

Notification of the Board of Directors of the Industrial Estate Authority of Thailand

Re: Rules for Determination of Number and Period of Stay in the Kingdom for Foreigners
and Determination of Work Positions for Foreigners who are Skilled Workers or Experts
Permitted to Stay in the Kingdom to Work in Industrial Estates

Whereas, it is deemed expedient to update the rules for consideration and permission for foreigners who are skilled workers or experts to stay in the Kingdom and work in industrial estates and for consideration and permission for their spouses and dependants to stay in the Kingdom.

By virtue of Section 45 of the Industrial Estate Authority of Thailand Act B.E. 2522 (1979), as amended by the Industrial Estate Authority of Thailand Act (No. 4) B.E. 2550 (2007), and Section 46 of the Industrial Estate Authority of Thailand Act B.E. 2522 (1979), which contain certain provisions relating to the restrictions on people's rights and liberties which Section 29, in conjunction with Sections 32, 33, 34, 41, 42 and 43 of the Constitution of the Kingdom of Thailand so permit by virtue of provisions of law, the Board of Directors of the Industrial Estate Authority of Thailand hereby issues the Notification, as follows:

Clause 1 The Notification of the Board of Directors of the Industrial Estate Authority of Thailand No. 3/2546 Re: Rules for Consideration and Permission for Foreigners who are Skilled Workers or Experts to Stay in the Kingdom and Work in Industrial Estates and Consideration and Permission for their Spouses and Dependants to Stay in the Kingdom, dated June 12, 2003, shall be repealed.

Clause 2 In this Notification:

“Business Operator” refers to an industrial operator, service operator or commercial operator which has been permitted to operate business in an industrial estate.

“Foreigner” refers to a natural person who is not of Thai national and is a skilled worker or expert.

“Spouse” refers to a Foreigner's legitimate wife or husband.

“Dependant” refers to a foreigner's legitimate father, mother and children.

Clause 3 The Business Operator wishing to bring a Foreigner to stay in the Kingdom and work in an industrial estate, including such Foreigner's Spouse and Dependant to stay in the Kingdom, shall submit an application to the IEAT in the form as specified by the IEAT.

Clause 4 The IEAT shall consider granting permission for the Business Operator to bring a Foreigner to stay in the Kingdom according to the number and for the period for work in an industrial estate, by taking into account business category, registered capital, number of Thai workers and business areas of the Business Operator per List 1 and List 2 attached hereto.

Clause 5 Foreigner's Spouse and Dependant shall be permitted to stay in the Kingdom for such period not more than that permitted to the Foreigner to stay in the Kingdom.

Spouse wishing to apply for permission to stay in the Kingdom shall submit evidence to prove him/her as the legitimate spouse.

Foreigner's Dependant shall submit evidence to prove him/her as legitimate father, mother or child not over twenty years.

Foreigner's child who, under paragraph three, has been permitted to stay in the Kingdom until reaching the full age of twenty, and wishes to continue staying with the Foreigner in the Kingdom, shall submit evidence identifying that such child is studying in an educational institute accredited by the Ministry of Education in support of consideration and permission. However, such permission shall be granted until the Foreigner's child reaches the full age of twenty-five years, unless such child is a person with infirmities and unable to earn his/her living, in which case, permission may be granted for not more than the period of permission for the Foreigner to stay in the Kingdom.

Clause 6 The IEAT shall consider approving work positions of the Foreigners who are permitted to stay in the Kingdom under Clause 4 to work in industrial estates in accordance with the rules as follows:

(1) Director: A director must be in charge in any particular field of the Business Operator, such as, managing director, marketing director or financial director, etc.

In the event that a Foreigner has been approved to hold the position of managing director, the Foreigner shall not be approved to hold the position of general manager, unless the Business Operator is qualified under (3).

(2) President and Financial or Administrative or General Affairs Position: Permission shall be granted only if:

(a) The Business Operator's shares are held by Foreigners representing more than fifty percent of its registered capital, and the capital is not less than Baht Twenty Million, or one hundred percent of its shares are held by Foreigners;

(b) The Business Operator in which foreigners hold shares lower than fifty percent of the registered capital but share value in the registered capital is not lower than Baht Fifty Million.

(3) Executive Assistant and Factory Assistant: Permission shall be granted only if the Business Operator's shares are held by Foreigners representing more than fifty percent of its registered capital, and the capital is not less than Baht One Hundred Million. Permission shall be granted as necessary, such as, more than one product is produced or more than one factory or business premises are located in different locations within an industrial estate, etc.

(4) Marketing, Export and Sales: Permission shall be granted only one person in each position, but if the Business Operator has several markets in different zones, such as, Asia, Europe, North America, etc., more than one person may be considered to hold each position.

Clause 7 Pursuant to Clause 4, when the Business Operator has already operated its business and needs to apply for permission to bring more Foreigners to stay in the Kingdom and work in the industrial estate, the IEAT may consider granting permission if the Business Operator:

(1) has many factories or business premises in an industrial estate or has one factory or business premises, but handles several projects;

(2) has several shiftwork hours;

(3) has changed or improved the production process, expanded the production capacity or installed new machinery and has improved the efficiency or product standards;

(4) lacks Thai skilled workers, experts in each field or Thai workers are incapable of accepting technology transfer.

This Notification shall come into effect forthwith.

Notified on the 10th day of June B.E. 2551 (2008).

Rathian Srimongkol

Chairman of the Board of Directors of the Industrial Estate Authority of Thailand

List 1
Number of Foreigners to be Permitted
to Stay in the Kingdom and Work in Industrial Estates

1. Rules for consideration of the number of foreigners shall be in accordance with the table below:

Type of Business	Registered Capital (Million Baht)	Number of Thai Workers (person)	Number of Foreigners (person)			Special Criteria
			Area less than 10 rai	Area 10 - 30 rai	Area more than 30 rai	
Target Industry and Industry Requiring High Technology	Not exceeding 50	1-300	14	21	32	May be added, but not exceeding 50 percent of normal criteria
		301 or more	17	26	39	
	Exceeding 50	1 - 300	22	33	50	May be added, but not exceeding 50 percent of normal criteria
		301 or more	25	38	57	
General Industry and Service or Commercial Activities	Not exceeding 50	1 - 300	10	15	23	May be added, but not exceeding 50 percent of normal criteria
		301 or more	13	20	30	
	Exceeding 50	1 - 300	14	21	32	May be added, but not exceeding 50 percent of normal criteria
		301 or more	17	20	39	

2. In this List:

“Target Industry” refers to:

- (1) Fashion industry, namely, textile, jewel, leatherwork;
- (2) Automotive industry, namely, production of engine, parts, equipment and autobody;
- (3) Mold and die industry;
- (4) Food industry.

“Industry Requiring High Technology” refers to:

- (1) Products from high manufacturing technology, such as, water fabrication, microprocessor and integrated circuit design, etc.;
- (2) Research and development;
- (3) Product design.

“General Industry” refers to an industrial business which is neither Target Industry nor Industry Requiring High Technology.

“Special Criteria” refers to criteria for consideration and permission for addition of the number of Foreigners in excess of the normal criteria, by taking into consideration the any of the following facts in business operations:

(1) Administration

- (a) There are several plants under the common administration of the same Business Operator;
- (b) There are several projects and products;
- (c) Production is divided into shifts.

(2) Production

- (a) Production process is changed or improved;
- (b) Production capacity is expanded or new machinery is installed;
- (c) Efficiency or product standard of is improved.

(3) Regional Office

- (a) Trade and production base is shifted to Thailand;
- (b) Regional distribution center;
- (c) Research and study center;
- (d) Regional personnel development center.

List 2

Positions and Permission Period

Group No.	Position	Permission Period		Remark
		Permission (first)	Renewal (each)	
1	<u>Administration</u>			
	CHAIRMAN	3 - 5 years	not more than 5 years	
	PRESIDENT	3 - 5 years	not more than 5 years	
	VICE PRESIDENT	3 - 5 years	not more than 5 years	
	GENERAL MANAGER	3 - 5 years	not more than 3 years	
	MANAGING DIRECTOR	3 - 5 years	not more than 3 years	
	CHIEF EXECUTIVE OFFICER (CEO)	3 - 5 years	not more than 3 years	
2	<u>Management</u>			
	FACTORY MANAGER	2 - 3 years	not more than 3 years	
	PRODUCTION MANAGER	2 - 3 years	not more than 3 years	
	QUALITY CONTROL MANAGER	2 - 3 years	not more than 3 years	
	FINANCIAL MANAGER	2 - 3 years	not more than 3 years	
	MARKETING MANAGER	2 - 3 years	not more than 3 years	
	ADMINISTRATIVE MANAGER	2 - 3 years	not more than 3 years	
	RESERCH AND DEVELOPMENT MANAGER	2 - 3 years	not more than 2 years	
	PRODUCT DESIGNER MANAGER	2 - 3 years	not more than 2 years	
	CHIEF FINANCIAL OFFICER (CFO)	2 - 3 years	not more than 2 years	
	CHIEF INFORMATION OFFICER (CIO)	2 - 3 years	not more than 2 years	
3	<u>Supervisor</u>			
	CHIEF ENGINEER	1 - 2 years	not more than 2 years	
	ELECTRICAL OR MECHANICAL ENGINEER	1 - 2 years	not more than 2 years	
	MAINTENANCE TECHNICIAN	1 - 2 years	not more than 1 year	
	EXPORT/SPECIALIST/INSTRUTOR	1 - 2 years	not more than 1 year	
	LIAISON/COORDINATOR	1 - 2 years	not more than 1 year	
4	<u>Others</u>			
	EQUIPMENT INSTALLATION TECHNICIAN	3 months - 1 year	not more than 6 months	
	PARTICIPANT	not more than 9 months	not more than 3 months	Renewable once.

Remark: Names of positions may be different from the above list, but job description must be consistent.