

Frequently Asked Questions on Spouse Status & Spouse Programme

1 Q	Is it true that as long as you are a Malaysian spouse, you will definitely be entitled to a spouse dependent's permit?
A	No, that is not true. If your Malaysian partner does not hold a job and have no proof of financial independence, the spouse will not be eligible for dependent's visa and neither will the child if he is not Malaysian. He or she will have to enter with a social visit pass which is normally 3 months but that can be reduced to one month if country's passport he/she is holding is that of a blacklisted national. You can only apply for a dependent's visa only once the Malaysian partner has a job. Meanwhile the spouse and the child will have to apply for the 6 months long-term visa.
2 Q	If the Malaysian partner has a job, how long will the dependent's visa be approved for?
A	The type of visa in this case is called the Long Term Social Visit pass. Upon arrival of the spouse on a social visit pass, you apply to convert that into a Long Term Social Visit pass. This pass is given for only 6 months and renewable after six months. The children are also subject to the same rules. The 6 months visa will be converted to a 1 year visa after a year.
3 Q	Can a spouse, on a dependent's visa, work?
A	Yes, if he can find a local sponsor. Once he gets a letter of offer, he can then apply to have his dependent's visa converted to a spouse programme work permit. The length of the visa will be 6 months renewable without questions for another 6 months for the initial year. Thereafter for the second year, you will have to re-apply and upon approval, the length will normally be 1 year though the determination of the length of the visa is still at the discretion of the Immigration Officer in charge. This is not applicable to spouses of foreign expats who is in Malaysia on a spouse dependent's visa.
4 Q	Does the local sponsor company have to be capitalized at RM250,000?
A	No, any local company can sponsor a Malaysian spouse. The RM2 paid up capital requirement may be increased to RM100,000.
5 Q	Does the spouse have to have specific skills like other expatriates in order to qualify for the work permit?
A	No, any company can offer any type of job to a Malaysian spouse, even typist or receptionist.
6 Q	Is there a minimum salary that is required for immigration purposes?
A	At the moment, there is no minimum but it must be market value for the post applied for and the applicant will have to pay personal income tax. There has been a proposal for a minimum salary of RM3,500 recently but has not been confirmed as of the date of this FAQ (28.11.2005)
7 Q	Why is it so difficult to get a local company then to employ a spouse if it seems relatively simple?
A	Most local companies do not know much about work permit and immigration matters and are afraid to get into a contract that would have the possibility of landing them into problems with the authorities. They do not know how to go about applying for the permit and the charges and assumes that it is costlier than employing a normal local. They also assume that the foreign spouse will demand more money than the local and therefore do not desire to pursue the employment any further.

8 Q	Is there a way to convince them otherwise?
A	Yes, you would have to volunteer to pay and process your work permit. Our company does provide sponsorship for genuine spouses with this difficulty in order to facilitate the employment process and save the spouse the inconvenience of having to worry about doing visa runs and extensions.
9 Q	If the spouse can't find a job sponsor and the business set up is too costly a liability, what other alternatives would he have?
A	The alternative is still to get a local sponsor; a company willing to sponsor the spouse for a fee so that the spouse can remain in the country long enough, without having to worry about visa problems, to find a genuine employer and later on transfer to the new employer. You can contact info@massongroup.com for such a service. This alternative is only available to genuine spouses and not marriage of conveniences.
10 Q	When a spouse changes jobs, does the cooling period apply?
A	No.
11 Q	How easy is it to transfer a spouse permit from one company to another?
A	The application for the transfer will be considered as a new application altogether. One additional document you would need is a release letter from the transferring employer. Without that, it may pose a problem. Otherwise, it should not be difficult. The old employer must terminate your work visa under their company before the new company can take you on.
12 Q	Can a spouse apply for an EP – Professional pass and get a 2 year work permit?
A	Once you register with Immigration as a spouse, you cannot change that category of application in future. You will be stuck with the 1 year until there is further change in the Immigration guidelines. If you wish to get an EP, then you should apply for it right at the beginning and keep the spouse info. away from the Immigration or you will be forced to go through that route. Usually, if the couple intends to set up business, you can apply for the EP using your company (which you set up) as your sponsor. Most spouses find out a bit too late this information when they finally decide to go into business for themselves. Conditions as stated in the company formation FAQ still apply. The business set up FAQ is available upon request.
13 Q	Can my partner get a PR after 5 years in Malaysia?
A	The pre-requisite period is 5 years but nonetheless, it is still very difficult to get a PR as there are many other criterias. If the spouse is Muslim, chances are good. If not, you can submit an application and wait for years before you are given a PR. Most of the time, it is rejected. PRs are given out at the discretion of the Home Ministry and there are some unconventional ways to obtain one.
14 Q	What happens when the spouse is divorced from the Malaysian partner?
A	There is no specific guideline for this situation but in some cases, the Malaysian partner can continue to sponsor the spouse where the Immigration Dept. has not updated their system with the divorce. Otherwise, a divorced spouse will have to get another sponsor elsewhere or set up business to sponsor herself/himself.

15 Q	What should we expect when we go and apply to the Immigration Dept.?
A	A long waiting queue so allow ½ day for each visit, and numerous trips if the Immigration Officer is uncooperative or in a bad mood. If the counter personnel is not helpful, DO NOT lose your temper with him as he can make you do a few more runs to the Immigration Dept. than necessary. Both parties should be present for the submission. Immigration offices outside of KL will be less cumbersome as it is less crowded.
16 Q	What about migrating to Sarawak and Sabah?
A	Sabah and Sarawak immigration is independent of the West Malaysian Immigration Department so anyone wishing to work there, who's not local, will have to apply for a permit with the local immigration there, including West Malaysians. We apologise but we do not provide services for spouse permit in East Malaysia.
17 Q	How much will it cost if Masson were to process the application for getting the spouse permit and what are the chances that the application will be approved?
A	Our service fee is RM2,500 for a year's approval exclusive of government visa fees. Our success rate is 100% and we intend to keep it that way by assessing the client's qualifications and not taking up any case that we feel may not be successful. In terms of putting our money where our mouth is , we charge a fee of RM800 for disbursements & documentation fee where we fail to secure an approval for our clients.
18 Q	What other fees or cost should I be aware of?
A	For initial year, the levy is now increased to RM1,800. If and when you can prove that you have paid local taxes e.g. tax payment receipts, then for the second year, the visa fee will be between RM250 and RM500.