

# Call in for a Coffee

RSM Nelson Wheeler, Thailand

Edition No 6

February 2003

## Introduction

Welcome to RSM's 6<sup>th</sup> edition of "Call in for a Coffee". This edition deals with work permits and how to speed up the process of obtaining them.

## Obtaining a Work Permit from the One Stop Service Centre

To legally work in Thailand, a foreigner must usually obtain a work permit from the Alien Occupation Division, Ministry of Labour & Social Welfare or a provincial employment office. Foreigners will normally be granted a one year work permit after the submission of the original application. In order to obtain a one year work permit, various renewal applications may be required during the months following submission.

To speed up the process, foreigners may apply for a work permit at the Visa and Work Permit One Stop Services Centre, Krisadanakorn Building, Bangkok as opposed to at the Ministry of Labour & Social Welfare where a separate visa application to the Immigration Bureau is also required. There are certain qualifications which enable a foreigner to obtain a work permit and visa from the One Stop Services Centre and these are as follows:-

### 1. The Employer

The employer should meet one of the following criteria:-

- Be a company registered under any one of the following special laws i.e. the BOI, IEAT, Petroleum and which then can conduct its business activities without the usual constraints of the minimum registered capital/asset requirement;
- Be a limited company lawfully registered under the Thai Civil and Commercial Code and which must have a minimum capital or total assets (in the balance sheet) of at least 30MB or;
- Be a representative office, regional office or branch office or ROH of any overseas enterprise or foreign bank.

### 2. The Foreign Employee

The employee should meet at least one of the following criteria:-

- Be an employee of a company that is subject to the special laws mentioned above

[This also includes companies that are located in other provincial areas];

- Be a foreign investor bringing in a minimum of 2MB or 10 MB if to be granted a work permit approval for 1 year, or 2 years respectively;
- Be an applicant who works as a representative of the press with an approval letter from the relevant Thai government agency;
- Be a researcher, developer of science and technology with an approval letter from the relevant Thai government agency;
- Be an applicant who works as an official of either a Branch office of an overseas bank or the representative office of a foreign bank certified by the Bank of Thailand;
- Be a foreigner who works for the branch office of a foreign enterprise;
- Be an employee who works for either a representative office or a regional office under the Alien Business Act B.E. 2542 and;
- Be an IT expert with the requisite certification issued by the Ministry of IT and Technology

In most cases, the work permit application lodged at the Visa and Work Permit One Stop Services Centre must comply with any one of the company criteria as mentioned in 1) and the qualifications of the foreigner in 2) for it to be successful. The IT Expert is a new certification regulated by the Ministry of IT and Technology which is authorised to consider the approval of an IT Expert Certificate for a foreigner.

According to the special laws, foreigners need to be granted approval from relevant government agencies prior to the issuance of a work permit and are therefore required

to meet the specification of these agencies in order to obtain the appropriate letters or support and/or certificate. Relevant government agencies have real authority to consider the approval of work permits. The Visa and Work Permit One Stop Services Centre can consider issuing a work permit if consistent with the approval granted by the relevant government

Practically, the fulfillment of consideration for approval of work permits through those agencies are completely different.

In general cases, foreigners can get a one year work permit approval only after renewing their work permits 2 or 3 times with the balance of the one year approval being granted subsequently based on the length of time required to proceed their visa applications with the Immigration Bureau.

Accordingly, if foreigners wish to accelerate the process of obtaining a valid work permit under any of the methods mentioned above, RSM has a qualified legal team that can advise on such issues.

### Free Consultation

If you have any queries regarding how to speed up the Work Permit Process including areas of expertise such as legal, financial, taxation, accounting, auditing or corporate services that require innovative solutions, please contact the RSM team and “**Call In For A Coffee**” for a free consultation.

Translation of business ideas into realistic projects requires expert advice. RSM can assist you in formulating practical solutions to obstacles which may be encountered while undertaking business in Thailand.

### Our Team

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