

Newsletter No. 136 (EN)

The Residence Permit in Thailand
Application and Procedure

May 2020

Although Lorenz & Partners always pays great attention on updating information provided in newsletters and brochures we cannot take responsibility for the completeness, correctness or quality of the information provided. None of the information contained in this newsletter is meant to replace a personal consultation with a qualified lawyer. Liability claims regarding damage caused by the use or disuse of any information provided, including any kind of information which is incomplete or incorrect, will therefore be rejected, if not generated deliberately or grossly negligent.

I. Introduction

Obtaining a permanent residence permit is much desired among foreigners, but quite difficult in practice. The complete procedure of the application takes a considerable amount of time and money. For these reasons, it is wise to be well-informed before applying.

II. The Applicant's Qualification

A foreign national may qualify for a residence permit if he/she fulfils the following requirements:

1. Visa

The foreigner must:

- a) Hold a passport of his/her current nationality;
- b) Hold a Non-Immigrant Visa; and
- c) Have been permitted to stay in the Kingdom of Thailand on the basis of a Non-Immigrant Visa extended for at least 3 consecutive years up to the application submission date.

2. Personal Qualifications

The foreigner must have personal qualifications that fit one of the following categories:

- a) Investment
- b) Work/Business
- c) Being an Expert
- d) Humanitarian reasons¹
- e) Other circumstances on a case-by-case basis

¹ The applicant must be the spouse, mother/father, or child of, or provide patronage to a spouse, mother/father or child (under 20 years) who is a Thai national or a foreigner who was granted a residence permit.

III. Fees

The following fees need to be paid:

1. A non-refundable fee for each application in the amount of THB 7,600 (approx. EUR 215) (whether permission is granted or not, application fee is not refundable)
2. If the application is approved, the fee for the residence permit is THB 191,400 (approx. EUR 5,400). However, the fee is reduced to THB 95,700 (approx. EUR 2,700) if the applicant is a spouse or child (under 20 years) of a Thai citizen or a foreigner who already holds a residence permit.

IV. Submission

The Ministry of Interior will announce the annual quota of foreigners to be granted a residence permit and such announcement will be published in the Government Gazette. The Immigration Office will then be able to announce the opening of applications for residence permit. The application period is based on the announcement of the inspectorate of the Immigration Office. Detailed information about the date for applying for the residence permit and documents required for each category can be obtained directly from the Immigration Office.²

Please note that there might be no opening in some years and that the period of announcement can be at any time and is upon the sole discretion of the Ministry of Interior. Thus, the foreigner should from time to time contact the Immigration Office.

² Immigration Office, Chaengwattana Road, Tel. +66 (0) 2-143 8224-5, +66 (0) 2-141 9898-9 or www.immigration.go.th.

V. Supporting Documents

Applicants must submit the application in person and must bring all documents required (for each category) together with all of their passports (every passport of the applicant that has a “Non-Immigrant Business Visa” stamp to allow him/her to stay in the country since the first year of entry until the current year).

VI. Application Procedure

1. Extension of 180 days

The immigration officer will grant the applicant a 180 days extension on the submission date except if there is still a valid visa in the passport. In the latter case, the officer will stamp the residence visa permit equivalent and the next extension of the existing visa will be granted for 180 days until the result of the application is determined.

2. Appointment

The immigration officer will issue an appointment card to come for an interview. The interview includes a test whether the applicant is able to understand the Thai language: speaking and listening. The applicant must come for the interview on the date of the appointment. Otherwise, without an appropriate reason, it will be automatically considered that the applicant wishes to cancel the application.

3. Criminal Records

The immigration officer will check for criminal records of the applicant as follows:

- a) The applicant’s fingerprints will be sent to the Criminal Records Division for criminal record check in Thailand.
- b) The passports are checked in the blacklist system whether the applicant is considered as “prohibited person” according to the Immigration Bureau.

- c) It will be checked whether the applicant is wanted by a foreign warrant of arrest by the Foreign Affairs Division.
- d) The final step is to submit an application to the Board of Immigration with the final approval by the Minister of Interior.

Please note that the timing for the consideration process varies each year, depending on the policy of the Immigration Commission and the Ministry of Interior, and may take several years (!).

VII. Subsequent Procedure

1. Letter of Information

When the application is approved, the officer will send a letter of information to the applicant. After having received the approval, the applicant needs to have the residence permit book issued within 30 days. Otherwise, the officer may suspend the residence permit.

Documents required for the issuance of a residence permit book are:

- a) Approval letter with application form (TM 18);
- b) Original and a copy of the applicant’s passport;
- c) House registration book with 2 copies;
- d) Original and a copy of the applicant’s work permit book;
- e) Three photos, size 4x6 cm; and
- f) Fee (see item III. above).

The process of issuing the residence permit book will take approximately 1-2 working days.

Please note that on the date of the submission and the date of the issuing of the residence permit book, the applicant needs to come in person.

2. Identification Book

Once the residence permit book is issued, the applicant has to contact the police station in

the area of residence for the issuance of a foreign identification book.

Documents required for the issuance of a foreign identification book are:

- a) Original confirmation letter issued by the Immigration Bureau to the police station in the area where the applicant is living;
- b) Original and a copy of the applicant's residence permit book;
- c) Original and a copy of the applicant's passport;
- d) House registration book and documents showing permission of permanent residence in the Kingdom issued by the Immigration Office;
- e) Original and a copy of the applicant's work permit book;
- f) Consent letter from the house owner;
- g) Four photos, size 2 inch; and
- h) Fee: THB 1,200 (approx. EUR 35).

The process of issuing the foreign identification book will take approximately 1-2 working days.

Please note that on the date of the submission and the date of the issuance of the foreign identification book, the applicant needs to come in person.

The foreign identification book will be valid for 5 years.

3. House Registration Book

Once the foreign identification book is issued, the applicant has to contact the district office in the area of residence to add the applicant's information into the house registration book.

Documents required are:

- a) House registration book;
- b) Original and a copy of the residence permit book;
- c) Original and a copy of the foreign identification book;
- d) Original and a copy of passport and work permit;

- e) Four photos, size 1 inch;
- f) Passport translated into Thai and legalized by the embassy of the applicant and the Legalization Division of the Department of Consular Affairs in Thailand;
- g) Original and a copy of Thai ID card of the landlord; and
- h) Original and a copy of the lease agreement.

The applicant must come for the interview on the date of the submission together with the landlord and a witness.

VIII. Privileges

Once a permanent residence permit is issued, the foreigner

- a) has the right to stay in Thailand without a visa throughout the year, as long as the foreigner does not leave the country. Before leaving the country, the foreigner needs to notify the Immigration Office and apply for an endorsement with re-entry and a visa called "Non-Quota Immigrant Visa". If the foreigner does not do so, he is automatically considered to have given up residence in the country and the residence permit will no longer be valid after the foreigner left the country;
- b) does not need to report his residence every 90 days to the Immigration Division;
- c) will be eligible to apply for Thai citizenship after having held a permanent residence permit for 5 consecutive years. This can be applied for at the Police Headquarters.
- d) According to the Condominium Act, BE 2522, Section 19, the foreigner is allowed to buy apartments with money earned in Thailand.

IX. Documents Required when Applying for a Non-Quota Immigrant Visa and Re-entry Permit

If a foreigner who holds a permanent residence permit wishes to leave the Kingdom

and wants to keep his permit, he must apply for a visa type which is called “Non-Quota Immigrant Visa”. This visa is valid for one year and includes the right to re-enter the Kingdom during that period of time.

The “Non-Quota Immigrant Visa” and re-entry permit application can be submitted at any time and there is no limitation on the amount of applications. The only requirement is that the foreigner needs to get back into the country within the period previously approved.

Documents required for the issuance of a non-quota immigrant visa are:

- a) Application form;
- b) Residence permit book;
- c) Passport;
- d) Foreign identification book;
- e) Two photos, size 4x6 cm;
- f) Visa Fee: THB 1,900 (approx. EUR 50); and
- g) Re-entry fee (for multiple re-entries): THB 3,800 (approx. EUR 100).

X. Revocation of the Permanent Residence Permit

To keep the residence permit, the foreigner needs to receive a stamp of endorsement at

the Immigration Office every 12 months. This period is not to be exceeded.

If the foreigner does not go to the Immigration Office within this timeframe, the foreigner’s residence permit will be voided.

The foreigner’s residence permit will also be voided if he does not apply for a “Non-Quota Immigrant Visa” before leaving the Kingdom or if he gets back into the country later than the approved period of time.

All the other rights gained by a residence permit will be voided as well, for example the permission to own a condominium unit. In this case, the unit must be sold within one year unless the foreigner receives a new residence permit (Sec. 19 of the Condominium Act B.E. 2522).

However, if the foreigner wishes to have a new permanent residence permit, as previously, it can be done by submitting a new application to the Immigration Department. The application of permanent residence permits is only possible during the yearly “submission period” of the Immigration Department. While the application is processed, the official in charge will provide a letter confirming the application. This letter serves as a temporary residence permit until the new residence permit book is issued.

*We hope that the information provided in this newsletter was helpful for you.
If you have any further questions please do not hesitate to contact us.*

LORENZ & PARTNERS Co., Ltd.

27th Floor Bangkok City Tower
179 South Sathorn Road, Bangkok 10120, Thailand
Tel.: +66 (0) 2-287 1882
E-Mail: info@lorenz-partners.com

www.lorenz-partners.com