

# PROCEDURES FOR EMPLOYING EXPATRIATES

## (Regulation of the Minister of Manpower Number 16 Year 2015, Dated June 29, 2015)

BY GRACE OF GOD THE ALMIGHTY  
THE MINISTER OF MANPOWER OF  
THE REPUBLIC OF INDONESIA

Considering:

- a. that Regulation of the Minister of Manpower and Transmigration Number 12 Year 2013 on Procedures for Employing Expatriates has not been suitable anymore to manpower developments so as to need improvement;
- b. that the procedures for employing expatriates as meant in letter a constitute the implementation of Article 42 paragraph (1), Article 43 paragraph (4), Article 44 paragraph (2) of Law Number 13 Year 2003 on Manpower and Article 10 of Presidential Regulation Number 72 Year 2014 on the Recruitment of Expatriates as well as the implementation of education and training of counterpart manpower;
- c. that the procedures for employing expatriates as meant in letter a constitute norms, standards, procedures and criteria as mandated by Article 9 paragraph (1) of Government Regulation Number 38 Year 2007 on the Sharing of Public Adminis-

tration Affairs between the government, provincial and regency/municipal administration;

- d. that having regards to letters a, b, and c, it is necessary to stipulate by a ministerial regulation;

In view of :

1. Law Number 3 Year 1951 on the Enforcement of Labor Supervisory Law of the Republic of Indonesia Year 1948 Number 23 throughout Indonesia (Statute Book of the Republic of Indonesia Year 1951 Number 4);
2. Law Number 7 Year 1981 on Manpower Reporting Obligation (Statute Book of the Republic of Indonesia Year 1981 Number 39, Supplement to Statute Book of the Republic of Indonesia Number 3201);
3. Law Number 13 Year 2003 on Manpower (Statute Book of the Republic of Indonesia Year 2003 Number 39, Supplement to Statute Book of the Republic of Indonesia Number 4279);
4. Law Number 25 Year 2007 on Investment (Statute Book of the Republic of Indonesia Year 2007 Number 67, Supplement to Statute Book of the Republic of Indonesia Number 4724);

5. Law Number 39 Year 2009 on Special Economic Zone (Statute Book of the Republic of Indonesia Year 2009 Number 147, Supplement to Statute Book of the Republic of Indonesia Number 5066);
6. Law Number 6 Year 2011 on Immigration (Statute Book of the Republic of Indonesia Year 2011 Number 52, Supplement to Statute Book of the Republic of Indonesia Number 5216);
7. Law Number 7 Year 2011 on Currency (Statute Book of the Republic of Indonesia Year 2011 Number 64, Supplement to Statute Book of the Republic of Indonesia Number 5223);
8. Law Number 23 Year 2014 on Regional Administration (Statute Book of the Republic of Indonesia Year 2014 Number 244, Supplement to Statute Book of the Republic of Indonesia Number 5587);
9. Government Regulation Number 38 Year 2007 on the Sharing of Public Administration Affairs between the government, provincial and regency/municipal administration (Statute Book of the Republic of Indonesia Year 2007 Number 82, Supplement to Statute Book of the Republic of Indonesia Number 4737);
10. Government Regulation Number 65 Year 2012 on Kinds and Rats of Non-Tax State Revenue Effective in the Ministry of Manpower and Transmigration (Statute Book of the Republic of Indonesia Year 2012 Number 154, Supplement to Statute Book of the Republic of Indonesia Number 5333);
11. Government Regulation Number 97 Year 2012 on Levy on Traffic Control and Levy on the Extension of License to Employ Expatriates (Statute Book of the Republic of Indonesia Year 2012 Number 216, Supplement to Statute Book of the Republic of Indonesia Number 5358);
12. Government Regulation Number 31 Year 2013 on the Implementing Regulation of Law Number 6 Year 2011 on Immigration (Statute Book of the Republic of Indonesia Year 2013 Number 68, Supplement to Statute Book of the Republic of Indonesia Number 5409);
13. Presidential Regulation Number 72 Year 2014 on the Recruitment of Expatriates and the Implementation of Education and Training of Counterpart Manpower (Statute Book of the Republic of Indonesia Year 2014 Number 162);
14. Presidential Regulation Number 18 Year 2015 on the Ministry of Manpower (Statute Book of the Republic of Indonesia Year 2015 Number 19);
15. Presidential Decree Number 121/P Year 2014 on the Establishment of Ministries and the Appointment of Ministers of Working Cabinet 2014-2019;
16. Regulation of the Minister of Manpower Number 8 Year 2015 on Procedures for Drafting Law, Government Regulation and Presidential Regulation as well as Regulation of the Minister in the Ministry of Manpower (State Gazette of the Republic of Indonesia Year 2015 Number 411);

## D E C I D E S :

To stipulate:

THE REGULATION OF THE MINISTER OF MANPOWER ON PROCEDURES FOR EMPLOYING EXPATRIATES

## CHAPTER I

## GENERAL

## Article 1

Referred to in this ministerial regulation as:

1. Expatriate hereinafter abbreviated to TKA shall be a foreign citizen holding visa with a view of working in Indonesian territory.
2. Counterpart Indonesian Manpower hereinafter called Counterpart TKI shall be Indonesian citizen manpower appointed as counterpart of TKA in the framework of the transfer of technology and skill.
3. Employer of Expatriate hereinafter called Employer of TKA shall be a legal entity or other entity employing TKA by paying wage or compensation in other form.
4. Expatriate Employment Plan hereinafter abbreviated to RPTKA shall be a plan for employing TKA in a specified position, which is prepared by employer of TKA for a specified period legalized by the minister or the appointed official.
5. License to Employ Expatriate hereinafter abbreviated to IMTA shall be a written license issued by the minister or the appointed official to employer of TKA.
6. Online TKA Service System hereinafter called online shall be web-based application used by employer of TKA to submit application of RPTKA until the issuance of IMTA through one account of employer of TKA.
7. TKA Employment Compensatory Funds hereinafter abbreviated to DKP-TKA shall be a compensation that employer of TKA has to pay to the state for the use of TKA.
8. Emergency and Urgent Work shall be a work needing prompt settlement and unless settled promptly, potential to cause fatal loss to company and/or the public.
9. Temporary Work shall be incidental work or work which may be settled in a brief period.
10. Impresariate Service shall be an activity handling the organization of entertainment in Indonesia, either inviting or returning TKA in the field of art or sport, which is temporary.

11. Special Economic Zone hereinafter abbreviated to KEK shall be an area in the jurisdiction of the Unitary State of the Republic of Indonesia, which is stipulate to organize specifial economic functions and secure specified facilities.
12. Free Trade Area and Free Port hereinafter abbreviated to KPBPB shall be an area located inside the jurisdiction of the Unitary State of the Republic of Indonesia, which is separated from customs area so to be free from the imposition of import duty, value added tax, sales tax on luxury goods and excise.
13. One Gate Integrated Service hereinafter abbreviated to PTSP shall be an activity managing licensing and non licensing service wherein the process, starting from the phase of application to the issuance of document license is executed in an integrated manner in one location.
14. Minister shall be the minister in charge of manpower affairs.
15. Director General hereinafter called Dirjen shall be the Director General of Manpower Placement Development and Job Opportunity Expansion.
16. Director shall be the Director of Expatriate Employment Control.
17. Provincial Service shall be an institution in charge of provincial manpower affairs.
18. Regency/Municipal Service shall be an institution in charge of regency/municipal manpower affairs.

## Article 2

The ministerial regulaton shall be used as guidance for stakeholders in the framework of controlling the employment of TKA.

## Article 3

- (1) Employer of TKA employing one TKA shall be able to absorb minimally 10 (ten) pension in the company belonging to employer of TKA.
- (2) The provision as meant in paragraph (1) shall not apply to:
  - a. member of board of director, member of board of commissioners or member of patron board, member of executive board, member of supervisory board;
  - b. TKA employed for emergency and urgent work;
  - c. TKA employed for temporary work;
  - d. TKA employed by impresariate service.

## Article 4

## (1) Employer of TKA shall include:

- a. government institution;
- b. international agencies;
- c. representative of foreign country;
- d. international organization;
- e. foreign trade representative office, representative office of foreign company, representative office of foreign new agency;
- f. foreign private company, foreign business entity registered at the authorized institution;
- g. legal entity established on the basis of Indonesian law in the form of limited liability company or foundation;
- h. social, religious, educational and cultural institutions; dan
- i. impressariate service.

(2) Employer of TKA in the form of civil partnership, Firm (Fa), limited partnership (CV), joint business/Associate (UB), trade business (UD) and cooperative shall be prohibited from employing TKA unless otherwise regulated by law.

## CHAPTER II

## PROCEDURES FOR LEGALIZING PLAN FOR THE EMPLOYMENT OF EXPATRIATE

## Part One

## Plan for the Employment of Expatriate

## Article 5

- (1) Employer of TKA planning to employ TKA shall have RPTKA legalized by the minister or the appointed official.
- (2) The provision as meant in paragraph (1) shall not apply to government institution, international agencies and representatives of foreign countries.
- (3) RPTKA as meant in paragraph (1) shall be used as a basis to obtain IMTA.

## Article 6

- (1) In order to secure RPTKA, employer of TKA shall submit application online to Dirjen through the Director by uploading:

- a. reason for employing TKA;
  - b. form of RPTKA already completed;
  - c. business license from the authorized institution;
  - d. deed and decision on legalization of the establishment and/or the amendment thereof from the authorized institution;
  - e. chart of organizational structure of company;
  - f. recommendation about position to be assumed by TKA from technical institution in accordance with the regulation in force in the related technical institution;
  - g. certificate of domicile of company from local regional government;
  - h. taxpayer code number (NPWP) of employer of TKA;
  - i. letter of the appointment of counterpart TKI and advocacy program plan;
  - j. statement of readiness to organize education and training for TKI in accordance with the qualification of position assumed by TKA; and
  - k. evidence of valid manpower reporting obligation in accordance with Law Number 7 Year 1981.
- (2) The form of RPTKA as meant in paragraph (1) letter b shall contain:
- a. name of employer of TKA;
  - b. address of employer of TKA;
  - c. name of corporate executive;
  - d. name of position to be assumed by TKA;
  - e. description of position of TKA;
  - f. quantity of TKA;
  - g. work location of TKA;
  - h. employment period of TKA;
  - i. wage/salary of TKA;
  - j. starting date of employment;
  - k. quantity of the employed TKI and the created job opportunities;
  - l. appointment of TKI as counterpart TKI;
  - m. TKI education and training program plan.
- (3) The requirements as meant in paragraph (1) letter d, shall be in exception to employer of TKI:
- a. government institution;

- b. international agencies;
  - c. representative of foreign country;
  - d. international organization;
  - e. foreign trade representative office, representative office of foreign company, representative office of foreign news agency;
  - f. foreign private company, foreign business entity registered at the authorized institution.
- (4) Model of the form of RPTKA as meant in paragraph (2) shall be contained in Form 1a up to 1d of the attachment to this regulation.

## Part Two

### Evaluation of the Feasibility of Expatriate Employment Plan

#### Article 7

- (1) The application of RPTKA as meant in Article 6 paragraph (1) shall have the completeness of document examined.
- (2) In the case of the document being not yet complete, officer of the Directorate of TKA Employment Control shall notify to employer of TKA the shortfall of document yet to be completed on line.
- (3) IN the case of the document being already complete, the feasibility shall be examined by considering the need of national labor market.
- (4) The evaluation of the feasibility as meant in paragraph (3), if required, may be followed by site verification.
- (5) Procedures for the evaluation of the feasibility of RPTKA shall refer to the provision of legislation.

## Part Three

### Legalization of Expatriate Employment Plan

#### Article 8

In the case of result of the evaluation of the feasibility of RPTKA already matching the requirements, in no later than 3 (three) working days, Dirjen or the Director shall issue decision on legalization of RPTKA.

#### Article 9

RPTKA as meant in Article 8, in the case of the working location being inter-provincial, may be used as the basis for the extension of IMTA by provinces or regencies/cities by virtue of their authority.

## Article 10

The issuance of the decision about the legalization of RPTKA as meant in Article 8 shall be done by:

- a. Dirjen in the case of TKA employer employing 50 (fifty) TKA or over;
- b. the Director, in the case of TKA employer employing less than 50 (fifty) TKA.

## Article 11

(1) The legalization of RPTKA as meant in Article 8 shall contain:

- a. reason for employing TKA;
- b. position of TKA;
- c. working location of TKA;
- d. wage/salary of TKA;
- e. quantity of TKA;
- f. employment period of TKA;
- g. quantity of TKI appointed as counterpart TKI; and
- h. quantity of the employed TKI.

(2) The provision as meant in paragraph (1) letter g shall not apply to:

- a. member of board of directors, member of board of commissioners, or member of the patron board, member of executive board and member of the supervisory board;
- b. TKA employed for emergency and urgent work;
- c. TKA employed for temporary work;
- d. TKA employed for impressariate service.

## Article 12

RPTKA may be granted for a maximum period of 5 (five) years and may be extended by considering the condition of domestic labor market.

## Part Four

## Plan for the Employment of Expatriate for Emergency and Urgent Work

## Article 13

(1) In order to secure RPTKA for emergency and urgent work, TKA employer shall submit application on line to the Director General through the Director by uploading:

- a. reason for employing TKA;
  - b. form of RPTKA already completed;
  - c. business license from the authorized institution;
  - d. statement of the emergency and urgent condition from TKA employer.
- (2) The form of as meant in paragraph (1) letter b shall contain:
- a. name of TKA employer;
  - b. address of TKA employer;
  - c. position of TKA;
  - d. description of position of TKA;
  - e. quantity of TKA; and
  - f. working location of TKA.
- (3) Model of the form of RPTKA for emergency and urgent work as meant in paragraph (2) shall be contained in Form 2 of the attachment to this regulation.

#### Article 14

In the case of result of the evaluation of feasibility of RPTKA for emergency and urgent work already matching the requirement, the Director General or the Director shall issue decision on the legalization of RPTKA in no longer than one working day.

#### Article 15

RPTKA for emergency and urgent work shall be granted for a maximum period of one month and may not be extended.

#### Part Five

#### Plan for the Employment of Expatriate for Temporary Work

#### Article 16

RPTKA for temporary work shall be granted to:

- a. provide guidance, counseling and training in the application and innovation of industrial technology in order to enhance the quality and design of industrial products as well as overseas marketing cooperation for Indonesia;
- b. produce film commercial and already securing license from the authorized institution;

- c. provide lecture;
- d. attend meeting organized with head office or representative in Indonesia;
- e. conduct audit, production quality control or inspection in branch of company in Indonesia;
- f. TKA in the trial run of capability in working;
- g. once finished work;
- h. work related to the installation of machine, electrical, after-sales service or product in the business exploration period.

#### Article 17

- (1) In order to secure RPTKA for temporary work, TKA employer shall submit application on line to the Director General through the director by uploading:
  - a. reason for employing TKA;
  - b. form of RPTKA already completed;
  - c. business license from the authorized institution;
  - d. deed and decision on the legalization of the establishment and/or amendment from the authorized institution;
  - e. chart of organizational structure of company;
  - f. certificate of domicile of company from local regional government;
  - g. evidence of valid manpower reporting obligation on the basis of Law Number 7 Year 1981;
  - h. contract of work; and
  - i. NPWP of TKA employer.
- (2) The form of RPTKA as meant in paragraph (1) letter b shall contain:
  - a. name of TKA employer;
  - b. address of TKA employer;
  - c. position of TKA;
  - d. description of position of TKA;
  - e. working location of TKA;
  - f. quantity of TKA; and
  - g. employment period of TKA.
- (3) Model of the form of RPTKA for temporary work as meant in paragraph (2) shall be contained in Form 3 of the attachment to this ministerial regulation.

## Article 18

In the case of result of the evaluation of the feasibility of RPTKA for temporary work already matching the requirements, Dirjen or the director shall issue decision on legalization of RPTKA in no later than 3 (three) working days.

## Article 19

RPTKA for temporary work shall be granted for a maximum period of one month but in the case of the condition as meant in Article 16 letter b, letter g and letter h, the period shall be maximally 6 (six) months and may not be extended.

## Part Six

Plan for the Employment of Expatriate in Special Economic Zone and Free Trade Area and Free Port

## Article 20

In order to secure RPTKA in KEK and KPBPB, TKA employer shall submit application in writing or on line to the appointed official in KEK and KPBPB by enclosing or uploading the requirements as meant in Article 6 paragraph (1).

## Article 21

In the case of result of the evaluation of feasibility of RPTKA in KEK and KPBPB already matching the requirements, the appointed official shall issue decision on legalization of RPTKA in no later than 3 (three) working days.

## Part Seven

Plan for the Employment of Expatriate in Waters Territory

## Article 22

In order to secure RPTKA in waters territory, TKA shall submit application on line to the Director General or the director by uploading the requirements as meant in Article 6 paragraph (1).

## Article 23

In the case of result of the evaluation of feasibility of RPTKA in waters territory already matching the

requirements, the Director General or the director shall issue decision on legalization of RPTKA in no later than 3 (three) working days.

## Part Eight

### Plan for the Employment of Expatriate for Impressariate Service

#### Article 24

(1) In order to secure RPTKA for impressariate service, TKA employer shall submit application on line to the Director General through the director by uploading:

- a. reason for employing TKA;
- b. form of RPTKA already completed;
- c. business license from the authorized institution;
- d. deed and decision on the legalization of the establishment and/or amendment from the authorized institution;
- e. chart of organizational structure of company;
- f. certificate of domicile of company from local regional government;
- g. evidence of valid manpower reporting obligation on the basis of Law Number 7 Year 1981;
- h. contract of work; and
- i. NPWP of TKA employer.

(2) The form of RPTKA as meant in paragraph (1) letter b shall contain:

- a. name of TKA employer;
- b. address of TKA employer;
- c. position of TKA;
- d. description of position of TKA;
- e. working location of TKA;
- f. quantity of TKA; and
- g. employment period of TKA.

(3) Model of the form of RPTKA for impressariate service as meant in paragraph (2) shall be contained in Form 4 of the attachment to this ministerial regulation.

#### Article 25

In the case of result of the evaluation of feasibility of RPTKA for impressariate service already matching

the requirements, the Director General or the Director shall issue decision on legalization of RPTKA in no later than 3 (three) working days.

## Part Nine

### Plan for the Employment of Expatriate for Singing /Karaoke Guide

#### Article 26

- (1) In order to secure RPTKA for singing/karaoke guide, TKA employer shall submit application on line to the Director General through the Director by uploading:
- a. reason for employing TKA;
  - b. form of RPTKA already completed;
  - c. business license from the authorized institution;
  - d. deed and decision on the legalization of the establishment and/or amendment from the authorized institution;
  - e. chart of organizational structure of company;
  - f. certificate of domicile of company from local regional government;
  - g. evidence of valid manpower reporting obligation on the basis of Law Number 7 Year 1981;
  - h. contract of work; and
  - i. NPWP of TKA employer.
- (2) The form of RPTKA as meant in paragraph (1) letter b shall contain:
- a. name of TKA employer;
  - b. address of TKA employer;
  - c. position of TKA;
  - d. description of position of TKA;
  - e. working location of TKA;
  - f. quantity of TKA; and
  - g. employment period of TKA.
- (3) Model of the form of RPTKA for singing/karaoke guide as meant in paragraph (2) shall be contained in Form 5 of the attachment to this ministerial regulation.

## Article 27

In the case of result of the evaluation of feasibility of RPTKA for singing/karaoke guide already matching the requirements, the Director General or the Director shall issue decision on legalization of RPTKA in no later than 3 (three) working days.

## Article 28

RPTKA for singing / karaoke guide shall be issued by the Director General or the director for a maximum period of 6 (six) months and may not be extended.

## Article 29

TKA employer employing TKA as singing/karaoke guide shall employ TKI minimally 5 (five) times of TKA singing/ karaoke guide

## CHAPTER III

## THE EXTENSION OF PLAN FOR THE EMPLOYMENT OF EXPATRIATE

## Article 30

- (1) Application for the extension of inter-provincial RPTKA shall be submitted on line by TKA employer to the Director General or the Director.
- (2) Application for the extension of RPTKA not containing any change in one provincial region shall be submitted by TKA employer in writing or online to the Head of Provincial Service.
- (3) The application for the extension of RPTKA as meant in paragraph (1) and paragraph (2) shall be submitted by enclosing or uploading:
  - a. reason for the recruitment of TKA;
  - b. form of RPTKA already completed;
  - c. certificate of domicile of company from local regional government;
  - d. evidence of valid compulsory manpower registration in accordance with Law Number 7 Year 1981;
  - e. report on the realization of education and training in the framework of the transfer of technology and skill by enclosing training certificate;
  - f. valid decision on RPTKA;
  - g. valid IMTA;
  - h. evidence of the payment of DKP-TKA or levy on the extension of IMTA;

- i. recommendation about the position to be assumed by TKA from technical institution in accordance with the provision of legislation.
- (4) The application for the extension of RPTKA as meant in paragraph (1) and paragraph (2) shall be submitted in no later than 30 (thirty) working days before the expiration of RPTKA.
- (5) The provision as meant in paragraph (3) letter e shall not apply to position of member of the board of directors, board of commissioners or patron board, executive board or supervisory board.
- (6) Model of report on the realization of education and training in the framework of the transfer of technology and skill as meant in paragraph (3) letter e shall be contained in Form 6 of the attachment to this regulation.

#### Article 31

In the case of the extension of RPTKA as meant in Article 30 paragraph (2) being executed by Provincial PTSP, TKA employer shall be obliged to secure recommendation from provincial service.

### CHAPTER IV

#### REVISION OF PLAN FOR THE EMPLOYMENT OF EXPATRIATE

#### Article 32

- (1) TKA employer may submit application for the revision of RPTKA online before the expiration of RPTKA.
- (2) The application for the revision of RPTKA as meant in paragraph (1) shall be submitted to the Director General or the Director.
- (3) The revision of RPTKA as meant in paragraph (2) shall cover change in:
  - a. name of TKA employer;
  - b. working location of TKA;
  - c. position of TKA; and/or
  - d. quantity of TKA.

#### Article 33

- (1) TKA employer revising name of TKA employer TKA as meant in Article 32 paragraph (3) letter a shall submit application for the revision of RPTKA on line to the Director General or the Director by uploading:
  - a. reason for the revision;
  - b. deed or decision on legalization of the change in the name and address of TKA employer from the authorized institution;

- c. Valid RPTKA;
- d. valid IMTA;
- e. evidence of the payment of DKP-TKA.

(2) In the case of the requirements as meant in paragraph (1) being declared complete, the Director General or Director shall issue the revision of RPTKA in no later than 2 (two) working days.

#### Article 34

- (1) TKA employer revisiing the working location of TKA as meant in Article 32 paragraph (3) letter b shall submit application for the revision of RPTKA on line to the Director General or Director by uploading:
- a. reason for the revision;
  - b. valid IMTA;
  - c. certificate of domicile of TKA employer; and
  - d. contract of work or contract to execute work.
- (2) In the case of the requirements as meant in paragraph (1) being declared complete, the Director General or Director shall issue the revision of RPTKA in no later than 2 (two) working days.

#### Article 35

- (1) TKA employer revising the position of TKA and quantity of TKA as meant in Article 32 paragraph (3) letter c and letter d shall submit application for the revision of RPTKA on line to the Director General or the Director by uploading:
- a. reason for the revision;
  - b. Valid RPTKA;
  - c. chart of organizational structure of company;
  - d. valid IMTA;
  - e. evidence of the payment of DKP-TKA.
- (2) In the case of the revision of the position of TKA for members of the board of directors, board of commissioners, patron board, supervisory board, besides fulfilling the provision as meant in paragraph (1), TKA employer shall also upload deed and decision on legalization of the establishment and/or revision from the authorized institution.
- (3) In the case of the requirements as meant in paragraph (1) and paragraph (2) being declared complete, the Director General or Director shall issue the revision of RPTKA in no later than 2 (two) working days.

## CHAPTER V

## REQUIREMENTS FOR EXPATRIATE

## Article 36

- (1) TKA employed by TKA employer shall meet the following requirements:
- a. having education in accordance with the requirement for position to be assumed by the said TKA;
  - b. having competence certificate or working experience in accordance with the position to be assumed by the said TKA minimally 5 (five) years;
  - c. preparing letter of statement of the transfer of expertise to counterpart TKI, which is proven by report on the realization of education and training;
  - d. having NPWP, in the case of TKA already working over 6 (six) months;
  - e. having evidence of insurance policy in insurance firm having Indonesian legal entity; and
  - f. membership in national social security, in the case of TKA working over 6 (six) months.
- (2) The requirements as meant in paragraph (1) letter a, letter b, and letter c, shall not apply to members of the board of directors, board of commissioners or patron board, executive board and supervisory board.
- (3) The requirement as meant in paragraph (1) shall not apply to TKA employed for emergency and urgent work.
- (4) The requirement as meant in paragraph (1) letter a, letter b, letter c, letter d, and letter f shall not apply to:
- a. TKA employed for temporary work; and
  - b. TKA employed for impressariate service.
- (5) The counterpart TKI as meant in paragraph (1) letter c shall have educational background in accordance with the position to be assumed by TKA.

## CHAPTER VI

## PROCEDURES FOR SECURING LICENSE TO EMPLOY EXPATRIATE

## Part one

## The Issuance of License to Employ Expatriate

## Article 37

- (1) Every TKA employer shall be obliged to have IMTA issued by the Director.
- (2) IMTA as meant in paragraph (1) shall also be valid for TKA assuming the position of member of the board of directors, board of commissioners, patron board, executive board and supervisory board domiciled abroad.

- (3) The obligation to have IMTA as meant in paragraph (1) shall not apply to representative of foreign country using TKA as diplomatic and counselor employee.

## Part Two

### Procedure for Applying for License to Employ Expatriate

#### Article 38

- (1) In order to secure IMTA, TKA employer shall submit application on line to the Director by uploading:
- a. evidence of the payment of DKP-TKA through government bank appointed by the minister;
  - b. decision on legalization of RPTKA;
  - c. passport of the would-be employed TKA;
  - d. color photo of TKA, 4 x 6 cm;
  - e. letter of the appointment of counterpart TKI;
  - f. having education in accordance with the requirement for position to be assumed by TKA;
  - g. having competence certificate or working experience in accordance with the position to be assumed by TKA minimally 5 (five) years;
  - h. draft working agreement or agreement to execute work;
  - i. evidence of insurance polict in insurance firm in the form of Indonesian legal entity; and
  - j. recommendation from the authorized institution, if necessary, for TKA to be employed by TKA employer.
- (2) Application for IMTA in the case of the position of member of the board of directors, board of commissioners, patron board, executive board, supervisory board, besides fulfilling the provision as meant in paragraph (1) shall also upload or enclose deed and decision on legalization of the establishment and/or revision from the authorized institution.
- (3) TKA employer being representatives of foreign countries, international agencies, international organizations, foreign trade representative office, representative office of foreign company, representative office of foreign news agencies shall be obliged to secure recommendation from the authorized institution.
- (4) The provision as meant in paragraph (1) letter a shall not apply to government institutions, international agencies, representatives of foreign countries, social institutions and religious institutions.
- (5) The provision as meant in paragraph (1) letter e, letter f, letter g letter h and letter i shall not apply to position of TKA employed for emergency and urgent work.
- (6) The provision as meant in paragraph (1) letter e, letter f, letter g and letter h shall not apply to position of:

- a. member of board of directors, board of commissioners, patron board, executive board or supervisory board;
  - b. TKA employed for temporary work; and
  - c. TKA employed for impressariate service.
- (7) Model of form of the application for IMTA shall be as contained in Form 7 of the attachment to this regulation.

#### Article 39

- (1) In the case of the requirements as meant in Article 38 paragraph (1) being already fulfilled, the Director shall issue IMTA in no later than 3 (three) working days.
- (2) The validity period of IMTA as meant in paragraph (1) shall be maximally one year and may be extended in accordance with the ministerial decree regarding positions which may be assumed by TKA or RPTKA.
- (3) IMTA as meant in paragraph (1) shall become the basis for the submission of application for:
  - a. the issuance of visa approval;
  - b. the approval and extension of limited stay permit (ITAS);
  - c. the change in status of visiting stay permit (ITK) to become ITAS;
  - d. the change in status of ITAS to become permanent stay permit (ITAP); and
  - e. the extension of ITAP.
- (4) In the case of the extension of ITAP as meant in paragraph (3)d letter e, IMTA shall be extended every year in accordance with the validity period of ITAP.
- (5) In the case of TKA assuming position as member of board of directors, board of commissioners, patron board, executive board or supervisory board, IMTA may be granted for a maximum period of 2 (two) years and may be extended.

#### Article 40

- (1) DKP-TKA as meant in Article 38 paragraph (1) letter a shall be set at US\$ 100 (one hundred US dollar) per position/month for every TKA, which is paid in advance.
- (2) DKP-TKA as meant in paragraph (1) shall be converted into the Rupiah in accordance with the provision of legislation.
- (3) TKA employer employing TKA less than one month shall be obliged to pay DKP-TKA one month full.
- (4) Payment Form of DKP-TKA as meant in paragraph (1) shall contain:

- a. name of TKA employer;
  - b. name of TKA;
  - c. position of TKA;
  - d. employment period of TKA;
  - e. the paid amount.
- (5) The payment of DKP-TKA as meant in paragraph (1) shall be done by TKA employer and shall be remitted to account of DKP-TKA at the government bank appointed by the minister.
- (6) DKP-TKA as meant in paragraph (1) shall constitute non-tax state revenue (PNBP).

#### Article 41

- (1) TKA employer shall be prohibited from employing TKA in more than one position in the same company.
- (2) TKA employer shall be prohibited from employing TKA currently being employed by other TKA employer.
- (3) The provision as meant in paragraph (2) shall be in exception for TKA assuming the position of members of board of directors, board of commissioner, or patron board, executive board, supervisory board on the basis of shareholder general meeting (RUPS) or patron meeting and contained in legalization deed and decision legalized by the authorized institution.

#### Part Three

#### The extension of License to Employ Expatriate

#### Article 42

The extension of IMTA shall be issued by:

- a. the Director, in the case of TKA having working location more than one province;
- b. the Head of Provincial Service, in the case of TKA having working location inter regency/city in a province;
- c. the Head of Regency/Municipal Service, in the case of TKA having working location in one regency/city.

#### Article 43

- (1) TKA employer planning to extend IMTA for TKA having working location more than one province shall submit application on line to the Director.
- (2) TKA employer planning to extend IMTA for TKA having working location inter-regency/city in one province shall submit application in writing or on line to the Head of Provincial Service.

- (3) TKA employer planning to extend IMTA for TKA having working location in one regency/city shall submit application in writing or on line to the Head of Regency/Municipal Service.
- (4) The application as meant in paragraph (1), paragraph (2), and paragraph (3) shall be submitted in no later than 30 (thirty) working days before the expiration of the validity period of IMTA.

#### Article 44

- (1) The application for the extension of IMTA as meant in Article 43 shall be submitted by enclosing or uploading:
  - a. reason for the extension of IMTA;
  - b. copy of valid IMTA;
  - c. evidence of the payment of DKP-TKA through government bank appointed by the Minister or levy through bank appointed by governor or regent/mayor;
  - d. copy of valid RPTKA decision;
  - e. valid passport of TKA;
  - f. color photo, 4 x 6 cm, 2 (two) sheets;
  - g. copy of working agreement or agreement to execute work;
  - h. copy of salary/wage receipt of TKA;
  - i. copy of NPWP, in the case of TKA already working over 6 (six) months;
  - j. copy of NPWP of TKA employer;
  - k. copy of insurance policy in insurance firm in the form of Indonesian Legal Entity;
  - l. copy of membership card of national social security program, in the case of TKA already working over 6 (six) months;
  - m. copy of letter of the appointment of counterpart TKI;
  - n. report on the realization of education and training of counterpart TKI in the framework of the transfer of technology; and
  - o. recommendation about the position to be assumed by TKA from technical institution in accordance with the effective regulation in the related technical institution.
- (2) TKA employer in the form of representative of foreign countries, international agencies, international organizations, foreign trade representative office, representative office of foreign company and representative office of foreign news agencies shall be obliged to secure recommendation from the authorized institution.

- (3) The validity period of the passport of TKA as meant in paragraph (1) letter e shall be minimally the same as the validity period of IMTA.
- (4) Model of form of application for the extension of IMTA shall be contained in Form 8 of the attachment to this regulation.

#### Article 45

In the case of the extension of IMTA as meant in Article 43 paragraph (2) and paragraph (3) being executed by provincial or regency/municipal PTSP, TKA employer shall be obliged to secure recommendation from provincial service or regency/municipal service.

#### Part Four

#### License to Employ Expatriate for Tentative Work

#### Article 46

- (1) IMTA for tentative work shall be granted for:
  - a. the provision of advocacy, counseling and training in the application and innovation of industrial technology in order to enhance the quality and design of industrial product as well as overseas marketing cooperation for Indonesia;
  - b. production of film commercial and already securing license from the authorized institution;
  - c. delivery of lecture;
  - d. attending meeting organized with head office or representative in Indonesia;
  - e. audit, control of production quality or inspection in branch office in Indonesia;
  - f. TKA in the trial run of capability in working;
  - g. once finished work ;
  - h. work related to the installation of machine, electrical, after-sales service or product in business exploration period.
- (2) IMTA for tentative work shall be granted for a maximum period of one month, except the provision as meant in paragraph (1) letter b, letter g and letter h, shall be granted maximally 6 (six) months and may not be extended.

#### Article 47

- (1) TKA employer planning to employ TKA for the temporary work as meant in Article 46 paragraph (1) shall

be obliged to submit application for IMTA on line to the Director by uploading:

- a. decision on legalization of RPTKA;
- b. evidence of insurance policy in insurance firm in the form of Indonesia legal entity;
- c. passport of TKA containing visiting stay permit issued on the basis of visa issued by representative of the Republic of Indonesia, having visit guaranteed by TKA employer;
- d. color photo, 4 x 6 cm; and
- e. evidence of the payment of DKP-TKA through government bank appointed by the minister.

(2) In the case of the application as meant in paragraph (1) being already complete, the Director shall issue IMTA in no later than 2 (two) working days.

#### Part Five

#### License to Employ Expatriate for Emergency and Urgent Work

#### Article 48

- (1) IMTA for emergency and urgent work shall include natural disaster, force majeure, engine or production tool failure.
- (2) IMTA as meant in paragraph (1) shall be granted for a maximum period of one month and may not be extended.

#### Article 49

- (1) TKA employer planning to employ TKA for temporary and urgent work shall be obliged to submit application for MTA on line to the Director by uploading:
  - a. statement of TKA employer with regards to emergency and urgent condition;
  - b. passport of TKA containing stay permit of TKA;
  - c. color photo of TKA, 4 x 6 cm;
  - d. evidence of the payment of DKP-TKA through government bank appointed by the minister.
- (2) In the case of the application as meant in paragraph (1) being already complete, the Director shall issue IMTA in no later than one working day.
- (3) In the case of IMTA as meant in paragraph (2) being not issued yet or being in the course of process, TKA employer may employ TKA first.

## Part Six

## License to Employ Expatriate for Special Economic Zone and Free Port and Free Trade Area

## Article 50

- (1) TKA employer planning to employ TKA in KEK and KPBPB shall be obliged to submit application for IMTA in writing or on line to the appointed official in KEK and KPBPB.
- (2) Procedures for securing IMTA in KEK and KPBPB shall be in accordance with the provision of legislation.

## Part Seven

## License to Employ Expatriate for Waters Territory

## Article 51

- (1) TKA employer employing TKA having working location offshore shall be obliged to secure IMTA.
- (2) TKA employer planning to employ TKA having working location offshore shall be obliged to submit application on line to the Director by uploading:
  - a. recommendation from related institution;
  - b. valid RPTKA;
  - c. evidence of the payment of DKP-TKA through government bank appointed by the minister;
  - d. passport of TKA or seaman book of TKA;
  - e. color photo of TKA, 4 x 6 cm;
  - f. certificate of competence or working experience in accordance with the position to be assumed by TKA minimally 5 (five) years;
  - g. evidence of insurance policy in insurance firm in the form of Indonesia legal entity.
- (3) IMT A as meant in paragraph (1) shall be issued by the director.
- (4) IMTA as meant in paragraph (1) shall be used as the basis for the issuance of sailing permit from the institution in charge of transportation affairs, in the case of TKA employer employing TKA.
- (5) List of crew members of fishing ship (Crew List) in the technical recommendation issued by the institution in charge of maritime and fishery affairs shall be used as the basis for the issuance of IMTA to secure ITAS offshore.

## Part Eight

## License to Employ Expatriate for Singing/Karaoke Guide

## Article 52

TKA employer planning to employ TKA as singing'/karaoke guide shall submit application for IMTA on line to the Director by uploading:

- a. license of business place having karaoke facility;
- b. RPTKA legalized by the director;
- c. evidence of the payment of DKP-TKA through government bank appointed by the minister;
- d. color photo of TKA, 4 x 6 cm;
- e. valid passport of TKA;
- f. evidence of insurance policy in insurance firm in the form of Indonesia legal entity; and
- g. working agreement between TKA and TKA employer,

## Article 53

IMTA for singing/karaoke guide shall be granted for a maximum period of 6 (six) months and may not be extended.

## Part Nine

## License to Employ Expatriate for Holder of Permanent Stay Permit

## Article 54

(1) TKA employer planning to employ TKA holding permanent stay permit shall be obliged to submit application on line to the Director by uploading:

- a. valid RPTKA;
- b. valid permanent stay permit;
- c. evidence of membership in national social security program;
- d. evidence of the payment of DKP-TKA through the government bank appointed by the minister;
- e. working agreement or agreement to execute work;
- f. evidence of insurance policy in insurance firm in the form of Indonesia legal entity;
- g. valid passport of TKA.
- h. color photo of TKA, 4 x 6 cm;
- i. NPWP of TKA; and
- j. NPWP of TKA employer.

- (2) In the case of the documents as meant in paragraph (1) being already complete and fulfilling the requirements, the Director shall issue IMTA in no later than 3 (three) working days.

## CHAPTER VII

### REVISION OF LICENSE TO EMPLOY EXPATRIATE

#### Article 55

- (1) TKA employer revising name of TKA employer shall submit application for the revision of IMTA online to the Director by uploading:
- a. reason for the revision;
  - b. deed and decision on the legalization of the change in name as well as address of TKA employer from the authorized institution;
  - c. valid RPTKA;
  - d. valid IMTA;
  - e. valid ITAS or ITAP;
  - f. evidence of insurance policy in insurance firm in the form of Indonesia legal entity;
- (2) In the case of the requirements as meant in paragraph (1) being declared complete, the Director shall issue the revision of IMTA in no later than 2 (two) working days.

#### Article 56

- (1) TKA employer revising working location of TKA shall submit application for the revision of IMTA on line to the Director by uploading:
- a. reason for the revision;
  - b. valid RPTKA;
  - c. valid IMTA;
  - d. valid ITAS or ITAP;
  - e. certificate of domicile of TKA employer;
  - f. evidence of insurance policy in insurance firm in the form of Indonesian legal entity;
  - g. contract of work or contract to execute work;
  - h. evidence of the payment of DKP-TKA.
- (2) In the case of the requirement as meant in paragraph (1) being declared complete, the Director shall issue the revision of IMTA in no later than 2 (two) working days.

## Article 57

- (1) TKA employer revising the position of TKA shall submit application for the revision of IMTA on line to the Director by uploading:
- reason for the revision;
  - valid RPTKA;
  - valid ITAS or ITAP;
  - valid IMTA;
  - evidence of insurance policy in company in the form of Indonesian legal entity;
  - deed or decision on legalization of the establishment or revision from the authorized institution; and
  - evidence of the payment of DKP-TKA.
- (2) The revision of position of TKA as meant in paragraph (1) shall only apply to position of members of board of directors, board of commissioners, patron board, executive board and supervisory board.
- (3) In the case of the requirement as meant in paragraph (1) being declared complete, the Director shall issue the revision of IMTA in no later than 2 (two) working days.

## CHAPTER VIII

## REPORTING

## Article 58

TKA employer already having IMTA, in no later than 7 (seven) working days after employing TKA shall be obliged to report to the Head of Provincial Service or Head of Regency/Municipal Service in accordance with the working location of TKA.

## Article 59

- (1) TKA employer shall be obliged to report the employment of TKA to the Director or Head of Provincial Service or Head of Regency/Municipal Service with a copy made available to the Director General.
- (2) The report as meant in paragraph (1) shall cover:
- realization of the education and training of counterpart TKI in company periodically every 6 (six) months;
  - the expiration of the employment of TKA.
- (3) The Director or Head of Provincial Service or Head of Regency/Municipal Service shall report the issuance of IMTA periodically every 3 (three) months to the Minister with a copy made available to the Director General.

## CHAPTER IX

## SUPERVISION

## Article 60

Supervision over TKA employer shall be done by manpower supervisory personnel in accordance with the provision of legislation.

## CHAPTER X

## PENCABUTAN IZIN MEMPEKERJAKAN

## TENAGA KERJA ASING

## Article 61

- (1) IMTA shall be revoked if TKA does not employ TKA in accordance with IMTA.
- (2) The revocation of IMTA as meant in paragraph (1) shall be done:
  - a. the Director, in the case IMTA having working location of TKA more than one province;
  - b. the Head of Provincial Service, in the case of the extended IMTA having working location of TKA inter-regency/city in one provincial region;
  - c. the Head of Regency/Municipal Service, in the case of the extended IMTA having working location of TKA in one regency/city.
- (3) The revocation of IMTA as meant in paragraph (2) letter a shall be done on the basis of recommendation of manpower supervisory personnel in the central level.
- (4) In the case of provincial or regency/municipal manpower supervisory personnel finding that TKA employer does not employ TKA in accordance with IMTA issued by the Director, it shall be reported to the Director General of Manpower Supervisory and Occupational Safety and Health Development to be processed in accordance with the provision of legislation.

Article 62

to be continued

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# PROCEDURES FOR EMPLOYING EXPATRIATES

## (Regulation of the Minister of Manpower Number 16 Year 2015, Dated June 29, 2015)

### [Continued from Business News No. 8835-8836 page 21-48]

#### Article 62

- (1) The revocation of the extended IMTA in the case of the inter-provincial working location of TKA in one province, shall be done on the basis of recommendation from manpower supervisory personnel in the provincial level.
- (2) The revocation of the extended IMTA as meant in paragraph (1) shall be done after coordinating with the Director General of Manpower Supervisory and Occupational Safety and Health Development.

#### Article 63

- (1) The revocation of the extended IMTA in the case of working location of TKA in one regency/city shall be done on the basis of recommendation of manpower supervisory personnel in the regency/city.
- (2) The revocation of the extended IMTA as meant in paragraph (1) shall be done after coordinating with provincial service.

#### Article 64

- (1) The Head of Provincial Service as meant in Article 61 paragraph (2) letter b shall be obliged to report the revocation of the extended IMTA to the Di-

rector General with a copy made available to the Director General of Manpower Supervision and Occupational Safety and Health Development.

- (2) The Head of Regency/Municipal Service as meant in Article 61 paragraph (2) letter c shall be obliged to report the revocation of the extended IMTA to the provincial service with a copy made available to the Director General of Manpower Supervision and Occupational Safety and Health Development.

#### CHAPTER XI

#### TRANSITIONAL PROVISION

#### Article 65

TKA employer may assign TKA to conduct the transfer of technology and skill in educational and training institution in accordance with the agreed agreement.

#### Article 66

TKA employer employing TKA in the position of member of board of directors, board of commissioners, patron board, executive board or supervisory board shall be obliged to have IMTA as from the issuance of decision on legalization of the establishment and/or revision from the authorized institution.

CHAPTER XII

CONCLUSION

Article 67

Following the enforcement of this regulation, Regulation of the Minister of Manpower and Transmigration Number 12 Year 2013 regarding Procedures for Employing Expatriate (State Gazette of the Republic of Indonesia Year 2013 Number 1565), shall be revoked and declared null and void.

Article 68

The regulation shall come into force as from the date of promulgation.

For public cognizance, the regulation shall be promulgated by placing it in State Gazette of the Republic of Indonesia.

Stipulated in Jakarta

On June 29, 2015

THE MINISTER OF MANPOWER OF THE REPUBLIC OF INDONESIA

sgd.

M. HANIF DHAKIRI

Promulgated in Jakarta

On June 29, 2015

THE MINISTER OF LAW AND HUMAN RIGHTS OF THE REPUBLIC OF INDONESIA

sgd.

YASONNA H. LAOLY

STATE GAZETTE OF THE REPUBLIC OF INDONESIA

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Editor's note:

Due to technical reason, the attachment is not published.

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