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The Legal 500 Country Comparative Guides Indonesia **CORPORATE IMMIGRATION**

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This country-specific Q&A provides an overview of corporate immigration laws and regulations applicable in Indonesia.

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INDONESIA

CORPORATE IMMIGRATION



1. What are the relevant government entities relating to immigration in your jurisdiction?

a. Directorate General of Immigration (DGI) and local immigration offices (under the Ministry of Law and Human Rights).

The Directorate General of Immigration (DGI) and local immigration offices are responsible for issuing and supervising the visit visas, stay visas and stay permits of foreigners in Indonesia.

b. The Ministry of Manpower

The Ministry of Manpower is the government body responsible for issuing and supervising the foreign employee utilisation plan and foreign manpower work permit in Indonesia.

c. Civil Registration Office (Under the Ministry of Home Affairs)

Foreigners working in Indonesia and their dependants must have a Certificate of Temporary Residence from the civil registration office. The civil registration office uses the certificate to monitor the foreigners in their area.

2. What are the options available for sponsor-based employment in your jurisdiction and timelines involved in securing a work permit?

1. Business Visa

- a. Single Entry Business Visa: valid for the first two months and can be extended up to four times. The total validity of the Single-Entry Business Visa is a maximum of 180 days. As the name implies, the Single-Entry Business Visa's validity period ends after you leave Indonesia's territory. (Please refer

to point 9 below for the allowed business activities)

- b. Multiple Entry Business Visa: Multiple Entry Business Visa allows you to make repeated business visits to Indonesia. This type of visa is valid for up to 1 year and has a residence permit for 60 days on each arrival and cannot be extended for more than 60 days per stay period. So, you must leave the territory of Indonesia no later than the 60th day, then you will be allowed to re-enter the territory of Indonesia. (Please refer to point 9 below for the allowed business activities)

2. Limited Stay Visa (Kartu Izin Tinggal Terbatas/KITAS) Working in Indonesia as a foreign resident requires a Work Visa or work permit, which involves sponsorship from an Indonesian company. The maximum validity period of the KITAS Work Visa is two years and can be extended up to 5 years (the sponsoring company must be the same).
3. Permanent Stay Visa (Kartu Izin Tinggal Tetap/KITAP) After five years, KITAS holders are entitled to apply for a Permanent Stay Visa, which is valid for 25 years, and must be re-validated every five years. Only retired people do not need a KITAS to apply for a KITAP. It is The local immigration office discretion to determine how each KITAP will be approved. Visa conversion begins with submitting an official letter addressed to the immigration office for conversion while the KITAS is renewed.

3. What are the primary options available for unsponsored work and investment in your jurisdiction?

Foreigners are not allowed to undertake any work

activities in Indonesia without a work permit. A work permit always requires a sponsor company. The following options are available for unsponsored travels to Indonesia i.e. Visa exemption and Visa on arrival.

Visa exemption

Residents of 169 countries can enter Indonesia without needing an entry visa (so-called visa exemption), and this is regulated under Ministry of Law and Human Rights (MLHR) Regulation No. 21 of 2016. Foreigners entering Indonesia under a visa exemption can stay in Indonesia for a non-extendable period of up to 30 days.

Article 3 of MLHR Regulation No. 17 of 2016 regulates the business activities allowed under a visa exemption are limited to:

- a. Performing government duties.
- b. Attending seminars.
- c. Following an international exhibition.
- d. Attending a meeting held in headquarters or with representatives in Indonesia. In practice, immigration officers still require a visa on arrival or business visa (see below) to attend business meetings.

Visa on arrival (VOA)

VOA is available for residents of 67 countries under MLHR Regulation No. 21 of 2015. A foreigner can apply for a VOA directly at the airport when entering Indonesia before passing through immigration. The VOA is valid for up to 30 days and can be extended once for a maximum period of 30 days. To secure an extension, the foreign person must attend an interview and a biometric session at the local immigration office.

Article 10 (1) of the MLHR Regulation No. 27 of 2014 allows foreign visitors to undertake the following business activities under a VOA:

- a. Perform government duties.
- b. Attending business meetings.
- c. Buy goods.
- d. Attend seminars.
- e. Follow an international exhibition.
- f. Attend a meeting held in headquarters or with representatives in Indonesia.

4. What are the requirements for becoming a sponsor of employment-based migrants and what are the role and reporting duties of sponsors?

The working permits and working visas can only be given

to the foreigner who intended to invest in Indonesia or working as experts. The Government limits the position for foreigners.

The sponsor/guarantor are responsible for the presence and activities of foreigners who are guaranteed during their stay in the territory of Indonesia. The guarantor is required to report any changes in civil status (birth, death, marriage), immigration status, and evolution of address. The guarantor is also obliged to pay the costs incurred to repatriate or deport the guaranteed foreigner from the territory of Indonesia. Sponsor/guarantor must be registered in the Director-General of Immigration with required documents i.e. ID card, family card, and birth certificate.

5. Are applications filed electronically, or paper base? Is a physical visa/work permit document issued or is an electronic approval issued?

The application for e-Visa is submitted online. To cut bureaucratic procedures, the applicant and the guarantor will not be required to appear in person and the visa will be sent directly via email. Once the foreign citizens receive their e-Visa, they can immediately travel to Indonesia.

The steps to apply for the Indonesian e-Visa are as follows:

1. Visit <https://visa-online.imigrasi.go.id/>
2. Register
 - o Enter data and upload required documents (individual/ corporation)
 - o Wait for the email notification which contains the username and password
3. Apply for Visa
 - o Log in using the username and password
 - o Select the type of visa you wish to apply for, enter data, and upload required documents
 - o Pay the submission fee (Penerimaan Negara Bukan Pajak) (non-refundable)
 - o If the application is approved, a notification will be sent via email

6. Is an in-person attendance/interview required as part of the visa/work permit application process? Is an individual

required to enrol their biometrics (digital photo, fingerprint scan) as part of the visa/work permit process?

Yes, a direct presence/interview is required for the visa/work permit application process, and to do biometrics. Without biometrics, the visa application will not be processed.

7. What persons qualify as dependants? Can dependants work based on their dependant visa status? Are there any restrictions?

The immigration law in Indonesia does not specifically define the qualification of a dependant. However, a spouse and children under the age 18 who have not been married, may be given a Limited Stay Permit to conjoin the foreign worker. The Limited Stay Permit is only intended to stay and to work the dependant must apply the Working Permit.

8. What is the general time frame and processes for obtaining permanent residence and citizenship for sponsored and unsponsored business-related immigration?

A foreigner who can be granted a permanent stay permit are newborn child from parents who holds a limited stay permit and foreigner who holds a limited stay permit which are limited to as follows:

- a. Clergyman (which have stayed in Indonesia for 3 consecutive years);
- b. Foreign worker (limited to foreign workers who holds a high ranking position in the company and/or chief of a foreign representative office operating in Indonesia and have stayed in Indonesia for 3 consecutive years)
- c. Investor
 - o If the foreigner holds a position in the company, the minimum investment is IDR 1,000,000,000 or its equivalent in foreign currency (have stayed in Indonesia for 3 consecutive years);
 - o If the foreigner does not hold a position in the company, the minimum investment is IDR 10,000,000,000 or its equivalent in foreign currency (have stayed in

- d. Foreign tourist over 55 years old (have stayed in Indonesia for 3 consecutive years);
- e. A spouse who conjoins with his/her spouse who holds a permanent stay permit (with a minimum of 2 years of marriage);
- f. Unmarried children under 18 years old who conjoin their father and/or mother who holds a permanent stay permit;
- g. Ex Indonesian citizen;
- h. A spouse who conjoins with his/her spouse who is an Indonesian citizen;
- i. Children who have a father and/or mother who is an Indonesian citizen;
- j. A child with ex dual citizenship;
- k. Unmarried children under 18 years old who conjoin their father and/or mother who married an Indonesian citizen.

9. What productive type activities can a business visitor undertake and for how long?

- a. Tourism.
- b. Family visit.
- c. Social matters.
- d. Art and culture.
- e. Government tasks.
- f. Non-commercial sports.
- g. A comparative study, short course/short training.
- h. Assisting/counselling for quality control for international marketing.
- i. Emergency job.
- j. Journalistic (for the individual that holds the permit).
- k. Non-commercial film making (for the individual that holds the permit).
- l. Business discussion.
- m. Purchase of goods.
- n. Lecturing/attending a seminar.
- o. Attending an international exhibition.
- p. Meeting in a representative office.
- q. To audit/quality control/inspect the representative office.
- r. Transiting.

The maximum is 60 (sixty) days.

10. Can remote work be carried out from your country?

There is no specific regulation for remote work in Indonesia.

11. Is there a remote work or nomad visa category in your jurisdiction? If not, how likely is it that this will be implemented in future?

There is no specific regulation for this in Indonesia. Indonesia still performed a conventional way to treat a working and stay permits, therefore it is a homework for the government to prepare a specific regulation to accommodate nomad worker in Indonesia.

12. How easy is it to switch visa categories/jobs/employer from within country? And/or if made redundant, can the individual regularise their stay in another capacity and what is the timeframe allowable?

A foreign worker cannot switch either Visa, Jobs, or employer within country. To change either Visa, Jobs, or employer, the foreign employee has to revoke or withdraw the working permits first (except the permits period is over). The process of changing permits is foreign worker must get the Exit Permit Only stamp and fly out from Indonesia and get back to manage a proper visa and permits. While managing the permits and Visa the foreign employee cannot perform his job as he will be staying with the Visa as mentioned in answer point 3 above.

13. What common issues or concerns may arise for employers under business immigration in your jurisdiction?

There are two violations we often found:

- the foreign employee usually does not know that in Indonesia, a working permit have a limited working jurisdiction and working outside the working permits jurisdiction is a violation.
- The foreign employee sign corporate documents under visa exemption or VoA.

14. Is there a fast track process / certification that business can obtain to expedite visa / permit processing?

No, there are no fast-track process to expedite issuance visa or any permit.

15. What are the recent trends, both political and social (including COVID-19 pandemic), that have impacted your jurisdiction with regard to immigration policy and law? How will this shape the immigration landscape moving forward?

Currently, the government continues to issue regulations regarding the current implementation of the restriction of community activities (*Pemberlakuan Pembatasan Kegiatan Masyarakat (PPKM)*), especially the entry of foreigners in Indonesia. For example, due to the pandemic, the Immigration issued a Forced Situation Stay Permit (*Izin Tinggal Keadaan Terpaksa*). It's only given automatically for any Stay Permit holders (except Diplomatic Stay Permit and Service Stay Permit) without coming to the immigration office.

16. Are there any anticipated changes in the immigration laws of your jurisdiction?

Nowadays, to protect all Indonesian citizens from stopping the spread of Covid-19, our government has already enforced to prohibit foreigners enter Indonesia, and this policy will be adjusted with the current situation of the pandemic itself. Therefore the rapidly change of the immigration regulation or restriction during this pandemic have to be taking into account for a foreigners who want to come to Indonesia.

17. How do you see technology developing and evolving to support immigration process in the future?

Indonesia is developing online process applying a visa and permit, this change is very practical specifically in cutting bureaucratic procedures and long waiting queue in the immigration office. It will be very helpful for the applicant and in this current pandemic situation is much safer for the applicant to apply without worry for the virus. Besides the online process system, integrated data system is also thinking to be noted as with this nowadays technology, there will be the same database in province and state level as well so that it can prevent the violation of the misuse of working or stay permits.

18. What are the Right to Work requirements in your jurisdiction?

Our constitution regulates the Right of Work are (i) have the right to work and getting paid with decent wages; and (ii) fair and proper treatment in working relationship.

19. What are the types of civil and criminal penalties employers may face for non-compliance with immigration rules i.e. employing an individual who does not have the Right to Work?

According to the Manpower Law No. 13 of 2003 Article 165, the sanction for employers who employ foreign workers without obtaining permission from the Minister would be given minimum imprisonment of 1 (one) year and a maximum of 4 (four) years and/or a minimum fine of IDR.100,000,000.00 (one hundred million rupiahs) and a maximum of IDR400,000.000(four hundred million rupiahs).

20. Are there any quota and / or labour market testing requirements in your jurisdiction and if so, what do they involve?

There is no labour market testing requirement. All foreigner who wants to recruit must be expert and experienced in the job area needed.

21. Are there any exit procedures in your jurisdiction, if an individual is departing permanently?

We assume that procedure for Indonesian who wants to change their nationality. In these terms, a person who is undoubtedly 18 years old or already married must arrange an application to the Indonesia Government. After going through the existing process according to regulations, and the government declares the document is complete, The President will decide the loss of Citizenship of the Republic of Indonesia.

22. Are there any requirements for medical

certificates or vaccinations for your jurisdiction?

There are no other vaccines required to enter Indonesia besides COVID-19 Vaccine, it is subject to change to adjust with the current situation of the pandemic.

23. Is a local contract of employment required in order to obtain a work based visa or work permit? Are there salary or other thresholds to be met?

For the worker to obtain the working permit, the employers need to gain the Expatriate Manpower Utilization Plan (RPTKA), where the applicant must submit the draft of the employment contract or other agreement to the Ministry of Labor. The threshold is the employee (foreign or local) cannot be paid under the minimum wage regulation.

24. What are the maximum periods of stay for individuals on an employment based visa / work permit?

The maximum periods of stay for individual on an employment who namely foreign worker is 2 years and could extend with maximum 6 years.

25. What are the most positive aspects of your immigration system compared to the rest of the world?

Indonesia immigration system still working to developing the online system. Therefore, in our view, this is a positive step that can change the conventional perspective of obtaining a visa or permits. Although it is not perfect yet, it is a value-added aspects compared to other developing countries.

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