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INDONESIA: COMPLIANCE CHECK – SHORT TERM BUSINESS TRAVELLERS

An increase in the incidence of inspections by the immigration authorities to workplaces reviewing the legality of the immigration status of foreign workers and business travellers means now is the time to review your mobility arrangements and ensure compliance.

What is required for foreigners to work in Indonesia?

As a general rule, in order to perform work in Indonesia, a work permit will be required.

For short term business travellers, although individuals of certain nationalities can enter Indonesia on a social visit pass (also known as a “visa exempt” social pass), the activities that can be performed on such visas are greatly limited, for example, to attending business meetings or holding business discussions.

Accordingly, individuals traveling on social visit passes should avoid carrying out activities which can be perceived as work. The frequency and length of the individual’s visits and the nature of his/her activities in Indonesia may also be taken into account in assessing whether an individual is performing “work”.

What are the risks of having the wrong visa?

An individual on a social visit pass may be considered to be in breach of the conditions of such pass if he/she performs work in Indonesia. Potential consequences include:

- confiscation of travel documents (such as passports);
- questioning by the immigration authorities;
- detention for a period of time; and/or (iv) deportation; or
- criminal sanctions including imprisonment or fines financial penalties.

Further, the company may be found to have committed an offence which can also result in criminal sanctions including imprisonment (of the directors or officers) or fines.

Compliance

Companies should review their mobility and short term travel arrangements to ensure that foreigners visiting Indonesia for business or working in Indonesia are on the correct visa.

Hiswara Bunjamin & Tandjung and Herbert Smith Freehills can assist you with achieving compliance. To discuss how, please contact Narendra Adiyasa at narendra.adiyasa@hbtlaw.com or Fatim Jumabhoy at fatim.jumabhoy@hsf.com.

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