

1. POLICY ON EMPLOYMENT OF FOREIGN WORKER

It is Government policy to give working chances to local employees and take all effort to get the opportunity as employment of foreign employees are not the main factor in increasing national productivity but the needs for foreign employees can't be denied. Therefore national policy on employment of foreign worker are suited to the need of country.

2. APPROVED SECTORS

2.1 Manufacturing Sector

It covers all export oriented manufacturing, that is where more than 50% of its production is for export.

Non-export orientated manufacturing, which are:-

- wood based industry
- furniture industry
- rubber based industry
- plastic based industry
- food processing and manufacturing industry
- building materials industry
- iron, steel and mining industries
- ceramic industry
- textile industry
- footwear industry
- engineering and fabrication industry
- manufacturing related industries
- quarry and bitumen industry

The specified criteria for the employment of foreign by non-export orientated industries are:-

- total sales of RM2 million and above
- company's minimum paid-up capital of RM100,000

2.2 Plantation Sector

It covers the following sub-sectors:-

- Crops
- Food
- Floriculture
- Animal husbandry
- Aquaculture

2.3 Construction Sector

2.4 Service Sector

It covers the following sub-sectors:-

- Restaurants (general workers and cooks)
 - Allowed to work in restaurants throughout the country as cooks and general workers (dish washers, restaurant cleaners) only
 - Foreign workers are not allowed to work as waiters/waitresses and cashiers
- Cleaning
 - Companies must enclose a complete and stamped contract
 - Not qualified to work as cleaners for the employing company
 - Not allowed to work as car and bus washers, petrol station cleaners and other maintenance workers
- Cargo handling at seaports and airports

- Welfare homes
- Laundries
- Golf clubs - caddies only
- Resort islands (not including Penang)

3. APPLICATION PROCEDURES FOR FOREIGN WORKER

3.1 New Applications (Approval of KHEDN)

- Use form KDN/PA 2/98 and send it to:
Pusat Kelulusan Setempat di KHEDN
Immigration Department of Malaysia
Level 4 (Podium) Block 2G4,
Precint 2, Federal Government Administration Centre,
62550 Putrajaya,
FEDERAL TERRITORY
- Application must be made personally by the applicant/company/employer
- Application by an agent/through a middleman is not allowed and will be rejected.

3.2 Application for Replacement of Foreign Workers

- Application for replacement of foreign worker may only be made for the following reasons:
 - Workers returned to their country of origin
 - Demise of workers
- Application for replacement of foreign worker can only be made personally by the company/employer. Application by an agent/through a middleman is not allowed and will be rejected.

The documents required for an application for replacement of foreign workers:

- Employer's letter of application
- Form IMM/BPA.229/857
- Copy of Exit Pass Memo/Death Certificate

3.2.1 Approved Sectors for Replacement

- Manufacturing sector
 - Export orientated
- Construction sector
- Plantation sector
 - Which covers crops, food, animal husbandry, floriculture and aquaculture
- Service sector
 - Restaurants
 - Cleaning
 - Cargo handling
 - Welfare homes
 - Laundries
 - Caddies (golf courses)
 - Resort islands (except Penang)

The countries of origin of foreign worker replacement are restricted to:

- Indonesia
- Thailand
- Cambodia

Nevertheless, foreign worker replacement from certain countries are allowed, as follows:

- Sri Lanka, to work in tea and rubber plantations

- India, to work as tool and die makers in the manufacturing sector, and as construction workers dealing in the installation of high-voltage cables
- Nepal, will only be allowed on important, specific and special grounds

3.3 Application for Referred Visas

A Referred Visa means a visa issued by a Malaysian Foreign Mission to a foreigner for which the said visa has been previously applied by the employer at the relevant immigration offices and which issue has been approved.

The documents required for an application for Referred Visa for foreign worker of various sectors are:

- Employer's letter of application
- The original approval letter and a copy from the Ministry of Home Affairs (KHEDN) (for new approval) or the Department of Immigration, Malaysia (for approval for replacement)
- Security deposit/bank guarantee - valid for at least 18 months
- Computer form (employer's particulars)
- Payment in the form of a bank draft/postal order*
- Form IMM12
- Copy of passport of the prospective foreign worker
- Medical report from a clinic in the worker's country of origin which is recognised by the Ministry of Health, Malaysia
- Application form for Referred Visa (VDR) (VDR issuing office and the point of entry applied for)

3.4 Application for Temporary Relocation of Foreign Workers

An employer may apply to temporarily relocate foreign workers by submitting the following documents:

- Employer's letter of application
- A copy of the employer's identity card
- A contract agreement (letter of award) from the sponsors, with complete address
- List of names of the workers involved
- A copy of the stamped page/page with the sticker of the worker's passport

An employer is permitted to temporarily relocate only those workers whose names have been approved for a certain term, that is until completion of the contract with the sponsor.

3.5 Application for Variation of Name and Address of Company

The documents required for application to vary the name and address of a company are:

- Employer's letter of application
- A copy of the employer's identity card
- Company Registration Form (Forms 9, 13 and 49 or Forms B and D)
- A copy of the worker's passport
- Copies of water, electricity and telephone bills under the name of the new employer
- Tenancy Agreement as proof of rental
- Manufacturing licence

The application received will be investigated upon and reviewed, that is:

- Checking the expiry date of the worker's PLKS
- Where necessary, making telephone calls to check the change in name and address
- Requesting confirmation of name and address from TNB, STMB or JBA

An approval letter will be duly issued, and the variation in name and address of the company will be entered in the Department's computer system. The employer must produce the worker's passport for issue of new PLKS sticker.

4. APPLICATION BY EMPLOYER OR STATE IMMIGRATION/POLICE FOR CONFIRMATION OF ARREST

Where a foreign worker is arrested by the police, the employer must report the matter to the Foreign Worker Division for confirmation of arrest.

The documents required for confirmation of arrest are:

- Employer's letter of application
- Letter of confirmation of arrest from the relevant authority
- A copy of the employer's identity card
- A copy of the worker's passport

The Foreign Worker Division will investigate and check the referred case from the Department's computer system in respect of similarity of appearance, expiry date of PLKS, authenticity of the PLKS sticker and other particulars.

The Foreign Worker Division will on the same day issue and provide the employer with a letter of confirmation of the authenticity of the PLKS sticker and will send the same by facsimile to the relevant authority.

4.1 Procedure for Application for Refund of Levy

An employer may apply for a refund of the levy paid to the Department of Immigration, Malaysia based on the following reasons: *Medically Unfit Foreign Worker*

The following documents must be submitted:

- Employer's letter of application
- Both receipts of payments/a statutory declaration, if the receipts are lost
- Application form for refund of levy
- A copy of the worker's passport
- Both payment forms

4.2 Procedure for Application for Refund of Bank Guarantee

Where the workers have returned to their country of origin, an employer may apply for a refund of the bank guarantee.

The following documents must be submitted:

- Employer's letter of application
- A copy of the bank guarantee and a list of names of the workers
- A copy of the new bank guarantee and a list of names of the workers
- A copy of the Exit Pass Memo and where a foreign worker has returned to his country of origin, a copy of the cancelled passport
- A copy of the death certificate

Where a foreign worker has absconded, the employer may apply by submitting a copy of the police report and confirmation from the relevant Foreign Mission. However, approval is at the discretion of the Department of Immigration, Malaysia.

4.3 Procedure for Application for Refund of Security Deposits

Where the foreign workers have returned to their country of origin, an employer may apply for a refund of security deposits.

- Employer's letter of application
- The original security deposit receipt
- Exit Pass Memo
- The company's bank account number or for an individual employer, his identity card number

5. CHECKLIST FOR PAYMENT FOR REFERRED VISA AND APPLICATION FOR EXTENSION

5.1 Levy, PL(KS) and Process Fees For New and Extension Application.

Payment	Levy (1 year)	PLKS	Processing
Manufacturing, Service and Construction Sectors	RM1,200.00(Pen. Malaysia) RM 960.00(Sabah & Sarawak)	RM60.00	RM50.00
Plantation Sector	RM360.00	RM60.00	RM10.00

5.2 Visa Fees and Security Deposit For New and Extension Application.

Nationality	Visa	Security Deposit
Indonesia	RM 15.00	RM 250.00
Bangladesh	RM 20.00	RM 500.00
Pakistan	RM 20.00	RM 750.00
Myanmar	RM 19.50	RM 750.00
India	RM 50.00 (Single Entry Visa) RM 100.00 (Multiple Entry Visa)	RM 750.00
Phillipines	RM 36.00	RM 1,000.00
Thailand	Gratis	RM 250.00
Kemboja	RM 20.00	RM 250.00
Nepal	RM 20.00	RM 750.00
Vietnam	RM 13.00	RM 1,500.00