

# Getting a Work Permit in Thailand

*by: Nilobon Tangprasit & James Finch  
of  
Chavalit Finch & Partners, Ltd.*

I recently made a trip to the Prachuab Khirikhan Provincial Employment Office, Prachuab Sub-District, the one in charge of work permits for the province that includes Hua Hin. I was with Warisa Sakmungskorn and Suchart Onsook, immigration paralegals from my office.

I was impressed with how much personal service was given to everyone who walked in the door of this uncrowded office. As we waited, those at their desks even came over to get acquainted. I must admit I was charmed because, as a lawyer, I am used to being treated as a number in government offices in Southeast Asia. There was much laughter, joshing and unhurried conversation. I couldn't help but be reminded of the Thailand that I remember from a visit in my childhood.

Before long someone produced a draft of the Work Permit Guide that the Employment Office was working on. It makes the particular requirements of the Prachuab Khirikhan Provincial Employment Office clear—and some are slightly different from that required by other employment offices.

In general, if you are a foreigner and want to stay permanently in Thailand, you must have a work permit. There are, of course, exceptions to this rule. You might, for example, have special statutory status, such as retirement, or be married to someone who does—or a Thai. Even if you have some special status, though, if you want to work, you have to have a work permit.

What I'm going to talk about first is getting a work permit under the Foreign Workers Act B.E. 1978. This is the law that applies to the vast majority of applicants and means some special law, such as the Investment Promotion Act or the Petroleum Act, does not apply to you. These special laws make it easier to apply, and I'll talk about those later.

Generally, getting a work permit means an investment in Thailand, amassing the documents mentioned below and at least a couple of trips to the provincial employment office.

The first trip is to have your interview. The purpose of the interview is, in general, to a) ensure that your employer meets the standards discussed below, b) make sure you aren't working before the issuance of the permit, c) check that, in a general way, you aren't insane and d) evaluate your skills, as also discussed below. The second trip is to sign and receive the permit, which you are supposed to keep with you at your place of business.

First, to get the work permit you have to have entered Thailand under a non-immigrant visa. You might be surprised, though, that the 30-day tourist/transit visa foreigners get coming in at the airport is not acceptable for this. Many applicants have to leave Thailand and get a non-immigrant "B" visa, at a Thai embassy elsewhere. Some applicants get only a standard tourist visa from a Thai embassy, and then convert in Thailand. The best thing to do, however, and if you have the right documents available to you when you go, is to get the "B" at the Thai embassy outside of Thailand. To do so, you also have to pay a fee of 2,000 baht at the embassy.

### *Here are the documents required for your application:*

1. Application Form (W.P.2) with three 5 x 6 cm. photographs, taken within the last six months).
2. A form signed by the employer showing the need to employ a foreigner.
3. Copy of your education certificates and job experience record.
4. A form provided by the Department of Employment in case you cannot submit the copy of the education certificate when applying.

5. Passport and one copy of all pages showing the valid non-immigrant visa (or certificate of permanent residence and certificate of foreigner registration).

6. Map showing the location of the employer.

7. A copy of work termination notification (Form W.P.10) in case you previously had a work permit as a result of other employment.

8. W.P.10 Forms (Tor Thor 10) for notification of the commencement of work and a power of attorney from the employer with a 10 baht duty stamp affixed and a copy of the employer's I.D. card.

9. Certificate from a doctor, issued within the last six months, showing that you do not suffer from certain diseases.

10. A copy of the employer's affidavit showing the registered capital and a copy of the company's list of shareholders. These must be certified by the authorized person with the employer's seal.

11. List of other foreign workers, in case the employer has other foreigners with work permits.

12. List of Thai employees of the employer and documents or receipts of social security payments for them for the last month. In the case of a new employer that has not yet contributed to social security, a letter explaining this.

13. Phor Ngor Dor 01, 02 or the employer's income tax return (Phor Ngor Dor 50) with receipt and the employer's financial statement for the last year.

14. If you are unable to apply in person, a power of attorney with a 10 baht duty stamp affixed and a copy of the employer's representative's I.D. card.

15. History of your entries and exits to and from the Kingdom of Thailand, computer printed or typewritten.

16. Photos of the employer's location clearly showing its name and address, taken from inside and outside of the employer's premises.

17. In case you will work in a government school, a certificate/letter from the Ministry of Education and a copy of your employment contract.



18. In case you will work in a private school, a copy of the school's license, license of the head teacher, license of the school manager, teacher license (Sor-Chor 11) and a copy of the teacher's placement license (Sor-Chor 19).

19. Other licenses or permits of the employer, for example, hotel license, permit to sell alcoholic drinks or permit to guide.

The above list is adapted from the translation we worked on with the Employment Office. What is not said in the list, though, is more important than what is.

Here's what they're looking for. To begin with, the documents mentioned in 1, 2 and 3 above must reflect that you have a skill or profession that in theory is lacking in the Thai economy. Examples of this might be a manager skilled in running a particular kind of business, such as a hotel, or a chef who knows a particular cuisine, or an engineer who can train Thais in some technical process.

The idea is that work permits for the private sector come with foreign investment. Thus the documents mentioned in 1, 2, 10 and 13 above must show investment of 2 million baht per work permit. Also, particular to the Prachuab Khirikhan Provincial Employment Office, and not required by all employment offices, is that there must be four Thais employed for each work permit issued to an employer. Documents 12 and 13 above must reflect this fact.

Document 9 above is a simple form certificate available from many clinics in Thailand. When I went to get mine, I was asked if I wanted a receipt so I could claim for reimbursement from my employer. As I am from the US, naturally I did. The cost, though: 70 baht.

They are not kidding, by the way, about document 15 above. If you have lived in the region and entered Thailand in transit many times, as I have, somebody is going to have to go through your passport and link up all the dates of entry and exit and put them all in a list, chronologically.

When you start work your employer must submit the following to the employment office: a) the items mentioned in 8 above, form 10 and the power of attorney, b) copies of the ID cards of the Thai directors of the company and copies of the work permits of the foreign directors who have signed the form 10, c) the affidavit mentioned in 10 above and c) a copy your work permit.

If you work for a company and the company receives benefits under one of the following laws, you can apply for a work permit under a simpler procedure:

- Investment Promotion Act B.E. 2520 (1977)
- Petroleum Act B.E. 2514 (1971)
- Industrial Estate Authority of Thailand Act B.E. 2520 (1977)

### *Here are the documents needed:*

1. The application form (W.P.1) and three front view, 5x6 cm photos, taken within the last six months.
2. Photocopies of all pages of your passport, each signed by you. The copies must show that you entered Thailand under the visa designated by the law above applicable to you.
3. A company affidavit and certificate of incorporation.
4. A letter from the relevant government body under the law above applicable to you, for example the BOI, the Department of Mineral Resources or the Industrial Estate Authority of Thailand.

5. An official form for notification of commencement of work (W.P.1) with a copy of the power of attorney (from employer or grantor), affixed with a 10 baht duty stamp.

6. In the case of a branch office, evidence of the location of this.

7. In the case of a factory or hotel, the operating license.

The company director who signs the work permit application must also submit a copy of his or her work permit, if resident in Thailand, or, if not resident in Thailand, the notarized power of attorney to the person in Thailand who has signed the application. The company's seal must be on all documents.

What if your work permit is damaged or lost? If it's damaged, you must submit the following to the employment office: a) the application form (W.P.6), b) three front view, 5x6 cm photos, taken within the last six months, c) the damaged work permit and d) a 150 baht fee.

Likewise, if the permit is lost, you must submit: a) the application form (W.P.6), b) three front view, 5x6 cm photos, taken within the last six months, c) copy of the notification to the police of the loss d) a 150 baht fee. The police must be notified within 15 days of the loss.

In general, the fees for work permits are reasonable. At the time of submission there is a 100 baht fee. When granted a one-year work permit carries with it a 3,000 baht fee. To renew it there is an additional 3,000 baht charge every time you renew. A three to six month permit costs 1,500 baht and can be renewed for the same price.

All of the forms mentioned above must be filled out in Thai. If any of the foreign supporting documents are in a language other than English, they must be translated. All documents must be signed by the applicant or a representative.

*Chavalit Finch & Partners, Ltd. are lawyers specializing in real estate and business transactions. They can be contacted on the web at [www.chavalitfinchlaw.com](http://www.chavalitfinchlaw.com), by email at [finch@chavalitfinchlaw.com](mailto:finch@chavalitfinchlaw.com) or by telephone at 032 522237, 032 522273. Their offices are located at 19/51 Hua Hin Soi 19, (Wat Klai Kangwon), Petch Kasem Road, Hua Hin, Prachuab Kirikhan 77110, Thailand.*