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AMCHAM Position Paper on Visa and Work Permit

Visa change or renewal for foreigners in Thailand (Non-Immigrant-B and O)

The American Chamber of Commerce in Thailand (AMCHAM) is the voice and focal point of U.S. business in Thailand. We have 650 member companies representing over 50 billion USD of cumulative investment in the Kingdom. Currently, there are over 200,000 Thai people working for American companies in this country.

AMCHAM helps attract U.S. companies to invest in Thailand and we promote economic partnership with the Thai government. We support the ease of doing business policy and the enhancement of the country's attractiveness and competitiveness as an international investment hub.

Covid-19 has brought unprecedented challenges and restrictions for travel due to the enactment of the Emergency Decree on Public Administration in Emergency Situation which took effect from March 26, 2020. Travel restrictions have been implemented to control the spread of Covid-19, which has automatically impacted visa renewal processes for foreigners in Thailand. AMCHAM Thailand supports the Thai government's laws and rules on Immigration and also applauds the Thai government's decision to grant an automatic visa extension for foreigners in Thailand to stay until September 26, 2020.

Currently there are many foreign nationals with valid work permits living and working in Thailand, dependents of foreigners with work permits, or those who may have lost their job due to Covid-19, who fall under the visa amnesty and are required to leave the country to apply for a new visa, change of visa or visa renewal once the visa amnesty comes to an end. The current pandemic makes traveling out of Thailand and back both extremely difficult and potentially dangerous for foreigners. It bears additional costs for travel and quarantine in their home countries, and upon return to Thailand, as well as puts them at risk of being exposed to the disease in transit.

AMCHAM humbly requests the Thai government's consideration to grant visa status change or renewal for the following categories of visas within Thailand, without the need to travel outside the country to a Thai Embassy/Consulate-General in another country, for foreigners who have a work related reason for staying in Thailand.

Categories of visa:

Renewal of Non-Immigrant B visa from within Thailand - for holders of business visas with valid work permits. Employees of NGOs and Non-Profit Organizations with a valid work permit are currently required to leave Thailand after 1 year of holding their visa to renew their visa. We request they be allowed to renew their visa from within Thailand.

Change to Non-Immigrant O visa - Spouses and children of foreigners with a valid work permit. In case of a spouse or child on a Non-B (business) or a ED (education) visa, who



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wish to change to Non-O (dependent) visa, based on marriage to a spouse with a valid visa and work permit currently needs to travel out of Thailand to be issued the new category of visa. We request this change to be allowed from within Thailand.

Change of Non-Immigrant B for new employer

Covid-19 has led to the termination of employment for numerous expat workers in Thailand. These foreigners are either on a valid business visa which is extended under visa amnesty, or on a tourist visa having left Thailand and returned to search for new work. Those who have found a new job are required to travel out of Thailand to renew or obtain a new Non-B Visa with their new employer. We request that it be possible to obtain a Non-B visa for a new employer within Thailand.

The validity of the visa and the work permit, and visa renewal within the Kingdom

There should be an automatic and integrated linkage of the visa and work permit processes and subsequent renewals. AMCHAM requests the synchronization of the validity of the visa and that of the work permit. AMCHAM also requests that visa categories specified under "Categories of Visa" be allowed to be renewed within Thailand. This would ensure ease of doing business and allow foreign nationals working here to continue contributing to the Thai economy without interruption.

The "Smart Visa" program

The "Smart Visa" program eliminates the need for a work permit and 90 days reporting which are exciting developments and should greatly elevate Thailand's ease of doing business ranking.

AMCHAM proposes that, since the program has an aim of attracting needed Thailand 4.0 technical skills and talents, it should be possible for qualified locally based companies to convert from the regular visa to the "Smart Visa". AMCHAM proposes that the "Smart Visa" program should become the "New Normal" visa program.

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