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Turkey Adopts New Law on Work Permits

The Turkish Parliament adopted the International Labor Force Law ("Law") on July 28, 2016. The Law was published in the Official Gazette on August 13, 2016 and entered into force on the same date.

The Law introduces important changes to the current legislation, as outlined below. It has abolished the Law on Work Permits for Foreigners ("Law No. 4817") and amended numerous relevant codes (e.g., the Law on Foreigners and International Protection, the Law on Union of Chambers of Turkish Engineers and Architects, the Turkish Citizenship Law and the Higher Education Law). This article addresses its major items.

What the Law Says

a. Scope

Different from the Law No. 4817, the Law covers:

- foreign nationals who are applying to work in Turkey or are working in Turkey;
- foreign nationals who are applying to receive or are receiving vocational education from an employer in Turkey;
- foreign nationals who are applying for an internship or completing/currently participating in an internship in Turkey;

- foreign cross-border service providers who are in Turkey to temporarily provide services; and
- natural and legal persons who are applying to employ foreign nationals or are employing foreign nationals in Turkey.

The third and fourth groups of individuals listed above were not under the scope of the previous law.

The Law defines cross-border service providers as foreign nationals "who are temporarily in Turkey to provide any kind of services and who receive their salaries either from a source in Turkey or outside Turkey." Cross-border service providers are exempt from work permits provided their activities in Turkey do not exceed 90 days in a 180-day period.

b. International Labor Force Policy Advisory Board
The Law establishes an "International Labor Force Policy Advisory Board" ("Board"), which will survey studies on improving the legislation, as well as national and international developments and practices. It will report its recommendations to the Ministry of Labor and Social Security ("Ministry"). The Ministry will take into account the Board's recommendations while establishing the policies on international labor force, which will then be applied by the Ministry in evaluating work permit applications.

c. Preliminary Permits
The Law introduces a preliminary permit obligation for foreign nationals who will work in health and education services, requiring professional competence in order to grant such individuals work permits. The Ministry of Health is entitled to grant the preliminary permit related to health services, whereas the Ministry of National Education is entitled to grant the preliminary permit to foreign nationals intending to work in education services. The professions, which require such preliminary permits, will be regulated in detail by the Ministry.

Foreign nationals who will work as academicians in higher education institutions must first obtain a preliminary permit from the Council of Higher Education before filing a work permit application. Similarly, foreign nationals who will work as research and development staff in companies holding a "Research and Development Center Certificate" must first obtain approval from the Ministry of Science, Industry and Technology.

d. Filing of Work Permit and Work Permit Extension Applications
Similar to the Law No. 4817, the Law provides that work permit applications can be filed from both within and outside Turkey. However, the Law states applicants will not file their own work permit applications, instead work permit applications will be filed by "authorized intermediaries." The Law defines authorized intermediaries as "institutions or organizations whose qualifications and tasks have been set out by the regulations and who have been authorized by the Ministry."

Unlike the Law No. 4817, the Law states that work permit extension applications can be filed up to 60 days prior to the expiry of the work permit. The Law No. 4817 had originally set this period as two months before the expiry of the work permit.

The Law also states that work permit extension applications must be filed prior to the expiry of the work permit, and any extension application filed after such date will be rejected. Previously, work permit extension applications could be filed up to fifteen days after the expiration of the work permit.

Pursuant to the Law, if there are missing documents and/or information regarding a work permit or a work permit extension application, evaluation of the application will be postponed until these deficiencies are remedied. Except for cases where the existence of a force majeure is proven by a document obtained from a public authority, the postponement period cannot exceed 30 days. In the Law No. 4817, this period was 15 days. If deficiencies are not remedied within this period, the application will be rejected.

Similar to the Law No. 4817, the Law states that duly filed applications will be evaluated within 30 days.

A foreign national who has obtained a work permit must enter Turkey within six months starting from the

work permit validity date. Otherwise, the work permit will be cancelled.

e. Work Permit Types

- Definite term work permit: A definite term work permit is issued to a foreign national who works at a particular workplace or in multiple workplaces in the same business line but doing the same job, owned by a natural or legal person or a public institution or organization. Definite term work permits are initially issued for a maximum of one year and cannot, under any circumstance, exceed the term of the foreign national's employment agreement. Provided a foreign national continues to work for the same employer, the term of the work permit can be extended first for an additional period of two years, and then, for an additional period of three years. Applications to work for other employers will be treated as new work permit applications.
- Indefinite term work permit: Foreign nationals with long-term residence permits or work permits of a minimum of eight years can apply for indefinite term work permits. Foreign nationals who have indefinite term work permits enjoy similar rights as Turkish citizens, but they do not enjoy the right to vote, stand for election or provide public services. They are also not under the obligation to perform military service. Foreign nationals with indefinite term work permits are subject to further exceptions which may be foreseen in other laws and regulations.
- Independent work permit: A foreign nationals qualified as a professional may be granted an independent work permit. Independent work permits are granted for a definite term, yet the time restrictions for definite term work permits will not be applicable for this type of work permit. The Law No. 4817 based the eligibility criterion for an independent work permit on being a lawful resident in Turkey for an uninterrupted period of five years. The Law, on the other hand, takes into account numerous criteria such as the foreign national's education level, professional experience, contribution to science and technology, the impacts of his or her activities or investments on the economy and employment in Turkey and share of capital, and if he or she is a shareholder in a company.

f. Work Permits for Company Shareholders
Before passage of the Law, it was unclear whether a foreign nation who is a member of a board of directors or a statutory manager of a Turkish company must obtain a work permit. The Law clarified that any foreign national falling into the below categories must obtain a work permit to work in Turkey:

- statutory managers of limited liability companies, who are also shareholders of the relevant company;
- board of directors' members of joint stock companies, who are also shareholders of the relevant company; and
- commandite shareholders of partnership in commendam, the capital of which is divided into shares (sermayesi paylara bölünmüş komandit şirketlerin komandite ortakları).

Please note the information under paragraph (h) is for certain individuals who hold corporate positions or have shares in Turkish companies.

g. Turquoise Card
One of the new items introduced by the Law is the "turquoise card." The holder of the turquoise card enjoys the rights granted to indefinite term work permit holders. Additionally, the spouse and dependent children of the turquoise card holder will each be given a document indicating their relationship to the turquoise card holder, which will act as a residence permit.

The turquoise card is granted to foreign nationals whose applications are considered appropriate pursuant to the international labor force policies, the Board's suggestions, and the procedures and principles determined by the Ministry. In addition to these, the Ministry will take into account the applicant's education level, professional experience, contribution to science and technology, and the impacts of their activities or investments on the economy and employment in Turkey.

Foreign nationals, who are under temporary protection per the Law on Foreigners and International Protection, are not entitled to benefit from the turquoise card.

The turquoise card is initially granted for a transition period of three years, during which the Ministry can request information and documents related to their activities from either the employer or the foreign national. If the transition period is completed properly without cancellation of the turquoise card, then upon the request of the foreign national, he or she will be given a turquoise card for an indefinite term. The request can be filed starting from 180 days prior to the expiry of the transition period, and must be filed prior to the expiry of the period.

h. Work Permit Exemptions
The Law creates work permit exemptions for: (i) board of directors members of joint stock companies who do not reside in Turkey; (ii) shareholders of other companies who do not hold managerial positions; and (iii) cross-border service providers whose services in Turkey do not exceed 90 days in a 180 day period.

Those who are exempt from work permits must obtain work permit exemption certificates from the Ministry. A work permit exemption certificate official document grants its holder the right to work and reside in Turkey during its validity period, without the need for a work permit. Under the previous Law No. 4817, there was no obligation to apply for this certificate.

Similar to work permit applications, the applications for work permit exemption certificates can be filed both within and outside Turkey. The Ministry will evaluate the application and issue the work permit extension certificate, if it deems the application appropriate.

We await the issuance of secondary regulation to understand the exact scope of persons who are exempt from work permits.

i. Applications to be Filed with the Ministry of Foreign Affairs
The Law sets out special procedures for the work permit and work permit exemption applications for foreign nationals who will work in schools and cultural and religious institutions which may or may not be associated with the diplomatic and consular agencies of foreign countries, as well as foreign individuals who are either relatives or special servants of diplomatic and consular officials.

Accordingly, the applications for such individuals should first be filed with the Ministry of Foreign Affairs, which will submit the application to the Ministry if it deems the application appropriate.

j. Exceptional Cases
The Law sets out certain groups of individuals whom might enjoy exceptions relating to the Law's provisions on work permit applications and evaluation thereof (Article 7), rejection of work permit applications (Article 9), and types of work permits (Article 10).

Such individuals are those who are:

- deemed "qualified labor force" due to their education level, salary, professional experience, contribution to science and technology, and similar characteristics;
- deemed a "qualified investor" due to their contribution to science and technology, level of investment or export, or the volume of employment opportunities they will be able to provide and similar characteristics;
- employed by their employer in a certain project conducted in Turkey for a definite period;
- declared as individuals of Turkish origin by the Ministry of Interior or the Ministry of Foreign Affairs;
- citizens of the Turkish Republic of Northern Cyprus;
- citizens of the European Union member states;
- international protection applicants, conditional refugees, under temporary protection, stateless or

human trafficking victims who participate in relevant support programs;
- married to a Turkish citizen and who live within a conjugal community in Turkey;
- working in Turkey in the representative offices of foreign countries and international institutions, without being entitled to diplomatic immunity;
- internationally well-known in their field of activities and present in Turkey for science, culture, arts or sports related purposes; and
- cross-border service providers.

k. Free Trade Zones
The work permit applications for foreign nationals who will work in free trade zones (serbest bölge) will be filed and evaluated by the Ministry of Economy. Upon approval by the Ministry of Economy, the Ministry will issue work permits for the applicants. The Ministry reserves the right to reject applications for certain reasons, such as public health, public order or public safety.

l. Foreign Engineers and Architects
Foreign nationals who have graduated from one of the engineering or architecture faculties in Turkey or completed these studies at a higher education institution located abroad, which has been recognized by the relevant foreign authorities and also by the Council of Higher Education, can work as an engineer or an architect in Turkey for a certain project and on a temporary basis. A work permit is required in any case.

m. Administrative Fines
The Law outlines the below sanctions for working and employing individuals without a work permit:

- foreign nationals working for an employer in Turkey without a work permit shall be given an administrative fine of TRY 2,400;
- foreign nationals working independently in Turkey without a work permit shall be given an administrative fine of TRY 4,800; and
- employers or representatives of employers who employ a foreign national without a work permit will be given an administrative fine of TRY 6,000 per foreign national.

When compared to the currently applied administrative fines, the fine amount for employers has decreased, whereas the fine amounts for individual foreign nationals have increased. These fines will be increased once for each repetition of the violations. Foreign nationals working in Turkey without a work permit will be deported from Turkey.

n. Entry into Force and Secondary Legislation
Work permits issued by the Ministry or other public institutions and organizations pursuant to the legislation in force before the effective date of the Law will be valid until the end of their date of expiry. Similarly, indefinite term work permits issued pursuant to such legislation will continue to be valid, unless they are cancelled.

Provisions of the legislation in force before the effective date of the Law which are in favor to the applicant apply to work permit applications which were filed before before the effective date of the law.

The Law states that secondary legislation will be issued to regulate in-detail various issues such as conditions to apply for work permits and work permit exemptions, documents required for such applications, exceptional cases in work permit applications, and more. Until such secondary legislation is issued, the provisions of the existing regulations, which are not contrary to the Law, will continue to apply.

Conclusion
The Law is important as it brings responses to flexible and temporary working schemes and the main legislation on work permits in line with the Law on Foreigners and International Protection, which regulates residence permits and the related procedures. The Law also introduces a grading system for work permit applications, which will be another tool while issuing work permits.

However, there are many areas that need further regulation in secondary legislation. Such secondary legislation should be issued and enacted as soon as possible after the entry into force of the Law. One of the areas that should be regulated clearly and in detail is the criteria applied by the Ministry for granting work permits. Currently, such criteria is causing difficulties for many employers in Turkey.

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Recent Developments in Immigration Regulations in Colombia

1. Visa waiver for foreign citizens of countries in the Schengen area

The special immigration permit PIP-10, created in November of 2015, was replaced by special immigrant permit PIP-5. The previous PIP-10 permit was established by the bilateral agreement between the European Union and the Republic of Colombia regarding visa waivers for short-term stays.

This new provision was enacted to promote Colombian tourism, as the VAT refund for goods purchased in Colombia may be requested under the PIP-5 permit.

2. Relocation expenses at the expiration or cancellation of visas

Under the immigration amendment of 2015, the scope of the legal obligation regarding the acknowledgement of relocation expenses upon expiration or cancellation of a visa was broadened.

Before the immigration amendment was enacted, employers and contracting parties were not obligated to acknowledge relocation expenses to foreign nationals that held resident or refugee visas. Upon the immigration amendment, these expenses should be acknowledged to all employees and contractors regardless of the type of visa held.

The employer or contracting party should cover relocation expenses of foreign nationals whose employment or service agreements are terminated within 30 days of termination.The employer and contracting party is obligated to return the foreign national to his city or country of origin upon termination of the employment or service agreement. This includes assuming and paying for flight tickets and the moving of main household items.

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Special Type of Residency Permit Available for Employees Transferred Intra-Group in Hungary

As of September 30, 2016, non-EU (third-country) nationals may receive a special type of residency permit if they are assigned to Hungary as a result of an intra-corporate transfer. The new rules have been introduced in Hungary as a result of the implementation of the EU's Directive No. 2014/66/EU. The Directive aims at facilitating intra-corporate mobility for employees who wish to work at more entities within the group at the same time and thus, would reside in more than one EU Member State.

The new special type of residency permit (Intra-Corporate Transfer or ICT permit) may be obtained by executives, specialists and trainee university graduates, who are assigned to the territory of the European Union to an entity of the same group of undertakings . Non-EU (third-country) nationals who hold a valid ICT permit may apply for a mobility permit to reside and work in one or several other group companies located in the EU.

An applicant may submit an ICT permit application in Hungary if the applicant proves he or she will spend the longest term of his or her assignment to the EU in Hungary. Furthermore, the applicant must prove that he or she has been employed for an uninterrupted period within the same group of companies for three to 12 months in the case of executives and specialists, and three to six months in the case of trainees.

It is important to emphasize that "executives" for the purposes of the ICT permit-related rules have a different meaning from "executives" under the Hungarian Labor Code. From an immigration perspective, a person is regarded as an executive if he or she is under the direct supervision of the shareholders, or the board of directors, and manages the host entity or one of its business units, and has the authority to exercise employer's rights.

An employee holding a valid ICT permit issued by an EU Member State may travel freely within the EU for a maximum period of 90 days in any 180-day period, and may work in Hungary without a work permit at the Hungarian entity of the same group of companies. The work of such person must be reported to the Hungarian labor center.

If a third-country national holding a valid ICT permit issued by another Member State intends to stay and work in Hungary for a period exceeding 90 days, he or she must apply for a long-term mobility permit in Hungary.

The ICT permit may be obtained for the duration of the assignment of the respective employee, but for a maximum of three years in the case of executives and specialists, and for one year in the case of trainee employees. Leased employees who have been assigned by a workforce-lending agency may not receive an ICT permit. Moreover, the authority must reject the application for an ICT permit if the host entity was only established for the facilitation of intra-corporate transfers.

This special type of permit may significantly facilitate the work of third-country employees in multiple countries of the EU. Yet, it is questionable whether the ICT and the long-term mobility permit will indeed be easier to obtain than obtaining two separate permits in different Member States. When applying for an ICT permit, applicants must attest to their professional qualifications, specialist experience, executive position, that they are transferred within a group of companies, and also that they are under the direct supervision or guidance of the shareholders; which may often be a difficult task in practice. In case of the long-term mobility permit, applicants are not required to attest to the professional qualifications, experience, or employment history; therefore, obtaining this permit seems easier.

On the other hand, the popularity of this permit type may not be evaluated only from the perspective of the Hungarian laws, since Member States may introduce different regulations regarding the ICT and the long-term mobility permit within the framework of the Directive; thus, obtaining such a permit in another

Member State may mean a smaller administrative burden.

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Changes in Brazil's Legalization Procedure

The 1961 Hague Convention Abolishing the Requirement of Legalization for Foreign Public Documents (known as the “Apostille Convention”) has been adopted in Brazil since August 14, 2016.

Based on this Convention, Brazilian Consulates will no longer legalize foreign documents issued by countries who are also a party to the 1961 Hague Convention.

As the United States of America is a party to the Convention, the Consulate General of Brazil in the U.S will no longer legalize documents, which will be accepted in Brazil only with an apostille issued by the competent authority in the United States.

Foreign documents legalized by Brazilian Consulates and Embassies before August 14, 2016, will be valid in Brazil until February 14th, 2017 (article 20 of the Resolução CNJ nº 228, from June 22, 2016). From then on, documents will only be valid if legalized by the competent foreign authority.

Examples of documents which will no longer be legalized by the Consulate (and need to be certified with an apostille by the competent authorities):

- Public documents issued by foreign institutions (American and from Bermuda Islands):
  - birth, marriage and death certificates;
  - notarial acts (public power of attorney, will, etc);
  - court documents (adoption, divorce, custody of minors, etc); and
  - documents issued by schools and universities.
- Private documents previously certified by Notary Public and County Clerk:
  - private power of attorney;
  - private statements;
  - travel authorization forms, except for Brazilian citizens and foreign nationals who have “RNE” and attend in person to the Consulate, in order to proceed the signature authentication;
  - authorization forms to issue passports for minors, except for Brazilians and foreign nationals who have RNE and attend in person to the Consulate, in order to proceed the signature authentication; and
  - life certificate forms.

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Access to the Schengen Area Through Italian Citizenship via Italian

Descent: How to Speed Up the Process of Consular Practice

In the process of globalization, which is leading to an increase in the mobility of resources and expertise from one country to another, non-EU citizens frequently need access to the Schengen area in order to perform short to medium term (four to six months) highly professional and specialized business activities or access in the context of performance of service contracts between companies in the same or different groups.

It is a common experience that a country's access procedures--even for top managers of large companies--can be difficult at times, and Italy is no exception.The complexity and length of such procedures in Italy is probably due to the excessive workload of the Prefectures and Italian police offices, and sometimes one gets the impression of a veiled resistance by said authorities to release permits to work in the Schengen Area in a short time.

Frequently, there are cases in which executives, managers, engineers and others from various non-EU jurisdictions have family ties with Italy among his or her ancestors, often a grandfather or a great-grandfather who was an Italian citizen. According to some estimates, there are about 60 to 70 million individuals outside Italy of Italian descent in North and South America. In these cases, we are requested to assist clients in assessing the feasibility of the process to obtain the Italian citizenship based on an Italian ancestry.

Applicants may visit the Italian diplomatic authorities of their place of residence in order to start the citizenship recognition procedure, since the citizenship derives from the Italian origin of his/her ascendant.

However, it is worth mentioning that such consular procedure may at times prove somewhat bureaucratic and slow (sometimes the first meeting required to begin the citizenship procedure takes place two or three years after filing a request) and it often involves a double procedure. In fact, once the procedure with the consulate has been completed, inquiries and checks with the municipality of last residence of the Italian ancestor are performed and chances are that they need to be carried out at small Italian municipalities whose records have been made available in electronic format only for data after the 1950's, such that time consuming searches among paper files become necessary (in hopes they are well-kept and accessible).

There is an alternative to the time-consuming two-step consular procedure. The double intervention of consulate and municipality can be avoided provided the applicant moves to Italy, to any Italian municipality. The applicant does not not necessarily need to move to the municipality of his/her last residence or of the ancestor's place of birth, although the latter choice of one of these would be advisable when possible.

Before venturing in this procedure, however, an individual pursuing Italian citizenship based on ancestry should bear in mind that such procedure is valid only if the ancestor (any of them) never lost or renounced his or her Italian citizenship.

The process of obtaining the citizenship, which is released by the municipality itself, involves several stages which are summarized as follows:

- the applicant has to file for a temporary residence permit in Italy in order to carry out the procedure for obtaining the Italian citizenship;
- the applicant must register with the Registry Office (ufficio anagrafe) of the Municipality and file all the documents of the Italian ancestor as well as various family certificates, reconstructing his or her ancient family connection and the current family situation; and
- once the Municipality has completed the necessary checks (including in particular ensuring that none of the ancestors waived the Italian citizenship and that the ancestor was not naturalized in another country before the birth of his or her son or daughter from which the applicant was born or is a descendant), it will register the applicant as an Italian citizen.

While difficulties can arise and some documents to be prepared are more complex than they may seem, perseverance through the process is eventually rewarded with Italian nationality. We remain available to provide assistance on these kind of matters.

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Singapore Lowers Foreign Worker Levy to Promote Workplace Safety and Health Training

In an effort to promote Workplace Safety and Health ("WSH") matters, the Ministry of Manpower will re-categorize work permit holders as higher skilled workers, which will lower their levies of their employers. The change to the multi-skilling scheme comes as workplace accidents in the construction sector remain high, with 17 deaths in the sector since the start of the year, nearly double the number in the same period last year.

The change to the multi-skilling scheme under the Building and Construction Authority allows Basic Skilled R2 workers with at least six years of experience in Singapore and a Skills Evaluation Certificate (Knowledge) in the construction sector to be categorized as Higher Skilled R1 workers, provided at least 120 hours of training have been completed in approved safety-related courses, or obtained a Singapore Workforce Skills Qualification Advanced Certificate in WSH. Employers will have greater flexibility in deploying these multi-skilled workers on-site, reducing downtime and improving productivity.

The Ministry of Manpower has also stepped up inspections and enforcement with respect to WSH standards. During an enforcement operation in May of 2016, more than 800 workplaces in the construction and marine sectors were inspected. This resulted in over 22 Stop Work Orders and 300 fines issued to 117 companies, after more than 1,000 WSH contraventions were discovered.

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Singapore Updates Employment Pass Salary Criteria (Effective January 1, 2017)

On July 26, 2016, the Ministry of Manpower ("MOM") published a press release stating that the qualifying salary for Employment Pass ("EP") applications will be raised from S$3,300 to S$3,600.

With effect from January 1, 2017, only new EP applicants who can command a monthly salary of S$3,600 or more, subject to meeting other criteria on qualifications and experience, will be considered. The MOM also reiterated that those with a greater number of years of experience are also required to command higher salaries commensurate with their work experience and skill sets.

The revised salary criteria will apply with respect to new EP applications submitted on and after January 1, 2017. The MOM will provide lead time for employers to make adjustments for existing EP holders. Existing EP holders whose passes expire:

- Before January 1, 2017: Can be renewed based on existing EP criteria, for a duration of up to three years.
- Between January 1, 2017 and June 30, 2017 (both dates inclusive): Can be renewed based on the existing EP criteria, for a duration of one year.
- July 1, 2017 onwards: Can be renewed based on the new EP criteria, for a duration of up to three years.

Employers are encouraged to use the Self-Assessment Tool ("SAT") on the MOM website to assess if their EP candidates will meet the new salary criteria. The SAT will be updated by November 2016.

The EntrePass, Personalized Employment Pass, Long Term Visit Pass and Dependent's Pass privileges are assessed on separate sets of criteria and the revision to the EP salary criteria will not affect these application, or the renewal of these passes.

The Singapore Government has recently taken tougher measures to tighten its immigration policy. These measures include but are not limited to the Fair Consideration Framework ("FCF"), 'Triple Weak' Scrutiny, and placing employers on the "Fair Consideration Watchlist" to name a few. The revision to the EP salary criteria is also in line with the MOM's manpower policy framework to keep business in Singapore competitive and constantly growing, ultimately creating more and better jobs in Singapore.

Conclusion

In summary, these measures are implemented to ensure that only qualified foreign nationals whose presence in Singapore would be beneficial to the economy are granted authorization to work in Singapore. Employers must keep themselves up to date with these changes and adjust their policies accordingly.

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Recent Developments in Indonesia

Multiple Entry Visit Visa

a. Recent Changes

On June 27, 2016, Government Regulation No. 26 of 2016 on Amendment to Government Regulation No. 31 on the Implementation Regulation of the Immigration Law (“Government Regulation 26”) was issued.

The most significant change introduced by Government Regulation 26 is that a multiple-entry visit visa is now valid for five years (previously it was only valid for one year). Foreign nationals using a multiple-entry visit visa are still permitted to stay in Indonesia for a maximum of 60 days for each visit. Subject to the exception mentioned below, this maximum stay period cannot be extended.

For foreign nationals who were previously Indonesian nationals, the stay period can be extended up to two times, each time for 60 days. This also applies to family members of foreign nationals who were Indonesian nationals.

b. Permitted Activities
Below are the activities that a foreigner holding a multiple-entry visit visa can conduct in Indonesia under Minister of Law and Human Rights Regulation No. 27 of 2014 on Technical Procedures on the Granting, Extension, Rejection, Cancellation and Expiry of Visit Stay Permits, Limited Stay Permits, and Permanent Stay Permits and Exceptions to the Obligation to Have Stay Permit (“Regulation 27”):

- family;
- social;
- art and culture;
- government duty;
- conducting business discussions;
- conducting the purchase of goods;
- attending a seminar;
- attending an international exhibition;
- attending a meeting held by head office or a representative office in Indonesia; and
- continuing a journey to another country.

Visa Free Facility

a. Recent Changes
Presidential Regulation No. 21 of 2016 on Visa Free Facilities ("Presidential Regulation 21") was issued on 2 March 2016. Under Regulation 21, citizens of 167 countries and two special administrative regions of certain countries are permitted to travel to Indonesia without first obtaining a visa - this is commonly referred to as a "Visa Free Facility."

b. Permitted Activities
Regulation 21 does not specifically mention the permitted activities of visits covered under a Visa Free Facility. Regulation 21 only states that a Visa Free Facility cannot be used if the intention of the visit is for "journalism."

On April 18, 2016, the Minister of Law and Human Rights issued Regulation Number 17 of 2016 on Certain Locations of Immigration Checkpoints, Conditions, and Purpose of Visits for Foreigners Using Visa Free Facility ("Regulation 17"). This is the implementing regulation of Presidential Regulation 21.

Under Regulation 17, a Visa Free Facility can be used to conduct the following activities:

a. tourism;
b. family;
c. social;
d. art and culture;
e. government duty;
f. giving a lecture or participating in a seminar;
g. participating in an international exhibition;
h. attending a meeting held by head office or a representative office in Indonesia; and
i. continuing a journey to another country.

One of the activities that citizens of the 167 countries and two special administrative regions can now conduct in Indonesia on a Visa Free Facility is “attending a meeting held by head office or a representative office in Indonesia." Click **here** to see a list of countries. Before Presidential Regulation 21 and Regulation 17 were issued, to attend a meeting held by head office or a representative office in Indonesia, citizens of some of the countries listed here had to obtain either a single entry visit visa or a multiple entry visit visa.

Although Regulation 17 now allows citizens of 167 countries and two special administrative regions to attend meetings in Indonesia using a Visa Free Facility, depending on the circumstances, it may be a better approach for foreign nationals visiting Indonesia to attend meetings to obtain and use a single entry visit visa or a multiple entry visit visa. A single entry visit visa requires an invitation letter from an Indonesian entity. A multiple entry visit visa requires sponsorship by an Indonesian entity.

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Baker & McKenzie is the premier global law firm and maintains offices in more than forty countries. Our lawyers have considerable experience with all aspects of international executive transfers, and in particular the tax, immigration and employment issues that arise from such transfers. We encourage you to contact the members of our Practice Group listed below who can assist you or direct you to the most appropriate member of our group for assistance.

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