

BRIEF FOR THE FCCCC MEETING THU 28 SEP 07 ON IMMIGRATION ISSUES

Extensions of the Non-Immigration Visa Category 'B' – the visa which supports the extension of the work permit

On Mon 17 Sep 07, Pol Col Supamith Duang pa morn (the Superintendent of Sub-Division 2 which is in charge of visa extensions) briefed his subordinates, Pol Maj Unan Anvaelejit and Pol Maj Krisdakorn Klinkesorn that, with applications for extensions of non-immigrant visas 'B' that they could accept photocopies of the employing company's supporting registration documentation plus monthly (and annual where applicable) tax and Social Security Fund returns as long as they sighted the originals of the documentation when receiving photocopies of that documentation.

The photocopy of the employing company's most recent annual financial statement (profit & loss statement and balance sheet) must still be certified as a true copy of the original by either the Revenue Department or the Auditor who audited it.

Photocopies of all of the employing company's supporting documentation must still be stamped with the Company Seal and be signed by company director(s).

Where the employing company's annual financial statement shows a loss or the Shareholders' Equity is less than one million baht, the employing company must provide a letter explaining why the company's financial position is in that condition (e.g. has it taken out a loan for expansion or some other acceptable reason, has it purchased capital equipment or tangible assets, etc.). Such documentation is then submitted to Pol Col Supamith to consider the submission.

This more relaxation interpretation, by Thai Immigration, of Police Headquarters Regulation No. 606/2549 effective 1 Oct 06 and the Immigration Notice effective 1 Oct 07 is to be commended by the foreign business community.

The Retirement Visa (Non-Immigrant Visa Category O-A)

Very recently, there was an allegation that Thai Immigration would be expecting each spouse of a foreign married couple to have their own source of income as required by Thai Immigration (a minimum of THB 800,000 in a Thai bank account or a minimum guaranteed monthly income of THB 65,000 or a combination of both).

Only one spouse of a foreign couple applies for the Retirement Visa (non-immigrant visa category 'O-A') while their dependant spouse holds a dependant's visa (non-immigrant visa category 'O'). When the holder of the retirement visa applies each 12 months for an extension of that visa, they must provide the necessary documentation (evidence of income) to support the extension of that visa. Immediately after the non-immigrant visa category 'O-A' (retirement visa) is extended the application to extend the dependant spouse's non-immigrant visa category 'O' is submitted using the extension of the retirement visa plus the marriage certificate as supporting evidence to extend the dependant's non-immigrant visa category 'O'.

I still strongly advise foreigners who currently work in Thailand and wish to retire in here to apply for the Resident Permit under the Business Category while they are still working rather than to wait until they retire.

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