by law.**

Answer: No

Code: 1

Explanation: No. There is no such ban mentioned in the Federal Constitution and furthermore, right to life and personal liberty is enshrined in Article 5.

Sources: Federal Constitution of Malaysia. 1957(2010). Art. 5 (1).

**EMIGRATION\_2: Exit fees.**

**Prospective emigrants need to pay a fee before emigrating.**

Answer: No

Code: 1

Explanation: No. No such restriction on how long Malaysians can stay abroad.

Sources: Official Portal of Ministry of Foreign Affairs, Malaysia. "Travelling Abroad". Accessed September 17, 2018. <http://www.kln.gov.my/web/guest/travelling-overseas>.

**Amount of the fee in country of origin currency:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Amount of the fee in US Dollars:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Prospective emigrants need to make a deposit before emigrating:**

Answer: No

Code: 1

Explanation: No. No such deposit required.

Sources: Official Portal of Ministry of Foreign Affairs, Malaysia. "Travelling Abroad". Accessed September 17, 2018. <http://www.kln.gov.my/web/guest/travelling-overseas>.

**Amount of the deposit in the currency of the country of origin:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Amount of the deposit in US Dollars:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**EMIGRATION\_3: Citizens can only stay abroad for a given maximum of days.**

**Citizens can only stay abroad for a given maximum of days**

Answer: No

Code: 1

Explanation: No. No such restriction on how long Malaysians can stay abroad.

Sources: Official Portal of Ministry of Foreign Affairs, Malaysia. "Travelling Abroad". Accessed September 17, 2018. <http://www.kln.gov.my/web/guest/travelling-overseas>.

**Maximum number of days that citizens can stay abroad:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

## 1.2. Documentation

### 1.2.1. Passport

#### EMIGRATION\_4: Cost of ordinary passport.

**Cost of ordinary passport in country currency (if there are different costs for passports with different validity, register the cost of the cheapest ordinary passport):**

Answer: 200

Code: 200

Explanation: A standard 50-page first five-year passport or renewal costs:  
RM200 (48,33 USD) for persons who are 13 years old and over but under 59 years old  
RM200 (48,33 USD) Child (under 13 years old) passport  
RM100 (24,16 USD) Senior citizen (over 60 years old) passport  
RM100 (24,16 USD) Student (under 21 years old) passport  
RM100 (24,16 USD) Haj Pilgrim passport  
RM100 (24,16 USD) Passport for Disabled (OKU)  
Free Restricted Passport: A restricted passport for Malaysian residing in Sabah, Sarawak and Labuan traveling to Brunei costs: RM50 (5-year validity) (12,08 USD)

Sources: Official Portal of Immigration Department of Malaysia (Ministry of Home Affairs). "Malaysian International Passport". Accessed September 17, 2018.  
<http://www.imi.gov.my/index.php/en/passport/malaysian-international-passport.html>.

**Cost of ordinary passport in US Dollars (if there are different costs for passports with different validity, register the cost of the cheapest ordinary passport):**

Answer: 48.33

Code: 48.33

Explanation: Not applicable

Sources: Not applicable

#### EMIGRATION\_5: Maximum length of procedure to process passport.

**Maximum length of procedure to process passport is specified in the regulations or information on the average length is provided by official sources (if there are different lengths, use the minimum):**

Answer: Yes

Code: 1

Explanation: 5 working days.

Sources: Official Portal of Immigration Department of Malaysia (Ministry of Home Affairs). "Malaysian International Passport". Accessed September 17, 2018.  
<http://www.imi.gov.my/index.php/en/passport/malaysian-international-passport.html>.

**Maximum length of procedure to process passport (in days):**

Answer: 5

Code: 5

Explanation: 5 working days.

Sources: Official Portal of Immigration Department of Malaysia (Ministry of Home Affairs). "Malaysian International Passport". Accessed September 17, 2018.  
<http://www.imi.gov.my/index.php/en/passport/malaysian-international-passport.html>.

**Maximum length of procedure to process passport (by categories):**

Answer: From 0 to 2 months

Code: 1

Explanation: 5 working days.

Sources: Official Portal of Immigration Department of Malaysia (Ministry of Home Affairs). "Malaysian International Passport". Accessed September 17, 2018.  
<http://www.imi.gov.my/index.php/en/passport/malaysian-international-passport.html>.

**EMIGRATION\_6. Renewal of passport from abroad is possible:**

Answer: Yes

Code: 1

Explanation: Yes, it is possible in any Malaysian Representative Office.

Sources: Official Portal of Immigration Department of Malaysia (Ministry of Home Affairs). "Malaysian International Passport". Accessed September 17, 2018.  
<http://www.imi.gov.my/index.php/en/passport/malaysian-international-passport.html>.

### 1.2.2. Other requirements

**EMIGRATION\_7. Local police certificate is necessary to emigrate:**

Answer: No

Code: 1

Explanation: No. It is not listed in the required documents for passport application.



Sources: Official Portal of Immigration Department of Malaysia (Ministry of Home Affairs). "Malaysian International Passport". Accessed September 17, 2018.  
<http://www.imi.gov.my/index.php/en/passport/malaysian-international-passport.html>.

**EMIGRATION\_8. Superior/employer's permission is necessary to emigrate:**

Answer: No

Code: 1

Explanation: No. It is not listed in the required documents for passport application.

Sources: Official Portal of Immigration Department of Malaysia (Ministry of Home Affairs). "Malaysian International Passport". Accessed September 17, 2018.  
<http://www.imi.gov.my/index.php/en/passport/malaysian-international-passport.html>.

**EMIGRATION\_9. Proof of income is necessary to emigrate:**

Answer: No

Code: 1

Explanation: No. It is not listed in the required documents for passport application.

Sources: Official Portal of Immigration Department of Malaysia (Ministry of Home Affairs). "Malaysian International Passport". Accessed September 17, 2018.  
<http://www.imi.gov.my/index.php/en/passport/malaysian-international-passport.html>.

**EMIGRATION\_10. Registration abroad is mandatory.**

Answer: Yes

Code: 0

Explanation: Yes. All Malaysians living abroad are encouraged to register themselves at the nearest Malaysian Embassy/High Commission as stipulated in item 6 of the Malaysian Passport that reads "A Malaysian citizen residing abroad must register his/her name and latest address at the Malaysian Embassy/High Commission or Consulate Office".

Sources: Official Website of High Commission of Malaysia, Wellington (Ministry of Foreign Affairs, Malaysia). "Registration of Malaysian Abroad". Accessed September 17, 2018.  
[http://www.kln.gov.my/web/nzl\\_wellington/malaysian\\_reg](http://www.kln.gov.my/web/nzl_wellington/malaysian_reg).

### **1.3. Quotas and restrictions**

**EMIGRATION\_11. Quotas to emigrate based on ethnicity.**

**Quotas to emigrate based on ethnicity exist in the country:**

Answer: No

Code: 1

Explanation: No, there is no quota for Malaysian to emigrate since every citizen has the right to move.

Sources: Federal Constitution of Malaysia. 1957(2010).

**Quota to emigrate for 2017:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**EMIGRATION\_12: Quotas to emigrate based on income.**

**Quotas to emigrate based on income exist in the country:**

Answer: No

Code: 1

Explanation: Not applicable

Sources: Not applicable

**Quota to emigrate for 2017:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**EMIGRATION\_13. Those who are liable for military conscription are allowed to emigrate:**

Answer: Not applicable (no military conscription in country of study)

Code: Not applicable

Explanation: Since military conscription does not exist in the country anymore, this question is not applicable. On 13 August 2018, Youth and Sports Minister Syed Saddiq Abdul Rahman from the new federal government under Pakatan Harapan announced that the National Civics Bureau and National

Service programmes were abolished. He said that his ministry will draft a replacement programme that will be in line with the Federal Constitution.

Sources: Channel News Asia. "Malaysia Abolishes National Service Programme, Civics Bureau". Access not date not available. <https://www.channelnewsasia.com/news/asia/malaysia-abolishes-national-service-programme-civics-bureau-10612398>.

#### **EMIGRATION\_14: Banned countries for emigration.**

**There are countries that are banned as destination for emigrants:**

Answer: Yes

Code: 0

Explanation: North Korea & Israel. North Korea: The Ministry of Foreign Affairs hereby informs the public that all Malaysians are banned from travelling to the Democratic People's Republic of Korea (North Korea) until further notice. This decision is taken in view of the escalation of tensions in the Korean Peninsula and related developments arising from missile tests. The travel ban will be reviewed once the situation has returned to normal. Israel: As stated in Malaysian passports: This passport is valid for all countries except Israel.

Sources: Official Portal Ministry of Foreign Affairs, Malaysia. "Travel Ban to the Democratic People's Republic of Korea". Access date not available. [http://www.kln.gov.my/web/guest/travel-advisory/-/asset\\_publisher/u9aoztbc4uU/content/travel-ban-to-the-democratic-people-s-republic-of-korea?inheritRedirect=false&redirect=http%3A%2F%2Fwww.kln.gov.my%2Fweb%2Fguest%2Ftravel-advisory%3Fp\\_p\\_id%3D101\\_INSTANCE\\_u9aoztbc4uU%26p\\_p\\_lifecycle%3D0%26p\\_p\\_state%3Dnormal%26p\\_p\\_mode%3Dview%26p\\_p\\_col\\_id%3Dcolumn-2%26p\\_p\\_col\\_pos%3D1%26p\\_p\\_col\\_count%3D2](http://www.kln.gov.my/web/guest/travel-advisory/-/asset_publisher/u9aoztbc4uU/content/travel-ban-to-the-democratic-people-s-republic-of-korea?inheritRedirect=false&redirect=http%3A%2F%2Fwww.kln.gov.my%2Fweb%2Fguest%2Ftravel-advisory%3Fp_p_id%3D101_INSTANCE_u9aoztbc4uU%26p_p_lifecycle%3D0%26p_p_state%3Dnormal%26p_p_mode%3Dview%26p_p_col_id%3Dcolumn-2%26p_p_col_pos%3D1%26p_p_col_count%3D2). / Johannan Sim. "Actually Ah, Why Are Malaysians not Allowed to Travel to Israel?" Access date not available. <https://cilisos.my/actually-ah-why-are-malaysians-not-allowed-to-travel-to-israel/>.

#### **List of countries banned for citizens in 2017:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

#### **Number of countries banned for citizens in 2017:**

Answer: 2

Code: 2

Explanation: Not applicable

Sources: Not applicable

**EMIGRATION\_15. Higher education graduates must pay an education tax (or compensation) to be able to emigrate:**

Answer: No

Code: 1

Explanation: No. Neither in the federal constitution nor in official portal of Ministry of Foreign Affairs mentioned such restriction.

Sources: Federal Constitution of Malaysia. 1957(2010). Art. 5 (1).

**EMIGRATION\_16. Recipients of state scholarship are banned from emigrating:**

Answer: No

Code: 1

Explanation: No such provision.

Sources: Online research

**EMIGRATION\_17: Ban for specific civil professional groups.**

**There is an emigration ban for specific professional group(s):**

Answer: No

Code: 1

Explanation: No such provision.

Sources: Online research

**There is a ban for medical doctors:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**There is a ban for other professions:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**EMIGRATION\_18. The ban can be overcome by a letter signed by a supervisor:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**EMIGRATION\_19. The ban can be overcome by a letter signed by an official authority.**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

## **1.4. Policy incentives**

**EMIGRATION\_20. Existence during 2017 of campaigns to encourage emigration:**

Answer: No

Code: 0

Explanation: No. In contrast, Malaysia has Returning Expert Programme that encourage Malaysian citizen abroad to return to the home country and MM2H (Malaysia My Second Home) programme to encourage citizen of other countries to enjoy a long term stay in Malaysia.

Sources: TalentCorp Malaysia. "Returning Expert Programme - Initiatives". Accessed September 17, 2018. <https://www.talentcorp.com.my/initiatives/returning-expert-programme>. / J&C Travel. "MM2H". Accessed September 17, 2018. <http://www.jctravel.com.my/usr/pagesub.aspx?pgid=8&lang=en>.

**EMIGRATION\_21. Existence during 2017 of campaigns to discourage emigration:**

Answer: No

Code: 0

Explanation: Not applicable

Sources: Not applicable

**EMIGRATION\_22. Existence of license system to recognize and authorize emigration brokers (i.e. persons or companies dedicated to facilitating the immigration process to emigrants):**

Answer: No

Code: 0

Explanation: No such provision found.

Sources: Online research

**EMIGRATION\_23: Emigration lump sum.**

**State of origin pays a lump sum incentive to citizens willing to emigrate:**

Answer: No

Code: 0

Explanation: No such provision found.

Sources: Online research

**Register the amount of the sum in country currency:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Register the amount of the sum in US Dollars:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**EMIGRATION\_24. State of origin allows citizens willing to emigrate the withdrawal of accumulated social benefits (e.g. unemployment benefits) in a single transfer.**

Answer: Not applicable (no benefits exist)

Code: 0

Explanation: A social benefits system is just being set up and there is resistance to the creation of a welfare system; there was a report that Parliament recently approved the Employment Insurance System (EIS) bill, establishing the country's first unemployment allowance plan. The system was set to begin operations and the collection of employer and employee contributions on January 1, 2018, with payment of benefits from the fund to begin in January 2019.

Sources: Nikkei Asian Review. "Malaysia to Offer Unemployment Insurance Starting in 2018". Access date not available. <https://asia.nikkei.com/Economy/Malaysia-to-offer-unemployment-insurance-starting-in-2018>. / Act 800 Employment Insurance System Act. 2017.

## 1.5. Penalties

**EMIGRATION\_25: Loss of private property.**

**Risk of losing real state in case of emigration:**

Answer: No

Code: 1

Explanation: No. No person shall be deprived of property.

Sources: Federal Constitution of Malaysia. 1957(2010). Art. 13.

**Risk of losing bank accounts in case of emigration:**

Answer: No

Code: 1

Explanation: No such provision.

Sources: Federal Constitution of Malaysia. 1957(2010). Art. 13.

**EMIGRATION\_26: Re-entry ban.**

**Existence of a re-entry ban after residence abroad for nationals by naturalization:**

Answer: No

Code: 1

Explanation: No re-entry ban for Malaysian after residence abroad (not regulated in the federal constitution).

Sources: Federal Constitution of Malaysia. 1957(2010).

**Re-entry ban applies after how many months of residence abroad?**



Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Existence of a re-entry ban after residence abroad for nationals by birth:**

Answer: No

Code: 1

Explanation: No re-entry ban for Malaysian after residence abroad (not regulated in the federal constitution).

Sources: Federal Constitution of Malaysia. 1957(2010).

**Re-entry ban after residence abroad for nationals by birth after how many months of residence abroad?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Existence of a re-entry ban after residence abroad for nationals with dual or multiple nationality:**

Answer: No

Code: 1

Explanation: No re-entry ban for Malaysian after residence abroad (not regulated in the federal constitution).

Sources: Federal Constitution of Malaysia. 1957(2010).

**Re-entry ban after residence abroad for nationals with dual or multiple nationality after how many months of residence abroad?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**EMIGRATION\_27. Existence of sanctions (other than a re-entry ban) for overstaying abroad:**

Answer: No

Code: 1

Explanation: No such provision.

Sources: Federal Constitution of Malaysia. 1957(2010).

## **1.6. Administration**

**EMIGRATION\_28. Existence of institution/agency with competencies for exit and/or emigration:**

**Existence of institution/agency with competencies for exit and/or emigration:**

Answer: Yes

Code: 1

Explanation: Jabatan Imigresen Malaysia (Immigration Department of Malaysia) under the reign of Ministry of Home Affairs is in charge of administering and managing the movement of people at authorised entry and exit points.

Sources: Ministry of Home Affairs. "Official Portal of Immigration Department of Malaysia". Accessed July 23, 2019. <https://www.imi.gov.my/index.php/en/>.

**Name of the institution with competencies for exit and/or emigration in original language:**

Answer: Jabatan Imigresen Malaysia

**Name of the institution with competencies for exit and/or emigration in English:**

Answer: Immigration Department of Malaysia

**Place in the administrative hierarchy:**

Answer: 2nd Rank in the public administration

Code: 0.75

Explanation: Not applicable

Sources: Ministry of Home Affairs. "Official Portal of Immigration Department of Malaysia". Accessed July 23, 2019. <https://www.imi.gov.my/index.php/en/>.

## 2. Emigrant policies

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### 2.1. Policies of representation

#### 2.1.1. Electoral rights

**EMIGRANT\_1. Voting is mandatory for citizens residing abroad:**

Answer: No

Code: 0

Explanation: No. Malaysian citizens who are 21 or above have right to vote, but it is not mandatory, neither abroad nor within in the country.

Sources: Federal Constitution of Malaysia. 1957(2010). Art. 119.

**Does the country have presidential elections?**

Answer: No, the country has a parliamentary system

Code: 2

**Does the country have a bicameral system (e.g. composed of a lower house and an upper house, or an originating chamber and a reviewer chamber)?**

Answer: Yes

Code: 1

#### *Presidential elections*

**EMIGRANT\_2. Can non-resident citizens vote in national presidential elections from abroad?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**EMIGRANT\_3. Can non-resident citizens stand as candidates in national presidential elections from abroad?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

### *Legislative elections*

#### Lower house (National Elections)

##### **EMIGRANT\_4. Can non-resident citizens vote in national legislative elections (lower house) from abroad?**

Answer: Only if past residence within specific period

Code: 0.5

Explanation: They must have been to Malaysia for not less than 30 days in the past five years.

Sources: Election Commission of Malaysia “Undi Pos Luar Negara [Postal Voting from Overseas]”. Accessed July 23, 2019. <http://www.spr.gov.my/ms/pilihan-raya/soalan-lazim/undi-pos-luar-negara>.

##### **EMIGRANT\_5. Can non-resident citizens stand as candidates in national legislative elections (lower house) from abroad?**

Answer: Generally disenfranchised

Code: 0

Explanation: Non-resident citizens are unable to stand as candidates in national legislative elections.

Sources: Elections Postal Voting Regulations. 2003. / Portal Rasmi Suruhanjaya Pilihan Raya Malaysia (SPR) [Official Portal of Election Commission of Malaysia]. “Calon [Candidate]”. Accessed November 27, 2018. <http://www.spr.gov.my/ms/pilihan-raya/penjalanan-pilihan-raya/calon>.

#### Upper house (National Elections)

##### **EMIGRANT\_6. Can non-resident citizens vote in national legislative elections (upper house) from abroad?**

Answer: Non applicable (no Upper House elections)

Code: Not applicable

Explanation: Not applicable

Sources: The Commonwealth. “Malaysia: Constitution and Politics”. Access date not available. <http://thecommonwealth.org/our-member-countries/malaysia/constitution-politics>.

**EMIGRANT\_7. Can non-resident citizens stand as candidates in national legislative elections (upper house) from abroad?**

Answer: Non applicable (no Upper House elections)

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

*Registration*

**EMIGRANT\_8. Registration in the electoral roll for non-resident citizens:**

Answer: Active registration, long-term periodic renewal (for two or more elections)

Code: 0.33

Explanation: Active registration required.

Sources: Election Commission of Malaysia “Undi Pos Luar Negara [Postal Voting from Overseas]”. Accessed July 23, 2019. <http://www.spr.gov.my/ms/pilihan-raya/soalan-lazim/undi-pos-luar-negara>.

*Remote voting*

**EMIGRANT\_9. Voting methods from abroad:**

**Voting methods available to cast votes from abroad - Electronic voting:**

Answer: No

Code: 0

Explanation: No, only postal voting is possible.

Sources: Election Commission of Malaysia “Undi Pos Luar Negara [Postal Voting from Overseas]”. Accessed July 23, 2019. <http://www.spr.gov.my/ms/pilihan-raya/soalan-lazim/undi-pos-luar-negara>.

**Voting methods available to cast votes from abroad - Proxy voting:**

Answer: No

Code: 0

Explanation: No, only postal voting is possible.

Sources: Explanation: Malaysians who reside in Southern Thailand, Singapore, Brunei and Indonesian District in Borneo are not eligible to be a postal voter. Whether they have to return to Malaysia to vote (or any other possibilities) is not specified.

#### **Voting methods available to cast votes from abroad - Postal voting:**

Answer: Yes

Code: 1

Explanation: Note: Malaysians who reside in Southern Thailand, Singapore, Brunei and Indonesian District in Borneo may not vote per post. Whether they have to return to Malaysia to vote (or any other possibilities) is not specified

Sources: Election Commission of Malaysia “Undi Pos Luar Negara [Postal Voting from Overseas]”. Accessed July 23, 2019. <http://www.spr.gov.my/ms/pilihan-raya/soalan-lazim/undi-pos-luar-negara>.

#### **Voting methods available to cast votes from abroad - Personal voting in consulates or embassies:**

Answer: No

Code: 0

Explanation: No, only postal voting is possible.

Sources: Election Commission of Malaysia “Undi Pos Luar Negara [Postal Voting from Overseas]”. Accessed July 23, 2019. <http://www.spr.gov.my/ms/pilihan-raya/soalan-lazim/undi-pos-luar-negara>.

#### **Voting methods available to cast votes from abroad - Ad hoc polling stations:**

Answer: No

Code: 0

Explanation: No, only postal voting is possible.

Sources: Election Commission of Malaysia “Undi Pos Luar Negara [Postal Voting from Overseas]”. Accessed July 23, 2019. <http://www.spr.gov.my/ms/pilihan-raya/soalan-lazim/undi-pos-luar-negara>.

### *Special representation*

#### **EMIGRANT\_10: Emigrant special representation.**

**Is there a special extraterritorial constituency (i.e. reserved seats) for non-resident voters in the country's lower house?**

Answer: No

Code: Not applicable

Explanation: No such provision

Sources: Elections Postal Voting Regulations. 2003. / Portal Rasmi Suruhanjaya Pilihan Raya Malaysia (SPR) [Official Portal of Election Commission of Malaysia]. "Calon [Candidate]". Accessed November 27, 2018. <http://www.spr.gov.my/ms/pilihan-raya/penjalanan-pilihan-raya/calon>.

**Number of special seats reserved for non-resident candidates in the lower house:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Number of special emigrant districts in the lower house:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Is there a special extraterritorial constituency (i.e. reserved seats) for non-resident voters in the country's upper house?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Number of special seats reserved for non-resident candidates in the upper house:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Number of special emigrant districts in the upper house:**



Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

### *Remote voting implementation*

**EMIGRANT\_11. External voting has been implemented (non-resident citizens have been able to vote from abroad in the past elections):**

Answer: not applicable

Code:

Explanation: Legal provision for external voting exists and it has been implemented.

Sources: Election Commission of Malaysia “Undi Pos Luar Negara [Postal Voting from Overseas]”. Accessed July 23, 2019. <http://www.spr.gov.my/ms/pilihan-raja/soalan-lazim/undi-pos-luar-negara>.

**EMIGRANT\_12. In case external voting has not been implemented after its adoption, what are the main reasons?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

## **2.1.2. Regulation of political competition abroad**

### *Party offices in the state of reception*

**EMIGRANT\_13. Offices of political parties are legally allowed abroad:**

Answer: No specific regulation of offices abroad

Code: 0.5|No specific regulation of offices abroad

Explanation: No regulation. The various laws and regulations pertaining to elections are as follows: Federal Constitution, State Constitution, Election Act 1958 (Act 119), Election Offences Act 1954 (Act 5), Elections (Conduct of Election) Regulations 1981, Elections (Registration of Electors) Regulations 2002 and Election (Postal Voting) Regulations 2003. Malaysia does not have law on which Political Party be the main focus. A 2018 article suggested that the Malaysian government enact a Political Parties Act in order to provide balanced access to public funding for all political parties and election

candidates; and regulating private funding of politics. There are some points concerning political parties in the Societies Act, but there is no relevant information regarding the legality of opening political party offices abroad.

Sources: Muzaffar, Chandra. "Who Funds the General Election". Access date not available. <https://www.thesundaily.my/archive/who-funds-general-election-XUARCH530366>.

**EMIGRANT\_14. Actual existence of permanent offices of home country parties abroad which target emigrants in order to capture funding for campaigns or political support:**

Answer: No

Code: 0

Explanation: No relevant information found. There is no statute that governs political parties per se.

Sources: Online research

**EMIGRANT\_15. Register the list of countries (in English) in which the three biggest political parties of the state of origin have offices abroad (consider parties or political movements with the highest number of votes in the last national legislative election).**

Answer: Not applicable

Code: Not applicable

Explanation: No relevant information found.

Sources: Online research

**EMIGRANT\_16. Could external party offices receive public funding from state of origin?**

Answer: No specific regulation

Code: 0.5

Explanation: No regulation. The various laws and regulations pertaining to elections are as follows: Federal Constitution, State Constitution, Election Act 1958 (Act 119), Election Offences Act 1954 (Act 5), Elections (Conduct of Election) Regulations 1981, Elections (Registration of Electors) Regulations 2002 and Election (Postal Voting) Regulations 2003. Malaysia does not have law for which Political Party are the main focus. There are some points concerning political parties in the Societies Act, but there is no relevant information there regarding the legality of opening political party offices abroad or on membership. A 2018 article suggested that the Malaysian government enact a Political Parties Act in order to provide balanced access to public funding for all political parties and election candidates; and regulating private funding of politics. According to the guidelines of the Democratic Action Party, arguably the party most open to migrants' participation, given its objectives to improve the rights of immigrants and emigrants, a requirement to join is to present the NRIC, national resident identification card, which suggests that only national residents can join -neither immigrants, nor emigrants.

Sources: Muzaffar, Chandra. "Who Funds the General Election". Access date not available. <https://www.thesundaily.my/archive/who-funds-general-election-XUARCH530366>. / Societies Act. 1966(2006). / Democratic Action Party (DAP) Malaysia blog. "Democratic Action Party Malaysia - Join Us". Accessed April 23, 2020. <https://dapmalaysia.org/en/take-action/join-us/>.

## *Political campaigns*

### **EMIGRANT\_17. Electoral campaigns abroad for home elections are legally regulated:**

Answer: No specific regulation of campaigns abroad

Code: 0.5

Explanation: No relevant information found. There is no statute that governs political parties per se.

Sources: Online research

### **EMIGRANT\_18. Actual existence of campaigns abroad for home elections:**

Answer: No

Code: 0

Explanation: Malaysia does not have regulation concerning political party, its campaign and whatsoever. There is no statute that governs political parties per se.

Sources: Online research

### **EMIGRANT\_19. Existence of public funding for electoral campaigns in state of residence:**

Answer: No

Code: 0

Explanation: Malaysia does not have regulation concerning political party, its campaign and whatsoever. There is no statute that governs political parties per se.

Sources: Online research

## *Membership in political parties*

### **EMIGRANT\_20. Emigrant membership to home country political parties:**

Answer: Not regulated

Code: 0.25

Explanation: This matter is not regulated.

Sources: Societies Act. 1966(2006). Schedule I (2)

### **2.1.3. Consultative bodies**

#### **2.1.4. Consultative bodies at the national level**

##### **EMIGRANT\_21. Existence of a consultative body on emigrant issues:**

Answer: No

Code: 0

Explanation: No consultative body found

Sources: Ministry of Home Affairs. "Official Portal of Immigration Department of Malaysia". Accessed July 23, 2019. <https://www.imi.gov.my/index.php/en/>.

##### **EMIGRANT\_22. The consultation is structural or ad hoc:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

##### **EMIGRANT\_23. Composition of the consultative body:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

##### **EMIGRANT\_24. Who chairs the consultative body?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

##### **EMIGRANT\_25. The body has the right of initiative to make its own reports or recommendations, even when not consulted:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**EMIGRANT\_26. Beyond consultation on policies affecting emigrants the body has the right to get a response from national authorities to its advice/recommendations:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**EMIGRANT\_27. Selection criteria to ensure representativeness**

**Existence of selection criteria to ensure a gender-balanced consultative body:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Existence of selection criteria to ensure a geographically-balanced consultative body:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

*Consultative bodies at the consular level*

**EMIGRANT\_28. Existence of a consultative body of emigrants at the consular level.**

Answer: No

Code: 0

Explanation: There is no specific body/agency for emigrant at consular level. Consular department is the only consultative body for Malaysian abroad who act at the national and consular level.

Sources: Ministry of Home Affairs. "Official Portal of Immigration Department of Malaysia". Accessed July 23, 2019. <https://www.imi.gov.my/index.php/en/>.

**EMIGRANT\_29. The consultation is structural or ad hoc:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**EMIGRANT\_30. Composition of the consultative body:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**EMIGRANT\_31. Who chairs the consultative body?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**EMIGRANT\_32. The body has the right of initiative to make its own reports or recommendations, even when not consulted:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**EMIGRANT\_33. Beyond consultation on policies affecting emigrants the body has the right to get a response from national authorities to its advice/recommendations:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

#### **EMIGRANT\_34. Selection criteria to ensure representativeness**

##### **Existence of selection criteria to ensure a gender-balanced consultative body:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

##### **Existence of selection criteria to ensure a geographically-balanced consultative body:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

### **2.1.5. Funding of emigrant associations**

#### **EMIGRANT\_35. Existence of consular support (in kind or financial) to independent emigrant associations**

Answer: No

Code: 0

Explanation: Not applicable

Sources: Not applicable

## **2.2. Economic Policies**

## 2.2.1. Remittances

### EMIGRANT\_36. Government program/strategy to attract remittances from emigrants.

#### Existence of a government program to attract remittances from emigrants:

Answer: No

Code: 0

Explanation: No evidence of such consular support found at High Commissions in Singapore, UK, and Singapore (countries with the largest Malaysian populations).

Sources: Ministry of Foreign Affairs of Malaysia. "High Commission of Malaysia, Canberra". Accessed July 30, 2019. [http://www.kln.gov.my/web/aus\\_canberra](http://www.kln.gov.my/web/aus_canberra). / Ministry of Foreign Affairs of Malaysia. "High Commission of Malaysia, London". Accessed July 30, 2019. [http://www.kln.gov.my/web/gbr\\_london/home](http://www.kln.gov.my/web/gbr_london/home). / Ministry of Foreign Affairs of Malaysia. "High Commission of Malaysia, Singapore". Accessed July 30, 2019. [http://www.kln.gov.my/web/sgp\\_singapore](http://www.kln.gov.my/web/sgp_singapore).

#### Measures to improve banking channels for remittances:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

#### Existence of fee controls for remittances:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

#### Remittances used for a co-development scheme (if remittances are used by the state of origin to fund development policies):

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable



### 2.2.2. Investment

**EMIGRANT\_37. Existence of a government program to attract investments from emigrants (i.e. investment in housing, local enterprises, etc.):**

Answer: Yes

Code: 1

Explanation: Yes. The government is maintaining such a program called: KNOWMADS. It is a network of global Malaysians abroad with the skills, expertise, experience and most importantly, the passion to be part of the continuing development of Malaysia. Under KNOWMADS, Malaysian abroad could contribute through knowledge sharing and technology transfer, network contacts, investment funding, advisory and consultancy, market access and business linkage, as well as research think tanks.

Sources: TalentCorp Malaysia. "KNOWMADS - Initiatives". Accessed November 27, 2018. <https://www.talentcorp.com.my/initiatives/knowmads>.

### 2.2.3. Brain circulation networks

**EMIGRANT\_38. Are there formally constituted networks aiming to build connections between emigrants and the state of origin to share knowledge?**

Answer: Yes

Code: 1

Explanation: Yes. Through Talentcorp, a government agency that attracts, nurtures and retains the best and the right talent to enable Malaysia to reach its aspirations, it is uniquely placed to shape, influence and align policies, and develop demand-driven initiatives – such as the Critical Occupations List – that serve as the cornerstones for Malaysia's talent policies. Talentcorp also has a programme called KNOWMADS (see EMIGRANT\_36), that links Malaysian abroad to contribute through knowledge sharing and technology transfer, network contacts, investment funding, advisory and consultancy, market access and business linkage, as well as research think tanks.

Sources: TalentCorp Malaysia. "KNOWMADS - Initiatives". Accessed November 27, 2018. <https://www.talentcorp.com.my/initiatives/knowmads>.

### 2.2.4. Return policies

**EMIGRANT\_39. Recognition of academic and professional qualifications acquired in the state of residence:**

**Recognition in state of origin of academic and professional qualifications emigrants acquired in the state of residence:**

Answer: Yes

Code: 1

Explanation: Malaysia has a system that is direct (by virtue of a pre-existing equivalencies database) and automatic. The Malaysian Qualifications Agency has a database of qualifications that are recognized within Malaysia, but it does not process individual applications for verification. This process is carried out at the level of programmes which are accredited by MQA and issued an equivalency. This equivalency is also only offered for the following levels: certificate, diploma, advanced diploma, and Bachelor's. As it is a database of equivalencies rather than an individual application process, there is no timeline to be mentioned.

Sources: Malaysian Qualifications Agency. "Malaysian Qualifications Register". Accessed July 29, 2019. <http://www2.mqa.gov.my/mqr/>.

**Timeframe for the recognition of academic/professional qualifications obtained abroad. If there are several processes (i.e. automatic, for higher education, for primary education.), register the one with the lengthier timeframe:**

Answer: Not stated

Code: 0.25

Explanation: As it is a database of equivalencies rather than an individual application process, there is no timeline to be mentioned.

Sources: Malaysian Qualifications Agency. "Malaysian Qualifications Register". Accessed July 29, 2019. <http://www2.mqa.gov.my/mqr/>.

**EMIGRANT\_40. Communication campaigns aiming to convince emigrants to return to home country:**

Answer: No

Code: 0

Explanation: No such communication campaign found that is aimed at a general emigrant audience. There are only programs designed to attract skilled emigrants back to Malaysia.

Sources: Online research

**EMIGRANT\_41. Existence of brain gain programs developed by the government targeting highly qualified emigrants:**

Answer: Yes

Code: 1

Explanation: Returning Expert Programme (REP) to encourage Malaysians working abroad to return to the "Tanah Air". Effective 1 January 2011, the REP was placed under the purview of Talent Corporation Malaysia Berhad (TalentCorp) with the aim to facilitate the return of Malaysian experts overseas to participate in the many business and professional opportunities in Malaysia made possible by the Economic Transformation Programme (ETP). The ETP envisages for the nation to be a high-income economy by the year 2020 with its primary emphasis on the development and growth of 12 National Key Economic Areas (NKEAs) sectors that will help propel the nation forward. The 12 NKEAs are projected to create many jobs over the next decade that will require world class talents

especially for middle and highly-skilled jobs. Thus, the REP aims to fill these vacancies by targeting groups of individuals including Malaysians currently residing and working overseas. The REP is constantly being improved to meet the needs of Malaysian expats. For example, as of 12 April 2011, a revised scheme of benefits for the REP was announced by the Prime Minister himself. As such applications which are approved after April 2011 will only be entitled to the revised incentive.

Sources: TalentCorp Malaysia. "Returning Expert Programme - Initiatives". Accessed July 29, 2019. <https://www.talentcorp.com.my/initiatives/returning-expert-programme>.

#### **EMIGRANT\_42. Existence of welfare provisions or benefits that aim at facilitating the reintegration of emigrants in the home society:**

Answer: Yes

Code: 1

Explanation: Talentcorp, through Return Expert Program is committed to offering attractive living and financial incentives to help returning Malaysian talents settle in quickly and seamlessly. The key benefits for the returnees are as follows: a. Exercise an optional 15% flat tax rate on chargeable employment income for a period of five consecutive years b. Fast track your foreign spouse and children's PR status upon receipt of completed PR application forms by Jabatan Imigresen Malaysia c. Be exempted from tax for all personal effects brought into Malaysia (limited to one shipment) d. Be exempted for duties/tax for up to a maximum of RM150,000 when purchasing one locally manufactured Complete Knocked Down (CKD) or bringing back a fully imported Complete Built Up (CBU) car per application.

Sources: TalentCorp Malaysia. "Returning Expert Programme - Initiatives". Accessed July 29, 2019. <https://www.talentcorp.com.my/initiatives/returning-expert-programme>.

### **2.3. Social Policies**

#### **2.3.1. Retirement benefits**

##### **EMIGRANT\_43. Retirement benefits after emigration (i.e. pensions):**

Answer: Yes

Code: 1

Explanation: Yes. The Employees Provident Fund (EPF) in Malaysia functions as a system of partial or full withdrawals at the age eligibility rather than regular payments once someone is retired. In so far as this is the full extent of retirement benefits available to all Malaysians, emigrants are also able to contribute to EPF and withdraw funds in their entirety.

Sources: Employees Provident Fund. "Leaving the Country". Accessed July 29, 2019. <http://www.kwsp.gov.my/member/withdrawals/full/leaving-the-country>.

#### **2.3.2. Health care benefits**

#### **EMIGRANT\_44. Health care benefits.**

**Health coverage can be extended abroad (access to health services covered by the healthcare system in country of origin):**

Answer: No public health care scheme in the country of study

Code:

Explanation: Malaysia does not have a government healthcare system for their citizens—in its two-tiered system, insurance schemes are only available through private providers. Rather, the government subsidizes medical care for citizens directly through public hospitals which have fixed fees or exempted fees in certain cases (e.g. senior citizens).

Sources: Online research

**Emigrants can keep their health insurance in the state of origin and access health care services when they visit the state of origin:**

Answer: No public health care scheme in the country of study

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Emigrants can pay for their families' contributions to the public health care scheme of the state of origin:**

Answer: No public health care scheme in the country of study

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

### **2.3.3. Education**

#### **EMIGRANT\_45. Education programs for emigrants.**

**Emigrants can access scholarships awarded by the state of origin in the same conditions as resident citizens:**

Answer: No

Code: 0

Explanation: No such provision.

Sources: Online research

**State of origin has created schools abroad where emigrants can access education provided by the state of origin (i.e. follow the same curricula as schools in country of origin):**

Answer: No

Code: 0

Explanation: No such provision.

Sources: Online research

**State of origin offers language courses to emigrants to learn the language of the state of reception:**

Answer: No

Code: 0

Explanation: No such provision.

Sources: Online research

## **2.4. Cultural policies**

### **2.4.1. Visits to country of origin**

**EMIGRANT\_46. State of origin organizes visits to the origin country for emigrants on a regular basis:**

Answer: No

Code: 0

Explanation: No. The state does not organize visits of emigrants to the origin country. But, the state, through the Talentcorp, assists returnees if they want to come back and work in Malaysia under the REP (Return Expert Programme), such as they will be exempted from tax for all personal effects brought into Malaysia (limited to one shipment). However, the returnees have to organize the journeys by themselves.

Sources: TalentCorp Malaysia. "Returning Expert Programme - Initiatives". Accessed July 29, 2019. <https://www.talentcorp.com.my/initiatives/returning-expert-programme>.

### **2.4.2. Language courses for emigrants**

**EMIGRANT\_47. State of origin finances cultural courses for learning the culture and traditions of the country of origin (this could include language courses to learn the language of origin):**

Answer: No

Code: 0

Explanation: No such language courses for emigrants conducted by Malaysian representatives abroad.

Sources: Official Portal Ministry of Foreign Affairs, Malaysia. "Portal". Accessed July 23, 2019. <http://www.kln.gov.my/>.

## **2.5. Obligations**

### **2.5.1. Military service**

**EMIGRANT\_48. Emigrants have the obligation to comply with military service:**

Answer: No existence of military service

Code: Not applicable

Explanation: Military service has been abolished in Malaysia. Therefore this question is not applicable.

Sources: Federal Constitution of Malaysia. 1957(2010).

### **2.5.2. Social service**

**EMIGRANT\_49. Emigrants have the obligation to comply with social service:**

Answer: No existence of social service

Code: Not applicable

Explanation: Military and national services were abolished.

Sources: Federal Constitution of Malaysia. 1957(2010).

### **2.5.3. Taxes**

**EMIGRANT\_50. Obligation to pay taxes in state of origin**

**Emigrant must pay income taxes in state of origin:**

Answer: Yes

Code: 1

Explanation: Yes. Non-residents are taxed differently than residents. As a non-resident, they will be taxed at a flat rate of 28% on income earned within Malaysia and they will not enjoy any tax incentives, but they will still be liable to file a tax return. "Part IV art.70 (Non-resident) (1) A person who is not resident for the basis year for a year of assessment shall be assessable and chargeable to tax for that year of assessment either directly or in the name of any attorney, factor, agent, receiver or manager of his (whether or not the attorney, factor, agent, receiver or manager has the receipt of any income of that non-resident person)".

Sources: Act 53 Income Tax. 1967. Part IV Art.70, Part V (1a), and Part X.

**There are special taxes for emigrants:**

Answer: No

Code: 1

Explanation: While emigrants need to file tax returns, there are no special taxes. "Part IV art.70 (Non-resident) (1) A person who is not resident for the basis year for a year of assessment shall be assessable and chargeable to tax for that year of assessment either directly or in the name of any attorney, factor, agent, receiver or manager of his (whether or not the attorney, factor, agent, receiver or manager has the receipt of any income of that non-resident person)".

Sources: Act 53 Income Tax. 1967. Part IV Art.70, Part V (1a), and Part X.

## **2.6. Administration**

### **2.6.1. Home country administration**

**EMIGRANT\_51. Existence of a home country administration agency/body for emigrants in state of origin.**

**Existence of institution/agency with competencies for emigrant policies:**

Answer: Yes

Code: 1

Explanation: Yes. The Consular Division under the Protocol and Consular Department of the Ministry of Foreign Affairs is tasked with providing consular assistance to Malaysians abroad and also foreigners in Malaysia requiring consular assistance.

Sources: Official Portal Ministry of Foreign Affairs, Malaysia. "Protocol and Consular Department". Accessed November 27, 2018. <http://www.kln.gov.my/web/guest/protocol-consular-department>.

**Name of the institution with competencies for emigrant policies in original language:**

Answer: Jabatan Protokol & Konsular

**Name of the institution with competencies for emigrant policies in English:**

Answer: Consular Division under the Protocol and Consular Department of the Ministry of Foreign Affairs

**EMIGRANT\_52. Place in the administrative hierarchy:**

Answer: 3rd Rank in the public administration

Code: 0.5

Explanation: Ministry of Foreign Affairs Department of Protocol and Consular Consular Division (third rank)

Sources: Official Portal Ministry of Foreign Affairs, Malaysia. "Protocol and Consular Department". Accessed November 27, 2018. <http://www.kln.gov.my/web/guest/protocol-consular-department>.

## 2.6.2. Consular network

**EMIGRANT\_53: Number of consulates.**

**Number of consular missions deployed by the state of origin (including consular sections in embassies but excluding honorary consulates):**

Answer: 107

Code: 107

Explanation: Malaysia operates 107 consular missions in 85 countries abroad. Worldwide there are 66 embassies, 18 high commissions, 2 permanent representatives to UN, 1 permanent representative to ASEAN, a Malaysian Friendship and Trade Centre as well as 21 consulate general offices and 2 consulate offices. A few of these missions are concurrently accredited to neighbouring countries while others are accredited to international organisations based in their respective host countries.

Sources: Official Portal Ministry of Foreign Affairs, Malaysia. "Our Embassies Abroad". Accessed July 23, 2019. <http://www.kln.gov.my/web/guest/malaysian-mission>.

**Number of countries in which the state of origin has a consular mission (including consular sections in embassies but excluding honorary consulates):**

Answer: 85

Code: 85

Explanation: Malaysia operates 107 consular missions in 85 countries abroad. Worldwide there are 66 embassies, 18 high commissions, 2 permanent representatives to UN, 1 permanent representative to ASEAN, a Malaysian Friendship and Trade Centre as well as 21 consulate general offices and 2 consulate offices. A few of these missions are concurrently accredited to neighbouring countries while others are accredited to international organisations based in their respective host countries.

Sources: Official Portal Ministry of Foreign Affairs, Malaysia. "Our Embassies Abroad". Accessed July 23, 2019. <http://www.kln.gov.my/web/guest/malaysian-mission>.



### 2.6.3. New consular functions

#### **EMIGRANT\_54: Extensions to the consular network services.**

##### **Existence of mobile consulates:**

Answer: Yes

Code: 1

Explanation: No such provision.

Sources: Official Portal Ministry of Foreign Affairs, Malaysia. "Portal". Accessed July 23, 2019. <http://www.kln.gov.my/>. / Ministry of Foreign Affairs of Malaysia. "E-Consular". Accessed July 23, 2019. URL not available.

##### **Consulates open on weekends on a regular basis (e.g. once monthly):**

Answer: No

Code: 0

Explanation: No such provision.

Sources: Official Portal Ministry of Foreign Affairs, Malaysia. "Portal". Accessed July 23, 2019. <http://www.kln.gov.my/>. / Ministry of Foreign Affairs of Malaysia. "E-Consular". Accessed July 23, 2019. URL not available.

##### **Consulates offer some services online:**

Answer: Yes

Code: 1

Explanation: Some services are available online.

Sources: Ministry of Foreign Affairs of Malaysia. "E-Consular". Accessed July 23, 2019. URL not available.

#### **EMIGRANT\_55: Adoption of new consular functions.**

##### **Consulates offer financial consultancy:**

Answer: No

Code: 0

Explanation: No such provision

Sources: Official Portal Ministry of Foreign Affairs, Malaysia. "Portal". Accessed July 23, 2019. <http://www.kln.gov.my/>. / Ministry of Foreign Affairs of Malaysia. "E-Consular". Accessed July 23, 2019. URL not available.

**Consulates offer psychological consultancy:**

Answer: No

Code: 0

Explanation: No such provision.

Sources: Official Portal Ministry of Foreign Affairs, Malaysia. "Portal". Accessed July 23, 2019. <http://www.kln.gov.my/>. / Ministry of Foreign Affairs of Malaysia. "E-Consular". Accessed July 23, 2019. URL not available.

**Consulates offer health services:**

Answer: No

Code: 0

Explanation: No such provision.

Sources: Official Portal Ministry of Foreign Affairs, Malaysia. "Portal". Accessed July 23, 2019. <http://www.kln.gov.my/>. / Ministry of Foreign Affairs of Malaysia. "E-Consular". Accessed July 23, 2019. URL not available.

## 2.6.4. Special offices

**EMIGRANT\_56. Existence of special migrant offices in state of reception created by state of origin (e.g. offices for migrant workers):**

Answer: Yes

Code: 1

Explanation: Yes, there is an agency that assists Malaysian workers abroad under the Department of Labour of the Ministry of Human Resources. MOEMC is an abbreviation for Malaysia Overseas Employees Management Centre (Pusat Pengurusan Pekerja Malaysia Luar Negara). This organization coordinates delivery of employees overseas and for assisting workers who encounter problems while working overseas. The delivery of workers will be carried out by legit APS (Private Employment Agency) and licensed by Labour Department which will require endorsement from Head Director for each delivery of employees overseas.

Sources: The Sun Daily. "Malaysian Overseas Employees Management Centre to Be Revived". Access date not available. <https://www.thesundaily.my/local/malaysian-overseas-employees-management-centre-to-be-revived-DI569522>.

### 3. Emigrant citizenship and nationality policies

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**CITNAT: Does the country make a distinction between citizenship and nationality?**

Answer: No, it uses the terms 'nationality' and 'citizenship' indistinctly

Code: 0

Explanation: No. The terms are used without distinction in Malaysia, but there are those who are proponents that say the use should be distinguished. "Citizenship (Malay: Kewarganegaraan) is a membership to a political community (i.e, to such a town originally, but now more commonly a country) that carries the rights of political participation. An individual with this eligibility is called a citizen (warga negara) Normally, kewarganegaraan also refers to kerakyatan (English: nationality) because the word kerakyatan derives from the word: rakyat which means citizen. However, these two terms should be distinguished. A citizen (warga negara) has the right to participate in political affairs of his country, such as voting or becoming an election candidate, whereas a citizen (here refers to rakyat) must not have these rights, though they usually have it. Citizenship comes from a legal relationship with a country. On the contrary, nationality usually comes from the birthplace (jus soli) and, sometimes, from the ethnicity, i.e jus sanguinis). Furthermore, citizenship can be submitted through citizenship submissions and obtained through naturalization".

Sources: Ramli, Abdul Halim. "Perdebatan Antara Kaum Mengenai Isu Kerakyatan Sebelum Merdeka [Inter-ethnic Debates Regarding Nationality's Issue before Independence]". *SEJARAH* 18 (18): 55–86. <https://doi.org/10.22452/sejarah.vol18no18.4>.

#### 3.1. Emigrant nationality

##### 3.1.1. Dual nationality for emigrants

**EMINAT\_1. Deprivation of nationality for having acquired a foreign nationality.**

**Loss of nationality for acquisition of foreign citizenship (nationals by birth):**

Answer: Procedure for loss is withdrawal

Code: 0.25

Explanation: "24. (1) If the Federal Government is satisfied that any citizen has acquired by registration, naturalization or other voluntary and formal act (other than marriage) the citizenship of any country outside the Federation, the Federal Government may by order deprive that person of his citizenship".

Sources: Federal Constitution of Malaysia. 1957(2010). Art. 24 (1).

**Nationality can be withdrawn only if person resides abroad:**

Answer: No

Code: 0

Explanation: "24. (1) If the Federal Government is satisfied that any citizen has acquired by registration, naturalization or other voluntary and formal act (other than marriage) the citizenship of any country outside the Federation, the Federal Government may by order deprive that person of his citizenship".

Sources: Federal Constitution of Malaysia. 1957(2010). Art. 24 (1).

**Nationality can be withdrawn only if person was born abroad:**

Answer: No

Code: 0

Explanation: "24. (1) If the Federal Government is satisfied that any citizen has acquired by registration, naturalization or other voluntary and formal act (other than marriage) the citizenship of any country outside the Federation, the Federal Government may by order deprive that person of his citizenship".

Sources: Federal Constitution of Malaysia. 1957(2010). Art. 24 (1).

**Nationality can be withdrawn only if person acquires citizenship of other country voluntarily:**

Answer: No

Code: 1

Explanation: "24. (1) If the Federal Government is satisfied that any citizen has acquired by registration, naturalization or other voluntary and formal act (other than marriage) the citizenship of any country outside the Federation, the Federal Government may by order deprive that person of his citizenship".

Sources: Federal Constitution of Malaysia. 1957(2010). Art. 24 (1).

**Loss of nationality can be prevented:**

Answer: No

Code: 0

Explanation: "24. (1) If the Federal Government is satisfied that any citizen has acquired by registration, naturalization or other voluntary and formal act (other than marriage) the citizenship of any country outside the Federation, the Federal Government may by order deprive that person of his citizenship".

Sources: Federal Constitution of Malaysia. 1957(2010). Art. 24 (1).

**3.1.2. Dual nationality only for some countries of residence**

**EMINAT\_2. Dual nationality only tolerable if citizen by birth naturalizes in certain countries.**

**Dual nationality is only tolerable if citizen by birth naturalizes in certain countries with which state of origin has signed treaties:**

Answer: No

Code: 1

Explanation: No. Malaysia does not accept dual nationality.

Sources: Federal Constitution of Malaysia. 1957(2010). Art. 24 (1).

**Which countries:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

### **3.1.3. Loss of nationality after residence abroad**

**EMINAT\_3: Loss of nationality after residence abroad.**

**Country of origin deprives their national citizens by birth who emigrated of that nationality because of residence abroad:**

Answer: No provision

Code: 1

Explanation: No. The provisions for deprivation of nationality only apply for citizens by registration or naturalization, not those by birth.

Sources: Federal Constitution of Malaysia. 1957(2010). Art. 25 (2).

**Nationality can be withdrawn only if person resides abroad for 20 years or more:**

Answer: No

Code: 0

Explanation: "(2) The Federal Government may by order deprive of his citizenship any person who is a citizen by registration under Article 16A or 17 or a citizen by naturalization if satisfied that he has been ordinarily resident in countries outside the Federation for a continuous period of five years..".

Sources: Federal Constitution of Malaysia. 1957(2010). Art. 25 (2).

**Nationality can be withdrawn only if person has another citizenship:**

Answer: No

Code: 0

Explanation: "(2) The Federal Government may by order deprive of his citizenship any person who is a citizen by registration under Article 16A or 17 or a citizen by naturalization if satisfied that he has been ordinarily resident in countries outside the Federation for a continuous period of five years..."

Sources: Federal Constitution of Malaysia. 1957(2010). Art. 25 (2).

**Country of origin deprives their national citizens by naturalization who emigrated of that nationality because of residence abroad:**

Answer: Yes = 0

Code: 0

Explanation: Yes. Under these conditions: (2) The Federal Government may by order deprive of his citizenship any person who is a citizen by registration under Article 16A or 17 or a citizen by naturalization if satisfied that he has been ordinarily resident in countries outside the Federation for a continuous period of five years and during that period has neither - (a) been at any time in the service of the Federation or of an international organization of which the Federal Government was a member; nor (b) registered annually at a consulate of the Federation his intention to retain his citizenship: provided that this Clause shall not apply to any period of residence in any Commonwealth country before the beginning of January 1977.

Sources: Federal Constitution of Malaysia. 1957(2010). Art. 25 (2).

### **3.1.4. Jus sanguinis for emigrants**

**EMINAT\_4: Transfer of nationality to children born abroad.**

**Country of origin permit parents to confer their nationality on their children who are born abroad:**

Answer: Yes

Code: 1

Explanation: Yes, nationality can be conferred to the first generation. "Citizenship by registration (wives and children of citizens) 15. (2) Subject to Article 18, the Federal Government may cause any person under the age of twenty-one years of whose parents one at least is (or was at death) a citizen to be registered as a citizen upon application made to the Federal Government by his parent or guardian. (3) Subject to Article 18, a person under the age of twenty-one years who was born before the beginning of October 1962, and whose father is (or was at his death) a citizen and was also a citizen at the beginning of that month (if then alive), is entitled upon application made to the Federal Government by his parent or guardian, to be registered as a citizen if the Federal Government is satisfied that he is ordinarily resident in the Federation and is of good character".

Sources: Federal Constitution of Malaysia. 1957(2010). Art. 15 and 15a.

**Transfer of nationality is applicable to:**

Answer: Only first generation

Code: 0.5

Explanation: Nationality can be conferred to the first generation.

Sources: Federal Constitution of Malaysia. 1957(2010). Art. 15 and 15a.

### **3.1.5. Jus sanguinis across generations**

**EMINAT\_5: Transfer of nationality to children born abroad from former citizens.**

**Country of origin permits children who are born abroad to adopt the nationality of parents who are former citizens**

Answer: No

Code: 0

Explanation: The Federal Constitution does not specify citizenship acquisition for descendants of former citizens.

Sources: Federal Constitution of Malaysia. 1957(2010).

**Transfer of nationality is applicable to:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

### **3.1.6. Renunciation of nationality is possible**

**EMINAT\_6: Voluntary renunciation of nationality abroad is possible.**

**Country of origin provides for a national citizen that resides abroad to voluntarily renounce his/her nationality:**

Answer: Renunciation is possible

Code: 1

Explanation: Yes, renunciation is possible by submitting a declaration registered by the Federal Government. "Renunciation of citizenship 23. (1) Any citizen of or over the age of twenty-one years and of sound mind who is also or is about to become a citizen of another country may renounce his citizenship of the Federation by declaration registered by the Federal Government, and shall thereupon cease to be a citizen".

Sources: Federal Constitution of Malaysia. 1957(2010). Art. 23.

**Renunciation abroad is only possible if person has another nationality:**

Answer: No, person renouncing does not have to show proof of another nationality

Code: 0

Explanation: Renunciation is possible by submitting a declaration registered by the Federal Government. "Renunciation of citizenship 23. (1) Any citizen of or over the age of twenty-one years and of sound mind who is also or is about to become a citizen of another country may renounce his citizenship of the Federation by declaration registered by the Federal Government, and shall thereupon cease to be a citizen".

Sources: Federal Constitution of Malaysia. 1957(2010). Art. 23.

**Renunciation abroad is only possible if person was born outside of the country or acquired citizenship of the country by naturalization:**

Answer: No

Code: 0

Explanation: Renunciation is possible by submitting a declaration registered by the Federal Government. "Renunciation of citizenship 23. (1) Any citizen of or over the age of twenty-one years and of sound mind who is also or is about to become a citizen of another country may renounce his citizenship of the Federation by declaration registered by the Federal Government, and shall thereupon cease to be a citizen".

Sources: Federal Constitution of Malaysia. 1957(2010). Art. 23.

### **3.1.7. Reacquisition of nationality**

**EMINAT\_7. Country of origin provides for reacquisition of nationality for former nationals:**

Answer: Yes

Code: 1

Explanation: Yes, but only with the approval of the Federal Government. (2) Except with the approval of the Federal Government, no person who has renounced or has been deprived of citizenship under this Constitution or who has renounced or has been deprived of federal citizenship or citizenship of the Federation before Merdeka Day under the Federation of Malaya Agreement 1948 shall be registered as a citizen under this Constitution.



Sources: Federal Constitution of Malaysia. 1957(2010). Art. 18 (2).

## 3.2. Emigrant citizenship

### 3.2.1. Citizenship restrictions for dual nationals

**EMICIT\_1. Conditions or restrictions for the exercise of citizen rights if individual has dual or multiple nationalities (nationals by naturalization):**

Answer: Not applicable

Code: Not applicable

Explanation: Malaysia does not recognize dual or multiple nationality.

Sources: Not applicable

### 3.2.2. Different citizenship for emigrants

**EMICIT\_2. Is there a special status for nationals who are located temporarily or permanently outside the national territory such that they fall in an official category that is different to resident nationals/citizens and which carries legal consequences (e.g. Overseas Indians)?**

Answer: No

Code: 0

Explanation: No. According to the federal constitution, all person are equal and there shall be no discrimination against citizens on the ground of religion, race, descent, place of birth and his/her resident. Equality 8. (1) All persons are equal before the law and entitled to the equal protection of the law. (2) Except as expressly authorized by this Constitution, there shall be no discrimination against citizens on the ground only of religion, race, descent, place of birth or gender in any law or in the appointment to any office or employment under a public authority or in the administration of any law relating to the acquisition, holding or disposition of property or the establishing or carrying on of any trade, business, profession, vocation or employment. (3) There shall be no discrimination in favour of any person on the ground that he is a subject of the Ruler of any State. (4) No public authority shall discriminate against any person on the ground that he is resident or carrying on business in any part of the Federation outside the jurisdiction of the authority.

Sources: Federal Constitution of Malaysia. 1957(2010). Art. 8.

### 3.2.3. Loss or suspension of citizen rights after residence abroad

**EMICIT\_3: Country deprives their national citizens by birth who emigrated of their citizen rights.**

**Does the country deprive their national citizens by birth who emigrated of their citizenship rights (i.e. political rights mostly) or suspend them because of residence abroad?**

Answer: No

Code: 0

Explanation: No. However, citizenship may be deprived if national citizens by birth have claimed and exercise and citizen rights in a foreign country.

Sources: Federal Constitution of Malaysia. 1957(2010). Ch. 2. Art. 24 and 25 (1a). / Federal Constitution of Malaysia. 1957(2010). Part III. Ch. 1. Art. 18 (2).

**Conditions for the exercise of citizen rights if individual resides abroad (nationals by birth) \*If it is not specified in the regulation, it is coded as restrictions not conditional to return:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

## 4. Immigration policies

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### 4.1. General

#### 4.1.1. Number of entry tracks

**IMMIGRATION\_1. How many visa types does the country have?**

Answer: 9

Code: 9

Explanation: There are 9 types in total. 1. Visitor's Pass (Temporary Employment) 2. Visitor's Pass (Professional) 3. Employment Pass 4. Long Term Social Visit Pass 5. Short Term Social Visit Pass 6. Working Permit for Spouse of Malaysian Citizen 7. Student Pass 8. Residence Pass 9. Malaysia My Second Home Program (MM2H)

Sources: 'Pass'. n.d. Official Portal of Immigration Department of Malaysia (Ministry of Home Affairs). Accessed 23 July 2019. <https://www.imi.gov.my/index.php/en/main-services/pass.html>. / 'MM2H'. n.d. J&C Travel. Accessed 17 September 2018. <http://www.jctravel.com.my/usr/pagesub.aspx?pgid=8&lang=en>.

**IMMIGRATION\_2: Categorical organization of visas**

**Are the visas organized by overarching categories?**

Answer: No

Code: 0

Explanation: No. There is no hierarchical categorization of the visas. They are categorized by the purpose of stay of the applicant.

Sources: Official Portal of Immigration Department of Malaysia (Ministry of Home Affairs). "Pass". Accessed July 23, 2019. <https://www.imi.gov.my/index.php/en/main-services/pass.html>.

**How many categories?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

#### 4.1.2. Biometric information

### **IMMIGRATION\_3: Collection of biometric information.**

**Does the state collect biometric information from all citizens for example for passports?**

Answer: Yes

Code: 1

Explanation: Malaysia was the first country in the world to issue biometric passports in 1998, after a local company, IRIS Corporation, developed the technology. The currently standardized biometrics used for this type of identification system are facial recognition, fingerprint recognition, and iris recognition.

Sources: Malaysia Passport. "Malaysia Biometric Passports". Accessed October 9, 2018. [http://passport.com.my/biometric\\_passports.htm](http://passport.com.my/biometric_passports.htm).

**Does the state collect biometric information from immigrants for example for passports?**

Answer: Yes

Code: 1

Explanation: Since October 2017, Malaysia has been implementing biometric system for foreign workers in order to proceed with health screening before getting employed. Only foreign workers with fingerprints recorded under biometric system are allowed to proceed health screening.

Sources: Azahar, Wani. "Malaysia Adopts Biometric System to Identify Healthy Foreign Workers". Access date not available. <https://www.humanresourcesonline.net/malaysia-adopts-biometric-system-to-identify-healthy-foreign-workers/>.

### **4.1.3. Visa waivers**

**IMMIGRATION\_4. Is there in the immigration law a specific provision by which the state can determine that certain countries or individuals under specific circumstances can be exempted from the regular visa procedures that apply to residence and work visas (excluding tourists, and regional migrants) (e.g. entry of Spaetaussiedler or Jewish immigrants in Germany)?**

Answer: No

Code: 0

Explanation: No. There are only visa waivers that apply for tourism.

Sources: Official Portal of Immigration Department of Malaysia (Ministry of Home Affairs). "EVisa". Accessed July 23, 2019. <https://www.imi.gov.my/index.php/en/visa/evisa.html>. / Department of Immigration of Malaysia. "EVISA Malaysia: Term and Conditions". Accessed July 23, 2019. URL not available.

## 4.2. Documentation

**IMMIGRATION\_5: Issue of legal compulsory identification documents.**

**Are all immigrants issued legal compulsory identification documents (e.g. residence permit, IDs)?**

Answer: No

Code: 0

Explanation: The law concerning the obligation to carry the Identity Card at all times for citizens was abolished in 2006 (the elimination of article 7 Of National Registration Act 1959 act number 78). As well, there is no such requirement for immigrants.

Sources: National Registration Act. 1959(2006). / Ministry of Home Affairs. "Official Portal of Immigration Department of Malaysia". Accessed July 23, 2019. <https://www.imi.gov.my/index.php/en/>.

**Are they required to carry them at all times?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

## 4.3. Quotas and restrictions

### 4.3.1. General quota

**IMMIGRATION\_6: General quota for immigration.**

**Is there a general quota (numerical limit) for immigration?**

Answer: No

Code: 1

Explanation: No such quota found.

Sources: Official Portal of Immigration Department of Malaysia (Ministry of Home Affairs). "Foreign Worker". Accessed July 23, 2019. <https://www.imi.gov.my/index.php/en/foreign-worker.html>.

**Number of people that make up the quota:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

### 4.3.2. Specific quotas

#### **IMMIGRATION\_7: Quota for high-skilled migrants.**

**Is there a quota (numerical limit) on the number of high-skilled migrants that were allowed to enter the country?**

Answer: No

Code: 1

Explanation: No. No quota for high-skilled migrants exists in Malaysia.

Sources: Official Portal of Immigration Department of Malaysia (Ministry of Home Affairs). "Pass". Accessed July 23, 2019. <https://www.imi.gov.my/index.php/en/main-services/pass.html>.

#### **Number of people that make up the quota:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

#### **IMMIGRATION\_8: Quota for low-skilled migrants.**

**Is there a quota (numerical limit) on the number of low-skilled migrants that are allowed to enter the country?**

Answer: No

Code: 1

Explanation: No. No quota for low-skilled migrants exists in Malaysia, but the company is required to provide projections to the Immigration Department and OSC (One Stop Centre) under the Ministry of Home Affairs authorities on how many workers they will hire for the year (particularly for Manufacturing, Construction, Plantation, Agriculture and Service).

Sources: Official Portal of Immigration Department of Malaysia (Ministry of Home Affairs). "Foreign Worker". Accessed July 23, 2019. <https://www.imi.gov.my/index.php/en/foreign-worker.html>.

#### **Number of people that make up the quota:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

#### **IMMIGRATION\_9: Quota for refugees.**

**Is there a quota (numerical limit) on the number of refugees?**

Answer: No

Code: 1

Explanation: Malaysia does not accept refugees and does not have asylum policy. "Malaysia is not a signatory to the United Nations convention recognising refugees, while its dated immigration laws - enacted in 1959 and revised in 1963 - do not distinguish between those seeking asylum and those entering the country irregularly".

Sources: Kermeliotis, Teo. "We Have Nothing: A Life in Limbo for Malaysia's Yemeni Refugees". Access date not available. <https://www.aljazeera.com/news/2019/03/life-limbo-malaysia-yemeni-refugees-190324110354467.html>.

**Number of people that make up the quota:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

#### **IMMIGRATION\_10: Quota for co-ethnics.**

**Is there a quota (numerical limit) on the number of co-ethnics that are allowed to enter the country?**

Answer: Not applicable (no co-ethnic proxy)

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Number of people that make up the quota:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

### 4.3.3. List of excluded persons

**IMMIGRATION\_11: Categories of excluded persons.**

**Are there categories of excluded persons from immigration?**

Answer: Yes

Code: 0

Explanation: Yes, these persons are classified as prohibited for immigration: a. Any person who is unable to show that he has the means of supporting himself and his dependants (if any) or that he has definite employment awaiting him or who is likely to become a pauper or a burden to the public; b. Any person who suffers from mental disorder or mental defect, or suffers from a contagious disease which makes his presence in Malaysia a danger to the community; c. Any person who refuses to undergo a medical examination after being required to do so by an Immigration Officer; d. Any person who has been convicted in any country or state of any offence and sentenced to imprisonment for any term, and has not received a free pardon and by reason of the circumstances connected with the conviction is deemed by the Director General to be an undesirable immigrant; e. Any person who is a prostitute or who is living or receiving the proceeds of prostitution or has lived on or received the proceeds of prostitution prior to entering Malaysia f. Any person who procures or attempts to bring prostitutes or women or girls into Malaysia for the purpose of prostitution or other immoral purpose; g. Any person who is a vagrant or habitual beggar; h. Any person whose entry into Malaysia was unlawful under this or any written law enforced at that time; i. Anyone who believes in or advocates the overthrow of any government, constituted law or authority in Malaysia by force or violence or who disbelieves in or is opposed to the established government, or who advocates the assassination of public officials, or who advocates or teaches the unlawful destruction of property; j. Anyone who is a member of or is affiliated with any organisation that entertains or teaches disbelief in or opposition to the established government or advocates or teaches the need for unlawful assaulting or killing of any official, specific or general, or of any government in Malaysia or any established government or advocates or teaches the unlawful destruction of property. k. Anyone who as a result of reliable unfavorable information received from any source, from any government, through official or diplomatic channels, is deemed by the Minister to be an undesirable immigrant; l. Anyone who has been removed from any country or state by the government of that country or state on repatriation grounds, by reason of the circumstances connected therewith, is deemed by the Director General to be an undesirable immigrant; m. Anyone who, being required by any written law to be in possession of valid travel documents, is not in possession of such documents or is in possession of forged documents; n. The family and dependants of a prohibited immigrant; o. Any member of a class of persons, against whom an order to cancel any pass or permit has been made.

Sources: Official Portal of Immigration Department of Malaysia. "Prohibited Immigrant". Accessed July 29, 2019. <https://www.imi.gov.my/index.php/en/main-services/entry-requirements-into-malaysia/prohibited-immigrant.html>. / Immigration Act 1959/63. 1959. Art. 8 (3).

**List of categories of excluded persons:**



Answer: Yes, these persons are classified as prohibited for immigration: a. Any person who is unable to show that he has the means of supporting himself and his dependants (if any) or that he has definite employment awaiting him or who is likely to become a pauper or a burden to the public; b. Any person who suffers from mental disorder or mental defect, or suffers from a contagious disease which makes his presence in Malaysia a danger to the community; c. Any person who refuses to undergo a medical examination after being required to do so by an Immigration Officer; d. Any person who has been convicted in any country or state of any offence and sentenced to imprisonment for any term, and has not received a free pardon and by reason of the circumstances connected with the conviction is deemed by the Director General to be an undesirable immigrant; e. Any person who is a prostitute or who is living or receiving the proceeds of prostitution or has lived on or received the proceeds of prostitution prior to entering Malaysia f. Any person who procures or attempts to bring prostitutes or women or girls into Malaysia for the purpose of prostitution or other immoral purpose; g. Any person who is a vagrant or habitual beggar; h. Any person whose entry into Malaysia was unlawful under this or any written law enforced at that time; i. Anyone who believes in or advocates the overthrow of any government, constituted law or authority in Malaysia by force or violence or who disbelieves in or is opposed to the established government, or who advocates the assassination of public officials, or who advocates or teaches the unlawful destruction of property; j. Anyone who is a member of or is affiliated with any organisation that entertains or teaches disbelief in or opposition to the established government or advocates or teaches the need for unlawful assaulting or killing of any official, specific or general, or of any government in Malaysia or any established government or advocates or teaches the unlawful destruction of property. k. Anyone who as a result of reliable unfavorable information received from any source, from any government, through official or diplomatic channels, is deemed by the Minister to be an undesirable immigrant; l. Anyone who has been removed from any country or state by the government of that country or state on repatriation grounds, by reason of the circumstances connected therewith, is deemed by the Director General to be an undesirable immigrant; m. Anyone who, being required by any written law to be in possession of valid travel documents, is not in possession of such documents or is in possession of forged documents; n. The family and dependants of a prohibited immigrant; o. Any member of a class of persons, against whom an order to cancel any pass or permit has been made.

Code: not applicable (same as answer)

Explanation: not applicable

Sources: Official Portal of Immigration Department of Malaysia. "Prohibited Immigrant". Accessed July 29, 2019. <https://www.imi.gov.my/index.php/en/main-services/entry-requirements-into-malaysia/prohibited-immigrant.html>. / Immigration Act 1959/63. 1959. Art. 8 (3).

#### 4.3.4. List of excluded countries

**IMMIGRATION\_12: Countries excluded.**

**Is there a list of countries whose nationals are banned for immigration in this country?**

Answer: No

Code: 1

Explanation: No. There is only a travel ban for Malaysians intending to go to Israel and North Korea.

Sources: Official Portal Ministry of Foreign Affairs, Malaysia. "Travel Ban to the Democratic People's Republic of Korea". Access date not available. [http://www.kln.gov.my/web/guest/travel-advisory/-/asset\\_publisher/u9aoztsbc4uU/content/travel-ban-to-the-democratic-people-s-republic-of-korea?inheritRedirect=false&redirect=http%3A%2F%2Fwww.kln.gov.my%2Fweb%2Fguest%2Ftravel-advisory%3Fp\\_p\\_id%3D101\\_INSTANCE\\_u9aoztsbc4uU%26p\\_p\\_lifecycle%3D0%26p\\_p\\_state%3Dn](http://www.kln.gov.my/web/guest/travel-advisory/-/asset_publisher/u9aoztsbc4uU/content/travel-ban-to-the-democratic-people-s-republic-of-korea?inheritRedirect=false&redirect=http%3A%2F%2Fwww.kln.gov.my%2Fweb%2Fguest%2Ftravel-advisory%3Fp_p_id%3D101_INSTANCE_u9aoztsbc4uU%26p_p_lifecycle%3D0%26p_p_state%3Dn)

ormal%26p\_p\_mode%3Dview%26p\_p\_col\_id%3Dcolumn-2%26p\_p\_col\_pos%3D1%26p\_p\_col\_count%3D2.

**List of countries excluded:**

Answer: Not applicable

Code: Not applicable

Explanation: not applicable

Sources: Not applicable

## **4.4. Policy incentives**

### **4.4.1. Recognized brokers**

**IMMIGRATION\_13. State has a license system to recognize and authorize immigration brokers (i.e. persons or companies dedicated to facilitate the immigration process for immigrants):**

Answer: No

Code: 0

Explanation: No. Malaysia has shut down the practice of brokers that are hiring foreign workers and are directly hiring from the country of origin instead.

Sources: Sipalan, Joseph. "Home Ministry: No Middlemen to Hire Foreign Labour". Access date not available. <https://www.malaymail.com/news/malaysia/2013/12/05/home-ministry-no-middlemen-to-hire-foreign-labour/575845>.

**IMMIGRATION\_14. State offers pecuniary incentives to citizens willing to immigrate:**

Answer: No

Code: 0

Explanation: No provision found regarding this issue.

Sources: Online research

## **4.5. Immigration control and penalties**

### **4.5.1. Irregular residence**

#### **IMMIGRATION\_15: Illegal residence.**

**Is illegal residence in the country considered a criminal offense?**

Answer: Yes

Code: 0

Explanation: o Criminal offense: imprisonment for a term not exceeding five years 36. Any person who, having been lawfully removed or otherwise sent out of Malaysia, unlawfully enters Malaysia or unlawfully resides in Malaysia shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding ten thousand ringgit or to imprisonment for a term not exceeding five years or to both and shall also be liable to whipping of not more than six strokes, and shall, in addition to any penalty for the offence, be removed or again removed, as the case may be, from Malaysia.

Sources: Immigration Act 1959/63. 1959. Art. 36.

**Is illegal residence considered an administrative offense?**

Answer: Yes

Code: 0

Explanation: o Administrative offense: a fine not exceeding ten thousand ringgit 36. Any person who, having been lawfully removed or otherwise sent out of Malaysia, unlawfully enters Malaysia or unlawfully resides in Malaysia shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding ten thousand ringgit or to imprisonment for a term not exceeding five years or to both and shall also be liable to whipping of not more than six strokes, and shall, in addition to any penalty for the offence, be removed or again removed, as the case may be, from Malaysia.

Sources: Immigration Act 1959/63. 1959. Art. 36.

### **4.5.2. Forged documents**

#### **IMMIGRATION\_16: Penalties for immigrants with forged documents.**

**Are there penalties for immigrants for forged documents?**

Answer: Yes

Code: 0

Explanation: Forgery or alteration of endorsement or document is punished with several of the given options PLUS physical punishment by whipping. "55D: Any person who makes, forges or alters an endorsement or a document to be used as a visa, Permit, Pass or Certificate under this Act shall be guilty of an offence against this Act and shall, on conviction, be liable to a fine of not less than thirty thousand ringgit but not more than one hundred thousand ringgit and to imprisonment for a term of not less than five years but not more than ten years and shall also be punished with whipping of not more than six strokes".

Sources: Immigration Act 1959/63. 1959. Art. 55d.

**Penalty is expulsion:**

Answer: No

Code: 1

Explanation: Forgery or alteration of endorsement or document is punished with several of the given options PLUS physical punishment by whipping. "55D Any person who makes, forges or alters an endorsement or a document to be used as a visa, Permit, Pass or Certificate under this Act shall be guilty of an offence against this Act and shall, on conviction, be liable to a fine of not less than thirty thousand ringgit but not more than one hundred thousand ringgit and to imprisonment for a term of not less than five years but not more than ten years and shall also be punished with whipping of not more than six strokes".

Sources: Immigration Act 1959/63. 1959. Art. 55d.

**Penalty is a fine:**

Answer: Yes

Code: 2

Explanation: Forgery or alteration of endorsement or document is punished with several of the given options PLUS physical punishment by whipping. "55D Any person who makes, forges or alters an endorsement or a document to be used as a visa, Permit, Pass or Certificate under this Act shall be guilty of an offence against this Act and shall, on conviction, be liable to a fine of not less than thirty thousand ringgit but not more than one hundred thousand ringgit and to imprisonment for a term of not less than five years but not more than ten years and shall also be punished with whipping of not more than six strokes".

Sources: Immigration Act 1959/63. 1959. Art. 55d.

**Penalty is detention:**

Answer: Yes

Code: 2

Explanation: Forgery or alteration of endorsement or document is punished with several of the given options PLUS physical punishment by whipping. "55D Any person who makes, forges or alters an endorsement or a document to be used as a visa, Permit, Pass or Certificate under this Act shall be guilty of an offence against this Act and shall, on conviction, be liable to a fine of not less than thirty thousand ringgit but not more than one hundred thousand ringgit and to imprisonment for a term of not less than five years but not more than ten years and shall also be punished with whipping of not more than six strokes".

Sources: Immigration Act 1959/63. 1959. Art. 55d.

**Penalty is imprisonment:**

Answer: Yes

Code: 2

Explanation: Forgery or alteration of endorsement or document is punished with several of the given options PLUS physical punishment by whipping. "55D Any person who makes, forges or alters an endorsement or a document to be used as a visa, Permit, Pass or Certificate under this Act shall be guilty of an offence against this Act and shall, on conviction, be liable to a fine of not less than thirty thousand ringgit but not more than one hundred thousand ringgit and to imprisonment for a term of not less than five years but not more than ten years and shall also be punished with whipping of not more than six strokes".

Sources: Immigration Act 1959/63. 1959. Art. 55d.

## **IMMIGRATION\_17: Penalties for immigrants with expired documents.**

### **Are there penalties for immigrants with expired documents?**

Answer: Yes

Code: 0

Explanation: "36. Any person who, having been lawfully removed or otherwise sent out of Malaysia, unlawfully enters Malaysia or unlawfully resides in Malaysia shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding ten thousand ringgit or to imprisonment for a term not exceeding five years or to both and shall also be liable to whipping of not more than six strokes, and shall, in addition to any penalty for the offence, be removed or again removed, as the case may be, from Malaysia".

Sources: Immigration Act 1959/63. 1959. Art. 36.

### **Penalty is expulsion:**

Answer: Yes

Code: 2

Explanation: "36. Any person who, having been lawfully removed or otherwise sent out of Malaysia, unlawfully enters Malaysia or unlawfully resides in Malaysia shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding ten thousand ringgit or to imprisonment for a term not exceeding five years or to both and shall also be liable to whipping of not more than six strokes, and shall, in addition to any penalty for the offence, be removed or again removed, as the case may be, from Malaysia".

Sources: Immigration Act 1959/63. 1959. Art. 36.

### **Penalty is a fine:**

Answer: Yes

Code: 2

Explanation: "36. Any person who, having been lawfully removed or otherwise sent out of Malaysia, unlawfully enters Malaysia or unlawfully resides in Malaysia shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding ten thousand ringgit or to imprisonment for a

term not exceeding five years or to both and shall also be liable to whipping of not more than six strokes, and shall, in addition to any penalty for the offence, be removed or again removed, as the case may be, from Malaysia”.

Sources: Immigration Act 1959/63. 1959. Art. 36.

**Penalty is detention:**

Answer: No

Code: No

Explanation: “36. Any person who, having been lawfully removed or otherwise sent out of Malaysia, unlawfully enters Malaysia or unlawfully resides in Malaysia shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding ten thousand ringgit or to imprisonment for a term not exceeding five years or to both and shall also be liable to whipping of not more than six strokes, and shall, in addition to any penalty for the offence, be removed or again removed, as the case may be, from Malaysia”.

Sources: Immigration Act 1959/63. 1959. Art. 36.

**Penalty is imprisonment:**

Answer: Yes

Code: 2

Explanation: “36. Any person who, having been lawfully removed or otherwise sent out of Malaysia, unlawfully enters Malaysia or unlawfully resides in Malaysia shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding ten thousand ringgit or to imprisonment for a term not exceeding five years or to both and shall also be liable to whipping of not more than six strokes, and shall, in addition to any penalty for the offence, be removed or again removed, as the case may be, from Malaysia”.

Sources: Immigration Act 1959/63. 1959. Art. 36.

### **4.5.3. Aiding undocumented migrants**

**IMMIGRATION\_18: Penalties for aiding undocumented migrants.**

**Are there penalties for aiding undocumented migrants?**

Answer: Yes

Code: 0

Explanation: Yes. It is punishable by law with a fine and/or imprisonment. “Offences 12.(1) Any person who— (a) forges, alters or tampers with his passport or internal travel document, or any visa or endorsement thereon, or without lawful authority uses or attempts to use, or has in his possession, any passport or internal travel document which has been so forged, altered or tampered with; (b) impersonates or falsely represents himself to be or not to be a person to

whom a passport or internal travel document has been duly issued; (c) with intent to obtain for himself a passport, internal travel document, or an endorsement or visa on his passport, knowingly makes any false statement or produces any document which is to his knowledge false in any particular; (d) without lawful authority, has in his possession any passport or internal travel document which has been obtained as a result of making any material statement which was false or misleading, or as a result of the production of false evidence; (e) allows any person to have possession of any passport or internal travel document issued for his use alone, intending or knowing that the passport or internal travel document may be used by any other person; (f) without lawful authority, has in his possession any passport or internal travel document issued for the use of some person other than himself; (g) wilfully assists any person to enter Malaysia contrary to this Act; (h) wilfully assists any person to contravene this Act; or (i) obstructs or hinders any immigration officer, police officer or officer of customs in the discharge of his duty under this Act, shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding ten thousand ringgit or to imprisonment for a term not exceeding five years or to both”.

Sources: Act N° 150 Passport Act. 1966. Art. 12.

**Penalty is a fine:**

Answer: Yes

Code: 2

It is punishable by law with a fine and/or imprisonment. “Offences 12.(1) Any person who— (a) forges, alters or tampers with his passport or internal travel document, or any visa or endorsement thereon, or without lawful authority uses or attempts to use, or has in his possession, any passport or internal travel document which has been so forged, altered or tampered with; (b) impersonates or falsely represents himself to be or not to be a person to whom a passport or internal travel document has been duly issued; (c) with intent to obtain for himself a passport, internal travel document, or an endorsement or visa on his passport, knowingly makes any false statement or produces any document which is to his knowledge false in any particular; (d) without lawful authority, has in his possession any passport or internal travel document which has been obtained as a result of making any material statement which was false or misleading, or as a result of the production of false evidence; (e) allows any person to have possession of any passport or internal travel document issued for his use alone, intending or knowing that the passport or internal travel document may be used by any other person; (f) without lawful authority, has in his possession any passport or internal travel document issued for the use of some person other than himself; (g) wilfully assists any person to enter Malaysia contrary to this Act; (h) wilfully assists any person to contravene this Act; or (i) obstructs or hinders any immigration officer, police officer or officer of customs in the discharge of his duty under this Act, shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding ten thousand ringgit or to imprisonment for a term not exceeding five years or to both”.

Sources: Act N° 150 Passport Act. 1966. Art. 12.

**Penalty is imprisonment:**

Answer: Yes

Code: 2

It is punishable by law with a fine and/or imprisonment. “Offences 12.(1) Any person who— (a) forges, alters or tampers with his passport or internal travel document, or any visa or endorsement thereon, or without lawful authority uses or attempts to use, or has in his possession, any passport or internal travel document which has been so forged, altered or tampered with; (b) impersonates or falsely represents himself to be or not to be a person to

whom a passport or internal travel document has been duly issued; (c) with intent to obtain for himself a passport, internal travel document, or an endorsement or visa on his passport, knowingly makes any false statement or produces any document which is to his knowledge false in any particular; (d) without lawful authority, has in his possession any passport or internal travel document which has been obtained as a result of making any material statement which was false or misleading, or as a result of the production of false evidence; (e) allows any person to have possession of any passport or internal travel document issued for his use alone, intending or knowing that the passport or internal travel document may be used by any other person; (f) without lawful authority, has in his possession any passport or internal travel document issued for the use of some person other than himself; (g) wilfully assists any person to enter Malaysia contrary to this Act; (h) wilfully assists any person to contravene this Act; or (i) obstructs or hinders any immigration officer, police officer or officer of customs in the discharge of his duty under this Act, shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding ten thousand ringgit or to imprisonment for a term not exceeding five years or to both”.

Sources: Act N° 150 Passport Act. 1966. Art. 12.

#### 4.5.4. Employment obligations

**IMMIGRATION\_19: Penalties for employers who hire migrant workers without a legal work permit.**

**Are there sanctions for employers hiring migrant workers without a legal work permit?**

Answer: Yes

Code: 0

Explanation: It is punishable by law with a fine and/or imprisonment. “Employing a person who is not in possession of a valid Pass 55B. (1) Any person who employs one or more persons, other than a citizen or a holder of an Entry Permit who is not in possession of a valid Pass shall be guilty of an offence and shall, on conviction, be liable to a fine of not less than ten thousand ringgit but not more than fifty thousand ringgit or to imprisonment for a term not exceeding twelve months or to both for each such employee. (2) A Pass lawfully issued to any person shall cease to be a valid Pass when any of its terms and conditions is contravened. (3) Where, in the case of an offence under subsection (1), it is proved to the satisfaction of the court that the person has at the same time employed more than five such employees that person shall, on conviction be liable to imprisonment for a term of not less than six months but not more than five years and shall also be liable to whipping of not more than six strokes. (4) For the purposes of this section a person performing any act normally performed by an employee in a place of employment whether or not for payment shall be presumed, unless the contrary is proved, to have been employed. (5) Where the offence under subsection (1) has been committed by a body corporate, any person who at the time of the commission of the offence was a member of the board of directors, a manager, a secretary or a person holding an office or a position similar to that of a manager or secretary of the body corporate shall be guilty of that offence and shall be liable to the same punishment to which the body corporate is liable under subsection (1) or (3)”.

Sources: Immigration Act 1959/63. 1959. Art. 55B.

**Sanction is a fine:**

Answer: Yes

Code: 2



Explanation: It is punishable by law with a fine and/or imprisonment. "Employing a person who is not in possession of a valid Pass 55B. (1) Any person who employs one or more persons, other than a citizen or a holder of an Entry Permit who is not in possession of a valid Pass shall be guilty of an offence and shall, on conviction, be liable to a fine of not less than ten thousand ringgit but not more than fifty thousand ringgit or to imprisonment for a term not exceeding twelve months or to both for each such employee. (2) A Pass lawfully issued to any person shall cease to be a valid Pass when any of its terms and conditions is contravened. (3) Where, in the case of an offence under subsection (1), it is proved to the satisfaction of the court that the person has at the same time employed more than five such employees that person shall, on conviction be liable to imprisonment for a term of not less than six months but not more than five years and shall also be liable to whipping of not more than six strokes. (4) For the purposes of this section a person performing any act normally performed by an employee in a place of employment whether or not for payment shall be presumed, unless the contrary is proved, to have been employed. (5) Where the offence under subsection (1) has been committed by a body corporate, any person who at the time of the commission of the offence was a member of the board of directors, a manager, a secretary or a person holding an office or a position similar to that of a manager or secretary of the body corporate shall be guilty of that offence and shall be liable to the same punishment to which the body corporate is liable under subsection (1) or (3)".

Sources: Immigration Act 1959/63. 1959. Art. 55B.

#### **Penalty is imprisonment:**

Answer: Yes

Code: 2

Explanation: It is punishable by law with a fine and/or imprisonment. "Employing a person who is not in possession of a valid Pass 55B. (1) Any person who employs one or more persons, other than a citizen or a holder of an Entry Permit who is not in possession of a valid Pass shall be guilty of an offence and shall, on conviction, be liable to a fine of not less than ten thousand ringgit but not more than fifty thousand ringgit or to imprisonment for a term not exceeding twelve months or to both for each such employee. (2) A Pass lawfully issued to any person shall cease to be a valid Pass when any of its terms and conditions is contravened. (3) Where, in the case of an offence under subsection (1), it is proved to the satisfaction of the court that the person has at the same time employed more than five such employees that person shall, on conviction be liable to imprisonment for a term of not less than six months but not more than five years and shall also be liable to whipping of not more than six strokes. (4) For the purposes of this section a person performing any act normally performed by an employee in a place of employment whether or not for payment shall be presumed, unless the contrary is proved, to have been employed. (5) Where the offence under subsection (1) has been committed by a body corporate, any person who at the time of the commission of the offence was a member of the board of directors, a manager, a secretary or a person holding an office or a position similar to that of a manager or secretary of the body corporate shall be guilty of that offence and shall be liable to the same punishment to which the body corporate is liable under subsection (1) or (3)".

Sources: Immigration Act 1959/63. 1959. Art. 55B.

#### **4.5.5. Landlord obligations**

**IMMIGRATION\_20: Penalties for landlords who rent shelter to migrants without a regular migrant status.**

**Are there penalties for landlords who rent shelter to migrants without a regular migrant status?**

Answer: Yes

Code: 0

Explanation: Yes, it is punishable by law and be liable to a fine and imprisonment. "Occupier not to permit illegal immigrant to enter or remain at premises 55E. (1) No occupier shall permit any illegal immigrant to enter or remain at any premises. (2) An occupier who contravenes subsection (1) shall be guilty of an offence and shall, on conviction, be liable to a fine of not less than five thousand ringgit and not more than thirty thousand ringgit or to imprisonment for a term not exceeding twelve months or to both for each illegal immigrant found at the premises and, in the case of a second or subsequent conviction, to a fine of not less than ten thousand ringgit and not more than sixty thousand ringgit or to imprisonment for a term not exceeding two years or to both for each illegal immigrant found at the premises".

Sources: Immigration Act 1959/63. 1959. Art. 55e.

**Penalty is a fine:**

Answer: Yes

Code: 2

Explanation: Yes, it is punishable by law and be liable to a fine and imprisonment. "Occupier not to permit illegal immigrant to enter or remain at premises 55E. (1) No occupier shall permit any illegal immigrant to enter or remain at any premises. (2) An occupier who contravenes subsection (1) shall be guilty of an offence and shall, on conviction, be liable to a fine of not less than five thousand ringgit and not more than thirty thousand ringgit or to imprisonment for a term not exceeding twelve months or to both for each illegal immigrant found at the premises and, in the case of a second or subsequent conviction, to a fine of not less than ten thousand ringgit and not more than sixty thousand ringgit or to imprisonment for a term not exceeding two years or to both for each illegal immigrant found at the premises".

Sources: Immigration Act 1959/63. 1959. Art. 55e.

**Penalty is imprisonment:**

Answer: Yes

Code: 2

Explanation: Yes, it is punishable by law and be liable to a fine and imprisonment. "Occupier not to permit illegal immigrant to enter or remain at premises 55E. (1) No occupier shall permit any illegal immigrant to enter or remain at any premises. (2) An occupier who contravenes subsection (1) shall be guilty of an offence and shall, on conviction, be liable to a fine of not less than five thousand ringgit and not more than thirty thousand ringgit or to imprisonment for a term not exceeding twelve months or to both for each illegal immigrant found at the premises and, in the case of a second or subsequent conviction, to a fine of not less than ten thousand ringgit and not more than sixty thousand ringgit or to imprisonment for a term not exceeding two years or to both for each illegal immigrant found at the premises".

Sources: Immigration Act 1959/63. 1959. Art. 55e.

#### 4.5.6. Airline penalties

**IMMIGRATION\_21: Penalties for airlines carrying immigrants without documentation.**

**Are airlines or other carriers subject to penalties (fines, imprisonment and/or other penalties) for letting travel passengers lacking relevant documentation (such as entry permits or passports)?**

Answer: Yes

Code: 0

Explanation: The penalty is a fine. "22. (4) If any person is found on board of a vessel or aircraft whose presence has not been reported as aforesaid, the master of the vessel or the captain of the aircraft, as the case may be, shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding one thousand ringgit in respect of each such person".

Sources: Immigration Act 1959/63. 1959. Arts. 22, 48 (a), 55A.

**Sanction is a fine:**

Answer: Yes

Code: 2

Explanation: The penalty is a fine. "22 Act. (4) If any person is found on board a vessel or aircraft whose presence has not been reported as aforesaid, the master of the vessel or the captain of the aircraft, as the case may be, shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding one thousand ringgit in respect of each such person".

Sources: Immigration Act 1959/63. 1959. Arts. 22, 48 (a), 55A.

**Penalty is more than a fine:**

Answer: No

Code: 1

Explanation: The penalty is a fine. "22. (4) If any person is found on board a vessel or aircraft whose presence has not been reported as aforesaid, the master of the vessel or the captain of the aircraft, as the case may be, shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding one thousand ringgit in respect of each such person".

Sources: Immigration Act 1959/63. 1959. Arts. 22, 48 (a), 55A.

#### 4.6. Amnesty programs

**IMMIGRATION\_22: Existence of amnesty program.**

**In the past decade, did any amnesty program for irregular immigrants or any permanent regularization mechanism exist?**

Answer: Yes

Code: 1

Explanation: Under the Rehiring Programme, the immigration department allows undocumented migrant workers without passports or work permits to obtain a special pass every several years.

Sources: Htwe, Zaw Zaw. "Illegal Workers Can Return from Malaysia under Amnesty Scheme". Access date not available. <https://www.mmtimes.com/news/illegal-workers-can-return-malaysia-under-amnesty-scheme.html>. / Embassy of the Philippines Kuala Lumpur. "Rehiring Programme". Accessed November 27, 2018. <http://www.philembassykl.org.my/main/index.php/test-menu/288-rehiring-programme>.

**The amnesty program is/was:**

Answer: Regular (conducted always every certain years)

Code: 2

Explanation: The rehiring programme is available to undocumented foreign workers to work in permitted sectors that are facing labour shortages. "Workers who can avail of the Rehiring Programme are (a) those who have overstayed with visit pass temporary employment (VPTE or employment visas) and are working with the same employer; (b) those who have overstayed with employment visas but with a different employer, or; (c) those who entered the country under social visit passes (SVP or tourist visas) and are working with the same employer for at least the last six months before the start of the program. ... Not qualified under the program are those who entered Malaysia through illegal channels (backdoor); have absconded from their employers; and have criminal records. Also not qualified under the program are those who were issued other visas (i.e. student visas, refugees, Islamic visas, etc.) and those who were registered under the 6P programme".

Sources: Embassy of the Philippines Kuala Lumpur. "Rehiring Programme". Accessed November 27, 2018. <http://www.philembassykl.org.my/main/index.php/test-menu/288-rehiring-programme>.

**Being employed is/was a condition to qualify for the amnesty program:**

Answer: Yes

Code: 1

Explanation: "Workers who can avail of the Rehiring Programme are (a) those who have overstayed with visit pass temporary employment (VPTE or employment visas) and are working with the same employer; (b) those who have overstayed with employment visas but with a different employer, or; (c) those who entered the country under social visit passes (SVP or tourist visas) and are working with the same employer for at least the last six months before the start of the program.

Sources: Embassy of the Philippines Kuala Lumpur. "Rehiring Programme". Accessed November 27, 2018. <http://www.philembassykl.org.my/main/index.php/test-menu/288-rehiring-programme>.

**A given duration of stay is/was a condition to qualify for the amnesty program:**

Answer: Yes

Code: 1

Explanation: "Workers who can avail of the Rehiring Programme are (a) those who have overstayed with visit pass temporary employment (VPTE or employment visas) and are working with the same employer; (b) those who have overstayed with employment visas but with a different employer, or; (c) those who entered the country under social visit passes (SVP or tourist visas) and are working with the same employer for at least the last six months before the start of the program.

Sources: Embassy of the Philippines Kuala Lumpur. "Rehiring Programme". Accessed November 27, 2018. <http://www.philembassykl.org.my/main/index.php/test-menu/288-rehiring-programme>.

**Having a certain nationality is/was a condition to qualify for the amnesty program:**

Answer: No

Code: 0

Explanation: Nationality is not stipulated.

Sources: Embassy of the Philippines Kuala Lumpur. "Rehiring Programme". Accessed November 27, 2018. <http://www.philembassykl.org.my/main/index.php/test-menu/288-rehiring-programme>.

**Does a case by case regularization for irregular immigrants existed?**

Answer: No

Code: 0

Explanation: No such program found.

Sources: Online research

**Being employed is a condition to qualify for the case by case regularization program:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**A given duration of stay is a condition to qualify for the case by case regularization program:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Having a certain nationality is a condition to qualify for the case by case regularization program:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Is regularization through marriage possible:**

Answer: No

Code: 0

Explanation: Marriage is strictly prohibited with local or foreign citizens according to Official Portal of Ministry of Immigration Department of Malaysia.

Sources: Htwe, Zaw Zaw. "Illegal Workers Can Return from Malaysia under Amnesty Scheme". Access date not available. <https://www.mmtimes.com/news/illegal-workers-can-return-malaysia-under-amnesty-scheme.html>.

**IMMIGRATION\_23. The amnesty defines the types of irregular migrants as:**

Answer: Irregular workers

Code: Irregular workers

Explanation: Not applicable

Sources: Embassy of the Philippines Kuala Lumpur. "Rehiring Programme". Accessed November 27, 2018. <http://www.philembassykl.org.my/main/index.php/test-menu/288-rehiring-programme>.

## **4.7. Administration**

**IMMIGRATION\_24\_1: Administration in charge of immigration regulation.**

**Which institution is in charge of immigration regulation (in original language)?**

Answer: Jabatan Imigresen Malaysia (Kementerian Dalam Negeri)

Code: Jabatan Imigresen Malaysia (Kementerian Dalam Negeri)

Explanation: Immigration Act 1959/63. 1959. Vol. 155.

Sources: Immigration Act 1959/63. 1959. / Ministry of Home Affairs. "Official Portal of Immigration Department of Malaysia". Accessed July 23, 2019. <https://www.imi.gov.my/index.php/en/>.

**Which institution is in charge of immigration regulation (in English language)?**

Answer: Immigration Department in the Ministry of Home Affairs

**IMMIGRATION\_24\_2: Administration in charge of implementing immigration policies.**

**Which institution is in charge of the implementation of immigration policies (in original language)?**

Answer: Jabatan Imigresen Malaysia (Kementerian Dalam Negeri)

Code: Jabatan Imigresen Malaysia (Kementerian Dalam Negeri)

Explanation: Immigration Act 1959/63. 1959. Vol. 155.

Sources: Immigration Act 1959/63. 1959. / Ministry of Home Affairs. "Official Portal of Immigration Department of Malaysia". Accessed July 23, 2019. <https://www.imi.gov.my/index.php/en/>.

**Which institution is in charge of immigration regulation (in English language)?**

Answer: Immigration Department in the Ministry of Home Affairs

**IMMIGRATION\_24\_3: Administration in charge of border control.**

**Which institution is in charge of border control (in original language)?**

Answer: Jabatan Imigresen Malaysia (Kementerian Dalam Negeri)

Code: Jabatan Imigresen Malaysia (Kementerian Dalam Negeri)

Explanation: Not applicable

Sources: Ministry of Home Affairs. "Official Portal of Immigration Department of Malaysia". Accessed July 23, 2019. <https://www.imi.gov.my/index.php/en/>.

**Which institution is in charge of border control (in English language)?**

Answer: Immigration Department in the Ministry of Home Affairs

**IMMIGRATION\_24\_4: Administration in charge of detentions.**

**Which institution is in charge of detentions (in original language)?**

Answer: Bahagian Penguatkuasa Imigresen Malaysia

Code: Bahagian Penguatkuasa Imigresen Malaysia

Explanation: Not applicable

Sources: Ministry of Home Affairs. "Official Portal of Immigration Department of Malaysia". Accessed July 23, 2019. <https://www.imi.gov.my/index.php/en/>.

**Which institution is in charge of detentions (in English language)?**

Answer: Malaysian Immigration Enforcement Division within the Department of Immigration, Ministry of Home Affairs

#### **4.8. Proxy: Labor migration (high- and low-skilled)**

**IMMIGRATION\_25: Visas applied to labor migration.**

**Is there a labor migration scheme that allows immigrants to enter the country to work in any capacity?**

Answer: Yes

Code: 1

**Is the same visa applied to (1) domestic worker proxy, (2) agricultural worker proxy, and (3) medical doctor proxy?**

Answer: No

Code: 0

##### **4.8.1. Domestic workers**

**Is there a visa scheme (entry track) for domestic workers?**

Answer: Yes

Code: 1

Explanation: Visitor's Pass / Temporary Employment Sticker PL (KS).

Sources: Ministry of Home Affairs. "Official Portal of Immigration Department of Malaysia". Accessed July 23, 2019. <https://www.imi.gov.my/index.php/en/>.



**IMMIGRATION\_26. Do migrants trying to enter the country under this entry track, need to be sponsored by an individual or group?**

Answer: Yes

Code: 0

Explanation: Yes. The employer needs to be a sponsor.

Sources: Ministry of Home Affairs. "Official Portal of Immigration Department of Malaysia". Accessed July 23, 2019. <https://www.imi.gov.my/index.php/en/>.

**IMMIGRATION\_27. Is a concrete job offer (e.g. acceptance letter, formal invitation) or a contract signed in advance required or beneficial for immigrating?**

Answer: Yes, required

Code: 0.25

Explanation: Required. FDH (Foreign Domestic Helper) will enter Malaysia via Visa With Reference (VDR) that the application has to be arranged by the employers and later send to the FDH's candidate to enter Malaysia legally. "The FDH has received the approval letter for Visa With Reference to get a visa at the Malaysian Representative Office in the FDH's country of origin prior to entry into Malaysia"

Sources: Official Portal of Immigration Department of Malaysia. "Foreign Domestic Helper". Accessed September 18, 2018. <http://www.imi.gov.my/index.php/en/foreign-domestic-helper-fdh.html>.

**IMMIGRATION\_28. Does the country use a national labor market test for covering posts under the domestic worker proxy (i.e. employers seeking to hire an immigrant had to prove no native worker could do the job)?**

Answer: No

Code: 1

Explanation: No. Practically, Malaysia approves Foreign Domestic Helpers only from Indonesia, Thailand, Cambodia, the Philippines, Sri Lanka, India, Vietnam and Laos and to prove that no native worker could do the job is not listed as one of requirements for the employers.

Sources: Official Portal of Immigration Department of Malaysia. "Foreign Domestic Helper". Accessed September 18, 2018. <http://www.imi.gov.my/index.php/en/foreign-domestic-helper-fdh.html>.

**IMMIGRATION\_29. Is the domestic worker entry track restricted to certain nationalities? (specify the nationalities in explanation).**

Answer: Yes

Code: 0.5

Explanation: Yes. Malaysia approves Foreign Domestic Helpers only from Indonesia, Thailand, Cambodia, the Philippines, Sri Lanka, India, Vietnam and Laos.

Sources: Official Portal of Immigration Department of Malaysia. "Foreign Domestic Helper". Accessed July 23, 2019. <http://www.imi.gov.my/index.php/en/foreign-domestic-helper-fdh.html>.

### **IMMIGRATION\_30: Restrictions based on age.**

**Are there age limits for migrant domestic workers in order to be admitted to the country?**

Answer: Yes

Code: 0.5

Explanation: Yes. They should be not less than 21 years old and not more than 45 years old.

Sources Official Portal of Immigration Department of Malaysia. "Foreign Domestic Helper". Accessed July 23, 2019. <http://www.imi.gov.my/index.php/en/foreign-domestic-helper-fdh.html>.

### **Which minimum age?**

Answer: Between 19 and 21 years

Code: 3

Explanation: Yes. They should be not less than 21 years old and not more than 45 years old.

Sources Official Portal of Immigration Department of Malaysia. "Foreign Domestic Helper". Accessed July 23, 2019. <http://www.imi.gov.my/index.php/en/foreign-domestic-helper-fdh.html>.

### **IMMIGRATION\_31. Is having a certain gender a requisite to be admitted to the country under the domestic worker entry track?**

Answer: Yes

Code: 0.5

Explanation: Yes, they should be female.

Sources: Official Portal of Immigration Department of Malaysia. "Foreign Domestic Helper". Accessed July 23, 2019. <http://www.imi.gov.my/index.php/en/foreign-domestic-helper-fdh.html>.

### **IMMIGRATION\_32. Is having a certain marital status a requisite to be admitted to the country under the domestic worker track entry track?**

Answer: No

Code: 1

Explanation: No. Marital Status is not an eligibility condition for working as a Foreign Domestic Helper in Malaysia.

Sources Official Portal of Immigration Department of Malaysia. "Foreign Domestic Helper". Accessed July 23, 2019. <http://www.imi.gov.my/index.php/en/foreign-domestic-helper-fdh.html>.

**IMMIGRATION\_33. Do migrant domestic workers need to prove the ability to support themselves?**

Answer: No

Code: 1

Explanation: No, such ability is not required.

Sources: Official Portal of Immigration Department of Malaysia. "Foreign Domestic Helper". Accessed July 23, 2019. <http://www.imi.gov.my/index.php/en/foreign-domestic-helper-fdh.html>.

**IMMIGRATION\_34. Is knowledge of the host country's language considered beneficial or required for the decision on whether someone could immigrate as a domestic worker?**

Answer: Neither beneficial, nor required

Code: 1

Explanation: No. Language proficiency is not an eligibility condition for working as a Foreign Domestic Helper.

Sources: Official Portal of Immigration Department of Malaysia (Ministry of Home Affairs). "Foreign Worker". Accessed July 23, 2019. <https://www.imi.gov.my/index.php/en/foreign-worker.html>.

**IMMIGRATION\_35. Does the application under the domestic worker entry track cost a fee? Register the fee in US Dollars. If application does not cost anything, specify 0. If there are several fees (for example, for initiating the process and for issuing the document), add up the amounts.**

Answer: 17.89

Code: 17.89

Explanation: A minimum of 75 RM depending on the country of nationality, about 17.89 USD as of 2019:

Visa's fees according to the nationality, paid by employers:

Indonesia: 15 RM

Thailand, Cambodia: 20 RM

The Philippines: 36 RM

Sri Lanka: 15 RM

India: 50 RM

Laos: 20 RM

Visitors Pass (Temporary Employment): 60 RM

Sources: Official Portal of Immigration Department of Malaysia (Ministry of Home Affairs). "Foreign Worker". Accessed July 23, 2019. <https://www.imi.gov.my/index.php/en/foreign-worker.html>.

**IMMIGRATION\_36. How long is the domestic work permit valid for? Indicate the period in months.**

Answer: 12

Code: 12

Explanation: 12 months

Sources: Official Portal of Immigration Department of Malaysia (Ministry of Home Affairs). "Foreign Worker". Accessed July 23, 2019. <https://www.imi.gov.my/index.php/en/foreign-worker.html>.

**IMMIGRATION\_37. Is it possible to renew the work permit granted under the domestic worker entry track?**

Answer: Yes

Code: 1

Explanation: Yes. It is possible to renew. VP(TE)> Visit Pass is valid for a period of 12 months. Employers can apply for VP(TE) extension 3 months before the expiry date. No need to leave the country

Sources: Official Portal of Immigration Department of Malaysia. "Foreign Domestic Helper". Accessed July 23, 2019. <http://www.imi.gov.my/index.php/en/foreign-domestic-helper-fdh.html>.

**IMMIGRATION\_38: Possibility of changing jobs.**

**Is it possible for a migrant worker accepted under the domestic worker entry track to switch employers?**

Answer: Yes, under certain conditions

Code: 0

Explanation: Domestic workers can change their employer but only under certain circumstances, namely pending the permission of the Immigration Department of Malaysia.

Sources: Official Portal of Immigration Department of Malaysia. "Foreign Domestic Helper". Accessed July 23, 2019. <http://www.imi.gov.my/index.php/en/foreign-domestic-helper-fdh.html>.

**Is it possible for a migrant domestic worker accepted under this entry track to switch professional sectors?**

Answer: No

Code: No

Explanation: It is not possible to switch employers, sectors, or locations.

Sources: Official Portal of Immigration Department of Malaysia. "Foreign Domestic Helper". Accessed July 23, 2019. <http://www.imi.gov.my/index.php/en/foreign-domestic-helper-fdh.html>.

**Is it possible for a migrant worker accepted under the domestic worker entry track to switch locations?**

Answer: No

Code: 0

Explanation: It is not possible to switch employers, sectors, or locations.

Sources: Official Portal of Immigration Department of Malaysia. "Foreign Domestic Helper". Accessed July 23, 2019. <http://www.imi.gov.my/index.php/en/foreign-domestic-helper-fdh.html>.

**IMMIGRATION\_39. Does loss of employment result in the withdrawal of a migrant domestic worker's resident permit under this track?**

Answer: Yes, right away

Code: 1

Explanation: Yes. Upon termination of the contract, workers are to be deported. "m. The employer must obtain approval from the Immigration Department if the FDH wishes to terminate her services, if the employer wishes to terminate the services of the FDH, or to get the Check-out memo from the Department of Deportation if the pass has expired".

Sources: Official Portal of Immigration Department of Malaysia. "Foreign Domestic Helper". Accessed July 23, 2019. <http://www.imi.gov.my/index.php/en/foreign-domestic-helper-fdh.html>.

**IMMIGRATION\_40. Is it required by law that the work conditions (e.g. minimum wage, working hours, and benefits) of the migrant domestic workers were equal to those of native workers?**

Answer: Yes

Code: 1

Explanation: Yes. It is stipulated in Article 8 of the Federal Constitution of Malaysia that "All Persons are equal before the law and is entitled to equal protection of the law" and by the use of term "person" as opposed to 'citizen'. This makes it most clear that this guarantee of rights extends also to all persons, including migrant workers, be they documented or undocumented. Section 60L of the Employment Act 1955 also prohibits discrimination in respect of the terms and conditions of his employment on the basis that one is a migrant worker.

Sources: Federal Constitution of Malaysia. 1957(2010).

**IMMIGRATION\_41. Is a minimum level of education required to apply to the domestic entry track?**

Answer: No

Code: 1

Explanation: No. It is not an eligibility condition for working as a Foreign Domestic Helper in Malaysia.

Sources: Official Portal of Immigration Department of Malaysia. "Foreign Domestic Helper". Accessed July 23, 2019. <http://www.imi.gov.my/index.php/en/foreign-domestic-helper-fdh.html>.

**IMMIGRATION\_42. Is a test of good health required for migrant domestic worker?**

Answer: Yes

Code: 0

Explanation: Yes. Among the required documents for application are: "viii. Medical Report from the country of origin which has been certified by a clinic appointed by the Ministry of Health Malaysia"

Sources: Official Portal of Immigration Department of Malaysia. "Foreign Domestic Helper". Accessed July 23, 2019. <http://www.imi.gov.my/index.php/en/foreign-domestic-helper-fdh.html>.

## 4.8.2. Agricultural workers

**Is there a visa scheme (entry track) for agricultural workers?**

Answer: Yes

Code: 1

Explanation: Visitor's Pass (Temporary Employment) [VP(TE)]

Sources: Official Portal of Immigration Department of Malaysia. "Application for Temporary Employment Pass for a Foreign Worker". Accessed September 18, 2018. <http://www.imi.gov.my/index.php/en/main-services/pass.html?id=296#application-for-temporary-employment-pass-for-a-foreign-worker>.

**IMMIGRATION\_43. Do migrants trying to enter the country under the agricultural worker entry track need to be sponsored by an individual or group?**

Answer: Yes

Code: 0

Explanation: Yes. The employer needs to be a sponsor.

Sources: Ministry of Home Affairs. "Official Portal of Immigration Department of Malaysia". Accessed July 23, 2019. <https://www.imi.gov.my/index.php/en/>.

**IMMIGRATION\_44. Is a concrete job offer (e.g. acceptance letter, formal invitation) or a contract signed in advance required or beneficial for immigrating as an agricultural worker?**

Answer: Yes, required

Code: 0.25

Explanation: Required. The original approval letter outsourcing foreign workers, and certified copies of VDR application for outsourcing foreign workers (outsourcing company) is one of the main required document to apply for a visa.

Sources: Official Portal of Immigration Department of Malaysia (Ministry of Home Affairs). "Foreign Worker". Accessed July 23, 2019. <https://www.imi.gov.my/index.php/en/foreign-worker.html>.

**IMMIGRATION\_45. Does the country use a national labor market test for covering posts under the agricultural worker proxy (i.e. employers seeking to hire an immigrant had to prove no native worker could do the job)?**

Answer: No

Code: 1

Explanation: No. Malaysia does have quota of foreign agricultural workers that must be obtained by employers/companies from Ministry of Home Affairs, One Stop Centre (OSC). However, the company need not to prove such restriction that no native worker could do the job.

Sources: Official Portal of Immigration Department of Malaysia (Ministry of Home Affairs). "Foreign Worker". Accessed July 23, 2019. <https://www.imi.gov.my/index.php/en/foreign-worker.html>.

**IMMIGRATION\_46. Is the agricultural worker entry track restricted to certain nationalities? (specify nationalities in the explanation).**

Answer: Yes

Code: 0.5

Explanation: Yes. Thailand, Cambodia, Nepal, Myanmar, Laos, Vietnam, the Philippines, Pakistan, Sri Lanka, Turkmenistan, Uzbekistan, Kazakhstan, India, Indonesia, (Bangladesh- only via Government to Government agreement).

Sources: Official Portal of Immigration Department of Malaysia (Ministry of Home Affairs). "Foreign Worker". Accessed July 23, 2019. <https://www.imi.gov.my/index.php/en/foreign-worker.html>.

**IMMIGRATION\_47: Restrictions based on age.**

**Are age limits for migrant agricultural workers in order to be admitted to the country?**

Answer: Yes

Code: 0.5

Explanation: Yes. Must be in the age group of 18 to 45 years.

Sources: Official Portal of Immigration Department of Malaysia (Ministry of Home Affairs). "Foreign Worker". Accessed July 23, 2019. <https://www.imi.gov.my/index.php/en/foreign-worker.html>.

**Which minimum age?**

Answer: Between 17 and 18 years

Code: 2

Explanation: Must be in the age group of 18 to 45 years

Sources: Official Portal of Immigration Department of Malaysia (Ministry of Home Affairs). "Foreign Worker". Accessed July 23, 2019. <https://www.imi.gov.my/index.php/en/foreign-worker.html>.

**IMMIGRATION\_48. Is having a certain gender a requisite to be admitted to the country under this entry track?**

Answer: Yes

Code: 0.5

Explanation: Yes. Agricultural workers from the Philippines must be male only, while no gender distinguished for other approved countries.

Sources: Official Portal of Immigration Department of Malaysia (Ministry of Home Affairs). "Foreign Worker". Accessed July 23, 2019. <https://www.imi.gov.my/index.php/en/foreign-worker.html>.

**IMMIGRATION\_49. Is having a certain marital status a requisite to be admitted to the country under the agricultural worker entry track?**

Answer: No

Code: 1

Explanation: No. Marital Status is not an eligibility condition for working as a Foreign Agricultural Worker in Malaysia.

Sources: Official Portal of Immigration Department of Malaysia (Ministry of Home Affairs). "Foreign Worker". Accessed July 23, 2019. <https://www.imi.gov.my/index.php/en/foreign-worker.html>.

**IMMIGRATION\_50. Do migrant agricultural workers need to prove the ability to support themselves?**

Answer: No

Code: 1

Explanation: No, such ability is not required.

Sources: Official Portal of Immigration Department of Malaysia (Ministry of Home Affairs). "Foreign Worker". Accessed July 23, 2019. <https://www.imi.gov.my/index.php/en/foreign-worker.html>.

**IMMIGRATION\_51. Is knowledge of the host country's language considered beneficial or required for the decision on immigrating as an agricultural worker?**

Answer: Neither beneficial, nor required



Code: 1

Explanation: No. Language proficiency is not listed as an eligibility condition for working as an agricultural Worker.

Sources: Official Portal of Immigration Department of Malaysia (Ministry of Home Affairs). "Foreign Worker". Accessed July 23, 2019. <https://www.imi.gov.my/index.php/en/foreign-worker.html>.

**IMMIGRATION\_52. Does the application under the agricultural worker entry track cost a fee? Register the fee in US Dollars. If application does not cost anything, specify 0. If there are several fees (for example, for initiating the process and for issuing the document), add up the amounts.**

Answer: Yes, a minimum of 75 RM depending on the country of nationality, about 17.89 USD

Visa fees are charged according to the country, to be paid by the employer/company:

Thailand: 20 RM

Cambodia: 20 RM

Nepal: 20 RM

Myanmar: 19.50 RM

Laos: 20 RM

Vietnam: 13 RM

The Philippines: 36 RM

Pakistan: 20 RM

Sri Lanka: 15 RM

Turkmenistan: 20 RM

Uzbekistan: 20 RM

Kazakhstan: 20 RM

India: 50 RM

Indonesia: 15 RM

Bangladesh: 20 RM VP (TE) costs RM 60.00

issuance of Green i-Kad does not incur any additional cost to the employers and it will be sent directly to the employer/company by the authorized vendor.

Code:

Explanation:

Sources: Official Portal of Immigration Department of Malaysia. "Foreign Workers and Visa Fee According to the Country". Access date not available. URL not available.

**IMMIGRATION\_53. How long is the work permit valid for? Indicate the period in months.**

Answer: 12

Code: 12

Explanation: VP(TE) is valid for a period of 12 months.

Sources: Official Portal of Immigration Department of Malaysia (Ministry of Home Affairs). "Foreign Worker". Accessed July 23, 2019. <https://www.imi.gov.my/index.php/en/foreign-worker.html>.

**IMMIGRATION\_54. Is it possible to renew the work permit granted under the agricultural worker entry track?**

Answer: Yes

Code: 1

Explanation: Yes. It is possible to renew. VP(TE)> Visit Pass is valid for a period of 12 months. Employers can apply for VP(TE) extension 3 months before the expiry date. No need to leave the country.

Sources: Official Portal of Immigration Department of Malaysia (Ministry of Home Affairs). "Foreign Worker". Accessed July 23, 2019. <https://www.imi.gov.my/index.php/en/foreign-worker.html>.

**IMMIGRATION\_55: Possibility of changing jobs.**

**Is it possible for a migrant agricultural worker accepted under this entry track to switch employers?**

Answer: No

Code: 0

Explanation: It is not possible to change employers/sectors/locations.

Sources: Official Portal of Immigration Department of Malaysia (Ministry of Home Affairs). "Foreign Worker". Accessed July 23, 2019. <https://www.imi.gov.my/index.php/en/foreign-worker.html>.

**Is it possible for a migrant agricultural worker accepted under this entry track to switch professional sectors?**

Answer: No

Code: 0

Explanation: It is not possible to change employers/sectors/locations.

Sources: Official Portal of Immigration Department of Malaysia (Ministry of Home Affairs). "Foreign Worker". Accessed July 23, 2019. <https://www.imi.gov.my/index.php/en/foreign-worker.html>.

**Is it possible for a migrant agricultural worker accepted under this entry track to switch locations?**

Answer: No

Code: 0

Explanation: It is not possible to change employers/sectors/locations.

Sources: Official Portal of Immigration Department of Malaysia (Ministry of Home Affairs). "Foreign Worker". Accessed July 23, 2019. <https://www.imi.gov.my/index.php/en/foreign-worker.html>.

**IMMIGRATION\_56. Does loss of employment result in the withdrawal of a migrant agricultural worker's resident permit under this track?**

Answer: Yes, right away

Code: 1

Explanation: Yes. Upon termination of the contract, employers are required to “deport” workers back to their country of origin. “Upon completion or termination of employment, the employers must ensure that foreign workers are deported to their origin countries by using Check Out Memo. Security bond can be claimed provided the repatriation process is done accordingly through Check Out Memo”.

Sources: Official Portal of Immigration Department of Malaysia (Ministry of Home Affairs). “Foreign Worker”. Accessed July 23, 2019. <https://www.imi.gov.my/index.php/en/foreign-worker.html>.

**IMMIGRATION\_57. Is it required by law that the work conditions (e.g. minimum wage, working hours, and benefits) of the migrant agricultural workers were equal to those of native workers?**

Answer: Yes

Code: 1

Explanation: Yes. It is stipulated in Article 8 of the Federal Constitution of Malaysia that “All Persons are equal before the law and is entitled to equal protection of the law” and by the use of term “person” as opposed to ‘citizen’ makes it most clear that this guarantee of rights extends also to all persons, including migrant workers, be they documented or undocumented. Section 60L of the Employment Act 1955 also prohibits discrimination in respect of the terms and conditions of his employment on the basis that one is a migrant worker.

Sources: Federal Constitution of Malaysia. 1957(2010).

**IMMIGRATION\_58. Is a minimum level of education required to apply to the agricultural worker entry track?**

Answer: No

Code: 1

Explanation: No such stipulation.

Sources: Official Portal of Immigration Department of Malaysia (Ministry of Home Affairs). “Foreign Worker”. Accessed July 23, 2019. <https://www.imi.gov.my/index.php/en/foreign-worker.html>.

**IMMIGRATION\_59. Is a test of good health required for migrant agricultural workers?**

Answer: Yes

Code: 0

Explanation: Yes. Among the required documents for application are: “Medical report from the country of origin approved by the Ministry of Health Malaysia”

Sources: Official Portal of Immigration Department of Malaysia (Ministry of Home Affairs). "Foreign Worker". Accessed July 23, 2019. <https://www.imi.gov.my/index.php/en/foreign-worker.html>.

### 4.8.3. Medical doctors

**Is there a visa scheme (entry track) for medical doctors?**

Answer: Yes

Code: 1

Explanation: Employment Pass, in cases of hiring for private hospitals

Sources: Official Portal of Immigration Department of Malaysia. "Application for Temporary Employment Pass for a Foreign Worker". Accessed September 18, 2018. <http://www.imi.gov.my/index.php/en/main-services/pass.html?id=296#application-for-temporary-employment-pass-for-a-foreign-worker>.

**IMMIGRATION\_60. Do migrants trying to enter the country under the medical doctor entry track, needed to be sponsored by an individual or group?**

Answer: Yes

Code: 0

Explanation: Yes. The employer (hospital) needs to be a sponsor.

Sources: Ministry of Home Affairs. "Official Portal of Immigration Department of Malaysia". Accessed July 23, 2019. <https://www.imi.gov.my/index.php/en/>.

**IMMIGRATION\_61. Are a concrete job offer (e.g. acceptance letter, formal invitation) or a contract signed in advance required or beneficial for immigrating as a medical doctor?**

Answer: Yes, required

Code: 0.25

Explanation: Required. It is mentioned that for foreigner, needs to be offered employment in Malaysia in order to apply.

Sources: Official Portal of Immigration Department of Malaysia (Ministry of Home Affairs). "2nd Stage - Application for Employment Pass". Accessed July 30, 2019. <https://www.imi.gov.my/index.php/en/pass.html?id=228>.

**IMMIGRATION\_62. Does the country use a national labor market test for covering posts under the medical doctor proxy (i.e. employers seeking to hire an immigrant had to prove that no native worker could do the job)?**

Answer: No

Code: 1

Explanation: No. Malaysian Medical Act and Official Portal of Malaysian Medical Council concerning safeguarding patient and guiding doctor maintains the information for both Malaysian and Foreign Doctor Practices in Malaysia and no such restriction found regarding the proof of employers in hiring immigrants.

Sources: Act 50 Medical Act. 1971. Part. III. / Malaysian Medical Council. "Official Portal of Malaysian Medical Council". Accessed July 30, 2019. <http://mmc.gov.my/>. / Dato' Dr. Azmi bin Shapie. 2017. "Registration of Foreign Medical Practitioners". Access date not available. <http://asean.org/storage/2012/05/Malaysias-Experience-Procedures-on-Mobility-of-ASEAN-Doctors.pdf>.

**IMMIGRATION\_63. Is the medical doctor entry track restricted to certain nationalities? (Specify nationalities in the explanation).**

Answer: No

Code: 1

Explanation: No such restrictions found.

Sources: Official Portal of Immigration Department of Malaysia (Ministry of Home Affairs). "2nd Stage - Application for Employment Pass". Accessed July 30, 2019. <https://www.imi.gov.my/index.php/en/pass.html?id=228>.

**IMMIGRATION\_64: Restrictions based on age.**

**Are there age limits for migrant medical doctors to be admitted to the country?**

Answer: No

Code: 1

Explanation: No such age limits found.

Sources: 'Official Portal of Immigration Department of Malaysia (Ministry of Home Affairs). "2nd Stage - Application for Employment Pass". Accessed July 30, 2019. <https://www.imi.gov.my/index.php/en/pass.html?id=228>.

**Which minimum age?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**IMMIGRATION\_65. Is having a certain gender a requisite to be admitted to the country under the medical doctor entry track?**

Answer: No

Code: 1

Explanation: No. No such restriction based on gender.

Sources: Official Portal of Immigration Department of Malaysia (Ministry of Home Affairs). "2nd Stage - Application for Employment Pass". Accessed July 30, 2019. <https://www.imi.gov.my/index.php/en/pass.html?id=228>.

**IMMIGRATION\_66. Is having a certain marital status a requisite to be admitted to the country under the medical doctor entry track?**

Answer: No

Code: 1

Explanation: No. Marital status is not an eligibility condition for working as medical doctors and specialists in Malaysia.

Sources: Official Portal of Immigration Department of Malaysia (Ministry of Home Affairs). "2nd Stage - Application for Employment Pass". Accessed July 30, 2019. <https://www.imi.gov.my/index.php/en/pass.html?id=228>. / Malaysian Medical Council. "Official Portal of Malaysian Medical Council". Accessed July 30, 2019. <http://mmc.gov.my/>.

**IMMIGRATION\_67. Do migrant medical doctors need to prove the ability to support themselves?**

Answer: No

Code: 1

Explanation: No, such ability is not required.

Sources: Official Portal of Immigration Department of Malaysia (Ministry of Home Affairs). "2nd Stage - Application for Employment Pass". Accessed July 30, 2019. <https://www.imi.gov.my/index.php/en/pass.html?id=228>.

**IMMIGRATION\_68. Is knowledge of the host country's language considered beneficial or required for the decision on whether someone could immigrate as a medical doctor?**

Answer: Yes, required

Code: 0.25

Explanation: Required. Proof of proficiency in English and Bahasa Malaysia is listed as one other requirements.

Sources: Official Portal of Immigration Department of Malaysia (Ministry of Home Affairs). "2nd Stage - Application for Employment Pass". Accessed July 30, 2019. <https://www.imi.gov.my/index.php/en/pass.html?id=228>. / Malaysian Medical Council. "Official Portal of Malaysian Medical Council". Accessed July 30, 2019. <http://mmc.gov.my/>. / Dato' Dr. Azmi bin

Shapie. 2017. "Registration of Foreign Medical Practitioners". Access date not available. <http://asean.org/storage/2012/05/Malaysias-Experience-Procedures-on-Mobility-of-ASEAN-Doctors.pdf>.

**IMMIGRATION\_69. Does the application under the medical doctor entry track cost a fee? Register the fee in US Dollars. If application did not cost anything, specify 0. If there are several fees (for example, for initiating the process and for issuing the document), add up the amounts.**

Answer: 24

Code: 24

Explanation: Yes. From 100 up to 400 RM in total.  
Employment Pass Key post (approval by MIDA) - fees charged are RM300.00 per year or part thereof.  
Management post/Senior/Intermediate/Professional/Technical - fees charged are RM200.00 per year or part thereof.  
Employment Pass - no levy charged.  
Other Charges Processing fees for Employment Pass, Visitor's Pass (Temporary Employment) - fees charged are RM50.00 per post/application.  
Processing fees for "Journey Perform Visa" - fees charged are RM500.00 per post/application.

Sources: Official Portal of Immigration Department of Malaysia (Ministry of Home Affairs). "2nd Stage - Application for Employment Pass". Accessed July 30, 2019. <https://www.imi.gov.my/index.php/en/pass.html?id=228>. / Malaysian Medical Council. "Official Portal of Malaysian Medical Council". Accessed July 30, 2019. <http://mmc.gov.my/>. / Dato' Dr. Azmi bin Shapie. 2017. "Registration of Foreign Medical Practitioners". Access date not available. <http://asean.org/storage/2012/05/Malaysias-Experience-Procedures-on-Mobility-of-ASEAN-Doctors.pdf>.

**IMMIGRATION\_70. How long is the medical doctor work permit valid for? Indicate the period in months.**

Answer: 60

Code: 60

Explanation: Up to 60 months

Sources: Expatriate Services Division, Immigration Department of Malaysia. "Employment Pass (EP)". Accessed July 30, 2019. <https://esd.imi.gov.my/portal/expatriates/myxpat/keys-services/employment-pass/>.

**IMMIGRATION\_71. Is it possible to renew the work permit granted under the medical doctor entry track?**

Answer: Yes

Code: 1

Explanation: Yes. It is possible to renew, depending on the Employment Pass Category which is based on the basic monthly salary. Those in category 3 (lowest salary bracket) must leave the country for a 3-month cooling off period unless they are moving up categories.

Sources: Official Portal of Immigration Department of Malaysia (Ministry of Home Affairs). "2nd Stage - Application for Employment Pass". Accessed July 30, 2019. <https://www.imi.gov.my/index.php/en/pass.html?id=228>.

#### **IMMIGRATION\_72: Possibility of changing jobs.**

##### **Is it possible for a migrant medical doctor to switch employers?**

Answer: No

Code: 0

Explanation: Medical doctors can only apply for a new Employment Pass with a new employer, in a new profession, and at a different location. The requirement is that the applicant hold a new job offer.

Sources: Official Portal of Immigration Department of Malaysia (Ministry of Home Affairs). "2nd Stage - Application for Employment Pass". Accessed July 30, 2019. <https://www.imi.gov.my/index.php/en/pass.html?id=228>.

##### **Is it possible for a migrant medical doctor to switch professional sectors?**

Answer: No

Code: 0

Explanation: Medical doctors can only apply for a new Employment Pass with a new employer, in a new profession, and at a different location. The requirement is that the applicant hold a new job offer.

Sources: Official Portal of Immigration Department of Malaysia (Ministry of Home Affairs). "2nd Stage - Application for Employment Pass". Accessed July 30, 2019. <https://www.imi.gov.my/index.php/en/pass.html?id=228>.

##### **Is it possible for a migrant medical doctor to switch locations?**

Answer: No

Code: 0

Explanation: Medical doctors can only apply for a new Employment Pass with a new employer, in a new profession, and at a different location. The requirement is that the applicant hold a new job offer.

Sources: Official Portal of Immigration Department of Malaysia (Ministry of Home Affairs). "2nd Stage - Application for Employment Pass". Accessed July 30, 2019. <https://www.imi.gov.my/index.php/en/pass.html?id=228>.

#### **IMMIGRATION\_73. Does loss of employment result in the withdrawal of a migrant worker's resident permit under the medical doctor track?**

Answer: No

Code: 0



Explanation: No. Employment Pass holders are not liable to immediate deportation proceedings as with Visitor's Pass holders since there is a provision for a release letter for EP holders to be able to change employers.

Sources: Official Portal of Immigration Department of Malaysia (Ministry of Home Affairs). "2nd Stage - Application for Employment Pass". Accessed July 30, 2019. <https://www.imi.gov.my/index.php/en/pass.html?id=228>.

**IMMIGRATION\_74. Is it required by law that the work conditions (e.g. minimum wage, working hours, and benefits) of the migrant medical doctors were equal to those of native workers?**

Answer: Yes

Code: 1

Explanation: Yes. It is stipulated in Article 8 of the Federal Constitution of Malaysia that "All Persons are equal before the law and is entitled to equal protection of the law" and by the use of term "person" as opposed to 'citizen' makes it most clear that this guarantee of rights extends also to all persons, including migrant workers, be they documented or undocumented. Section 60L of the Employment Act 1955 also prohibits discrimination in respect of the terms and conditions of his employment on the basis that one is a migrant worker (foreign worker).

Sources: Federal Constitution of Malaysia. 1957(2010).

**IMMIGRATION\_75. Is a minimum level of education required to apply to the medical doctor entry track?**

Answer: Yes

Code: 0

Explanation: Yes. While it is not listed in the requirements for the Employment Pass, medical doctors in particular need to have certain educational certifications. Foreign doctor must have: - Primary medical qualification (PMQ) which is listed in the Second Schedule - Qualification in specialty which is recognized - Postgraduate qualification (SMQ) which is recognized or acceptable to the Malaysian Medical Council.

Sources: Dato' Dr. Azmi bin Shapie. 2017. "Registration of Foreign Medical Practitioners". Access date not available. <http://asean.org/storage/2012/05/Malaysias-Experience-Procedures-on-Mobility-of-ASEAN-Doctors.pdf>.

**IMMIGRATION\_76. Is a test of good health required for migrant medical doctors?**

Answer: No

Code: 0

Explanation: No. A test of a good health is not listed as one of requirement.

Sources: Official Portal of Immigration Department of Malaysia (Ministry of Home Affairs). "2nd Stage - Application for Employment Pass". Accessed July 30, 2019. <https://www.imi.gov.my/index.php/en/pass.html?id=228>.

## 4.9. Proxy: Refugees

### 4.9.1. Existence of track

#### **IMMIGRATION\_77. Does the country grant refugee status?**

Answer: No

Code: 0

Explanation: No. Malaysia is not party to the 1951 Refugee Convention nor its Protocol and does not have an asylum system regulating the status and rights of refugees.

Sources: Kermeliotis, Teo. "We Have Nothing: A Life in Limbo for Malaysia's Yemeni Refugees". Access date not available. <https://www.aljazeera.com/news/2019/03/life-limbo-malaysia-yemeni-refugees-190324110354467.html>.

#### **IMMIGRATION\_78. Are certain countries deemed safe third countries (i.e. could persons arriving through these countries be precluded from claiming asylum)?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

#### **IMMIGRATION\_79: Safe countries of origin.**

##### **Are certain countries deemed safe countries of origin (i.e. refugee claims arising out of persecution in those countries could be precluded)?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

#### **How many countries?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

#### **4.9.2. Restrictions**

**IMMIGRATION\_80: Refugee status restricted for certain nationalities.**

**Is refugee status restricted to certain nationalities?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Which nationalities?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**IMMIGRATION\_81: Restrictions based on age.**

**Are there age limits for potential refugees to be admitted to the country?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Which minimum age?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Is being below a certain age limit beneficial for the decision on whether someone gains access to refugee status?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Below which age?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**IMMIGRATION\_82. Is having a certain gender a requisite to be granted refugee status?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**IMMIGRATION\_83. Is having a certain marital status a requisite to be granted refugee status?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

### **4.9.3. Place of application**

**IMMIGRATION\_84: Place of application**

**Can asylum seekers file an application for asylum from outside the destination country's territory?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Can asylum seekers file an application for asylum at the border/ports of entry of country's territory?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Can asylum seekers file an application for asylum on the destination country's territory?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

#### **4.9.4. Permit validity**

**IMMIGRATION\_85. How long is the initial residence permit for recognized refugees valid for?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**IMMIGRATION\_86: Permit renewal.**

**Is it possible to renew a temporary residence permit?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Is it possible to apply for a permanent resident permit for recognized refugees?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**IMMIGRATION\_87. Can a recognized refugee lose his or her status as a refugee when the threatening situation in his or her country of origin ceases?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**4.9.5. Maximum timeframe for application resolution**

**IMMIGRATION\_88: Timeframe for resolution.**

**Is there a maximum of days to process the application of asylum seekers?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**What is the maximum of days?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

#### **4.9.6. Possibility to change migratory status**

**IMMIGRATION\_89. If an application on refugee status is rejected, does the applicant have the right to appeal?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**IMMIGRATION\_90. Is it possible for recognized refugees to change their migratory status?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

#### **4.9.7. Detention**

**IMMIGRATION\_91: Detention**

**Are asylum seekers detained while their claims are being processed?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Are asylum seekers detained after their claims are processed?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

#### **4.9.8. Status after rejection**

**IMMIGRATION\_92. What is the status of asylum seekers whose applications are rejected?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**IMMIGRATION\_93. Do asylum seekers have the possibility to work during the process of application?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

#### **4.9.9. Translation and interpretation**

**IMMIGRATION\_94. Does the state provide official translation or interpretation for the process of asylum seekers?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

### **4.10. Proxy: Co-ethnics**

#### **4.10.1. General**

**IMMIGRATION\_95. Existence of co-ethnics in 2017 (i.e. group(s) of immigrants that were granted easier access).**



**Are there group(s) of immigrants that are granted easier access to immigration and citizenship due to colonial history, language, religion, ancestry, and/or ill-treatment in the past?**

Answer: No

Code: 0

Explanation: No. There is no evidence of a co-ethnic track.

Sources: Immigration Act 1959/63. 1959. / Ministry of Home Affairs. "Official Portal of Immigration Department of Malaysia". Accessed July 23, 2019. <https://www.imi.gov.my/index.php/en/>.

**IMMIGRATION\_96. Register the name of the group(s).**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

#### **4.10.2. Reasons for co-ethnicity**

**IMMIGRATION\_97. Reasons for co-ethnicity.**

**Shared language:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Shared religion:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Shared ancestry:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Citizen of former colony:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Ill treatment by country in the past:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Self-declaration: avowal to be of country's ethnicity:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Other:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**IMMIGRATION\_98. May converts apply?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**IMMIGRATION\_99. If ancestry is sufficient to claim entitlement to preferential immigration rights, what is the degree of ancestry required?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**4.10.3. Language test**

**IMMIGRATION\_100. What is the required level of language skills?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**4.10.4. Place of residence**

**IMMIGRATION\_101. Does the applicant have to reside in a specific country to be entitled to easier access and right to permanent settlement? (If yes, specify country in the explanation).**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

#### **4.10.5. Place of application**

**IMMIGRATION\_102. Place of application.**

**Can applicants file an application from outside the territory of the host country?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Can applicants file an application on host country's territory?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

#### **4.10.6. Date of birth**

**IMMIGRATION\_103. Do applicants need to be born before or after a certain date to be eligible?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

#### **4.10.7. Permit validity**

**IMMIGRATION\_104. If citizenship is not granted right away/after a shorter period, how long is the resident permit valid for?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**IMMIGRATION\_105. Permit renewal.**

**Is it possible to renew a temporary residence permit for co-ethnics?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Is it possible to apply for a permanent resident permit for co-ethnics?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

## 5. Immigrant policies

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### 5.1. Permanent residence

#### 5.1.1. Eligibility

##### **IMMIGRANT\_1: General existence of a permanent residence scheme.**

Answer: Yes

Code: 1

Explanation: Permanent residency eligibility is divided into the following categories:

**High net worth individual:** The first eligible category, which is through an application based on being a high net worth individual, is probably the easiest due to the least amount of requirements needed by the State Immigration Office. According to the Malaysian Immigration, those applying as a high net worth individual need only to open a fixed deposit account with a minimum amount of USD 2 million at any Bank in Malaysia, although it can only be withdrawn after a period of five years. An added bonus to applying as a high net worth individual, besides only needing to fulfill the previous mentioned requirement, is that the applicant's spouse and children under 18 years old will also be eligible for a permanent residency after five years of stay in Malaysia.

**Expert:** The second category to be a permanent resident in Malaysia requires more effort and work, as it requires a person with talent or skills in certain industries. These industries include health and medical, sports, science, technology, banking and finance, among many others (read number 6 on the website for the full list of expertise). Applicants also need a recommendation by the relevant corresponding local agency to their field of expertise in Malaysia and are instructed to submit a certificate of good conduct from their country of origin in order to apply for PR. While not clearly stated, this category of eligibility is probably intended for those who are publicly known in their field of work; **Professional:** The third category involves more demands than the previous method of application and is catered for eligible professionals. Similar to the previous path, those applying for PR as a professional needs to be recommended by a relevant local agency in Malaysia and needs to produce a certificate of good conduct from their country of origin. However, unlike the previous path, the 'professional' applicant is compelled to have a minimum of three years working experience for either a government agency or a private company. In addition, the PR status of an applicant using the third path will only be decided within a month of application submission according to the immigration website, although there is no guarantee that an applicants' submission would be approved by that given time; **Spouse of a Malaysian citizen;** or **Applicants who meet the point system:** It requires an applicant to go through a point-based system and achieve a minimum of 65 points out of a total of 120 in order to be considered. Criteria for said points as well as additional information for a permanent residency can be found here (read number 7 on the website for a full list on fulfilling the point system). On top of that, applicants using the point-based system also need to have one Malaysian sponsor as well as a certificate of good conduct from their country of origin.

Sources: Official Portal of Immigration Department of Malaysia. "Entry Permit". Accessed September 24, 2018. <http://www.imi.gov.my/index.php/en/entry-permit.html>.

##### **IMMIGRANT\_2: Existence of a permanent residence scheme for different proxies.**

**Do asylum seekers have access to permanent residence?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Do refugees have access to permanent residence?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Do co-ethnics have access to permanent residence?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Do domestic workers have access to permanent residence?**

Answer: No

Code: 0

Explanation: In a conventional interpretation, domestic workers do not fit into the categories eligible for permanent residency.

Sources: Official Portal of Immigration Department of Malaysia. "Entry Permit". Accessed September 24, 2018. <http://www.imi.gov.my/index.php/en/entry-permit.html>.

**Do agricultural workers have access to permanent residence?**

Answer: No

Code: 0

Explanation: In a conventional interpretation, domestic workers do not fit into the categories eligible for permanent residency.

Sources: Official Portal of Immigration Department of Malaysia. "Entry Permit". Accessed September 24, 2018. <http://www.imi.gov.my/index.php/en/entry-permit.html>.

**Do medical doctors have access to permanent residence?**

Answer: Yes

Code: 1

Explanation: Medical doctors can access the "professional" track in order to acquire permanent residency.

Sources: Official Portal of Immigration Department of Malaysia. "Entry Permit". Accessed September 24, 2018. <http://www.imi.gov.my/index.php/en/entry-permit.html>.

**IMMIGRANT\_3: Required time of habitual residence.**

**How many months of habitual residence are required from asylum seekers for accessing permanent residence?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**How many months of habitual residence are required from refugees for accessing permanent residence?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**How many months of habitual residence are required from co-ethnics for accessing permanent residence?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**How many months of habitual residence are required from domestic workers for accessing permanent residence?**

Answer: Not applicable



Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**How many months of habitual residence are required from agricultural workers for accessing permanent residence?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**How many months of habitual residence are required from medical doctors for accessing permanent residence?**

Answer: 36

Code: 36

Explanation: Professionals should work in any government agency or private company in Malaysia for a minimum period of three (3) years and certified by the relevant agency in Malaysia.

Sources: Official Portal of Immigration Department of Malaysia. "Entry Permit". Accessed September 24, 2018. <http://www.imi.gov.my/index.php/en/entry-permit.html>.

**IMMIGRANT\_4: Periods of absence allowed.**

**Are periods of absence allowed before granting of permanent status for asylum seekers? If yes, register the number of non-consecutive months per year allowed. If no absence is allowed, type in 0 months. If the period of absence is discretionary, register as 0. In case that non-consecutive months are not established per year (e.g. ten months in a period of five years), calculate the average per year.**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Are periods of absence allowed before granting of permanent status for refugees? If yes, register the number of non-consecutive months per year allowed. If no absence is allowed, type in 0 months. If the period of absence is discretionary, register as 0. In case that non-consecutive months are not established per year (e. g. ten months in a period of five years), calculate the average per year.**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Are periods of absence allowed before granting of permanent status for co-ethnics? If yes, register the number of non-consecutive months per year allowed. If no absence is allowed, type in 0 months. If the period of absence is discretionary, register as 0. In case that non-consecutive months are not established per year (e. g. ten months in a period of five years), calculate the average per year.**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Are periods of absence allowed before granting of permanent status for domestic workers? If yes, register the number of non-consecutive months per year allowed. If no absence is allowed, type in 0 months. If the period of absence is discretionary, register as 0. In case that non-consecutive months are not established per year (e. g. ten months in a period of five years), calculate the average per year.**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Are periods of absence allowed before granting of permanent status for agricultural workers? If yes, register the number of non-consecutive months per year allowed. If no absence is allowed, type in 0 months. If the period of absence is discretionary, register as 0. In case that non-consecutive months are not established per year (e. g. ten months in a period of five years), calculate the average per year.**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Are periods of absence allowed before granting of permanent status for medical doctors? If yes, register the number of non-consecutive months per year allowed. If no absence is allowed, type in 0 months. If the period of absence is discretionary, register as 0. In case that non-consecutive months are not established per year (e. g. ten months in a period of five years), calculate the average per year.**

Answer: No answer

Code: Not applicable

Explanation: Not regulated.

Sources: Ministry of Home Affairs. "Official Portal of Immigration Department of Malaysia". Accessed July 23, 2019. <https://www.imi.gov.my/index.php/en/>.

#### **IMMIGRANT\_5. Result of a regularization process.**

**The regularization process leads to:**

Answer: temporal residence permit

Code: 0.25

Explanation: There is scarce information available about Malaysia's rehiring program which ran from February 2015 until December 2016. It says that irregular workers would be issued valid work permits to work in industries facing labour shortages. These work permits are assumed to be temporary in nature because permanent residency is restricted to high-skilled migrants in general, but there is no further information.

Sources: Embassy of the Philippines Kuala Lumpur. "Rehiring Programme". Accessed November 27, 2018. <http://www.philembassykl.org.my/main/index.php/test-menu/288-rehiring-programme>.

#### **IMMIGRANT\_6: Language test.**

**Is there a language requirement for asylum seekers to access permanent residence?**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Is there a language requirement for refugees to access permanent residence?**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Is there a language requirement for co-ethnics to access permanent residence?**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Is there a language requirement for domestic workers to access permanent residence?**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Is there a language requirement for co-ethnics to access permanent residence?**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Is there a language requirement for medical doctors to access permanent residence?**

Answer: yes, fluency in language of reception is required

Code: 0

Explanation: Proficiency in Bahasa Malaysia is one of seven criteria to assess a permit. Applicant is also required to be interviewed by the Immigration Department and be subject to police vetting.

Sources: Official Portal of Immigration Department of Malaysia. "Entry Permit". Accessed September 24, 2018. <http://www.imi.gov.my/index.php/en/entry-permit.html>.

**IMMIGRANT\_7: Economic resources.**

**Is there an economic resources requirement for applying to permanent residence for asylum seekers?**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Is there an economic resources requirement for applying to permanent residence for refugees?**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Is there an economic resources requirement for applying to permanent residence for co-ethnics?**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Is there an economic resources requirement for applying to permanent residence for domestic workers?**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Is there an economic resources requirement for applying to permanent residence for agricultural workers?**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Is there an economic resources requirement for applying to permanent residence for medical doctors?**

Answer: none or below level of social assistance and no income source is excluded

Code: 1

Explanation: Economic resources are not mentioned as one of conditions to assess permanent residence permit for a professional.

Sources: Official Portal of Immigration Department of Malaysia. "Entry Permit". Accessed September 24, 2018. <http://www.imi.gov.my/index.php/en/entry-permit.html>.

**IMMIGRANT\_8: Cost of application.**

**What is the cost of the application of permanent residence in the original currency (include the cost of issuance if any)?**

Answer: 9997

Code: 9997

Explanation: No information found concerning the cost of permanent residence application.

Sources: Official Portal of Immigration Department of Malaysia. "Entry Permit". Accessed September 24, 2018. <http://www.imi.gov.my/index.php/en/entry-permit.html>.

**What is the cost of the application of permanent residence in the USD (include the cost of issuance if any)?**

Answer: 9997

Code: 9997

Explanation: No information found concerning the cost of permanent residence application.

Sources: Official Portal of Immigration Department of Malaysia. "Entry Permit". Accessed September 24, 2018. <http://www.imi.gov.my/index.php/en/entry-permit.html>.

**IMMIGRANT\_9: Employer sponsorship.**

**Do asylum seekers have to be sponsored by an employer?**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Do refugees have to be sponsored by an employer?**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Do co-ethnics have to be sponsored by an employer?**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Do domestic have to be sponsored by an employer?**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Do agricultural workers have to be sponsored by an employer?**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Do medical doctors have to be sponsored by an employer?**

Answer: yes, sponsorship required

Code: 0

Explanation: Professionals who work in the field of health and medical need to be recommended by a relevant agency and certified by the Minister of Health. Because these requirements go beyond simple administrative proof employment, the requisite „recommendation“ is understood to be equivalent to sponsorship. In addition, professionals are required to have a Malaysian sponsor.

Sources: Official Portal of Immigration Department of Malaysia. "Entry Permit". Accessed September 24, 2018. <http://www.imi.gov.my/index.php/en/entry-permit.html>.

### 5.1.2. Security of status

**IMMIGRANT\_10: Maximum length of application procedure.**

**Maximum length of application procedure for asylum seekers in months:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Maximum length of application procedure for asylum seekers:**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Maximum length of application procedure for refugees in months:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Maximum length of application procedure for refugees:**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable



**Maximum length of application procedure for co-ethnics in months:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Maximum length of application procedure for co-ethnics:**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Maximum length of application procedure for domestic workers in months:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Maximum length of application procedure for domestic workers:**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Maximum length of application procedure for agricultural workers in months:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Maximum length of application procedure for agricultural workers:**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Maximum length of application procedure for medical doctors in months:**

Answer: 997

Code: 997

Explanation: No regulation on maximum length mentioned in the Immigration Portal.

Sources: Official Portal of Immigration Department of Malaysia. "Entry Permit". Accessed September 24, 2018. <http://www.imi.gov.my/index.php/en/entry-permit.html>.

**Maximum length of application procedure for medical doctors:**

Answer: no regulation on maximum length

Code: 0

Explanation: No regulation on maximum length mentioned in the Immigration Portal.

Sources: Official Portal of Immigration Department of Malaysia. "Entry Permit". Accessed September 24, 2018. <http://www.imi.gov.my/index.php/en/entry-permit.html>.

**IMMIGRANT\_11: Grounds for rejection.**

**Not fulfilling the original conditions that were required to access original permit is a ground for rejecting permanent residence application:**

Answer: no

Code: 0

Explanation: Not regulated and no relevant information found concerning grounds for rejection.

Sources: Official Portal of Immigration Department of Malaysia. "Entry Permit". Accessed September 24, 2018. <http://www.imi.gov.my/index.php/en/entry-permit.html>.

**IMMIGRANT\_12: Legal guarantees.**

**Rejection of applications must be reasoned:**

Answer: no

Code: 0

Explanation: There are no legal guarantees and redress in case of refusal, non-renewal, or withdrawal.

Sources: Official Portal of Immigration Department of Malaysia. "Entry Permit". Accessed September 24, 2018. <http://www.imi.gov.my/index.php/en/entry-permit.html>. / Immigration Act 1959/63. 1959.

**Rejected applicants have the right to appeal:**

Answer: no

Code: 0

Explanation: There are no legal guarantees and redress in case of refusal, non-renewal, or withdrawal.

Sources: Official Portal of Immigration Department of Malaysia. "Entry Permit". Accessed September 24, 2018. <http://www.imi.gov.my/index.php/en/entry-permit.html>. / Immigration Act 1959/63. 1959.

**IMMIGRANT\_13: Expulsion is precluded for victims of violence or crime.**

**Expulsion is precluded for immigrants of all categories who are victims of violence or crime:**

Answer: no

Code: 0

Explanation: The Immigration Act does not mention any provision for Immigrant who are victims of violence or crime to report their situation, even though Malaysia has been known as a destination for trafficked victims. There are millions of people in the country without permits and are at risk of arrest and ill treatment. According to Amnesty International, the government's approach targets the victims of human rights abuses rather than those who commit abuses.

Sources: Immigration Act 1959/63. 1959. / Amnesty International Malaysia. "Malaysia: Halt Ongoing Crackdown, Protect Migrant Workers". Access date not available. <http://www.amnesty.my/malaysia-halt-ongoing-crackdown-protect-migrant-workers/>.

## **5.2. Policies of representation**

**IMMIGRANT\_14: Regulation of electoral rights.**

**Subnational electoral rights can be regulated at the subnational level:**

Answer: no

Code: 0

Explanation: No, there is no indication of that possibility in the laws consulted. Article 119 of the Federal Constitution lays out the qualifications for electors but says nothing about provinces of Malaysia being able to further regulate them.

Sources: Federal Constitution of Malaysia. 1957(2010). Art. 119. / Federal Constitution of Malaysia. 1957(2010).

### **5.2.1. Electoral rights**

#### **IMMIGRANT\_15: Voting eligibility for non-citizens.**

##### **Does the country have presidential elections?**

Answer: no, the country has a parliamentary system

Code: 2

##### **Does the country have a bicameral system (composed of a lower house and an upper house)?**

Answer: yes

Code: 1

##### **Can non-citizen residents vote in national presidential elections?**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

##### **Can non-citizen residents vote in national legislative elections (lower house)? :**

Answer: generally disenfranchised

Code: 0

Explanation: Only citizens can vote according to the Federal Constitution (art. 119).

Sources: Federal Constitution of Malaysia. 1957(2010). Art. 119.

##### **Can non-citizen residents vote in national legislative elections (upper house)? :**

Answer: generally disenfranchised

Code: 0

Explanation: Only citizens can vote according to the Federal Constitution (art. 119).

Sources: Federal Constitution of Malaysia. 1957(2010). Art. 119.

**IMMIGRANT\_16: Residence duration-based requirements for active electoral rights.**

**Previous residence required for being eligible to vote in presidential elections:**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Previous residence required for being eligible to vote in lower house elections:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Previous residence required for being eligible to vote in upper house elections:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**IMMIGRANT\_17: Registration in the electoral roll for non-citizen residents.**

**Registration in the electoral roll for non-citizen residents:**

Answer: not applicable (non-citizen residents cannot vote)

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**IMMIGRANT\_18: Passive electoral rights for non-citizen residents.**

**Can non-citizen residents stand as candidates in national presidential elections?**

Answer: not applicable (no presidential elections)

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Can non-citizen residents stand as candidates in national legislative elections (lower house)?**

Answer: generally disenfranchised

Code: 0

Explanation: Only citizens have electoral rights according to the Federal Constitution.

Sources: Federal Constitution of Malaysia. 1957(2010). Art. 119.

**Can non-citizen residents stand as candidates in national legislative elections (upper house)?**

Answer generally disenfranchised

Code: 0

Explanation: Only citizens have electoral rights according to the Federal Constitution.

Sources: Federal Constitution of Malaysia. 1957(2010). Art. 119.

**IMMIGRANT\_19: Residence duration-based restrictions for passive electoral rights.**

**Previous residence required for being eligible to stand as candidate in presidential elections:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Previous residence required for being eligible to stand as candidate in lower house elections:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

## 5.2.2. Regulation of participation in parties

**IMMIGRANT\_20: Emigrant membership to home country political parties.**

**Non-citizen resident membership to state or reception political parties:**

Answer: not regulated

Code: 0.25

Explanation: Malaysia does not have law for which political parties are the main focus. There are some points concerning political parties in the Societies Act, but there is no relevant information there regarding the legality of opening political party offices abroad or on membership. A 2018 article suggested that the Malaysian government enact a Political Parties Act in order to provide balanced access to public funding for all political parties and election candidates; and regulating private funding of politics. According to the guidelines of the Democratic Action Party, arguably the party most open to migrants' participation, given its objectives to improve the rights of immigrants and emigrants, a requirement to join is to present the NRIC, national resident identification card, which suggests that only national residents can join -neither immigrants, nor emigrants.

Sources: Muzaffar, Chandra. "Who Funds the General Election?". Access date not available. <https://www.thesundaily.my/archive/who-funds-general-election-XUARCH530366>.

## 5.2.3. Consultative bodies

**IMMIGRANT\_21: Existence of a consultative body of immigrants acting at the national level.**

**Existence of a consultative body on immigrant issues:**

Answer: no

Code: 0

Explanation: There is no consultative body of immigrants found at the national level.

Sources: Ministry of Home Affairs. "Official Portal of Immigration Department of Malaysia". Accessed July 23, 2019. <https://www.imi.gov.my/index.php/en/>.

**IMMIGRANT\_22: Structural or ad hoc consultation.**

**The consultation is:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**IMMIGRANT\_23: Composition of the consultative body.**

**Composition of the consultative body:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**IMMIGRANT\_24: Leadership of the consultative body.**

**Who chairs the consultative body?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**IMMIGRANT\_25: Right of initiative to make its own reports or recommendations.**

**The body has the right of initiative to make its own reports or recommendations, even when not consulted:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**IMMIGRANT\_26: Right to get a response from the government to recommendation.**

**Beyond consultation on policies affecting immigrants the body has the right to get a response from national authorities to its advice/recommendations:**

Answer: Not applicable



Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**IMMIGRANT\_27: Selection criteria to ensure representativeness.**

**Existence of selection criteria to ensure a gender-balanced consultative body:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Existence of selection criteria to ensure a geographic-balanced consultative body:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

## **5.3. Economic policies**

### **5.3.1. Access to labor market**

**IMMIGRANT\_28: Migrant access to labor market.**

**Can asylum seekers access the labor market?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Can refugees access the labor market?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

#### **Can co-ethnics access the labor market?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

#### **Can domestic workers access the labor market?**

Answer: no

Code: 0

Explanation: Foreigner who holds Green i-Kad and temporary permit (PLKS) to work as FDH (Foreign Domestic Worker) is restricted to the prescribed job and not allowed to change employers without the permission of the Immigration Department of Malaysia.

Sources: Official Portal of Immigration Department of Malaysia. "Foreign Domestic Helper (FDH)". Accessed July 23, 2019. <http://www.imi.gov.my/index.php/en/foreign-domestic-helper-fdh.html>.

#### **Can agricultural workers access the labor market?**

Answer: no

Code: 0

Explanation: Same case as a Foreign Domestic Helper (FDH), foreign agricultural workers who hold Brown i-Kad are restricted to the prescribed job and not allowed to change employers/employment.

Sources: Official Portal of Immigration Department of Malaysia (Ministry of Home Affairs). "Foreign Worker". Accessed July 23, 2019. <https://www.imi.gov.my/index.php/en/foreign-worker.html>.

#### **Can medical doctors access the labor market?**

Answer: no

Code: 0

Explanation: Medical doctors under an Employment Pass are required to have a letter of appointment from an employer in order to be issued the pass and also needs to show a release letter from the employer in order to change jobs.

Sources: Official Portal of Immigration Department of Malaysia (Ministry of Home Affairs). "2nd Stage - Application for Employment Pass". Accessed July 30, 2019. <https://www.imi.gov.my/index.php/en/pass.html?id=228>.

### **Can permanent residents access the labor market?**

Answer: yes, equal access

Code: 1

Explanation: According to the Federal Constitution, permanent residents have the same rights and duties as Malaysian nationals, but only if they reside in the country.

Sources: Federal Constitution of Malaysia. 1957(2010). Art. 14 (4).

### **IMMIGRANT\_29: Migrant access to self-employment.**

#### **Can asylum seekers access self-employment?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

#### **Can refugees access self-employment?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

#### **Can co-ethnics access self-employment?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

### **Can domestic workers access self-employment?**

Answer: no

Code: 0

Explanation: A foreigner who holds Green i-Kad and temporary permit (PLKS) to work as FDH (Foreign Domestic Worker) is restricted to the prescribed job.

Sources: Official Portal of Immigration Department of Malaysia. "Foreign Domestic Helper (FDH)". Accessed July 23, 2019. <http://www.imi.gov.my/index.php/en/foreign-domestic-helper-fdh.html>.

### **Can agricultural workers access self-employment?**

Answer: no

Code: 0

Explanation: Foreigner who holds Brown i-Kad and temporary permit (PLKS) to work as an Agricultural Worker is restricted to the prescribed job.

Sources: Official Portal of Immigration Department of Malaysia (Ministry of Home Affairs). "Foreign Worker". Accessed July 23, 2019. <https://www.imi.gov.my/index.php/en/foreign-worker.html>.

### **Can medical doctors access self-employment?**

Answer: no

Code: 0

Explanation: Medical doctors under an Employment Pass are required to have a letter of appointment from an employer in order to be issued the pass and also needs to show a release letter from the employer in order to change jobs.

Sources: Official Portal of Immigration Department of Malaysia (Ministry of Home Affairs). "2nd Stage - Application for Employment Pass". Accessed July 30, 2019. <https://www.imi.gov.my/index.php/en/pass.html?id=228>.

### **Can permanent residents access self-employment?**

Answer: yes, equal access

Code: 1

Explanation: According to the Federal Constitution, permanent residents have the same right and duties as Malaysian nationals.

Sources: Federal Constitution of Malaysia. 1957(2010). Art. 14 (4).

### **IMMIGRANT\_30: Migrant access to civil service.**

**Can asylum seekers access employment in schools (primary and secondary)?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Can refugees access employment in schools (primary and secondary)?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Can co-ethnics access employment in schools (primary and secondary)?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Can domestic workers access employment in schools (primary and secondary)?**

Answer: no

Code: 0

Explanation: A foreigner who holds Green i-Kad and temporary permit (PLKS) to work as FDH (Foreign Domestic Worker) is restricted to the prescribed job.

Sources: Official Portal of Immigration Department of Malaysia (Ministry of Home Affairs). "2nd Stage - Application for Employment Pass". Accessed July 30, 2019. <https://www.imi.gov.my/index.php/en/pass.html?id=228>.

**Can agricultural workers access employment in schools (primary and secondary)?**

Answer: no

Code: 0

Explanation: A foreigner who holds Brown i-Kad and temporary permit (PLKS) to work as an Agricultural Worker is restricted to the prescribed job.

Sources: Official Portal of Immigration Department of Malaysia (Ministry of Home Affairs). "Foreign Worker". Accessed July 23, 2019. <https://www.imi.gov.my/index.php/en/foreign-worker.html>.

#### **Can medical doctors access employment in schools (primary and secondary)?**

Answer: no

Code: 0

Explanation: Medical doctors under an Employment Pass are required to have a letter of appointment from an employer in order to be issued the pass and also needs to show a release letter from the employer in order to change jobs.

Sources: Official Portal of Immigration Department of Malaysia (Ministry of Home Affairs). "2nd Stage - Application for Employment Pass". Accessed July 30, 2019. <https://www.imi.gov.my/index.php/en/pass.html?id=228>.

#### **Can permanent residents access employment in schools (primary and secondary)?**

Answer: yes, equal access

Code: 1

Explanation: According to the Federal Constitution (art. 14 (4)), permanent residents have the same right and duties as Malaysians.

Sources: Federal Constitution of Malaysia. 1957(2010). Art. 14 (4).

#### **Can asylum seekers access employment in public administration?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

#### **Can refugees access employment in public administration?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

### **Can co-ethnics access employment in public administration?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

### **Can domestic workers access employment in public administration?**

Answer: no

Code: 0

Explanation: Foreigner who holds Green i-Kad and temporary permit (PLKS) to work as FDH (Foreign Domestic Worker) is restricted to the prescribed job.

Sources: Official Portal of Immigration Department of Malaysia. "Foreign Domestic Helper (FDH)". Accessed July 23, 2019. <http://www.imi.gov.my/index.php/en/foreign-domestic-helper-fdh.html>.

### **Can agricultural workers access employment in public administration?**

Answer: no

Code: 0

Explanation: A foreigner who holds Brown i-Kad and temporary permit (PLKS) to work as an Agricultural Worker is restricted to the prescribed job.

Sources: Official Portal of Immigration Department of Malaysia (Ministry of Home Affairs). "Foreign Worker". Accessed July 23, 2019. <https://www.imi.gov.my/index.php/en/foreign-worker.html>.

### **Can medical doctors access employment in public administration?**

Answer: no

Code: 0

Explanation: Medical doctors under an Employment Pass are required to have a letter of appointment from an employer in order to be issued the pass and also needs to show a release letter from the employer in order to change jobs.

Sources: Official Portal of Immigration Department of Malaysia (Ministry of Home Affairs). "2nd Stage - Application for Employment Pass". Accessed July 30, 2019. <https://www.imi.gov.my/index.php/en/pass.html?id=228>.

### **Can permanent residents access employment in public administration?**

Answer: yes, equal access

Code: 1

Explanation: According to the Federal Constitution (art. 14 (4)), permanent residents have the same right and duties as Malaysians.

Sources: Federal Constitution of Malaysia. 1957(2010). Art. 14 (4).

### **Can asylum seekers access employment in the police?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

### **Can refugees access employment in the police?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

### **Can co-ethnics access employment in the police?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

### **Can domestic workers access employment in the police?**

Answer: no

Code: 0

Explanation: A foreigner who holds Green i-Kad and temporary permit (PLKS) to work as FDH (Foreign Domestic Worker) is restricted to the prescribed job.

Sources: Official Portal of Immigration Department of Malaysia. "Foreign Domestic Helper (FDH)". Accessed July 23, 2019. <http://www.imi.gov.my/index.php/en/foreign-domestic-helper-fdh.html>.



### **Can agricultural workers access employment in the police?**

Answer: no

Code: 0

Explanation: Foreigner who holds Brown i-Kad and temporary permit (PLKS) to work as an Agricultural Worker is restricted to the prescribed job.

Sources: Official Portal of Immigration Department of Malaysia (Ministry of Home Affairs). "Foreign Worker". Accessed July 23, 2019. <https://www.imi.gov.my/index.php/en/foreign-worker.html>.

### **Can medical doctors access employment in the police?**

Answer: no

Code: 0

Explanation: Medical doctors under an Employment Pass are required to have a letter of appointment from an employer in order to be issued the pass and also needs to show a release letter from the employer in order to change jobs.

Sources: Official Portal of Immigration Department of Malaysia (Ministry of Home Affairs). "2nd Stage - Application for Employment Pass". Accessed July 30, 2019. <https://www.imi.gov.my/index.php/en/pass.html?id=228>.

### **Can permanent residents access employment in the police?**

Answer: yes, equal access

Code: 1

Explanation: According to the Federal Constitution (art. 14 (4)), permanent residents have the same right and duties as Malaysians.

Sources: Federal Constitution of Malaysia. 1957(2010). Art. 14 (4).

### **Quotas for preferential hiring of asylum seekers exist:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

### **Quotas for preferential hiring of refugees exist:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Quotas for preferential hiring of co-ethnics exist:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Quotas for preferential hiring of domestic workers exist:**

Answer: not applicable

Code: 0

Explanation: This is not applicable as domestic workers do not have access to civil service.

Sources: Official Portal of Immigration Department of Malaysia. "Foreign Domestic Helper (FDH)". Accessed July 23, 2019. <http://www.imi.gov.my/index.php/en/foreign-domestic-helper-fdh.html>.

**Quotas for preferential hiring of agricultural workers exist:**

Answer: not applicable

Code: Not applicable

Explanation: This is not applicable as agricultural workers do not have access to civil service.

Sources: Official Portal of Immigration Department of Malaysia (Ministry of Home Affairs). "Foreign Worker". Accessed July 23, 2019. <https://www.imi.gov.my/index.php/en/foreign-worker.html>.

**Quotas for preferential hiring of medical doctors:**

Answer: not applicable

Code: Not applicable

Explanation: This is not applicable as medical doctors do not have access to civil service.

Sources: Official Portal of Immigration Department of Malaysia (Ministry of Home Affairs). "2nd Stage - Application for Employment Pass". Accessed July 30, 2019. <https://www.imi.gov.my/index.php/en/pass.html?id=228>.

### **Quotas for preferential hiring of permanent residents:**

Answer: no

Code: 0

Explanation: Permanent residents have explicitly the same access to civil service as nationals (art. 14 (4) of the Federal Constitution (as at 1 November 2010)). However, there is no quota for preferential hiring of permanent residents.

Sources: Federal Constitution of Malaysia. 1957(2010). Art. 14 (4).

### **Can asylum seekers access employment in the armed forces?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

### **Can refugees access employment in the armed forces?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

### **Can co-ethnics access employment in the armed forces?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

### **Can domestic workers access employment in the armed forces?**

Answer: no

Code: 0

Explanation: A foreigner who holds Green i-Kad and temporary permit (PLKS) to work as FDH (Foreign Domestic Worker) is restricted to the prescribed job.

Sources: Official Portal of Immigration Department of Malaysia. "Foreign Domestic Helper (FDH)". Accessed July 23, 2019. <http://www.imi.gov.my/index.php/en/foreign-domestic-helper-fdh.html>.

#### **Can agricultural workers access employment in the armed forces?**

Answer: no

Code: 0

Explanation: A foreigner who holds Brown i-Kad and temporary permit (PLKS) to work as an Agricultural Worker is restricted to the prescribed job.

Sources: Official Portal of Immigration Department of Malaysia (Ministry of Home Affairs). "Foreign Worker". Accessed July 23, 2019. <https://www.imi.gov.my/index.php/en/foreign-worker.html>.

#### **Can medical doctors access employment in the armed forces?**

Answer: no

Code: 0

Explanation: Medical doctors under an Employment Pass are required to have a letter of appointment from an employer in order to be issued the pass and also needs to show a release letter from the employer in order to change jobs.

Sources: Official Portal of Immigration Department of Malaysia (Ministry of Home Affairs). "2nd Stage - Application for Employment Pass". Accessed July 30, 2019. <https://www.imi.gov.my/index.php/en/pass.html?id=228>.

#### **Can permanent residents access employment in the armed forces?**

Answer: yes, equal access

Code: 1

Explanation: According to the Federal Constitution, permanent residents have the same right and duties as Malaysians.

Sources: Federal Constitution of Malaysia. 1957(2010). Art. 14 (4).

### **5.3.2. Access to support**

#### **IMMIGRANT\_31: Public employment services.**

##### **Can asylum seekers access public employment services?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Can refugees access public employment services?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Can co-ethnics access public employment services?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Can domestic workers access public employment services?**

Answer: No

Code: 0

Explanation: Only those with Malaysian identity cards may use the JobsMalaysia services.

Sources: JobsMalaysia. "Registration". Accessed October 8, 2019.  
<https://www.jobsmalaysia.gov.my/jobsmj/jobseeker/jsRegistration#top>.

**Can agricultural workers access public employment services?**

Answer: No

Code: 0

Explanation: Only those with Malaysian identity cards may use the JobsMalaysia services.

Sources: JobsMalaysia. "Registration". Accessed October 8, 2019.  
<https://www.jobsmalaysia.gov.my/jobsmj/jobseeker/jsRegistration#top>.

**Can medical doctors access public employment services?**

Answer: No

Code: 0

Explanation: Only those with Malaysian identity cards may use the JobsMalaysia services.

Sources: JobsMalaysia. "Registration". Accessed October 8, 2019.  
<https://www.jobsmalaysia.gov.my/jobsmy/jobseeker/jsRegistration#top>.

### **Can permanent residents access public employment services?**

Answer: Yes, equal access

Code: 1

Explanation: As holders of identity cards in Malaysia, permanent residents are eligible to use the JobsMalaysia services.

Sources: JobsMalaysia. "Registration". Accessed October 8, 2019.  
<https://www.jobsmalaysia.gov.my/jobsmy/jobseeker/jsRegistration#top>.

### **IMMIGRANT\_32: Recognition of qualifications.**

#### **Recognition of qualifications acquired abroad by asylum seekers:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

#### **Recognition of qualifications acquired abroad by refugees:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

#### **Recognition of qualifications acquired abroad by co-ethnics:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Recognition of qualifications acquired abroad by domestic workers:**

Answer: Yes, same procedure as for nationals

Code: 1

Explanation: The website on recognition and equivalence of qualifications obtained abroad makes no difference between nationals and foreigners.

Sources: ESisraf : Sistem Pengiktirafan Kelayakan Perkhidmatan Awam - MQA". Accessed April 24, 2020.

**Recognition of qualifications acquired abroad by agricultural workers:**

Answer: Yes, same procedure as for nationals

Code: 1

Explanation: The website on recognition and equivalence of qualifications obtained abroad makes no difference between nationals and foreigners.

Sources: Malaysian Qualification Agency (MQA). "ESisraf : Sistem Pengiktirafan Kelayakan Perkhidmatan Awam [ESisraf: Public Service Qualification Recognition System]". Accessed April 24, 2020. <https://www2.mqa.gov.my/esisraf/>.

**Recognition of qualifications acquired abroad by medical doctors:**

Answer: Yes, same procedure as for nationals

Code: 1

Explanation: There is no distinction between local and foreigner mentioned in any sources regarding the registration as medical practitioners.

Sources: Malaysian Qualification Agency (MQA). "ESisraf : Sistem Pengiktirafan Kelayakan Perkhidmatan Awam [ESisraf: Public Service Qualification Recognition System]". Accessed April 24, 2020. <https://www2.mqa.gov.my/esisraf/>.

**Recognition of qualifications acquired abroad by permanent residents:**

Answer: Yes, same procedure as for nationals

Code: 1

Explanation: The website on recognition and equivalence of qualifications obtained abroad makes no difference between nationals and foreigners.

Sources: Malaysian Qualification Agency (MQA). "ESisraf : Sistem Pengiktirafan Kelayakan Perkhidmatan Awam [ESisraf: Public Service Qualification Recognition System]". Accessed April 24, 2020. <https://www2.mqa.gov.my/esisraf/>.

### 5.3.3. Worker's rights

#### **IMMIGRANT\_33: Membership in trade unions.**

**Can asylum seekers be members and participate in trade union associations and work-related negotiation bodies?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Can refugees be members and participate in trade union associations and work-related negotiation bodies?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Can co-ethnic be members and participate in trade union associations and work-related negotiation bodies?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Can domestic workers be members and participate in trade union associations and work-related negotiation bodies?**

Answer: Yes, equal access

Code: 1

Explanation: The Trade Unions Act does not preclude foreign workers, as the relevant criteria for membership are age and affiliation with public agencies.

Sources: Act N° 262 Trade Unions Act. 1959.



**Can agricultural workers be members and participate in trade union associations and work-related negotiation bodies?**

Answer: Yes, equal access

Code: 1

Explanation: The Trade Unions Act does not preclude foreign workers, as the relevant criteria for membership are age and affiliation with public agencies.

Sources: Act N° 262 Trade Unions Act. 1959.

**Can medical doctors be members and participate in trade union associations and work-related negotiation bodies?**

Answer: Yes, equal access

Code: 1

Explanation: The Trade Unions Act does not preclude foreign workers, as the relevant criteria for membership are age and affiliation with public agencies.

Sources: Act N° 262 Trade Unions Act. 1959.

**Can permanent residents be members and participate in trade union associations and work-related negotiation bodies?**

Answer: Yes, equal access

Code: 1

Explanation: The Trade Unions Act does not preclude foreign workers, as the relevant criteria for membership are age and affiliation with public agencies.

Sources: Act N° 262 Trade Unions Act. 1959.

**IMMIGRANT\_34: Job transferability.**

**Can asylum seekers change their employer without risking their immigration status?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Can refugees change their employer without risking their immigration status?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

### **Can co-ethnics change their employer without risking their immigration status?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

### **Can domestic workers change their employer without risking their immigration status?**

Answer: Yes, but under certain conditions

Code: 0.5

Explanation: Domestic workers can change their employer but only under certain circumstances, namely pending the permission of the Immigration Department of Malaysia.

Sources: Official Portal of Immigration Department of Malaysia. "Foreign Domestic Helper (FDH)". Accessed July 23, 2019. <http://www.imi.gov.my/index.php/en/foreign-domestic-helper-fdh.html>.

### **Can agricultural workers change their employer without risking their immigration status?**

Answer: No

Code: 0

Explanation: Change of employers or employment is not allowed.

Sources: Official Portal of Immigration Department of Malaysia (Ministry of Home Affairs). "Foreign Worker". Accessed July 23, 2019. <https://www.imi.gov.my/index.php/en/foreign-worker.html>.

### **Can medical doctors change their employer without risking their immigration status?**

Answer: Yes, but under certain conditions

Code: 0.5

Explanation: Once an Employment Pass holder obtains a release letter from the employer, they may be able to change employers without risking immigration status.

Sources: Official Portal of Immigration Department of Malaysia (Ministry of Home Affairs). "2nd Stage - Application for Employment Pass". Accessed July 30, 2019. <https://www.imi.gov.my/index.php/en/pass.html?id=228>.

**Can permanent residents change their employer without risking their immigration status?**

Answer: Yes, without conditions

Code: 1

Explanation: Permanent residents have the same rights as nationals.

Sources: Federal Constitution of Malaysia. 1957(2010). Art. 14 (4).

**IMMIGRANT\_35: Right to redress.**

**Do asylum seekers have the right to redress if the terms of their employment contracts have been violated?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Do refugees have the right to redress if the terms of their employment contracts have been violated?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Do co-ethnics have the right to redress if the terms of their employment contracts have been violated?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Do domestic workers have the right to redress if the terms of their employment contracts have been violated?**

Answer: Yes, without restrictions

Code: 1

Explanation: According to Part XIIB of the Employment Act, foreign workers are also eligible to file complaints with the Director General of Labour.

Sources: Employment Act 1955. 1955. Part. XIIB.

**Do agricultural workers have the right to redress if the terms of their employment contracts have been violated?**

Answer: Yes, without restrictions

Code: 1

Explanation: According to Part XIIB of the Employment Act, foreign workers are also eligible to file complaints with the Director General of Labour.

Sources: Employment Act 1955. 1955. Part. XIIB.

**Do medical doctors have the right to redress if the terms of their employment contracts have been violated?**

Answer: Yes, without restrictions

Code: 1

Explanation: According to Part XIIB of the Employment Act, foreign workers are also eligible to file complaints with the Director General of Labour.

Sources: Employment Act 1955. 1955. Part. XIIB.

**Do permanent residents have the right to redress if the terms of their employment contracts have been violated?**

Answer: Yes, without restrictions

Code: 1

Explanation: According to the Federal Constitution, permanent residents have the same right and duties as Malaysian, therefore they have right to redress their employment contract. As per Part XIIB of the Employment Act, permanent residents are treated not as foreign employees, but as local employees.

Sources: Federal Constitution of Malaysia. 1957(2010). Art. 14 (4). / Employment Act 1955. 1955. Part. XIIB.

### 5.3.4. Property rights

#### IMMIGRANT\_36: Property rights.

##### Can asylum seekers acquire property in the state of reception?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

##### Can refugees acquire property in the state of reception?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

##### Can co-ethnics acquire property in the state of reception?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

##### Can domestic workers acquire property in the state of reception?

Answer: Yes, but under certain conditions

Code: 0.5

Explanation: Foreigners are able to acquire property with prior approval of the Malaysian government. Section 433B of the National Land Code establishes that: "Non-citizens and foreign companies may acquire, etc., land only with approval of State Authority. (a) a non-citizen or a foreign company may acquire land by way of a disposal under Division II; ... but only after the prior approval of the State Authority has been obtained upon an application in writing to the State Authority by such non-citizen or foreign company".

Sources: Act N° 56 National Land Code. 1966.

### **Can agricultural workers acquire property in the state of reception?**

Answer: Yes, but under certain conditions

Code: 0.5

Explanation: Foreigners are able to acquire property with prior approval of the Malaysian government. Section 433B of the National Land Code establishes that: "Non-citizens and foreign companies may acquire, etc., land only with approval of State Authority. (a) a non-citizen or a foreign company may acquire land by way of a disposal under Division II; ... but only after the prior approval of the State Authority has been obtained upon an application in writing to the State Authority by such non-citizen or foreign company".

Sources: Act N° 56 National Land Code. 1966.

### **Can medical doctors acquire property in the state of reception?**

Answer: Yes, but under certain conditions

Code: 0.5

Explanation: Foreigners are able to acquire property with prior approval of the Malaysian government. Section 433B of the National Land Code establishes that: "Non-citizens and foreign companies may acquire, etc., land only with approval of State Authority. (a) a non-citizen or a foreign company may acquire land by way of a disposal under Division II; ... but only after the prior approval of the State Authority has been obtained upon an application in writing to the State Authority by such non-citizen or foreign company".

Sources: Act N° 56 National Land Code. 1966.

### **Can permanent residents acquire property in the state of reception?**

Answer: Yes, but under certain conditions

Code: 0.5

Explanation: Foreigners are able to acquire property with prior approval of the Malaysian government. Section 433B of the National Land Code establishes that: "Non-citizens and foreign companies may acquire, etc., land only with approval of State Authority. (a) a non-citizen or a foreign company may acquire land by way of a disposal under Division II; ... but only after the prior approval of the State Authority has been obtained upon an application in writing to the State Authority by such non-citizen or foreign company".

Sources: Act N° 56 National Land Code. 1966.

## **5.4. Social policies**

### **5.4.1. Family reunification**

**Can asylum seekers bring their families to their country of residence?**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Can refugees bring their families to their country of residence?**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Can co-ethnics bring their families to their country of residence?**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Can domestic workers bring their families to their country of residence?**

Answer: no

Code: 0

Explanation: Domestic workers do not have a right to family reunification.

Sources: Official Portal of Immigration Department of Malaysia. "Foreign Domestic Helper (FDH)". Accessed July 23, 2019. <http://www.imi.gov.my/index.php/en/foreign-domestic-helper-fdh.html>.

**Can agricultural workers bring their families to their country of residence?**

Answer: no

Code: 0

Explanation: Agricultural workers do not have a right to family reunification.

Sources: Official Portal of Immigration Department of Malaysia (Ministry of Home Affairs). "Foreign Worker". Accessed July 23, 2019. <https://www.imi.gov.my/index.php/en/foreign-worker.html>.

**Can medical doctors bring their families to their country of residence?**

Answer: yes

Code: 1

Explanation: Medical doctors have a right to family reunification.

Sources: Official Portal of Immigration Department of Malaysia (Ministry of Home Affairs). "2nd Stage - Application for Employment Pass". Accessed July 30, 2019. <https://www.imi.gov.my/index.php/en/pass.html?id=228>.

**Can permanent residents bring their families to their country of residence?**

Answer: yes

Code: 1

Explanation: Permanent residents under the Investor Category are allowed to bring spouse and children to stay in Malaysia after 5 years of stay in Malaysia.

Sources: Official Portal of Immigration Department of Malaysia. "Entry Permit". Accessed September 24, 2018. <http://www.imi.gov.my/index.php/en/entry-permit.html>.

*Eligibility*

**IMMIGRANT\_37: Resident requirement for ordinary legal residents.**

**Residence requirement for ordinary legal residents (asylum seekers). In months:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Residence requirement for ordinary legal residents (asylum seekers):**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable



**Residence requirement for ordinary legal residents (refugees). In months:**

Answer: Not applicable  
Code: Not applicable  
Explanation: Not applicable  
Sources: Not applicable

**Residence requirement for ordinary legal residents (refugees):**

Answer: not applicable  
Code: Not applicable  
Explanation: Not applicable  
Sources: Not applicable

**Residence requirement for ordinary legal residents (co-ethnics). In months:**

Answer: Not applicable  
Code: Not applicable  
Explanation: Not applicable  
Sources: Not applicable

**Residence requirement for ordinary legal residents (co-ethnics):**

Answer: not applicable  
Code: Not applicable  
Explanation: Not applicable  
Sources: Not applicable

**Residence requirement for ordinary legal residents (domestic workers). In months:**

Answer: Not applicable  
Code: Not applicable  
Explanation: Not applicable  
Sources: Not applicable

**Residence requirement for ordinary legal residents (domestic workers):**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Residence requirement for ordinary legal residents (agricultural workers). In months:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Residence requirement for ordinary legal residents (agricultural workers):**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Residence requirement for ordinary legal residents (medical doctors). In months:**

Answer: no residence requirement

Code: 1

Explanation: No residence requirement.

Sources: Official Portal of Immigration Department of Malaysia (Ministry of Home Affairs). "2nd Stage - Application for Employment Pass". Accessed July 30, 2019. <https://www.imi.gov.my/index.php/en/pass.html?id=228>.

**Residence requirement for ordinary legal residents (medical doctors):**

Answer: no residence requirement

Code: 1

Explanation: No residence requirement.

Sources: Official Portal of Immigration Department of Malaysia (Ministry of Home Affairs). "2nd Stage - Application for Employment Pass". Accessed July 30, 2019. <https://www.imi.gov.my/index.php/en/pass.html?id=228>.

**Residence requirement for ordinary legal residents (permanent residents). In months:**

Answer: 60

Code: 60

Explanation: Permanent residents under the Investor Category are allowed to bring spouse and children to stay in Malaysia after 5 years of stay in Malaysia.

Sources: Official Portal of Immigration Department of Malaysia. "Entry Permit". Accessed September 24, 2018. <http://www.imi.gov.my/index.php/en/entry-permit.html>.

**Residence requirement for ordinary legal residents (permanent residents):**

Answer: more than one year

Code: 0

Explanation: Permanent residents under the Investor Category are allowed to bring spouse and children to stay in Malaysia after 5 years of stay in Malaysia.

Sources: Official Portal of Immigration Department of Malaysia. "Entry Permit". Accessed September 24, 2018. <http://www.imi.gov.my/index.php/en/entry-permit.html>.

**IMMIGRANT\_38: Family members considered for reunification.**

**Family member eligible for reunification (asylum seekers): Spouse.**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Family member eligible for reunification (asylum seekers): Partner in a civil union or long-term relationship.**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Family member eligible for reunification (asylum seekers): Children.**

Answer: not applicable

Code: Not applicable

Explanation:

Sources:

**Family member eligible for reunification (asylum seekers): Parents.**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Family member eligible for reunification (asylum seekers): Grandparents.**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Family member eligible for reunification (refugees): Spouse.**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Family member eligible for reunification (refugees): Partner in a civil union or long-term relationship.**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Family member eligible for reunification (refugees): Children.**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Family member eligible for reunification (refugees): Parents.**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Family member eligible for reunification (refugees): Grandparents.**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Family member eligible for reunification (co-ethnics): Spouse.**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Family member eligible for reunification (co-ethnics): Partner in a civil union or long-term relationship.**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Family member eligible for reunification (co-ethnics): Children.**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Family member eligible for reunification (co-ethnics): Parents.**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Family member eligible for reunification (co-ethnics): Grandparents.**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Family member eligible for reunification (domestic workers): Spouse.**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Family member eligible for reunification (domestic workers): Partner in a civil union or long-term relationship.**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Family member eligible for reunification (domestic workers): Children.**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Family member eligible for reunification (domestic workers): Parents.**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Family member eligible for reunification (domestic workers): Grandparents.**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Family member eligible for reunification (agricultural workers): Spouse.**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Family member eligible for reunification (agricultural workers): Partner in a civil union or long-term relationship.**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Family member eligible for reunification (agricultural workers): Children.**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Family member eligible for reunification (agricultural workers): Parents.**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Family member eligible for reunification (agricultural workers): Grandparents.**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Family member eligible for reunification (medical doctors): Spouse.**

Answer: yes

Code: 1

Explanation: Different family members are eligible for different types of passes. Dependant Pass: Husband/wife, Children under the age of 21, Legally adopted children and Handicapped/disabled children; Social Visit Pass: Expatriate's parents, Common Law Wife (certified by the Embassy), Children above 21 years old and Stepchildren; Social Visit Pass (Long Term): Husband / wife (temporary work pass holders) and Children over the age of 21 years.



Sources: Official Portal of Immigration Department of Malaysia (Ministry of Home Affairs). "2nd Stage - Application for Employment Pass". Accessed July 30, 2019. <https://www.imi.gov.my/index.php/en/pass.html?id=228>.

**Family member eligible for reunification (medical doctors): Partner in a civil union or long-term relationship.**

Answer: no

Code: 0

Explanation: Different family members are eligible for different types of passes. Dependant Pass: Husband/wife, Children under the age of 21, Legally adopted children and Handicapped/disabled children; Social Visit Pass: Expatriate's parents, Common Law Wife (certified by the Embassy), Children above 21 years old and Stepchildren; Social Visit Pass (Long Term): Husband / wife (temporary work pass holders) and Children over the age of 21 years.

Sources: Official Portal of Immigration Department of Malaysia (Ministry of Home Affairs). "2nd Stage - Application for Employment Pass". Accessed July 30, 2019. <https://www.imi.gov.my/index.php/en/pass.html?id=228>.

**Family member eligible for reunification (medical doctors): Children.**

Answer: yes

Code: 1

Explanation: Different family members are eligible for different types of passes. Dependant Pass: Husband/wife, Children under the age of 21, Legally adopted children and Handicapped/disabled children; Social Visit Pass: Expatriate's parents, Common Law Wife (certified by the Embassy), Children above 21 years old and Stepchildren; Social Visit Pass (Long Term): Husband / wife (temporary work pass holders) and Children over the age of 21 years.

Sources: Official Portal of Immigration Department of Malaysia (Ministry of Home Affairs). "2nd Stage - Application for Employment Pass". Accessed July 30, 2019. <https://www.imi.gov.my/index.php/en/pass.html?id=228>.

**Family member eligible for reunification (medical doctors): Parents.**

Answer: yes

Code: 1

Explanation: Only medical doctors with a social visit pass have a right to family reunification with parents. Different family members are eligible for different types of passes. Dependant Pass: Husband/wife, Children under the age of 21, Legally adopted children and Handicapped/disabled children; Social Visit Pass: Expatriate's parents, Common Law Wife (certified by the Embassy), Children above 21 years old and Stepchildren; Social Visit Pass (Long Term): Husband / wife (temporary work pass holders) and Children over the age of 21 years.

Sources: Official Portal of Immigration Department of Malaysia (Ministry of Home Affairs). "2nd Stage - Application for Employment Pass". Accessed July 30, 2019. <https://www.imi.gov.my/index.php/en/pass.html?id=228>.

**Family member eligible for reunification (medical doctors): Grandparents.**

Answer: no

Code: 0

Explanation: Different family members are eligible for different types of passes. Dependant Pass: Husband/wife, Children under the age of 21, Legally adopted children and Handicapped/disabled children; Social Visit Pass: Expatriate's parents, Common Law Wife (certified by the Embassy), Children above 21 years old and Stepchildren; Social Visit Pass (Long Term): Husband / wife (temporary work pass holders) and Children over the age of 21 years.

Sources: Official Portal of Immigration Department of Malaysia (Ministry of Home Affairs). "2nd Stage - Application for Employment Pass". Accessed July 30, 2019. <https://www.imi.gov.my/index.php/en/pass.html?id=228>.

**Family member eligible for reunification (permanent residents): Spouse.**

Answer: yes

Code: 1

Explanation: Spouses (and children below the age of 18 years) are eligible for family reunification for permanent residents.

Sources: Official Portal of Immigration Department of Malaysia. "Entry Permit". Accessed September 24, 2018. <http://www.imi.gov.my/index.php/en/entry-permit.html>.

**Family member eligible for reunification (permanent residents): Partner in a civil union or long-term relationship.**

Answer: no

Code: 0

Explanation: Only spouse and children below the age of 18 years are eligible for family reunification for permanent residents.

Sources: Official Portal of Immigration Department of Malaysia. "Entry Permit". Accessed September 24, 2018. <http://www.imi.gov.my/index.php/en/entry-permit.html>.

**Family member eligible for reunification (permanent residents): Children.**

Answer: yes

Code: 1

Explanation: Children below the age of 18 years (and spouse) are eligible for family reunification for permanent residents.

Sources: Official Portal of Immigration Department of Malaysia. "Entry Permit". Accessed September 24, 2018. <http://www.imi.gov.my/index.php/en/entry-permit.html>.

**Family member eligible for reunification (permanent residents): Parents.**

Answer: no

Code: 0

Explanation: Only spouse and children below the age of 18 years are eligible for family reunification for permanent residents.

Sources: Official Portal of Immigration Department of Malaysia. "Entry Permit". Accessed September 24, 2018. <http://www.imi.gov.my/index.php/en/entry-permit.html>.

**Family member eligible for reunification (permanent residents): Grandparents.**

Answer: no

Code: 0

Explanation: Only spouse and children below the age of 18 years are eligible for family reunification for permanent residents.

Sources: Official Portal of Immigration Department of Malaysia. "Entry Permit". Accessed September 24, 2018. <http://www.imi.gov.my/index.php/en/entry-permit.html>.

*Security of status*

**IMMIGRANT\_39: Length of application procedure.**

**Length of application procedure in months (asylum seekers).**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Length of application procedure (asylum seekers).**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Length of application procedure in months (refugees).**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Length of application procedure (refugees).**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Length of application procedure in months (co-ethnics).**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Length of application procedure (co-ethnics).**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Length of application procedure in months (domestic workers).**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Length of application procedure (domestic workers).**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Length of application procedure in months (agricultural workers).**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Length of application procedure (agricultural workers).**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Length of application procedure in months (medical doctors).**

Answer: 97

Code: 97

Explanation: Not regulated.

Sources: Official Portal of Immigration Department of Malaysia (Ministry of Home Affairs). "2nd Stage - Application for Employment Pass". Accessed July 30, 2019. <https://www.imi.gov.my/index.php/en/pass.html?id=228>.

**Length of application procedure (medical doctors).**

Answer: no regulation of maximum length

Code: 0

Explanation: Not regulated.

Sources: Official Portal of Immigration Department of Malaysia (Ministry of Home Affairs). "2nd Stage - Application for Employment Pass". Accessed July 30, 2019. <https://www.imi.gov.my/index.php/en/pass.html?id=228>.

**Length of application procedure in months (permanent residents).**

Answer: 97

Code: 97

Explanation: Not regulated.

Sources: Official Portal of Immigration Department of Malaysia. "Entry Permit". Accessed September 24, 2018. <http://www.imi.gov.my/index.php/en/entry-permit.html>.

**Length of application procedure (permanent residents).**

Answer: no regulation of maximum length

Code: 0

Explanation: Not regulated.

Sources: Official Portal of Immigration Department of Malaysia. "Entry Permit". Accessed September 24, 2018. <http://www.imi.gov.my/index.php/en/entry-permit.html>.

**IMMIGRANT\_40: Duration of permit.**

**Duration of validity of permit (asylum seekers):**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Duration of validity of permit (refugees):**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Duration of validity of permit (co-ethnics):**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Duration of validity of permit (domestic workers):**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Duration of validity of permit (agricultural workers):**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Duration of validity of permit (medical doctors):**

Answer: equal to sponsor's residence permit

Code: 1

Explanation: For the Dependent Pass, it is assumed to be equal to sponsor's residence permit and renewable.

Sources: Official Portal of Immigration Department of Malaysia (Ministry of Home Affairs). "2nd Stage - Application for Employment Pass". Accessed July 30, 2019.  
<https://www.imi.gov.my/index.php/en/pass.html?id=228>.

**Duration of validity of permit (permanent residents):**

Answer: equal to sponsor's residence permit

Code: 1

Explanation: For holders of an Entry Permit (Permanent Residence), Art. 12 of the states: "12. Subject to such conditions as may be prescribed it shall be lawful for the Director General, on application made in that behalf in the prescribed form by the holder of, or by an applicant for, a Permit, Pass or

Certificate, to endorse upon the Permit, Pass or Certificate issued to the person the name or names of the wife or child of that person". This means the permit duration is equal to the sponsor's residence permit.

Sources: Official Portal of Immigration Department of Malaysia. "Entry Permit". Accessed September 24, 2018. <http://www.imi.gov.my/index.php/en/entry-permit.html>. / Immigration Act 1959/63. 1959. / Immigration Act 1959/63. 1959. Art. 12.

#### **IMMIGRANT\_41: Grounds for rejection, withdrawing or refusing to renew status.**

##### **Being an actual and serious threat to national security is a ground for rejecting family reunification application (asylum seekers):**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

##### **Proven fraud in the acquisition of permit is a ground for rejecting family reunification application (asylum seekers):**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

##### **Break-up of family relationship is a ground for rejecting family reunification application (asylum seekers):**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

##### **Being an actual and serious threat to national security is a ground for rejecting family reunification application (refugees):**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable



Sources: Not applicable

**Proven fraud in the acquisition of permit is a ground for rejecting family reunification application (refugees):**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Break-up of family relationship is a ground for rejecting family reunification application (refugees):**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Being an actual and serious threat to national security is a ground for rejecting family reunification application (co-ethnics):**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Proven fraud in the acquisition of permit is a ground for rejecting family reunification application (co-ethnics):**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Break-up of family relationship is a ground for rejecting family reunification application (co-ethnics):**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Being an actual and serious threat to national security is a ground for rejecting family reunification application (domestic workers):**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Proven fraud in the acquisition of permit is a ground for rejecting family reunification application (domestic workers):**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Break-up of family relationship is a ground for rejecting family reunification application (domestic workers):**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Being an actual and serious threat to national security is a ground for rejecting family reunification application (agricultural workers):**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Proven fraud in the acquisition of permit is a ground for rejecting family reunification application (agricultural workers):**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Break-up of family relationship is a ground for rejecting family reunification application (agricultural workers):**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Being an actual and serious threat to national security is a ground for rejecting family reunification application (medical doctors):**

Answer: no

Code: 0

Explanation: Grounds for rejecting, withdrawing or refusing to renew status are not regulated.

Sources: Official Portal of Immigration Department of Malaysia (Ministry of Home Affairs). "2nd Stage - Application for Employment Pass". Accessed July 30, 2019. <https://www.imi.gov.my/index.php/en/pass.html?id=228>.

**Proven fraud in the acquisition of permit is a ground for rejecting family reunification application (medical doctors):**

Answer: no

Code: 0

Explanation: Grounds for rejecting, withdrawing or refusing to renew status are not regulated.

Sources: Official Portal of Immigration Department of Malaysia (Ministry of Home Affairs). "2nd Stage - Application for Employment Pass". Accessed July 30, 2019. <https://www.imi.gov.my/index.php/en/pass.html?id=228>.

**Break-up of family relationship is a ground for rejecting family reunification application (medical doctors):**

Answer: no

Code: 0

Explanation: Grounds for rejecting, withdrawing or refusing to renew status are not regulated.

Sources: Official Portal of Immigration Department of Malaysia (Ministry of Home Affairs). "2nd Stage - Application for Employment Pass". Accessed July 30, 2019. <https://www.imi.gov.my/index.php/en/pass.html?id=228>.

**Being an actual and serious threat to national security is a ground for rejecting family reunification application (permanent residents):**

Answer: no

Code: 0

Explanation: Grounds for rejecting, withdrawing or refusing to renew status are not regulated.

Sources: Official Portal of Immigration Department of Malaysia. "Entry Permit". Accessed September 24, 2018. <http://www.imi.gov.my/index.php/en/entry-permit.html>.

**Proven fraud in the acquisition of permit is a ground for rejecting family reunification application (permanent residents):**

Answer: no

Code: 0

Explanation: Grounds for rejecting, withdrawing or refusing to renew status are not regulated.

Sources: Official Portal of Immigration Department of Malaysia. "Entry Permit". Accessed September 24, 2018. <http://www.imi.gov.my/index.php/en/entry-permit.html>.

**Break-up of family relationship is a ground for rejecting family reunification application (permanent residents):**

Answer: no

Code: 0

Explanation: Grounds for rejecting, withdrawing or refusing to renew status are not regulated.

Sources: Official Portal of Immigration Department of Malaysia. "Entry Permit". Accessed September 24, 2018. <http://www.imi.gov.my/index.php/en/entry-permit.html>.

**IMMIGRANT\_42: Special circumstances.**

**Before refusal or withdrawal, due account is taken of solidity of sponsor's family relationship (asylum seekers):**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Before refusal or withdrawal, due account is taken of duration of sponsor's residence in country (asylum seekers):**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Before refusal or withdrawal, due account is taken of existing links with country of origin (asylum seekers):**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Before refusal or withdrawal, due account is taken of physical or emotional violence (asylum seekers):**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Before refusal or withdrawal, due account is taken of solidity of sponsor's family relationship (refugees):**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Before refusal or withdrawal, due account is taken of duration of sponsor's residence in country (refugees):**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Before refusal or withdrawal, due account is taken of existing links with country of origin (refugees):**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Before refusal or withdrawal, due account is taken of physical or emotional violence (refugees):**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Before refusal or withdrawal, due account is taken of solidity of sponsor's family relationship (co-ethnics):**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Before refusal or withdrawal, due account is taken of duration of sponsor's residence in country (co-ethnics):**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Before refusal or withdrawal, due account is taken of existing links with country of origin (co-ethnics):**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Before refusal or withdrawal, due account is taken of physical or emotional violence (co-ethnics):**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Before refusal or withdrawal, due account is taken of solidity of sponsor's family relationship (domestic workers):**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Before refusal or withdrawal, due account is taken of duration of sponsor's residence in country (domestic workers):**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Before refusal or withdrawal, due account is taken of existing links with country of origin (domestic workers):**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Before refusal or withdrawal, due account is taken of physical or emotional violence (domestic workers):**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Before refusal or withdrawal, due account is taken of solidity of sponsor's family relationship (agricultural workers):**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Before refusal or withdrawal, due account is taken of duration of sponsor's residence in country (agricultural workers):**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Before refusal or withdrawal, due account is taken of existing links with country of origin (agricultural workers):**

Answer: not applicable



Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Before refusal or withdrawal, due account is taken of physical or emotional violence (agricultural workers):**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Before refusal or withdrawal, due account is taken of solidity of sponsor's family relationship (medical doctors):**

Answer: no

Code: 0

Explanation: There is no regulation regarding special circumstances before refusal or withdrawal.

Sources: Official Portal of Immigration Department of Malaysia (Ministry of Home Affairs). "2nd Stage - Application for Employment Pass". Accessed July 30, 2019.  
<https://www.imi.gov.my/index.php/en/pass.html?id=228>.

**Before refusal or withdrawal, due account is taken of duration of sponsor's residence in country (medical doctors):**

Answer: no

Code: 0

Explanation: There is no regulation regarding special circumstances before refusal or withdrawal.

Sources: Official Portal of Immigration Department of Malaysia (Ministry of Home Affairs). "2nd Stage - Application for Employment Pass". Accessed July 30, 2019.  
<https://www.imi.gov.my/index.php/en/pass.html?id=228>.

**Before refusal or withdrawal, due account is taken of existing links with country of origin (medical doctors):**

Answer: no

Code: 0

Explanation: There is no regulation regarding special circumstances before refusal or withdrawal.

Sources: Official Portal of Immigration Department of Malaysia (Ministry of Home Affairs). "2nd Stage - Application for Employment Pass". Accessed July 30, 2019. <https://www.imi.gov.my/index.php/en/pass.html?id=228>.

**Before refusal or withdrawal, due account is taken of physical or emotional violence (medical doctors):**

Answer: no

Code: 0

Explanation: There is no regulation regarding special circumstances before refusal or withdrawal.

Sources: Official Portal of Immigration Department of Malaysia (Ministry of Home Affairs). "2nd Stage - Application for Employment Pass". Accessed July 30, 2019. <https://www.imi.gov.my/index.php/en/pass.html?id=228>.

**Before refusal or withdrawal, due account is taken of solidity of sponsor's family relationship (permanent residents):**

Answer: no

Code: 0

Explanation: There is no regulation regarding taking due account of solidity of sponsor's family before refusal or withdrawal.

Sources: Official Portal of Immigration Department of Malaysia. "Entry Permit". Accessed September 24, 2018. <http://www.imi.gov.my/index.php/en/entry-permit.html>.

**Before refusal or withdrawal, due account is taken of duration of sponsor's residence in country (permanent residents):**

Answer: no answer

Code: Not applicable

Explanation: For type A1 (Investor), the sponsor must live in Malaysia for at least 5 years.

Sources: Official Portal of Immigration Department of Malaysia. "Entry Permit". Accessed September 24, 2018. <http://www.imi.gov.my/index.php/en/entry-permit.html>.

**Before refusal or withdrawal, due account is taken of existing links with country of origin (permanent residents):**

Answer: no

Code: 0

Explanation: There is no regulation regarding taking due account of existing links with country of origin before refusal or withdrawal.

Sources: Official Portal of Immigration Department of Malaysia. "Entry Permit". Accessed September 24, 2018. <http://www.imi.gov.my/index.php/en/entry-permit.html>.

**Before refusal or withdrawal, due account is taken of physical or emotional violence (permanent residents):**

Answer: no

Code: 0

Explanation: There is no regulation regarding taking due account of physical or emotional violence before refusal or withdrawal.

Sources: Official Portal of Immigration Department of Malaysia. "Entry Permit". Accessed September 24, 2018. <http://www.imi.gov.my/index.php/en/entry-permit.html>.

**IMMIGRANT\_43: Legal guarantees and redress in case of refusal or withdrawal.**

**Legal guarantee in case of refusal or withdrawal: reasoned decision (asylum seekers):**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Legal guarantee in case of refusal or withdrawal: right to appeal (asylum seekers):**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Legal guarantee in case of refusal or withdrawal: representation before an independent administrative authority (asylum seekers):**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Legal guarantee in case of refusal or withdrawal: reasoned decision (refugees):**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Legal guarantee in case of refusal or withdrawal: right to appeal (refugees):**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Legal guarantee in case of refusal or withdrawal: representation before an independent administrative authority (refugees):**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Legal guarantee in case of refusal or withdrawal: reasoned decision (co-ethnics):**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Legal guarantee in case of refusal or withdrawal: right to appeal (co-ethnic):**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Legal guarantee in case of refusal or withdrawal: representation before an independent administrative authority (co-ethnic):**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Legal guarantee in case of refusal or withdrawal: reasoned decision (domestic workers):**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Legal guarantee in case of refusal or withdrawal: right to appeal (domestic workers):**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Legal guarantee in case of refusal or withdrawal: representation before an independent administrative authority (domestic workers):**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Legal guarantee in case of refusal or withdrawal: reasoned decision (agricultural workers):**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Legal guarantee in case of refusal or withdrawal: right to appeal (agricultural workers):**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Legal guarantee in case of refusal or withdrawal: representation before an independent administrative authority (agricultural workers):**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Legal guarantee in case of refusal or withdrawal: reasoned decision (medical doctors):**

Answer: no

Code: 0

Explanation: There are no legal guarantees or redress in case of refusal or withdrawal.

Sources: Official Portal of Immigration Department of Malaysia (Ministry of Home Affairs). "2nd Stage - Application for Employment Pass". Accessed July 30, 2019.  
<https://www.imi.gov.my/index.php/en/pass.html?id=228>.

**Legal guarantee in case of refusal or withdrawal: right to appeal (medical doctors):**

Answer: no

Code: 0

Explanation: There are no legal guarantees or redress in case of refusal or withdrawal.

Sources: Official Portal of Immigration Department of Malaysia (Ministry of Home Affairs). "2nd Stage - Application for Employment Pass". Accessed July 30, 2019.  
<https://www.imi.gov.my/index.php/en/pass.html?id=228>.

**Legal guarantee in case of refusal or withdrawal: representation before an independent administrative authority (medical doctors):**

Answer: no

Code: 0

Explanation: There are no legal guarantees or redress in case of refusal or withdrawal.

Sources: Official Portal of Immigration Department of Malaysia (Ministry of Home Affairs). "2nd Stage - Application for Employment Pass". Accessed July 30, 2019. <https://www.imi.gov.my/index.php/en/pass.html?id=228>.

**Legal guarantee in case of refusal or withdrawal: reasoned decision (permanent residents):**

Answer: no

Code: 0

Explanation: There are no legal guarantees or redress in case of refusal or withdrawal.

Sources: Official Portal of Immigration Department of Malaysia. "Entry Permit". Accessed September 24, 2018. <http://www.imi.gov.my/index.php/en/entry-permit.html>.

**Legal guarantee in case of refusal or withdrawal: right to appeal (permanent residents):**

Answer: no

Code: 0

Explanation: There are no legal guarantees or redress in case of refusal or withdrawal.

Sources: Official Portal of Immigration Department of Malaysia. "Entry Permit". Accessed September 24, 2018. <http://www.imi.gov.my/index.php/en/entry-permit.html>.

**Legal guarantee in case of refusal or withdrawal: representation before an independent administrative authority (permanent residents):**

Answer: no

Code: 0

Explanation: There are no legal guarantees or redress in case of refusal or withdrawal.

Sources: Official Portal of Immigration Department of Malaysia. "Entry Permit". Accessed September 24, 2018. <http://www.imi.gov.my/index.php/en/entry-permit.html>.

**IMMIGRANT\_44: Right to autonomous permit.**

**Right to autonomous residence permit for partners and children at age of majority (asylum seekers):**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Right to autonomous residence permit for partners and children at age of majority (refugees):**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Right to autonomous residence permit for partners and children at age of majority (co-ethnics):**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Right to autonomous residence permit for partners and children at age of majority (domestic workers):**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Right to autonomous residence permit for partners and children at age of majority (agricultural workers):**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable



**Right to autonomous residence permit for partners and children at age of majority (medical doctors):**

Answer: no right

Code: 0

Explanation: There is no right of autonomous residence permit for partners and children at age of majority for medical doctors.

Sources: Official Portal of Immigration Department of Malaysia (Ministry of Home Affairs). "2nd Stage - Application for Employment Pass". Accessed July 30, 2019. <https://www.imi.gov.my/index.php/en/pass.html?id=228>.

**Right to autonomous residence permit for partners and children at age of majority (permanent residents):**

Answer: after more than 5 years, upon certain conditions

Code: 0.25

Explanation: Spouse and child/children below the age of 18 years will also be eligible to be granted Permanent Resident after five (5) years of stay in Malaysia. No further conditions specified.

Sources: Official Portal of Immigration Department of Malaysia. "Entry Permit". Accessed September 24, 2018. <http://www.imi.gov.my/index.php/en/entry-permit.html>.

## 5.4.2. Education

**IMMIGRANT\_45: Access to education.**

**Children of asylum seekers have access to compulsory education:**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Children of refugees have access to compulsory education:**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Children of co-ethnics have access to compulsory education:**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Children of domestic workers have access to compulsory education:**

Answer: restrictions in law on access for asylum seekers and their children

Code: 0

Explanation: Even though there are many children of low-skilled workers grew in Malaysia, they actually do not have access to a compulsory education. They attend to charity learning centres opened by private foundations.

Sources: Pak, Jennifer. "The Plight of Children of Immigrants in Malaysia". Access date not available. <https://www.bbc.com/news/business-32687113>. / Schlein, Lisa, and Sarah Steffen. "Malaysian School Targets Undocumented Children". Access date not available. <https://www.dw.com/en/malaysian-school-targets-undocumented-children/a-15637233>.

**Children of agricultural workers have access to compulsory education:**

Answer: restrictions in law on access for migrant proxy and their children

Code: 0

Explanation: Even though there are many children of low-skilled workers grew in Malaysia, they actually do not have access to a compulsory education. They attend to charity learning centres opened by private foundations.

Sources: Pak, Jennifer. "The Plight of Children of Immigrants in Malaysia". Access date not available. <https://www.bbc.com/news/business-32687113>. / Schlein, Lisa, and Sarah Steffen. "Malaysian School Targets Undocumented Children". Access date not available. <https://www.dw.com/en/malaysian-school-targets-undocumented-children/a-15637233>.

**Children of medical doctors have access to compulsory education:**

Answer: no answer

Code: Not applicable

Explanation: Not regulated.

Sources: Official Portal of Immigration Department of Malaysia (Ministry of Home Affairs). "2nd Stage - Application for Employment Pass". Accessed July 30, 2019. <https://www.imi.gov.my/index.php/en/pass.html?id=228>.

**Children of permanent residents have access to compulsory education:**

Answer: yes, explicit obligation in law for migrants to have same access as nationals

Code: 1

Explanation: Children below the age of 18 years old can remain and study in Malaysia while holding a dependant pass under their parents.

Sources: Education Malaysia Global Services. "Dependant Pass". Accessed July 23, 2019. <https://educationmalaysia.gov.my/dependant-pass/>.

**IMMIGRANT\_46: Access to higher education.**

**Asylum seekers and their children have access to higher education:**

Answer: Not applicable

Code: Not applicable

Explanation: no refugees or asylum seekers legally admitted in Malaysia.

Sources: Kermeliotis, Teo. "We Have Nothing: A Life in Limbo for Malaysia's Yemeni Refugees". Access date not available. <https://www.aljazeera.com/news/2019/03/life-limbo-malaysia-yemeni-refugees-190324110354467.html>.

**Refugees have access to higher education:**

Answer: Not applicable

Code: Not applicable

Explanation: No refugees admitted in Malaysia.

Sources: Kermeliotis, Teo. "We Have Nothing: A Life in Limbo for Malaysia's Yemeni Refugees". Access date not available. <https://www.aljazeera.com/news/2019/03/life-limbo-malaysia-yemeni-refugees-190324110354467.html>.

**Co-ethnics have access to higher education:**

Answer: Not applicable

Code: Not applicable

Explanation: This proxy does not exist in Malaysia.

Sources: Not applicable

### **Domestic workers have access to higher education:**

Answer: Yes, implicit obligation to have same access as nationals

Code: 0.5

Explanation: The Education Act 1996 does not mention any exclusion from eligibility for specific migrant categories. “Post-secondary education 33. The Minister may provide post-secondary education in— (a) the national secondary schools described in paragraphs 30(1)(a) and (1)(b); (b) colleges; and (c) any other national secondary school or educational institution established and maintained by the Minister under this Act”.

Sources: Education Act. 1996(2016).

### **Agricultural workers have access to higher education:**

Answer: Yes, implicit obligation to have same access as nationals

Code: 0.5

Explanation: The Education Act 1996 does not mention any exclusion from eligibility for specific migrant categories. “Post-secondary education 33. The Minister may provide post-secondary education in— (a) the national secondary schools described in paragraphs 30(1)(a) and (1)(b); (b) colleges; and (c) any other national secondary school or educational institution established and maintained by the Minister under this Act”.

Sources: Education Act. 1996(2016).

### **Medical doctors have access to higher education:**

Answer: Yes, implicit obligation to have same access as nationals

Code: 0.5

Explanation: The Education Act 1996 does not mention any exclusion from eligibility for specific migrant categories. “Post-secondary education 33. The Minister may provide post-secondary education in— (a) the national secondary schools described in paragraphs 30(1)(a) and (1)(b); (b) colleges; and (c) any other national secondary school or educational institution established and maintained by the Minister under this Act”.

Sources: Education Act. 1996(2016).

### **Permanent residents have access to higher education:**

Answer: Yes, implicit obligation to have same access as nationals

Code: 0.5

Explanation: The Education Act 1996 does not mention any exclusion from eligibility for specific migrant categories. “Post-secondary education 33. The Minister may provide post-secondary education in— (a) the national secondary schools described in paragraphs 30(1)(a) and (1)(b); (b)

colleges; and (c) any other national secondary school or educational institution established and maintained by the Minister under this Act”.

Sources: Education Act. 1996(2016).

#### **IMMIGRANT\_47: Support for language instruction.**

**Provision of education support in language(s) of instruction for migrant pupils:**

Answer: no

Code: 0

Explanation: There is no support from the government for specific language support in education for migrant workers’ children.

Sources Pak, Jennifer. “The Plight of Children of Immigrants in Malaysia”. Access date not available. <https://www.bbc.com/news/business-32687113>. / Schlein, Lisa, and Sarah Steffen. “Malaysian School Targets Undocumented Children”. Access date not available. <https://www.dw.com/en/malaysian-school-targets-undocumented-children/a-15637233>.

#### **IMMIGRANT\_48: Intercultural education.**

**Intercultural education is included in pre-service training in order to qualify as a teacher:**

Answer: no

Code: 0

Explanation: There is no special training program for professional teachers in the law and government’s official portal.

Sources: Online research

#### **IMMIGRANT\_49: Integration in teachers' syllabus.**

**Migration and integration are obligatory topics in professional development training:**

Answer: no

Code: 0

Explanation: No regulation.

Sources: Online research

### **5.4.3. Health care**

#### **IMMIGRANT\_50: Conditions for inclusion in the health care system**

**Conditions for inclusion of asylum seekers in the health care system:**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Conditions for inclusion of refugees in the health care system:**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Conditions for inclusion of co-ethnics in the health care system:**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Conditions for inclusion of domestic workers in the health care system:**

Answer: no inclusion

Code: 0

Explanation: Public health-care system is only available for citizens and permanent residents. However, employers of foreign workers under a temporary employment scheme are expected to provide health insurance, and Employment Pass holders are assumed to be able to take up private health insurance of their own.

Sources: Ulloa, Sergio. "Malaysia Makes Health Insurance Mandatory for Foreign Workers". Access date not available. <https://www.globalsurance.com/news/2011/01/14/malaysia-makes-health-insurance-mandatory-for-foreign-workers/>. / Allianz Care. "Healthcare in Malaysia". Accessed July 29, 2019. <https://www.allianzcare.com/en/support/health-and-wellness/national-healthcare-systems/healthcare-in-malaysia.html>.

**Conditions for inclusion of agricultural workers in the health care system:**

Answer: no inclusion

Code: 0

Explanation: Public health-care system is only available for citizens and permanent residents. However, employers of foreign workers under a temporary employment scheme are expected to provide health insurance, and Employment Pass holders are assumed to be able to take up private health insurance of their own.

Sources: Ulloa, Sergio. "Malaysia Makes Health Insurance Mandatory for Foreign Workers". Access date not available. <https://www.globalsurance.com/news/2011/01/14/malaysia-makes-health-insurance-mandatory-for-foreign-workers/>. / Allianz Care. "Healthcare in Malaysia". Accessed July 29, 2019. <https://www.allianzcare.com/en/support/health-and-wellness/national-healthcare-systems/healthcare-in-malaysia.html>.

#### **Conditions for inclusion of medical doctors in the health care system:**

Answer: no inclusion

Code: 0

Explanation: Public health-care system is only available for citizens and permanent residents. In the case of medical doctors with a permanent resident permit, they can access public health care services the same way as citizens, thus their inclusion is unconditional. In the case of medical doctors who do not hold a permanent residence permit, then they cannot access the public health care services. However, employers of foreign workers under a temporary employment scheme are expected to provide health insurance, and Employment Pass holders are assumed to be able to take up private health insurance of their own.

Sources: Ulloa, Sergio. "Malaysia Makes Health Insurance Mandatory for Foreign Workers". Access date not available. <https://www.globalsurance.com/news/2011/01/14/malaysia-makes-health-insurance-mandatory-for-foreign-workers/>. / Allianz Care. "Healthcare in Malaysia". Accessed July 29, 2019. <https://www.allianzcare.com/en/support/health-and-wellness/national-healthcare-systems/healthcare-in-malaysia.html>.

#### **Conditions for inclusion of permanent residents in the health care system:**

Answer: inclusion is unconditional

Code: 1

Explanation: Permanent residents are able to access public health care services the same way as citizens.

Sources: Allianz Care. "Healthcare in Malaysia". Accessed July 29, 2019. <https://www.allianzcare.com/en/support/health-and-wellness/national-healthcare-systems/healthcare-in-malaysia.html>.

#### **IMMIGRANT\_51: Coverage of health care services.**

##### **Health care coverage for asylum seekers.**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Health care coverage for refugees.**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Health care coverage for co-ethnics.**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Health care coverage for domestic workers.**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Health care coverage for agricultural workers.**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Health care coverage for medical doctors.**

Answer: not applicable



Code: Not applicable

Explanation: Public health-care system is only available for citizens and permanent residents.

Sources: Ulloa, Sergio. "Malaysia Makes Health Insurance Mandatory for Foreign Workers". Access date not available. <https://www.globalsurance.com/news/2011/01/14/malaysia-makes-health-insurance-mandatory-for-foreign-workers/>. / Allianz Care. "Healthcare in Malaysia". Accessed July 29, 2019. <https://www.allianzcare.com/en/support/health-and-wellness/national-healthcare-systems/healthcare-in-malaysia.html>.

#### **Health care coverage for permanent residents.**

Answer: same coverage as nationals

Code: 1

Explanation: Permanent residents are able to access public health care services the same way as citizens.

Sources: Allianz Care. "Healthcare in Malaysia". Accessed July 29, 2019. <https://www.allianzcare.com/en/support/health-and-wellness/national-healthcare-systems/healthcare-in-malaysia.html>.

### **5.4.4. Unemployment benefits**

#### **IMMIGRANT\_52: Unemployment benefits.**

##### **Access of asylum seekers to unemployment benefits as compared to citizen residents:**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

##### **Access of refugees to unemployment benefits as compared to citizen residents:**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

##### **Access of co-ethnics to unemployment benefits as compared to citizen residents:**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

#### **Access of domestic workers to unemployment benefits as compared to citizen residents:**

Answer: no access

Code: 0

Explanation: Foreign workers are excluded from the application of the employees' social security act (SOCSO act). Moreover, domestic workers -even native ones- are exempted from getting unemployment benefit according to SOCSO act. Therefore, they have no access to unemployment benefits.

Sources: Employment Insurance System Act 2017. 2017. Schedule I. / International Comparative Legal Guides. "Malaysia: Employment & Labour Law 2019". Accessed October 10, 2018. //iclg.com/practice-areas/corporate-immigration-laws-and-regulations/malaysia. / Perkeso Prihatin Official Website. "Employer & Employee Eligibility". Accessed November 27, 2018. <https://www.perkeso.gov.my/index.php/en/social-security-protection/employer-employee-eligibility>.

#### **Access of agricultural workers to unemployment benefits as compared to citizen residents:**

Answer: no access

Code: 0

Explanation: Foreign workers are excluded from the application of the employees' social security act (SOCSO act).

Sources: International Comparative Legal Guides. "Malaysia: Employment & Labour Law 2019". Accessed October 10, 2018. //iclg.com/practice-areas/corporate-immigration-laws-and-regulations/malaysia. / Perkeso Prihatin Official Website. "Employer & Employee Eligibility". Accessed November 27, 2018. <https://www.perkeso.gov.my/index.php/en/social-security-protection/employer-employee-eligibility>.

#### **Access of medical doctors to unemployment benefits as compared to citizen residents:**

Answer: no access

Code: 0

Explanation: Foreign workers are excluded from the application of the employees' social security act (SOCSO act).

Sources: International Comparative Legal Guides. "Malaysia: Employment & Labour Law 2019". Accessed October 10, 2018. //iclg.com/practice-areas/corporate-immigration-laws-and-regulations/malaysia. / Perkeso Prihatin Official Website. "Employer & Employee Eligibility". Accessed

November 27, 2018. <https://www.perkeso.gov.my/index.php/en/social-security-protection/employer-employee-eligibility>.

**Access of permanent residents to unemployment benefits as compared to citizen residents:**

Answer: no access

Code: 0

Explanation: Foreign workers are excluded from the application of the employees' social security act (SOSCO act).

Sources: International Comparative Legal Guides. "Malaysia: Employment & Labour Law 2019". Accessed October 10, 2018. [//iclg.com/practice-areas/corporate-immigration-laws-and-regulations/malaysia](http://iclg.com/practice-areas/corporate-immigration-laws-and-regulations/malaysia). / Perkeso Prihatin Official Website. "Employer & Employee Eligibility". Accessed November 27, 2018. <https://www.perkeso.gov.my/index.php/en/social-security-protection/employer-employee-eligibility>.

#### **5.4.5. Retirement benefits**

**IMMIGRANT\_53: Retirement benefits.**

**Access of asylum seekers to retirement benefits as compared to citizen residents:**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Access of refugees to retirement benefits as compared to citizen residents:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Access of co-ethnics to retirement benefits as compared to citizen residents:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Access of domestic workers to retirement benefits as compared to citizen residents:**

Answer: no access

Code: 0

Explanation: Registration in the Employees Provident Fund is mandatory for nationals and voluntary for non-nationals. "Domestic servants" are ineligible for Employees Provident Fund (EPF).

Sources: Employees Provident Fund (KWSP | EPF). "Who Can Contribute". Accessed July 31, 2019. <http://www.kwsp.gov.my/member/overview>.

**Access of agricultural workers to retirement benefits as compared to citizen residents:**

Answer: equal access

Code: 1

Explanation: Registration in the Employees Provident Fund is mandatory for nationals and voluntary for non-nationals. Foreign workers are eligible as long as they reside in Malaysia.

Sources: Employees Provident Fund (KWSP | EPF). "Who Can Contribute". Accessed July 31, 2019. <http://www.kwsp.gov.my/member/overview>.

**Access of medical doctors to retirement benefits as compared to citizen residents:**

Answer: equal access

Code: 1

Explanation: Registration in the Employees Provident Fund is mandatory for nationals and voluntary for non-nationals. Foreign workers are eligible as long as they reside in Malaysia.

Sources: Employees Provident Fund (KWSP | EPF). "Who Can Contribute". Accessed July 31, 2019. <http://www.kwsp.gov.my/member/overview>.

**Access of permanent residents to retirement benefits as compared to citizen residents:**

Answer: equal access

Code: 1

Explanation: Registration in the Employees Provident Fund is mandatory for nationals and voluntary for non-nationals. Foreign workers are eligible as long as they reside in Malaysia.

Sources: Employees Provident Fund (KWSP | EPF). "Who Can Contribute". Accessed July 31, 2019. <http://www.kwsp.gov.my/member/overview>.

## 5.5. Cultural policies

### IMMIGRANT\_54: Funding for bilingual education.

**Is there public funding for bilingual education in the language of majoritarian migrant groups?**

Answer: no

Code: 0

Explanation: There is no funding for bilingual education of majoritarian migrants. In fact, majoritarian migrant workers in Malaysia come from Indonesia, country which shares the same language.

Sources: Online research

### IMMIGRANT\_55: Funding for media on main migrant group's language.

**Is there public funding for media in the language of the main migrant group?**

Answer: no

Code: 0

Explanation: There is no funding for bilingual media of majoritarian migrants. In fact, majoritarian migrant workers in Malaysia come from Indonesia, country which shares the same language.

Sources: Online research

## 5.6. Mobility policies

### 5.6.1. Identity documents

#### IMMIGRANT\_56: Confiscation of identification documents.

**Do asylum seekers have the right not to have their identity document confiscated by any-one (excluding public authorities)?**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Do refugees have the right not to have their identity document confiscated by anyone (excluding public authorities)?**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Do co-ethnics have the right not to have their identity document confiscated by anyone (excluding public authorities)?**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Do domestic workers have the right not to have their identity document confiscated by anyone (excluding public authorities)?**

Answer: no

Code: 0

Explanation: It is still an issue in Malaysia that employees confiscate their workers passports and the government does not have restrictions in place to prohibit that practice. Migrant workers do not have a right under national law to not to have their identity confiscated by anyone. In the official website portal of U.S Bureau of Public Affairs, the American government suggests that Malaysia should enforce the law prohibiting employers from confiscating passports, which means that Malaysia still does not have law against document confiscation of their migrant workers.

Sources: U.S. Department of State. 2015. "Malaysia". *Trafficking in Persons Report*. / Amnesty International. "Trapped: The Exploitation of Migrant Workers in Malaysia". Access date not available. <https://www.amnesty.org/en/documents/ASA28/002/2010/en/>. / Immigration Act 1959/63. 1959. / Anti Trafficking in Persons and Anti Smuggling of Migrants Act 2007. 2007.

**Do agricultural workers have the right not to have their identity document confiscated by anyone (excluding public authorities)?**

Answer: no

Code: 0

Explanation: It is still an issue in Malaysia that employees confiscate their workers passports and the government does not have restrictions in place to prohibit that practice. Migrant workers do not have a right under national law to not to have their identity confiscated by anyone. In the official website portal of U.S Bureau of Public Affairs, the American government suggests that Malaysia should enforce the

law prohibiting employers from confiscating passports, which means that Malaysia still does not have law against document confiscation of their migrant workers.

Sources U.S. Department of State. 2015. "Malaysia". *Trafficking in Persons Report*. / Amnesty International. "Trapped: The Exploitation of Migrant Workers in Malaysia". Access date not available. <https://www.amnesty.org/en/documents/ASA28/002/2010/en/>. / Immigration Act 1959/63. 1959. / Anti Trafficking in Persons and Anti Smuggling of Migrants Act 2007. 2007.

**Do medical doctors have the right not to have their identity document confiscated by any-one (excluding public authorities)?**

Answer: no

Code: 0

Explanation: It is still an issue in Malaysia that employees confiscate their workers passports and the government does not have restrictions in place to prohibit that practice. Migrant workers do not have a right under national law to not to have their identity confiscated by anyone. In the official website portal of U.S Bureau of Public Affairs, the American government suggests that Malaysia should enforce the law prohibiting employers from confiscating passports, which means that Malaysia still does not have law against document confiscation of their migrant workers.

Sources: U.S. Department of State. 2015. "Malaysia". *Trafficking in Persons Report*. / Amnesty International. "Trapped: The Exploitation of Migrant Workers in Malaysia". Access date not available. <https://www.amnesty.org/en/documents/ASA28/002/2010/en/>. / Immigration Act 1959/63. 1959. / Anti Trafficking in Persons and Anti Smuggling of Migrants Act 2007. 2007.

**Do permanent residents have the right not to have their identity document confiscated by anyone (excluding public authorities)?**

Answer: no

Code: 0

Explanation: It is still an issue in Malaysia that employees confiscate their workers passports and the government does not have restrictions in place to prohibit that practice. Migrant workers do not have a right under national law to not to have their identity confiscated by anyone. In the official website portal of U.S Bureau of Public Affairs, the American government suggests that Malaysia should enforce the law prohibiting employers from confiscating passports, which means that Malaysia still does not have law against document confiscation of their migrant workers.

Sources: U.S. Department of State. 2015. "Malaysia". *Trafficking in Persons Report*. / Amnesty International. "Trapped: The Exploitation of Migrant Workers in Malaysia". Access date not available. <https://www.amnesty.org/en/documents/ASA28/002/2010/en/>. / Immigration Act 1959/63. 1959. / Anti Trafficking in Persons and Anti Smuggling of Migrants Act 2007. 2007.

## 5.6.2. Freedom of movement

**IMMIGRANT\_57: Freedom of movement within country.**

**Do asylum seekers have the right to move freely within the country?**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Do refugees have the right to move freely within the country?**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Do co-ethnics have the right to move freely within the country?**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Do domestic workers have the right to move freely within the country?**

Answer: no

Code: 0

Explanation: Change of place of residence or of employer is not possible.

Sources: Official Portal of Immigration Department of Malaysia. "Foreign Domestic Helper (FDH)". Accessed July 23, 2019. <http://www.imi.gov.my/index.php/en/foreign-domestic-helper-fdh.html>.

**Do agricultural workers have the right to move freely within the country?**

Answer: no

Code: 0

Explanation: Change of place of residence or of employer is not possible.

Sources: Official Portal of Immigration Department of Malaysia (Ministry of Home Affairs). "Foreign Worker". Accessed July 23, 2019. <https://www.imi.gov.my/index.php/en/foreign-worker.html>.



**Do medical doctors have the right to move freely within the country?**

Answer: yes

Code: 1

Explanation: There is no restriction for foreign medical doctors to move or change their job, as long as they have a release letter from their previous employer.

Sources: Official Portal of Immigration Department of Malaysia (Ministry of Home Affairs). "2nd Stage - Application for Employment Pass". Accessed July 30, 2019. <https://www.imi.gov.my/index.php/en/pass.html?id=228>.

**Do permanent residents have the right to move freely within the country?**

Answer: yes

Code: 1

Explanation: There is no restriction for permanent residents to move or change their job.

Sources: Federal Constitution of Malaysia. 1957(2010). Art. 14 (4).

**IMMIGRANT\_58: Freedom to move outside the country.**

**Do asylum seekers have the right to leave the country?**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Number of months of absence allowed per year (asylum seekers):**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Do refugees have the right to leave the country?**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Number of months of absence allowed per year (refugees):**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Do co-ethnics have the right to leave the country?**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Number of months of absence allowed per year (co-ethnics):**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Do domestic workers have the right to leave the country?**

Answer: yes

Code: 1

Explanation: There are no specific regulations barring exit. When a domestic worker is returning to their country of origin upon termination of the employment contract, the employer needs to submit a Check Out Memo.

Sources: Official Portal of Immigration Department of Malaysia. "Foreign Domestic Helper (FDH)". Accessed July 23, 2019. <http://www.imi.gov.my/index.php/en/foreign-domestic-helper-fdh.html>.

**Number of months of absence allowed per year (domestic workers):**

Answer: Not applicable

Code: Not applicable

Explanation: There are no specific regulations barring exit.

Sources: Official Portal of Immigration Department of Malaysia. "Foreign Domestic Helper (FDH)". Accessed July 23, 2019. <http://www.imi.gov.my/index.php/en/foreign-domestic-helper-fdh.html>.

### **Do agricultural workers have the right to leave the country?**

Answer: yes

Code: 1

Explanation: There are no specific regulations barring exit.

Sources: Official Portal of Immigration Department of Malaysia (Ministry of Home Affairs). "Foreign Worker". Accessed July 23, 2019. <https://www.imi.gov.my/index.php/en/foreign-worker.html>.

### **Number of months of absence allowed per year (agricultural workers):**

Answer: Not applicable

Code: Not applicable

Explanation: There are no specific regulations barring exit.

Sources: Official Portal of Immigration Department of Malaysia (Ministry of Home Affairs). "Foreign Worker". Accessed July 23, 2019. <https://www.imi.gov.my/index.php/en/foreign-worker.html>.

### **Do medical doctors have the right to leave the country?**

Answer: yes

Code: 1

Explanation: There are no specific regulations barring exit.

Sources: Official Portal of Immigration Department of Malaysia (Ministry of Home Affairs). "2nd Stage - Application for Employment Pass". Accessed July 30, 2019. <https://www.imi.gov.my/index.php/en/pass.html?id=228>.

### **Number of months of absence allowed per year (medical doctors):**

Answer: Not applicable

Code: Not applicable

Explanation: There are no specific regulations barring exit.

Sources: Official Portal of Immigration Department of Malaysia (Ministry of Home Affairs). "2nd Stage - Application for Employment Pass". Accessed July 30, 2019. <https://www.imi.gov.my/index.php/en/pass.html?id=228>.

### **Do permanent residents have the right to leave the country?**

Answer: yes

Code: 1

Explanation: Permanent residents are entitled to the same rights and freedoms as nationals according to the Federal Constitution.

Sources: Federal Constitution of Malaysia. 1957(2010).

### **Number of months of absence allowed per year (permanent residents):**

Answer: Not applicable

Code: Not applicable

Explanation: Permanent residents are entitled to the same rights and freedoms as nationals according to the Federal Constitution. They do not have a restriction on number of months of absence allowed per year.

Sources: Federal Constitution of Malaysia. 1957(2010).

## **5.6.3. Obligations**

### **5.6.4. Military service**

#### **IMMIGRANT\_59: Military service.**

#### **Do asylum seekers have the obligation to comply with military service?**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

#### **Do refugees have the obligation to comply with military service?**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Do co-ethnics have the obligation to comply with military service?**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Do domestic workers have the obligation to comply with military service?**

Answer: no military service in state of reception

Code: 97

Explanation: Military conscription and civilian service have been abolished.

Sources: Not applicable

**Do agricultural workers have the obligation to comply with military service?**

Answer: no military service in state of reception

Code: 97

Explanation: Military conscription and civilian service have been abolished.

Sources: Not applicable

**Do medical doctors have the obligation to comply with military service?**

Answer: no military service in state of reception

Code: 97

Explanation: Military conscription and civilian service have been abolished.

Sources: Not applicable

**Do permanent residents have the obligation to comply with military service?**

Answer: no military service in state of reception

Code: 97

Explanation: Military conscription and civilian service have been abolished.

Sources: Not applicable

### **5.6.5. Social service**

**IMMIGRANT\_60: Social service.**

**Do asylum seekers have the obligation to comply with social service?**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Do refugees have the obligation to comply with social service?**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Do co-ethnics have the obligation to comply with social service?**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Do domestic workers have the obligation to comply with social service?**

Answer: no social service in state of reception

Code: 97

Explanation: Military conscription and civilian service have been abolished.

Sources: Not applicable

**Do agricultural workers have the obligation to comply with social service?**

Answer: no social service in state of reception

Code: 97

Explanation: Military conscription and civilian service have been abolished.

Sources: Not applicable

**Do medical doctors have the obligation to comply with social service?**

Answer: no social service in state of reception

Code: 97

Explanation: Military conscription and civilian service have been abolished.

Sources: Not applicable

**Do permanent residents have the obligation to comply with social service?**

Answer: no social service in state of reception

Code: 97

Explanation: Military conscription and civilian service have been abolished.

Sources: Not applicable

**5.6.6. Taxes**

**IMMIGRANT\_61: Income taxes.**

**Do asylum seekers have to pay income taxes in state of reception?**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Do refugees have to pay income taxes in state of reception?**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Do co-ethnics have to pay income taxes in state of reception?**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Do domestic workers have to pay income taxes in state of reception?**

Answer: yes

Code: 1

Explanation: Non-nationals whose stay is more than 182 days in a year, are categorized as residents and have to pay taxes in Malaysia.

Sources: Act 53 Income Tax 1967. 1967. Art. 7 1(b).

**Do agricultural workers have to pay income taxes in state of reception?**

Answer: yes

Code: 1

Explanation: Non-nationals whose stay is more than 182 days in a year, are categorized as residents and have to pay taxes in Malaysia.

Sources: Act 53 Income Tax 1967. 1967. Art. 7 1(b).

**Do medical doctors have to pay income taxes in state of reception?**

Answer: yes

Code: 1

Explanation: Non-nationals whose stay is more than 182 days in a year, are categorized as residents and have to pay taxes in Malaysia.

Sources: Act 53 Income Tax 1967. 1967. Art. 7 1(b).



**Do permanent residents have to pay income taxes in state of reception?**

Answer: yes

Code: 1

Explanation: Non-nationals whose stay is more than 182 days in a year, are categorized as residents and have to pay taxes in Malaysia.

Sources: Act 53 Income Tax 1967. 1967. Art. 7 1(b).

## **5.7. Administration**

**IMMIGRANT\_62: Existence of immigrant integration agency in state of reception.**

**Existence of institution/agency with competencies for immigrant policies:**

Answer: no

Code: 0

Explanation: There is no existence of an immigrant integration agency in Malaysia. The only department that exists under the authority of the Department of Immigration is the 'Division of Foreign workers', but it has nothing to do with the integration of immigrants. Division of Foreign Workers is in charge for: 1. Issuing Visa With Reference (VDR), Temporary Working Visit Pass (PLKS), Check Memo Exit (COM); 2. Making inquiries and references; 3. Handling claims back on levies and security deposits; 4. Confiscating the security deposit / personal bond / bank guarantee/ insurance guarantee of runaway foreign workers; 5. Conducting an inspection to ensure the conditions of his employment.

Sources: Official Portal of Immigration Department of Malaysia (Ministry of Home Affairs). "Foreign Worker". Accessed July 23, 2019. <https://www.imi.gov.my/index.php/en/foreign-worker.html>.

**Name of the institution with competencies for immigrant policies in original language:**

Answer: Not applicable

**Name of the institution with competencies for immigrant policies in English:**

Answer: Not applicable

**Access to antidiscrimination body.**

**Migrants can access antidiscrimination bodies and prerogatives (e.g. make official complaints to an Ombudsperson) regardless of migrant status (they might be explicitly mentioned as eligible, or not; what we care about is that they are not explicitly excluded, for instance, by statements that restrict access to nationals):**

Answer: Yes

Code: 1

Explanation: Yes. Migrants can access to the SUHAKAM (The Human Rights Commission of Malaysia). It is stipulated in the Federal Constitution that all persons are equal before the law and entitled to the equal protection of the law. Except as expressly authorized by the constitution, there shall be no discrimination against citizens on the ground only of religion, race, descent or place of birth in any law relating to the acquisition, holding or disposition of property or the establishing or carrying on of any trade, business, profession, vocation or employment. SUHAKAM, along with for instance Ministry of women, Family and Community, with regard to administrative measures aimed at preventing human rights abuses and violations, had taken the initiative to protect its employees from violations of their rights at the workplace. They have produced an 'ethics' code, which includes regulations banning violence, discrimination and also all forms of sexual harassment.

Sources: Federal Constitution of Malaysia. 1957(2010). Art. 8. / The Human Rights Commission of Malaysia (SUHAKAM). "Responses to OHCHR Questionnaire on the Role of Prevention in the Promotion and Protection of Human Rights". Accessed July 29, 2019.  
[https://www.ohchr.org/Documents/Issues/IntLaw/PreventionStudy/NHRI/Huma....](https://www.ohchr.org/Documents/Issues/IntLaw/PreventionStudy/NHRI/Huma...)

## 6. Immigrant citizenship and nationality

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### 6.1. Immigrant nationality

#### 6.1.1. Immigrant dual nationality

##### IMNAT\_1: Renunciation of previous nationality.

**Does the country require applicants to naturalization by residence to renounce their previous nationality?**

Answer: Yes

Code: 0

Explanation: Malaysia does not accept dual nationality.

Sources: Official Web Portal National Registration Department Ministry of Home Affairs. "Application for Citizenship Under Article 19 of the Federal Constitution – Aged 21 Years and Older". Accessed November 27, 2018. <https://www.jpn.gov.my/my/>. / Federal Constitution of Malaysia. 1957(2010). Art. 24.

**Citizenship can be withdrawn only if person resides outside the country:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Official Web Portal National Registration Department Ministry of Home Affairs. "Application for Citizenship Under Article 19 of the Federal Constitution – Aged 21 Years and Older". Accessed November 27, 2018. <https://www.jpn.gov.my/my/>. / Federal Constitution of Malaysia. 1957(2010). Art. 24.

**Are there exceptions?**

Answer: Not applicable

Code: Not applicable

Explanation: No exception.

Sources: Official Web Portal National Registration Department Ministry of Home Affairs. "Application for Citizenship Under Article 19 of the Federal Constitution – Aged 21 Years and Older". Accessed November 27, 2018. <https://www.jpn.gov.my/my/>. / Federal Constitution of Malaysia. 1957(2010). Art. 24.

**IMNAT\_1\_1: Sanctions.**

**Are there sanctions for naturalized persons who are later found to have the nationality of the country or origin despite there being a procedure and having pledged to renounce it?**

Answer: Yes

Code: 1

Explanation: "Article 24 (1) If the Federal Government is satisfied that any citizen has acquired by registration, naturalization or other voluntary and formal act (other than marriage) the citizenship of any country outside the Federation, the Federal Government may by order deprive that person of his citizenship".

Sources: Federal Constitution of Malaysia. 1957(2010). Arts. 24 and 25.

### **6.1.2. Emigrant dual nationality for immigrants who naturalized**

**IMNAT\_2: Emigrant dual nationality for naturalized immigrants.**

**Does the country deprive their national citizens by naturalization of nationality (or provide for the involuntary loss of it) for having acquired a foreign one (i.e. of their place of residence) and, if so, under which conditions?**

Answer: Authorities have arbitrary power to withdraw citizenship

Code: 0

Explanation: "Article 24 (1) If the Federal Government is satisfied that any citizen has acquired by registration, naturalization or other voluntary and formal act (other than marriage) the citizenship of any country outside the Federation, the Federal Government may by order deprive that person of his citizenship".

Sources: Federal Constitution of Malaysia. 1957(2010). Arts. 24 and 25.

### **6.1.3. Loss of nationality after residence abroad for naturalized immigrants**

**IMNAT\_3: Loss after residence abroad for naturalized immigrants**

**For national citizens by naturalization who emigrated, does the country deprive them of their nationality (or provide for the involuntary loss of it) because of residence abroad**

Answer: Authorities have arbitrary power to withdraw citizenship

Code: 0

Explanation: Yes. Under these conditions: "(2) The Federal Government may by order deprive of his citizenship any person who is a citizen by registration under Article 16A or 17 or a citizen by naturalization if satisfied that he has been ordinarily resident in countries outside the Federation for a continuous period of five years and during that period has neither - (a) been at any time in the

service of the Federation or of an international organization of which the Federal Government was a member; nor (b) registered annually at a consulate of the Federation his intention to retain his citizenship: provided that this Clause shall not apply to any period of residence in any Commonwealth country before the beginning of January 1977”.

Sources: Federal Constitution of Malaysia. 1957(2010). Part III. Art. 25 (2).

#### **After how many years abroad?**

Answer: 5

Code: 5

Explanation: After a continuous period of 5 years without meeting other exempting conditions. Under these conditions: “(2) The Federal Government may by order deprive of his citizenship any person who is a citizen by registration under Article 16A or 17 or a citizen by naturalization if satisfied that he has been ordinarily resident in countries outside the Federation for a continuous period of five years and during that period has neither - (a) been at any time in the service of the Federation or of an international organization of which the Federal Government was a member; nor (b) registered annually at a consulate of the Federation his intention to retain his citizenship: provided that this Clause shall not apply to any period of residence in any Commonwealth country before the beginning of January 1977”.

Sources: Federal Constitution of Malaysia. 1957(2010). Part III. Art. 25 (2).

### **6.1.4. Unrestrictive jus soli**

#### **IMNAT\_4: Unrestrictive jus soli.**

**Does the country provide for a child to acquire nationality by birth in the territory irrespective of the birthplace of the parents?**

Answer: No

Code: 0

Explanation: No. No person of or over the age of eighteen years shall be registered as a citizen under the Constitution until he has taken the oath set out in the First Schedule. Children born in Malaysian (irrespective of the birthplace of the parents) do not automatically a citizen until they are registered under these conditions: “1. The applicant and the person to be registered shall appear before the Registrar of Citizenship when submitting the application. 2. The person to be registered shall be below age 21 on the day of application. 3. One of the parents is a Malaysian citizen. 4. Application must be submitted by the parent or guardian. 5. Form B must be completed and submitted together with copies of the necessary documents. 6. Appendix A.15 (2), which is a dual purpose form for declaration of acceptance of and application for citizenship under Article 15(2) of the Federal Constitution, must be completed and submitted to a consulate abroad within one (1) year of the date of birth. Special power to register children 15A. Subject to Article 18, the Federal Government may, in such special circumstances as it thinks fit, cause any person under the age of twenty-one years to be registered as a citizen”.

Sources: Official Web Portal of National Registration Department (Ministry of Home Affairs).

“Application for Citizenship under Article 15(2) of the Federal Constitution – Child Under the Age of 21

Whose Parent Is a Citizen". Access date not available. URL not available. / Federal Constitution of Malaysia. 1957(2010). Part III.

### 6.1.5. Qualified jus soli

**IMNAT\_5: Qualified jus soli.**

**Does the country provide for children to acquire nationality by birth in the territory only if their parents were also born there?**

Answer: No

Code: 0

Explanation: No. Children born in Malaysia can only acquire nationality based on the nationality of the mother or the father.

Sources: Official Web Portal National Registration Department Ministry of Home Affairs. "Application for Citizenship under Article 14 of the Federal Constitution – Confirmation of Citizenship (Born in Malaysia)". Accessed July 23, 2019. <https://www.jpn.gov.my/en/maklumat-warganegara/permohonan-taraf-kewarganegaraan-di-bawah-perkara-14-perlembagaan-persekutuan-pengesahan-taraf-kewarganegaraan-kelahiran-dalam-negeri-dan-di-luar-persekutuan/>.

### 6.1.6. Standard naturalization procedure for immigrants due to residence

**IMNAT\_6: Ordinary naturalization.**

**Does the country provide for standard naturalization procedure for immigrants due to residence in it?**

Answer: Yes, provision for standard naturalization based on residence

Code: 1

Explanation: Standard naturalization can happen according to the following criteria: "1. The applicant shall appear before the Registrar of Citizenship when submitting the application. 2. The applicant must be aged 21 years and above on the date of the application. 3. The applicant has resided in the federation for a period of not less than 10 years in a period of 12 years, including the 12 months immediately preceding the date of application. 4. The applicant intends to reside permanently in the federation. 5. The applicant is of good character. 6. The applicant has adequate knowledge of the Malay language. 7. The applicant must be sponsored by two referees who are citizens aged 21 years and above and who are not relatives, not hired persons, and not advocates or solicitors to the applicant. 8. Form C must be completed and submitted together with copies of the necessary documents".

Sources: Official Web Portal National Registration Department Ministry of Home Affairs. "Application for Citizenship Under Article 19 of the Federal Constitution – Aged 21 Years and Older". Accessed November 27, 2018. <https://www.jpn.gov.my/my/>.

**Number of years of residence required for naturalization:**

Answer: 10

Code: 10

Explanation: Standard naturalization can happen according to the following criteria: “1. The applicant shall appear before the Registrar of Citizenship when submitting the application. 2. The applicant must be aged 21 years and above on the date of the application. 3. The applicant has resided in the federation for a period of not less than 10 years in a period of 12 years, including the 12 months immediately preceding the date of application. 4. The applicant intends to reside permanently in the federation. 5. The applicant is of good character. 6. The applicant has adequate knowledge of the Malay language. 7. The applicant must be sponsored by two referees who are citizens aged 21 years and above and who are not relatives, not hired persons, and not advocates or solicitors to the applicant. 8. Form C must be completed and submitted together with copies of the necessary documents”.

Sources: Official Web Portal National Registration Department Ministry of Home Affairs. “Application for Citizenship Under Article 19 of the Federal Constitution – Aged 21 Years and Older”. Accessed November 27, 2018. <https://www.jpn.gov.my/>.

**Number of continuous years of residence required for naturalization:**

Answer: 10

Code: 10

Explanation: Explanation: Standard naturalization can happen according to the following criteria: “1. The applicant shall appear before the Registrar of Citizenship when submitting the application. 2. The applicant must be aged 21 years and above on the date of the application. 3. The applicant has resided in the federation for a period of not less than 10 years in a period of 12 years, including the 12 months immediately preceding the date of application. 4. The applicant intends to reside permanently in the federation. 5. The applicant is of good character. 6. The applicant has adequate knowledge of the Malay language. 7. The applicant must be sponsored by two referees who are citizens aged 21 years and above and who are not relatives, not hired persons, and not advocates or solicitors to the applicant. 8. Form C must be completed and submitted together with copies of the necessary documents”.

Sources: Official Web Portal National Registration Department Ministry of Home Affairs. “Application for Citizenship Under Article 19 of the Federal Constitution – Aged 21 Years and Older”. Accessed November 27, 2018. <https://www.jpn.gov.my/>.

**Permanent residence status is required for naturalization:**

Answer: No

Code: 0

Explanation: Standard naturalization can happen according to the following criteria: “1. The applicant shall appear before the Registrar of Citizenship when submitting the application. 2. The applicant must be aged 21 years and above on the date of the application. 3. The applicant has resided in the federation for a period of not less than 10 years in a period of 12 years, including the 12 months immediately preceding the date of application. 4. The applicant intends to reside permanently in the federation. 5. The applicant is of good character. 6. The applicant has adequate knowledge of the

Malay language. 7. The applicant must be sponsored by two referees who are citizens aged 21 years and above and who are not relatives, not hired persons, and not advocates or solicitors to the applicant. 8. Form C must be completed and submitted together with copies of the necessary documents”.

Sources: Official Web Portal National Registration Department Ministry of Home Affairs. “Application for Citizenship Under Article 19 of the Federal Constitution – Aged 21 Years and Older”. Accessed November 27, 2018. <https://www.jpn.gov.my/>.

#### **Renunciation of previous nationality is required:**

Answer: No exceptions to renunciation requirement specified in law

Code: 1

Explanation: Malaysia does not accept dual nationality.

Sources: Official Web Portal National Registration Department Ministry of Home Affairs. “Application for Citizenship Under Article 19 of the Federal Constitution – Aged 21 Years and Older”. Accessed November 27, 2018. <https://www.jpn.gov.my/my/>. / Federal Constitution of Malaysia. 1957(2010). Part III. Art. 24.

#### **Language condition for naturalization:**

Answer: Without tests or certification and discretionary assessment of level of competence or with certification and specified level of competence at A2

Code: 0.5

Explanation: Standard naturalization can happen according to the following criteria: “1. The applicant shall appear before the Registrar of Citizenship when submitting the application. 2. The applicant must be aged 21 years and above on the date of the application. 3. The applicant has resided in the federation for a period of not less than 10 years in a period of 12 years, including the 12 months immediately preceding the date of application. 4. The applicant intends to reside permanently in the federation. 5. The applicant is of good character. 6. The applicant has adequate knowledge of the Malay language. 7. The applicant must be sponsored by two referees who are citizens aged 21 years and above and who are not relatives, not hired persons, and not advocates or solicitors to the applicant. 8. Form C must be completed and submitted together with copies of the necessary documents”.

Sources: ‘Application for Citizenship under Article 19 of the Federal Constitution – Aged 21 Years and Older – Jabatan Pendaftaran Negara’. n.d. Official Web Portal National Registration Department Ministry of Home Affairs. Accessed 27 November 2018. <http://www.jp>.

#### **Civil knowledge is a requisite for naturalization:**

Answer: No naturalization test or cultural assimilation condition

Code: 0

Explanation: Standard naturalization can happen according to the following criteria: “1. The applicant shall appear before the Registrar of Citizenship when submitting the application. 2. The applicant must be aged 21 years and above on the date of the application. 3. The applicant has resided in the federation for a period of not less than 10 years in a period of 12 years, including the 12 months



immediately preceding the date of application. 4. The applicant intends to reside permanently in the federation. 5. The applicant is of good character. 6. The applicant has adequate knowledge of the Malay language. 7. The applicant must be sponsored by two referees who are citizens aged 21 years and above and who are not relatives, not hired persons, and not advocates or solicitors to the applicant. 8. Form C must be completed and submitted together with copies of the necessary documents”.

Sources: Official Web Portal National Registration Department Ministry of Home Affairs. “Application for Citizenship under Article 19 of the Federal Constitution – Aged 21 Years and Older”. Accessed November 27, 2018. <https://www.jpn.gov.my/my/>.

#### **Clean criminal record is a requisite:**

Answer: Specific good character clause applying only to naturalization applicants OR no crimes carrying sentences of less than 1 years

Code: 0.75

Explanation: Standard naturalization can happen according to the following criteria: “1. The applicant shall appear before the Registrar of Citizenship when submitting the application. 2. The applicant must be aged 21 years and above on the date of the application. 3. The applicant has resided in the federation for a period of not less than 10 years in a period of 12 years, including the 12 months immediately preceding the date of application. 4. The applicant intends to reside permanently in the federation. 5. The applicant is of good character. 6. The applicant has adequate knowledge of the Malay language. 7. The applicant must be sponsored by two referees who are citizens aged 21 years and above and who are not relatives, not hired persons, and not advocates or solicitors to the applicant. 8. Form C must be completed and submitted together with copies of the necessary documents”.

Sources: Official Web Portal National Registration Department Ministry of Home Affairs. “Application for Citizenship Under Article 19 of the Federal Constitution – Aged 21 Years and Older”. Accessed November 27, 2018. <https://www.jpn.gov.my/my/>.

#### **Economic resources as requisite for naturalization:**

Answer: No requirement on income, employment, or welfare dependency

Code: 0

Explanation: Standard naturalization can happen according to the following criteria: “1. The applicant shall appear before the Registrar of Citizenship when submitting the application. 2. The applicant must be aged 21 years and above on the date of the application. 3. The applicant has resided in the federation for a period of not less than 10 years in a period of 12 years, including the 12 months immediately preceding the date of application. 4. The applicant intends to reside permanently in the federation. 5. The applicant is of good character. 6. The applicant has adequate knowledge of the Malay language. 7. The applicant must be sponsored by two referees who are citizens aged 21 years and above and who are not relatives, not hired persons, and not advocates or solicitors to the applicant. 8. Form C must be completed and submitted together with copies of the necessary documents”.

Sources: Official Web Portal National Registration Department Ministry of Home Affairs. “Application for Citizenship Under Article 19 of the Federal Constitution – Aged 21 Years and Older”. Accessed November 27, 2018. <https://www.jpn.gov.my/my/>.

### **6.1.7. Socialization based acquisition of citizenship**

**IMNAT\_7: Naturalization by socialization.**

**Does the country provide for acquisition of nationality of minors who reside for a certain period or schooling in the country?**

Answer: No provision

Code: 0

Explanation: No. There is no application for minors who reside a certain period listed in the Official Web Portal of National Registration Department.

Sources: Federal Constitution of Malaysia. 1957(2010).

### **6.1.8. Special procedure for immigrants with very long residence in country**

**IMNAT\_8: Long residence.**

**Does the country provide for acquisition of nationality by a person who has resided there for a very long time (e.g. more or equal of 12 years)?**

Answer: No

Code: 0

Explanation: No. They still have to apply for nationality like other applicants age 21 or older.

Sources: Official Web Portal National Registration Department Ministry of Home Affairs. "Application for Citizenship Under Article 19 of the Federal Constitution – Aged 21 Years and Older". Accessed November 27, 2018. <https://www.jpn.gov.my/my/>.

### **6.1.9. Preferential naturalization for immigrants from specific countries**

**IMNAT\_9: Preferential naturalization by country.**

**Does the country provide for a special (e.g. quicker, easier) acquisition of nationality by a person who is a national of another specific country?**

Answer: No

Code: 0

Explanation: No such provision

Sources: Federal Constitution of Malaysia. 1957(2010).

### **6.1.10. Cultural affinity/Ethnic ties**

**IMNAT\_10: Preferential naturalization due to cultural or ethnic ties.**

**Does the country provide for acquisition of nationality by a person who has an affinity with its culture or is somehow defined as co-ethnic?**

Answer: No

Code: 0

Explanation: No. The law concerning acquisition of nationality of people born in Singapore, Sabah, Sarawak and Brunei has been omitted (Federal Constitution part III art 14 (2)).

Sources: Federal Constitution of Malaysia. 1957(2010).

### **6.1.11. Spousal transfer**

**IMNAT\_11: Spousal transfer.**

**Does the country provide for acquisition of nationality by the spouse or registered partner of a person who is already a national citizen?**

Answer: Yes

Code: 1

Explanation: Yes, for spouse (but does not apply for partnership) under these conditions: "1. The marriage is still in effect. 2. She has resided in the federation throughout the two years preceding the date of application and intends to do so permanently. 3. She is of good character. 4. The marriage was registered under written laws in force in the federation. 5. The applicant and her husband shall appear before the Registrar of Citizenship when submitting the application. 6. Form A must be completed and submitted together with copies of the necessary documents".

Sources: Official Web Portal National Registration Department Ministry of Home Affairs. "Application for Citizenship under Article 15 (1) of the Federal Constitution – Wife of a Citizen". Accessed July 29, 2019.

### **6.1.12. Filial transfer**

**IMNAT\_12: Filial transfer.**

**Does the country provide for acquisition of nationality by the child of a person who is already a national citizen?**

Answer: Yes

Code: 1

Explanation: Yes. Children who are under the age of twenty-one years old may acquire citizenship if at least one parent is a citizen. "Part III. Chapter 1. Chapter 15. (2) Subject to Article 18, the Federal Government may cause any person under the age of twenty-one years of whose parents one at least is (or was at death) a citizen to be registered as a citizen upon application made to the Federal Government by his parent or guardian".

Sources: Federal Constitution of Malaysia. 1957(2010).

### **6.1.13. Special naturalization for refugees**

**IMNAT\_13: Refugees.**

**Does the country facilitate the acquisition of nationality by a refugee in its territory?**

Answer: Not applicable (i.e. no refugee proxy)

Code: Not applicable

Explanation: Not applicable. Malaysia does not recognize refugees.

Sources: Federal Constitution of Malaysia. 1957(2010).

### **6.1.14. Naturalization for special achievements/talents**

**IMNAT\_14: Special talents.**

**Does the country provide for the acquisition of nationality by a person in account of special achievements/talents?**

Answer: No

Code: 0

Explanation: No. There is no application for talented people to obtain Malaysian citizenship.

Sources: Federal Constitution of Malaysia. 1957(2010).

### **6.1.15. Naturalization due to investment/financial assets**

**IMNAT\_15: Special talents.**

**Does the country provide for the acquisition of nationality by a person with special financial assets (say which) or persons who invest money in the country?**

Answer: No

Code: 0

Explanation: No. There is a track to be permanent resident for applicants with financial assets, but not for naturalization.

Sources: Federal Constitution of Malaysia. 1957(2010).

### **6.1.16. Transfer to other relatives**

**IMNAT\_16: Transfer to other relatives.**

**Does the country provide for the acquisition of nationality by a relative other than the spouse or child of a person who is already a citizen?**

Answer: No

Code: 0

Explanation: No. They still have to go through naturalization process, the same as people age 21 or above under special conditions mentioned in IMNAT\_6.

Sources: Federal Constitution of Malaysia. 1957(2010).

### **6.1.17. Nationality for the stateless**

**IMNAT\_17: Stateless.**

**Does the country facilitate the naturalization of a stateless person in its territory?**

Answer: No

Code: 0

Explanation: No, no application for stateless people listed.

Sources: Federal Constitution of Malaysia. 1957(2010).

### **6.1.18. Nationality for regularized immigrants**

**IMNAT\_18: Regularization.**

**Does the country make any differentiation in terms of naturalization procedures regarding persons that have benefited from regularization programs ((i.e. is there any special naturalization scheme for regularized immigrants)?**

Answer: No differentiation

Code: 0.5

Explanation: No difference is mentioned in the federal constitution.

Sources: Federal Constitution of Malaysia. 1957(2010).

### **6.1.19. Naturalization possible even if applicant had irregular status before**

**IMNAT\_19: Irregular status.**

**Does the country provide for a person who has or has had irregular migrant status who can however prove having had resided long enough in the country to apply for naturalization (i. e. is ever having been an irregular migrant an impediment to regularize)?**

Answer: No

Code: 0

Explanation: This is not regulated. The law only mentions a clause of good character, but no special procedure for persons who ever had an irregular status.

Sources: Federal Constitution of Malaysia. 1957(2010).

## **6.2. Immigrant citizenship**

### **6.2.1. Restrictions on citizenship for naturalized immigrants**

**IMCIT\_1: Restrictions for naturalized immigrants.**

**Does the country restrict citizenship (i.e. mainly political-electoral rights, either passive or active) of those who have naturalized (even if they only have that one nationality)?**

Answer: Yes

Code: 1

Explanation: Naturalized citizens may not become ministers or speakers of the state. The Final Provisions of the Constitution (Eight schedule, Art. 71, (3)) state clearly that: "notwithstanding anything in this section, a person who is a citizen by naturalization or by registration under Article 17 of the Federal Constitution shall not be appointed Menteri Besar".

Sources: Federal Constitution of Malaysia. 1957(2010). Art. 71, (3).

#### **For how long are the restrictions applied?**

Answer: Indefinitely

Code: 0

Explanation: There is no specification of a period after which this would cease to apply.

Sources: Federal Constitution of Malaysia. 1957(2010). Art. 71, (3).

#### **Do the restrictions apply to electoral rights?**

Answer: No

Code: 0

Explanation: It applies to higher public posts (ministries), but not to electoral rights.

Sources: Federal Constitution of Malaysia. 1957(2010). Art. 71, (3).

#### **Do the restrictions apply to public office posts?**

Answer: Yes

Code: 1

Explanation: A person who is a citizen by naturalization or by registration under Article 17 of the Federal Constitution shall not be appointed Menteri Besar (national minister).

Sources: Federal Constitution of Malaysia. 1957(2010). Art. 71, (3).

#### **Other type of restrictions**

Answer: No.

Code: 0

Explanation: No other restrictions found in the regulations.

Sources: Federal Constitution of Malaysia. 1957(2010).

### **6.2.2. Loss or suspension of citizenship after residence abroad for immigrants who naturalized**

## **IMCIT\_2. Loss or suspension of citizenship.**

**Does the country deprive their national citizens by naturalization who emigrated of their citizenship rights (i.e. political rights mostly) or suspend them because of residence abroad?**

Answer: Yes

Code: 1

Explanation: Yes. Citizens by naturalization may be deprived of their citizenship if they reside in a foreign country for a continuous period of five years unless they registered annually at a consulate to declare intent to retain citizenship: "(2) The Federal Government may by order deprive of his citizenship any person who is a citizen by registration under Article 16A or 17 or a citizen by naturalization if satisfied that he has been ordinarily resident in countries outside the Federation for a continuous period of five years and during that period has neither - (a) been at any time in the service of the Federation or of an international organization of which the Federal Government was a member; nor (b) registered annually at a consulate of the Federation his intention to retain his citizenship: provided that this Clause shall not apply to any period of residence in any Commonwealth country before the beginning of January 1977".

Sources: Federal Constitution of Malaysia. 1957(2010). Part III. Art. 25 (2).

## **Are these rights recovered upon return?**

Answer: No

Code: 0

Explanation: Citizens by naturalization may be deprived of their citizenship if they reside in a foreign country for a continuous period of five years unless they registered annually at a consulate to declare intent to retain citizenship: "(2) The Federal Government may by order deprive of his citizenship any person who is a citizen by registration under Article 16A or 17 or a citizen by naturalization if satisfied that he has been ordinarily resident in countries outside the Federation for a continuous period of five years and during that period has neither - (a) been at any time in the service of the Federation or of an international organization of which the Federal Government was a member; nor (b) registered annually at a consulate of the Federation his intention to retain his citizenship: provided that this Clause shall not apply to any period of residence in any Commonwealth country before the beginning of January 1977".

Sources: Federal Constitution of Malaysia. 1957(2010). Part III. Art. 25 (2).

## **6.2.3. Restrictions on citizenship for naturalized immigrants who are dual nationals**

### **IMCIT\_3: Restrictions for naturalized immigrants who are dual nationals.**

**Does the country restrict citizenship (i.e. mainly political-electoral rights, either passive or active) of those who have naturalized and have another/other nationality/ies?**

Answer: Not applicable

Code: Not applicable



Explanation: Malaysia does not accept dual nationality, therefore, in rigor this question as is stated (the concomitance of two conditions) is not applicable. Restrictions apply to the naturalized, not because they are dual nationals (as this is not permitted). Naturalized citizens may not become ministers or speakers of the state. The Final Provisions of the Constitution (Eight schedule, Art. 71, (3)) state clearly that: “notwithstanding anything in this section, a person who is a citizen by naturalization or by registration under Article 17 of the Federal Constitution shall not be appointed Menteri Besar”.

Sources: Federal Constitution of Malaysia. 1957(2010). Part III. Art. 25 (2).

### **How long do the restrictions apply?**

Answer: Not applicable

Code: 98

Explanation: There is no specification of a period after which restrictions to the naturalized cease to apply, but this question is not applicable as the confluence of two conditions, given that the second condition (dual nationality) does not present itself.

Sources: Federal Constitution of Malaysia. 1957(2010). Art. 71, (3).

### **Do the restrictions apply to electoral rights?**

Answer: Not applicable

Code: 98

Explanation: This question is not applicable as the confluence of two conditions, given that the second condition (dual nationality) does not apply. Naturalized citizens may not become ministers or speakers of the state. The Final Provisions of the Constitution (Eight schedule, Art. 71, (3)) state clearly that: “notwithstanding anything in this section, a person who is a citizen by naturalization or by registration under Article 17 of the Federal Constitution shall not be appointed Menteri Besar”.

Sources: Federal Constitution of Malaysia. 1957(2010). Art. 71, (3).

### **Do the restrictions apply to public office post?**

Answer: Not applicable

Code: 98

Explanation: This question is not applicable as the confluence of two conditions, given that the second condition (dual nationality) does not apply. Naturalized citizens with only their Malaysian nationality may not become ministers or speakers of the state. The Final Provisions of the Constitution (Eight schedule, Art. 71, (3)) state clearly that: “notwithstanding anything in this section, a person who is a citizen by naturalization or by registration under Article 17 of the Federal Constitution shall not be appointed Menteri Besar”.

Sources: Federal Constitution of Malaysia. 1957(2010). Art. 71, (3).

**Other type of restrictions (beyond electoral and public office posts).**

Answer: Not applicable

Code: 98

Explanation: This question is not applicable as the confluence of two conditions, given that the second condition (dual nationality) does not apply.

Sources: Federal Constitution of Malaysia. 1957(2010). Art. 71, (3).