

**ISSUES RAISED BY THE JFCCT DURING ITS REPRESENTATIVES' MEETING WITH REPRESENTATIVES OF THE ROYAL THAI POLICE IMMIGRATION DIVISION AND THE DEPARTMENT OF EMPLOYMENT, MINISTRY OF LABOUR AND SOCIAL SECURITY ON TUESDAY 24 JANUARY 2006**

**Need for a Thai Business Visa**

Unlike its neighbours, Thailand does not have a Business Visa as such.

Thai Immigration regards the Non-Immigrant Visa Category 'B' as a business visa expecting short-stay business visitors to have one if they want to do business in Thailand (including attending meetings or seminars).

However, the Thai Department of Labour, Ministry of Labour and Social Welfare do not regard the abovementioned visa as an entitlement for the short-stay business visitor to conduct business during their visit to Thailand.

Section 7 of Thailand's *Working of Aliens Act B.E. 2521* requires all short-stay business visitors to first apply for and gain a permit to work during their visit and that permit is valid for no longer than 15 days.

It would require an amendment of the *Act*, a Royal Decree, or a Ministerial Regulation to delete or amend Section 7 of the *Act* thereby allowing the Non-Immigrant Visa Category 'B' to become a true Business Visa as far as both the Royal Thai Police Immigration Division and the Ministry of Labour and Social Welfare are concerned.

**Replacement of the 90-Day Reporting Regulation**

At present, foreigners in Thailand, except those holding a Resident Permit, are required to notify the nearest Immigration office of their place of residence every 90 days.

The JFFCT asked that the regulation be either –

- Abolished entirely however, because of increased security, this is unacceptable; or
- Replaced by a regulation requiring all foreigners to report the address of a change in residence within SEVEN (7) days of making that change.

As neither suggestion is acceptable, the Royal Thai Police Immigration Division has relaxed the previous requirement that a foreigner must report in person thereby allowing the foreigner to report every 90 days using one of the following three methods :

- To personally report to the nearest Immigration office in person with their passport;
- To appoint a representative with Power of Attorney to report on behalf of the foreigner with the foreigner's passport and signed photocopies of the documentation below; or
- To post, by registered mail, their passport plus the documentation listed below to the following address:

90 DAYS REGISTRATION  
IMMIGRATION BUREAU,  
507 SOI SUANPLU, SOUTH SATHORN RD.,

If using a representative or posting the passport, the following documentation is required:

- Copy of all passport pages (up to the latest arrival stamp in the Kingdom or latest visa stamp)
- Copy of arrival/departure card TM. 6 (front and back)
- Previous notifications of staying over 90 days (if any)
- Completely filled in and signed notification form TM. 47
- Envelope with 5 Baht stamp affixed and return address of foreigner for the officer in charge to send back the lower part of form TM. 47 after having received the notification. This part must be kept for reference and for future notifications of staying over 90 days.

If the above-mentioned documents are posted by registered mail the receipt of the registration must be retained by the foreigner.

### **Amending the Locality Permitted to Work**

During recent months the Labour Department has been endorsing, on page 6 of the Work Permit, the section 'Locality permitted to work (province) with the actual address of the registered office of the employer. On page 7 of the Work Permit, the section 'Address/office' is endorsed with the same address.

The JFCCT considered this change restrictive and requested a return to naming the province only in the section 'Locality permitted to work (province)' on page 6 of the Work Permit.

Representatives of the Labour Department advised the JFCCT representatives to be more descriptive in the scope of work the work permit holder would be expected to carry out. Page 32 in the Work Permit describes the scope of work the holder is required to carry out. If Page 32 is endorsed with a more accurate description of the work the holder carries out and it indicates that the work requires the holder to work, at times, outside the registered office of the employer, then their work outside the registered office would be considered within the scope of the work permit.

### **Reintroduction of the Retirement Category as a Qualification for a Thai Resident Permit**

In 2002, when he was Interior Minister, Dr Purachai Piumsoombun cancelled the Retirement Category, one of five categories qualifying a foreigner to apply for a Resident Permit, and replaced it with a Non-Immigrant Visa Category 'O' which must be extended every 12 months.

The JFFCT pointed out that a 12 months extendable retirement visa failed to assure retirees of permanent residence in Thailand. Many would therefore be reluctant to bring all of their worldly possessions to Thailand. The vetting procedure in the granting of a Resident Permit to a qualified foreigner already subjected the applicant(s) to a quite thorough security clearance and the Immigration Commission, a committee appointed annually by the Interior Minister, had the power to reject an application while the Interior Minister himself, had the power to veto the Immigration Commission's decision to grant a Resident Permit.

The Immigration Bureau representatives appeared favourable to the request and stated that it would be submitted to their superiors. The Retirement Category was cancelled by a Ministerial Regulation and it should be as easily reintroduced by the present Interior Minister.

### **The Introduction of Identity Cards for Foreigners Holding a Resident Permit.**

Foreigners granted a Resident Permit had many privileges short of voting or land ownership rights. The JFFCT requested the introduction of an identity card (similar to the United States 'Green Card') for Resident Permit holders to replace or augment the present Police Booklet and Certificate of Residence (also a booklet).

The Immigration Bureau representatives appeared favourably disposed to the request and indicated that they were already looking at streamlining such documentation.

### **The Cancellation of the Requirement for a Work Permit by Holders of a Resident Permit.**

The JFFCT pointed out that many countries did not require foreigners granted immigrant status to have a permit to work in the host country. The request was that Thailand adopts a similar practice dispensing with the need for holders of the Thai Resident Permit to require a Thai Work Permit.

As with the above requests, the Immigration Bureau and Labour Department representatives agreed to submit the request to their superiors.

### **The Length of Time Taken to Issue a Non-Immigrant Visa to Holders of a Resident Permit.**

Holders of a Resident Permit are still required to apply for a re-entry permit if they wish to make a trip abroad. It is called a Non-Quota Immigrant Visa and is valid for 12 months from date of issue and can be either 'Single' or 'Multiple-Entry'. Several years ago, like the Re-Entry Permits used by holders of a Non-Immigrant Visa, Non-Quota Immigrant Visas took only a few hours to process. More recently the Non-Quota Immigrant Visa has taken two days to process while the non-immigrant Re-Entry Permits are issued the same day.

The representatives from Immigration assured the representatives from JFCCT that applications for Non-Quota Immigrant Visas will again be processed the same day as are Re-entry Permits for non-immigrant visas.

### **Requirement to Officially Cancel Unused Non-Quota Immigrant Visas**

JFCCT complained that holders of a Resident Permit are required to apply to cancel any Non-Quota Immigrant Visas endorsed in their passport and Residence Certificate (the booklet) and the application takes TWO (2) days to process. JFCCT asked if unused Non-Quota Immigrant Visas can simply be allowed to lapse once the used-by date has passed instead of having to apply to have them cancelled.

Once again the representatives of the Immigration Bureau assured JFCCT that the current effort to streamline processing systems should dispense with this requirement to apply to have the Non-Quota Immigrant Visas cancelled.