

Foreign Business Investment in Thailand – Work Permits

If a non-Thai person wants to live and work in Thailand he must obtain a work permit. Thailand regulates work permits through the Working of Aliens Act (“Act”). The definition of “working” under the Act is very broad. It is defined as “engaging in work by exerting energy or using knowledge whether or not in consideration of wages or other benefit”.

In order to obtain a work permit, the applicant must at least:

- (1) “have a place of residence in Thailand or have been permitted entry into Thailand for temporary stay under the law on immigration but not as tourist or in transit; [and]
- (2) not be disqualified or prohibited under the conditions prescribed by the Minister as published in the Government Gazette.”

This means that the applicant must have an immigration visa in order to apply for and receive a work permit. This visa must not be a tourist visa. The common visa used to support a work permit in Thailand is a “non-immigrant B (i.e. “Business”) visa”. Application for such a visa must be made to and received from a Thai embassy or consulate—obviously, outside of Thailand.

The Act prohibits non-Thais from engaging in — what are currently thirty-nine — specific occupations. Permission to do such work will not be granted. Other occupations are open to non-Thais; however, the work performed by any non-Thai must be strictly limited to the activities and conditions to conduct such activities, including the specific work location (although an additional location(s) may be included or later added on a showing of good cause).

*Please note that the upcoming economic integration of the Association of South East Asian Nations (ASEAN) Economic Community will not change the requirement for obtaining a work permit in Thailand. However, it is expected that, in order to enable the “free flow of skilled labour” (a primary goal of this integration), the requirements and process to apply for a work permit (and any renewals thereof) in Thailand. And that, as a result, Thailand may well become more non-Thai worker friendly for ASEAN workers if not all non-Thai workers.

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