

RSM Nelson Wheeler

(Thailand) Limited

บริษัท อาร์เอสเอ็ม เนลสัน วิลเลอร์ (ประเทศไทย) จำกัด

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Recent amendments to the Thai new visa regulations

The Immigration Bureau have introduced a number of changes to the visa regulations with effect from 1 October, 2006 which will affect member of the Club. Some of these amendments include: -

1. Transit visa.

Passport holders from 39 exempted countries, including the United Kingdom, are permitted to enter Thailand without a visa and to remain in the Kingdom for up to 30 days per visit. A number of visitors from these countries have lived in Thailand for several years by making a "visa run" to a border checkpoint at the end of each 30 day period, where they have crossed the border and re-entered Thailand for a further 30 days.

In accordance with the new regulations, passport holders from these 39 countries are now permitted to enter Thailand for no more than three visits or a total of 90 days within a six month period, counting from the date of first entry, after which they will not be permitted to re-enter the Kingdom for a period of 90 days.

At this stage it is not clear as to how this regulation will be applied to foreigners from these 39 countries who visit Thailand for regular short visits i.e. as to whether these individuals will only be allowed to enter Thailand three times and then be unable to return for a further 90 days even if they have only remained in Thailand for one or two days per visit.

2. Applications for Category B non-immigrant visas.

Applicants for Non-Immigration Category B visas at Royal Thai Embassies and Consulates overseas are now required to provide considerably more documentation to support their application. This includes all of the corporate documents of the corporate sponsor in Thailand (including business registration, affidavit, list of shareholders, audited financial statements, corporate income tax returns, list of foreigners employed by the company, company profile and map).

In addition, the applicant must provide a "Letter of Acceptance" from the Ministry of Labour and Social Welfare, Alien Occupational Control Division, Department of Employment, a new document which was not previously required. This should be obtained by the employing company located in Thailand prior to the proposed employee submitting his/her application for a Non-Immigrant Category B visa.

In order to encourage holders of Non-Immigrant Category B visas to apply for a Thai work permit within 90 days of entering Thailand, Royal Thai embassies and consulates abroad have been instructed not to issue more than one single-entry visa of this category.

Since the requirements of specific embassies/consulates may vary and change at relatively short notice, applicants should check the detailed requirements of the embassy/consulate at which they intend to submit their visa application prior to travelling.

3. Extension of Non-Immigrant Category B visas.

The Immigration Bureau has introduced new requirements for foreigners applying for an extension of their Non-Immigrant Category B visa, including: -

- The employing company must submit its most recent annual audited financial statements plus the annual corporate income tax return and the related Revenue Department receipt.

The understanding is that this includes applicants who are employed by a newly established company, although this may currently be under review.

- The audited financial statements should indicate that the Company's revenues during the year were sufficient to pay the salaries and allowances of all its employees, including foreigners.
- The shareholder's equity in the balance sheet of the Company must not be less than THB 1 million.

4. Investment visas.

The THB 3 million investment visa has been withdrawn for new applicants with effect from 1 October, 2006 onwards.

Existing extensions and those applications which are already "under consideration" will continue to be renewed.

5. Retirement visas.

Applicants wishing to extend their retirement visas are now required to provide evidence of having at least THB 800,000 in the account for the previous ninety days prior to lodging their application. Prior to 1 October, 2006, applicants were only required to provide evidence of having at least THB 800,000 in their account as at the date of applying for the extension of their visa.

Applicants for a retirement visa who have a Thai spouse are required to provide evidence of having THB 400,000 in their account.

6. Visa extensions for foreigners working for Charities and Foundations.

For foreigners wishing to apply for an extension of visa to work for a public charity, private foreign organization, foundation, association, Foreign Chamber of Commerce, Thailand Board of Trade or Thailand Federation of Industries, a confirmation letter is required from the chief government

officer (Grade 10 or equivalent and higher) who deals with that organisation. In the absence of this confirmation letter, the visa may only be approved for a period of not more than 90 days at a time.

7. Three Year Non-Immigrant "B" Visa.

Ministerial Regulation No. 28 (B.E. 2549) issued by the Ministry of Interior on 22 March, 2006, which has been implemented by the Ministry of Foreign Affairs from September 2006 has introduced a new three year Non-Immigrant B visa, which may be granted to foreigners who wish to conduct business (not to work) in Thailand. The applicants for this type of visa must be a businessman who runs a business in the country where the application is submitted and documents to verify the applicant's status are required.

The visa is valid for multiple entries during the three year period and the holder may therefore visit Thailand as often as required during the three year validity period so long as they do not stay for more than 90 days during each visit. It is not possible to extend this visa at the Immigration Bureau and the holder is not permitted to obtain a work permit in Thailand. In the event that a work permit is issued by the Department of Employment, the Immigration Bureau may cancel the Three Year Non-Immigrant "B" Visa.

A fee of approximately THB 10,000 is payable (depending on exchange rates applied to local currency) and in addition to the evidence of the status of the applicant, the Royal Thai Embassy/Consulate will require a full set of the corporate documents of the associated partners/companies in Thailand and copies of correspondence with business partners in Thailand.

This type of visa is particularly relevant to non-resident directors who are required to visit their Thai subsidiaries/partners on a regular basis and full details are available on the websites of the Royal Thai Embassies in London and Vancouver.

The above represents an outline of the new regulations for guidance only and it is noted that impact of the new regulations may be reviewed and revised on an ongoing basis. Members are advised to consult with their professional advisors or with Immigration prior to lodging their applications.

Useful websites include Immigration Bureau www.immigration.go.th, Royal Thai Embassy in London www.thaiembassyuk.org.uk

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