

NAVIGATING LEGAL REQUIREMENTS – LIVING IN SARAWAK, MALAYSIA

Introduction

Nestled on the lush island of Borneo, Sarawak beckons with a harmonious blend of natural splendour, cultural richness and warm hospitality. Its verdant rainforests, pristine coastlines and diverse wildlife offer a captivating backdrop for exploration, while its vibrant indigenous heritage and modern dynamism create a tapestry of experiences that enchant and inspire. Welcome to Sarawak, where every moment is a celebration of nature, culture, and the spirit of adventure.

Living in Sarawak, Malaysia, is an enticing prospect for many, with its rich cultural heritage, stunning natural landscapes, and vibrant communities. However, before making the move, it is crucial to understand the legal requirements involved.

From immigration regulations to property or land ownership laws, here is a comprehensive guide to what you need to know about living in Sarawak. Having said the same, it is worth to note that these legal requirements might change from time to time, thus it is best for any party concerned to consult legal experts for the latest applicable legal requirements for such matter.

Further to the above and to add on the edge of understanding to this article, it is worth to note that this article will be focusing on the legal requirements on the long-term residency in Sarawak, Malaysia instead of a brief vacation on this beautiful land of Borneo.

Understanding Immigration Regulations

Immigration requirements (legal and formal documentation) are among the main issues to be considered thoroughly for those who are interested in living in Sarawak. As Sarawak is part of Malaysia, individuals from other countries must adhere to Malaysian immigration laws

when relocating to Sarawak. The primary legal document required for long-term residency is a valid visa or permit. There are several types of visas available, including:

Social Visit Pass (Long Term): This visa is suitable for individuals planning to stay in Sarawak, Malaysia for an extended period for purposes such as study, business or retirement.

Employment Pass: For foreign nationals seeking employment in Sarawak, an employment pass is necessary. This is typically sponsored by a Malaysian company or employer.

Malaysia My Second Home ("MM2H") Programme: This programme is designed for foreigners who wish to retire or live in Malaysia long term. Participants must meet specific financial criteria and fulfil other requirements to be eligible.

To know about this programme, the readers may access the official Government of Malaysia's Website through this link, whereby all of the requirements and necessary information have been laid down for general information: <https://smm2h.sarawaktourism.com>. Application to live in Sarawak through this programme can be submitted via 'Direct Submission' or 'Assisted Submission'. The following are the brief notes with regards to these means of submission:

o Direct Submission

- The Applicant must submit the application documents themselves to One-Stop Center, Ministry of Tourism, Creative Industry and Performing Arts Sarawak ("**MTCP**") located at Level 16, Right Wing, Bangunan Baitulmakmur 2, Medan Raya, Petra Jaya, 93050 Kuching, Sarawak.
- All applications must be bonded by a sponsor who originate from and is currently staying in Sarawak.
- The sponsor can only sponsor one (1) application.
- All information regarding Sarawak Malaysia My Second Home ("**S-MM2H**") can be downloaded from the MTCP website.

o Assisted Submission

- The submission of application by third parties for the MM2H programme is only authorised to MM2H Licensed Agents.
- All applications must be bonded by a MM2H licensed agent that are registered in Sarawak only.
- A list of registered MM2H licensed agents is available on the MM2H centre website.

Student Pass: Students enrolling in educational institutions in Sarawak require a student pass, which is usually arranged by the institution. This pass in general will end once the study period ended, and in most cases, may be changed to employment pass if the students secure any jobs in Sarawak.

Property or Land Ownership Laws

Foreigners looking to buy property in Sarawak, Malaysia should be aware of certain legal restrictions. The National Land Code governs land ownership in Malaysia, and specifically for Sarawak, the legal framework governing land ownership in Sarawak is primarily governed under the Sarawak Land Code 1958. Apart from that, the Guidelines on the Acquisition of Properties and any directives issued by the State government are also relevant sources to be referred to in respect of the matter pertaining to the property/land ownership in Sarawak, Malaysia. Key points to note include:

Non-Citizen, Native and Non-native Property or Land Ownership: Non-citizens are restricted from owning certain types of land. However, they can purchase residential properties subject to approval from the state authorities. Specifically for Native Sarawakian, they hold a bigger opportunity in owning the property or land in Sarawak based on the categories of property or lands available under the Sarawak Land Code 1958. On the other hand, non-natives (but with Malaysia citizenship) have certain restrictions in buying property or land in Sarawak, mainly on the type of the property or land which they can own. This category of restriction is essential in safeguarding the cultural identity, distinctive values, and ancestral inheritance of the indigenous communities in Sarawak.

Categories of Property or Lands in Sarawak: Lands in Sarawak can be classified into five (5) different categories i.e. as follows:

- **Mixed Zone Land** - land that may be held by Malaysian citizens or permanent residents in Sarawak (be it natives or non-natives);
- **Native Area Land** - land held by natives under a registered document of title;
- **Reserved Land** - land reserved by the Government under Section 38 of the Sarawak Land Code 1958 or prior corresponding laws, that is comprised within a National Park, Forest Reserve, Protected Forest or Communal Forest, and is occupied by the Federal or State Government;
- **Native Customary Land** - land in which customary rights, whether communal or otherwise, have lawfully been created prior to 1 January 1958 and still subsists today; and
- **Interior Area Land** - land which is not specified within the four (4) categories above. It is the only type of land over which the natives can create new native customary rights.

Generally, non-citizens are prohibited from owning land in Sarawak. The prohibition extends to acquiring residential properties categorised as low-cost and low-cost plus land, vacant lands (without buildings), landed commercial properties, and properties reserved exclusively for sale to natives, etc. 'however, exceptions exist for land that falls under the Special Development (Exemption and Prohibitions of Foreign Interests) Areas pursuant to **Section 13E (2)(a) of the Sarawak Land Code 1958** and for land that falls under the exceptions of **Section 13B, 13C, and 13D of the Sarawak Land Code 1958**.

Further to the above, it is worth to note that, non-natives are prohibited from acquiring native land, (i.e. lands under the categories of Native Area Land, Native Customary Land, and Interior Area Land).

Approval Process: Foreigners must obtain approval from the state authorities, such as the Sarawak's Land and Survey Department, before purchasing property or land in Sarawak. This process involves submitting relevant documents and complying with the necessary legal requirements.

Employment Regulations

For individuals planning to work in Sarawak, understanding employment regulations is essential. Key aspects of employment law in Sarawak include:

Work Permits: Foreign nationals require a valid work permit or employment pass to legally work in Sarawak. Employers typically sponsor these permits.

Labour Laws: Sarawak's labour matters are mainly governed by Sarawak Labour Ordinance 1958 which among others cover aspects such as working hours, minimum wages, employee benefits, and termination procedures.

Taxation: Employees in Sarawak are subject to Malaysian tax laws, including income tax and social security contributions.

Healthcare and Education

Accessing healthcare and education services is a crucial aspect of daily life in Sarawak. Here are some legal considerations:

Healthcare Services: Sarawak has a comprehensive healthcare system, including public hospitals, clinics and private healthcare providers. Expatriates and foreign residents may need health insurance coverage to access certain services.

Education: Sarawak offers a range of educational institutions, including international schools and universities. Foreign students may require a valid student pass to enroll in these institutions.

Cultural and Social Integration

Beyond legal requirements, integrating into Sarawak's cultural and social fabric is key to a fulfilling experience. This involves:

Respect for Local Customs: Understanding and respecting local customs, traditions, and etiquette can facilitate smooth interactions with the community.

Language: While English is widely spoken, learning basic phrases in Bahasa Malaysia (the national language) and local dialects can enhance communication and cultural immersion.

Community Engagement: Participating in community activities, festivals, and events fosters connections and enriches the overall living experience in Sarawak.

Conclusion

In conclusion, living in Sarawak offers a blend of natural beauty, cultural diversity and unique experiences. By understanding and adhering to the legal requirements outlined above, individuals can embark on a rewarding journey in this captivating region of Malaysia.

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