



## INFORMATION

**Pandemic Summary of IBAI's Webinar on the Implementation of New Regulation on Foreign Workers Permit in the Period of Handling the Spread of COVID-19**

On October 26th 2021, the Italian Business Association in Indonesia supported by the Ministry of Manpower and Directorate General of Immigration held the Webinar regarding the Implementation of New Regulation on Foreign Workers Permit in the Period of Handling the Spread of COVID-19. It is explained by the representatives of the two related institutions, namely the Ministry of Manpower and the Directorate General of Immigration of the Ministry of Law and Human Rights. The webinar was moderated by Bapak Stephen Igor Warokka from SSEK Indonesian Legal Consultants.

From the Ministry of Manpower was presented by Bapak Ali Chaidar Zamani, the Head of Section, Work Permit for the Services Sector of the Ministry of Manpower revealed several updates regarding the new regulation on foreign workers permit during the pandemic. Referring to the Circular Letter of the Minister of Manpower of the Republic of Indonesia Number M/3/HK.04/II/2021 regarding RPTKA Authorization Services in the Period of Handling the Spread of Corona Virus Disease 2019 (COVID-19), there are several points highlighted as follows:

1. The service process for licensing the use of Foreign Workers for new applications is OPEN, taking into account certain aspects.
2. Temporary termination is excluded for Foreign Workers working on National Strategic Projects (PSN) and national strategic vital objects based on special considerations or written permission from the relevant ministry agencies
3. Employers can apply RPTKA for Foreign Workers who are still in the territory of Indonesia.
4. For foreign workers holding ITAS/ITAP, no recommendation is required at the time of new submission. Recommendations are only required for foreign workers abroad and foreign workers residing in the country with a visit visa.

The latest legal basis of foreign workers permits also refers to Circular Letter of COVID-19 Response Acceleration Task Force (SE) No. 8 Year 2021, Regulation of the Minister of Manpower No. 8 Year 2021, and the Ministry of Manpower Circular Letter (SE) Number M/11/HK.04/IX/2021.

There are exceptions to the approval of RPTKA for 3 categories, including Directors or commissioners with certain share ownership; diplomatic and consular officers; emergency, vocational, start-up, business visits, and research. For vocational and start-up, the exemption period is given for 3 months. Meanwhile for emergencies, business visits, and research, can use visa and stay permits according to Indonesian immigration regulations.

Furthermore, from the side of the Directorate General of Immigration of the Ministry of Law and Human Rights, Bapak Ade Widhia Sathria as Young Immigration Analyst of Directorate General of Immigration of the Ministry of Law and Human Rights also explained the immigration stay permit policy for foreigners in Indonesian territory during the COVID-19 pandemic. Referring to the Minister of Law and Human Rights Regulation No. 34 of 2021, concerning the Granting of Immigration Visas and Residence Permits, foreigners that allowed to enter and grant residence permits are: diplomatic, service, visit and limited stay visa holder; diplomatic, service, visit and limited stay permit holder; APEC holder; The crew of the vessel that comes with their vessel.

In terms of residence permits, the regulations and provisions are:

1. ITK holders from VKSK, VK, KPP APEC can apply for a stay permit extension to the office in accordance with Minister of Law and Human Rights Regulation No. 27 of 2014.
2. Holders of visit stay permit, limited stay permit, and permanent stay permit that cannot be extended, must obtain Visa Approval.
3. Limited and permanent stay permit holders who will apply for a Visa, must do EPO.
4. Submission of a new stay permit through a Visa application must be made before the stay permit expires.
5. The granting of a new stay permit does not count as an overstay.
6. Foreigners who overstay for more than 60 days, are subject to legal action.

For foreigners who do not want to enter Indonesia yet, but whose residence permit is about to expire, they need to:

1. Provide an extension of ITAS/ITAP and/or Re-Entry Permit (IMK) to Foreigners who are still abroad whose residence permit will expire.
2. Through an application submitted by the guarantor/in charge to the Immigration Office electronically or manually.
3. Complete the application without going through the biometric collection process with the approval of the Director-General of Immigration.
4. Requires the guarantor/person in charge to report the arrival of the Foreigner to the Immigration Office no later than 30 (thirty) days from the date of arrival.
5. Applications are submitted online through the Online Residence Permit Application.

The types of activities of Foreigners in the context of granting Visas during the pandemic period (Visit Visa);

- tourism, do emergency and urgent work, business, filmmaking - B211A;
- medical and food assistance, government duties, join the vessel - B211A;
- prospective foreign workers in trials - B211B.

Meanwhile, the types of activities of Foreigners in the context of granting Visas during the pandemic period (Limited Stay Visa), are divided into two purposes, working purposes, and non-working purposes.

For working purposes;

- as a foreign worker, quality control, auditor, aftersales services - C312;
- join to work on ships operating in Indonesian waters - C312;
- prospective foreign workers who will work in the context of testing skills - C312;
- activities in the context of making commercial films and have obtained permits - C312.

And for non-working purposes;

- foreign investment with a validity period of 1 year - C313;
- foreign investment with a validity period of 2 years - C314;
- education purposes - C316;
- family reunion - C317.

In accordance with the Circular Letter of the COVID-19 Response Acceleration Task Force No. 22 Year 2021 concerning Provisions for Domestic Travel during the Corona Virus Disease 2019 (COVID-19) Pandemic, the rules for domestic travel with various modes of transportation, ranging from **land, sea, train, to plane**, have been re-updated. The provisions are effective from Tuesday, November 2<sup>nd</sup>, 2021.

Reference:

- IBAI Webinar on IBAI Youtube Channel

If you require a copy of the reference document above, please do not hesitate to contact [research@ibai.or.id](mailto:research@ibai.or.id).

Thank you for your attention and hope this information would be valuable for you.

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