

(Unofficial Translation)

Announcement of the Office of the Board of Investment

No. Por.3 / 2567

Criteria for Approval of Positions for Foreign Nationals, Placement of Foreign Nationals in Approved Positions, and Extension of Position Terms and Personnel under Section 25 and Section 26

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To facilitate convenience and provide clarity for investors applying for approval of positions for foreign nationals, placement of foreign nationals in approved positions, and extension of approved position terms and personnel under Section 25 and Section 26 of the Investment Promotion Act B.E 2520 (1977):

By virtue of Section 11, Section 13, Section 25, and Section 26 of the Investment Promotion Act B.E 2520 (1977), the Office of the Board of Investment, authorized by the Board of Investment, issues the following announcement:

1. The Announcement of the Board of Investment No. Por 2/2563, dated February 11, 2563, regarding Criteria for Approval of Positions for Foreign Nationals, Placement of Foreign Nationals in Approved Positions, and Extension of Position Terms and Personnel under Section 25 and Section 26, is hereby canceled.

2. In this announcement:

“foreign nationals” means skilled workers and expert professionals from foreign countries who come to work in business activities that have been granted investment promotion.

“system” means the single window system of the Visa and Work Permit Center.

“executive-level position” means an executive-level position such as Chairman, President, CEO, CFO, COO, CTO, Vice President, Executive Director, Managing Director, General Manager, Deputy Managing Director, etc.

“management-level position” means a managerial or assistant executive-level position such as Production Manager, Marketing Advisor, Factory Manager, Assistant Managing Director, Assistant Vice President, etc.

“operation-level position” means an operational position such as Production Supervisor, Project Coordinator, Electrical Engineer, Injection Mold Technician, Data Analyst, IT Specialist, Assistant Production Manager, Marketing Consultant, Project Leader, Lead Software Engineer, Account or Sales Executive, Senior R&D Supervisor, etc.

3. The criteria for approval of positions for foreign nationals, the placement of foreign nationals in approved positions, and the extension of approved position terms and personnel in manufacturing activities are as follows:

#### 3.1 Consideration for approval of positions for foreign nationals

3.1.1 The approval of positions for foreign nationals will primarily be based on business factors such as the type of business, the level of technology utilized, the manufacturing process, and shortages of Thai personnel for the position.

3.1.2 For manufacturing activities, the positions will be approved for no more than two years at a time.

3.1.3 For experts in research positions (researchers) in science and technology, the positions will be approved for no more than four years at a time.

#### 3.2 Consideration for the placement of foreign nationals in the approved positions.

3.2.1 For executive-level positions, the placement of foreign nationals will be permitted for those at least 27 years old and with at least five years of work experience, except for the positions of Managing Director, President, CEO, and Chairman which are not subject to this criterion.

3.2.2 For management-level positions, the placement of foreign nationals will be permitted for those at least 27 years old and with at least five years of direct work experience relevant to the position they will assume.

3.2.3 For operation-level positions, the placement of foreign nationals will be permitted for those at least 22 years old, possess relevant educational qualifications, and have at least two years of direct work experience. In cases where educational qualifications are irrelevant to the field of work, foreign nationals must have at least five years of direct work experience related to the position.

For engineer positions, foreign nationals must have at least a bachelor’s degree in engineering and at least two years of relevant work experience in the engineer position. In the case of not

having a bachelor's degree in engineering, the foreign nationals must have at least ten years of direct work experience in an engineer position or in a direct engineering field relevant to the work they will perform.

### 3.3 Extension of the approved position terms and personnel

3.3.1 The extension of approved position terms and personnel will be considered based on various factors such as the business operation plan, production capacity expansion, improvements in production processes, enhancements in efficiency or product quality standards, and shortages of Thai personnel for the positions.

3.3.2 The extension of approved position terms and personnel shall be granted for no more than two years at a time.

3.3.3 The extension of approved position terms and personnel for experts in researcher positions in science and technology shall be granted for no more than four years at a time.

4 Criteria for the approval of positions for foreign nationals, placement of foreign nationals in the approved position, and extension of position terms and personnel in service activities are as follows:

#### 4.1 Consideration for approval of position for foreign nationals

4.1.1 The approval of positions for foreign nationals will primarily be based on business factors such as the type of business, the level of technology utilized, the scope of the business and services as promoted, and shortages of Thai personnel for the positions.

4.1.2 For service activities, positions for foreign nationals will be approved for no more than two years at a time, except for activities where otherwise specified.

4.1.3 For Trade and Investment Support Office (TISO), Business Process Outsourcing (BPO), and International Business Process Outsourcing (IBPO), positions for foreign nationals will be approved for no more than one year at a time. The approval of workstation-based operator positions will align with the number of workstations specified as a condition in the promotion certificate.

4.1.4 For International Headquarters (IHQ), International Trading Center (ITC), International Business Center (IBC), research and development, target technology development activities, and electronics design activities, positions for foreign nationals will be approved for no more than four years at a time.

4.1.5 For experts coming to work as researchers in science and technology, the position will be approved for no more than four years at a time.

#### 4.2 Placement of foreign nationals in the approved positions

4.2.1 For executive-level positions, the placement will be permitted for foreign nationals who are at least 27 years old and have at least five years of work experience , except for the positions of Managing Director, President, CEO, and Chairman which are not subject to this criterion.

4.2.2 For management-level positions, the placement of foreign nationals will be permitted for those at least 27 years old and with at least five years of direct work experience relevant to the positions they will assume.

4.2.3 For operation-level positions, the placement of foreign nationals will be permitted for those at least 22 years old, possess relevant educational qualifications, and have at least two years of direct work experience. In cases where the educational qualifications are not relevant, foreign nationals must have at least five years of direct work experience pertinent to the position they will assume.

4.2.4 For workstation-based operator positions in trade and investment support activities under the scope of International Business Process Outsourcing (IBPO), foreign nationals with a bachelor's degree or the equivalent and higher, including relevant training certificates in the related field and a minimum monthly income of at least 30,000 baht, will be permitted for the placement to the positions.

The minimum income will be considered based on the amount stated in the employment contract. If foreign nationals have notified their resignation from a workstation position in trade and investment support activities under the scope of International Business Process Outsourcing (IBPO), within one year before the application for placement, the income will be reviewed using the information in forms Phor.Ngor.Dor.1Gor or Phor.Ngor.Dor.1.

4.2.5 For expert positions in digital technology in the businesses of e-commerce, software, digital technology services, and development of software, digital platforms, or digital content, the placement of foreign nationals will be permitted for those at least 22 years old, with a bachelor's degree or higher in a science or technology field related to information technology or software development. The foreign nationals must have at least two years of direct work experience relevant to the position and a minimum monthly income of 50,000 baht. The placement will be permitted for operation-level positions only. In cases where the educational qualifications are not relevant to the field of work, foreign nationals must have at least five years of direct work experience relevant to the position they will assume and a minimum monthly income of 75,000 baht. The placement will be permitted for either operation-level or management-level positions.

The income will be considered based on the amount stated in the employment contract. In cases where foreign nationals have notified their resignation from an expert position in digital technology in the businesses of e-commerce, software, digital technology services, development of software, digital platforms, or digital content, within one year before the application for placement, the income will be considered based on information in Form Phor.Ngor.Dor.1Gor or Phor.Ngor.Dor.1.

4.2.6 For a teacher position, the qualifications of foreign nationals will be considered according to the criteria for operation-level positions. A letter of teacher appointment and a professional license from the Teachers' Council of Thailand must be attached to the application. The placement term will be granted for the same period as the position approval.

4.2.7 For a pilot position, the qualifications of foreign nationals will be considered according to the criteria for operation-level positions. A letter of professional license (for validation) and a support letter from the Civil Aviation Authority of Thailand must be attached to the application. The placement term will be granted in accordance with the validity period of the professional license.

#### 4.3 Extension of approved position terms and personnel

4.3.1 The extension of approved position terms and personnel will be considered based on various factors such as the business operation plan, service process improvements, service efficiency or standards enhancements, and shortages of Thai personnel for the position.

4.3.2 The extension of approved position terms and personnel shall be granted for no more than two years, except for activities where otherwise specified.

4.3.3 The extension of approved position terms and personnel for a Trade and Investment Support Office (TISO) shall be granted for no more than one year at a time.

4.3.4 The extension of approved position terms and personnel for an International Headquarters (IHQ), International Trading Center (ITC), International Business Center (IBC), research and development activity, target technology development activity, and electronics design activity shall be granted for a period of no more than four years.

4.3.5 The extension of position terms and personnel for experts holding researcher positions in science and technology shall be granted for no more than four years at a time.

4.3.6 The extension of approved position terms and personnel for an operator based at a workstation in a Trade and Investment Support Office (TISO), Business Process Outsourcing (BPO), and International Business Process Outsourcing (IBPO) shall be granted for no more than one year

at a time. Foreign nationals must have a minimum monthly salary of 30,000 baht, which will be considered based on the information in Form Phor.Ngor.Dor. 1. Gor. For foreign nationals who have held the position for less than one year at the time of the extension application, the minimum income will be considered based on the information in Form Phor. Ngor. Dor. 1.

4.3.7 The extension of position terms for digital technology experts in businesses of e-commerce, software businesses, digital technology service, development of software, digital platforms, or digital content shall be granted for no more than two years at a time. Foreign nationals must have a minimum monthly salary of 50,000 or 75,000 baht, as the case may be. The income will be considered based on the information in Form Phor. Ngor.Dor.1 Gor. For foreign nationals who have been placed in the position for less than one year at the time of extension application, the income will be considered based on the information in Form Phor. Ngor. Dor 1.

5. Following full operational approval, projects must reduce the number of foreign nationals in operation-level positions to a number considered appropriate by the Office.

6. In this announcement, the application for bringing in foreign nationals into the Kingdom under Section 25 and Section 26 shall be in accordance with the Announcement of the Board of Investment No. 3/2560, dated September 22, 2017, regarding the Criteria and Procedures for Requesting Permission to Bring Foreign Nationals into the Kingdom Through Electronics System and the subsequent amendments.

7. These criteria shall serve as general guidelines, except for cases where additional conditions are specified in the promotion certificate or where valid justifications exist. The Secretary-General of the Board of Investment may consider granting leniency on a case-by-case basis.

8. Where unresolved issues arise under this announcement, the Secretary General of the Board of Investment is authorized to render the final decision.

Effective from October 1, 2024

Announced on August 9, 2024

Narit Therdsteerasukdi

(Mr. Narit Therdsteerasukdi)

Secretary General of The Board of Investment