

## **PROCEDURE FOR OBTAINING A RESIDENCE VISA (KITAS, KITAP) (SPONSORED BY YOUR INDONESIAN SPOUSE)**

Source: [Living in Indonesia Expat Forum](#)

*This article is a compilation of information found at the "Living in Indonesia Expat Forum". This information will be especially interesting to foreigners who (intend to) live more or less permanently in Indonesia and in particular for those who are married with, or intend to marry an Indonesian citizen. It shows you the official steps how to have your Izin Kunjungan (normally a Sosial Budaya Visa aka SosBud sponsored by your Indonesian spouse) converted into an Izin Tinggal Terbatas aka KITAS (in this case a temporary residence Visa without working permit sponsored by your Indonesian spouse) and how to convert this KITAS later into an Izin Tinggal Tetap aka KITAP, a permanent residence Visa which is valid for 5 years.*

The official procedure can be downloaded at the [website of Ditjen Imigrasi RI](#) (*Petunjuk Pelaksanaan Direktur Jenderal Imigrasi Nomor : F-310.IZ.01.10 Tahun 1995 tentang Tata Cara Alih Status Izin Keimigrasian*).

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Since the publication of the new citizenship law a foreigner can be sponsored for residency by his Indonesian wife. However, the various regulations related to it seem not very well known by the Immigration Offices around the country. It's only in February 2007 that the ministerial decision no M.01-IZ.01.10\*, signed by the former minister of Justice Pak Hamid Awaludin, formally included foreign husbands joining their Indonesian wives as being eligible for a KITAS by modifying article 67 of this law.

*\* Peraturan menteri Hukum dan Hak Asasi Manusia RI nomor M.01-IZ.01.10 tahun 2007 tentang perubahan kedua atas keputusan menteri kehakiman RI nomor M.02-IZ.01.10 tahun 1995 tentang visa singgah, visa kunjungan, visa tinggal terbatas, izin masuk dan izin keimigrasian"*

Article 67 now reads:

Pasal 67

### **(1) Alih Status Izin Kunjungan menjadi Izin Tinggal Terbatas dapat diberikan kepada orang asing dalam rangka :**

- a. menanamkan modal;
- b. bekerja sebagai tenaga kerja ahli;
- c. bekerja sebagai pimpinan perusahaan;
- d. melaksanakan tugas sebagai rohaniwan;
- e. mengikuti pendidikan dan pelatihan;
- f. mengadakan penelitian ilmiah;
- g. menggabungkan diri dengan suami atau istri warga negara Indonesia**
- h. menggabungkan diri dengan suami atau istri pemegang Izin Tinggal Terbatas atau Izin Tinggal Tetap;
- i. menggabungkan diri dengan orang tua pemegang Izin Tinggal Terbatas atau Izin Tinggal Tetap bagi anak yang berumur di bawah 18 (delapan belas) tahun dan belum kawin;
- j. pertimbangan kemanfaatan untuk kesejahteraan masyarakat dan/atau alasan kemanusiaan berdasarkan pertimbangan Keputusan Direktur Jenderal Imigrasi;
- k. memperoleh kembali kewarganegaraan Republik Indonesia berdasarkan Undang-Undang Nomor

12 Tahun 2006 tentang Kewarganegaraan Republik Indonesia; atau  
l. wisatawan lanjut usia mancanegara.

(2) Izin Kunjungan yang tidak dapat dialihstatuskan adalah:

- a. Izin Kunjungan yang diberikan kepada orang asing pemegang Visa Kunjungan Saat Kedatangan;
- b. Izin Kunjungan yang diberikan kepada orang asing yang menggunakan fasilitas Bebas Visa Kunjungan Singkat.

Point g means that a foreigner can change his immigration status from a visit visa to a temporary stay permit (read KITAS) for the reason of joining his Indonesian spouse.

The right of having a KITAS on the condition that you are married with an Indonesian spouse, **is now guaranteed** by the citizenship law. (*undang undang nomor 12 tahun 2006 tentang kewarganegaraan RI*).

Though you could pick up a Visa Izin Terbatas aka VITAS (read: a KITAS sponsored by your Indonesian wife) from a KBRI (Indonesian Consulate) abroad, having previously obtained the agreement of the DitJen Imigrasi in Jakarta, the conversion procedure described below is to be preferred\* and is also easier because it leaves you more time. You first need to enter Indonesia on a SosBud, which can be extended four times and therefore has a validity of 6 months. *Having almost 6 months to convert your SosBud to a KITAS, the chance that Imigrasi will succeed to extort bribes from you is reduced to almost nil ...* and it also offers you the advantage of not having to exit Indonesia to get your KITAS.

\* *the modified article 67 concerns the **conversion of a izin kunjungan** (visit permit - sosbud) **in a izin tinggal terbatas** (temporary resident permit). To date, it is the only change that has been done to a law on the subject of allowing residency for foreign husband sponsored by Indonesian wife. By extension, a foreign husband should be allowed to apply for a VITAS given abroad... but there is no supporting laws SPECIFICALLY saying it at the moment... Hence the conversion method, which is guaranteed by a law, is to be preferred.*

#### **THIS IS THE PROCEDURE HOW TO GET IT DONE:**

**1** . The foreign husband gets a VKSB (Visa Kunjungan SosBud) sticker in his passport at a KBRI (Indonesian Consulate) abroad, and gets an Izin Kunjungan (stay permit) for a first leg of 60 days stamped in his passport at the port of entrance. Check the stamp to see if it indeed mentions 60 days and not 30 days!

**2** . If you are sheltered by an Indonesian (you will presumably stay with your Indonesian wife), he/she should have a STM (Surat Tanda Melapor) established for you by the nearest police station. This has to be done within 24 hours of your arrival as a guest in his/her house. Failure to do so in time would expose your host to a fine of a maximum of Rp 2.000.000 (*Pasal 89, undang undang 23 tahun 2006 tentang Administrasi Kependudukan*). If you are staying in a hotel, you do not need to worry about getting a STM as in this case it is the responsibility of the hotel you're staying. There are no fees for a STM (*Peraturan Pemerintah nomor 31 tahun 2004 tentang tarif atas jenis penerimaan negara bukan pajak yang berlaku pada kepolisian RI*)

**3** . The foreigner goes to his local KanIm (Kantor Imigrasi) along with his Indonesian wife to apply for the conversion of his Izin Kunjungan in an ITAS. (*No mandatory 'waiting period' of 4 months, it can be initiated right away!, as stated in Pasal 47 & Pasal 48\* PP nomor 32 thn 1994*).

*\* If Immigration insists that you have to wait for 4 months, point out to them that article 48 of PP nomor 32 tahun 1994, which indeed **formerly** stated a mandatory waiting period of 4 months, has been amended by Peraturan Pemerintah nomor 38 tahun 2005. The waiting period has been erased from the article with this amendment... now already almost 5 years ago! Show them a copy of the amended article 48 (ask 'Atlantis' at the Living in Indonesia Forum for a copy) if you cannot convince them. If they still choose to ignore your rights, thank them for their time and, with a smile, ask permission to go since you still have to write some important letters today. Exit stage left :-)*

**4** . At this stage your KanIm is cooperative and allows your Indonesian wife to buy the needed forms (Application letter, Form VISQ, Sponsorship Statement - costs max Rp 25.000) and fill a written demand (Surat Permohonan Dan Jaminan) which should be signed on top of a 'meterai'. A "Riwayat Hidup" of the foreigner, a cc bank statement of the sponsor (your wife) showing a balance of minimal Rp 30 million\* which proves that she has enough funds to live on for one full year in Indonesia with you, should be joined. Bring the original too, just in case they want to see it.

*\* source: website Ditjen Imigrasi, section **SYARAT-SYARAT VKSB**, point 5. Foto Copy Rekening Bank Sponsor minimal Rp. 2,5 Juta untuk Permohonan perpanjangan VKSB (extension of a SosBud). For a Pemohonan KITAS it therefore needs to show a balance of minimal 30 Million (ie. 2,5 jt x 12 months). This is what Ditjen Imigrasi estimates a sponsor should have on her bank account and they (used to) acknowledge it at their own website (before they suddenly removed it again....) If your wife has a bank account with a large amount of money on it, you can consider to open another account at any Indonesian bank with a little over the required minimum balance. There is no need for Immigration to know how much money you actually have in the bank (be it in a current account, saving account or in time deposits), it's none of their business. Another solution is not to attach a photo copy of your wife's bank account but a statement of her bank, stating that your wife has so and so much money (an amount defined by you) on her account, without even mentioning the bank account number).*

Note that there is no law authorizing Imigrasi to evaluate to this amount the amount of money needed to live in Indonesia... but if Ditjen Imigrasi provides us with the material we need, then we should use it, shouldn't we?

You don't want to fill any fictional amount in this form ('Penghasilan setahun', the annual income of your wife), so leave it in blank if your wife has no annual income from work and just attach a copy of her bank statement to the form. If a pegawai tries to argue anything, your wife refers to the official amount as determined necessary by Ditjen Imigrasi and wonders why a pegawai is assuming that she does not have enough money to sponsor you. Is the pegawai above the Direktur<sup>2</sup> of the DitJen Imigrasi? No need to quote you the Pasal of the law which says that he has no authority to assume something different than his bosses already acknowledged so publicly before on their website.

"Alasan Keluarga" is the best answer to the question why you are in Indonesia.

**5** . On top of the above, the sponsor should submit:

- Akte Perwakinan asli (kristen, Hindhu, Buddhist) or Buku Nikah asli (islam) or Surat Tanda Bukti Laporan Perkawinan asli (overseas wed)
- Photocopy Wife's KTP.
- Kartu Keluarga

- Husband's Passport.

Usually, 2 extra sets of photocopies are requested for each document.

**6** . Your KanIm will then issue a document to be brought to the KanWil (Kantor Wilayah). It is a letter which says that after reviewing all the documents, he has no opposition for the conversion of the immigration status. Allow a couple of days to get the letter signed by the KaKanIm (Kepala Kantor Imigrasi).

**7** . After reviewing all your documents the Kepala Bidang Keimigrasian of the Kantor Wilayah will issue a letter stating his positive opinion about the change of status of the foreign husband. Allow 1 day for the KanWil to sort out the document. There is no fee for the letter, but anything like Rp 10.000 to Rp 50.000 should help the lady to type faster.

**8** . This letter, along with a set of all the documents, should be brought or sent to Bpk Direktur Izin Tinggal dan Status kemigrasian in the DitJen Imigrasi situated in Jln Rasuna Said Kav 8-9 in Jakarta. (Busway stop Gor Sumantri on Kuningan route). If you live far from Jakarta, you can send the letter from the KanWil to the DitJen by a courier service such as Tiki. It should be addressed to:

Direktorat Jenderal Imigrasi  
c/o Direktorat Izin tinggal dan Status Keimigrasian  
Jalan H.R Rasuna Said  
Kavling 8/9 Kuningan  
JAKARTA

Sending it with Tiki is fast and safe. It will arrive at the Kantor DitJen JKT within 2/3 days and you can monitor the status to see when it has been delivered. This way you will be sure it has arrived and at the same time proof it has arrived.

**9** . Upon reception of the letter of the KanWil, after reviewing all the documents the Kasubdit Alih Status Keimigrasian (Bapak Soepriatna Anwar, SH, MH), on behalf of the Direktur Izin Tinggal dan Status kemigrasian (Bpk Agastya Hari Marsono, Bc.Im.) should issue a *Surat Keputusan Direktur jenderal Imigrasi nomor* : (the number/reference of the Keputusan) *tentang Alih status Izin Kunjungan menjadi Izin tinggal terbatas atas nama* : (Name of the foreigner) stating that a new status can be granted to the foreigner. (No fees for this Surat Keputusan).

Allow a week to 10 days for this keputusan to be ready from the time you delivered all the documents to the DitJen. Monitor it on the phone and don't hesitate to phone 15 times a day, you need luck to have someone answering...

The phone number of the DitJen is 021-5224658 ext 2521 (= the Sub-Direktorat Alih Status Keimigrasian - this is the office you should ask).

**10** . You (or better your wife - they won't deal with you), or any relative (holding a "Surat Kuasa Khusus" from you), should pick the Keputusan DitJen directly from the Sub-Direktorat Alih Status Keimigrasian. In fact, the DitJen will issue 3 copies, 1 for you, 1 for the KanIm, 1 for the KanWil.

**11** . You need to bring back your Keputusan DitJen victoriously to the KanWil which will give you a letter authorizing the KanIm to start to process a KITAS.

**12** . At that point, the foreign husband will have to submit a few pics and get finger-printed (fee: IDR 15K).

**13** . Then comes the time to pay the fee for the KITAS: Rp 700.000 for a 1 year KITAS if your passport has a minimum of 18 months remaining validity or Rp 350.000 for a 6 months KITAS if your passport has a 12 months remaining validity. (see: Visa Tariffs)

**14** . If your KanIm is "online" with the DitJen, a small problem may occur. After delivering the Keputusan DirJen, Jakarta often "forget" to finalise the procedure and to enter the "OK" in the system... which means that your KanIm can not process your payment!!! First time in your life that Imigrasi will refuse your money... enjoy the moment, it generally doesn't happen often! It happened to me recently. If it happens, no worries, just telephone to the number given at point 9 (or fax : 021- 52962095... this one is the fax of the SubDit Alih status)

**15** . The Kantor Imigrasi will then stamp an ITAS in the foreign passport and a KITAS (Kartu Izin Tinggal terbatas) will be issued. As your KITAS is just a piece of paper and it therefore can get damaged very easily, you'd better have it laminated. The issuance of a new KITAS during its validity period is possible, but by law this will cost you twice the amount, Rp 1,400,000.

**16** . Two to three days after or so, a POA Book will be remitted (no fees for it).

**17** . At that point, it is advisable to ask for an "Izin Masuk Kembali" (MERP - Multiple Entry/Re-entry Permit) to be stamped in the husband passport. Without it, the KITAS holder "looses" his KITAS if he goes out of Indonesia. Better then to have it if you don't want to do it all over again. Also see the Visa Tariffs page.

**18** . Within 14 days after the issuance of your KITAS you should report to your Kantor Lurah CaPil for three things:

- a SKTT (Surat Keterangan Tempat Tinggal)
- a SKPPS (Surat Keterangan Pendaftaran Penduduk Sementara)
- a SKDLN (Surat Keterangan Datang dari Luar Negeri)

A foreigner staying on a KITAS MUST register at the Capil for the above documents. It will help smoothen a KITAP procedure later. In fact, chances are that the CaPil compile the three documents and issue a nice greenish card attesting your residency and registration as a temporary resident for the length of the KITAS. Fees for it are defined by Peraturan Daerah and varies depending on each kota/kabupaten. It shouldn't cost more than Rp 150.000.

Be careful, you have only 14 days to register after the date of issuance of the KITAS (*Pasal 20, undang undang 23 tahun 2006 tentang Administrasi Kependudukan*). Failure to do so in time would expose you to a fine of a maximum of Rp 2.000.000 (*Pasal 89, undang undang 23 tahun 2006 tentang Administrasi Kependudukan*). Since the delay start from the issuance of the KITAS by the KanIm, you are not in a rush, even if it takes days for them to issue you the little precious card. No worries, no pressure.

**19** . Within 30 days after the issuance date of your KITAS to report to the main police resort of your wilayah of residence for a SKLD (Surat Keterangan Laporan Diri), which is a trendy little plastic card with the husband's pic. Although here is no fee for it (*Peraturan Pemerintah nomor 31 tahun 2004 tentang tarif atas jenis penerimaan negara bukan pajak yang berlaku pada kepolisian RI*) the Intelkam boss will try to extort something from you. Rp 50.000 should do it.

**20** . Your next move will be to go to the Departemen Pajak to get a NPWP, the husband's personal tax number... Bring a copy of your passport and KITAS, fill in the form and you will receive a nice, yellowish card. No fees.

In order to avoid to pay the Fiskal you have no other choice than getting a NPWP. Being on a KITAS you are supposed to be a resident and staying more than 183 days per year in Indonesia. Therefore you are requested to make a monthly/yearly tax declaration even if it is to write "nil" on it. If you decide not to, which is your right, you will be subject to the fiskal upon each departure. However, you are legally entitled to claim it back since it is a prepayment on taxes that you should not have to pay (since you have no-income). **BE AWARE** that anyone claiming it back, soon have a "regular" control from the tax department.

**Also note the following :**

- A KITAS as described above, sponsored by an Indonesian wife, doesn't allow any kind of work.
- You will have to renew the KITAS (without having to do the SosBud part!) at least 1 month before it expires. Annual renewal also applies for SKLD, SKTT, STM and SKPPS.
- Any change in your residency or civil status must be reported to the Kantor Imigrasi, the Police and the Catatan Sipil during the validity of your KITAS.
- Only legally married (i.e. recognized by Indonesian law) wife/husband are authorized to follow the above described procedure.
- If one day the KITAS holder decides to terminate voluntarily his KITAS and to exit Indonesia (e.g. relocation in a foreign country), he needs to first apply for an Exit Permit Only at the Kantor Imigrasi of his residence and report to the Catatan Sipil. He also needs to give back his SKLD to the relevant section of the POLDA/MABES POLRI. Failure to do so would put him in trouble if one day he decides to come back to Indonesia.
- Providing that all the requested documents are submitted by the sponsor in the correct timing, providing that you don't use the "services" of a friend/calor and that you submit yourself all the documents in the relevant administration (KanIm, KanWil, DitJen) you should not have any troubles.
- Please, don't let corrupted Pejabat abuse you. Don't pay anything more than the legal fees. You will regret it bitterly and enter in a spiral that you can in no way control. If you start to pay bribes, you void your right to complain if the things turn wrong. Don't forget that.
- If you need a copy of any of the laws mentioned in this article, feel free to ask 'Atlantis' at <http://www.livinginindonesiaforum.org>.
- The total procedure should last around 1 to 2 months roughly. Note that you have 30 days "only" to get the KITAS issued after the issuance of the Keputusan DirJen.
- Don't forget to extend your izin kunjungan (SosBud), if needed, during the procedure!

## **II. CONVERSION OF YOUR KITAS INTO A KITAP**

After 2 full years in Indonesia (i.e. starting your 3<sup>rd</sup> year of KITAS), you can apply for a KITAP which is valid for 5 years without needing a renewal. However, there is a still controversy about this rule and you will have to fight hard to get it enforced. Many KanIm will request 5 years in a row on the same KITAS before approving a KITAP.

Only Indonesian citizenship could allow you not to have to renew your immigration status. Being married with an Indonesian wife would be a very good way to reach this goal... (to apply for

indonesian citizenship, a foreign spouse must be a resident for 5 full years, with the sponsoring of her WNI husband or wife).

The Pasal 49 of the peraturan pemerintah nomor 32 tahun 1994 was reading:

Bahasa Indonesia

**Pasal 49**

- (1) Izin Tinggal Terbatas dapat dialihkan statusnya menjadi Izin Tinggal Tetap.
- (2) Pengalihan status sebagaimana dimaksud dalam ayat (1) diberikan atas dasar permintaan orang asing yang bersangkutan, dengan syarat telah berada di wilayah Negara Republik Indonesia sekurang-kurangnya lima tahun berturut-turut terhitung sejak tanggal diberikannya Izin Tinggal Terbatas.

Translation:

**Article 49**

- (1) Limited stay permits shall have their status changed into resident permits.
- (2) The status change as meant in paragraph (1) shall be granted at the request of the relevant foreigners with the provision that they have already stayed in the territory of the Republic of Indonesia for at least five consecutive years starting from the issuance date of limited stay permits.

*The "5 years rule" is what you will hear in 99,9% of the Kanlms around the country and with at least 95% of the agents that intermediate for visa issues.*

**However in 2005 a regulation** (Peraturan Pemerintah nomor 38 tahun 2005) **changed the alinea (2) of the article 49, which now reads :**

Bahasa Indonesia

**Pasal 49**

- (2) Pengalihan status sebagaimana dimaksud pada ayat (1) dapat diberikan atas dasar permintaan orang asing yang bersangkutan, dengan syarat telah berada di wilayah Negara Republik Indonesia **sekurang-kurangnya 2 (dua) tahun berturut-turut** sejak tanggal diberikannya Izin Tinggal Terbatas.

Translation:

**Article 49**

- (2) The status change as meant in paragraph (1) shall be granted at the request of the relevant foreigners with the provision that they have already stayed in the territory of the Republic of Indonesia **for at least two consecutive years** starting from the issuance date of limited stay permits

It has been further explained in the Surat Penjelasan accompanying the law with these terms:

Ayat (2)

*" Yang dimaksud dengan telah berada di wilayah Negara Republik Indonesia sekurang-kurangnya 2 (dua) tahun berturut-turut sejak diberikannya Izin Tinggal Terbatas adalah terhadap orang asing dengan memperhatikan aspek kemanfaatan orang asing tersebut bagi pembangunan nasional dan aspek kemanusiaan "*

It means that a KITAS will be converted in a KITAP, considering the participation of the foreigner in the national development and considering humanitarian aspects. A bit subjective...

Also important to have a look at is the following Pasal:

**Pasal 72, Keputusan Menteri Kehakiman nomor M.02-IZ.01.10 tahun 1995 corrected by its second amendment as stated in the Peraturan Menteri Hukum dan Hak Asasi Manusia nomor M.01-IZ.01.10 tahun 2007**

1. Izin Tinggal Terbatas dapat dialihstatuskan menjadi Izin Tinggal Tetap, kecuali Izin Tinggal Terbatas Kemudahan Khusus Keimigrasian;
2. Alih status Izin Tinggal Terbatas menjadi Izin Tinggal Tetap sebagaimana dimaksud dalam ayat (1) dapat diberikan kepada orang asing dalam rangka:
  - a. menanamkan modal;
  - b. bekerja sebagai tenaga ahli langka;
  - c. bekerja sebagai pimpinan tertinggi perusahaan;
  - d. melaksanakan tugas sebagai rohaniwan;
  - e. **menggabungkan diri dengan suami atau istri warga negara Indonesia;**
  - f. menggabungkan diri dengan orang tua bagi anak sah pemegang paspor asing dari seorang warga negara Indonesia;
  - g. menggabungkan diri dengan suami atau istri pemegang Izin Tinggal Tetap ;
  - h. menggabungkan diri dengan orang tua pemegang Izin Tinggal Tetap bagi anak yang berumur di bawah 18 (delapan belas) tahun dan belum kawin;
  - i. memperoleh kembali kewarganegaraan Republik Indonesia berdasarkan Undang-Undang Nomor 12 Tahun 2006 tentang Kewarganegaraan Republik Indonesia;
  - atau
  - j. wisatawan lanjut usia mancanegara.
3. Alih status Izin Tinggal Terbatas menjadi Izin Tinggal Tetap harus memperhatikan aspek kemanfaatan orang asing tersebut bagi pembangunan nasional dan aspek kemanusiaan.

**This is the article of law which lists the category of KITAS holder that could be entitled to be issued a KITAP.** They are:

- a. investors
- b. rare foreign expert
- c. top foreign manager of a company
- d. foreign churchmen carrying religious duties
- e. **foreign spouse joining an Indonesian husband or wife**
- f. legitimate child who holds a foreign passport joining an Indonesian parent
- g. foreign spouse of a foreigner holding a KITAP
- h. legitimate unmarried foreign child (under 18 y.o) joining a foreign father/mother who is a KITAP holder.
- i. Former Indonesian willing to regain Indonesian citizenship as per Citizenship law number 12/2006
- j. Retired foreigner\*

However, belonging to one of the above categories is not enough... If you read point 3, it says that the change of status (from ITAS to ITAP) must consider the benefits that this foreigner brings to the nation in terms of national development and must consider the humanitarian aspects. This is for the very least highly subjective, and for those belonging to the categories c., d, e, f, g, h or i, it may well remain a demand without automatic approbation.



If your change of status is accepted, you will receive a KITAP which allows you to remain in Indonesia for 5 years... that's worth the hassles.

*\*definition of "retired" is given in Keputusan Menteri nomor M.04-IZ.01.02 Tahun 1998 tentang Pemberian Visa dan Izin Keimigrasian Bagi Wisatawan Lanjut Usia Mancanegara*