



Australian Government
Refugee Review Tribunal

Country Advice Indonesia

Indonesia – IDN36578 – Citizenship applications – Travel documents – Surat Perjalanan Laksana Paspor – Permanent residence
6 May 2010

- 1. Can a stateless person (and therefore without travel documents), who was born in Indonesia and is now eligible to apply for Indonesian citizenship, apply for citizenship from Australia?**
- 2. If so, what are the procedures that such a person must follow?**
- 3. Is a stateless person, who was born in Indonesia and who resided in Indonesia for two decades, entitled to permanent residency in Indonesia while awaiting the outcome of their citizenship application?**
- 4. Can a stateless person, who may be eligible for Indonesian citizenship, be issued with travel documents in order to return to Indonesia, while their application is being processed?**

On 29 April 2010 the above questions were faxed to the Embassy of the Republic of Indonesia in Canberra. On 6 May 2010 the following response was supplied by Andalusia Tribuana Tungga Dewi, First Secretary/Consular Affairs:

1. Answer to Question 1:

a. Firstly, Indonesia does not recognize a person withholding a status of being “stateless” or “apatride”. Law No. 12/2006 (the Law) provides a legal basis for a person who lost their citizenship due to unnatural causes/force majeure (e.g. a child who was born in Australia “must” become an Australian citizen even though they have the unwillingness to do so). According to the law, children under 18 years of age and never been lawfully married, born from mix marriages, could enjoy limited dual citizenship.

When the child reaches 18 years of age or gets married, they are required by the law to decide on becoming an Indonesian or foreign citizen

b. There are several causes of becoming an Indonesian Citizenship [please refer to Law No. 12/2006, Chapter II on Indonesian citizen, Chapter III on Requirements and Procedure of Obtaining Citizenship of the Republic of Indonesia (Art 8,9,10; Art 19-22)]: A person will automatically become an Indonesian citizen if they are born in Indonesia with both parents being Indonesian citizens. If such a person born in Indonesia with one parent being Indonesian citizen and another being a foreigner by lawful marriage, the law entitles the person the right to acquire dual citizenship until the age of 18 years old. But if the person was born in Indonesia from a parent who has never been legally married, the law states that the person must be of the same citizenship as the mother; A foreigner could become an Indonesian citizen by marriage; or citizenship of the Republic of Indonesia can also be obtained through naturalization.

c. A person who was born in Indonesia and has once owned valid Indonesian documents as a proof of identity, then later traveled overseas but never validly registered their presence to the Indonesian missions abroad for more than 5 consecutive years (as stated in Article 23 letter i of Law No. 12/2006) and has been declared illegal by the receiving State, the situation could cause

the Indonesian government to cease their citizenship provided that the person would not become stateless. If the receiving State shall not grant any citizenship to such person, then the person has the right to reapply for an Indonesian citizenship from the State of residency by providing valid documents as proof of identity of Indonesian citizenship.

2. Answer to Question 2:

In accordance with Articles 8 – 22 and 31 – 35 of Law No. 12/2006, the appropriate procedures for obtaining and regaining Indonesian citizenship are regulated as attached on Annex 1.

Note: Since Indonesia does not recognize the status of “stateless” or “apatride” as mentioned previously, the Law regulates that a person who wishes to regain their Indonesian citizenship must submit an application with a proof of valid documents stating their previous citizenship.

3. Answer to Question 3:

Indonesia does not fully recognize a permanent residency mechanism, the Directorate General of Immigration only applies a temporary resident card for foreign citizens desiring to reside in Indonesia for a maximum period of 1 (one) consecutive year.

4. Answer to Question 4:

The Government of Indonesia c.q. Indonesian Missions abroad possess the right to issue a legal travel document to act as a passport for one way trip to Indonesia called the Surat Perjalanan Laksana Paspor (SPLP) but only applies to Indonesian citizens. The said document is intended for a person who is travelling overseas without proper or valid documents then declared unlawful by the receiving State and must return immediately to Indonesia. Instead of issuing a passport to that person, Indonesian Missions abroad only issues an SPLP. Once again, since Indonesia does not recognize the status of “stateless”, then it would not have the right to issue a travel document to a person without a valid citizenship under any Indonesian law.¹

Thank you for your kind attention. I hope this information would meet your needs.

For further information please contact out Immigration Attache in Sydney, Mr. Haryono Agus Setiawan on phone no. 02 9344 9933 or email address:
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Attachments

1. Embassy of The Republic of Indonesia, Canberra 2010, Email to RRT Country Advice, 6 May.

¹ Embassy of The Republic of Indonesia, Canberra 2010, Email to RRT Country Advice, 6 May.