

LAW OF THE REPUBLIC OF INDONESIA
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REGARDING
IMMIGRATION

CHAPTER V

VISAS, ENTRY PERMITS, AND RESIDENCE PERMITS

First Part
Visas

Article 34

Visas are categorized as follows:

- a. Diplomatic Visas;
- b. Service Visas;
- c. Visit Visas; and
- d. Temporary Residence Visas.

Article 35

A Diplomatic Visa is issued to a foreign national who holds a diplomatic passport or other passport to enter the Territory of Indonesia to undertake a diplomatic mission.

Article 36

A Service Visa is issued to a foreign national who holds a service passport or other passport who intends to travel to the Territory of Indonesia to undertake an official mission that is not of a diplomatic nature on behalf of a foreign government or an international organization.

Article 37

The authority to issue Diplomatic Visas and Service Visas rests with the Minister of Foreign Affairs and the issuance thereof is executed by the foreign affairs officer at an Embassy or Consulate of the Republic of Indonesia.

Article 38

A Visit Visa is issued to a foreign national who intends to travel to the Territory of Indonesia for government, educational, socio-cultural, tourism, business, family or journalistic purposes or for transit purposes to continue his/her journey to another country.

Article 39

A Temporary Residence Visa is issued to a foreign national who:

- a. is a religious cleric/missionary, expert, expatriate worker, researcher, student, investor, or retiree, or a family member thereof, or a foreign national who is legally married to an Indonesian citizen, who intends to travel to the Territory of Indonesia to stay for a limited period; or
- b. intends to work on board a ship, floating facility, or installation that operates within archipelagic waters, territorial sea waters, continental shelf boundaries, and/or the Indonesian Exclusive Economic Zone.

Article 40

- (1) The authority to issue Visit Visas and Temporary Residence Visas rests with the Minister.
- (2) The visas as intended in paragraph (1) are issued and signed by the Immigration Officer at the Embassy or Consulate of the Republic of Indonesia overseas.
- (3) If there is no Immigration Officer at the Embassy or Consulate of the Republic of Indonesia as intended in paragraph (2), Visit Visas and limited Residence Visas shall be issued by the foreign affairs officer.
- (4) The foreign affairs officer as intended in paragraph (3) shall be authorized to issue a Visa after obtaining the consent of the Minister.

Article 41

- (1) Visit Visas can also be issued to foreign nationals on arrival at an Immigration Control Point.
- (2) Foreign nationals who may be issued with Visit Visas on arrival are citizens of certain countries that are specified in a Ministerial Regulation.
- (3) Visit Visas on arrival as intended in paragraph (1) are issued at an Immigration Control Point by the Immigration Officer.

Article 42

A visa application shall be rejected if the applicant:

- a. is named on the Blacklist;
- b. is not in possession of a legal and valid Travel Document;
- c. does not have sufficient funds to support him/herself and/or his or her family while in Indonesia;
- d. does not have a return or onward ticket to continue his/her journey to another country;
- e. does not have a re-entry permit for his/her country of origin or does not have a visa for another country;
- f. is suffering from an infectious disease, mental disorder, or other condition that could endanger public health or public order;
- g. is involved in a transnational crime that is organized or endangers the integrity of the Unitary State of the Republic of Indonesia; and/or
- h. is part of a network that engages in prostitution, human trafficking, or human smuggling.

Article 43

- (1) In certain circumstances a foreign national may be exempted from the requirement to possess a visa.
- (2) Foreign nationals who may be exempted from the requirement to possess a visa as intended in paragraph (1) are:
 - a. citizens of certain countries specified by a Presidential Regulation, taking into account the principles of reciprocity and benefit;
 - b. foreign citizens who are holders of Residence Permits and who have a valid Re-entry Permit;
 - c. Ship's captains, flight captains or crew members who are serving on a vessel or aircraft;
 - d. Foreign national ship's captains, crew members, or experts on board a ship or floating facility who arrive by such means of transportation to operate within archipelagic waters, territorial sea waters, continental shelf boundaries, and/or the Indonesian Exclusive Economic Zone.

Second Part Entry Permits

Article 44

- (1) A foreign national may enter the Territory of Indonesia after obtaining an Entry Permit.
- (2) An Entry Permit is given by the Immigration Officer at the Immigration Control Point to a foreign national who fulfils the conditions for entry into the Territory of Indonesia.

Article 45

- (1) The Entry Permit for a foreign national who holds a Diplomatic Visa or a Service Visa who is making a temporary visit to Indonesia is also valid as a Diplomatic Residence Permit or Service Residence Permit.
- (2) The Entry Permit for a foreign national who is exempt from the requirement to possess a Visa or who holds a Visit Visa is also valid as a Stay Permit.

Article 46

- (1) After obtaining an Entry Permit, a foreign national who holds a Diplomatic Visa or Service Visa with the intention of residing in the Territory of Indonesia must apply to the Minister of Foreign Affairs or the designated official for a Diplomatic Residence Permit or Service Residence Permit.
- (2) After obtaining an Entry Permit, a foreign national who holds a Temporary Residence Visa must apply to the Head of the Immigration Office for a Temporary Residence Permit.
- (3) If a foreign national as intended in paragraph (1) and paragraph (2) does not fulfill this requirement, the presence of the foreign national concerned in the Territory of Indonesia shall be deemed illegal.

Article 47

Further provisions regarding the conditions and procedures for applications for, categories, and validity of Visas, as well as the procedures for the issuance of Entry Permits, shall be specified in a Government Regulation.

Third Part Residence Permits

Article 48

- (1) Every foreign national within the Territory of Indonesia must have a Residence Permit.
- (2) A foreign national is issued with a Residence Permit in accordance with his/her visa.
- (3) The Residence Permits as intended in paragraph (1) are classified as follows:
 - a. Diplomatic Residence Permit;
 - b. Service Residence Permit;
 - c. Visit Permit;
 - d. Temporary Residence Permit; and
 - e. Permanent Residence Permit.
- (4) The Minister is authorized to prohibit the presence of foreign nationals who have been issued with a Residence Permit in certain areas of the Territory of Indonesia.
- (5) A foreign national who is being detained for the purposes of an investigation, prosecution, or trial or is in custody or serving a prison sentence, whose residence permit has expired, is not subject to the requirement as intended in paragraph (1).

Article 49

- (1) A Diplomatic Residence Permit shall be given to a foreign national who enters the Territory of Indonesia on a Diplomatic visa.
- (2) A Service Residence Permit shall be given to a foreign national who enters the Territory of Indonesia on a Service Visa.
- (3) The Diplomatic Residence Permit and the Service Residence Permit are issued and extended by the Minister of Foreign Affairs.

Article 50

- (1) A Visit Permit shall be given to:
 - a. A foreign national who enters the Territory of Indonesia on a Visit Visa;
 - or
 - b. A newborn child born in the Territory of Indonesia whose father and/or mother holds a Visit Permit at the time of the child's birth.
- (2) The Visit Permit as intended in paragraph (1) letter b is issued in accordance with the Visit Permit of the father and/or mother.

Article 51

The Visit Permit is no longer valid when the holder of the Visit Permit:

- a. returns to his/her country of origin;
- b. has exceeded the period of validity of the permit;
- c. converts his/her permit to a Temporary Residence Permit;
- d. has his/her permit cancelled by the Minister or designated Immigration Officer;
- e. is deported; or
- f. dies.

Article 52

A Temporary Residence Permit shall be given to:

- a. a foreign national who enters the Territory of Indonesia on a Temporary Residence Visa;
- b. a child whose father and/or mother, at the time of the child's birth in the Territory of Indonesia, holds a Temporary Residence Permit;
- c. a foreign national who has converted from a Visit Permit;
- d. a foreign national ship's captain, crew member or expert on a ship, floating facility, or installation operating within the territorial waters and territorial jurisdiction of Indonesia pursuant to the legislative provisions;
- e. a foreign national who is legally married to an Indonesian citizen; or
- f. a child of a foreign national who is legally married to an Indonesian citizen.

Article 53

The Temporary Residence Permit is no longer valid when the holder of the Temporary Residence Permit:

- a. returns to his/her country of origin and does not intend to re-enter the Territory of Indonesia;
- b. returns to his/her country of origin and does not return within the valid period of his/her Re-entry Permit;
- c. becomes a citizen of the Republic of Indonesia;
- d. has exceeded the period of validity of the permit;
- e. converts his/her permit to a Permanent Residence Permit;
- f. has his/her permit cancelled by the Minister or designated Immigration Officer;
- g. is deported; or
- h. dies.

Article 54

(1) A Permanent Residence Permit may be given to:

- a. a foreign national who holds a Temporary Residence Permit as a religious cleric/missionary, expatriate worker, investor, or retiree;
- b. a member of a mixed marriage family;
- c. the husband, wife, and/or child of a foreign national who holds a Permanent Residence Permit; and
- d. a foreign national who is a former Indonesian citizen or held dual citizenship of the Republic of Indonesia and another country.

(2) The Permanent Residence Permit as intended in paragraph (1) shall not be given to a foreign national who does not possess a national passport.

- (3) A foreign national who holds a Permanent Residence Permit is a resident of Indonesia.

Article 55

Visit Permits, Temporary Residence Permits, and Permanent Residence Permits are issued, extended, and cancelled by the Minister or the designated Immigration Officer.

Article 56

- (1) The status of a Residence Permit issued to a foreign national may be converted.
- (2) The Residence Permits that can be converted are the Visit Permit, which can be converted to a Temporary Residence Permit, and the Temporary Residence Permit, which can be converted to a Permanent Residence Permit.
- (3) The conversion of the status of a Residence Permit as intended in paragraph (2) shall be stipulated by a Ministerial Decree.

Article 57

- (1) A Visit Permit and a Temporary Residence Permit can also be converted to a Service Residence Permit.
- (2) The conversion as intended in paragraph (1) may only be executed pursuant to a Ministerial Decree with the consent of the Minister of Foreign Affairs.

Article 58

If an Immigration Officer has suspicions regarding the status of the Residence Permit or the citizenship of a foreign national, the Immigration Officer is authorized to review and check the status of the Residence Permit and the citizenship of the person concerned.

Article 59

- (1) A Permanent Residence Permit is issued for a period of 5 (five) years and may be extended for an unlimited period insofar as the permit has not been cancelled.
- (2) The holder of a Permanent Residence Permit for an unlimited period as intended in paragraph (1) must report to an Immigration Office every 5 (five) years and is not subject to a fee.

Article 60

- (1) For an applicant as intended in Article 54 paragraph (1) letter a, the Permanent Residence Permit is issued after the applicant has stayed for 3 (three) years consecutively and signed a Statement of Integration to the Government of the Republic of Indonesia.

- (2) For an applicant as intended in Article 54 paragraph (1) letter b, the Permanent Residence Permit is issued after 2 (two) years of marriage and the applicant has signed a Statement of Integration to the Government of the Republic of Indonesia.
- (3) The Permanent Residence Permit may be issued immediately to applicants as intended in Article 54 paragraph (1) letter c and letter d.

Article 61

The holder of a Temporary Residence Permit as intended in Article 52 letter e and letter f and the holder of a Permanent Residence Permit as intended in Article 54 paragraph (1) letter b and letter d may work and/or do business to provide a living for him/herself and/or for his or her family.

Article 62

- (1) The Permanent Residence Permit is no longer valid if the holder of the Permanent Residence Permit:
 - a. leaves the Territory of Indonesia for more than 1 (one) year or does not intend to return to the Territory of Indonesia;
 - b. does not extend the Permanent Residence Permit after 5 (five) years;
 - c. becomes a citizen of the Republic of Indonesia;
 - d. has his/her permit cancelled by the Minister or designated Immigration Officer;
 - e. is deported; or
 - f. dies.
- (2) The Permanent Residence Permit shall be cancelled if the holder of the Permanent Residence Permit:
 - a. is proven to have committed a crime against the state as stipulated in the laws and regulations;
 - b. engages in activities that could threaten state security;
 - c. violates the Integration Statement;
 - d. employs an expatriate worker without a work permit;
 - e. provides false information in his/her application for a Permanent Residence Permit;
 - f. the foreign national concerned is the subject of an Immigration Administrative Action; or
 - g. the ending of the marriage for a foreign national who is legally married to an Indonesian citizen due to divorce and/or a court decision, unless the marriage has endured for 10 (ten) years or more.

Article 63

- (1) Certain foreign nationals who are in the Territory of Indonesia must have a Guarantor who can guarantee their presence.
- (2) The Guarantor is responsible for the presence and activities of the foreign national concerned during their stay in the Territory of Indonesia and is required to report any change in their civil status, immigration status, or address.

- (3) The Guarantor must pay any costs that arise in relation to the repatriation or deportation of the foreign national he/she guarantees from the Territory of Indonesia if the foreign national concerned:
 - a. exceeds the validity period of his/her Residence Permit; and/or
 - b. is subject to an Immigration Administrative Action in the form of deportation.
- (4) The provisions concerning the guarantee do not apply to foreign nationals who are legally married to Indonesian citizens.
- (5) The provisions as intended in Article 62 paragraph (2) letter g shall not apply in the event that the holder of a Permanent Residence Permit whose marriage to an Indonesian citizen has ended obtains a guarantor to guarantee his or her presence as intended in paragraph (1).

Article 64

- (1) A Re-entry Permit is issued to a foreign national who holds a Temporary Residence Permit or a Permanent Residence Permit.
- (2) The validity of the Re-entry Permit issued to the holder of a Temporary Residence Permit shall be the same as the validity of the Temporary Residence Permit.
- (3) The holder of a Permanent Residence Permit shall be issued with a Re-entry Permit that is valid for 2 (two) years insofar as it does not exceed the validity of the Permanent Residence Permit.
- (4) A Re-entry Permit is valid for more than one journey.

Article 65

Further provisions regarding the procedures and conditions for the application for, validity, extension, and cancellation of Residence Permits, and the conversion of the status of Residence Permits shall be specified in a Government Regulation.

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CHAPTER XIV

TRANSITIONAL PROVISIONS

Article 141

When this Law takes effect:

- a. Visit Permits, Temporary Residence Permits, and Permanent Residence Permits issued pursuant to Law Number 9 Year 1992 regarding Immigration shall be declared valid until their date of expiry;
- b. The legal husband or wife of an Indonesian citizen who has been married for more than 2 (two) years and holds a Temporary Residence Permit Pursuant to Law Number 9 Year 1992 regarding Immigration may immediately be issued with a Permanent Residence Permit in accordance with the provisions of this Law;

- c. Republic of Indonesia Travel Documents issued pursuant to Law Number 9 Year 1992 regarding Immigration shall remain valid until their date of expiry; and
- d. Any current criminal cases pertaining to immigration that are at the investigation stage shall be processed pursuant to the Law regarding the Code of Criminal Procedure.

CHAPTER XV

CLOSING PROVISIONS

Article 142

When this Law takes effect:

- a. Law Number 9 Year 1992 regarding Immigration (State Gazette of the Republic of Indonesia Year 1992 Number 33, Supplement to the State Gazette of the Republic of Indonesia Number 3474);
- b. Law Number 37 Year 2009 regarding the Stipulation of Government Regulation in lieu of Law Number 3 Year 2009 regarding the Amendment of Law Number 9 Year 1992 regarding Immigration as Law (State Gazette of the Republic of Indonesia Year 2009 Number 145, Supplement to the State Gazette of the Republic of Indonesia Number 5064); and
- c. All regulations pertaining to immigration that conflict with or do not comply with this Law shall be revoked and declared invalid.

Article 143

When this Law takes effect, the subordinate regulations of Law Number 9 Year 1992 regarding Immigration (State Gazette of the Republic of Indonesia Year 1992 Number 33, Supplement to the State Gazette of the Republic of Indonesia Number 3474) shall remain in effect insofar as they do not conflict with or have not been replaced with new regulations pursuant to this Law.

Article 144

The subordinate regulations of this Law must be stipulated within 1 (one) year of the promulgation of this Law.

Article 145

This Law shall take effect on the date of its promulgation. For the purpose of public cognizance, this Law shall be promulgated by its publication in the State Gazette of the Republic of Indonesia.

Enacted in Jakarta

on 5 May 2011

PRESIDENT OF THE REPUBLIC OF INDONESIA,

signed

DR. H. SUSILO BAMBANG YUDHOYONO

ELUCIDATION
OF
LAW OF THE REPUBLIC OF INDONESIA
NUMBER 6 YEAR 2011
REGARDING
IMMIGRATION

Article 39

Temporary stay visas are issued to foreign nationals who intend to stay for a limited period and they may also be issued to foreign nationals who are former Indonesian citizens who have lost their Indonesian citizenship pursuant to the Citizenship Law of the Republic of Indonesia and who intend to return to Indonesia to regain their Indonesian citizenship in accordance with the legislative provisions.

Temporary stay visas can be issued for the following activities, among others:

1. For work:
 - a. as an expert;
 - b. to work on a ship, floating facility, or installation that operates within archipelagic waters, territorial sea waters, or continental shelf boundaries, or within the Indonesian Exclusive Economic Zone;
 - c. to undertake duties as a religious cleric/missionary;
 - d. to undertake professional activities for payment, such as sports, entertainment, medical treatment or therapy, consulting, practicing law, trading, and other professional activities that have been licensed by the competent authorities;
 - e. to undertake activities in relation to commercial filmmaking that have been licensed by the competent authorities;
 - f. to perform quality control on goods or products;
 - g. to conduct inspections or audits of a company's branch in Indonesia;
 - h. to provide after sales service;
 - i. to install and repair machinery;
 - j. to undertake non-permanent employment in relation to construction;
 - k. to stage a show;
 - l. to stage professional sports events;
 - m. to provide medical treatment or therapy; and
 - n. as a prospective expatriate worker in relation to a job trial.
2. Not for work:
 - a. to invest foreign capital;
 - b. for scientific training and research;
 - c. for educational purposes;
 - d. for the purpose of family unification;
 - e. for repatriation; and
 - f. for retirement.

Article 52

Letter f

“Child” is a child born to or adopted by a widowed/divorced foreign national who is [now] married to an Indonesian citizen.

Article 54

Paragraph (1)

Letter b

“Family” means husbands/wives, and children.

Article 56

Paragraph (1)

“Converted” means the change of status of the Permit of a foreign national from a Visit Permit to a Temporary Residence Permit and from a Temporary Residence Permit to a Permanent Residence Permit.

Article 61

“Family” means husbands/wives, and children.

Article 63

Paragraph (4)

The provisions concerning the guarantee do not apply because in principle the husband or wife in a marriage is responsible for his/her spouse and/or children.