

NEW REGULATION ON FOREIGN MANPOWER RECRUITMENT PROCEDURES

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Foreign manpower recruitment procedures as set out under Minister of Manpower and Transmigration Regulation No. PER.02/MEN/III/2008 were considered no longer applicable given the development of manpower nowadays, and therefore the Minister of Manpower and Transmigration promulgated Regulation No. 12 of 2013 on Procedures for Recruiting Foreign Manpower which came into effect as of 30 December 2013. In general, this new regulation reregulates most of the provisions on foreign manpower recruitment procedures as set out under the previous regulation, such as the eligibility requirements for foreign manpower, procedures for obtaining and extending Foreign Manpower Recruitment Plans (or RPTKA) and Foreign Manpower Recruitment Permits (or IMTA), and Visa recommendations.

However, unlike the previous regulation, this new regulation further provides the procedures for obtaining an approval for an RPTKA and IMTA in the event an employer intends to employ a foreign manpower on a temporary basis to undertake certain type of works, i.e. (i) project-based work; (ii) work related to machinery installation, electricity, after sales services, or products in trial stages. The RPTKA for the employment of foreign manpower on a temporary basis will be valid for up to six months and is not extendable, and IMTA for temporary works is granted for a term of up to 6 months.