



Australian Government
Refugee Review Tribunal

Country Advice

Iraq

Iraq – IRQ38730 – New Immigration Law
– Permanent Residence

12 July 2011

Can you please obtain a translated version of the legislation passed by the Indonesian parliament in April 2011 allowing permanent residence to foreigners married to Indonesian citizens, as well as a translated version of the associated regulations? If the associated regulations are not available because they have not been published, can you seek advice on the usual timeframe it takes for the regulations to be introduced?

The Department of Foreign Affairs and Trade (DFAT) was contacted in regard to this matter on 16 May 2011¹ and was provided with the following questions:

A. Can Post please obtain an English translation copy of the new immigration legislation passed by the Indonesian House of Representatives on 7 April 2011 and any associated regulations. If post can only provide untranslated copies that would also be welcomed.

B. If the legislation and/or regulations are not yet available to the public, please advise on the usual timeframe for such legislation to be published and regulations to be introduced once the legislation has been passed by the Indonesian Parliament.

DFAT replied² on 27 June 2011 and provided the information below:

A. Can post please obtain an English translation copy of the new immigration legislation passed by the Indonesian House of Representatives on 7 April 2011 and any associated regulations? If post can only provide untranslated copies that would also be welcomed.

Indonesia's new Immigration Law (Act No. 6 of 2011 on Immigration) was passed on 7 April 2011 and came into effect on 5 May 2011. An Attorney-General's Department (AGD) translation of the new legislation is attached. ...Also attached is a copy of the official law, in Indonesian, including the explanatory notes. This document is publicly available.

The legislation covers a range of immigration matters including provision for Permanent Residence permits to be issued to foreigners who are either legally married to Indonesian citizens or are the children of foreigners legally married to Indonesian citizens. The Indonesian Immigration Act (article 54) describes these as "a family member in a mixed marriage". "Family" is defined in the explanatory notes as "husband/wife and child".

¹ RRT Country Advice Service 2011, Email to Department of Foreign Affairs and Trade 'RRT Country Information Request IRQ38730', 16 May - Attachment 1.

² Department of Foreign Affairs and Trade 2011, *DFAT Report No. 1299 - MRT/RRT Information Request: IRQ38730*, 27 June – Attachment 2.

Indonesian Immigration has advised that this specific provision is new. The previous legislation (Act No 9 of 1992 on Immigration) did not provide for permanent residence permits for foreign spouses on the basis of their marriage to Indonesian nationals. The full requirements and process to obtain a Permanent Residence permit are expected to be determined and outlined in implementing regulations when they are developed. By law, these regulations must be in place by 5 May 2012. Government officials have advised us they have commenced the drafting process. Indonesian Immigration advise that until these regulations are in place, applications for permanent residence permits are not being processed.

B. If the legislation and/or regulations are not yet available to the public, can you please advise on the usual timeframe for such legislation to be published and regulations to be introduced once the legislation has been passed by the Indonesian Parliament?

N/A

DFAT also attached the Indonesian language version of the new immigration law.³

On 28 June 2011, DFAT provided a certified English translation of the new Immigration Law *Act No. 6 of 2011 on Immigration*, which was passed on 7 April 2011 and which came into effect on 5 May 2011 law, provided by the Attorney-General's Department. The translation was in fax form and a PDF version was made available.⁴

Attachments

1. RRT Country Advice Service 2011, Email to Department of Foreign Affairs and Trade 'RRT Country Information Request IRQ38730', 16 May.
2. Department of Foreign Affairs and Trade 2011, *DFAT Report No. 1299 – MRT/RRT Information Request: IRQ38730*, 27 June.
3. Government of Indonesia 2011, 'Undang-Undang Republik Indonesia Nomor 6 Tahun 2011 Tentang Keimigrasian', Indonesian language version of Indonesia's new Immigration Law (*Act No. 6 of 2011 on Immigration*) passed on 7 April 2011, effective 5 May 2011 – Accessed 27 June 2011.
4. Government of Indonesia 2011, 'English Translation of Indonesia's new Immigration Law (*Act No. 6 of 2011 on Immigration*) passed on 7 April 2011, effective 5 May 2011' Accessed 27 June 2011.

³ Government of Indonesia 2011, 'Undang-Undang Republik Indonesia Nomor 6 Tahun 2011 Tentang Keimigrasian', Indonesian language version of Indonesia's new Immigration Law (*Act No. 6 of 2011 on Immigration*) passed on 7 April 2011, effective 5 May 2011 - Accessed 27 June 2011 - Attachment 3.

⁴ Government of Indonesia 2011, 'English Translation of Indonesia's new Immigration Law (*Act No. 6 of 2011 on Immigration*) passed on 7 April 2011, effective 5 May 2011' Accessed 28 June 2011 - Attachment 4.