

## Memorandum

### Visa and Work Permit Regulations for Trainees

#### Executive Summary:

Option 1: Non-Immigrant “ED” visa if the internship is a mandatory part of the curriculum of the applicant’s educational institute and is **unpaid**. Initial visa validity 90 days, extension possible with confirmation letter from the educational institute. A work permit is not required.

Option 2: Non-Immigrant “B” visa if non-curricular internship; initial visa validity 90 days; work permit required if active output is created. No minimum salary required if position title in work permit is “trainee”. However, extension only possible if work permit has been obtained and tax paid in Thailand; minimum monthly salary THB 50,000.

#### I. Introduction

Please note that every foreigner intending to enter Thailand for training or work must obtain the correct type of visa prior to entering Thailand. The visa category and whether or not a work permit is required depends on the scope of activities to be performed by the foreigner.

##### 1. Curricular Internship

If the trainee is enrolled in a school/university **and** the internship is a mandatory part of the curriculum **and** is not paid, a visa in the category Non-Immigrant “ED” (Curricular Internship) shall be applied for.

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## **2. Non-Curricular Internship**

If the trainee is not enrolled in a school/university **or** the internship is not a mandatory part of the curriculum **or** it is paid, a visa in the category Non-Immigrant “B” (Non-Curricular Internship) shall be applied for.

If the scope of the trainee’s internship involves creating any active output for the company, i.e. not only “watch and learn”, a visa in the category Non-Immigrant “B” (Employment) shall be applied for and a work permit will be required as well. Please note that the minimum age to apply for a work permit under a Non-Immigrant “B” visa is 20 years.

In order for us to determine the correct application process for your inquiry, please provide us the following information upfront:

- When will the trainee arrive in Thailand, what activities will he/she perform and for how long will he/she stay?
- Where does the trainee intend to apply for the visa?
- Information regarding position title and job description
- Scan of signed copy of the trainee’s passport (first page)

## **II. Visa Application**

The process to obtain a Non-Immigrant Visa depends on the Thai Embassy or Consulate where the visa is applied for. The following information is based on the requirements at the Thai Embassy in Berlin, Germany as of the date of this memorandum. Details may change from time to time and from country to country and even within the same country between different embassies/consulates.

### **1. Non-Immigrant “ED” Visa (Curricular Internship)**

The following documents are required:

- a) Biodata page of passport or travel document
- b) Photograph (taken within the last six months)
- c) Declaration form
- d) Letter confirming the curricular internship from the visa applicant's university/ education institute
- e) Letter confirming the internship/participation in a programme from the company/international organization
- f) Applicant is required to upload his/her passport pages which contain all travel records for the past 12 months (1 year) since the last international trip.

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- g) Applicant must apply for e-Visa via specific Embassy/Consulate conforming with his/her consular jurisdiction and residency. Applicant is required to upload document that can verify his/her current residency.
- h) Applicant is required to upload a selfie holding the photo & information page of the passport

## **2. Non-Immigrant “B” Visa (Non-Curricular Internship)**

If the above documents cannot be obtained, the applicant can obtain a Non-Immigrant “B” Visa for a non-curricular internship. Once he/she enters Thailand and starts his/her internship, he/she has to obtain a work permit (position: “Trainee”), however, does not have to receive a minimum salary, nor is the issuance depending on a Thai employment ratio. An extension of such visa beyond the initial 90 days is **not possible**.

The following documents are required:

- a) Biodata page of passport or travel document
- b) Photograph (taken within the last six months)
- c) Declaration form
- d) Business registration and business license of the company in Thailand (company affidavit issued within the last six months, signed and stamped by the authorized director)
- e) Letter confirming the internship/participation from the company
- f) Applicant is required to upload his/her passport pages which contain all travel records for the past 12 months (1 year) since the last international trip.
- g) Applicant must apply for e-Visa via specific Embassy/Consulate conforming with his/her consular jurisdiction and residency. Applicant is required to upload document that can verify his/her current residency.
- h) Applicant is required to upload a selfie holding the photo & information page of the passport

## **2. Non-Immigrant “B” Visa (Employment)**

Should 1. and 2. not be applicable, the trainee has to obtain a regular Non-Immigrant “B” Visa for employment in Thailand.

The following documents are required:

- a) Biodata page of passport or travel document
- b) Photograph (taken within the last six months)
- c) Declaration form

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- d) Business registration and business license of the company in Thailand (company affidavit issued within the last six months, signed and stamped by the authorized director)
- e) Company profile or details for business operation
- f) Letter confirming employment details from an employer in Thailand signed by authorized person
- g) A copy of ID card or passport of the signer (authorized person who signed the employment letter)
- h) WP.32 (approval letter from the Ministry of Labour)
- i) Applicant is required to upload his/her passport pages which contain all travel records for the past 12 months (1 year) since the last international trip.
- j) Applicant must apply for e-Visa via specific Embassy/Consulate conforming with his/her consular jurisdiction and residency. Applicant is required to upload document that can verify his/her current residency.
- k) Applicant is required to upload a selfie holding the photo & information page of the passport

## **III. Work Permit Application**

A work permit application is required only under a Non-Immigrant “B” visa (non-curricular internship or employment). The following steps are required:

### **1. Apply for WP.32 Form**

Most Thai Embassies and Consulates require the abovementioned WP.32 Form to support the Non-Immigrant “B” Visa application. An application to obtain the WP.32 Form has to be submitted to the Department of Employment. The minimum age of the applicant is 20 years. The following documents are required:

#### **Company documents**

- a) Copy of company affidavit (issued not more than 6 months ago);
- b) Copy of shareholder list (issued not more than 6 months ago);
- c) Copy of the VAT registration form (PP.01) and change form (PP.09) if there have been any changes;
- d) Copy of employer’s ID Card (if Thai) or work permit (if foreigner);
- e) Copy of letter / certificate of permission from the relevant government agency, e.g. Foreign Business License;
- f) Map of company’s location;
- g) Power of attorney signed by the authorized director (in the format of the Department of Employment);
- h) Employment certificate (in the format of the Department of Employment);
- i) Work permit application form (WP.32);

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- j) Copy of social security contribution for the current month, copy of PP30 for three (3) consecutive months and latest financial statements.

## **Personal documents**

- k) Copy of the applicant's passport (first page);
- l) Copy of the applicant's education certificate;
- m) Copy of reference letter(s) of the applicant's current and previous employer;
- n) Updated CV;
- o) Information regarding position, job description, salary, blood type as well as the applicant's residence address abroad and in Thailand.

Please note that additional documents or information may be required, depending on the type of business and the consideration of the officer.

## **WP.32 application process and timeline**

The WP.32 application has to be submitted to the provincial employment office where the company is located and the company can submit the WP.32 application only when the applicant is staying outside of Thailand.<sup>1</sup> After submitting the WP.32 application, the approval process will take approx. 5-7 working days. Once the Department of Employment has approved the application, they will issue the approval letter and the company has to send the original letter (a copy should be kept to later support the work permit application) together with the other supporting documents for the Non-Immigrant "B" Visa application to the applicant for his/her further submission to the Thai Embassy/Consulate abroad.

## **2. Work Permit Application**

Once the applicant has entered Thailand with a valid Non-Immigrant "B" Visa, we can file the work permit application. The following documents are required:

- a) Original and one signed copy of the applicant's passport with the following pages: first page, Non-Immigrant "B" Visa page, latest entry stamp and departure card page;
- b) Three photos of the applicant, size 3x4 cm, with white or blue background, the applicant wearing a collared shirt (men) or polite dress (women), taken within the last 6 months;
- c) Medical certificate issued by any well-known hospital in Thailand;
- d) Request form (section 11);
- e) Copy of WP.32 approval letter;

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<sup>1</sup> The foreign employee also cannot re-enter the country during the consideration period until the request is approved.

- f) POA from the applicant.

After submission of the documents mentioned above to the Department of Employment, it will take approx. 3-5 working days for approval. The officer will issue the receipt of the application, indicating the appointment date to pick up the work permit. On the appointment date, the applicant has to come in person with his/her original passport to pick up the work permit book.

## **IV. Visa Extension of the different Visa Types**

The initial Non-Immigrant visa will be valid for a period of 90 days after entering Thailand. If the trainee wishes to stay longer than 90 days, a multiple-entries visa must be applied for from the beginning, i.e. at the Thai Embassy/Consulate abroad, but most Thai Consulate/Embassies only issue these multiple-entries visas in exceptional cases. The more common option is to extend the visa within Thailand.

### **1. Non-Immigrant “ED” Visa**

For the extension of the visa beyond the initial 90 days, a confirmation letter from the trainee’s educational institute to confirm the mandatory length of the internship is required. Additional documents may be required on a case-by-case basis; the details should be discussed with the Immigration Office in advance.

A proof of salary payment is not required for the extension. Also, there are no capital (THB 2 Mio.) or Thai employment (4:1) requirements to extend the visa.

### **2. Non-Immigrant “B” Visa (non-curricular internship)**

If the trainee has come to Thailand under a Non-Immigrant “B” Visa (non-curricular internship), and does not receive a salary, an extension is not possible.

### **3. Non-Immigrant “B” Visa (employment)**

Once the applicant has obtained a work permit as an employee, a one-year visa can be obtained. The application can be submitted max. 45 days prior to the expiry of the current visa. The process and required documents depend on the Immigration Office where the application is filed.

The application generally requires that the company employs at least 4 Thai staff per foreigner and has registered capital of at least THB 2 million per foreigner.

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In addition, the one-year visa application usually requires proof of social security contributions and personal income withholding tax submission. The latter must be based on the applicable minimum salary, which is THB 50,000 per month for most European nationalities.

However, if the work permit explicitly mentions “trainee” as part of the position title, proof of social security contributions and personal income withholding tax submission is not required.

If the applicant has not obtained a work permit or if the above criteria are not met, an extension of the visa beyond the initial 90 days is not possible.

## **V. Conclusion**

The correct visa type, whether a work permit is required, and if/how the visa can be extended depends on the applicant’s background and the scope of his/her internship. Additional criteria are the applicant’s age, and the requirements of the respective Thai Embassy/Consulate abroad as well as the Department of Employment and Immigration Office in Thailand.

Therefore, each case should be assessed on an individual basis with a minimum of 2-3 months’ time prior to the planned start of the internship.