

# Shearn Delamore & Co.

## **The Impact on Travel — Immigration FAQs Under the Extended Movement Control Order**

Dear valued clients and friends,

The extended Movement Control Order (“MCO”) in Malaysia until 14 April 2020 has caused continuing concern to ex-patriates who currently work and reside in Malaysia as well as foreign tourists who are stranded due to the lockdown in their respective countries compounded by the unavailability of flights from Malaysia to return to their respective home countries. In addressing this issue, we have compiled several common queries that have been raised and set out below our brief responses to address these concerns.

### **Questions**

### **Answers**

Am I (ex-patriate/foreigner) allowed to leave Malaysia during the extended MCO if I wish to?	Yes
If I have left Malaysia before the MCO/during the MCO, can I re-enter Malaysia during the MCO? I hold a valid work permit.	<p>Only foreigners who are in the following categories are permitted to enter Malaysia during the MCO:</p> <ul style="list-style-type: none"><li>• Diplomats;</li><li>• Permanent Residents of Malaysia;</li><li>• Ex-patriates who are involved in Essential Services;</li><li>• Foreign spouse of a Malaysian citizen who holds a valid Long-Term Social Visit Pass (additionally the entry to Malaysia must be supported by valid documentation evidencing the relationship).</li></ul> <p>If you do not fall under any one of the above categories, you will not be permitted entry until the MCO is lifted. This is irrespective whether you hold a Students Pass, Employment Pass, Professional Visit Pass, Malaysia My Second Home (“MM2H”) or a Residence Pass — Talent (“RPT”).</p>
If my employer has submitted my work permit renewal application before the MCO, and my current work permit application is going to expire during the period of the extended MCO, will I be considered as overstaying and imposed with penalties?	You are exempted from any overstaying penalties during the period of the extended MCO if your employer has already submitted your work permit renewal application to the immigration authorities before the MCO. It is advisable however to have the proof of such submission with you.

<p>What should I do if my work permit is expiring during the extended MCO however my employer who has submitted my work permit renewal application to the immigration authorities before MCO has not received any outcome?</p>	<p>You should remain in Malaysia until the MCO is lifted and wait for the approval of your work permit renewal application to be approved.</p> <p>If you wish to exit Malaysia during the MCO before your work permit renewal application is approved, you can do so during the currency of your present work permit however you will not be permitted entry into Malaysia during the period of the MCO until the MCO is lifted .</p>
<p>Will work permit applications be processed during the MCO?</p>	<p>Yes, however please expect delays during the extended MCO due to the limited resources operating on the part of the immigration authorities. All physical immigration offices in Malaysia are closed however selected offices such as the Malaysia Expatriate Talent Service Centre (“MYXpats”) and the Malaysia Digital Economy Corporation (“MDEC”) have representatives working remotely who can respond to email queries only.</p>
<p>What if my work permit renewal application is expiring during the MCO however my employer was unable to submit my renewal application in time, can I remain in Malaysia?</p>	<p>You can remain in Malaysia however your employer must submit your application for renewal to the immigration authorities within 14 days of the MCO being lifted. The earlier this is done the better.</p>
<p>What if I have entered Malaysia as a social visitor during the currency of my work permit application and the work permit application has not been approved, can I remain in Malaysia until after the MCO is lifted and wait for such approval to secure the requisite endorsement in the passport without exiting Malaysia ?</p>	<p>If you have entered Malaysia as a social visitor, you should not engage in any form of employment until your work permit application has been approved. If the approval comes within the currency of your entry as a social visitor irrespective whether during the MCO or after the MCO you must exit Malaysia and re-enter again for purposes of the endorsement.</p> <p>Bear in mind though that the re-entry into Malaysia will be subject to the MCO being lifted or if you fall within any of the exceptions identified earlier.</p>
<p>My tourist visa/work permit has expired and I was unable to leave Malaysia due to the unavailability of flights, will I still be permitted to leave Malaysia after the expiry of my tourist visa/work permit during the MCO?</p>	<p>Yes, the Director-General of Immigration has recently issued a Directive to confirm that during the period of the MCO and extended period, all foreigners whose tourist visa/work permit has expired are allowed to exit Malaysia, without having to apply for any Special Pass subject to the foreigner possessing a valid passport.</p>
<p>I am fearful to leave my house without my original passport as the passport was submitted to the Immigration Department before the MCO and was not retrieved in time for my retention</p>	<p>Yes you may leave your home for such essentials however it is advisable to carry any supporting documents such as an acknowledgement of receipt of</p>

<p>and safe keeping. Am I allowed to legally leave my home to buy essentials?</p>	<p>the submission of the passport to the Immigration Department or a photocopy of your passport so that there is proof of your identification if you are asked for identification by any government authority.</p>
<p>If I wish to return to my home country but due to unavailability of flights and my country being in lockdown, can I continue to stay in Malaysia even after my tourist visa has expired?</p>	<p>If your tourist visa has expired during the MCO and the extended period, and you are unable to leave Malaysia, as soon as the MCO is lifted, please proceed to the immigration department headquarters to apply for a Special Pass for the extension of your current stay in Malaysia. The validity of the Special Pass and corresponding period is issued at the discretion of the immigration authorities.</p>

Covid 19 has presented challenges to all with no exceptions. Travel restrictions are imposed rapidly by governments, partial lockdowns as well as complete lockdowns have been implemented with border restrictions. If there is a need to travel in these times, be prepared for a multitude of eventualities during unprecedented times like this.

For any queries relating to immigration and travel restrictions, please feel free to contact [Ms. Suganthi Singam](mailto:suganthi@shearndelamore.com) at [suganthi@shearndelamore.com](mailto:suganthi@shearndelamore.com) or [Ms. Ivy Aw Moon Cai](mailto:ivy.aw@shearndelamore.com) at [ivy.aw@shearndelamore.com](mailto:ivy.aw@shearndelamore.com).



*Copyright © 2020 Shearn Delamore & Co. All rights reserved.*

*This Update is issued for the information of the clients of the Firm and covers legal issues in a general way. The contents are not intended to constitute any advice on any specific matter and should not be relied upon as a substitute for detailed legal advice on specific matters or transactions.*