

MINISTRY OF LAW AND HUMAN RIGHTS  
OF THE REPUBLIC OF INDONESIA  
DIRECTORATE GENERAL OF IMMIGRATION

REGULATION OF THE DIRECTOR GENERAL OF IMMIGRATION  
NUMBER: IMI-1489.UM.08.05 YEAR 2010

REGARDING  
HANDLING OF IRREGULAR MIGRANTS

UPON THE GRACE OF GOD THE ALMIGHTY

THE DIRECTOR GENERAL OF IMMIGRATION,

- Considering :
- a. whereas, the increasing number of aliens arriving and staying as irregular migrants who subsequently declare themselves as asylum seekers and refugee within the Indonesian territory has reached a certain level so as to impact ideology, politics, economy, social-cultural issues, national security and immigration vulnerability;
  - b. whereas, to minimize the impact brought about by the existence of irregular migrants declaring themselves as asylum seekers and refugees, there is a need for a regulation that provides uniformity of direction in the handling and treatments pertaining to immigration issues;
  - c. whereas, pursuant to items a and b above, a Regulation of the Director General of Immigration on the Handling of Irregular Migrants needs to be enacted.
- Bearing in mind :
1. Act Number 9 of 1992 on Immigration (State Gazette of the Republic of Indonesia Year 1992 Number 33, Supplemental State Gazette of the Republic of Indonesia Number 3474) as amended by Act No. 37 of 2009 on the Enactment of Government Regulation In Lieu of Law Number 3 of 2008 on Amendment to Act Number 9 of 1992 on Immigration to Become Law (State Gazette of the Republic of Indonesia Year 2000 Number 145, Supplemental State Gazette of the Republic of Indonesia Number 5064);
  2. Government Regulation Number 31 of 1994 on the Monitoring of Aliens and Immigration Actions (State Gazette of the Republic of Indonesia Year 1994 Number 54, Supplemental State Gazette Number 3562);

3. Government Regulation Number 32 of 1994 on Visa, Entry Permit and Immigration Permit (State Gazette of the Republic of Indonesia Year 1994 Number 55, Supplemental State Gazette of the Republic of Indonesia Number 3563) as lastly amended by Government Regulation Number 38 of 2005 on the Second Amendment to Government Regulation Number 32 of 1994 on Visa, Entry Permit and Immigration Permit (State Gazette of the Republic of Indonesia Year 2005 Number 95, Supplemental State Gazette of the Republic of Indonesia Number 4541);
4. Presidential Regulation Number 24 of 2010 on the Position, Duties and Functions of State Ministries and the Structure, Organization, Duties and Functions of Echelon I Officials within State Ministries;
5. Decree of the Minister of Justice Number M.02-12.01.10 of 1995 on Transit Visa, Visit Visa, Limited Stay Visa, Entry Permit and Immigration Permit as lastly amended by Regulation of the Minister of Law and Human Rights Number M.HH-08.GR.01.06 of 2009 on the Fourth Amendment to the Minister of Justice Number M.02-12.01.10 of 1995 on Transit Visa, Visit Visa, Limited Stay Visa, Entry Permit and Immigration Permit.
6. Decree of the Minister of Justice Number M.02-PW.09.02 of 1995 on Procedure for Monitoring, Filing of Complaint By Aliens, and Immigration Actions.
7. Regulation of the Minister of Law and Human Rights Number M.09-PARAGRAPH.07.10 of 2007 on the Organization and Operating Procedure of the Department of Law and Human Rights as lastly amended by Regulation of the Minister of Law and Human Rights Number M.HH.10.OT.01.01 of 2009 on the Second Amendment to Regulation of the Minister of Law and Human Rights Number M.09-PARAGRAPH.07.10 of 2007 on the Organization and Operating Procedure of the Department of Law and Human Rights

HAVE DECIDED:

To enact : REGULATION OF THE DIRECTOR GENERAL OF IMMIGRATION ON THE  
HANDLING OF IRREGULAR MIGRANTS

Article 1

In this Regulation of the Director General, the following terms shall have the meaning as assigned:

1. Irregular Migrant [literally: Illegal Migrant] shall mean an alien entering and/or subsisting within the territory of the Republic of Indonesia in violation of the applicable legislations.
2. United Nation High Commissioner for Refugees, hereinafter referred to as UNHCR, having an office in Indonesia, is the UN's High Commissioner which provides protection and assistance to refugees and asylum seekers pursuant to the Memorandum of Understanding with the Government of the Republic of Indonesia.

Article 2

- (1) Upon being detected as being within Indonesian territory, an irregular migrant shall be subject to Immigration Action.
- (2) In the event the irregular migrant as referred to in paragraph (1) declares its intention to seek asylum and/or due to certain reasons cannot be subjected to deportation, such situation shall be coordinated with the international organization in charge of matters of refugees and/or UNHCR to determine their status.

Article 3

- (1) An irregular migrant's status within the country shall not be in question provided that such person:
  - a. has obtained an Attestation Letter of Asylum Seeker from the UNHCR; or
  - b. has been granted refugee status by the UNHCR.
- (2) An irregular migrant as referred to in paragraph (1) may be placed at a certain location with the facilitation of an international organization in charge of matters of refugees or UNHCR and must be reported by UNHCR to the Directorate General of Immigration.
- (3) The irregular migrant as referred to in paragraph (2):
  - a. must comply with the prevailing laws and regulations and complete a form in the format as attached to this Regulation of the Director General; and

- b. [is subject to monitoring with regard to his/her placement], which shall be the responsibility of the Head of the local Immigration Office.

#### Article 4

- (1) An irregular migrant whose application for asylum is denied and whose case has been closed by the UNHCR must be reported by the UNHCR to the Director General of Immigration.
- (2) The irregular migrant as referred to in paragraph (1) shall be subjected to Immigration Action.

#### Article 5

- (1) An irregular migrant having obtained an Attestation Letter from or having been granted refugee status by a UNHCR office located outside the territory of Indonesia shall be subjected to Immigration Action.
- (2) In the event the irregular migrant as referred to in paragraph (1) due to certain grounds cannot be subjected to Immigration Action, such situation shall be coordinated with the international organization in charge of matters of refugees and/or the UNHCR.

#### Article 6

All matters relating to housing and sustenance cost of the irregular migrants during the relevant process or while being under the protection of the UNHCR shall not be borne by the Immigration Office, the Regional Office of the Ministry of Law and Human Rights or the Directorate General of Immigration.

#### Article 7

The Head of Immigration Division and/or the Head of Immigration Office, with respect to the supervision of the location of irregular migrants, shall maintain records and conduct reporting activities every month [, such report to contain qualitative and quantitative data,] to the Director General of Immigration.

#### Article 8

This Regulation of the Director General of Immigration shall come into effect upon its enactment.

Enacted in Jakarta,  
On 17<sup>th</sup> September 2010

DIRECTOR GENERAL OF IMMIGRATION

[signed]  
DR. MUHAMMAD INDRA