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Title	Government Ordinance No. 31/1994 on Alien Control and Immigration Action
Publisher	National Legislative Bodies
Country	Indonesia
Publication Date	14 October 1994
Reference	IDN-115
Cite as	<i>Government Ordinance No. 31/1994 on Alien Control and Immigration Action</i> [Indonesia], 14 October 1994, available at: http://www.unhcr.org/refworld/docid/3ae6b4ea1f.html [accessed 17 August 2010]
Comments	This is an unofficial translation. This Ordinance was promulgated by the President of the Republic on 14 October 1994.

Government Ordinance No. 31/1994 on Alien Control and Immigration Action

Date of entry into force: 14 October 1994

PRESIDENT REPUBLIC OF INDONESIA

In Considerance of:

a. the aspect to uphold and maintain the stability and national interest, state integrity, security and public order, and the alertness towards arising negative impact as a consequence of inter state people traffic, the presence and activities of foreign subject in R.I. Territory, it is necessary to conduct alien control and immigration action quickly, throughly and coordinatedwise, without neglecting the openness of public service for foreign subject;

b. the abovementioned and in the framework of the implementation of the provision set forth in Article 46 Immigration Act No: 9/1992, it is necessary to establish Government Ordinance on Alien Control and Immigration Action.

In View of:

1. Article 5 para (2) of 1945 Constitution;
2. Expatriate Employment Act No: 3/1957 (State Gazette No: 8/1957);
3. Immigration Act No: 9/1992 (State Gazette No: 33/1992 - Supplement State Gazette No: 3474)

HEREBY DECIDED

TO ESTABLISH: GOVERNMENT ORDINANCE ON ALIEN CONTROL AND IMMIGRATION ACTION.

CHAPTER I - GENERAL PROVISION

Article 1

Unless otherwise meant by this Government Ordinance e.g.:

1. Minister is the Minister whose scope of duty and responsibility covers the Immigration sector.

2. Regional Office is the Department vertical agency which scope of duty and responsibility covers the immigration sector in a Province.

3. Immigration Officer is the Immigration Officer or other officer whose status or capacity holds the authority, duty and responsibility on immigration affairs.

4. Immigration document is an immigration permit issued by an authorized officer on immigration affairs.

CHAPTER II - ALIEN CONTROL

Part One - Control Authority

Article 2

The Minister holds the authority and responsibility to:

a. Conduct control on incoming and outgoing, presence and activities of foreign subject(s) in R.I. Territory.

b. Coordinate the task implementation of government Body and Agency involved in Alien Control.

Article 3

The implementation of control and coordination set forth in Article 2 is conducted by the Director General of Immigration.

Article 4

The implementation of control and coordination set forth in Article 3, is conducted by the Head Regional Office in a Province and by the Chief Immigration Office in a District.

Part Two - Data Collecting

Article 5

Data collecting on foreign subject is conducted by way of collecting data and information of any foreign subject in R.I. Territory e.g. :

a. incoming or outgoing in R.I. Territory;

b. presence in R.I. Territory; and

c. conduct activities in R.I. Territory.

Article 6

In the framework to collect data and information on incoming and outgoing, presence and activities of foreign subject in R.I. Territory, an Immigration Officer conduct immigration intelligence.

Article 7

In the framework to conduct immigration intelligence, an Immigration Officer holds the authority to:

a. collect particulars from the public or government agency;

b. visit places or buildings believed to keep particulars on the presence and activities of foreign subject;

c.examine a foreign subject Travel or Immigration Document.

Article 8

Any foreign subject on incoming or outgoing in R.I. Territory should provide his/her identity, particulars on incoming or outgoing and other particulars as well required by an Immigration Officer on duty at an Immigration Inspection Site.

Article 9

1)The responsible person on accommodation should provide a guest book and alien questionnaire with particulars e.g.:

a.name;

b.sex;

c.civil status;

d.nationality;

e.place and date of birth;

f.profession;

g.home country address;

h.number and validity of passport;

i.type of visa;

j.Immigration Inspection Site and date of admission in Indonesia;

k.objective; and

l.signature.

2)The responsible person on accommodation set forth in para (1) should submit the alien questionnaire to the local R.I. State Police Station, within 24 (twenty four) hours at the latest from the admission date of the respective foreign subject.

3)On request of an Immigration Officer, Police Officer and other Security Officer, the responsible person on accommodation should produce the required guest book and alien questionnaire and also particulars on a foreign guest.

4)Copy of the alien questionnaire set forth in para (2) should be kept by the responsible person on accommodation within 1 (one) year period.

Article 10

Any individual providing accommodation to a foreign subject at his home should file a report to R.I. State Police Station or local government official within 24 (twenty four) hours from date of arrival.

Article 11

On request of an Immigration Officer on duty, any foreign subject present in R.I. Territory should produce his/her Travel, or Immigration Document and other Immigration papers as well.

Part Three - Registration

Article 12

1)Foreign subject staying in R.I. Territory for a period exceeding 90 (ninety) days, should register in person at the local Immigration Office thereat.

2)Registration should be done within 14 (fourteen) days at the latest from the 91st (ninety first) days of stay.

3)The implementation of registration set forth in para (2) may be conducted coinciding with the time the respective individual obtain visit permit extension or on the issuance of a Limited Stay Permit.

4)The compulsory registration set forth in para (1) for minor children up to 16 years old of age and single should be done by the parents or guardians.

Article 13

The compulsory registration set forth in art 12 Para (1) is not effective against foreign subject and family residing in R.I. Territory on diplomatic and consular mission.

Article 14

1)Alien registration is done by way of filling out a questionnaire comprising :

a.Name;

b.Sex;

c.Civil status;

d.Nationality;

e.Place and date of birth;

f.Profession;

g.Address;

h.Number and validity of passport;

i.Immigration Inspection Site and date of admission in R.I. Territory; and

j.Validity period of registration

Article 15

1)The Director General of Immigration is responsible on the alien record safekeeping for the whole R.I. Territory.

2)The alien record set forth in Para (1) may be distributed to Government Body or Agency whole scope of duty covers alien control.

Article 16

Alien record safekeeping set forth in art. 15 is done by the Regional Head in a Province and the Chief Immigration Office in a District.

Article 17

1)Foreign subject having completed registration set forth in art. 12 Para (1) should report any changes on the set up of the family, civil status, nationality, address or profession to the local Immigration Office thereat.

2)The obligation set forth in Para (1) should be completed within 14 (fourteen) days from the time the actual change (s) took place.

3) If such changes set forth in Para (1) take place outside R.I. Territory, then the compulsory registration should be completed within 14 (fourteen) days as from his/her arrival in Indonesia.

Article 18

1) In absence of an Immigration Office at place of domicile of a foreign subject, the compulsory registration set forth in art. 17 should be made through the local government agency thereat.

2) The local government agency should forward the report set forth in para (1) to the respective Chief Immigration Office whose jurisdiction covers the domicile of the foreign subject.

Article 19

1) Every foreign subject who has obtained a Limited Stay Permit or Permanent Stay Permit, should report at R.I. State Police Station at place of domicile within 30 (thirty) days from date of issuance of said permit.

2) Every foreign subject set forth in para (1) on change of address should report to R.I. State Police Station at the former and current place of domicile within 7 (seven) days from date of transfer to a new place.

3) Every foreign subject set forth in para (1) will be issued a Certificate of Report after being registered at R.I. State Police Station thereat.

Part Four - Data and Information Processing

Article 20

1) Every Regional Office and Immigration Office process data and information on incoming and outgoing, presence and activities of foreign subject in their respective jurisdiction.

2) The result of data and information processing set forth in para (1) should be reported to the Director General of Immigration.

3) Further provision on the procedure of data and information processing and its report set forth in para (1) and Para (2) is established by a ministerial decision.

Part Five - Coordination of Control

Article 21

1) In the framework of Alien control, the Minister establish an Alien Control coordinating Team.

2) The Alien Control coordinating Team set forth in para (1) is established at:

a. National Level

b. Provincial Level

c. Area level in the presence of an Immigration Office.

3) Member of Alien Control Coordinating Team set forth in para (1) consists of representatives of government body or agency whose scope of function is related with Alien Control.

Article 22

1) The National Level Alien Control Coordinating Team is chaired by the Director General of Immigration or a designated Immigration Officer.

2) The Provincial Level Alien Control Coordinating Team is chaired by the Head Regional Office or a designated Immigration Officer.

3)The Area Level Alien Control Coordinating Team is chaired by the Chief Immigration Office at his jurisdiction.

Article 23

1)The Alien Control Coordinating Team should forward motion and recommendation to the government body or agency related with Alien Control, on Immigration matters.

2)The motion and recommendation set forth in para (1) should be forwarded to the Head of a Government Body or Agency according to their respective level.

3)Further provision in the set-up and mechanism and other matters pertaining the Alien Control Coordinating Team will be further established by the Minister.

CHAPTER III - IMMIGRATION ACTION

Part one - Action mechanism

Article 24

1)Immigration action is done by written decision issued by the authorized Immigration Officer.

2)The decision set forth in para (1) is send to the respective foreign subject imposed on immigration action within 7 (seven) days at the latest from date of issuance.

3)In the event an immigration action indicated to deny admission against a foreign subject in R.I. Territory, the decision on immigration action made by an Immigration Officer on duty at an Immigration Inspection Site is done by stamping denied admission mark in the respective passport.

Article 25

1)Any foreign subject imposed on immigration action, may file objection to the Minister within 3 (three) days on receipt of the decision on immigration action.

2)The application on objection set forth in para (1) does not mean to delay or deny execution of the decision on immigration action.

Article 26

1)The filing of objection set forth in Article 25 will be processed by the respective foreign subject or proxy.

2)The proxy set forth in para (1), e.g.:

a.parents or guardian responsible on a respective foreign subject;

b.entrepreneurs or sponsor responsible on the admission of a foreign subject in Indonesia; or

c.another individual by proxy.

Article 27

1)The filing of objection set forth in Article 25 is done in writing through the Director General of Immigration by enclosing evidence to be used as motive of objection.

2)The Director General of Immigration within 21 (twenty one) days at the latest on receipt of the objection set forth in para (1), should forward the objection accompanied by his consideration to the Minister.

Article 28

The Minister may issue his decision within 30 (thirty) days at the latest on receipt of the objection from the Director General of Immigration.

Article 29

- 1)The Minister in his decision may refuse or approve the objection.
- 2)The Ministerial Decision set forth in para (1) is final.

Article 30

The provision pertaining the authorized Immigration Officer to conduct immigration action, the mechanism, filing and examination of objection will be further established by a Ministerial Decision.

Part Two - Immigration Quarantine

Article 31

A Foreign subject may be placed in an Immigration Quarantine on grounds of:

- (a)Present in R.I. Territory without any legitimate immigration permit;
- (b)Pending deportation process or due for deportation;
- (c)Pending a Ministerial Decision on filing of objection made by the respective foreign subject.

Article 32

- 1)An Immigration Quarantine may be established at any Immigration Office and or at any other designated locations.
- 2)The provision pertaining the function, authority, classification of an Immigration Quarantine will be further established by Ministerial Decision.

CHAPTER IV - TRANSITIONAL PROVISION

Article 33

On promulgation of this Government Ordinance, all directives pertaining Alien Control and Registration declared still effective as far as it is not substituted by new regulations based on this Government Ordinance.

CHAPTER V - CONCLUDING PROVISION

Article 34

On promulgation of this Government Ordinance:

1. Government Ordinance No: 32/1954 on Alien Control (State Gazette No: 52/1954) amended by Government Ordinance No: 54/1954 (State Gazette No: 95/1954);
2. Government Ordinance No: 45/1954 on Alien Control Directives (State Gazette No: 83/1954);
3. Government Ordinance No: 26/1970 on Alien Control Coordination to visit Indonesia on seven days Visa Free Facilitation (State Gazette No: 36/1970).

Hereby declared: Null and Void

Article 35

This Government is effective on date of promulgation.

In order that everyone may take cognizance, it is hereby instructed to place this Government Ordinance in R.I. State Gazette.