

THAILAND: WORK PERMITS AND VISAS

FREQUENTLY ASKED QUESTIONS*

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1. How many categories of temporary work permits or temporary work visas for foreign nationals are available?

The main categories of temporary work permits are as follows:

- a. Work permits for employees working for ordinary companies (employers).
- b. Work permits for employees working for companies under special laws such as:
 - (1) Investment Promotion Act B.E. 2520 (1977).
 - (2) Petroleum Act B.E. 2514 (1971).
 - (3) Industrial Estate Authority of Thailand Act B.E. 2522 (1979).
- c. Work permits for investors:
 - (1) Investment of Two Million Baht (THB 2,000,000) - eligible for 1-year work permits, subject to renewal prior to expiration.
 - (2) Investment of Ten Million Baht (THB 10,000,000) - eligible for 2-year work permits, subject to renewal prior to expiration.
- d. Notifications for necessary and urgent work for a period no longer than 15 days.

2. What government ministries or agencies are involved in the temporary work permit process?

The temporary work permit process is administered by the Office of Foreign Workers Administration, Department of Employment, Ministry of Labor.

3. What are the most frequently used options for international intracompany and affiliate cross-border transfers of key personnel?

This depends on the length of assignment. If the assignment can be completed within 15 days, no work permit is required but the company must file a notification with Labor officials. If work exceeds 15 days, a work permit must be obtained. A company registered in Thailand must act as employer or sponsor for a work permit application. Foreign companies are not qualified to act as employer or sponsor for a work permit.

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4. What temporary work permit and visa options are most frequently used for newly hired international workers?

Generally, a one-year work permit is applied for. An application for renewal must be filed prior to the expiration of the work permit, otherwise the work permit will be automatically revoked.

5. What basic procedure is used to obtain a temporary work permit?

The foreign employee files an application for a work permit along with the employer's confirmation of employment after the foreign employee enters the country with a valid business visa.

6. What conditions or restrictions apply to workers on temporary work permits?

Foreign employees must work for the named employer and within the job description specified in the work permit. In case of a change of employer or working for more than one employer, or change of work place, the Labor officials must be notified and the work permit book amended.

7. What conditions or restrictions apply to employers sponsoring temporary workers?

Employers sponsoring temporary workers are required to adhere to the terms and conditions granted in the work permit. They must also notify the Labor officials of any change in the employees.

8. How long is a temporary work permit valid?

A temporary work permit may be valid for up to 1 year, except for temporary work permits granted by special laws that may be valid for up to 2 years.

9. Is the temporary work permit procedure a separate process from the temporary work visa procedure?

Yes, the two processes are separate. There is no such thing as a "work visa" in Thailand. We call it a work permit. A proper visa allows a foreigner to stay in Thailand during the permitted period but not to work. If he/she wishes to work, a work permit must be obtained prior to commencing work in Thailand. To be eligible to apply for a work permit, the applicant must obtain a non-immigrant visa from a Thai Consulate before entering Thailand. After the work permit is granted, the work permit holder is eligible to apply for a one-year visa with the Immigration Bureau of the Royal Thai Police Department.

10. How long does it typically take for a temporary work permit or a temporary work visa to be issue?

A temporary work permit and a visa can be issued within 1-14 working days depending on the status of the company (employer) and the employee's position applied for.

11. What is the degree of difficulty or typical probability of success of well-prepared applications for the temporary work permit and temporary work visa categories most frequently used by employers of foreign nationals?

Approval is usually granted if the qualifications of both the employer and the employee meet the requirements of the temporary work permit and visa categories.

12. What are the leading methods successfully used to obtain the right of permanent residence for international workers?

This has more to do with the nationality of the worker rather than the method. Each nationality is allowed a quota of 100. If there are more applicants than the quota, then the applicants have to compete among themselves. To be eligible to file a permanent residence application, a foreigner must have lived in Thailand on a non-immigrant one-year visa for at least 3 consecutive years.

13. Is special consideration for visas or work permits given to persons of certain nationalities?

No special consideration is given. However, the applications of citizens from certain countries/regions such as South Asia and the Middle East will be subject to closer and stricter scrutiny and therefore will take longer than other nationalities.

14. What tax issues do foreign temporary workers or their employers need to be aware of?

All assessable income from a post or office held or business carried on in Thailand, or from the business of an employer in Thailand, or from a property situated in Thailand, are subject to Thai tax, whether such income is paid within or outside Thailand.

The employer has the obligation to withhold appropriate tax and remit it to the Revenue Office within the prescribed period. Moreover, a resident of Thailand who derives assessable income from a post or office held or business carried on abroad or from a property situated abroad shall, upon bringing such assessable income into Thailand, be subject to Thai tax. A person residing in Thailand at one or more times for a period equal in the whole to 180 days in any tax year shall be deemed a resident of Thailand.

15. What local employment law issues do temporary workers or their employers need to be aware of?

Foreign workers coming to Thailand are subject to all the rights and obligations attached to the Alien Employment Act B.E. 2521 (1978) and the requirements under the Immigration Act B.E. 2522 (1979). Workers must work only for the sponsoring employer, within the scope of the job description, and in the geographic area specified in the work permit. If the worker stays in Thailand continuously for 90 days, he/she must report to the Immigration Bureau. Employers and employees must notify the authorities when the employment is terminated for cancellation of the work permit and visa.

16. What other potential problems should foreign workers or their employers be especially aware of?

Workers shall adhere to the terms and conditions fixed in the work permits. If the workers wish to leave the country, they shall apply for a re-entry permit, otherwise the current visa will automatically be cancelled.

Employers shall not allow the workers to work outside the permitted scope of the jobs or hire workers with no work permits to work in their premises. Working without a valid work permit and/or beyond the scope of the permit will result in fine and imprisonment for both the workers and the employers.

17. Can immigration lawyers assist with the work permit process?

Yes, they can and it is the usual practice. Specialized immigration and work permit practitioners are difficult to find in Thailand. They are usually lawyers who practice in other areas as well. Immigration and work permit categories in Thailand are not as complicated as in other jurisdictions such as the US, Canada or UK.

18. Do multinational employers typically use immigration lawyers to assist with the work permit process?

Yes, this is the common practice. First of all, applications are in Thai. Supporting documents in foreign languages must be translated into Thai. The success of applications mostly depends on the rationale and explanation provided in the letter and application submitted to the authorities. Thailand, like other countries, wants to promote domestic/local employment, thus approval will be granted to applications for positions which, in the view of the authorities, cannot be competently performed by Thais.

19. May members of a temporary worker's household be authorized to work? (e.g., spouse, children, parents, personal servants)

No, a work permit is granted for a particular worker. If his/her family members wish to work in Thailand, a work permit must be obtained. Personal servants from abroad will not be allowed to work for the family as that type of labor is abundant in Thailand in the government's view.

20. How can family members of a citizen obtain the right to permanent residence?

Family members of a citizen who are eligible to apply for permanent residence must have been permitted to stay in Thailand on a yearly visa for at least 3 consecutive years. Family members are restricted to legal spouse (common spouse is not eligible), children under 20 years of age and not married or disabled, and parents. All others such as domestic servants, brothers, sisters or even live-in partners are not eligible.

21. Is it possible for foreign-born persons to acquire full citizenship?

Yes, if either one of their parents is a Thai national. Foreign-born persons may also acquire Thai citizenship by naturalization, through approval granted by the Ministry of Interior. To qualify for citizenship application, an applicant must have held permanent resident status for at least 10 years. This period will be reduced to 5 years in the case of foreign women married to Thai men.

22. What is the current law and policy regarding dual nationality?

In principle, Thai law prohibits dual nationality. However, in reality, many Thais hold dual nationality.

23. What are the current requirements to qualify for asylum or refugee status?

N/A

24. Please provide public contact information for principal government offices most frequently involved in processing visas and work permits.

For all immigration applications, the contact details are as follows:

The Immigration Bureau
The Royal Police Headquarters
Soi Suanplu, Thung Mahamek
Yannawa
Bangkok 10120
Tel. (66) 2287-3101 up to 2287-3110

The Immigration Section 1
(One Stop Service Center for Visa and Work Permit)
3rd Flr., Krisada Plaza Bldg.
207 Ratchadapisek Road
Dindaeng, Huaykwang
Bangkok 10310
Tel.: (66) 2639-9333 up to 2639-9339 Ext. 201-206
Fax: (66) 2639-9340, 2639-9349

For work permits, the contact details are as follows:

Office of Foreign Workers Administration
The Department of Employment, Ministry of Labor
Mitmaitree Road, Dindaeng
Bangkok 10310
Tel.: (66) 2245-2745

There is a specialized group to consider work permit applications under investment promotion at the:
One Stop Service Center for Visa and Work Permit
Office of Foreign Workers Administration
Department of Employment
3rd Flr., Krisada Plaza Bldg.
207 Ratchadapisek Road
Dindaeng, Huaykwang
Bangkok 10310
Tel.: (66) 2639-9333 up to 2639-9339 Ext. 304
Fax: (66-2) 639-9348

The Board of Investment Office
E-mail: visawork@boi.go.th
Website: www.boi.go.th

25. Useful Web sites with public information about immigration and visa matters.

See answer in item 24 above and visit www.mfa.go.th.