

Doyle's Practice Guide to Thailand Business Law

道乐泰国商业投资法律实用指南

By Michael Doyle 编辑：麦克·道乐

Chapter 5

第五章

What is the Process to Obtain a Work Permit?

如何获取工作许可证？

Obtaining a work permit for the first time in Thailand can be a lengthy, fairly involved process, and the applicant will be required to locate and prepare an extensive list of documents. 首次在泰国获得工作许可可能是一个漫长而相当复杂的过程，申请人需要查找和准备大量文件。

The application process is actually two applications being processed simultaneously: 申请过程实际上是同时进行两份申请：

- i. An application to receive a work permit from the Ministry of Labor and Social Welfare; and 向劳动与社会福利部领取工作许可证的申请；并且
- ii. An application for a One-Year Non-Immigrant Visa Extension (“One-Year Visa Extension”) from the Immigration Bureau. 向移民局申请非移民一年签证延期（“一年签证延期”）。

The work permit is permission to work in Thailand. The visa is permission to reside in Thailand. The applicant must obtain both. Foreigners normally focus on the importance of the work permit, but it is the One-Year Visa Extension that is normally the more difficult of the two to obtain. 工作许可证是可以在泰国工作的许可。签证可以允许在泰国驻留。申请人必须持有签证和工作许可证。外国人通常关注工作许可的重要性，但一年期签证延期通常是两者中最难获得的。

The One-Year Visa Extension and work permit are normally valid for one year from the date of approval (see Section 1 below) as indicated by the immigration stamp in the applicant's passport. After one year, both the work permit and visa must be renewed (see Section 6 below). 延长一年签证和工作许可的有效期通常为一年，自批准之日起计算（见下文第 1 节），申请人护照上的移民印章可证明这一点。一年后，工作许可和签证都必须延期（见下文第 6 节）。

There are two separate methods available to obtain a work permit and One-Year Visa Extension. If the applicant already resides in Thailand there is one procedure, and if the applicant has yet to come to Thailand, there is another procedure. However, because most applications are submitted by persons already residing in Thailand, this chapter will focus on the procedures they must follow.

获得工作许可和一年期签证延期有两种不同的方法。如果申请人已在泰国居住，则有一种程序；如果申请人尚未来泰，则有另一种程序。不过，由于大多数申请是由已在泰国居住的人员提交的，因此本章将重点介绍他们必须遵循的程序。

Keep in mind that if the employer company is promoted by the Board of Investment (BOI) or otherwise qualifies for BOI's One Stop Visa and Work Permit service, the process is much simpler, and the normal rules stated below will not apply. Appendix A lists the categories of foreign workers who qualify for BOI's One Stop Service Center.

请注意，如果雇主公司是由投资委员会（BOI）推广的，或符合投资委员会一站式签证和工作许可服务的其他条件，则办理程序会简单得多，而且下文所述的正常规则也不适用。附录 A 列出了有资格享受投资委员会一站式服务中心的外籍劳工类别。

1. Non-Immigrant Visa

非移民类签证

The first step in initiating the work permit process is to obtain a Non-Immigrant visa. There are many types of Non-Immigrant visas; however, in most cases the applicant will be required to obtain a Non-Immigrant Type "B" Visa before applying for the work permit. This visa is important because it allows the applicant to stay in Thailand for the initial 90 days, and it will serve as one of the supporting documents when their work permit application is later submitted.

启动工作许可程序的第一步是获得非移民签证。非移民签证有许多类型，然而，大多数情况下，申请人在申请工作许可证之前将会被要求获得非移民B类的签证。该签证十分重要，因为该签证允许申请人在泰国驻留 90 天，并且该签证将作为申请人之后提交工作许可申请的证明文件之一。

There are two separate methods available to the applicant to obtain a Non-Immigrant visa. One method is an application process, recently introduced by the government, for applicants who have already entered Thailand on a tourist or transit visa. Appendix B contains the list of documents required to apply to change from a tourist or transit visa to a Non-Immigrant visa.

申请人可通过两种不同的方法获得非移民签证。一种方法是政府最近推出的申请程序，适用于已持旅游或过境签证进入泰国的申请人。附录 B 载有从旅游或过境签证申请转为非移民签证所需的文件清单。

The other application process is for applicants who are outside Thailand. This method is normally not too difficult for the applicant, although it may be inconvenient. The applicant submits their application to the Immigration Section of the Thai Embassy in any country. This process can usually be completed within one or two working days.

另一种申请程序适用于泰国境外的申请人。这种方法虽然可能会给申请人带来不便，但通常不会太难。申请人向任何国家的泰国大使馆移民处提交申请。这一过程通常可在一到两个工作日内完成。

In addition to the application form for the Non-Immigrant visa, the embassy will require the applicant to submit a signed invitation letter from the Thailand employer (Appendix C contains a sample invitation letter) and supporting documentation. Each Thai embassy has its own requirements for supporting documentation to obtain the visa, and their requirements are not uniform.

除非移民签证申请表外，大使馆还要求申请人提交泰国雇主签署的邀请函（附录 C 载有邀请函样本）和证明文件。每个泰国使馆对签证证明文件都有自己的要求，而且要求并不统一。

EXAMPLE: The Thai Embassy in Hong Kong may require that the applicant provide a copy of the employing company's list of shareholders and its affidavit as a part of the visa application. However, the Thai Embassy in Vietnam may require only the application form and invitation letter, with no further supporting documentation.

示例：泰国驻香港大使馆可能会要求申请人提供雇佣公司的股东名单及其宣誓书的副本，作为签证申请的一部分。但是，泰国驻越南大使馆可能只要求提供申请表和邀请函，而不需要其他证明文件。

Also, the time required to process the application varies from embassy to embassy. Some Thai embassies require as much as three days to process an application, some only one day. The amount of the application fee varies as well. The applicant should, therefore, check in advance with the Thai Embassy to be visited to determine its particular requirements.

此外，各大使馆处理申请所需的时间也不尽相同。有些泰国大使馆需要多达三天的时间来处理申请，有些只需要一天。申请费的数额也各不相同。因此，申请人应事先向拟访问的泰国大使馆咨询，以确定其具体要求。

2. Required Documentation for Work Permit and Non-Immigrant One-Year Visa Extension

申请工作许可证和非移民一年签证延期所需要的文件

Once the applicant is in Thailand with a valid Non-Immigrant visa, he is ready to begin the work permit application process.

一旦申请人在泰国获得有效的非移民签证，就可以开始工作许可申请程序。

Along with the work permit application, the applicant must submit a list of supporting documents. Appendix D contains the list of documents required.

在申请工作许可证时，申请人必须提交一份证明文件的清单。所需的文件清单可在附录D中查询。

Note that the applicant will be required to later produce another list of documents associated with the One-Year Visa Extension. Appendix E contains the list of these documents required.

请注意，申请人随后将被要求提供与一年签证延期相关的另一份文件清单。所需的文件清单可在附录E中查询。

The receiving government officials (both at the Ministry of Labor for the work permit application and the Immigration Bureau for the One-Year Visa Extension application) will normally take a quick look at the submitted documents to see if they appear to be in order. If they are, then the officials will forward the individual applications for processing.

接收申请的政府官员（劳动部负责处理工作许可申请，移民局负责处理一年期签证延期申请）通常会快速查看所提交的文件是否符合要求。如果符合要求，官员就会将申请转交处理。

3. Deadlines

截止日期

Once the process is under way, there is a 30-day consideration period. That means the applicant's passport is stamped at the Immigration Bureau stating that the applicant is allowed to reside in Thailand during the consideration period. At the end of this period, the applicant or his representative will be required to go to the Immigration Bureau and then to the Ministry of Labor. 一旦程序启动，将有一个为期 30 天的审查期。这意味着申请人的护照会在移民局盖章，表明在审查期间允许其居住在泰国。审查期结束时，申请人或其代表需要前往移民局，然后再前往劳动部。

Foreigners are often surprised when they are informed that they should wait until two or three days before the expiration of the deadline before submitting the next set of required documents. This is true even when the documents are prepared well in advance. The reason for this lies in the working systems of the Ministry of Labor and Immigration Bureau.

当外国人被告知应等到截止日期到期前两三天再提交下一套所需文件时，他们往往会感到惊讶。即使文件已提前准备好，情况也是如此。原因在于劳动部和移民局的工作制度。

The system used to process work permit and One-Year Visa Extension applications involves the rotating of applications "to the top of the pile" two or three days before the stated deadline. If the applicant goes to receive the official's ruling on his individual application within those two or three days of the stated deadline, it will be easy for the official to locate the file. If the applicant instead, for example, visits two weeks before the deadline, the applicant's file will not be at the top of the pile, and it may be much more difficult for the official to find. This often results in delays in receiving final approval.

处理工作许可和一年期签证延期申请所采用的制度是，在规定的截止日期前两三天将申请轮流“排到最前面”。如果申请人在规定期限的两三天内去接受官方对其个人申请的裁决，官员会很容易找到文件。反之，如果申请人在截止日期前两周去，那么申请人的文件就不会在文件堆的最前面，官员可能就比较难找到。这往往会导致最终审批的延误。

4. One-Year Visa Extension

一年签证延期

The application for the One-Year Visa Extension may be processed and approved within one month of submitting the initial application.

一年签证延期的申请可以在提交初次申请后的一个月內得到处理和批准。

The following is the norm: The presiding official at the Immigration Bureau will accept the initial One-Year Visa Extension application. He will then take the application under consideration for a period of approximately 30 days. During this period the applicant is allowed to reside in the country.

通常情况如下：移民局主事官员将受理首次延期一年签证申请。然后，他将对申请进行为期约 30 天的审议。在此期间，申请人可在该国居住。

At the end of the 30-day period the applicant (either in person or represented by a third party) will meet with the official. At that meeting the official will normally either

在 30 天期限结束时，申请人（本人或由第三方代表）将与官员会面。在这次会面中，官员通常会

- i. Grant the One-Year Visa Extension; or

批准一年签证延期；或

- ii. Reject the application and allow the applicant seven days to leave the country.
拒绝申请并允许申请人在七天内离境。

5. Staying in Thailand More than 90 days

在泰国停留超过 90 天

After receiving a One-Year Visa Extension for temporary stay in Thailand, if the applicant remains in Thailand for more than 90 consecutive days, he is required to notify the appropriate Immigration Office (see below) of his then current residence address every 90 days. This may be accomplished by

获得在泰国临时逗留的一年期签证延期后，如果申请人在泰国连续逗留超过 90 天，则必须每隔 90 天将其当时的居住地址通知相关移民局（见下文）。具体做法如下

1. submitting the application form (TM.47) in person at the appropriate Immigration Office;
or

亲自到相应的移民局递交申请表（TM. 47）；或

2. authorizing another person to submit the application at the appropriate Immigration Office on the applicant's behalf; or

授权他人代申请人向相关移民局递交申请；或

3. completing and submitting the report online through the Immigration Office's website at www.immigration.go.th or

通过移民局网站 www.immigration.go.th 在线填写并提交报告；或

4. sending the necessary documents by registered mail to the appropriate address (see below)

用挂号信将所需文件寄往适当的地址（见下文）

("4 Permitted Reporting Methods").

（4 种允许的报告方式”）。

Please note that the location for submitting the 90-Day Report depends upon the foreigner's province of residence, the situation of the employer company, and the nationality of the applicant, as applicable, and as further outlined below:

请注意，提交 90 天报告的地点取决于外国人居住的省份、雇主公司的情况以及申请人的国籍，详情如下：

1. Foreigners residing in Bangkok submit the 90-Day Report to the Immigration Division 1, Immigration Bureau, Chalermprikiat Government Complex, B Building.

居住在曼谷的外国人将 90 天报告递交至 Chalermprakiat 政府综合大楼 B 楼移民局第一移民处。

2. Foreigners residing in provinces other than Bangkok submit the 90-Day Report to the Immigration checkpoints in the province where the foreigner resides.

居住在曼谷以外省份的外国人向其居住省份的移民检查站提交 90 天报告。

3. Foreigners working for a company with a registered capital of more than 30 million baht submit the 90-Day Report to the One-Stop Service Center for Visa and Work Permit, Chamchuri Square, 18th Floor, Bangkok.

在注册资本超过泰铢 3000 万的公司工作的外国人，请向曼谷市 Chamchuri 广场 18 层的签证和工作许可一站式服务中心提交 90 天报告。

4. Foreigners with Myanmar, Laos, or Cambodian nationality residing in Bangkok submit the 90-Day Report to the Foreign Workers Administration Office for foreign workers from Myanmar, Laos, and Cambodia in the Bangkok area.

居住在曼谷的缅甸、老挝或柬埔寨籍外国人向曼谷地区的缅甸、老挝和柬埔寨外籍劳工管理办公室提交 90 天报告。

EXAMPLE: An Italian national intending to work for a company in Bangkok which has a registered capital of five million baht, enters Thailand with a non-immigrant type “B” Visa and submits his one year visa extension application within one month of entering the country. In this situation, the applicant would be required to report his then current residence in Bangkok to the Immigration Division 1, Immigration Bureau, Chalermprakiat Government Complex, B Building using one of the four Permitted Reporting Methods every 90 days.

示例：一名意大利公民打算在曼谷一家注册资本为泰铢 500 万的公司工作，他持 “B” 类非移民签证进入泰国，并在入境后一个月内递交了为期一年的签证延期申请。在这种情况下，申请人必须每隔 90 天向位于 Chalermprakiat 政府大楼 B 座的移民局第一移民处报告其当时在曼谷的居住情况，并使用四种允许报告方法中的一种。

EXAMPLE: Same facts as above, but the employing company has a registered capital of 31 million baht. In this situation, the applicant may report his then current residence at the One-Stop Service Center for Visa and Work Permit, Chamchuri Square, 18th Floor, in Bangkok using one of the 4 Permitted Reporting Methods every 90 days.

示例：情况同上，但雇佣公司的注册资本为泰铢 3100 万。在这种情况下，申请人可使用 4 种允许的报告方法之一，每隔 90 天向曼谷 Chamchuri 广场 18 层的签证和工作许可证一站式服务中心报告其当时的居住地。

Note that the 90-Day Report may be submitted 15 days before or up to 7 days after the due date. Failure to report within this period may result in a fine of 2,000 baht.

请注意，90 天报告可在到期日前 15 天或到期日后 7 天内提交。未在此期限内提交报告可能会被处以泰铢 2,000 的罚款。

Also, note that if the applicant leaves Thailand and returns at any time during the 90 day period, the 90-day reporting period will restart as of the date of his return, and the reporting process must begin again.

此外，请注意，如果申请人离开泰国，并在 90 天内的任何时间返回，90 天的报告期将从其返回之日起重新开始，报告程序必须重新开始。

EXAMPLE: Same facts as above, but the applicant enters Thailand on January 1st, leaves on February 20th and returns to Thailand on February 25th. In this situation, the applicant would not be required to report his residence address before February 20th and the 90 day deadline period to report his residence address would begin again when he returned to Thailand on February 25th. Also, note that the applicant would be required to obtain a Re-Entry Permit prior to leaving Thailand as out below.

示例：与上述情况相同，但申请人于 1 月 1 日进入泰国，2 月 20 日离开泰国，2 月 25 日返回泰国。在这种情况下，申请人无需在 2 月 20 日之前报告其居住地址，而在 2 月 25 日返回泰国时，报告其居住地址的 90 天期限将重新开始。此外，请注意申请人在离开泰国之前必须获得再入境许可，详情如下。

6. Leaving Thailand 离开泰国

During the time the applicant is applying for the One-Year Visa Extension and even after it is obtained, Thai law requires that the applicant has a valid Re-Entry Permit each time he leaves and returns again to Thailand.

在申请人申请一年期签证延期期间，甚至在获得延期后，泰国法律要求申请人每次离开和返回泰国时都必须持有有效的再入境许可。

If the applicant fails to secure this Re-Entry Permit before leaving, upon his return to Thailand the immigration official who checks his passport upon re-entry (at the airport, train station, etc.) will stamp his existing visa as cancelled, and the applicant will be required to re-initiate the entire One Year Visa Extension application process from the beginning. The good news is that the Re-Entry Permit is not difficult to obtain. In Bangkok, this can be accomplished at the Immigration Bureau in the Chaeng Wattana Government Complex, on Chaeng Wattana Road or at the immigration counter at the international airport (Donmuang / Suvarnbhumi airport)

若申请人在离开前未能取得再入境许可证，申请人再次返回泰国时（在机场，火车站等），移民局的官员就会要求检查其护照，并把他现有的签证标记为作废。此时，申请人将被要求重新办理整个一年的签证延期申请手续。好消息是，重新入境许可并不难获得。在曼谷，您可以在 Chaeng Wattana 路 Chaeng Wattana 政府大楼的移民局或国际机场（Donmuang / Suvarnbhumi 机场）的移民柜台办理。

The Re-Entry Permit can normally be obtained within one hour of submitting the application and paying the application fee. Appendix F contains the form for the Re-Entry Permit application.

通常可在提交申请并支付申请费后一小时内获得再入境许可。附录 F 载有再入境许可申请表。

In the application you will see that the applicant can obtain either a Single Entry Permit or a Multiple Entry Permit. The Single Entry Permit may be used only one time and will be stamped “canceled” by the Thai immigration official upon the traveling party’s return to Thailand (applicant will not be able to use that Re-Entry Permit for future trips outside Thailand). The

Multiple Entry Permit, by contrast, may be used as many times as desired, up until the next deadline stated in the applicant's visa.

在申请表中，您可以看到申请人可以获得单次入境许可或多次入境许可。 单次入境许可只能使用一次，旅行者返回泰国后，泰国移民局官员会在该许可上盖上“注销”章（申请人将无法在今后的泰国境外旅行中使用该再入境许可）。 相比之下，多次入境许可可多次使用，直至申请人签证上注明的下一个截止日期。

EXAMPLE: Suppose the One-Year Visa Extension applicant is required to resubmit documents for the immigration official's consideration on February 28th. The applicant intends to leave Thailand for a short trip on February 3rd and obtains a Multiple Re-Entry Permit. The applicant may use the Multiple Re-Entry Permit to leave and return to Thailand for as many trips as he likes before February 28th. After February 28th, however, the applicant will be required to obtain a new Re-Entry Permit before leaving Thailand again. Remember, if he does not secure a Re-Entry Permit before leaving, upon his return he will generally be required to start the One-Year Visa application process all over again. The only reason that an applicant would obtain a Single Entry Permit, rather than a Multiple Entry Permit, would be for either:

示例：假设一年期签证延期申请人被要求在 2 月 28 日重新提交文件供移民官员审查。 申请人打算在 2 月 3 日离开泰国进行短期旅行，并获得了多次再入境许可。 在 2 月 28 日之前，申请人可以使用多次再入境许可离开和返回泰国，次数不限。 但在 2 月 28 日之后，申请人必须重新获得再入境许可才能再次离开泰国。 请记住，如果申请人在离开泰国前没有获得再次入境许可，那么在他返回泰国后，通常需要重新开始一年期签证的申请程序。 申请人获得单次入境许可而非多次入境许可的唯一原因是以下两种情况之一：

- i. Cost considerations (the application fee for a Multiple Entry Permit is about four times that of a Single Entry Permit); or because
成本考虑（多次入境许可的申请费约为单次入境许可的四倍）； 或因为
- ii. The applicant is reasonably certain that he will leave Thailand only one time before his next appointment with the immigration official.
申请人有理由确定，在与移民官员预约下一次会面之前，他只会离开泰国一次。

7. Subsequent Years

随后几年

After the work permit and One-Year Visa Extension are secured there will be a single deadline stated as to when the applicant must apply for renewals of the work permit and visa. Normally, renewals are much easier to obtain than the original work permit and visa. This is because the applicant has already compiled all or most of the required documentation to be submitted. If, however, the structure of the company has changed since the time the original applications were filed, or the applicant's job description or title has changed during the period, additional documentation will be required.

申请人在获得工作许可证和一年签证延期之后，将会有个截止日期，规定必须申请续签工作许可证和签证的截止日期。 通常情况下，续签比最初的工作许可和签证更容易获得。 这是因为申请人已经准备好了所需提交的全部或大部分文件。 但是，如果公司结构自提交原始申请以来发生了变化，或者申请人的工作内容或职称在此期间发生了变化，则需要提交补充文件。

8. Dependents

家属签证

Throughout this process the applicant's spouse, children, and other dependents residing in Thailand are required to maintain a valid dependent's visa. Permission to stay in Thailand stated in the dependent's visa normally will mirror the period of stay stated in the applicant's visa.

在此过程中，申请人的配偶、子女和其他居住在泰国的家属必须持有有效的家属签证。家属签证中所述的在泰国驻留许可通常与申请人签证中所述的驻留期限一致。

Each time the applicant updates his visa, the applicant's spouse, children, and other dependents must also update their visas. Appendix G contains the list of documents to be submitted with the dependent visa application form.

申请人每次更新签证时，其配偶、子女和其他受抚养人也必须更新其签证。附录 G 载有随家属签证申请表一起提交的文件清单。

9. Employer Requirements

雇主要求

Thai law restricts the types of employers that may qualify to obtain work permits for their foreign staff. The applicable rules for private sector employers are presented below. The requirements vary depending upon whether the employer operates as a company limited, branch, representative office or regional office.

泰国法律限制了有资格为其外籍员工获得工作许可的雇主类型。下文介绍了适用于私营部门雇主的规则。根据雇主是以有限公司、分公司、代表处还是区域办事处的形式经营，要求也有所不同。

a. Company Limited and Branch

有限公司与分公司

The following are the requirements for a company limited and a branch to obtain work permits for their foreign staff. Note the requirements for branches established in Thailand before October 30, 2002 and after October 30, 2002 differ.

以下是有限公司和分公司为其外籍员工办理工作许可证的要求。请注意，2002 年 10 月 30 日之前和 2002 年 10 月 30 日之后在泰国设立的分公司的要求有所不同。

	<u>Company Limited</u>	<u>Branch Established On-Or Before October 30, 2002</u>	<u>Branch Established After October 30, 2002</u>
Registered Capital required	Paid up capital of 2 million baht with each additional 2 million baht allowing for one additional foreign employee	N/A	N/A
Amount remitted into Thailand	N/A	N/A	3 million baht with each additional 3 million baht allowing for one additional foreign employee.
Amount in bank account over previous 6 months	N/A	3 million baht with each additional 3 million baht allowing for one additional foreign employee (requirement if no transfer information is available.)	N/A

	有限公司	在 2002 年 10 月 30 日或之前成立的分支机构	在 2002 年 10 月 30 日之后成立的分支机构
公司注册资本要求	实缴资本为 200 万泰铢。每增加 200 万泰铢，可允许增加一名外籍员工	无	无
汇入泰国的金额	无	无	300 万泰铢。每增加 300 万泰铢，可允许增加一名外籍员工。
过去 6 个月内的银行账户金额	无	300 万泰铢。在没有转账信息的情况下，每增加 300 万泰铢，可允许增加一名外籍员工	无

EXAMPLE: Suppose a German company decides to establish a branch in Thailand and remits nine million baht for operation of the branch. That branch would qualify to employ three foreigners (subject to Section 9 below).

示例：假设一家德国公司决定在泰国设立分公司，并汇出泰铢 900 万用于分公司的运营。该分公司将有资格雇用三名外国人（须遵守下文第 9 节的规定）。

EXAMPLE: Suppose a new company limited wishes to employ two foreigners. Normally, in order to qualify for the employees to receive work permits the company's paid up registered capital would be required to be not less than four million baht.

示例：假设一家新成立的有限公司希望雇用两名外国人。通常情况下，为了使雇员有资格获得工作许可，公司的实缴注册资本不得少于泰铢 400 万。

Note, however, that if
但请注意，如果

1. the employee is married to a Thai national; and
员工与泰国公民结婚；且
2. the couple live together
夫妻同居

the above described investment requirements for both a company limited and branch are reduced by 50%.

则上述有限公司和分公司的投资要求均降低 50%。

EXAMPLE: Same facts as above, but one of the two employees is legally married to a Thai national, and the two live together. In this situation the company's investment requirement would be reduced from four million baht (normal requirement) to three million baht.

示例：与上述情况相同，但两名雇员中的一名已与泰国公民合法结婚，并且两人共同生活。在这种情况下，公司的投资要求将从泰铢 400 万（正常要求）降至泰铢 300 万。

Under the above rules, the law normally limits a company limited and a branch to employing a maximum of 10 foreigners.

根据上述规定，法律通常限制有限公司和分公司最多雇用 10 名外国人。

However, in the event that a company limited or branch wishes to employ more than 10 foreigners it can be considered in the following situations:

但是，如果一家有限公司或分支机构希望雇用 10 名以上的外国人，则可以考虑以下情况：

- i. Employer paid tax in Thailand of not less than three million baht in the previous year; or
雇主前一年在泰国缴纳的税款不少于泰铢三百万；或
- ii. Employer engages in the business of exporting products and brought into Thailand no less than 30 million baht during the previous year; or
雇主从事产品出口业务，并在上一年向泰国出口不少于泰铢 3 千万；或
- iii. Employer engages in the business of tourism and brought into Thailand no less than five thousand tourists during the previous year; or
雇主从事旅游业，且在上一年度带入泰国的游客不少于五千人；或
- iv. Employer employs not less than 100 Thai employees.
雇主雇佣不少于 100 名泰国员工。

Additionally, a company limited with paid up registered capital of at least two million baht, or a branch that has transferred into Thailand no less than three million baht, shall be exempted from the normal employer's requirements if the foreigner is to:

此外，实缴注册资本不少于泰铢 200 万的有限公司，或转入泰国的资金不少于泰铢 300 万的分支机构，在下列情况下可免除一般雇主的要求

i. Use technology that Thai people do not have, or is in insufficient supply. In this situation the foreigner is required to teach no fewer than two Thai nationals the technology within a specific time frame; or

使用泰国人没有或供应不足的技术。在这种情况下，外国人必须在规定的时间内向不少于两名泰国人传授技术；或

ii. Use particular skills to complete a project with a specified time frame; or

使用特殊技能在规定时间内完成项目；或

iii. Work in the areas of entertainment, theater, or music which is not permanent employment (has a specified time frame).

在娱乐、戏剧或音乐领域从事非长期性工作（有规定时限）。

In addition, note that foreign directors of a foreign-held company limited operating under a Foreign Business License issued prior to 2019 are not required to obtain a work permit.

此外，请注意，根据 2019 年之前颁发的《外国营业执照》经营的外资控股有限公司的外籍董事无需获得工作许可。

EXAMPLE: A Korean service company establishes a wholly-owned subsidiary in Thailand in 2015 and obtains a foreign business license. Then in 2019 the subsidiary appointed a foreign director to work as an employee. In this situation, the foreign director would not be required to obtain a work permit (although a business visa would be required).

示例：一家韩国服务公司于 2015 年在泰国成立了一家全资子公司，并取得了外国营业执照。然后在 2019 年，该子公司任命了一名外国董事作为雇员工作。在这种情况下，外国董事无需获得工作许可（但需要商务签证）。

Also, note that foundations, associations and other organizations that have not-for-profit objectives, or are useful to the public, may also be exempted from the above requirements.

此外，请注意，基金会、协会和其他以非营利为目的或对公众有用的组织也可以免除上述要求。

b. Representative Office

代表处

The number of foreigners a representative office in Thailand is allowed to employ depends upon when the representative office was established, whether or not the foreigner serves as the representative office's Thailand representative, and the job description of the position to be filled by the foreigner. If the foreign employee serves as Thailand representative of a representative office established prior to 2019 then a work permit is not required. If a representative office employs non-representative foreigners in one of the following capacities, it may qualify to employ up to two foreigners.

泰国代表处允许雇用的外国人数量取决于代表处的成立时间、外国人是否担任代表处的泰国代表以及外国人所担任职位的工作内容。如果外籍员工担任 2019 年之前成立的代

表处的泰国代表，则无需工作许可。 如果代表处以下列身份雇用非代表的外国人，则最多可雇用两名外国人。

- i. Giving advice concerning head office products in order to sell to agents or users; or
提供有关总部产品的建议，以便销售给代理商或用户； 或
- ii. Publicizing information concerning new products or services from the head office and reporting business developments in Thailand to the head office.
宣传总公司的新产品或服务信息，并向总公司报告泰国的业务发展情况。

If the representative office employs foreigners in one of the following capacities it may qualify to employ up to five foreigners:

如果代表处以下列身份之一雇用外国人，则最多可雇用五名外国人：

- i. Aiding in procuring goods or services in Thailand on behalf of the head office; or
代表总公司在泰国协助采购商品或服务； 或
- ii. Examining and controlling the quality and/or quantity of the goods that are purchased or produced in Thailand by the head office.
检查和控制总公司在泰国采购或生产的商品的质量和/或数量。

There is however, an exception to the above rules: in the case where the representative office is procuring goods or services in Thailand, and the overseas head office purchases those goods or services for an amount not less than 100 million baht in the previous year, then the representative office would qualify to employ more foreigners than would ordinarily be allowed.

不过，上述规定也有例外情况：如果代表处在泰国采购货物或服务，而海外总公司在上一年度购买这些货物或服务的金额不少于泰铢 1 亿，那么代表处就有资格雇用比通常所允许的更多的外国人。

EXAMPLE: A representative office in Thailand wishes to employ six foreigners to perform quality control on the goods its overseas head office purchases in Thailand. Last year the head office purchased 100 million baht worth of products from Thailand.

示例： 泰国某代表处希望雇用六名外国人对其海外总部在泰国采购的货物进行质量控制。 去年，总公司从泰国购买了价值泰铢 1 亿的产品。

Normally the representative office would qualify to employ only five foreigners. However, in this situation, because the head office purchased 100 million baht in goods from Thailand in the year prior, the representative office would be able to employ all six foreigners, instead of only five.

通常情况下，代表处只能雇用五名外国人。 但在这种情况下，由于总公司在前一年从泰国购买了 泰铢 1 亿的货物，代表处就可以雇用全部 6 名外国人，而不是只有 5 名。

EXAMPLE: A Swedish company establishes a representative office in 2017 and employs a foreigner to serve as its Thailand representative in 2019. In this situation, the foreign employee would not be required to obtain a work permit (although a business visa would still be required).

示例： 一家瑞典公司于 2017 年设立代表处，并于 2019 年聘用一名外国人担任其泰国代表。 在这种情况下，该外籍员工无需获得工作许可（但仍需要商务签证）。

c. Regional Office 区域办事处

Similar to a representative office, the number of foreigners a regional office in Thailand is allowed to employ also depends upon when the regional office was established, whether or not the foreign employee serves as the regional office's Thailand representative, and the job description of the position to be filled by the foreigner.

与代表处类似，泰国区域办事处获准雇用的外国人数也取决于区域办事处的成立时间、外国雇员是否担任区域办事处的泰国代表以及外国人所担任职位的工作内容。

If the foreign employee serves as the Thailand representative of a regional office established prior to 2019 then a work permit is not required.

如果外国雇员担任 2019 年之前成立的区域办事处的泰国代表，则无需工作许可。

EXAMPLE: A French company establishes a regional office in 2018 and hires a foreign employee to be its Thailand representative in 2019. In this situation, the foreign employee would not be required to obtain a work permit (although a business visa would be required).

示例：一家法国公司于 2018 年设立了区域办事处，并于 2019 年聘请了一名外籍员工担任泰国代表。在这种情况下，该外国雇员无需获得工作许可（但需要商务签证）。

If the regional office employs foreigners in one of the following capacities, it may qualify to employ up to five foreigners.

如果区域办事处以下列身份之一雇用外国人，则最多可雇用五名外国人。

i. Acting on behalf of the head office to coordinate and control the operation of a branch(es) or affiliate(s) outside Thailand, but in the same region; or

代表总公司协调和控制泰国境外但在同一地区的分公司或分支机构的运营；或

ii. Consulting and/or arranging for training and development for employees to prepare financial plans, monitor the market, plan for sales promotions and product development and perform research and development; without remuneration; however, these positions may have no authority to accept orders or make offers, or to negotiate with an individual or company located in Thailand.

为员工提供咨询和/或安排培训与发展，以制定财务计划、监控市场、计划促销和产品开发，并进行研究与开发；没有报酬；不过，这些职位可能无权接受订单或报价，也无权与泰国境内的个人或公司进行谈判。

Normally, a regional office may employ only five foreigners. However, if the head office remits no less than 10 million baht into Thailand during the previous year, the regional office may qualify to employ more than five.

通常情况下，一个区域办事处只能雇用五名外国人。但是，如果总公司在上一年汇入泰国的资金不少于泰铢 1 000 万，区域办事处就有资格雇用五名以上的外国人。

EXAMPLE: A regional office in Thailand wishes to employ six foreigners to coordinate activities between the head office and its affiliates outside Thailand. Last year the head office remitted 10 million baht to the regional office for its operation.

示例：泰国的一个区域办事处希望雇用六名外国人，负责协调总部与泰国境外分支机构之间的活动。去年，总公司向区域办事处汇款泰铢 1 000 万，用于其业务。

Normally, the regional office would be limited to employing five foreigners only; however, because the office remitted 10 million baht the previous year, it would qualify to employ all six foreigners, instead of only five.

通常情况下，该区域办事处只能雇用五名外国人；但由于该办事处前一年汇出了泰铢 1 000 万，因此有资格雇用全部六名外国人，而不是只雇用五名。

10. Thai Staff Requirements

对泰籍员工的要求

In addition to the above, Thai law requires employers (companies, branches, representative offices and regional offices) to maintain a minimum number of Thai staff in order to qualify for its foreign staff to obtain business visas.

除上述规定外，泰国法律还要求雇主（有限公司、分公司、代表处和区域办事处）保持最低数量的泰国员工，以便其外国员工有资格获得商务签证。

	<u>Minimum Number of Thai Employees</u>
<u>Company limited:</u>	<u>Four Thai employees for every foreigner</u>
<u>Branch, representative office, regional office:</u>	<u>One Thai employee for every foreigner</u>
	<u>最低泰籍员工的雇佣人数</u>
<u>有限公司:</u>	<u>4 名泰籍员工比 1 名外籍员工</u>
<u>分公司, 代表处, 区域办事处:</u>	<u>1 名泰籍员工比 1 名外籍员工</u>

EXAMPLE: A Danish company establishes a company limited in Thailand and wishes to employ two foreigners. Among the requirements for the company to qualify to obtain the business visas for the two foreigners the Thailand company would be required to employ a minimum of eight Thais.

示例：一家丹麦公司在泰国成立了一家有限公司，并希望雇用两名外国人。该公司为这两名外国人申请商务签证的条件之一是，泰国公司至少要雇用八名泰国人。

11. Restricted Professions

职业限制

In addition to the law regulating the types of companies that qualify to receive work permits for their foreign staff, Thai law also limits the professions for which foreigners may obtain work permits. Appendix H contains the list of professions foreigners are normally prohibited from engaging in. Note again, that if the employer is a BOI-promoted company exceptions may apply.

除规定有资格为其外籍员工获得工作许可证的公司类型的法律外，泰国的法律还限制了外国人可以获得工作许可证的职业范围。附录 H 载有通常禁止外国人从事的职业清单。请再次注意，如果雇主是投资委（BOI）推动的公司，则可能有例外情况。

12. Applicable Fees

费用收取

The following are the normal government fees associated with obtaining a work permit and One-Year Visa Extension.

以下是与获得工作许可和一年期签证延期相关的正常政府费用。

One-Year Visa Extension Fees:

一年签证延期费:

Application fee for Non-immigrant "B" Visa extension 非移民B类签证延期申请费	1,900 baht 泰铢 1,900	
Application fee for dependent (per applicant) 家属签证申请费(每个人)	1,900 baht 泰铢 1,900	
Application fee for Re-Entry Permit 再次入境许可申请费		
- Single Re-Entry Permit 单次再入境许可证申请费	1,000 baht	泰铢 1,000
- Multiple Re-Entry Permit 多次再入境许可证申请费	3,800 baht	泰铢 3,800

Work Permit Fees:

工作许可证收费:

Application fee depends upon the length of the period for which the work permit is granted.
其办理费依据其工作许可证的有效期的时长进行收取。

Application fee 100 baht
申请费是泰铢 100

Approval fee:
审批费用:

If period is no longer than 3 months
若工作期限不超 3 个月, 则收取泰铢 750

If period is no longer than 6 months
若工作期限不超于 6 个月, 则收取泰铢 1,500

If period is no longer than 12 months
若工作期限不超于 12 个月, 则收取泰铢 3,000

Jointly produced by Seri Manop & Doyle and Hylands Law Firm
由赛瑞 马依珀&道乐律师事务所与浩天律师事务所联合制作

如需进一步信息, 请联系 :
赛瑞 马依珀&道乐 律所

