

**Rule of Department of Employment
Governing Necessary and Urgent Work Acknowledgment B.E. 2545**

Translation

For efficiency of necessary and urgent work of alien's work notification according to Section 7 of Working of Aliens Act, B.E. 2521.

By virtue of Section 32 of Act on Regulations of Government Administration, B.E. 2534, Director-General of Department of Employment with the approval from Minister of Labor and Social Welfare, hereby issued the rules as follow.

Clause 1

This rule shall be called "Rule of Department of Employment Governing Necessary and Urgent Work Acknowledgment B.E. 2545.

Clause 2

This rule shall come into force as from the day following the date of its publication in the Government Gazette.

Clause 3

An alien who enter the Kingdom for temporary stay in order to engage in the work which is of necessity and urgency for period not longer than fifteen days, such alien, by himself, must notify the Director-General or official entrusted by the Director-General in writing in the forms to notify necessary and urgent work according to Section 7 attached hereto.

The necessary and urgent works are as following.

- (a) Administrative and educational works.
 - (1) conference, discussion, seminar or business invitation works.
 - (2) temporary internal audit
 - (3) special lecture and educational works
 - (4) aviation superintendent work
- (b) Technical work
 - (1) inspection, follow-up and technical solution works.
 - (2) meeting work on machinery installation and technique.
 - (3) aircraft engineering work, aircraft mechanical work.
 - (4) machine repairing or installing work.
 - (5) petroleum technical work.
 - (6) machinery demonstrative or testing work.
 - (7) technical training and seminar work.
 - (8) movie taking work.
- (c) Outbound recruitment
 - (1) labor choice
 - (2) technician test
- (d) Miscellaneous work
 - (1) purchasing work.
 - (2) tour liaison

- (3) public contribution work which is of non-commercial or non-profit objectives.
- (e) Works which the director-general or the officer authorized by the director-general shall deem appropriate to accept special notifications upon interim necessity.

Announced on the 22nd Day of May B.E. 2545

Mr. Wanchai Padungsupalai

Director-General of Department of Employment

Explanation of Department of Employment on Rule of Department of Employment Governing Necessary and Urgent Work Acknowledgment B.E. 2545

As Department of Employment with the approval from Minister of Labor and Social Welfare has issued the rule of Department of Employment Governing Necessary and Urgent Work Acknowledgment B.E. 2545 prescribe work which is of necessity and urgency for period not longer than fifteen days.

An alien who enter the Kingdom for temporary stay must inform necessary and urgent work by person without give power of attorney to any person to do on behalf of him/her without limitation on VISA type which mean the alien may have any type of VISA. Due to necessary and urgent work acknowledgment is not working permit issuance, there is no fee to be collected. The notification of necessary and urgent work must comply with Tor. Thor. 11 Form.

Explanation of Department of Employment On Rule of Department of Employment Governing Rules and Conditions of Considering Alien's Work B.E. 2545

As Department of Employment with the approval from Minister of Labor and Social Welfare has issued the rule of Department of Employment Governing Rules and Conditions of Considering Alien's Work B.E. 2545. For the same standard on considering issuing alien's work permit in consideration of economically also to lower power of discretion of official. In this rule;

1. Authorized person of considering means
 - 1.1 Director-General or official entrusted by the Director-General to issue working permit according to Section 7 and Section 8 and prescribe any condition for the alien to comply according to Section 9.
 - 1.2 Registrar of working of aliens for a renewal of the permit according to Section 15. Any other work unless specifies in working permit or change locality or place of work from that which is specified in the permit according to Section 21.
2. Consideration of permit issue means
 - 2.1 Consideration to grant permission to alien to engage in any work which is not prohibited by the Royal Decree prescribing works relating to occupation and profession in which an alien is prohibited to engage according to Section 6.
 - 2.2 Prescribe any condition for the alien to comply according to Section 7 and Section 8.
 - 2.3 Consideration for a renewal of alien's permit according to Section 15.
 - 2.4 Consideration to grant permission to alien to engage in the work other than that which is specified in the permit or change locality or place of work from that which is specified in the permit according to Section 21.
3. Regulations of considering issue working permit, renewal of permit and issue of permission to change work or locality or place of work, the authorized person shall grant permission only activities not contrary to law and grant permission only to alien who is qualify in any of the following cases;
 - 3.1 The alien who will work in business with paid-up capital and beginning capital not less than two million Baht. It is allowed to have only one working alien for every two million Baht but limit to ten working aliens. Documents to

consider are paid-up capital evidence and business capital evidence, bank statement, and balance sheet of the previous year.

- 3.1.1 The business must be business with paid-up capital not less than two million Baht. Documents to consider are company's affidavit certified that the company is juristic person in accordance with the Civil and Commercial Code and copy of shareholder lists (Bor. Or. Jor. 5 Form).
 - 3.1.2 Beginning capital not less than two million Baht, consider from balance sheet certified by authorized auditor. After deduct debtors, loans and other expenses; the business must remain asset in cash or bank deposit not less than two million Baht.
 - 3.1.3 Bank statement means the business must have cash flow in bank for operation of business not less than two million Baht at the time the alien/employer apply for permission.
 - 3.1.4 Balance sheet of the previous year means the business which has operated for not less than a year, balance sheet of the previous year is requested for consider too. In case the business registered as a juristic person for less than a year at the time of applying, no balance sheet is requested.
- 3.2 The alien who works in business that has paid corporate income tax to government in the pass three years at total amount not less than five million Baht, this is allowed to have one working alien. Documents to consider are tax paid evidence. This means at every five million Baht of corporate income tax the business has paid to government in the pass three years, the business may engage one alien worker so if the business has paid total ten million of corporate income tax in the pass three years, the business may engage two alien workers. Documents to consider are corporate income tax paid evidence (Por. Ngor. Dor. 50 Form) and receipts issued by Revenue Department.
 - 3.3 The alien who works in business, which operate export products and bring in foreign currency at least three million Baht in recent year. It is allowed to have one working alien for every three million Baht but not more than three working aliens. Documents to consider are export entry. This means at every three million Baht of value of export products appear on export entry, the business may engage one alien worker so if value of export products appear on export entry is six million Baht, the business may engage two alien workers. The export entry to consider is the copy of duplicate that the business submitted to Customs Department only.
 - 3.4 The alien who works in business, which employs Thai employees, every fifty Thai employees, it is allowed to have one working alien but not more than five working aliens. Documents to consider are form of fund delivery to social security fund.
 - 3.5 The alien who has income and has paid annual personal income tax to Thai government from 18,000 Baht upwards or has paid personal income tax on the recent year at the sum of 18,000 Baht upwards. Documents to consider are personal income tax paid evidence. This means the applicant who has never worked in the Kingdom is unable to show personal income tax evidence for consideration; the official must assess capability to pay personal income tax from the alien's income specified in letter of employment. Single alien must earn not less than thirty thousand Baht; in case of marriage the alien must earn not less than forty five thousand Baht. The alien who used to have working permit must submit personal income tax paid evidence of more than eighteen thousand Baht together with receipts from Revenue Department.

4. Without enforce by clause 5 relating to number limitation of working aliens, at appropriate reason, Director-General may consider to issue working permit, renew permit or issue of permission to change work or locality or place of work to working alien by any of the following;
 - 4.1 The alien who is representative of international trade who enter in to Kingdom of Thailand to check product standard or product purchasing or status of goods market study. The alien business license, B.E. 2542 will be required to be a consideration.
 - 4.2 The alien who is consulting in investment, or management or technique and technology or internal audit periodically. Consulting agreement with both parties' seal affixed will be required to be a consideration.
 - 4.3 The alien who is tourism business representative who bring foreigners to visit Thailand. Tourist guide license issued by Tourism Authority of Thailand will be required to be a consideration.
 - 4.4 International finance institute, which is supported by authorized organization. The authorized organization is Bank of Thailand.
 - 4.5 Activity, entertainment, amusement, music, religion, social welfare, culture, sports which its nature is employment periodically and non-profit or create income to nations or benefit to public society. The phrase "create income to nations or benefit to public society" means there is tax is paid to government.
 - 4.6 To bring working alien to complete project of government or state enterprise with letter showing number of working alien, name and title.
 - 4.7 Work that causes mostly using of domestic material or reducing import overseas material, which is work that alien apply in the business that use domestic material as main factor of manufacture.
 - 4.8 Work that support export of Thai products.
 - 4.9 Work that brings technology which Thai has not yet created to publicize and transfer to Thais.
 - 4.10 Work that Thai can do but is insufficient to response need of domestic labor market.
 - 4.11 The alien who is resident in Kingdom of Thailand with residence certificate or alien identification card.
 - 4.12 The alien who is spouse of Thai person, legally register marriage certificate and openly cohabit as husband and wife and has a faithful occupation. Upon permission of Director-General, it shall be reported to Minister of Labor and Social Welfare within 15th next month.
5. In case the alien from country that may be harm to nation security as determined by Ministry of Foreign Affairs applies for working permit according to Section 7 or in case any person desires to have alien in his business in the Kingdom and apply for working permit instead of the alien according to Section 8, record and profile shall be examined with National Intelligence Agency, National Securities Center or Special Security Police Office, Royal Thai Police. During above examination, if the application is applied under Section 7, the working permit may be granted to issue at the same period of stay allow in passport with not more than 90 days.

In case result of examination under the first paragraph appears that the above alien may be harm to nation security, must consider not granting permission or revoke permit and report to Royal Thai Police.
6. Before a permit is expired and if the holder of permit wishes to continue working, he shall apply for a renewal of the permit with the Registrar, the applicant for

renewal of the permit may continue working until the Registrar issues an order refusing the renewal of the permit.

7. In case alien applies for working permit in establishment which is juristic person, foundation, association, or work for any person or group of persons in Thailand supported by international organization which is not under control of Department of Technical and Economic Cooperation. Such international organization shall be examined concerning its operation in Thailand, if it has not yet applied for operating in the Kingdom and/or setup regional office in Thailand according to rule governing international private organization operation in Thailand, such application shall be held until such international private organization shall comply with above mentioned rules.
8. In case the authorized person of considering issues an order refusing, letter informing reason of refusal to the applicant.
9. The applicant has the right to appeal to the Minister by submitting a written appeal to the Director-General or official entrusted by the Director-General or the Registrar, as the case may be, within thirty days from the date of the knowledge of the order of refusing to issue a permit or not granting permission or refusing to renew the permit or not granting permission to change the work or locality or place of work. Upon receipt of the appeal, it shall be referred to the Committee within fifteen days and the Committee shall then consider and submit its opinion to the Minister within fifteen days and the Minister shall complete his consideration of the appeal within thirty days. The decision of the Minister shall be final. In the case of an appeal against an order refusing the renewal of a permit under Section 15 as mentioned in paragraph one, the appellant has the right to continue working until the Minister decides on the appeal.
10. Any alien who has been granted a permit prior to the date this rule comes into force shall continue to engage in the work until the end of the granting period.

For efficiency of issuing working permit, Department of Employment prescribes working steps of the concerned official in the process of issuing working permit as follow.

- Step 1: Accept application form of an alien from 08.30 a.m.
- Step 2: Official checks application and documents, if they are completed the official must deliver to register record instantly.
- Step 3: After record is done, deliver to official of consideration of permit issue.
Step 1 to step 3 must be finished in one day.
- Step 4: Official considers granting permission or reject. Official submits his opinion to Division Superior/Head of Provincial of Employment within one working day.
- Step 5: Division Superior/Head of Provincial of Employment submits his opinion to Department Superior/Governor to grant permission or reject within one working day.
- Step 6: Official issues working permit/reject letter to Superior to sign within two working days.
- Step 7: The superior signs on working permit/reject letter within one working day.
- Step 8: Official issues permit number and affix on working permit/issued reject letter number within 1 working day.

Disclaimer

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