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STATE GAZETTE
OF THE REPUBLIC OF INDONESIA

Number. 1063, 2021

MINISTRY OF LAW AND HUMAN RIGHTS. Immigration. Consultant.

REGULATION OF THE MINISTER OF LAW AND HUMAN RIGHTS
OF THE REPUBLIC OF INDONESIA
NUMBER 35 OF 2021
REGARDING
IMMIGRATION CONSULTANT

BY THE GRACE OF THE ALMIGHTY GOD

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

- Considering
- a. that the state is responsible for providing adequate public service facilities, including in the implementation of immigration services for Indonesian citizens and residents;
 - b. that the existence of consulting services and assistance services providers for applicants in immigration services who are unprofessional and not accountable has harmed the applicants in immigration services.
 - c. that based on the considerations as referred to in letters a and b, as well as to provide legal certainty in the implementation of immigration services, it is necessary to stipulate the Regulation of the Minister of Law and Human Rights on Immigration Consultants.
- In view of
- 1. Article 17 paragraph (3) of the 1945 Constitution of the Republic of Indonesia;
 - 2. Law Number 39 of 2008 regarding State Ministries (State Gazette of the Republic of Indonesia Year 2008 Number 166, Supplement to the State Gazette of the Republic of Indonesia Number 4916);
 - 3. Law Number 6 of 2011 regarding Immigration (State Gazette of the Republic of Indonesia year 2011 Number 52, Supplement to the State Gazette of the Republic of Indonesia Number 5216);

4. Law Number 11 of 2020 regarding Job Creation (State Gazette of the Republic of Indonesia year 2020 Number 245, Supplement to the State Gazette of the Republic of Indonesia Number 6573);
5. Government Regulation Number 31 of 2013 regarding Implementing Regulation of Law Number 6 of 2011 regarding Immigration (State Gazette of the Republic of Indonesia Year 2013 Number 68, Supplement to the State Gazette of the Republic of Indonesia Number 5049) as amended several times, the latest by Government Regulation Number 51 of 2020 regarding Second Amendment to Government Regulation Number 31 of 2013 regarding Implementing Regulation of Law Number 6 of 2011 regarding Immigration (State Gazette of the Republic of Indonesia Year 2021 Number 58, Supplement to the State Gazette of the Republic of Indonesia Number 6660);
6. Presidential Regulation Number 44 of 2015 regarding Ministry of Law and Human Rights (State Gazette of the Republic of Indonesia Year 2015 Number 84);
7. Regulation of the Minister of Law and Human Rights Number 29 of 2015 regarding Organization and Work Procedure of the Ministry of Law and Human Rights of the Republic of Indonesia (State Gazette of the Republic of Indonesia Year 2015 Number 1473 as amended several times, the latest by Regulation of the Minister of Law and Human Rights Number 24 of 2018 regarding Amendment To Regulation of the Minister and Human Rights Number 29 of 2015 regarding Organization and Work Procedure of the Ministry of Law and Human Rights of the Republic of Indonesia (State Gazette of the Republic of Indonesia Year 2018 Number 1135);

HAS DECIDED:

To stipulate

: REGULATION OF THE MINISTER OF LAW AND HUMAN RIGHTS
REGARDING IMMIGRATION CONSULTANT.

CHAPTER I GENERAL PROVISIONS

Article 1

In this Minister Regulation, referred to as:

1. Immigration is a matter of traffic of people entering or leaving the Indonesian Territory and its supervision in the context of maintaining the upholding of state sovereignty.
2. The Territory of the Republic of Indonesia, hereinafter referred to as Indonesian Territory, is the entire territory of Indonesia and certain zones determined by law.
3. Immigration Services is a government service in the field of Immigration which includes Visa, Passport, Stay Permit, and other Immigration Documents services.
4. Immigration Documents are Travel Documents of the Republic of Indonesia and Residence Permits issued by Immigration Officers or foreign service officers.
5. Indonesian Passport, hereinafter referred to as Passport is a document issued by the Government of Indonesia to Indonesian citizens to travel between countries which is valid for a certain period of time.
6. Visa of the Republic of Indonesia, hereinafter referred to as Visa is a written statement, either manually or electronically, issued by the authorized official to travel to the Indonesian Territory and serving as the basis for granting a Stay Permit.
7. A stay Permit is a permit granted to a Foreigner by an Immigration Officer or foreign service officers either manually or electronically to be in the Indonesian Territory.
8. A foreigner is a person who is not an Indonesian citizen.
9. Sponsor is an individual or Corporation who is responsible for the presence and activities of a Foreigner during his presence in Indonesian Territory.
10. An Immigration Consultant is a person who provides immigration services who has attended immigration services executive training and is declared to have passed.
11. Business Identification Number, hereinafter abbreviated as NIB (BIN), is a proof of registration of business actors to carry out business activities and as identity for business actors in implementation of their business activities.
12. Minister is the minister who carries out government affairs in the fields of law and human rights.
13. The Directorate General is the Directorate General of Immigration.
14. Immigration Officers are employees who have passed through Immigration special education program and own the Immigration technical expertise and have the authority to carry out their duties and responsibilities under the Law on Immigration.
15. The Ministry is the Ministry of Law and Human Rights.
16. Regional Office is the Regional Office of the Ministry of Law and Human Rights.

17. Immigration Office is an immigration office in a district, city or sub-district area.
18. Immigration Detention Center is a technical implementing unit that carries out Immigration functions as a temporary shelter for Foreigners who are subject to immigration administrative actions.

CHAPTER II

WORK PROCEDURE OF IMMIGRATION CONSULTANT

Article 2

- (1) Immigration Consultants provide consulting services and provide assistance to applicants for Immigration Services.
- (2) Applicants for Immigration Services as referred to in paragraph (1) consist of:
 - a. Indonesian Citizens;
 - b. Foreigners; and
 - c. Sponsor/Guarantor.
- (3) Immigration services carried out by the Immigration Consultant are carried out based on the power of attorney from the applicant as referred to in paragraph (2).

Article 3

- (1) To be able to provide consulting services and provide assistance to applicants for Immigration Services, the Immigration Consultant must be accommodated in the Immigration Consultant's office.
- (2) The Immigration Consultant Office as referred to in paragraph (1) belongs to:
 - a. Indonesian migrant worker placement company;
 - b. Law office;
 - c. Travel agency;
 - d. Travel agency for Umrah and Hajj;
 - e. Travel agent;
 - f. Travel agent for Umrah and Hajj;
 - g. Impresario/promoter services;
 - h. Other travel agencies.

- (3) The Immigration Consultant Office as referred to in paragraph (2) must meet the following requirements:
 - a. Incorporated;
 - b. Registered with the Ministry; and
 - c. has facilities and infrastructure.
- (4) The ownership of facilities and infrastructure for the Immigration Consultant office as referred to in paragraph (3) shall at least consist of:
 - a. Office/Workspace;
 - b. Organizational chart/structure of the Immigration Consultant office;
 - c. Office tools/Work Equipment;
 - d. Office signage installed at the front of the yard, in a place that is easily visible.
- (5) The Immigration Consultant Office is determined through the Decree of the Directorate General after registration.

Article 4

- (1) The Immigration Consultant Office has the following work areas:
 - a. Indonesian Territory; and/or
 - b. Overseas.
- (2) The work areas as referred to in paragraph (1) are determined by the Directorate General.

CHAPTER III REGISTRATION AND ESTABLISHMENT OF IMMIGRATION CONSULTANT OFFICE

Part One Registration

Article 5

- (1) The registration of the Immigration Consultant office as referred to in Article 3 paragraph (5) shall be submitted either electronically or non-electronically to the Directorate General by filling in the data and attaching the following:

- a. an application letter addressed to the Directorate General signed by the head of the company;
 - b. identity card and tax identification number of the head of the company;
 - c. bank statement or bank passbook for the last 3 (three) months amounting to;
 1. Rp. 2.000.000.000,00 (two billion rupiah) for the registration of an Immigration Consultant office which has a work area covering the entire Indonesian Territory;
 2. Rp. 1.000.000.000,00 (one billion rupiah) for the registration of an Immigration Consultant office that has a work area in one province;
 3. Rp. 5.000.000.000,00 (five billion rupiah) for the registration of an Immigration Consultant office that has a work area in one province and overseas;in one account or in several accounts for which the total amount is accumulated;
 - d. Business Identification Number;
 - e. proof of ownership or lease agreement/contract/cooperation agreement for the office;
 - f. statement letter for employing an Immigration Consultant who has attended training and is declared to have passed;
 - g. Immigration Consultant training certificate from the labor as referred to in letter f; and
 - h. latest deed of company.
- (2) For the candidates of Immigration Consultant office which belong to Indonesian migrant workers placement company, besides having to meet the requirements as referred to in paragraph (1), they must also attach a permit of Indonesian migrant workers placement company.
- (3) For the candidates of Immigration Consultant office which belong to travel agencies, Umrah and Hajj travel agencies, travel agents, Umrah and Hajj travel agents, as well as other travel agencies, besides having to meet the requirements as referred to in paragraph (1), they must also attach a tourism business certificate.

Article 6

- (1) For the candidates of Immigration Consultant office which have a work area covering the entire Indonesian Territory, they must attach a list of company branch offices in each province.
- (2) In the event that the registration is submitted for an Immigration Consultant who has a work area in 1 (one) province and overseas, besides having to meet the requirements as referred to in Article 5, they must also attach a certificate of having experience in managing Immigration Services abroad given by the Immigration Officer appointed to the Representatives of the Republic of Indonesia abroad.

Part Two Establishment

Article 7

- (1) The establishment of the Immigration Consultant office is carried out in stages which include:
 - a. requirements check;
 - b. payment of fees in accordance with the provisions of laws and regulations in the field of non-tax state revenues applicable to the Ministry;
 - c. *profiling*, verification, field check or other inquiries and recommendations from the Directorate of Immigration Intelligence;
 - d. issuance of the Directorate General Decree.
- (2) In order to carry out the activities as referred to in paragraph (1) letter c, the Directorate general may appoint an Immigration Officer at the Regional Office or Immigration Office.
- (3) The Directorate general decree as referred to in paragraph (1) letter d shall be valid for a maximum period of 5 (five) years.
- (4) The establishment of the Immigration Consultant office as referred to in paragraph (1) shall be completed within a maximum of 7 (seven) working days.

CHAPTER IV IMMIGRATION CONSULTANT TRAINING

Article 8

- (1) The Directorate General organizes the Immigration Consultant training.
- (2) To be able to become an Immigration Consultant training participant, you must meet the following requirements:
 - a. an Indonesian citizen;
 - b. A permanent resident in Indonesian territory;
 - c. not a part of state civil apparatus or the Indonesian National Army or a member of the Indonesian National Police; and
 - d. having a good track record of legal compliance as evidenced by a police record certificate issued by the Indonesian National Police.

Article 9

Registration of Immigration Consultant training participants is submitted through an electronic or non-electronic application to the Directorate General by filling in the data and attaching the following:

- a. application letter for Immigration Consultant training;
- b. curriculum vitae that contains a history of work experiences and educational background;
- c. copy of identity card;
- d. copy of taxpayer identification number;
- e. police record certificate issued by the Indonesian National Police;
- f. the latest identification color photo with a size of 4 cm x 6 cm (four centimeters by six centimeters) with a white background of 3 (three) sheets.
- g. the statement letter for not being a part of state civil apparatus or the Indonesian National Army or a member of the Indonesian National Police.

Article 10

Participants who have attended the Immigration Consultant training and are declared passed will be given a proof of graduation.

Article 11

- (1) In organizing the Immigration Consultant training as referred to in Article 8 paragraph (1), the Directorate General may cooperate with legal higher education institutions.
- (2) Immigration Consultant training implementation guidelines are determined by the Directorate General.

CHAPTER V OBLIGATIONS AND PROHIBITIONS FOR IMMIGRATION CONSULTANT

Article 12

Immigration Consultant must:

- a. provide consulting services in the field of Immigration services;
- b. protect and maintain the confidentiality of data and information related to the application for Immigration Services except when needed in the interests of Immigration examinations;
- c. provide accurate monthly reports on the immigration services provided;
- d. report the change of office address, the movement of the Immigration Consultant, and/or the change of organizational structure;
- e. ensure the correctness of data and information in the application or administration of Immigration Services;
- f. provide the correct data and information regarding the registration of an Immigration Consultant.

Article 13

Immigration Consultant is prohibited from practicing corruption, collusion and/or nepotism.

CHAPTER VI ADMINISTRATIVE SANCTIONS

Article 14

Administrative sanctions consist of:

- a. written warning;
- b. imposition of administrative fines;
- c. immigration guidance to the head of the Immigration Consultant;
- d. temporary suspension of service permit for Immigration Services for 6 (six) months;
- e. sealing the service permit for 1 (one) year;
- f. dismissal of the Director General's Decree.

Article 15

- (1) The Immigration Consultant Office which does not fulfill the obligations as referred to in Article 12 letter a or letter b and/or Article 13, shall be subject to an administrative sanction in the form of a written warning, with prior notification that the Immigration Consultant office has violated Article 12 letter a or letter b and/or Article 13 and if it is not heeded and does not file an objection within 7 (seven) working days, the imposition of sanctions will be imposed.
- (2) Immigration Consultant Office which has been sanctioned as referred to in paragraph (1) for 2 (two) times within 6 (six) months and/or Immigration Consultant office which does not fulfill the obligations as referred to in Article 12 letter b to letter d shall be subject to administrative sanctions in the form of;
 - a. imposition of administrative fines;
 - b. immigration guidance to the head of the Immigration Consultant at immigration detention center or other specified place for 7 (seven) days;
or
 - c. temporary suspension of service permit for Immigration Services for 6 (six) months,with prior notification that the Immigration Consultant office has violated Article 12 letter b until letter d and if it is not heeded and does not file an objection within 7 (seven) working days, the imposition of sanctions will be imposed.

- (3) The Immigration Consultant Office which does not fulfill the obligations as referred to in article 12 letter e and the Immigration Consultant office which is subject to sanctions as referred to in paragraph (2) letter c for 2 times within the last 1 (one) year, shall be subject to administrative sanctions in the form of:
- a. imposition of administrative fines;
 - b. sealing the service permit for 1 (one) year;
- with prior notification that the Immigration Consultant office has violated Article 12 letter e and the Immigration Consultant Office which is subject to sanctions as referred to in paragraph (2) letter c for 2 times in the last 1 (one) year and if it is not heeded and does not file an objection within 7 (seven) working days, the sanction will be imposed.
- (4) The Immigration Consultant Office which is subject to sanctions as referred to in paragraph (2) letter c for 2 times in the last 1 (one) year is subject to administrative sanctions in the form of sealing the service permits for 1 (one) year or administrative fines or grounded at the detention house or another specified place for 14 (fourteen) days, with a prior notification letter and if it is not heeded and does not file an objection within 7 (seven) working days, the sanction will be imposed.

Article 16

- (1) The administrative sanctions as referred to in Article 14 letters a to b can be imposed by:
- a. The Directorate General; or
 - b. Immigration Officer at Regional Office or Immigration Office.
- (2) The administrative sanctions as referred to in Article 14 letters c to f can be imposed by the Directorate General.
- (3) The administrative sanctions imposed by Immigration Officer at Regional Office or Immigration Office as referred to paragraph (1) letters b can be carried out after receiving the Directorate General's decree.

Article 17

Further provisions regarding the procedure for imposing administrative sanctions shall be stipulated through a Decree of the Directorate General.

**CHAPTER VII
MISCELLANEOUS PROVISIONS**

Article 18

The collection of fees and the imposition of administrative fines in this Ministerial Regulation will be implemented after the issuance of a Government Regulation concerning non-tax state revenues applicable to the Ministry of Law and Human Rights.

**CHAPTER VIII
CLOSING PROVISIONS**

Article 18

This Ministerial Regulation shall come into effect after 90 (ninety) days from the date of promulgation.

For public cognizance, it is ordered that this Ministerial Regulation be enacted by placing it in the State Gazette of the Republic of Indonesia.

Stipulated in Jakarta
On September 17, 2021

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

[Signed].

YASONNA H. LAOLY

Promulgated in Jakarta
On September 20, 2021

DIRECTOR GENERAL
OF LAWS AND REGULATIONS
OF THE MINISTRY OF LAW
AND HUMAN RIGHTS
OF THE REPUBLIC OF INDONESIA

[Signed]

BENNY RIYANTO