

GUIDELINES ON WORK PERMIT APPLICATION IN LABUAN IBFC FOR LICENSED ENTITY

1.0 Introduction

- 1.1 The purpose of the Guidelines is to facilitate the application of work permits for expatriates working for a licensed entity in Labuan International Business and Financial Centre (Labuan IBFC).

2.0 Applicability

- 2.1 The Guidelines is applicable to all Labuan licensed entities which are licensed, or registered under Labuan Financial Services and Securities Act 2010 (LFSSA) or Labuan Islamic Financial Services and Securities Act 2010 (LIFSSA).

3.0 Legal Provision

- 3.1 The Guidelines is issued pursuant to section 4A of Labuan Financial Services Authority Act 1996 (LFSAA).
- 3.2 Any person who fails to comply with the Guidelines may be guilty of an offence punishable under Section 36B and 36G of the LFSAA.
- 3.3 The Guidelines should be read in conjunction with the provisions of the relevant Labuan laws as well as written directions, guidelines and circulars that Labuan FSA may issue from time to time and any related policies issued by Immigration Department of Malaysia.

4.0 Effective Date

- 4.1 The Guidelines shall come into effect on 1 March 2015 and would remain effective and applicable unless amended or revoked.

4.2 With the issuance of the Guidelines, the following policy documents are superseded:

4.2.1 Circular on Applications for Work Permit for Expatriates Working in Labuan Companies issued on 2 June 2010 (Circular No. 109/2010/ALTC);

4.2.2 Circular on Applications for Work Permit for Expatriates Working in Labuan Companies issued on 6 July 2011 (Circular No. 124/2011/ALTC);

4.2.3 Guidelines on Work Permit Applications in Labuan IBFC issued on 6 July 2011; and

4.2.4 Circular on Clarification of the Guidelines on Work Permit Application in Labuan IBFC issued on 15 July 2011 (Circular No. 126/2011/ALL).

5.0 Eligibility Criteria

5.1 The expatriate shall be paid a minimum salary of RM10,000 per month or its equivalent in any foreign currency.

5.2 The application for work permit should be in respect of the following positions in Labuan entity as specified by the Immigration Department of Malaysia:

5.2.1 Top management e.g. Executive Director, Managing Director, Principal Officer, Chief Executive Officer, Chief Financial Officer, Chief Operating Officer.

5.2.2 Professional e.g. Accountant, Lawyer, Consultant, Underwriter, Economist, Advisor, Engineer, Actuary, Trader (for those employed under Labuan International Commodity Trading Company).

5.2.3 Technical expert e.g. IT Specialist or other specialists related to Labuan trading activity.

5.3 The applicant should have the corresponding competencies or relevant working experience related to the position applied in line with the fit and proper requirements as per the Guidelines on Fit and Proper Person Requirements issued by Labuan FSA.

5.4 The applicant who will be employed as a Financial Advisor and Business Development Manager/Coordinator of Labuan life insurance broking companies must comply with the requirements under the Supplementary Guidelines on Standards of Certification for Labuan Financial Advisor under the Employment of Labuan Life Insurance Broking Companies issued by Labuan FSA on 31 December 2012.

6.0 Application Requirement

6.1 An application for work permit shall be submitted to Labuan FSA according to the latest checklist provided by Immigration Department of Malaysia which is downloadable from Labuan FSA's website (<http://www.labuanibfc.com>) and supporting documents must be certified by the following authorised officer in Malaysia:

- 6.1.1 Commissioner for oaths;
- 6.1.2 Notary public;
- 6.1.3 Certified public accountant;
- 6.1.4 Advocates or solicitor;
- 6.1.5 Company secretary; or
- 6.1.6 Malaysian/foreign embassies.

Where documents are not in the national language of Malaysia or in English, it must be accompanied with duly certified/notarised English translated version of the documents. The translation of the documents can be made in the country where the applicant is residing and certified by Malaysian high commission/embassy in the country.

6.2 Application for work permit may be submitted to Labuan FSA through the following:

- 6.2.1 The Labuan licensed entities on behalf of its employee;
- 6.2.2 A Labuan trust company;
- 6.2.3 The Labuan insurance managers or Labuan underwriting managers; or
- 6.2.4 The Labuan takaful managers or Labuan takaful underwriting managers.

6.3 All Labuan entities under paragraph 6.2 must provide a Statutory Declaration in relation to Work Permit Application (SD) as attached in the Appendix together with a copy of document as a proof that due diligence process has been conducted by attaching, World-check result or its equivalent to support the application and declare that they have conducted the necessary due diligence on the applicant and satisfied with the result thereof.

6.4 For renewal application, the applicant is required to submit to Labuan FSA according to the latest checklist provided by Immigration Department of Malaysia which is downloadable from Labuan FSA's website (<http://www.labuanibfc.com>) including the following:

- 6.4.1 Certified true copy of the latest three months' salary slip and bank statement.
- 6.4.2 A Certificate of Good Conduct issued by Ministry of Foreign Affairs Malaysia.
- 6.4.3 Letter from Inland Revenue Board of Malaysia (IRB) to verify the tax reference number of the applicant and the applicant has duly submitted the tax return to IRB.

- 6.5 The application for work permit must be submitted together with a non-refundable processing fee of RM1,000/USD350.

7.0 Operational Requirement

- 7.1 The applicant from high-risk jurisdiction as listed by the Financial Action Task Force (<http://www.fatf-gafi.org>) and other countries as may be specified by Labuan FSA may be required to attend an interview session which will be conducted by Labuan FSA.
- 7.2 The applicant is required to provide the address of the company/employer and the residential address in Malaysia, as required by the Immigration Department of Malaysia. The company's address/employer's address must be an office that falls under one of the following category:
- 7.2.1 Operational office in Labuan;
 - 7.2.2 Marketing office as per the Guidelines on the Establishment of Marketing Office in Kuala Lumpur and Iskandar Malaysia;
 - 7.2.3 Co-located office as per the Guidelines on Co-location of Labuan Banks and Guidelines on Co-location of Labuan Insurance and Takaful Licensee, where relevant; or
 - 7.2.4 Operational office as per the Guidelines on the Establishment of Labuan International Trading Company under the Global Incentives for Trading Programme.
- 7.3 The registered office address shall not be used as residential address for renewal application. However, once approved, the Labuan entity under paragraph 6.2 is required to provide the applicant's residential address in Malaysia to Labuan FSA certified by its authorised officer within 30 working days from the date of approval.
- 7.4 The recommendation for work permit application is for a maximum period of two years. Renewal of application must be submitted to Labuan FSA at least three months before the work permit expires.
- 7.5 All Labuan entities under paragraph 6.2 are required to notify Labuan FSA for any change to the applicant's address in Malaysia within 30 working days from the date of change.

8.0 Compliance Requirement

- 8.1 The applicant shall **ONLY** undertake activities as specified under the Labuan laws including Labuan Companies Act 1990, LFSSA, LIFSSA and other relevant laws.
- 8.2 The approved work permit is only allowed to be used to undertake activities of the Labuan entity.
- 8.3 All applicants must also comply with fit and proper requirement as specified in the Guidelines on Fit and Proper Person Requirements issued by Labuan FSA.
- 8.4 Failure to adhere to these compliance requirements may result in revocation of the recommendation for work permit by Labuan FSA and initiation of other punitive measures by Labuan FSA, relevant domestic regulators and law enforcement agencies in Malaysia.

9.0 Submission for Application and Enquiries

- 9.1 Any submission of application, notification or enquiry on the application for work permit may be forwarded to the following contact details:

Director
Business Management Department
Labuan Financial Services Authority
Level 17, Main Office Tower
Financial Park Complex
Jalan Merdeka
87000 Federal Territory of Labuan

Telephone no. : 087 591200
Fax no. : 087 453442/413328
Email : bou@labuanfsa.gov.my

Labuan Financial Services Authority
25 February 2015

Statutory Declaration in Relation to a Work Permit Application:

Name of Applicant: _____
Name of Labuan Company: _____
(Co. No.: _____ **)**

I,of NRIC/Passport No:....., an authorised officer do hereby solemnly and sincerely declare, for and on behalf of _____(name of Labuan Licensed Entity) that in relation to the above application-

- a. I have taken reasonable measures to verify by reliable means:
 - i. the identity of the above Applicant; and
 - ii. the authenticity and originality of the documents and information submitted in relation of this application.
- b. I have conducted relevant vetting on the Applicant and satisfied that the Applicant fulfilled the relevant requirements of fit and proper person as stipulated by Labuan FSA.
- c. I have sighted, verified and have in our possession relevant documents in relation to paragraph (a) and (b) above and Labuan FSA may request or inspect the documents at any time for any purpose.
- d. All information or document submitted to Labuan FSA or the Malaysian Immigration Department for this application is valid and genuine.
- e. I am satisfied that all requirements of the relevant laws and regulation in respect to the above application have been complied with and hereby recommend for this application.

I make this solemn declaration conscientiously believing the same to be true and knowing that it is of the same force and effect as if made under oath by virtue of the provisions of the Statutory Declaration Act 1960.

Subscribed and solemnly declared by
the above named

At

In the State of

This ...day of 20..

.....

Signature

Before me,

.....
(Commissioner for Oath)