

# RURB Case Study: Delay in Getting Professional Visit Pas

Saya memperakui bahawa barang  
orang/perkhidmatan yang dipesan  
'alah dilaksanakan dengan memuaskan  
dan sempurna.



Tandatangan:.....

Name:..... Mohamad Azrol Mohamad Dali

Jawatan:..... Timbalan Pengarah RURB/NCS

Tarikh:..... 24 November 2020

## **[1] PROFESSIONAL VISIT PASS**

A Professional Visit Pass (PVP) is granted to foreign talents with acceptable professional qualifications or skills. They can enter the country and provide services or undergo practical training with a Malaysian company on behalf of an overseas company on a temporary basis, for up to 12 months.

### **i. BEFORE APPLICATION :**

Check to see if the company is eligible to apply for a Professional Visit Pass. If eligible, company must register with the Expatriate Services Division (ESD) portal

### **ii. WHERE TO APPLY**

Go to the ESD website, log in through the company's ESD account and submit the application

### **iii. DURATION OF THE PASS**

No longer than 12 months per issuance

### **iv. WORK RIGHTS**

Expatriates may only work for the company named in the Professional Visit Pass

### **v. OTHER FACILITIES**

PVP holders are not entitled to apply for a Dependant Pass . A PVP is usually granted to foreign talent with acceptable professional qualifications or skills

### **vi. PVP APPLICATION CONDITIONS**

- a. A PVP holder is allowed to provide technical or expertise transfer or to provide or undergo practical training with a Malaysian company on behalf of an overseas company on temporary basis, for up to 12 months.
- b. The maximum duration of a PVP is 12 months; no extensions are allowed beyond 12 months.
- c. A PVP holder must remain employed and on the payroll of his/her overseas company throughout the assignment.
- d. A contract or agreement evidencing the relationship between the PVP holder's home company (employer) and the Malaysian client where the work will take place may be required, if applicable.
- e. A PVP is granted to permit the PVP holder to work in Malaysia for a specific purpose or project stated in the relevant contract. Hence, working at multiple clients' sites is NOT permitted.

- f. The adjudicating agency (i.e. ESD) generally takes between 7-10 business days to process a PVP application.
- g. The Immigration Department generally takes up to 5 business days from receipt of a passport to endorse a PVP onto the passport.
- h. Immediate family members (i.e. spouse and children) of a PVP holder are not eligible to obtain any dependant's pass.

## **[2] WHAT ARE UNNECESSARY REGULATORY BURDENS**

Regulations by necessity impose procedures to assist the services of those affected i.e. manufacturing Industries. Wherever when the objectives of regulation are sound, and are effectively designed and enforced, the benefits of regulation are expected to outweigh the prices to the community. Good regulation and clear procedures will add value to the policy based objectives, at the least adds value to the Industry. However when regulations are poorly crafted or poorly implemented, unnecessary regulatory burdens will result.

## **[3] THE COMMON TYPES OF REGULATORY BURDENS EXPERIENCED BY BUSINESS ARE AS FOLLOWS:**

- a) Excessive coverage by a regulation – that is, the regulation affects more activity than was intended or required to achieve its objective
- b) Subject-specific regulation that covers much the same issues as other generic regulation
- c) Prescriptive regulation that unduly limits flexibility such as preventing businesses from:
  - I. Using the latest technology
  - II. Making changes to better meet customer demand
  - III. Meeting the underlying objectives of regulation in different ways
- d) Overly complex regulation
- e) Unwieldy license application and approval processes, excessive time delays in obtaining responses or duplicative information requests
- f) An overlap or conflict in the activities of different regulators
- g) Inconsistent application or interpretation of regulation by regulators.
- h) It is important to note that the relative burden placed on small businesses may be greater than that imposed on larger businesses as they may have to devote proportionately more effort to achieve compliance. They may also be disadvantaged where regulations are anti-competitive.

#### **[4] PROBLEM STATEMENT**

- a) Delay in getting PVP despite all documents submitted. The documents must complete.
- b) Why the delay: - non calibration amongst states in petitioning immigration procedures(varies from state to state)There are multiple issues in the application. The application shall be equipped with relevant and good justification for the application and shall also substantiated with evidence of their claim (should not be the outdated)

#### **[5]. RECOMMENDATIONS**

- a. Clear guideline (non – ambiguous and straight to the subject)  
multi lingual (BM, BI, Chinese and Tamil)
- b. Call center for enquiries -(must station a dedicated officer(well versed in the subject matter)
- c. An auto response system for inadequate or insufficient documents- on line.
- d. To leverage the state Immigration offices for inspectorate reasons. (this will save the resources for HQ to conduct such Inspectorates in various states)
- e. Create a dedicated website for members and applicants to view and understand the rules and guidelines.
- f. The enforcement details, effect and consequences of the non-compliances to the rules and regulations.

## Appendix 1

PEMUDAH has received numerous complaints on delay in issuance of PVP. One of the company that came forward and required PEMUDAH facilitation is ESD Integrated Cold Chain Logistics Sdn Bhd. The chronology of the case study is as follows:

Bil.	Tugasan	Tarikh
1.	Sekretariat PEMUDAH mendapat isu daripada Syarikat ESD Integrated Cold Chain Logistics Sdn Bhd. (ICCL) berkenaan permohonan pas penggajian Pegawai Dagang dari Bahagian Khidmat Ekspatriat (ESD), Jabatan Imigresen Malaysia (IMI). Pada hari yang sama, sekretariat PEMUDAH mengadakan perbincangan secara dalam talian bersama En. Selva untuk tindakan seterusnya	7 Disember 2019
2.	En. Selva menjalankan kajian dan berhubung dengan wakil syarikat ICCL bagi memahami isu.	9 Disember 2019
3.	<ul style="list-style-type: none"> <li>• En Selva telah mendapatkan maklum balas daripada Bahagian ESD di Jabatan Imigresen Putrajaya berkenaan status permohonan syarikat. En Selva mendapatkan maklumat daripada wakil syarikat dan membantu dalam penulisan surat kepada Jabatan Imigresen Malaysia.</li> <li>• Surat dimuktamadkan dengan bantuan En Selva dan syarikat mencetak dengan menggunakan kepala surat syarikat.</li> </ul>	10 -11 Disember 2019
4.	<ul style="list-style-type: none"> <li>• En Selva pergi ke Jabatan Imigresen Putrajaya bagi bertemu wakil bahagian ESD bagi membuat semakan status permohonan.</li> <li>• En Selva mendapat permohonan asal syarikat telah ditolak kerana syarikat mengemukakan lesen Majlis Bandaraya Pulau Pinang (MBPP) yang telah tamat tempoh. Malangnya, sebab penolakan tidak dimaklumkan di dalam sistem ESP, menyebabkan syarikat tidak pasti akan tindakan susulan yang perlu dilaksanakan.</li> <li>• En Selva telah memaklumkan sebab penolakan kepada syarikat untuk tindakan susulan.</li> <li>• En Selva memohon kepada ESD untuk membenarkan sistem dibuka semula bagi membolehkan syarikat memuatnaik dokumen terkini.</li> </ul>	11 Disember 2019
5.	En. Selva pergi ke Jabatan Imigresen Putrajaya (dengan kenderaan sendiri) bagi menyerahkan surat kepada Bahagian ESD	24 – 30 Disember 2019
6.	En. Selva membantu syarikat untuk menyediakan dokumen lengkap untuk dihantar kepada Jabatan Imigresen	31 Disember 2019

Bil.	Tugasan	Tarikh
7.	En. Selva membuat susulan bersama syarikat berkenaan status permohonan semula syarikat bersama wakil syarikat. Wakil syarikat memaklumkan permohonan mereka diluluskan.	15 Januari 2020

## **Selvaraja Chinniah**

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**14hb Oktober 2020**

