

## Slide 1

### Application for Temporary Work Permit for Alien Professionals

## Slide 2

..... ข้อมูลผู้บรรยาย...

## Slide 3

### Relevant Laws

- Royal Ordinance on the Management of Employment of Foreign Workers, B.E. 2560 Amendment (2<sup>nd</sup> Edition), B.E. 2561 (2018)
- Royal Decree Prescribing Works Relating to Occupation and Profession in which an Alien Is Prohibited to Engage, B.E. 2522 (1979)
- Ministerial Regulation on Alien's Work Permit Application, Issuance of Work Permit, and Work Announcement B.E. 2554 (2011)

## Slide 4

- Ministerial Regulation Prescribing Prohibited Characteristics of Aliens who want to apply for work permit B.E. 2552 (2009)
- Regulation of the Department of Employment on the Criteria for Consideration of Alien Work Permission B.E. 2552 Amendment (2<sup>nd</sup> Edition) B.E. 2557 (2014) and Amendment (3<sup>rd</sup> Edition) B.E. 2558 (2015)
- Announcement of the Ministry of Labor Re: Criteria, Procedure, and Conditions for applying to work in accordance with the Royal Ordinance Concerning the Management of Employment of Foreign Workers B.E. 2560 dated October 12, 2560 (2017)

## Slide 5

### Criteria, Procedure, and Conditions in Applying for Work Permit in accordance with Section 59 (Tor.Thor.1)

1. The alien must reside in the Kingdom or have a non-immigrant visa for temporary stay in accordance with the act concerning tourist/transit immigration.
2. Must not be the 39 occupations according to the Royal Decree Prescribing Works Relating to Occupations and Professions in which an Alien Is Prohibited to Engage, B.E. 2522 (1979)
3. The alien must not have prohibited characteristics according to the Ministerial Regulation Prescribing Prohibited Characteristics of Aliens Who Want to Apply for Work Permit B.E. 2552 (2009)

## Slide 6

## **Criteria, Procedure, and Conditions in Applying for Work Permit in accordance with Section 59 (Tor.Thor.1)**

4. Must conform to the regulations of the Department of Employment on Criteria for Alien Work Permission B.E. 2552 Amendment (2<sup>nd</sup> Edition), B.E. 2557 (2014) and Amendment (3<sup>rd</sup> Edition), B.E. 2558 (2015)
5. Must have professional license if it is a profession that requires license.
6. Must have business operation license or operation permission certificate if it is a business that requires operation license.

\*Process takes 3 working days (excluding inspection (if needed) of 5 working days).

### **Slide 7**

#### **List of Evidences (Tor.Thor.1)**

1. Application for work permit according to Section 9 (Form Tor.Thor.1)
2. Three 3 x 4 cm photographs taken within the past 6 months (straight face, properly dressed and not printed from computer or polaroid photo)
3. Passport and 1 photocopy, or residential permit and alien registration book (if any) and 1 photocopy
4. A photocopy of education certificate and work evidence, or filling in the required form
5. A professional license if it is a profession that requires license

### **Slide 8**

6. Doctor certificate certifies that the alien has no prohibited characteristics in accordance with the Ministerial Regulation Prescribing Prohibited Characteristics of Aliens Who Want to Apply for Work Permit B.E. 2552 (2009) (obtained within the past 1 month or as identified by the doctor)
7. In case the alien does not apply by him/herself, a power of attorney from the alien with 10-baht stamp duty, and a photocopy of the Thai attorney's identity card is needed.
8. Certificate of employment
9. For a Thai national employer: a photocopy of the employer's identity card or government identity card, as the case may be

### **Slide 9**

1. For an alien employer: a photocopy of the employer's work permit. If the employer does not work in Thailand and does not have a work permit, a power of attorney certified by a Notary Public and the Royal Thai Embassy is required.

2. Power of attorney from the employer with a 10-baht stamp duty and a photocopy of the Thai attorney

### **Slide 10**

**In the case that employer applies on behalf of an alien who resides out of the Kingdom: Section 60 (Tor.Thor.3)**

1. An employer who wants to hire an alien who resides overseas to work in the Kingdom can apply for work permit on behalf of the alien.
2. Criteria, procedure, and conditions for submitting application for work permit under Section 60 (Tor.Thor.3) are the same as that of Section 59 (Tor.Thor.1)

### **Slide 11**

**List of Evidences (Tor.Thor.3)**

1. An application for work permit according to Section 11 (Form Tor.Thor.1)
2. Two photocopies of passport
3. A photocopy of education certificate and work evidence, or filling in the required form
4. A professional license if it is a profession that requires license
5. A certificate of employment

### **Slide 12**

**List of Evidences (Tor.Thor.3)**

6. In case the employer is a Thai national, a photocopy of his/her identity card or government identity card, as the case may be, is required.
7. If the employer is an alien, a photocopy of his/her work permit is needed. If the employer does not work in Thailand and does not have a work permit, a power of attorney certified by a Notary Public and the Royal Thai Embassy is required to authorize a director or any person to sign on behalf of him/her.
8. A power of attorney from the employer with a 10-baht stamp duty and a photocopy of the Thai attorney.

### **Slide 13**

**Private Entity**

**A juristic person (in Thailand)**

1. A registration certificate with objectives issued within the past 6 months

2. One photocopy of shareholder list (Bor.Or.Jor.5) issued within the past 6 months
3. If the registered capital is inadequate for consideration, or is over the amount of paid-up registered capital, one photocopy of documents as stipulated in the Department of Employment's rule on the criteria for consideration of work permit issuance B.E.2552 (2009) is required.

#### **Slide 14**

##### **Private Entity**

##### **As a juristic person (not registered in Thailand)**

1. One photocopy of a certificate of terms kept by the registrar in accordance with the Alien Business Act B.E. 2542 (1999) issued within the past 6 months
2. One photocopy of alien business operation permit
3. One photocopy of money transferring into Thailand for investment (i.e. transaction form, transfer slip, etc.). In case the business has been operating in Thailand before 30 Oct. 2002, a copy of bank statement during the past 6 months is also needed.
4. If the registered capital is inadequate for consideration, or is over the amount of paid-up registered capital, one photocopy of documents as stipulated in the Department of Employment's rule on the criteria for consideration of work permit issuance B.E.2552 (2009) is required.

#### **Slide 15**

##### **As a natural person**

1. A photocopy of commercial registration
2. If the registered capital is inadequate for consideration, or is over the amount of paid-up registered capital, one photocopy of documents as stipulated in the Department of Employment's rule on the criteria for consideration of work permit issuance B.E.2552 (2009) is required.

##### **In case the employer has a domicile or residence outside of the Kingdom**

A photocopy of employment contract, sale contract, or other documents confirming that the applicant needs to work in the Kingdom

#### **Slide 16**

##### **As a freelancer**

1. A photocopy of employment contract, sale contract, or other documents confirming that the applicant needs to work in the Kingdom
2. A photocopy of permit for business operation issued in accordance with the law on alien business, in case the work is under such law.

## Slide 17

### Remarks

1. The forms must be filled in Thai language. All documents using foreign language must have a certified Thai translation from a certified translator or relevant government agency.
2. Photocopies of all documents must have certified signature as follows:
  - Employer's documents must be signed by an authorized person or authorized attorney, and stamped with company seal (if any).
  - Alien's documents must be signed by the alien or his/her attorney.
3. For aliens in the group of 34 security threat nations, one more photocopy of the Tor.Thor.1 Form, certificate of employment, juristic person registration certificate, and passport is needed to submit to the National Intelligent Agency for inspection.

## Slide 18

### Reporting of necessary or urgent work

Aliens can apply for permit for entering into the Kingdom temporarily to perform a work which is necessary and urgent without which damage may occur.

Criteria, procedure, and conditions for application:

- Limited only to 16 types of works at the period of no longer than 15 days
- Extension of time is permitted only once (for no longer than 15 days and not over the expiration of VISA)
- Request for time extension must be made before the expiration of the first permission period. (A photocopy of the original permit is needed for convenience of service.)

## Slide 19

### Types of necessary or urgent works (Section 62)

1. Organizing a meeting, training or seminar
2. Special academic lecture
3. Aviation management
4. Periodic internal audit
5. Technical issues monitoring and resolving
6. Quality control of goods and products
7. Quality assurance of production process
8. Machinery and electric generator equipment system inspection or maintenance

## Slide 20

### Types of necessary or urgent works (Section 62)

9. Machine maintenance or installation

10. Electric train technician
11. Aircraft or aircraft equipment system technician
12. Machinery maintenance or machinery control system maintenance consultant
13. Machinery demonstration and machinery testing
14. Movie filming and slide photographing
15. Worker recruitment for overseas jobs
16. Skill testing for overseas jobs

## Slide 21

### Supporting documents for necessary or urgent works application (Section 62)

1. Application form for necessary or urgent work permit according to Section 9 (Form Tor.Thor.10) and one photocopy
2. A letter explaining reasons for enter into the Kingdom for necessary and urgent work
3. Three 3 x 4 cm photographs taken within the past 6 months (straight face, properly dressed and not printed from computer or polaroid photo)
4. A photocopy of passport
5. A certificate issued by a government agency (if any)
6. A photocopy of juristic person registration certificate issued within the past 6 month

## Slide 22

7. In case the alien does not apply by him/herself: a power of attorney from the alien with 10-baht stamp duty, and a photocopy of the Thai attorney's identity card
8. For a Thai national employer: a photocopy of the employer's identity card or government identity card, as the case may be
9. For an alien employer: a photocopy of the employer's work permit. If the employer does not work in Thailand and does not have a work permit, a power of attorney certified by a Notary Public and the Royal Thai Embassy is required.

## Slide 23

### Remarks

1. All forms must be filled in Thai language. All documents using foreign language must have a certified Thai translation from a certified translator or relevant government agency.
2. Photocopies of all documents must have certified signature as follows:
  - Employer's documents must be signed by an authorized person or authorized attorney, and stamped with company seal (if any).
  - Alien's documents must be signed by the alien or his/her attorney.