



THE ROLE OF KUPANG CLASS 1 IMMIGRATION OFFICE IN HANDLING ILLEGAL IMIGRANTS IN EAST NUSA TENGGARA

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Abstract

The presence of foreigners both as Illegal Immigrants or Refugees and Asylum Seekers in Indonesia has increased each year. This causes the function of immigration control and enforcement to enforce immigration law becomes very important. The Kupang Class I Immigration Office is one of the immigration technical implementing units that implements policies and technical standardization in the field of immigration in the East Nusa Tenggara. The number of immigration actions carried out by the Kupang Class I Immigration Office tends to decrease from 2010 to 2015. However, the number of actions taken is still quite high. In carrying out its duties and functions, the Kupang Class I Immigration Office encountered problems in terms of the quantity of human resources. This causes not optimal handling of illegal immigrants. This study aims to determine the role of Class I Immigration Kupang in handling illegal immigrants and forms of coordination between agencies in the province of East Nusa Tenggara. This research method is empirical legal research. The data used in this study consisted of secondary data and primary data. The results showed that in handling illegal immigrants, the Kupang Class I Immigration Office carried out four roles, namely the role of discovery, the role of shelter, the role of security and the role of immigration control. This role is not carried out independently but involves other parties such as the Police, Indonesian Army, Regional Government and so on. The form of coordination carried out by the Kupang Class I Immigration Office with other agencies involved in handling illegal immigrants is the formation of the PORA Team and the implementation of coordination meetings. It is recommended that the Immigration Office need to increase socialization to related agencies regarding Presidential Regulation Number 125 of 2016 on Handling Refugees from Overseas, making community houses under the coordination of the PORA Team.

Keywords: *Immigration, Illegal Immigrant, Supervission*

A. INTRODUCTION

One of the duties of the Directorate General (Ditjen) of Immigration is to supervise immigration, both for Indonesian citizens (WNI) and foreign citizens (WNA). Supervision of foreigners is not only carried out at the moment they enter Indonesian territory, but also as long as they still stay in Indonesia. Article 1 point 1 of Act Number 6 Year 2011 on Immigration (Immigration Act) states that immigration is a matter of the traffic of people entering or leaving the territory of Indonesia and its supervision in order to uphold state sovereignty, meanwhile the immigration policy mandated by

the Immigration Act adheres to a selective policy, where only people who are useful and do not endanger security and order are allowed to enter and stay in the territory of Indonesia.¹ Regarding this policy, the Indonesian government also issued a policy on free travel visas to 169 countries with the aim of increasing the entry of foreigners into Indonesian territory, thus the function of monitoring and enforcement of immigration in enforcing immigration act, both administrative and immigration crimes, is becoming increasingly important.²

The more number of foreigners who enter Indonesian territory, the more the number of foreigners who are subject to immigration measures. Article 75 paragraph (1) of the Immigration Act states that in the context of the law enforcement process, immigration officials are authorized to carry out immigration administrative actions against foreigners who are in Indonesian territory who carry out dangerous activities and are reasonably suspected of endangering public security and order or disrespecting or not comply with laws and regulations. Based on data from the Directorate General of Immigration, the presence of foreigners in Indonesia has increased from year to year, the number of foreigners who entered Indonesian territory in the January 2014 period as refugees and asylum seekers registered at the Directorate General of Immigration as many as 3,729 people. They are scattered in several Immigration Detention Centers (RUDENIM) throughout Indonesia namely 1,657 people, outside the Rudenim (community houses) as many as 2,049 people, and in the Detention Room of the Directorate General of Immigration as many as 23 people.³

The Class I Kupang Immigration Office (KANIM) is one of the Technical Implementation Units in the field of immigration under the Regional Office of the Ministry of Law and Human Rights of East Nusa Tenggara (NTT) and is led by echelon IIIa officials with the work area covering Kupang Regency, South Central Timor Regency, Rote Ndao Regency, Sabu Raijua Regency, Alor Regency, East Sumba Regency, West Sumba Regency, Central Sumba Regency and Southwest Sumba Regency. Its duties and functions as an agency are implementing policies and technical standardization in the field of immigration include:

- 1) Carrying out immigration duties in the field of immigration information and communication facilities, as well as immigration traffic;
- 2) Carrying out immigration duties in the field of immigration control and enforcement;
- 3) Carrying out immigration duties in the field of immigration status

The problem of illegal immigrants⁴ from the Middle East with the destination to Christmas Island is a classic problem between Indonesia and Australia. In fact, this case has long been a concern of the international community. The fact is that until now, illegal immigrants from Middle Eastern countries such as Iran, Afghanistan and Pakistan are still in Indonesia and at any time can increase or decrease. The presence of

¹ Also see M. Iman Santoso, 2002, *Peran Keimigrasian dalam Rangka Peningkatan Ekonomi dan Pemeliharaan Ketahanan Nasional Secara Seimbang*, Thesis, University of Krisnadwipayana Jakarta.

² <https://setkab.go.id/tidak-untuk-jurnalistik-wisatawan-dari-169-negara-ini-bebas-visa-kunjungan-ke-indonesia/> (accessed on 19 of Februari 2019).

³ Handayani, et all, *Implementasi Norma Standar Dalam Upaya Pencegahan Konflik* p. 35

⁴ Illegal Immigrants is people who enter a country without permission thus they do not have the document which is needed to enter a country legally, see Ivan A. Aleshkovski, (2013), *Illegal Immigration as A Structural Factor of Global Development, Globalistics and Globalization Studies*, retrieved from https://www.sociostudies.org/books/files/globalistics_and_globalization_studies_2/243-256.pdf, p.243-244

illegal immigrants from the Middle East in Indonesian territory has presented a separate and significant problem in Indonesia.

The Indonesian government, in this case the Directorate General of Immigration, cannot directly determine the status of illegal immigrants as asylum seekers⁵ or refugees because the determination of this status is carried out by the United Nations High Commissioner for Refugees (UNHCR)⁶ while obtaining information about the status of refugees (refugee) issued by UNHCR has sometimes seemed slow in the process of determining it. On the other hand, Indonesia is actually not a signatory country to the 1951 Convention on Refugees and its protocols, so that legally Indonesia is not bound by the provisions contained in the convention, however it must be realized that in the international community and international relations there are rules or norms must be adhered to and it must be remembered that the Indonesian government has issued Law Number 39 of 1999 on Human Rights which also regulates the rights of an asylum seeker and refugee. As well as there is Presidential Regulation Number 125 of 2016 on Handling of Refugees in which the Presidential Regulation is a legal umbrella for RUDENIM to handle refugees who are outside the Rudenim.

Since 2012, there have been many immigration actions against illegal immigrants from Afghanistan, Pakistan, Myanmar, Iran and Somalia who claim to be asylum seekers or refugees whose destination is Australia.⁷ The data can be seen below:

Matrix 1. Data on Immigration Enforcement at Immigration Class I, Kupang

Data of Illegal Immigrants per Year						
Year	2010	2011	2012	2013	2014	2015
Total	384	176	498	221	171	159

Source : Supervision and Enforcement Section, 2015

From the data above, it can be seen that the number of immigration actions carried out by KANIM Class I Kupang tends to decrease from 2010 to 2015, except in 2012, however this number is quite high. It was recorded that up to August 2016 the number of immigrants who were affected by immigration actions submitted to the RUDENIM Office was as many as: 159 people, consisting of 55 refugees, 103 asylum seekers, and the number not registered is 1 person, while the number of refugees in shelters was recorded that up to June 2017 are 280 people placed in three hotels including Ina Bo'I hotel, Lavender hotel, and Kupang Inn Hotel. This number could increase or decrease at any time.⁸

⁵ Asylum seeker is people flee from their country to get asylum in other country from persecution they could get in their own country, see Austin T. Fragomen Jr. (1970), *The Refugee: A Problem of Definition*, *Case Western Reserve Journal of International Law*, Vol 3, Issue 1, p.68

⁶ Romsan, Achmad. 2003. *Pengantar Hukum Pengungsi Internasional: Hukum Internasional Dan Prinsip-Prinsip Perlindungan Internasional*. Jakarta: UNHCR, p. 41

⁷ <http://kupang.imigrasi.go.id/profil/tugas-dan-fungsi>.

⁸ Seksi Pengawasan dan Penindakan, Kantor Imigrasi Kelas 1 Kupang

This number also affects the optimalization of handling of immigration control, which in the monitoring of immigration there is obstacle in terms of the quantity of human resources. The number of civil servants staff at KANIM Class I Kupang are only 46 people, this can be seen that, the number of civil servants, especially immigration technical officers, are still experiencing problems where some sections or fields are lack of personels, so that in handling people, the supervision of the civil apparatus staff sometimes do double duty, some General Affairs staff work concurrently as picket officers at the shelters, so that it can affect delays in realizing work.⁹ The data can be seen below:

Matrix 2. Employee Data According to Immigration Education Background

Number	Education Background	Total Employee
1	Tchnical Officers	15 people
2	Non Tchnical Officers	31 people
Tottal		46 people

Source: Personnel department, 2017

Based on the data above, it can be seen that the number of technical and non-technical officials is very insufficient, this causes them to be less than optimal in carrying out immigration functions in the Province of East Nusa Tenggara where the working area of the Class I Kupang Immigration Office covers 9 regencies and 1 city and has 2 immigration checkpoint and 2 border crossings. On the other hand, the Class I Kupang Immigration Office is required to provide excellent immigration services.

In the Immigration Act, it does not implicitly regulate asylum seekers and refugees, but it does explicitly fall into the category in Article 86 which states that the government will not impose “Immigration Administration Measures” against victims of trafficking and people smuggling.¹⁰ Furthermore, Article 87 regulates their placement in RUDENIM or shelters that have been determined and will be treated specifically.¹¹

Even though facing various immigration problems that occur in KANIM Class I Kupang, the Government of Indonesia through the Directorate General of Immigration is obliged to apply the standard norms of Human Rights in carrying out the function of immigration. The implementation of this obligation is inseparable from the role of the state as an obligation holder to respect, protect and fulfill human rights, including for foreigners who are in Indonesian territory and violate immigration provisions.

Through this research, it will be seen how KANIM class 1 Kupang performs its role in dealing with illegal immigrants in East Nusa Tenggara and how obstacles they face in carrying out these duties and functions. This research will also provide an overview of

⁹ Interview with Head of Personnel Section of the Kupang Class 1 Immigration Office

¹⁰ Article 86 Law Number 6 of 2011 on Immigration

¹¹ Article 87 Law Number 6 of 2011 on Immigration

how the handling of the problem of illegal immigrants in East Nusa Tenggara must be carried out in collaboration with other agencies.

B. RESEARCH METHOD

This study uses empirical normative legal research methods.¹² The data used in this study are primary data obtained through interviews with relevant informants at the Immigration Office and secondary data obtained through library research.

C. DISCUSSION

The Role of Kupang Class 1 Immigration Office in Handling Illegal Immigrants in East Nusa Tenggara

The Kupang Class I Immigration Office is one of the technical implementing units under the Regional Office of the Ministry of Law and Human Rights of East Nusa Tenggara which has an important and strategic role, especially in its duties and functions as an agency that carries out policies and technical standardization in the field of immigration. include; the duties of carrying out immigration in the field of immigration information and communication facilities, immigration traffic, carrying out immigration duties in the field of immigration supervision and enforcement, carrying out immigration duties in the field of immigration status, however, immigration action against illegal immigrants is still happening where they claim to be asylum seekers or refugees to Australia. Based on data from the Kupang Class I Immigration Office until March 2018, the number of illegal immigrants in Kupang are 340 people, consist of 103 people at the Kupang Immigration Detention Center, 82 people at the Ina Boi Hotel, 60 people at the Lavender Hotel and 95 people at Kupang Inn.¹³

Based on Presidential Regulation Number 125 of 2016 on The Handling of Refugees from Overseas, there are four roles of the Kupang Class I Immigration Office in handling illegal immigrants, namely the role of Discovery, of Shelter, of Security and of Immigration Supervision.

1. Discovery of Illegal Immigrants

In the working area of the Kupang Class I Immigration Office itself, the role of the Immigration Office in the context of discovery is carried out in waters and in transportation traffic lanes. This discovery was not only made by the Immigration Office but also by the Police and the Navy. Usually the Police and the Navy patrol the area and find them. Most of these illegal immigrants try to enter Indonesian territory, especially in East Nusa Tenggara to cross to other countries. More specifically regarding the discovery efforts in East Nusa Tenggara, apart from being carried out by the Immigration Office, Kupang Immigration Office received the findings and arrests from the Regional Police (Polda) and the Rote Ndao Resort Police (Polres) especially immigrants who wanted to cross to Australia. The Police and the Navy arrested the immigrants and handed them over to the Immigration Office.¹⁴

¹² Soerjono Soekanto. *Metode Penelitian Hukum*. Cet. 3. Jakarta : Universitas Indonesia, 2007. P.37

¹³ Source of data is from Personnel Section of Kupang Class 1 of Immigration Office, 30 of April 2018

¹⁴ Interview with Herfy Adli, Head of Kupang Class 1 Immigration Office, 02 February 2018, Office room of The Head of Immigration Office

According to the Regulation of the Director General of Immigration Number 1489 of 2010 Article 1 to Article 3, illegal immigrants are foreigners who enter and/or are in the territory of Indonesia not in accordance with the provisions of the legislation. Every illegal immigrant while in Indonesian territory is subject to immigration action. Illegal immigrants cannot be questioned about the status of their residence permit while in Indonesia if (a) they have obtained an Asylum Seeker Certificate from UNHCR or (b) are refugees from UNHCR so that they cannot be subject to deportation by Immigration.

According to Kustiyati, the issue of refugees and asylum seekers is a problem as old as human civilization. Refugees or asylum seekers are parties who for certain reasons leave their area of origin for another region or another country. Basically this problem is rooted in humanitarian problems so that the handling must also be done with humanitarian principles. Therefore, there is great hope for the Immigration Office as the main body in charge of handling illegal immigrants to carry out its duties in line with humanitarian principles, which is an important crucial aspect.¹⁵

In law and regulation (*de facto*), the role of the Immigration Office in the aspect of finding illegal immigrants has been regulated in detail in Presidential Regulation Number 125 of 2016 Article 5 to Article 23. In this regulation the discovery of illegal immigrants or refugees/asylum seekers is carried out by institutions that carry out affairs in the field of search and rescue through search and rescue operations. The institutions are the Indonesian Army, Indonesian Police, Ministry of Transportation, Maritime Security Agency, and other relevant ministries that carry out tasks in the territorial waters of the Republic of Indonesia. In addition, the public is also asked to be involved in reporting to these institutions if they find illegal immigrants. Once found, these institutions hand it over to the Immigration Detention Center or the local Immigration Office closest to the local area. Thus, what has been done so far in the working area of the Kupang Class I Immigration Office, namely accepting the handover of illegal immigrants from the Police or The Army is a tangible form of implementing the existing regulations.

After the Immigration Office coordinates with these institutions, the next step after receiving the submission is for the Immigration Office to contact the Immigration Detention Center to immediately carry out data collection through examination of travel documents, immigration status and identity according to the provisions of Article 13 of Presidential Decree No. 125 of 2016. If there are illegal immigrants who declare themselves as refugees, the Immigration Detention Center must coordinate with the UNHCR in Indonesia.

2. Illegal Imigran Shelter

According to Herfy Adli, in the context of the shelter's role, the Kupang Class I Immigration Office has performed this role by accommodating illegal immigrants in the Immigration Detention Center (Rudenim) and temporary shelters. After the Immigration Office conducted an examination and recorded the arrested immigrants, the next action on these illegal immigrants was handed over to the Immigration Detention Center for accommodation. If the Immigration Detention Center is full, then it must form a

¹⁵ Atik Krustiyati, 2012. *Kebijakan Penanganan Pengungsi di Indonesia: Kajian dari Konvensi Pengungsi Tahun 1951 dan Protokol 1967*. Law Review Vol XII, Nomor 2, November 2012, p. 171 – 192

Community House in the form of a hotel, dormitory or guesthouse to accommodate the illegal immigrants.¹⁶

The role of the Immigration Office in the shelter aspect is carried out by coordinating with the regency or city government to bring and place immigrants or refugees from the place where they were found to the shelter. This is regulated in detail in Presidential Regulation Number 125 of 2016 Article 24 to Article 30. If there is no official shelter (Community House) then illegal immigrants or refugees can be placed in temporary accommodation in accordance with the provisions issued by the regent or mayor. Currently in the working area of the Kupang Class I Immigration Office, there are 3 places for shelter, but the form is still temporary, namely Lavender Hotel, Kupang Inn and Ina Boi Hotel. This is because the Immigration does not have a special shelter in the form of a Community House. During shelter, immigrants can be transferred to other shelters within or outside the territory for the purpose of family reunification, treatment and/or placement to a third country. For refugees whose status is asylum seekers and their status is accepted by the destination country, their placement will then be processed by the Immigration Office together with international organizations in accordance with existing regulations. Meanwhile, those whose status is rejected will be processed for voluntary repatriation or deportation in accordance with the provisions of the legislation.

Furthermore, Herfy said that prior to Presidential Regulation Number 125 of 2016, illegal immigrants should not be accommodated in the Immigration Detention Centre because the status of illegal immigrants is not the same as foreigners who violate immigration regulations or known as Immigrators. The definition of Immigrators according to Article 83 of Act Number 6 of 2011 On Immigration is a foreigner who is in the Indonesian Territory having a residence permit that is no longer valid or because he committed an act against the laws and regulations or disturbs public security and order. For example, they commit legal or immigration crimes such as using drugs, abuse of residence permits or other general crimes. After they received the judge's decision and finished their sentence at the Penitentiary they were taken to the Immigration Detention Centre because when they left Penitentiary they no longer have a residence permit, so the Immigration Detention Centre will facilitate the deportation.

In terms of financing to meet the needs of illegal immigrants during the sheltering period, the Immigration Office does not pay for this. The role of the immigration authorities is limited to facilitating by appointing/determining shelters. All budgets are borne by the International Organization for Migration (IOM). As for the status of immigrants, whether as refugees or asylum seekers, immigration authorities cooperate with UNHCR.

3. Pengamanan Imigran Ilegal

The role of security is one of the important roles in efforts to handle illegal immigrants. This role is carried out by the Immigration Office in conjunction with the shelter role. Shelter is the initial action for a process of securing illegal immigrants so that illegal immigrants do not wander here and there. In carrying out this role, the Immigration

¹⁶ *Ibid.*

Office places a separate officer in the shelter and cooperates with the hotel security and whenever immigrants want to leave the shelter environment, they must go through a permit mechanism from the immigration authorities.¹⁷

Normatively, the security process for illegal immigrants who leave the shelter should be escorted by officers. However, due to the limited number of Immigration Officers, the security process cannot be carried out at the maximum level so that there are times when immigrants are allowed to leave the shelter without being escorted by officers. The data can be seen in the table below:

Matriks 3. Data on the Number of Security Immigration Officers at Shelters

No	Shelter	Numbers of Officers
1	Kupang Immigration Detention Centre	2
2	Hotel Ina Boi	1
3	Hotel Lavender	1
4	Kupang Inn	1

Source: Immigration Enforcement and Control Section of Kupang Class 1 Immigration Office

Based on the data above, it can be seen that the number of security officers at each shelter is very less. This causes in carrying out the security function, immigrants are given the opportunity to leave the shelter to shop and so on within a limited time, for example two hours. Security measures like this are possible (not too strict) because the status of the immigrants is “illegal immigrants” or “refugees” and not convicts or violators of the immigration rules set by the Immigration Detention Centre.

The role of the Immigration Office in the context of security is also carried out together with the Indonesian Police. The regulation regarding the security of these immigrants is regulated in detail in Presidential Decree No. 125 of 2016 especially Article 31 and Article 32. The biggest responsibility in securing illegal immigrants rests with the Police. The purpose of this security effort is to keep immigrants in shelters, create a sense of security for the environment around the shelters and create and socialize regulations that contain obligations and prohibitions for illegal immigrants or refugees/asylum seekers.

Although Presidential Decree 125 of 2016 has stipulated that security against Illegal immigrants, Refugees/Asylum Seekers is carried out together with the Police, in the field the Police do not do this routinely in this case there is no regular task schedule every day.

4. Supervision of Illegal Immigrants

Supervision efforts against illegal immigrants are carried out with the aim of preventing further violations of immigration rules and to reduce the potential for events that can harm the state and society as a result of violations by illegal immigrants. So far,

¹⁷ *Ibid.*

supervision of illegal immigrants in the working area of the Kupang Class I Immigration Office has focused on monitoring and escorting efforts when Illegal Immigrants leaving the shelter. Every illegal immigrant who exits must fill out a daily register book and be given an exit permit card and is subject to the obligation to report back to the guard after the exit permit time expires. The time for the exit permit is also limited to facilitate the monitoring process. When leaving, the immigrants were not escorted, because the number of officers stationed in the shelter was very limited.

The immigration control process is carried out evenly both on illegal immigrants and on those whose status as violators of immigration rules. Illegal immigrants have a slightly different status when compared to convicts or violators of immigration rules in general. They are called illegal immigrants because they do not have a residence permit or in other words do not have a visa so they are considered as foreigners who do not enter officially. In this monitoring process, there are restrictions on the space and movement of illegal immigrants so that there are no violations of the provisions of immigration regulations and do not interfere with the lives of the surrounding community through criminal acts, immoral acts, misleading religious and state ideologies, and so on.

The form of immigration control is not only carried out on illegal immigrants who have been sheltered but also external supervision of transit routes or transportation routes, both land, sea and air transportation, including public places to find foreigners or international refugees who enter illegally into Indonesia, especially East Nusa Tenggara¹⁸

Procedures and supervisory actions against immigrants are explicitly regulated in Article 33 to Article 39 of Presidential Regulation Number 125 of 2016. For this supervision, the Immigration Detention Center is the main person in charge of immigration control. Surveillance measures have been taken since the moment of discovery, at the shelter, when leaving for the destination country, voluntary repatriation and deportation. At the time of discovery, the form of supervision carried out by the immigration authorities was inspection and data collection. While at the shelter and outside the shelter, the forms of supervision carried out are identity re-examination, request for information, and provision of a data collection letter and special identity card by the Immigration Detention Center. Every illegal immigrant is required to report every month at the Immigration Detention Center Office and if they do not report for 3 consecutive months, the illegal immigrant is moved from the shelter to the Immigration Detention Center.

Supervision at the time of departure to the destination country is carried out by giving notification of approval from the UN Agency, administrative settlement, namely submitting a non-return exit permit on travel documents and escorting departure from the shelter to the local immigration checkpoint. Immigration supervision in the context of voluntary repatriation is carried out by providing notification of receipt of re-application, completion of immigration administration by issuing non-return exit permits and escorting departures from shelters to local immigration checkpoints. The same is done for the case of illegal immigrants who will be deported.

For the implementation of these 4 roles in handling illegal immigrants, the Kupang Class I Immigration Office uses several legal foundations. Explicitly, the results of interviews

18 *Ibid.*

with informants show that there are 3 legal foundations for the implementation of the role of handling illegal immigrants at this time, namely:

- 1) Legislation Number 6 of 2011 on Immigration.
- 2) Government Regulation Number 31 of 2013 on Implementing Regulations for the Immigration Legislation, and
- 3) Presidential Regulation Number 125 of 2016 On Handling of Refugees from Overseas.

Based on the 3 rules above, the Immigration Office considers that regulatory support for handling illegal immigrants is sufficient. Prior to Presidential Regulation Number 125 of 2016, there were indeed problems in handling illegal immigrants. There is no legal umbrella that specifically regulates illegal immigrants or refugees. Legislation Number 6 of 2011 on Immigration and Government Regulation Number 31 of 2013 do not specifically regulate illegal immigrants or refugees. All foreigners who enter Indonesia are treated equally because the provisions are global. In general provisions that apply globally all foreigners who do not enter officially must enter the Immigration Detention Centre and cannot be placed outside the it. With the Presidential Regulation Number 125 of 2016, illegal immigrants or refugees can be accommodated or placed outside the Immigration Detention Centre, namely in the Community House because they are not the subject of foreigners who violate immigration rules in Indonesia.¹⁹

Efforts to handle illegal immigrants or refugees, according to the Immigration Office, have been quite good. With the placement in temporary shelters, namely the Ina Boi Hotel, Lavender Hotel, Kupang Inn, the state with all its instruments has limited the space for illegal immigrants to move so that they do not disturb and affect the surrounding community and also do not create social jealousy from their lifestyle. It is well known that most of the people of East Nusa Tenggara are still poor while on the other hand all Illegal Immigrants or Refugees have enough food. There is a potential for jealousy that could lead to social conflict because there is a public perception that it is better to be an immigrant to receive adequate clothing, food and shelter while ordinary people are unable to find nutritious food. As previously explained, IOM is the one who finances the lives of illegal immigrants for all their needs.

Efforts to handle Illegal Immigrants or other Refugees according to the Immigration Office have also been carried out and the results are maximal. In East Nusa Tenggara itself, the regional head in this case the Governor does not want the presence of Illegal Immigrants in East Nusa Tenggara. Therefore, one form of this effort is to request that these Illegal Immigrants or Refugees be transferred to shelters outside East Nusa Tenggara such as in Pekanbaru, Riau and Makasar or returned to their country of origin.²⁰

In addition to efforts to transfer to other areas and return to their country of origin there are also other efforts in handling Illegal Immigrants, namely facilitating them to their destination countries. For example to Australia. However, this process is the business of UNHCR. Illegal Immigrants or Refugees are required to register with UNHCR and it will process the requests of the Immigrants. While the IOM organization itself does not take care of this. IOM only guarantees the necessities of life during the holding period and finances the departure of the Illegal Immigrants/Refugees to the destination

¹⁹ *Ibid.*

²⁰ *Ibid.*

country if the request of the Illegal Immigrants is accepted by the government of the destination country.

In carrying out its role in handling Illegal Immigrants or Refugees, the Immigration Office also faces obstacles and challenges. Barriers to handling usually come from within the institution while challenges come from outside the immigration institution. Internally, the Immigration Office has weaknesses, namely the limited number of personnel for supervision and the unavailability of a Community House in accordance with the laws and regulations. At the same time, the number of illegal immigrants is very large. In 2018 alone the number of Illegal Immigrants/Refugees reached 340 people with the number in each shelter consisting of 103 people at the immigration detention centre, 82 people at the Ina Boi Hotel, 60 people at the Lavender Hotel and 95 people in Kupang Inn. Meanwhile, the number of officers in each shelter is only 1 (one) person, so the Immigration Office finds it difficult to carry out strict escort and supervision while on the other hand the routine activities of the immigration office are also quite dense.

Externally, the challenge faced by the Immigration Office is that there are still mafias in the smuggling of Illegal Immigrants to Australia (people smuggling). However, in an effort to eradicate this problem, it has become the authority of other parties, especially the Police by using the provisions of the Human Trafficking Act.

Forms of Coordination between Agencies in the Working Area of the Kupang Class I Immigration Office, East Nusa Tenggara in Handling Illegal Immigrants

In handling Illegal Immigrants, the Immigration Office does not work alone. There are many parties involved in the handling process. For example, the Police, Indonesian Army, and Local Government through the Office of National Unity, Politics and Community Protection (Kesbangpolinmas). All of these parties are responsible. In other words, handling Illegal Immigrants is the shared responsibility of all parties. Full responsibility rests with the regional government, especially for the determination/appointment of shelters, administration and supervision to be the focus of immigration tasks through the immigration detention centre, while security matters are focused on the Police and Indonesian Army.

So far, the coordination in handling Illegal Immigrants or Refugees has gone well and smoothly. The form of coordination between institutions is carried out by forming a Foreigner Supervision Team (PORA Team) and followed up with joint meetings (coordination meetings) of the PORA Team at least once a year. In addition to coordination through meetings, other form of coordination for handling Illegal Immigrants is carried out through joint operations between the institutions in the PORA Team.²¹

In an increasingly advanced and modern era like today, the flow of people in and out of the territory of Indonesia has increased quite a lot. This is affected by technological developments and the ease of regulation made by the government which is actively promoting the creative economy and tourism. This is closely related to the mandate in Presidential Regulation Number 21 of 2016 which regulates the freedom of visiting visas for tourists. The impact of easy entry and exit brings the government to a consequence that has both positive and negative values. The positive value is the increase in the community's economy while the negative value is to increase the potential for

21 *Ibid.*

transnational crimes, drugs, and so on that threaten the sovereignty of the nation and the integrity of Indonesia.

Immigration is part of the realization of the implementation of state sovereignty enforcement and maintaining order in the life of the nation and state. In order to realize this noble goal, it is very important to increase supervision of Foreigners and/or Illegal Immigrants. This effort was executed by forming the PORA Team. Currently, the only real form of coordinating the handling of Illegal Immigrants is the Formation of the PORA Team.

The PORA team based on regulations was formed with the aim of coordinating the tasks and functions between agencies in preventing negative impacts due to the presence of foreigners' activities in terms of ideology, social politics, religion, security and so on. The Ministry of Law and Human Rights of the East Nusa Tenggara Region has formed the PORA Team on March 14 of 2016. In order to share information and discuss actual issues related to immigrant issues from various related agencies, an annual PORA Team Meeting at the regional level is held. The PORA Team Meeting is used as a coordination forum for the common perception of all PORA Team members regarding the supervision of foreigners as well as the synergy of programs and activities according to the main tasks and functions of each agency that in the PORA Team.

Especially in the East Nusa Tenggara region, there are many issues discussed in the PORA Team meeting related to the function of supervising foreigners. From the documents and minutes of the last meeting of the East Nusa Tenggara PORA Team on August 23 of 2017, it is known that there are many problems and potential problems encountered in the working area of the Kupang Class I Immigration Office. From the results of the meeting, several problems were identified, including the number of foreign journalists who came to make documentaries and foreign researchers conducting research in East Nusa Tenggara, the number of foreigners from Timor Leste who lived in waters and borders whose physical characteristics were difficult to distinguish from the natives. due to the similarity of faces and skin color, there are refugees who buy plane tickets using UNHCR card, the number of members of the Tablig congregation whose organization is not clear, many agencies have not received proper socialization regarding Presidential Regulation Number 125 of 2016, and so on. Although there are many problems, there are also things that should be appreciated as a step forward in handling Illegal Immigrants, namely the formation of PORA Teams in all districts and cities in East Nusa Tenggara.

From various discussions in the PORA Team coordination meeting, there are several recommendations for joint follow-up by all PORA Team members, namely :

- 1) All agencies that are members of the PORA Team must carry out surveillance to places that are estimated to be transit points and concentrations of foreigners, especially in water areas.
- 2) Coordination between law enforcers such as the Prosecutor's Office and the Police and Immigration regarding the Projusticia case is necessary.
- 3) The frequency of coordination meeting needs to be increased so that the synergy of programs and activities will be better.
- 4) Agencies that manage Tablighi congregations need to coordinate with local government officials and the police.

According to Subagyo, in the era of globalization, the problem of people smuggling is very complex and complicated. People smuggling is a very high threat in Indonesia. Indonesia is very potential for people smuggling because of its strategic position, thus enabling Indonesia to become a transit country in people smuggling routes. In order to solve these problems, Indonesia needs a total, integrated, and comprehensive problem-solving model for Indonesia's maritime threats. In enforcing the law against the perpetrators of people smuggling that is rampant lately, the government must create an integrated handling model for people smuggling. This integrated handling model is necessary considering the perpetrators come from several countries, the victims/asylum seekers are clearly not Indonesian citizens, and there are indications of international mafia networks in this people smuggling crime. Therefore, cooperation, partnership, and synergy from various parties are needed, which include: UNHCR, IOM, AFP, Immigration, Prosecutor's Office, Courts, Polri, Indonesian Army, Regional Government, and Central Government.²²

D. CONCLUSION

Based on the elaboration above, it is concluded that the role of the Kupang Class I Immigration Office in handling illegal immigrants consists of 4 roles, namely the role of discovery, shelter, security and immigration control. This role has not been carried out independently but involves many parties such as the Police, Indonesian Army, and Regional Government through the Office of National Unity, Politics and Community Protection (Kesbangpolinmas). Immigration has internal constraints, namely the lack of human resources so that the security and supervision of illegal immigrants is less than optimal and the real form of coordination carried out by all agencies involved in handling Illegal Immigrants is the formation of the PORA Team and holding coordination meetings to share perceptions, discuss actual issues and program synergy related to immigrant issues from various relevant agencies.

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