

(Unofficial Translation)

(Official Emblem)

Announcement of the Office of Board of Investment

No. Por. 4/2561

**On Qualifications, Criteria and Conditions
for Smart Visa**

Whereas the Cabinet passed the resolution on January 16, 2018 to approve the guidelines for Smart Visa have been approved for alien persons who are highly skilled professionals, investors, executives and start-up business operators. The Office of Board of Investment has been assigned to issue this Announcement on the qualifications of persons eligible to apply for Smart Visa pursuant to the criteria approved by the Cabinet.

By virtue of the provisions in Section 13 of the Investment Promotion Act, B.E. 2520 (1977), the Office of Board of Investment hereby issues this Announcement as follows:

1. Alien persons under this Announcement shall include:

1.1 Highly skilled professionals, investors, executives and start-up business operators who wish to work, invest or establish a business in the target industries as follows:

- (1) Next-generation automotive industry;
- (2) Smart electronics industry;
- (3) Affluent, medical and wellness tourism industry;
- (4) Agriculture and biotechnology industry;
- (5) Food for the future industry;
- (6) Automation and robotics industry;
- (7) Aviation and logistics industry;
- (8) Biofuel and biochemical industry;
- (9) Digital industry; and

(10) Medical hub industry

1.2 Accompanying persons who are the spouse or legitimate children of the alien persons under article 1.1.

2. Qualifications for Smart Visa of alien persons under article 1 who wish to apply for a certificate of qualifications for Smart Visa in each group shall be as follows:

2.1 Highly skilled professional shall:

(1) Be science or technology professionals whose expertise in the target science and technology industry has been certified by agencies under Strategic Talent Center (STC), except for professionals working in a public agency who shall be certified by such public agency.

(2) Work in the business certified as the business in the target industry by relevant public agencies such as National Innovation Agency (Public Organization) (NIA) and Digital Economy Promotion Agency.

In the case where a public agency employs or uses professionals, such agency shall be certified as an operator of activities related to the target industry.

(3) Have the monthly salary of no less than 200,000 Baht or equivalent (excluding other compensations).

(4) Have an employment or service contract with contract validity of no less than 1 year from the date of submission of application for qualification certificate or have evidence of cooperation with public agencies.

(5) Not possess prohibited characteristics pursuant to the immigration law.

2.2 Investors shall:

(1) Invest directly in the name of the applicant with the investment not less than 20 million Baht in the technology-based entity for manufacturing or service provision process within the target industry, which can be more than 1 business. Nevertheless, such

investment shall be maintained to be within the amount of no less than 20 million Baht during the term of Smart Visa.

(2) Businesses established by the applicant or invested by the applicant shall be certified as the technology-based entity for manufacturing or service provision process and as the businesses in the target industry by relevant public agencies such as National Innovation Agency (Public Organization) (NIA), Digital Economy Promotion Agency and National Science and Technology Development Agency.

(3) Not possess prohibited characteristics pursuant to the immigration law.

2.3 Executives shall:

(1) Have the monthly salary of no less than 200,000 Baht or equivalent (excluding other compensations).

(2) Have a bachelor's degree or equivalent and above and have work experience in the relevant field for no less than 10 years.

(3) Have an employment contract with a business in Thailand or an employment contract with a business abroad which determines the applicant to work in Thailand. In this regard, the validity of such employment contract shall not be less than 1 year from the date of submission of application for qualification certificate.

(4) Work in the executive positions such as Chairman of the Board, Managing Director, etc., in the business certified as technology-based entity for manufacturing or service provision process in the target industry by relevant public agencies such as National Innovation Agency (Public Organization) (NIA), Digital Economy Promotion Agency and National Science and Technology Development Agency.

(5) Not possess prohibited characteristics pursuant to the immigration law.

2.4 Start-up Business Operators shall:

(1) Have fixed deposit of no less than 600,000 Baht or equivalent in a bank account opened in Thailand or abroad with bank account validity of no less than 1 years.

In the case where a start-up business operator has a spouse or legitimate children as accompanying persons, such start-up business operator shall have deposit of no less than 180,000 Baht or equivalent per person in a bank account opened in Thailand or abroad with bank account validity of no less than 1 years.

(2) Have a health insurance policy valid throughout the period of residency in Thailand for both the applicant and its accompanying persons who are the spouse or legitimate children.

(3) Be certified to participate in the incubation project or accelerator project or other similar projects by relevant public agencies such as National Innovation Agency (Public Organization) (NIA) and Digital Economy Promotion Agency, provided that such project shall be in the target industry.

In the case where the applicant does not participate in the incubation project, the applicant shall be jointly invested by the public sector or be certified by relevant public agencies such as Digital Economy Promotion Agency.

(4) The applicant shall establish its business in Thailand within 1 year from the date of receipt of permission to reside temporarily in the Kingdom, and such business shall be certified as the business in the target industry by relevant public agencies such as National Innovation Agency (Public Organization) (NIA) and Digital Economy Promotion Agency. In addition, the applicant shall hold shares of no less than 25 percent of the registered capital or be the director of the company.

(5) Not possess prohibited characteristics pursuant to the immigration law

2.5 Accompanying persons who are the spouse or legitimate children under article 1.1 of the immigration law shall not possess prohibited characteristics pursuant to the immigration law.

3. Alien persons with the qualifications under article 2 shall be eligible to reside in the Kingdom temporarily and have other rights pursuant to the Announcement of the Ministry of Interior on Smart Visa Permission dated January 30, 2018 for foreigners who are highly skilled professionals, investors, executives and start-up business operators to reside temporarily in the

Kingdom and shall comply with the criteria, procedures and conditions specified by the Office of Immigration and other relevant public agencies.

4. Alien persons with the qualifications under article 2.1 – 2.4 shall be permitted to do in the following jobs in the Kingdom, which are not prohibited to be done by alien persons, without work permit pursuant to the law on managing the work of alien persons during the valid term of permission to reside in the Kingdom:

- (1) Jobs in a certified public business or agency in case of highly skilled professionals;
- (2) Jobs in a certificate business in case of investors;
- (3) Jobs in a certified business in case of executives;
- (4) Jobs in a certified project or business in case of start-up business operators.

In case of amendment or addition of the jobs under (1) – (4), an additional certificate shall be obtained pursuant to relevant criteria.

(5) Accompanying persons who are the spouse of alien persons with the qualifications under article 2.3 – 2.4 and legitimate children of alien persons with the qualifications under article 2.1 (highly skilled professionals) above the age of eighteen shall be permitted to work in the Kingdom within the scope of the alien person whom such follower is dependent on.

In this regard, the work of alien persons shall be subjected to the criteria of the Announcement of the Ministry of Labor on Permission for Alien Persons to Work in the Kingdom with Exemption not to Comply with the Royal Decree on the Management of Alien Worker B.E. 2560 (2017) for highly skilled professionals, investors, executives and start-up business operators dated January 29, 2018.

This Announcement shall be effective from now and onward.

Announced on the 1st Day of February B.E. 2561 (2018).

(-Signature-)

(Miss Duangjai Atsawajintajit)

Secretary General of the Board of Investment