

Work Permits

The Alien Occupation Law, adopted in 1973, requires all aliens working in Thailand to obtain a work permit prior to starting work in the Kingdom. An updated version of the Act, adopted in 1978, describes the procedures for issuance and maintenance of work permits and lists certain occupations from which foreigners may be excluded.

Exemptions

The Act grants exemption from the work permit requirement to persons occupying the following professions :

- Members of the diplomatic corps
- Members of consular missions
- Representative of member countries and official to the United Nations and its specialized agencies
- Personal servants coming from abroad to work exclusively for person listed under the above items
- Persons who perform duties on missions in the Kingdom under an agreement between the government of Thailand and a foreign government or international organization
- Persons who enter the Kingdom for the performance of any duty or mission for the benefit of education, culture, artes or sports
- Persons who are specially permitted by the Thai government to enter and perform any duty or mission in the Kingdom

Special Cases

While most foreigners must apply for a work permit, and may not begin work until the permit is issued, the Alien Employment Act does provide special treatment in the following circumstances:

Urgent and Essential Work

Exemption from work permit requirements is granted to foreigners who enter the Kingdom temporarily, but in accordance with the immigration law, to perform any work of any “urgent and essential nature” for a period not exceeding 15 days. However, such aliens may engage in work only after a written notification on a prescribed form, signed by the foreigners and endorsed by his employer, has been submitted to and accepted by the Director-General or his designee.

Foreigners entitled to this treatment may enter Thailand with any kind of visa, including a transit visa. The term “urgent and essential work” is not explicitly defined and consequently, the issuance of this sort of exemption is a matter of administrative discretion.

Investment Promotion

An alien seeking permission to work in the Kingdom under the Investment Promotion Law must submit an application for a work permit within 30 days of notification by the BOI that the position has been approved. An alien in this category may engage in authorized work while the application is being processed.

Procedures

The Act requires that any alien working in Thailand must obtain a work permit before beginning work. Section 8 of the Act stipulates that while a prospective employer may file an application on the alien’s behalf in advance of his commencing

work, the actual work permit will not be issued until the alien has entered Thailand in accordance with the immigration laws and has presented him or herself to receive the work permit.

The permit initially will be valid only for the period the alien's Non-immigrant visa gives permission to remain in Thailand under the immigration law. The work permit will be subject to renewal in accordance with the renewed or extended visa. For aliens who are holders of a Thai Certificate of Residence, the work permit can be renewed annually. The Labor Department, subject to subsequent renewal, will in principal grant an initial duration of one year for the work permit. A work permit must be renewed before its expiry date or it will lapse.

Applicants for work permits may not enter the Kingdom as tourists or transients.

Required Documentation

The following documents must be attached to a work permit applications:

- For non-permanent residents: A valid passport containing a Non-Immigrant visa (except for WP 3 applications)
- For permanent residents: A valid passport, residence permit and foreigner book (except for WP 3 applications)
- Evidence of applicant's educational qualifications and letter(s) of recommendation from the former employer, describing in detail the applicant's past position, duties, performance and place and length of employment. If the documents are in a language other than English, a Thai translation certified as correct by a Thai Embassy (if abroad) or Ministry of Foreign Affairs (if in Thailand) must be attached.
- A recent medical certificate from a first-class licensed physician in Thailand stating that the applicant is not of unsound mind and not suffering from leprosy, acute tuberculosis, elephantiasis, narcotic addiction or habitual alcoholism (except for WP 7 applications)
- Three 5x6 cm. Full-faced, bareheaded, black and white or color photographs, taken no more than 6 months prior to the filing of the application
- If the application is to be filed by another person, a valid power of attorney in the prescribed form must be attached with a 10 baht duty stamp.
- On the application form, the "job description" entry must be complete with a detailed statement as to what job is expected to be performed, how it is related to other people, and what materials will be used in the work (additional paper to be used if necessary)
- If the job applied for is subject to a license under a particular law, in addition to the Alien Occupation Law, a photocopy of such license, (e.g. teacher's license, physician's license, press card from the Public Relations Department, certificate of missionary status from the Office of Religious Affairs, etc) shall be attached.
- If the applicant is married to a Thai national, the original and photocopies of the following must be presented:
- Marriage certificate, spouse's identity card, birth certificates of children, household registration, and the photocopy of every page of applicant's passport.
- If the job being applied for is not in Bangkok, the application should be filed at the relevant province's Department of employment, or in the absence of such an office, at the province's city hall
- Additional evidence as requested. It may be necessary to translate any or all documents

Permitted Activities

Thai law prohibits employers from allowing foreigners to perform any function other than that described in the foreigner's work permit. Employers must report changed in employment, transfers and termination of all foreigners in their organization within 15 days of any such actions. In cases of dismissal, foreigners must return their work permit to labor authorities in Bangkok at the Alien Occupation division or, if they are in a provincial area, to the province's Department of Employment. Failure to do so will result in a fine of up to 1,000 baht.

Any foreigner engaging in work without a work permit, or in violation of the conditions of his work as stipulated in his permit, may be punished by a term of imprisonment not exceeding 3 months or a fine of up 5,000 baht, or both.

Foreigners engaged in work prohibited to them by Royal Decree shall be liable to imprisonment for a term not exceeding 5 years or to a fine ranging from 2,000 to 100,000 baht, or both. An employer who permits a foreigner to work in his organization without a work permit or to act in violation of the nature of the work specified in the permit may be punished with imprisonment not exceeding 3 years or fined up to 60,000 baht or both.

Permit holders must obtain prior permission to change their occupation and/or place of work. Change of employer location or the residential address of the permit holder must be properly endorsed in the work permit by the labor authorities. The Alien Employment Act does not prevent an foreigner from engaging in work in more than one field or for more than one employer.

Restricted Occupations

A Royal Decree in 1973 listed 39 occupations and professions that were then prohibited to foreigners. This list has been amended on several occasions by subsequent Royal Decree, the latest one in 1979.

1. Labor
2. Work in agriculture, animal breeding, forestry, fishery or general farm supervision
3. Masonry, carpentry or other construction work
4. Wood carving
5. Driving motor vehicles or non-motorized carriers except for piloting international aircraft
6. Shop attendant
7. Auctioneering
8. Supervising, auditing or giving services in accounting except occasional international auditing
9. Gem cutting and polishing
10. Hair cutting, hair dressing and beautician work
11. Hand weaving
12. Mat weaving or making of wares from reed, rattan, kenaf, straw or bamboo pulp
13. Manufacture of manual fibrous paper
14. Manufacture of laquerware
15. Thai musical instrument production
16. Manufacture of nielloware
17. Goldsmith, silversmith and other precious metal work
18. Manufacture of bronzeware

19. Thai doll making
20. Manufacture of mattresses and padded blankets
21. Alms bowl making
22. Manual silk product making
23. Buddha image making
24. Manufacture of knives
25. Paper and cloth umbrella fabrication
26. shoemaking
27. Hat making
28. Brokerage or agency work except in international business
29. Dressmaking
30. Pottery or ceramics
31. Manual cigarette rolling
32. Legal or litigation service
33. Clerical or secretarial work
34. Manual silk reeling and weaving
35. Thai character type-setting
36. Hawking business
37. Tourist guide or tour organizing agency
38. Architectural work
39. Civil engineering work

Visa and Immigration Law

All persons, other than those in transit and citizens of certain countries, are required to obtain a visa in order to enter Thailand. Foreign nationals who intend to remain in Thailand to work or conduct business must comply with visa requirements in addition to obtaining a work permit.

Visa Categories

The Immigration Act of 1979 as amended in 1980 establishes the following visa categories :

- Tourist
- Visitor transit
- Immigrant
- Non-quota immigrant
- Non-immigrant

[Note : Transit, visitor transit and tourist visa holders are not authorized to work in Thailand.](#)

Tourists: Tourist visas are initially valid for 60 days and are renewable at the discretion of the Immigration Department. Renewals are normally granted for periods up to 30 days at a time.

Visitor Transit: Foreigners who have obtained a transit visa from a Thailand Embassy or consulate will be granted a 30 day stay in the Kingdom. Extensions of stay are normally granted for the period of 7-10 days.

In addition, nationals of 40 countries and 1 special administrative region – Hong Kong SAR – will be able to enter Thailand without a visa and may remain for 30 days per visit. Foreigners who enter the kingdom under the Tourist Visa Exemption category may re-enter and stay in Thailand for cumulative duration of stay of not exceeding 90 days within any 6-month period from the date of first entry.

Non-quota immigrant: This category includes former residents who have lost their resident status but who have reapplied to resume their residency and who have been able to demonstrate a convincing reason to support the granting of this type of visa.

Non-immigrant : Foreigners seeking a prolonged stay, or those coming to work in Thailand, should obtain non-immigrant visas for all family members prior to entering the Kingdom. There are several categories of Non-Immigrant visas which include, among others,

business visa category (B)

dependent visa (O)

investment subject to the provision of the laws on investment promotion (BOI IB)

diplomatic and consular visa category (D)

performance of duties with the mass media (M)

performance of skilled or expert work (EX)

investment (with concurrence of ministries and departments concerned)-(capital investment IM)

study or observation (ED)

Advantages of a Non-Immigration visa include :

- Entitlement of the holder to apply for a multiple re-entry visa to Thailand from the Immigration Division in Bangkok
- Subject to the regulations of the Immigration Authorities, entitlement of the holder to apply for permanent residence in Thailand
- Eligibility for issuance of a work permit to the holder
- Eligibility for temporary visa renewal while processing issuance of a long-term annual visa.

Foreigners are advised to strictly adhere to the rules governing each visa category. They should report any changes of address or status to local police within 24 hours.

In addition, foreigners residing in Thailand for more than 90 consecutive days are required to registered their address with the Immigration Bureau every 90 days. This requirement applies to all foreigners, including holders of work permits and long-term visas. Failure to do so can result in substantial penalties.

Transit, Visitor Transit, Tourist and Non-Immigrant Visas are issued only for the following purposes and duration :

- Diplomats or consular missions (duration as necessary)
- Official missions (duration as necessary)
- Tourism (90 days)
- Sports (30 days)
- Business purposes (1 year)
- An investment which has received authorization from the appropriate government authorities (2 years)
- Investment or other business in connection with investment under the Investment Promotion Act (as determined by the BOI)
- Transit 30 days)
- The controller or crew of a conveyance entering a port or other locality in the Kingdom (30 days)
- Work as a skilled laborer or specialist (1 year)

Land Ownership

In general, non-Thai business and citizens are not permitted to own land in Thailand unless the land is on government –approved industrial estates. However, companies that are more than 50% Thai-owned legally own land.

An exception to the rule relates to projects approved by the Board of Investment. A promoted company with 50% or more of its shares held by foreigners may apply for land ownership by submitting the appropriate forms to the Office of the Board of Investment (OBOI). Once the land acquisition is approved, the OBOI will send a letter of approval to the applicant and will notify the depart of land or the provincial governor.

In addition to project approved by the Board of investment, petroleum concessionaries may own land necessary for their activities.

Under the 1999 amendment to the Land Code, foreigners who invest a minimum of 40 million baht are permitted to buy up to 1,600 square meters of land for residential use, with the permission of the Ministry of Interior.

Foreigners are also permitted to own buildings on land that is leased, because there are no restrictions on building ownership. Foreigners can, thus, lease land and build on it and are permitted to own the structure.

Foreign individuals and foreign companies are allowed to hold title to condominium units in buildings that qualify. The general rule is that foreigners may own no more than 49% of the total units in the building at any time. If the proposed transfer would cause the building to exceed 49% foreign ownership it would violate the above rule, and the official would reject the transfer. There are exceptions to this rule for condominium buildings in Bangkok and Pattaya. Condominiums buildings in those cities, if they satisfy certain requirements, are not subject to the 49% rule stated above.

