

VICKERY & WORACHAI LTD.

LAWYERS

LEGAL NEWSLETTER

SEPTEMBER 2003

Laws and Regulations Updated

- Draft Ministerial Regulation Re: Principles for consideration on granting work permit for foreigner B.E.

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Draft Ministerial Regulation
Re: Principles for consideration on granting work permit for foreigner B.E.

Status: *Approved in principle by the Cabinet and forwarded to the Council of State for consideration.*

Relevant Authority: *Ministry of Labour*

The significant principles for consideration on granting work permit for foreigner under this draft are as follows:

1. Principles based on necessity and appropriation in respect of:
 - 1.1 Internal stability of the Kingdom in respect of politic, religion, economy and society.
 - 1.2 Protecting Thai people against alien taking over the jobs whereby Thai people have ability to do so.
 - 1.3 Granting of work permit to foreigner shall derive benefits by enhancing the contribution of money in foreign currency into the country for investment, hiring of many Thai workers, applying for useful novelty science, and transferring of technology.
 - 1.4 Skill development to be provided by foreigner to Thai people.
 - 1.5 Human morality.
2. Entry for working in financial institution under the control of the Bank of Thailand, or with having certificate from government agency, state enterprise or public organization.
3. Entry for working as an arbitrator or for representing in the arbitration proceeding, which the dispute is not governed by Thai law, or not required to be enforced according to the award in the Kingdom of Thailand.
4. Entry according to the treaty which Thailand is a member or bound under obligations, provisions or conditions thereof.

5. The registered capital of a juristic person registered in Thailand shall not be less than Baht two million for hiring one foreigner, or the registered capital of every Baht two million can hire each foreigner. In case of a foreign juristic person operating business in the country, it shall contribute money for investment in the amount of not less than Baht three million. The investment contribution of every Baht three million shall allow one foreigner hiring, provided that the maximum number of the foreigners shall not exceed ten persons, except that the employer has paid income tax for the preceding year in the amount of not less than Baht three million, or the employer operating export business remitted money in foreign currency into the country for the preceding year in the amount of not less than Baht thirty million, or the employer operating the tourist business brought not less than five thousand foreign tourists into the country for the preceding year, or having one hundred Thai workers working with the employer.
6. The restriction on the number of foreigners shall not apply in case of bringing technology which cannot be made by Thai people into Thailand and transferring such technology to at least two Thai people, or applying specific knowledge and skill for any project with certain period of time or for businesses of entertainment and entertainment house, music, religion, social welfare, culture and sports, with certain hiring period to be specified from time to time or any non profitable business, or the business gaining revenue to the country or society.
7. Number of foreigners entering for working with representative office of a foreign juristic person, for purpose of introducing commodity to dealer or customer, reporting information and business movement to the headquarter, shall not exceed two persons. Number of foreigners entering into the country for seeking sources of commodity or service, quality examination and controlling commodity's quality and quantity, purchasing or hiring for manufacturing, shall not exceed five persons, unless the total value of purchase order for the preceding year is not less than Baht three hundred million.
8. Number of foreigners entering for working with regional office receiving office expenses from the headquarter and operating the business of providing any kinds of services, who shall not be authorized to take purchase order or offer sale or negotiate with any person or juristic person, shall not exceed five persons, unless the expenses contributed and spent in Thailand for the preceding year is not less than Baht ten million.