

**ASEAN AGREEMENT ON
THE MOVEMENT OF NATURAL PERSONS**

**INDONESIA'S SCHEDULE OF MOVEMENT OF NATURAL
PERSONS COMMITMENTS**

1. Indonesia's commitments under the ASEAN Agreement on the Movement of Natural Persons in relation to the supply by a service supplier of one Party through presence of natural persons of a Party in the territory of another Party apply only in relation to the categories of persons set out below.
2. In accordance with Article 2 Scope, Article 3 Definitions, Article 4 Grant of Temporary Entry or Temporary Stay and Article 6 Schedules of Commitments for the Temporary Entry and Temporary Stay of Natural Persons, and subject to Indonesian Labour and Immigration Laws and Regulations, Indonesia specifies below any terms, conditions, limitations or qualifications in relation to the supply of a service by a service supplier of a Party through the presence of natural persons of a Party in the territory of Indonesia.

Sectors	Categories of Natural Persons Committed		Conditions and Limitations
<i>All sectors that are listed in Indonesia's Schedule of Commitments under AFAS</i>	<i>Business Visitor</i>		<p>Entry and temporary stay is permitted for a period of 60 days, extendable to a maximum of 120 days</p> <p>Any foreign natural persons supplying services are subject to charges levied by the Government.</p>
	Intra-corporate Transferee	Executive Manager	<p>Stays are permitted for up to 2 (two) years and may be extended for a maximum of 2 (two) times, with each extension being up to 2 (two) years.</p> <p>Any foreign natural persons supplying services are subject to charges levied by the Government.</p> <p>Economic needs test applies to temporary stay of manager and specialist.</p>
		Specialist	

3. Notwithstanding the above, the following additional limitations apply¹:

- i. For legal services, the commitment is limited to foreign advocates² who are only allowed as employees or experts in international law³. Foreign advocates are not allowed to appear in courts and/or undertake legal proceedings and must provide 10 (ten) hours of free skill and knowledge transfer monthly to educational, research or government institutions and to its Indonesian counterparts. Foreign advocates are

¹ Reference to a sector in this section, is a reference to the sector as defined in the AFAS Schedule of Commitments (including the schedules for financial and air transport)

² An advocate is person who has the profession of providing legal service in and outside the court.

³ International law means law established by international treaties and conventions as well as customary law

limited to five per firm provided this does not exceed 20% of the total number of lawyers.

- ii. For communication services, the commitment for Intra-Corporate Transferee is limited to 20 (twenty) persons in total for the following sectors: Voice Telephone Services, Packet-switched data transmission services, Telex Services, Telegraph Services, & Facsimile, Private leased circuit services, On-line information and or data processing (including transaction processing), Teleconferencing Services, (Local & Long Distance and International Services), Regional and National Paging, Internet Access Services and for public local telephone, fixed wireline access technology only dedicated network must provide skill transfer to its Indonesian counterparts.
- iii. For educational services, temporary stay for natural persons engaged in education activities in Indonesia is subject to approval by the Ministry of National Education. Approval is granted on case-by-case basis. Further for post-secondary technical and vocational education services (Poly-technique Machine and Electrical), language course and training services for adults, football and chess instruction, national treatment is unbound.
- iv. For banking services, a natural person employed as manager or as technical expert shall have at least two Indonesian understudies during his/her term. Furthermore, with respect to the temporary stay of specialists for branch offices of foreign banks and joint venture banks, this stay is limited to a maximum of 3 (three) months per specialist per year. For non-banking financial services, temporary stay is limited to intra-corporate transferees only, who may be granted a maximum stay of 3 (three) years, extendable. Furthermore, for non-banking financial services, temporary stay is limited to a maximum of 3 (three) months per specialist per year.
- v. For hospital services, temporary stay of natural persons for specialist/super-specialist medical care provided by hospitals of more than 300 (three hundred) beds is unbound. For nursing services shall be provided by persons with nursing licenses issued by Ministry of Health of Indonesia and professional organisation/council, has to be a part/sub-ordinate of a hospital services, for continuing home care after hospital treatment, has applied quality audit by Ministry of Health (MOH) of Indonesia, the nurse must has a recommendation as a trainer from MOH and has certification from professionals organisation and MOH. Furthermore foreign nurse professionals are allowed as trainer/consultant only, and cannot deliver direct nursing services to patient, must have a valid nursing licenses issued by Ministry of Health of Indonesia and health organisation, are obliged to transfer nursing knowledge and, professional capabilities to Indonesian nurse, shall have at least 2 (two) Indonesian under studies during his/her term, are allowed to work for only 2 (two) years and can be extended, fluent to speak Indonesian language both spoken and written in his work and for nursing services only for specialistic care, must provide skill transfer to its Indonesian counterparts.
- vi. For tourism services, temporary stay for tourism consultancy services is unbound. For tourist resorts (3, 4 and 5 star hotels, marinas, golf courses and other sport facilities) the commitment is for resort managers only. For 3, 4 and 5 star hotel services, international hotel operators and meal-serving services with full restaurant services, temporary stay is limited to (i) natural persons who are at the top management level- specifically general managers, food and beverage managers, resident managers, comptrollers and marketing directors in a hotel and (ii) highly skilled professionals who will supply executive chef, sous chef, and speciality cooks.

- vii. Only natural persons falling under the category of either 'director' or 'specialist' may supply the following services:
- a. Advisory and consultative design services;
 - b. Engineering Design Services for Industrial Processes and Production;
 - c. Consultancy Services Related to the Installation of computer hardware;
 - d. Software implementation services;
 - e. Interdisciplinary research and development;
 - f. Project Management Services other than Construction;
 - g. Technical Testing and Analysis Services;
 - h. Services Incidental to Manufacturing;
 - i. Maintenance and Repair of Equipment (not Including Maritime Vessels, Aircraft or other Transport Equipment);
 - j. Non-Life Insurance Services except Marine, Aviation and other Transportation;
 - k. Reinsurance Services;
 - l. Life Insurance Services;
 - m. Insurance Brokerage Services;
 - n. Reinsurance Brokerage Services;
 - o. Liquefaction and Gasification only for Coal;
 - p. Data Processing :
 - Input Preparation Services
 - System Analysis Services
 - Time Sharing Services
 - Other Data Processing Services
 - q. Data base services ;
 - r. Maintenance and repair Services of Office Machinery and Equipment Including Computers ;
 - s. Other Computer Services;
 - t. Electronic mail services
 - u. Electronic mail box
 - v. Voice mail services;
 - w. Other Telecoms:
 - Computer time sharing services
 - Video text services
 - File transfer services
 - Home telemetering alarm
 - Entertainment services
 - Management information services
- viii. Only natural persons falling under the category of 'director' may supply the following services:
- a. Portfolio Management, all forms of collective investment management;
 - b. Asset Management Limited only to Investment Fund Management; and
 - c. Investment Advisory Services limited only to Investment Advisory in Capital Market;
 - d. In a joint venture bank.
- ix. Only natural persons falling under the category of 'specialist' may supply travel agent and tour operator services.
- x. The following sectors remain unbound:
- a. Advertising Services

- b. Packaging Services
 - c. Professional congress organizer
 - d. Direct Selling (Multi-Level Marketing)
 - e. Clinic of specialised medical services (only for registered health institution, with 3 sub specialistic/super specialistic medical care/more specific than specialistic medical care)
 - f. Clinic of specialised dental services, (only for registered health institution, with specialistic dental care, provided by hospital of more than 50 dental units and chairs)
 - g. Other Human Health Services
 - Limited to Residential health facilities services than hospital services only
 - h. Social Services
 - Social welfare services for the elderly
 - Social welfare services for persons with disabilities
 - Social welfare training and education
 - Social workers and care workers
 - Tour Leader Services
 - i. Hotel Management
 - j. Marina facilities
 - k. Spa Services
-