



Indonesia Visa and Stay Permit in the Transition to New Habits <sup>P1</sup>

## Indonesia Visa and Stay Permit in the Transition to New Habits

Immigration has updated its position concerning the Visa and Stay Permit for Foreign Workers by issuing the Ministry of Law and Human Rights Regulation (PERMENKUMHAM) No. 26 Year 2020, replacing the PERMENKUMHAM No. 11 Year 2020.

PERMENKUMHAM 26/2020 comes into force on 1 October 2020 and updates the emergency measures previously enacted with regard to visa and stay permits for foreign employees.

Full details are outlined below, but in summary, the key takeaways are as follows:

- Immigration has opened up more services for Visa issuance. This is aimed at supporting the handling of the pandemic, supporting economic recovery and reunification of those outside Indonesia with family members who are in Indonesia.
- However, all foreigners who enter Indonesia must have a sponsor in Indonesia, be it a company or an individual (family) sponsor. The Indonesian sponsor concerned must have sufficient funds to declare to Immigration, the amount of which was previously at least USD 1,500 but under current regulations, it has increased drastically to USD 10,000.
- Additionally, to enter Indonesia, the relevant Visit Visa/Stay Permit (ITAS/ITAP) holders must now update the statement letter that they are willing to enter quarantine if a health check gives a positive result of COVID-19 or indications of COVID-19. They must also present one additional statement letter that they have adequate financial protection in the forms of insurance or funds if they are affected by COVID-19 whilst in Indonesia.
- There is a potentially significant change from the previous policy, particularly with respect to those outside Indonesia with expired Stay Permit (ITAS/ITAP). Under the new regulation, it is stated that those with expired stay permits must apply for a new visa. This is a departure from

the previously issued guidance (which stated expired stay permit holders could still enter until end of the year), and could have a significant impact on how businesses should navigate their Indonesian foreign-employee planning and movement.

- This regulation does not impact on the regulations from the Ministry of Manpower and Capital Investment Coordinating Board (*Badan Koordinasi Penanaman Modal/BKPM*) in relation to the BKPM Support Letter requirement for new work permits and Visas.

**More detailed information as follows:**

**Entering Indonesia**

Foreigners who can enter Indonesia are those that have a valid Visit Visa or Stay Permit (ITAS/ITAP), with the condition that they can fulfil all other immigration requirements, health requirements and protocols established by the Indonesian Ministry of Health.

In addition, transportation equipment crews who come to Indonesia using means of transportation, holders of APEC Business Travel Cards, and Traditional Border Crossers can enter Indonesian territory.

Free Visas/Visa Exemptions continue being suspended by the Immigration except in the case of transportation equipment crews who arrive using means of transportation. Exceptions also given to Government Officials and Diplomatic passport holders, as the visa exemption for these passports are regulated by the Ministry of Foreign Affairs.

Visas on Arrival continue being suspended by the Immigration department until the COVID-19 pandemic is declared over by the Ministry or Agency implementing COVID-19 management.

*Before entering*

For transportation coming from outside the territory of Indonesia, the person in charge is obliged to ensure that all passengers have a negative Polymerase Chain Reaction (PCR) result.

All Visit Visa and Stay Permit holders coming from outside the territory of Indonesia must obtain approval from the Director General of Immigration (Telex Visa) and must have a sponsor in Indonesia.

In particular, Article 6.4 states that the Indonesian sponsor for a Visit Visa applicant is required to attach a bank statement showing at least ten thousand US Dollars (USD 10,000) balance or the equivalent from a financial institution or bank in Indonesia, as proof that sponsor has adequate funds for the sponsored party to visit Indonesia. Medical/food aid and support personnel, and transportation crews are exempted from this requirement. This is different from the normal Immigration regulation whereby the applicant is required to attach a bank statement showing possession of at least USD 1,500.

Updating the health requirements from previous regulations, Immigration has added requirements related to health protocol. All Visit Visa and Stay Permit holders must bring their complete documents and present them to the Indonesian Immigration Office upon their arrival in Indonesia as follows:

- a health certificate containing a declaration of being free from COVID-19, in English, issued by an agency authorised by the Government in each country;
- a statement letter in English affirming that the relevant traveler is willing to enter quarantine and/or treatment at their own expense at a quarantine facility or health service facility designated by the Government if a PCR examination by Indonesian health authorities at the entry port (airport) of the country shown a positive result (+), or if there are clinical symptoms of COVID-19 according to health protocol and statutory provisions;
- a statement letter of willingness to be carry out health monitoring during the quarantine or isolation period in accordance with health protocols and statutory provisions; and
- proof of health insurance/travel insurance, which includes health financing, and/or a statement letter of willingness to pay independently if affected by COVID-19 while in Indonesia.

Holders of Visit Visas and/or Stay Permits that are related to business and work purposes must also have ready other relevant documents such as the BKPM Support Letter and/or Work Permit (*Notifikasi*) from Ministry of Manpower as part of the Immigration requirements.

### **Visit Visa holders**

*Visit Visa holders who are outside Indonesia*

Visit Visa categories that are allowed to enter are as follows:

- Government Official Visa
- Diplomatic Visa
- Single-Entry Visit Visa (211-B)
- Limited Stay Visa (312, 313, 314, 317, 319)

A Single-Entry Visit Visa (211-B) can be applied for certain activities, namely the following activities:

- a. carrying out emergency and urgent work;
- b. conducting business talks;
- c. making purchases of goods;
- d. expertise testing of prospective foreign workers;
- e. medical and food assistance and support personnel; and
- f. joining the transportation equipment that is in the territory of Indonesia.

A Limited Stay Visa can be applied for working (312) and non-working activities. Non-working activities are namely the following activities:

- a. carrying out foreign investment (313, 314);
- b. family unification (317); and
- c. elderly foreign tourists (319).

Foreigners outside Indonesia who hold Visa Approvals or Visit Visas that have expired are required to re-apply for a Visa in accordance with the provisions of laws and regulations.

*Visa Permit holders who are in Indonesia*

Visit Permit (Visa on Arrival/VoA, Single-Entry, Multiple Entry, APEC Card) holders who are in Indonesia continue to be allowed to extend their presence in Indonesia by applying for a Visa extension or new Visa. Furthermore, it is

stated that only Visas on Arrival and Single-Entry Business Visas can be converted into a Limited Stay Permit (ITAS).

Previously, under the Immigration announcement dated 18 September, for a Visa extension or new Visa application, a Visa holder must report to the Immigration office by 5 October 2020 at the latest. Additionally, Multiple Entry Visa and APEC card holders were also allowed to apply and convert their Visa into a Limited Stay Permit.

### **Stay Permit holders**

#### *Stay Permit holders who are outside Indonesia*

Stay Permit categories that are allowed to enter are as follows:

- Government Official Stay Permit
- Diplomatic Stay Permit
- Limited Stay Permit (ITAS)
- Permanent Stay Permit (ITAP)

Under the new regulation Article 9, Immigration states that Stay Permit (ITAS/ITAP) holders whose Stay Permits have expired and who are currently outside of Indonesia, must apply for a Visa to enter Indonesia.

In comparison to the previous Immigration policy, based on further confirmation with the immigration authority, the flexibility of expired Stay Permit (ITAS/ITAP) holders to enter Indonesia until the end of this year's December is no longer applicable as a result of this provision.

#### *Stay Permit holders who are in Indonesia*

The Immigration authorities are continuing the possibility for Stay Permit (ITAS/ITAP) holders who were previously on Emergency Stay Permit extensions and who are in Indonesia, to apply for a new Visa without any timeline declared in the regulation.

Previously, under the Immigration announcement dated 18 September, Stay Permit (ITAS/ITAP) holders who are in Indonesia and have an expired Stay Permit could continue to stay in Indonesia by applying for a new Visa and reporting to the local Immigration Office by 5 October 2020 at the latest.

For the extension process, permit holders must meet all the requirements in accordance with the prevailing regulations, including having a sponsor to apply for the extension.

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