

# Immigration Guide

## Thailand



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## Entry Visa

Certain nationalities are required to apply for an advance entry visa from a Thai consulate or embassy abroad, while other nationals may apply for a 'visa on arrival'. Nationals from countries holding bilateral agreements with Thailand are granted visa free entry into Thailand for a limited period.

Guidance on which category applies can be found on the website of the Thai Immigration Bureau: <http://www.immigration.go.th/nov2004/en/base.php>

The duration granted will vary according to the type of visa held. Extensions of stay may be applied for.

## Business Visitor

Thai Immigration regulations provide that in order for a foreigner to conduct any business-related activities in Thailand, even to attend a short meeting or seminar, a Work Permit or Emergency Work Permit must be obtained. This requirement is in addition to any entry visa or visa on arrival requirements for certain nationals.

## Work Permit

A foreigner who wishes to work, or conduct any business or investment-related activities in Thailand must obtain an appropriate Work Permit prior to commencing any duties.

The definition of "work" provided by the Thai Department of Employment provides that it is to engage in work by exerting energy or using knowledge whether or not in consideration of wages or other benefits.

A Work Permit is generally issued for a one year period and may be renewed thereafter. In addition, for some positions i.e. Managing Director / Director who has the authority to sign on behalf of the company, a work permit may be issued for a two-year period. However, it will be limited to the period requested if the duration of employment of the foreigner is for less than two years.

Foreigners who enter Thailand for a period not exceeding 15 days may be eligible to apply for an Emergency Work Permit. The application can only be made on the day of arrival in Thailand, and would be granted that same day.

## Family Members

The spouse, dependant children under 20 years old and parents of the Work Permit holder are eligible to apply for a Non-Immigrant Visa Category 'O' to reside in Thailand.

Unmarried or same-sex partners are not recognised under Thai Immigration law.

Holders of category 'O' visas are not permitted to work without first obtaining a valid Work Permit in their own right. A dependant spouse holding a Non-Immigrant 'O' visa must first obtain a Non-Immigrant 'B' visa to be eligible to apply for a Work Permit.

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## Application Process

To be eligible for a Work Permit, the applicant must be in possession of a valid Non-Immigrant Visa Category 'B'.

A foreigner must apply for a Non-Immigrant 'B' Visa from a Thai consulate or embassy abroad prior to arrival. In some cases, a pre-approval letter from the Thai Ministry of Labour may be required to support the application. This visa enables the foreigner to enter and stay in Thailand for a period not exceeding 90 days. Penalties may apply if this period is exceeded.

Work Permit applications must be submitted to the Department of Employment, Ministry of Labour or the relevant Provincial Employment Office. The applicant is not permitted to commence duties in Thailand pending approval of the Work Permit.

Where the employer submits the Work Permit application on the individual's behalf, the individual must remain outside of Thailand during this process.

## Supporting Documents

A significant number of supporting documents are required for a Work Permit application which include, but are not limited to, copies of educational certificates, employment certificate, copy of passport with Non-Immigrant 'B' visa, medical certificate, and a number of company documents including the business registration, company affidavit, list of shareholders and financial statements.

Marriage and birth certificates in English must be certified by the respective embassy for submission for the accompanying family dependants.

Where a supporting document is not in English or Thai, a copy of the original document and an official English or Thai translation certified by the respective embassy must be submitted.

## Timeline

The processing time for a Non-Immigrant 'B' Visa application is approximately two to four working days.

The approval time for a Work Permit application can range between one to 15 working days following submission to the relevant authority.

An Emergency Work Permit will be processed within one working day.

The processing of a family member's Non-Immigrant 'O' Visa application can range between one to 30 working days.

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## Re-Entry Permit

A foreigner holding a Work Permit or non-immigrant (inclusive of 'B' and 'O') visa must apply for a Re-Entry Permit from the Immigration Bureau if they wish to exit and re-enter Thailand during the existing visa validity period.

If a Re-Entry Permit is not obtained before the individual travels outside of Thailand, this will have the effect of automatically cancelling the existing visa or permit. The processing time for a Re-Entry Permit application is approximately one to two working days.

### 90 Day Reporting Obligation

All Work Permit holders and their accompanying dependants are required to comply with a 90 day reporting rule to the Thai immigration authorities. A third party can be granted authorisation to assist with the notification process.

## Non-Compliance

A foreigner who stays in Thailand without a valid visa will be fined THB 500 per day. Penalties for working without a Work Permit can include a fine ranging from THB 2,000 to THB 100,000 and imprisonment of up to five years.

## Contact

This Guide is intended to provide a general overview of the immigration requirements and options for foreigners seeking to reside and work in Thailand. For advice relating to a specific immigration matter please contact:

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