

## **LATEST IMMIGRATION REGULATIONS**

### **Supporting Documents Required to Extend Non-Immigrant Visas Category 'B'**

With effect from Fri 4 May 07 Thai Immigration requires all applications for the extension of a non-immigrant visas category 'B' (the visa which supports the retention of a Thai work permit) to be supported by the following documentation:

- A photocopy of the employing company's Affidavit and Shareholders' List certified as a true copy of the original by the Ministry of Commerce.
- A photocopy of the employing company's most recent Annual Financial Statement certified as a true copy of the original by the auditor who audited it.
- A photocopy of the employing company's most recent Personal Income Tax Return (PND1) with the Revenue Department's receipt plus a photocopy of the applicant's most recent Annual Personal Income Tax Return (PND91) (if they have one) certified as a true copy of the original by the Revenue Department.
- A photocopy of the employing company's most recent Social Security Fund monthly return certified as a true copy of the original by the Social Security Fund Office.

### **Photographic Evidence Now Required to Support the Initial Application to Extend a Non-Immigrant Visa Category 'B'**

With effect from Wed 16 May 07, Thai Immigration requires the first application to extend a non-immigrant visa category 'B' to be supported by photographs of every employee in the employing company and each photograph is to be taken showing the employee at their place of work (e.g. sitting at their desk or working at their piece of machinery or sitting behind the steering wheel of the company vehicle, etc.).

We were privately told that, if a company has many Thai employees then the application should be supported by photographs of several of the employees as long as the number exceeds the minimum requirement of four Thai employees to match the foreign employee. However, the reason the photographs is required is to enable an Immigration inspection team to match the photographs against the actual employees and their workplace if they pay a surprise visit.

### **Warnings of Increased Scrutiny and Unwarned Spot Checks of Work Places of Foreign Employees**

The Immigration Bureau has warned that it is now a policy of theirs to conduct surprise visits to newly registered companies that employ expatriates who require work permits.

It would appear that the aim of the inspections by the Thai Immigration Department is to determine whether the information supplied by companies employing expatriates is correct insofar as:-

- a. Capitalisation;
- b. Business activity & nature;
- c. Location of business;
- d. Number of Thais employed as a ratio to expatriates; and,
- e. Existence of Thai employees.

We have been informed that all new companies registered that employ expatriates may be subject to a visit by the Immigration Department. We can only advise that to avoid breaching

the legislation with respect to work permits and visas, companies should adhere as a minimum to the following:-

- a. Fully paid up registered share capital. THB 2 million per work permit for non-BOI companies;
- b. Employ FOUR (4) Thais to every expatriate and those Thais must be current employees of the company, be paid a salary and have written contracts to support their employment for non-BOI companies;
- c. Business operated by the company should comply to the objects in the articles of association; and,
- d. The place of business should have the appearance of a proper place of business even if it is operated from an expatriate's place of residence.

Although our sources at the Immigration Bureau referred to newly registered businesses, it would not surprise us if they decide to inspect older companies which might wish to get a work permit for a new foreign employee.

### **Penalties for Providing Inaccurate Information**

The Immigration Bureau has also issued a warning to applicants, employing companies and appointed representatives of applicants for extension of non-immigrant visas.

If it is found that the information provided in supporting documentary evidence is not correct then the applicant's visa will be cancelled and they will have to leave Thailand. As well, the principals of the employing company and the agency handling the application (if one is used) will be reported to the police for further action.

### **Increased Service Fee in extending the Non-Immigrant Visa Category 'B'**

Quite understandably, having photocopies of documentation endorsed by FOUR (4) different government departments or persons is going to require a member of our staff to take that documentation to each location therefore a consequent increase in costs of extending the non-immigrant visas category 'B' can be expected. The extension of non-immigrant visas category 'O' for dependants of the holder of a category 'B' visa should not be affected because they are tied to the category 'B' visa so we don't intend to change the cost of extending the category 'O' visa.