

## Republic of Indonesia

### Executive Summary

Indonesian law offers several visas to allow foreign nationals to enter for business purposes. For working in Indonesia, however, foreign nationals generally must be sponsored by an Indonesian entity to allow them to enter Indonesia using a Limited Stay Visa. The sponsoring entity also needs to obtain a work permit.

### Key Government Agencies

The Immigration Attaché at an Embassy or Consular Office of the Republic of Indonesia or other designated official such as a Visa Officer is authorized to issue or refuse requests for Visit Visas and Limited Stay Visas.

Visa issuance must be in accordance with the decision of the Director General of Immigration (“DGI”) on behalf of the Minister of Law and Human Rights (“*Kementerian Hukum dan Hak Asasi Manusia*” or “*MOLHR*”). The DGI may fully authorize the Visa Officer to issue or reject applications for Visit Visas.

The Ministry of Manpower and Transmigration (“*Kementerian Tenaga Kerja Dan Transmigrasi*” or “*MOMT*”) processes applications for work permits.

Admission to Indonesia remains under the authority of the Immigration Officer at the port of entry. A Visit Visa may be issued at an immigration check point.

## Business Travel

Foreign nationals coming to Indonesia for business trips may use a Visit Visa (Single Entry or Multiple Entry), a Visit Visa on Arrival or a Non-Visa Short Term Visit facility.

### *Visit Visa (Single Entry or Multiple Entry)*

A Visit Visa is provided for non-working purposes including all aspects related to governmental duties, tourism, socio-cultural visits, business visits (but not for working) with a stay of sixty days at the maximum for the Single Entry Visit Visa. Multiple Entry Visit visas can be granted if the activities concerned require several visits to Indonesia, with a maximum validity period of 1 year and with a stay of no longer than sixty days for each visit. Examples of activities permissible for a holder of a Visit Visa are:

- Visit in relation to a cooperation between the Government of Indonesia and another Government;
- Tourism;
- Family or social;
- Inter educational institutions;
- Participating in a short training;
- Carrying out journalism activities that have received a permit from the competent institution (not applicable for multiple Visit Visa);
- Making a non-commercial film that has received a permit from the competent institution (not applicable for multiple Visit Visa);

- Conducting business discussions, such as sale and purchase of goods and services, and quality control of production;
- Giving lectures (seminar) or joining non-commercial seminars related to social, culture or governmental matters, that has received a permit from the competent institution;
- Participating in a non-commercial international exhibition (not applicable for multiple Visit Visa); or
- Attending meetings with headquarters or the representative in Indonesia.

#### Non-Visa Short Term Visit

Citizens of Thailand, Malaysia, Singapore, Brunei Darussalam, Philippines, HongKong SAR, Macau SAR, Chile, Morocco, Peru, Vietnam and Ecuador are entitled to enter Indonesia on Non-Visa Short Term Visits. This status can be used for the purpose of tourism, socio-cultural visits, business visits (but not for working) and government duties. It can be used for a stay period of thirty days at the maximum.

This visa cannot be extended or converted to other types of visa. The regulations on Non-Visa Short Term Visits do not list examples of activities allowed to be performed by a Non-Visa Short Term visitor. However, it is generally accepted that the type of activities that can be performed by this kind of visitor are the same as those of the holder of a Visit Visa.

## *Visa Waiver*

### Visit Visa on Arrival

Citizens of sixty four countries may also obtain a Visit Visa on Arrival to enter Indonesia. The Visit Visa on Arrival is provided for the purpose of tourism, socio-cultural visits, business visits (but not for working) or governmental duties and will be given on arrival in Indonesia with a stay period of 30 days, which can be extended for another 30 days with approval from the Director General of Immigration. The Visit Visa on Arrival can be given at the determined Special Economy Area.

The types of activities that can be performed under Visit Visa on Arrival are theoretically the same as those of a Visit Visa.

Citizens of the following countries are presently qualified under this program: South Africa, Algeria, United States of America, Argentina, Australia, Austria, Bahrain, Belgium, The Netherlands, Brazil, Bulgaria, Czech Republic, Cyprus, Denmark, the United Arab Emirates, Estonia, Fiji, Finland, Hungary, India, England, Iran, Ireland, Iceland, Italy, Japan, Germany, Cambodia, Canada, South Korea, Kuwait, Laos, Latvia, Libya, Liechtenstein, Lithuania, Luxembourg, Maldives, Malta, Mexico, Egypt, Monaco, Norway, Oman, Panama, France, Poland, Portugal, Qatar, People's Republic of China, Romania, Russia, Saudi Arabia, New Zealand, Slovakia, Slovenia, Spain, Suriname, Sweden, Switzerland, Taiwan, Timor Leste, Tunisia, and Greece.

Visit Visa on Arrival is only available at major international gateways and seaports in Indonesia. The seaports are: Sekupang, Citra Tritunas (Harbour Bay), Nongsa, Marina Teluk Senimba, and Batam Centre in Batam (Riau Islands); Bandar Bintan Telani Lagoi and Bandar Seri Udana Lobam in Tanjung Uban (Riau Islands); Sri Bintan Pura in Tanjung Pinang (Riau Islands); Tanjung Balai Karimun (Riau Islands); Belawan (North Sumatera); Sibolga (North Sumatra); Yos

Sudarso in Dumai (Riau); Teluk Bayur in Padang (West Sumatra); Tanjung Priok in Jakarta; Tanjung Mas in Semarang (Central Java); Padang Bai in Karangasem (Bali); Benoa in Badung (Bali); Bitung (North Sulawesi); Soekarno-Hatta in Makassar (South Sulawesi); Pare-pare (South Sulawesi); Maumere (East Nusa Tenggara); Tenau in Kupang (East Nusa Tenggara); and Jayapura (Papua);

The airports are: Sultan Iskandar Muda in Banda Aceh (Nanggroe Aceh Darussalam); Polonia in Medan (North Sumatra); Sultan Syarif Kasim II in Pekanbaru (Riau); Hang Nadim in Batam (Riau Islands); Minangkabau in Padang (West Sumatra); Sultan Mahmud Badaruddin II in Palembang (South Sumatera); Soekarno-Hatta in Jakarta; Halim Perdana Kusuma in Jakarta; Husein Sastranegara in Bandung (West Java); Adisutjipto in Yogyakarta; Ahmad Yani in Semarang (Central Java); Adi Sumarmo in Surakarta (Central Java); Juanda in Surabaya (East Java); Supadio in Pontianak (West Kalimantan); Sepinggan in Balikpapan (East Kalimantan); Sam Ratulangi in Manado (North Sulawesi); Hasanuddin in Makassar (South Sulawesi); Ngurah Rai in Denpasar (Bali); Selaparang in Mataram (West Nusa Tenggara); and El Tari in Kupang (East Nusa Tenggara).

Visa on Arrival is also available at the land point of entry at Entikong (West Kalimantan).

## Training

As noted above, Visit Visa and Visit Visa on Arrival allow foreign nationals to enter into Indonesia to participate in short-term trainings. However, it is not advisable for participants of on-the-job training to enter Indonesia using a Visit Visa or Visit Visa on Arrival, if they will receive remuneration/wages from the Indonesian entity conducting the on-the-job training or if the length of the training is relatively long (e.g., more than three months). Limited Stay Visa should be obtained for that purpose and the Indonesian entity carrying out the on-the-job

training should also arrange a work permit for the foreign national participants.

## Employment Assignments

### *Work Permit*

Indonesian law requires any employer intending to employ foreigners to obtain a written permit (“*Izin Mempekerjakan Tenaga Kerja Asing*” or “IMTA”) from the MOMT. Employers who fail to obtain an IMTA for employing a foreigner may be subject to a criminal sanction of imprisonment for a minimum of 1 year and a maximum of 4 years and/or a fine of a minimum of Rp.100,000,000 and a maximum of Rp.400,000,000.

The process to obtain an IMTA begins with an application by the sponsoring, Indonesian entity at the MOMT for the approval of the Foreign Manpower Utilization Plan (“*Rencana Penggunaan Tenaga Kerja Asing*” or “RPTKA”).

Once the RPTKA approval is obtained, the Indonesian sponsoring entity must submit an application for a recommendation letter for visa application for working purposes, known as “TA.01 Recommendation.”

TA.01 Recommendation is issued by the MOMT to the DGI. Based on the TA.01 Recommendation, DGI will then issue a pre-approval for the Limited Stay Visa (“Telex VITAS”).

The foreigner can then proceed to obtain the Limited Stay Visa (*Visa Tinggal Terbatas* or “VITAS”) by submitting an application to the relevant Indonesian Embassy. The VITAS is valid for up to 90 days during which time the foreigner must enter Indonesia. If the initial entry is not made within the 90-days period, the pre-approval process must be re-filed.

After the issuance of the Telex VITAS, the Indonesian sponsoring entity can apply for the IMTA. At this stage, the Indonesian sponsoring entity is required to pay the Expertise and Skill Development Fund (*Dana Pengembangan Keahlian dan Keterampilan* or “DPKK”) amounting to US\$100 per month (payable in advance). If the foreigner will work in Indonesia for one year, the amount of DPKK to be paid is US\$1,200. The payment is made to the account of the MOMT through the bank nominated by the MOMT.

The foreigner does not need to be in Indonesia during the above process.

The accompanying spouse and children up to 17 years old may also enter Indonesia by applying for their respective VITAS. Dependent family members are only entitled to stay with the working spouse parent - this VITAS is not entitled them to work. If a spouse would also like to work in Indonesia, the spouse will also need to be sponsored by an Indonesian entity to obtain the appropriate IMTA and other related documents.

### *KITAS, MERP and Blue Book*

Once the foreign worker has arrived at an Indonesian airport (using the VITAS), the immigration officer who is in charge at the airport will provide a stamp of admission that indicates the foreign worker is permitted to enter Indonesia and must report to the Local Immigration Office within 7 days from the date of arrival at the airport. This means that within this 7-day period, the foreign worker is required to process a Limited Stay Permit (“KITAS”), Multi Exit Re-Entry Permit (“MERP”), and Immigration Control Book (“Blue Book”) at the Local Immigration Office where the foreign worker is domiciled.

The foreign worker is required to present himself to the Local Immigration Office as his fingerprints will be taken and he will need to sign various forms provided on the forms provided.

By holding the KITAS, MERP and Blue Book, the foreign worker has legally complied with the Indonesia immigration law and regulations. However, as a KITAS holder, the foreign worker will also be required to obtain in due course the following additional certificates or permits:

- Police Report Certificate (“STM”) issued by the Local Police Office where the foreign worker is domiciled (in Indonesia);
- Foreign Domicile Certificate (“SKTT”) issued by the Local Village Office where the foreign worker is domiciled (in Indonesia);
- Certificate of Family Composition of Foreign Citizen (“SKSKP”) issued by the Local Population and Civil Registry Office;
- Temporary Residence Card for Foreigner issued by the Local Population and Civil Registry Office;
- Certificate of Police Registration (“SKLD”) issued by the Indonesian Police Headquarters; and
- Report on the existence/arrival of foreign citizen issued by the Local MOMT office where the foreign worker is domiciled.

### *Working and Holidaying In Indonesia For Australians*

The Minister of Law and Human Rights issued Regulation No. M.HH-04.GR.01.06 of 2009 to facilitate the issue of limited stay visas to Australian citizens based on a Memorandum of Understanding signed between the Governments of Indonesia and Australia on March 3, 2009. The regulation sets out the immigration facilities that are to be offered within the framework of these special limited stay visas.

Applications for the limited stay visas should be made in Australia and if granted will be valid for twelve months. The visa will allow the holder of the visa to work, with or without pay (volunteer work) in the education, tourism, health, social, sport, and cultural sectors. However, the work should not be an ongoing matter which requires a longer commitment of the person working on it.

There is an annual quota for the special limited stay visas. For each year from July 1st until June 30, the maximum number of special limited stay visas is one hundred. The visas are also subject to strict conditions:

- the main purpose for the foreigner to visit Indonesia during another season;
- the applicant is aged between eighteen and thirty;
- the applicant holds, at least, a certificate at academy level or is 2 years into a higher education qualification;
- the applicant holds a recommendation certificate from the Department of Immigration and Citizenship in Australia;
- the applicant is functionally literate in Indonesian;
- the applicant holds a return air ticket and has a minimum of AUD5000 in a bank; and
- the applicant has not previously been a participant in the working holiday scheme.

Presumably, the above conditions would need to be proven along with the visa application.

Certain fees are applicable for the visa application. However, the regulation does not specify the amount of the fees.

#### Other Comments

The Visit Visa, and Visit Visa on Arrival both allow their holders to enter Indonesia for business purposes. However, some immigration officials (in Jakarta) have viewed that a Visit Visa on Arrival and a Non-Visa Short Term Visit facility are only for “tourism purposes” (not applicable for business purposes). While this view is not necessarily correct from the legal perspective, a better solution to minimize risks of possible difficulties it is more advisable to use a Visit Visa to enter Indonesia for business purposes – keeping in mind, however, that an application for a Visit Visa for business purpose needs to be supported by an Indonesian sponsoring company.