

Notification of Immigration Commission Criterion and conditions of foreign nationals' residential permit consideration

Base on the authority prescribed in Section 7, Section 41, Section 43 and Section 45 of Immigration Act B.E. 2522 stipulate that foreign nationals who wish to attain resident in the Kingdom of Thailand may apply for resident permit with the Immigration Commission.

To facilitate an immigration of foreign nationals for the best interest of the Kingdom, the Immigration Commission stipulated the following criteria on qualification of foreign applicant for residential permit by considering the applicant's income, assets, knowledge, vocational ability, and family status in terms of connection with Thai national, conditions on national security or others as deem appropriate for current economic and social condition and to make it also certain that such consideration was made thoughtfully, transparently and fairly;

- 1) Qualification of the eligible applicant to be considered for residential permit:
 - 1.1 Foreign national applicant must hold a passport that bears a Non-Immigrant Visa and was granted with one-year visa extensions which reveal that up until the date of application submission, the applicant have been staying in the Kingdom for at least 3 consecutive years.
 - 1.2 Foreign national who is at least 14 years old is subject to criminal record check according to the following process;
 - 1.2.1 Fingerprint along with identity information of the applicant will be forwarded to the Criminal Record Division, Royal Thai Police for investigation to find whether the applicant has criminal record or not.
 - 1.2.2 The criminal record certifying letter handed - in by the applicant will be examined.
 - 1.2.3 Investigation through a watch list system of the Immigration Bureau will be made to determine whether the applicant is a prohibited person (persona non grata) according to the Immigration Act B.E. 2522 or not.
 - 1.2.4 Investigation will be made through the Foreign Affairs Division, Royal Thai Police to determine whether the applicant is a wanted person according to the warrants issued by the ICPO-Interpol or not.

1.3 The applicant must reveal information on his/her income, assets, knowledge, vocational ability, and family status in terms of connection with Thai national conditions on national security or others as deem appropriate for the consideration.

1.4 The applicant must be able to understand and speak Thai language.

2) Categories of application

2.1 Investment,

2.2 Employment,

2.3 Humanitarian reasons as follows:

2.3.1 Spouse: To provide patronage or to be under patronage of a Thai national spouse,

2.3.2 Child: To provide patronage or to be under patronage of a Thai national father or mother,

2.3.3 Father or mother: To provide patronage or to be under patronage of the applicant's Thai national child,

2.3.4 Spouse: To provide patronage or to be under patronage of the applicant's spouse who was granted with residential permit,

2.3.5 Child: To provide patronage or to be under patronage of the applicant's father or mother who was granted with residential permit,

2.3.6 Father or mother: To provide patronage or to be under patronage of the applicant's child who was granted with residential permit.

2.4 Expert,

2.5 Extra circumstances on a case by case basis.

3) Qualification of applicant in each category:

3.1 Qualification of applicant for investment reason;

3.1.1 The applicant must brought-in at least Baht 10 million to invest in the Kingdom and this must be certified with a letter issued by the commercial bank in Thailand which reveals evidence of financial remittance into Thailand and

3.1.2 Investment made by the applicant must be of an interest of national economy in either one or collective nature as follows:

- 1) Investment made in a limited company or public company with documentary evidence certified by state authority concerned and such business must not be discrepancy to national peace and order, culture or people's morality or
- 2) Purchase of state-issued security or state enterprise's security where Ministry of Finance or Bank of Thailand is a guarantor and documentary evidence of such acquisition is required,
- 3) Investment in the stock market such as ordinary share, bond, preference share or investment unit etc. with a condition that such investment must be approved or certified by the Stock Exchange Commission and documentary evidence of such asset is required to be furnished along with the application

3.1.3 By the end of September of each year, foreign national who was granted with residential permit must submit documentary evidence of one's investment acquisition to the Immigration Commission or the authorized official. This has to be done for 3 consecutive years starting from the day the residential permit is granted. The Committee and Secretary of the Immigration Commission or the authorized official have authority to investigate the investment to find out whether such investment is made according to the criteria stipulated by the Immigration Commission or not before reporting the findings to the Immigration Commission.

3.1.4 If the investigation reveals later that any foreign national who was granted with residential permit lacks of qualification as stipulated by the Immigration Commission then the Committee and Secretary of the Immigration Commission will report such circumstance to the Immigration Commission and propose an opinion to the Minister of Interior to revoke such permit.

3.2 Qualification of applicant who wishes to work in the Kingdom;

3.2.1 The applicant has to be in a position of executive officer such as President of Committee or Committee of juristic person registered in Thailand with a capital of at least Baht 10 million and is authorized as a signatory for such

juristic person, up to the date of application submission, for at least 1 year. The applicant must earn at least Baht 50,000 per month, up to the date of application submission, for a period of 2 consecutive years as minimum and tax return is required and

3.2.2 The business in which the applicant works must be of an interest of national economy i.e.

- 1) International commerce where its export value in foreign currency in the past 3 years reached a threshold of Baht 20 million in average. This fact must be certified by a letter issued by commercial bank concerned or a company that provide loan to domestic manufacturing company by bringing into this country, within the past three years, foreign currency at the amount not less than Baht 100 million or
- 2) Tourism related business which in the past 3 years has brought into this country, at least 5,000 tourists in average. This fact must be certified by the letter issued by the authority concerned or
- 3) Other type of business that the applicant is a shareholder of at least Baht 5 million for a period of at least 2 years up to the date of application submission.

3.2.3 In case where the applicant lacks of any qualification as mentioned in 3.2.1 and 3.2.2 then the following requirement is applied.

- 1) Be a holder of work permit for at least 3 consecutive years up to the date of application submission and
- 2) Have been working in the current company for at least 1 year, up to the date of application submission and
- 3) Earn annual income at least Baht 80,000 per month for a period of at least 2 years, up to the date of application submission, or have been filing tax return for the amount of annual income of Baht 100,000 for at least 2 consecutive years, up to the date of application submission.

3.3 Qualification of applicant for humanitarian reasons in each circumstance:

3.3.1 Spouse: To provide patronage or to be under patronage of a Thai national spouse

- 1) The patronage provider works in Thailand,
 - (1) Be a lawful spouse and had registered their marriage for at least 2 years before the date of application submission, and do have their biological child together in any case of infertility, medical certifying letter issued by the hospital is required. In any case of infertility without a certification letter, their marriage registration must have been made at least 5 years before the date of application submission and
 - (2) One party or both parties must earn much enough to provide patronage or having annual income of at least Baht 30,000 per month in average, for at least 2 consecutive years before the date of application submission and evidence of tax return is required and
 - (3) There is a Thai national who reveal one's purpose to provide patronage or to be under patronage of the applicant.
- 2) The patronage provider is an elderly,
 - (1) Up to the date of application submission, the applicant must be at least 50 years old and
 - (2) Be a lawful spouse and registered their marriage for at least 2 years before the date of application submission and
 - (3) The patronage provider must earn annual income of at least Baht 65,000 per month in average for at least 2 consecutive years up to the date of application submission and
 - (4) There is a Thai national who reveal one's purpose to provide patronage or to be under patronage of the applicant.

3.3.2 In case of a foreign national child apply residential permit in order to provide patronage or to be under patronage of Thai national father or mother,

1) A foreign national child wishes to provide patronage to Thai national father or mother,

- (1) Be a biological child and
- (2) The applicant's father or mother must be at least 50 years old, up to the date of application submission and
- (3) The patronage provider must earn annual income of at least Baht 30,000 per month in average for at least 2 consecutive years up to the date of application submission and evidence of tax return is required and
- (4) There is a Thai national who reveal one's purpose to be under patronage of the applicant.

2) A foreign national child wishes to be under patronage of a Thai national father or mother,

- (1) Be a biological father or mother and registration of parental status was made and
- (2) Age under 20 years old and not yet married but if the child is over 20 years old, then justification of such parental patronage is required such as studying for Bachelor Degree or equivalent and such education started before the age of 20 years old and in continuity where documentary evidence is required or the child is ill and can not take care of oneself where medical certifying letter issued by the hospital is required and
- (3) The patronage provider must earn annual income of at least Baht 30,000 per month in average for at least 2 consecutive years up to the date of application submission and evidence of tax return is required and
- (4) There is a Thai national who reveal one's purpose to provide patronage to the applicant.

3.3.3 A foreign national father or mother wishes to provide patronage or to be under patronage of a Thai national child,

1) Foreign national father or mother wishes to provide patronage to a Thai national child,

- (1) Be a biological father or mother and registration of parental status was made and
- (2) Age under 20 years old and not yet married but if up to the date of application submission, the child is over 20 years old, then justification of being under such parental patronage is required such as studying for Bachelor Degree or equivalent and such education had started before the age of 20 years old and in continuity where documentary evidence is required or the child is ill and can not take care of oneself where medical certifying letter issued by the hospital is required and
- (3) The patronage provider must earn annual income of at least Baht 30,000 per month in average for at least 2 consecutive years, up to the date of application submission and evidence of tax return is required

2) Foreign national father or mother wishes to be under patronage of a Thai national child,

- (1) Be a biological child and
- (2) Age over 50 years old, up to the date of application submission and
- (3) The patronage provider must earn annual income of at least Baht 30,000 per month in average for at least 2 consecutive years, up to the date of application submission and evidence of tax return is required and

(4) There is a Thai national who reveal one's purpose to provide patronage to the applicant

3.3.4 Foreign national spouse wishes to provide patronage or to be under patronage of one's spouse whom residential permit was granted,

- 1) Be a lawful spouse and had registered their marriage for at least 2 years before the date of application submission and
- 2) The spouse was granted with residential permit and reveal one's purpose to either provide patronage or to be under patronage of the applicant and
- 3) The patronage provider has the same qualification as required for the applicant who wishes to invest or to work in the Kingdom

3.3.5 Foreign national child wishes to provide patronage or to be under patronage of one's father or mother whom residential permit was granted,

- 1) Foreign national child wishes to provide patronage to one's father or mother whom residential permit was granted
 - (1) Be a biological child and
 - (2) A father or mother must be over 50 years old, up to the date of application submission and
 - (3) A father or mother reveal one's purpose to be under patronage of the applicant and
 - (4) The patronage provider has the same qualification as required for the applicant who wishes to invest or to work in the Kingdom
- 2) Foreign national child wishes to be under patronage of a foreign national father or mother whom residential permit was granted,
 - (1) Be a biological child age under 20 years old and not yet married but if up to the date of application submission, if the child is over 20 years old, then justification of being under such parental patronage is required such as

studying for Bachelor Degree or equivalent and such education must have started before the child's age of 20 years old and in continuity where documentary evidence is required or the child is ill and cannot take care of oneself where medical certifying letter issued by the hospital is required and

- (2) A father or mother reveals one's purpose to provide patronage to the applicant and
- (3) The patronage provider has the same qualification as required for the applicant who wishes to invest or to work in the Kingdom

3.3.6 A father or mother wishes to provide patronage or to be under Patronage of the foreign national child whom residential permit was granted,

- 1) A father or mother wishes to provide patronage to one's foreign national child whom residential permit was granted,
 - (1) Be a biological child, age under 20 years old and not yet married but if up to the date of application submission, the child is over 20 years old then justification of being under such parental patronage is required such as studying for Bachelor Degree or equivalent and such education had started before the age of 20 years old and in continuity where documentary evidence is required or the child is ill and cannot take care of oneself where medical certifying letter issued by the hospital is required and
 - (2) The father or mother reveals one's purpose to provide patronage to the applicant and
 - (3) The patronage provider has the same qualification as required for the applicant who wishes to invest or to work in the Kingdom

2) A father or a mother wishes to be under patronage of a foreign national child whom residential permit was granted,

- (1) Be a biological child and
- (2) A father or mother must be over 50 years old, up to the date of application submission and
- (3) The patronage provider reveal one's purpose to provide patronage to the applicant and
- (4) The patronage provider has the same qualification as required for the applicant who wishes to invest or to work in the Kingdom

3.4 Qualification of applicant who applied as expert.

- 1) Graduated at least Bachelor Degree and possesses special ability that is needed and benefit to this country and
- 2) Be supported and officially certified by the authority concerned and
- 3) Certifying letter pertaining to the applicant's service in such position indicating, up to the date of application submission, a period of at least 3 consecutive years in the service is required

3.5 Qualification of applicant on extra circumstances to be considered on a case by case basis

1) An individual who produces benefit to the Kingdom of Thailand or Thai Government or was selected by a national institute as the one whose performance causes benefit to this country or perform for the authority and

2) Certified in a form of letter by at least departmental authority or governor or civilian official of at least level 10 or military officer who is holding a rank of General, Air Chief Marshal, Admiral, Police General or political official who is in the position of Minister, President of the National Assembly, Vice President of the National Assembly, President of the Senate or Vice President of the Senate or Committee of Non-Government Organization according to the constitutional laws. Detail of the applicant's work is required to be furnished or,

4) Other qualifications or number of residential permit to be granted will be considered as deem appropriate by the Immigration Committee.

4. Consideration Principle

4.1 The applicants of each basis must completely possess qualifications according to the criteria and condition of each category declared in this declaration up to the date of application submission.

4.2 In case the number of eligible applicants according to item 4.1 of certain nationality is higher than its annual quota then a ratio will be set for each category and number of eligible applicants among such nationality.

However, certain applicant may completely possesses the stipulated qualification as mentioned before but considering economic, political, and social factors of the country as a whole the Immigration Committee or Minister of Interior has the authority to disagree to grant such applicant the residential permit and that decision is considered final. In this case such decision is considered an information which is not obliged to be revealed according to Section 15(1)(2) of the Information Act B.E. 2540.

All criteria, resolutions, or orders which had been applied for residential permit granting consideration before or that is contradictory to this declaration are revoked and replaced by this declaration.

Effective on the date of this declaration announcement.

Twenty-six day of December in the year Two Thousand and Three (B.E. 2546)

(Siwa Saengmanee)

Deputy Permanent Secretary of Ministry of Interior

Head of Internal Security Mission

Chairman of Immigration Committee