

CHAPTER 20 IMMIGRATION

In this Chapter, we consider the law and practice related to obtaining visas, retirement visas, residence permits and Thai nationality.

In general, visa required In general, any foreigner wishing to enter Thailand is required to obtain a visa in advance from a Thai Embassy or Consulate.

No visa in advance required Nationals of certain countries do not require a visa, if they enter Thailand for the purpose of tourism, for a period of up to 30 days, or less or more as specified below, (or 15 days if entering at a land checkpoint), in accordance with regulations.

The countries are: Argentina (90 days), Andorra, Australia, Austria, Bahrain, Brazil (90 days), Brunei, Belgium, Cambodia (14 days only), Canada, Chile (90 days), Czech, Denmark, Estonia, Finland, France, Germany, Greece, Hong Kong SAR (for Hong Kong SAR passport holders only) Hungary, Iceland, Indonesia, Ireland, Israel, Italy, Japan, Kuwait, Laos, Latvia, Liechtenstein, Lithuania, Luxembourg, Macao SAR, Malaysia, Maldives, Mauritius, Monaco, Mongolia, Myanmar (14 days and only for entry by air), Netherlands, Norway, New Zealand, Oman, Peru (90 days), Philippines, Poland, Portugal, Qatar, Russia, San Marino, Slovakia, Slovenia, Singapore, South Africa, South Korea (90 days and not permitted to enter from a land border), Spain, Sweden, Switzerland, Turkey, UAE, USA, United Kingdom, Vietnam.

Note that this exemption does not apply to foreigners holding travel documents for foreigners, issued by any of the countries above.

Foreigners entering Thailand under the above visa exemption scheme should possess adequate financial means, depending on whether the entrant is an individual or a family.

Extension of temporary entry Nationals of the above countries who enter Thailand under the Tourist Visa Exemption category may re-enter and stay in Thailand for a cumulative duration of stay not exceeding 90 days within any 6-month period from the date of first entry. When the 90 days has been reached, they will not be permitted to re-enter under this visa category, for a period of 90 days.

Nationals of the above countries entering Thailand at checkpoints from adjoining countries will be allowed to enter for 15 days on each occasion, except for (a) Malaysians who enter from Malaysia, and (b) nationals of USA, UK, Canada, France, Germany, Italy and Japan who may enter for up to 30 days on each occasion.

Countries with bilateral agreements Nationals of countries that have bilateral agreements with Thailand on exemption of visa requirements as follows: Cambodia, Hong Kong SAR, Laos, Macao SAR, Mongolia, Russia, Vietnam, who intend to work or stay in Thailand beyond the period referred to in the agreement, must apply for an appropriate visa before entry into Thailand in order to submit an application for a work permit or otherwise.

Visa on arrival Nationals of certain countries listed below may apply for a visa upon arrival in Thailand (excluding entry from a Thailand/Cambodian checkpoint). Travellers with this type of visa are permitted to enter and stay in Thailand for a period not exceeding 15 days. They must present evidence of means and a return ticket. Application for an extension is not normally permitted.

The countries are: Bulgaria, Bhutan, China, Cyprus, Ethiopia, Fiji, Georgia, • •
India, Kazakhstan, Malta, Mexico, Nauru, Papua New Guinea, Romania,
Saudi Arabia, Taiwan, Uzbekistan, Vanuatu.

Visa application to be submitted in advance Nationals of certain countries are required to apply for a visa only at the Thai Embassy or Consulate in their home/residence country, or at a designated Thai Embassy.

Procedure for visa application To apply for a visa, a foreigner must possess a valid passport or travel document and comply with general conditions in the Immigration Act (1979) and regulations. The applicant can be outside Thailand at the time of the application (except for visa on arrival countries).

Application to be made in person In general, applicants must apply for a visa in person. Thai embassies and consulates in some countries may also accept applications sent via representatives, authorized travel agents or by post.

Period of visa/period of stay The period of visa validity is different from the period of stay. The visa validity is a period during which a visa can be used to enter Thailand. Generally, the validity of a visa is three months, but in some cases, visas are issued valid for six months or one year. The validity of a visa is granted by the Embassy or Consulate-General and shown in the visa. The period of stay permitted depends on the type of visa and is granted by an immigration officer upon arrival at the port of entry.

Travellers who wish to stay longer than the initial period permitted may apply for an extension of stay at offices of the Immigration Bureau.

APEC Business Travel Card holders Holders of APEC business travel cards may enter Thailand temporarily for business for up to 90 days. The card must be stamped "THA."

Overstaying A person who overstays his visa for a short period must pay a fine of Baht 500 per day, subject to a maximum fine of Baht 20,000. A person who overstays his visa for an extended period may be taken to court by the immigration authorities and fined. The fine is normally reduced by half, if the person pleads guilty. Where the fine cannot be paid, and in certain other cases, imprisonment may be imposed.

With effect from March 2016, Thailand revised the periods during which a foreigner would be prohibited from re-entering Thailand, having overstayed a visa in the past:

Where the visitor reports voluntarily to the Immigration Bureau:

- Overstaying more than 90 days - prohibited from re-entering for 1 year
- Overstaying more than 1 year - prohibited from re-entering for 3 years
- Overstaying more than 3 years - prohibited from re-entering for 5 years
- Overstaying more than 5 years - prohibited from re-entering for 10 years

Where the visitor was arrested:

- Overstaying less than 1 year - prohibited from re-entering for 5 years
- Overstaying more than 1 years - prohibited from re-entering for 10 years

Children below 15 years of age will not be fined if they overstay. Children aged between 15 and 18 years will be fined for overstaying, but not blacklisted.

Visa does not entitle visa holder to work A visa does not allow the visa holder to work in Thailand. A work permit is required for any kind of work, except for certain categories of employer, e.g. the United Nations office in Thailand, or where the activities are limited to e.g. business meetings only (see further Chapter 19 Work Permits).

There is also an exception where a person can apply to the Ministry of Labour for permission to do urgent and essential work for a period of 15 days only (see Chapter 19 Work Permits).

Investment visa In August 2014, the government revised the rules for obtaining an investment visa.

A foreigner can apply for a one year investment visa. The applicant must show investment of at least 10 million Baht in Thailand. Note that such visa holders are not allowed to work in Thailand – they must apply for a work permit if they wish to work.

The investment may be in any of the following:

- Purchase of a condominium unit at a purchase price or rent of at least Baht 10 million (either freehold or a lease of 3 years or more);
- Holding at least THB 10 million in a fixed deposit account at a Thai bank whose share capital is majority Thai owned;
- Purchase of Thai government or Thai state enterprise bonds worth at least Baht 10 million.

or a combination of the above to make up 10 million Baht.

Non-immigrant visa A person wishing to stay in Thailand for more than 60 days should normally apply for a non-immigrant visa, since this type of visa permits a initial stay of 90 days and a further application may be made to extend the stay for up to one, and in some cases, for two years.

A non-immigrant visa may be applied for at a Thai embassy or consulate. A Non - Immigrant B Visa is issued to applicants who wish to enter Thailand to work or to do business.

Categories of Non-Immigrant visa The commonest types of non-immigrant visas are those related to:

1. Foreigners coming to conduct business or for employment, using Category "B", or Investment and Business visa Category "IM" or "IB".
2. Dependants of applicants under 1
3. Foreigners who are married to a Thai or have other specified relationships
4. Foreigners coming for retirement.

There are other categories of visa as follows:

1. to study, to come on a work study tour or observation tour, to participate in projects or seminars, to attend a conference or training course, to study as a foreign Buddhist monk (Category "ED")
2. to work as a film-producer, journalist or reporter (Category "M")
3. to perform missionary work or other religious activities with the concurrence of the Ministries or government departments concerned (Category "R")
4. to conduct scientific research or training or teaching in a research institute (Category "RS")
5. to undertake skilled work or to work as an expert or specialist (Category "EX")

Permitted period of stay Holders of Non Immigrant B Visas are entitled to stay in Thailand for 90 days. An extension of stay for up to one year measured from the date of arrival in Thailand can be applied for, as below.

Application for visa extension The requirements for a visa extension and documents to be submitted in particular cases, are as follows:

General matters: A visa can only be granted for a maximum period of 12 months, backdated to the date of entry. Where the application does not meet all the stipulated criteria, it can be reconsidered. If a visa is refused, then the applicant must leave Thailand within seven days of the end of his temporary admission period.

Visa for employment: The criteria for a visa/visa extension for employment are as follows:

- (a) the applicant holds a non-immigrant visa
- (b) the applicant earns an approved amount of income (see further below)
- (c) the business must have paid up capital of not less than 2 million Baht
- (d) the business must produce audited accounts for at least two years, to prove that it is active and in continuous operation (see further below)
- (e) the business needs to employ a foreigner
- (f) the business must employ four Thais for every foreigner that it employs
- (g) the following businesses are exempt from (c) (d) and (e) above, and the ratio under (f) is one Thai for every foreign employee:
 - (i) Representative Office
 - (ii) Regional Office
 - (iii) Branch of a foreign company

Criteria regarding the business employing the foreigner: The business for which the foreign employee works must comply with the following criteria:

Criteria	Documents to be submitted
1. The business must be conducted in accordance with the company's registered objects	(a) An affidavit/director certified by the Ministry of Commerce within the previous six months (b) The form for submission of financial statements (<i>Sor Bor Chor 3</i> or <i>Sor Bor Chor 3/1</i>)
2. Audited financial statements certified by a certified public accountant or auditor	Report of the certified public accountant or auditor

3. Report of a certified public accountant or auditor giving an unqualified opinion on the accounts, or if it is qualified, this is not in relation to continuing concerns regarding business operations	
4. Transactions took place for the assets, i.e., cash and deposits with banks, receivables, stock, current assets, and other items as shown in the balance sheet 5. Depreciation of assets in the categories of land, buildings and equipment	The balance sheet and notes to the financial statements
6. Transactions took place for the liabilities i.e., payables, loans, current liabilities, and other items as shown in the balance sheet	The balance sheet and notes to the financial statements
7. The notes to the financial statements must not state: “no business operations” or “dormant”	Profit and loss account, balance sheet and notes to the financial statements
8. Monthly VAT returns must be filed for any business that is VAT registered	VAT return forms (<i>Por por 30 or por por 36</i>) and receipts for payment <i>(we believe that there will be no change from the current practice namely that returns and receipts for the previous 12 months must be filed)</i>
9. Monthly specific business tax returns must be filed for any business that is SBT registered	SBT return forms for payment <i>Por por 40</i>) and receipts for payment <i>(we believe that there will be no change from the current practice namely that returns and receipts for the previous 12 months must be filed)</i>
10. Individual income tax returns must be filed	Individual employee’s withholding tax returns must be filed PND 1) <i>(we believe that there will be no change from the current practice namely that in addition to this, a copy of the individual’s annual personal income tax return and receipt for tax paid will also be required)</i>
11. Social Security Fund returns must be filed monthly	General social security fund return forms (<i>Sor Por Sor 1-10</i>) <i>(we believe that there will be no change from the current practice</i>

	<i>namely that returns and receipts for the previous 12 months must be filed)</i>
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Visas for dependents of those who enter for employment or investment:

Applicants who are dependents of those who hold visas for employment or investment must comply with the following criteria to obtain their own visa:

- (a) the principal applicant has a non-immigrant visa
- (b) proof of relationship must be submitted (e.g. marriage certificate or birth certificate)
- (c) regarding wives or husbands of the principal applicant, the parties must be legally married and the relationship exists in fact
- (d) as to natural or adopted children of either party, they must be unmarried, must live with their parents, and be aged under 20, except in a case of illness or disability where the child cannot live without support of the parents
- (e) as to parents, the parent(s) must be aged over 50

Minimum wage benchmarks There are minimum wage benchmarks that an employed visa renewal applicant will be expected to fulfill. The current wage benchmarks will be applied;

Nationality	Minimum Income
1. Europe (except Russia), Australia, Japan, Canada, United States	Baht 50,000/month
2. South Korea, Singapore, Taiwan and Hong Kong	Baht 54,000/month
3. Asia (except South Korea, Singapore Taiwan, Hong Kong, Cambodia, Myanmar, Laos and Vietnam), South America, Eastern Europe, Central America, Mexico, Russia and South Africa	Baht 35,000/month
4. African Countries, Cambodia, Myanmar, Laos and Vietnam	Baht 25,000/month

Non-Immigrant Visa category "B-A" (Business Approved Visa) This visa is issued by the Immigration Bureau in Bangkok. The applicant's associated company in which he will invest or conduct business with, may apply on his behalf. Once the application is approved, the Immigration Bureau will advise the Thai Embassy or Consulate-General via the Ministry of Foreign Affairs to issue

the visa. The holder of this visa is permitted to stay for one year from the date of first entry.

Non-Immigrant Visa Category "IB" (Investment and Business Visa) This is issued to foreigners who work on investment projects that have Board of Investment of Thailand promotion. Such projects must bring benefit to Thailand in one of the following ways: export promotion, increasing employment, utilising local raw materials, projects involving the provinces, encouraging technology transfer to Thais, and not hindering existing domestic businesses.

Procedure after entry After entry under a specified visa category, application must be made for a work permit (see chapter 19 Work Permits). An application for visa extension(s) can be made until such time as a decision is reached on the work permit application.

Change of visa Foreigners who hold a Transit Visa or Tourist Visa and wish to engage in business activities in Thailand may apply for a change of type of visa at the Immigration Bureau Office in Bangkok. This is entirely discretionary.

One Stop Service Centre for Visas and Work Permits Applicants who fall into certain categories can apply for expedited visas and work permits. Foreigners who may use the OSS Centre are as follows:

- executives or experts working in BOI promoted companies, business under the Petroleum Act or where business is located in an IEAT estate
- Investors, if investing not less than 2 million Baht, will be granted a one year permit, if investing not less than 10 million Baht, will be granted a two year permit. The company must be located in Bangkok only.
- Executives or experts, where the foreigner's associated company has capital or possesses assets of not less than 30 million Baht.
- Journalists, who must present a letter from the Ministry of Foreign Affairs and ID Press Card issued by the Department of Public Relations
- Researchers or developers of science and technology.
- Officials of a branch office of an overseas bank, the foreign banking office of an overseas bank, a provincial foreign banking office of an overseas bank and the representative office of a foreign bank which are certified by the Bank of Thailand.
- Performing emergency work on a necessary and urgent basis for no longer than 15 days (*see further above*)
- Employees of a representative office for a foreign company concerning international trading business and regional office of transnational corporation
- Experts on information technology.
- Employees of an International Business Centre.

Those who do not qualify for this fast track service must follow the conventional visa application process as explained above, and for extensions as indicated below.

Place to submit applications for visa extension Applications for an extension of visa may be made at any immigration office in the area in which the applicant is living, or at the Immigration Bureau headquarters in Bangkok. The applicant must submit the documents required depending on the type of application submitted, together with his passport and photographs in the correct size and pay the required fee.

SMART visas In February 2018, the government issued a new regulation creating four new categories of so-called SMART visas. The requirements are as follows:

Location of employer: The business that employs a SMART visa applicant may be located anywhere in Thailand.

Four categories of visa applicant: There are four categories of SMART visa applicant: talent-based, investor, executive and start-up. The requirements and the benefits are different in each case.

Categories of business activity in which such visas may be applied for: The categories of business activity in which such visas may be applied for are the so-called *S-curve industries*:

- next generation automotive,
- smart electronics,
- medical and wellness tourism,
- agriculture and biotechnology,
- food for the future,
- automation and robotics,
- aviation and logistics,
- bio-fuels and bio-chemicals,
- digital technology and
- medical hub.

The requirements for the four categories of SMART visa are complex. They may involve minimum share capital requirements and minimum income to be paid to the foreigner. The benefits are also different, but may include a four-year visa, no separate work permit need be applied for, and exemption from the 90 day address-reporting rule.

SMART visas have not proved popular in practice, and the take-up rate has been lower than expected.

Retirement visas – in general A retirement visa can be applied for by a person aged 50 years or more. Holders of this type of visa will be permitted to stay in Thailand for one year and may not work while staying in Thailand (if they wish to work they must apply for a Non Immigrant B visa, see above). Applicants must be able to show income of not less than 65,000 Baht per month or not less than 800,000 Baht deposited in a bank in Thailand for at least three months or annual income plus bank account deposit of not less than 800,000 Baht. Where the applicant is legally married to a Thai spouse, these thresholds are halved.

Where such a visa is granted, it will be valid for 12 months, and may be extended annually, provided the applicant complies with the same requirements.

Requirements to obtain a retirement visa An applicant for a retirement visa:

- must be aged 50 years or more on the date of submitting the application.
- must not be prohibited from entering Thailand under the Immigration Act (1979).
- has no criminal record in Thailand and the country of his/her nationality or residence.
- has nationality or residence in the country where his application is submitted.
- must supply a medical certificate to prove he does not have prohibited diseases, as indicated in regulations

A holder of a retirement visa is not allowed to work in Thailand. If he/she wishes to work, application must be made for a Non Immigrant B visa, and also for a work permit.

Documents to be submitted An applicant must submit:

- A passport valid for not less than 18 months
- Three copies of visa application form
- Three passport-sized photos of the applicant taken within the past six months.
- A personal data form
- A bank statement showing a deposit of not less than 800,000 Baht or an income certificate (an original copy) with monthly income of not less than 65,000 Baht, or a deposit account plus monthly income, totalling not less than 800,000 Baht. The deposit must have been maintained for at least three months prior to the date of application. The account must be in the sole name of the applicant, or in the joint names of the applicant with

another. Where the applicant is legally married to a Thai spouse, these thresholds are halved.

- In case of the bank statement, a letter of guarantee from the bank (an original copy) is to be shown as well.
- Verification stating that the applicant has no criminal record, issued from the country of his/her nationality or residence (the verification is to be valid for not more than three months and should be notarized by a notary or the applicant's diplomatic/consular mission).
- A medical certificate issued from the country where the application is submitted, showing no prohibited diseases as indicated in regulations (this should be valid for not more than three months and should be notarized by a notary or the applicant's diplomatic/consular mission).

Spouse of retiree Where the applicant wishes to have his/her spouse to stay in Thailand, but the spouse is not qualified for an O-A visa, their marriage certificate must be produced as evidence and should be notarized by a notary or the applicant's diplomatic/consular mission (the spouse will be considered for a Category 0 visa).

Is health insurance required for visa applicants? During 2019, the government announced it was considering the imposition of a requirement for visa holders in certain categories to hold an approved health insurance policy covering in-patient or outpatient treatment up to a certain amount in each case. As at 1 August 2019, no such regulations have come into effect.

Residence permits Applications for permanent residence may be submitted after a foreigner has been in Thailand for three years under a non-immigrant visa.

Criteria for obtaining a residence permit The Immigration Commission will consider the following criteria for granting a residence permit: the applicant's income, assets, knowledge, vocational ability, and family status in terms of connection with Thai nationals, matters of national security or other matters as deemed appropriate for current economic and social conditions.

Qualifications of applicants for a residence permit Applicants for a residence permit must comply with the following requirements:

1. Must hold a non-immigrant visa and was granted one-year visa extensions which show that prior to the date of application, the applicant have been staying in Thailand at least three consecutive years.

2. Applicants over 14 years of age are subject to a criminal record check.
3. Applicant must reveal information concerning his/her income, assets, knowledge, vocational ability, and family status in terms of connection with Thai nationals, matters of national security or other matters as deemed appropriate for consideration.
4. The applicant must be able to understand and speak the Thai language. A test is administered for this purpose.

Categories of application There are five categories of applicant, as follows:

- (1) Investment
- (2) Employment
- (3) Humanitarian reasons, as follows:
 - (a) Spouse: To provide support or to be supported by a spouse who is a Thai national
 - (b) Child: To provide support or to be supported by a parent who is a Thai national,
 - (c) Parent: To provide support or to be supported by the applicant's child who is a Thai national,
 - (d) Spouse: To provide support or to be supported by the applicant's spouse who was granted a residence permit,
 - (e) Child: To provide support or to be supported by the applicant's parent who was granted a residence permit,
 - (f) Parent: To provide support or to be supported by the applicant's child who was granted a residence permit.
- (4) Experts,
- (5) Other circumstances, on a case by case basis.

Qualifications of applicant in each category The qualifications required for applicants in each respective category above are as follows:

(1) Applications based on investment grounds:

- (a) The applicant must have brought in at least Baht 10 million to invest in Thailand certified by a letter issued by a commercial bank in Thailand showing evidence of remittance into Thailand, and
- (b) The investment made must be of in the interests of the national economy in one or more ways, as follows:

- (i) Investment in a private or public company with documentary evidence certified by the authority concerned and such business must not be contrary to national peace and order, culture or public morality, or
- (ii) Purchase of state-issued securities or state enterprise securities where the Ministry of Finance or Bank of Thailand is a guarantor. Documentary evidence of such acquisition is required.
- (iii) Investment in the stock market in ordinary shares, bonds, preference shares or investment units, etc. provided that such investment must be approved or certified by the Securities Exchange Commission. Documentary evidence of such assets must be furnished with the application.

At the end of September in each year, a foreigner granted a residence permit on this basis must submit documentary evidence of investment acquisition. This must be done for three consecutive years commencing from the date the residence permit is granted. The Immigration Commission may investigate the investment to ascertain whether it was made according to the criteria above.

If the investigation reveals that a foreigner granted a residence permit lacked the required qualifications, then the Immigration Commission will report the circumstances and submit an opinion to the Minister of Interior to revoke the permit.

(2) Applications based on employment:

(a) The applicant must hold the position of an executive such as President of Committee or Committee of a company or juristic partnership registered in Thailand, with capital of at least 10 million Baht and is an authorized signatory for such juristic person, for one year prior to the date of application. The applicant must earn at least 50,000 Baht per month for two consecutive years prior to the date of application and show tax returns, and

(b) The business in which the applicant works must be of in the interests of the national economy, i.e.:

- (i) International commerce, with exports valued in foreign currency in the past three years reaching a threshold of Baht 20 million on average. This must be certified by a letter issued by the commercial bank concerned or a company that provides loans to domestic manufacturing companies by bringing into Thailand, within the past three years, foreign currency of not less than Baht 100 million, or

- (ii) Tourism related business, which has brought into Thailand, at least 5,000 tourists on average in the past three years. This fact must be certified by a letter issued by the authority concerned, or
- (iii) Other types of business, where the applicant owns shares of at least 5 million Baht for a period of at least two years prior to the date of application.

Where the applicant lacks the criteria in (a) or (b) then the following requirements apply:

- (a) The applicant should be the holder of a work permit for at least three consecutive years prior to the date of application, and
- (b) He has been working in the current company for at least one year prior to the date of application, and
- (c) He earns annually at least Baht 80,000 per month for at least two years prior to the date of application, or has been filing tax returns showing annual income of Baht 100,000 for at least two consecutive years prior to the date of application.

(3) Applications based on humanitarian reasons:

(a) *Spouse:* Where the purpose is to provide support or be supported by a spouse who is a Thai national:

- (i) The support provider works in Thailand,
- (ii) the parties must be legally married for at least two years before the date of application, and have biological children together. In a case of infertility, a medical certificate issued by the hospital is required. In a case of infertility without a certificate, the marriage must have been registered at least five years before the date of application,
- (iii) One or both parties must earn enough to provide support or have annual income of at least Baht 30,000 per month on average, for at least two consecutive years before the date of application and evidence of tax returns is required,
- (iv) the Thai national declares his intention to provide support or be supported by the applicant.

(b) Where the support provider is of the required age:

- (i) on the date of application, the applicant must be at least 50 years old,

(ii) the applicant must be legally married for at least two years before the date of application, and

(iii) the support provider must earn annual income of at least Baht 65,000 per month on average, for at least two consecutive years prior to the date of application, and

(iv) the Thai national declares his intention to provide support or to receive support from the applicant.

(b) *Minor*. Where a minor applies for a residence permit to provide support or be supported by a parent who is a Thai national:

(i) A minor who wishes to provide support to a parent who is a Thai national:

(1) must be a biological child, and

(2) the applicant's father or mother must be at least 50 years old on the date of application, and

(3) the support provider must earn annual income of at least 30,000 Baht per month on average for at least two consecutive years prior to the date of application and evidence of tax returns is required

(4) the Thai national declares his intention to receive support from the applicant.

(ii) Where a minor wishes to be supported by a parent who is a Thai national:

(1) the parent must be a biological parent and registration of parental status was made,

(2) the minor must be aged under 20 and not married, provided that if the child is aged over 20, then justification for such parental support is required, such as studying for a bachelor's degree or equivalent, and such education commenced before the age of 20 and is continuing and documentary evidence is required, or the child is ill and cannot take care of itself where a medical certificate issued by a hospital is required, and

(3) the support provider must earn annual income of at least Baht 30,000 per month on average for at least two consecutive years prior to the date of application and evidence of tax returns is required,

(4) the Thai national declares his intention to receive support from the applicant.

(d) *Parent*: a parent wishes to provide support or be supported by a child who is a Thai national:

(i) Where a parent wishes to provide support to a child who is a Thai national:

- (1) the parent must be a biological parent and registration of parental status was made, and
- (2) the minor must be aged under 20 and not married but if on the date of application the child is over 20, then justification for receiving parental support is required, such as studying for a bachelor's degree or equivalent and such education commenced before the age of 20 and is continuing and documentary evidence is required, or the child is ill and cannot take care of itself and a medical certificate issued by the hospital is required, and
- (3) the support provider must earn annual income of at least Baht 30,000 per month on average for at least two consecutive years prior to the date of application and evidence of tax returns is required.

(ii) where a parent wishes to be supported by a child who is a Thai national:

- (1) the child must be a biological child, and
- (2) the parent must be aged 50 or more on the date of application, and
- (3) the support provider must earn annual income of at least Baht 30,000 per month on average for at least two consecutive years prior to the date of application and evidence of tax returns is required, and
- (4) the Thai national declares his intention to provide support to the applicant.

(e) *Where one spouse has a residence permit*: a spouse who wishes to provide support or be supported by his/her spouse who already has a residence permit:

- (1) the parties must be legally married for at least two years before the date of application, and
- (2) the first spouse has been granted a residence permit and declares his/her intention either to provide support or to be supported by the applicant, and
- (3) the support provider has the same qualifications as an applicant who wishes to invest or to work in Thailand (see above).

(f) *Where a parent has a residence permit:* a child who wishes to provide support or be supported by its parent to whom a residence permit was granted:

(i) where a child wishes to provide support to a parents to whom a residence permit was granted:

- (1) the child must be a biological child, and
- (2) either parent must be over 50 years old on the date of application, and
- (3) either parent declares his/her intention to be supported by the applicant, and
- (4) the support provider has the same qualifications required for an applicant who wishes to invest or to work in Thailand (see above).

(ii) where a child wishes to be supported by a parent to whom a residence permit was granted:

- (1) the child must be a biological child aged under 20 and not married but if on the date of application submission the child is over 20, then justification for being supported is required, such as studying for a bachelor's degree or equivalent and such education had commenced before the child reached 20 and is continuing and documentary evidence is required, or the child is ill and cannot take care of itself where a medical certificate issued by the hospital is required,
- (2) either parent declares his/her intention to provide support to the applicant, and
- (3) the support provider has the same qualifications as an applicant who wishes to invest or to work in Thailand (see above).

(g) *Where a child has a residence permit* A parent who wishes to provide support or be supported by a child to whom a residence permit was granted:

(i) where a parent wishes to provide support to a child to whom a residence permit was granted:

- (1) the child must be a biological child aged under 20 and not married but if on the date of application, the child is over 20 then justification for being under parental support is required, such as studying for a bachelor's degree or equivalent and such education commenced before the age of 20 and is continuing and documentary evidence is required, or the child is ill and cannot take care of itself where a medical certificate issued by the hospital is required,

- (2) either parent declares his/her intention to provide support to the applicant, and
- (3) the support provider has the same qualifications required for an applicant who wishes to invest or to work in Thailand (see above).

(ii) where a parent wishes to be supported by a child to whom a residence permit was granted:

- (1) the child must be a biological child,
- (2) either parent must be over 50 years old on the date of application,
- (3) the support provider declares his/her intention to provide support to the applicant, and
- (4) the support provider has the same qualifications required for an applicant who wishes to invest or work in Thailand (see above).

4. *Experts*: An applicant who applies as an expert, must have the following qualifications:

- (1) he/she graduated with a minimum of a bachelor's degree and possesses special ability that is needed and is beneficial to Thailand,
- (2) he/she must be supported and officially certified by the authority concerned,
- (3) a certifying letter related to the applicant's employment in such position indicating, prior to the date of application, a period of at least three consecutive years in employment,

5. *Applicants in other circumstances*: The qualifications of applicants in other circumstances will be considered on a case by case basis:

- (1) A person who is beneficial to Thailand or the Thai Government or was selected by a national institution as a person whose performance creates benefit to Thailand or who works for an authority, and
- (2) A person who supplies certificates in the form of letter signed by at least a departmental authority, governor or civil servant of at least level 10 status, or a military officer holding the rank of general, air chief marshal, admiral, police general or political official in the position of minister, president of the national assembly, vice president of the national assembly, president of the senate or vice president of the senate or committee of a non-governmental

organization under the constitution. Detail of the applicant's work is required to be furnished or,

- (3) A person with other qualifications, or the number of residence permits to be granted will be considered as appropriate by the Immigration Committee.

Principles to be applied Applicants must hold their qualifications on the date of application. Where the number of eligible applicants of a particular nationality is higher than its annual quota, then a ratio will be set for each category and the number of eligible applicants for such nationality.

Although an applicant may possess all stipulated qualifications but taking into account economic, political, and social factors, the Immigration Committee or the Minister of Interior may decline to grant a residence permit and that decision is considered final.

Fees The fee for a residence permit application that is granted is currently 200,000 Baht, reduced to 100,000 Baht where the applicant has a Thai spouse, and in other cases.

Practice Applications are subject to a quota on the basis of 100 persons per country per year. Applications are submitted once a year, normally in December. They are subject to a pre-approval process. Applications that are pre- approved are then considered again before final approval.

The Board of Investment and the Immigration Bureau have special programmes for granting lifetime residence permits to certain investors.

Application for Thai nationality A foreigner who holds a residence permit and who has resided in Thailand for not less than five years, may apply for Thai nationality.

Criteria for applicants The criteria for applicants for Thai nationality are as follows:

1. Must be aged over 20 and be an adult under the laws of the country of which the applicant has current nationality.
2. Must be of good character.
3. Must be employed and have income as follows:
 - (a) an applicant working in Thailand must earn not less than Baht 80,000 per month or pay personal income tax in the year of application for nationality of at least 100,000 Baht, and must produce proof of payment of income tax for not less than three years.

- (b) an applicant staying in Thailand for humanitarian reasons, e.g. being married to a Thai or having a child born in Thailand, must show income of at least 30,000 Baht per month and produce proof of payment of income tax for at least three years.
- 4. Has been resident in Thailand for a consecutive period of not less than five years prior to the date of application.
- 5. Can demonstrate adequate knowledge of Thai (both oral and written) and can sing the royal anthem and the Thai national anthem;
- 6. Must undergo an interview in Thai with an official.

Documents to be submitted The documents to be submitted are:

- 1. Alien Book (obtained when a residence permit was granted)
- 2. Certificate of permanent residence
- 3. Work Permit
- 4. Photographs of the applicant in a particular size
- 5. House registration book
- 6. Marriage certificate
- 7. Bank book of the applicant showing a deposit of not less than 50,000 Baht
- 8. Evidence of charitable donations
- 9. Receipts for payment of personal income tax for three years
- 10. Evidences regarding the applicant's business, e.g., certificate of incorporation, list of shareholders, etc.
- 11. Receipts for corporate income tax payment for 3 years. If the applicant is employed, a certificate from the employer confirming his position and monthly income.
- 12. Birth certificate, ID Card or Alien Book, Certificate of permanent residence or passport of the applicant's children
- 12. Educational certificates
- 13. Children's educational certificates
- 14. Two guarantees for the applicant's character and security

Change of name no longer required In the past, applicants for nationality were required to adopt a Thai language first and second name. This is no longer required, and applicants may retain their existing name.

Change of address All foreigners who change their addresses in Thailand must report such change to a local Immigration Office or police station.

Three month reporting requirement All foreigners, other than those holding residence permits, and including businessmen and employees holding non-

immigrant visas and staying in Thailand for more than 90 days, must report and confirm their current address to the immigration authorities every 90 days, regardless of whether it has changed. Such reporting may be done in person, or by another with consent. The application may be submitted by post provided it includes all necessary documents. The application may be submitted not earlier than 15 days before the 90 days expires, or not later than seven days after that. Reporting may also be made online to a designated website.

From April 2015, an “Additional Information Form” disclosing certain personal information on the applicant must be filed as well with the 90 day reporting form. A slightly different form must be filed upon visa renewal.

Reporting obligations of landlords and hotels House owners, heads of household, landlords or managers of hotels who accommodate foreigners, must notify the Immigration Bureau within 24 hours from the time of arrival of the foreigner. If there is no immigration office in the province or locality of the house or hotel, notification is made to the local police station. In Bangkok, notification is made to the Immigration Bureau.

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