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Legal Alert | Foreign Direct Investments

BOI Announces Qualification Guidelines of Foreign Experts for Promoted Business

Upon receiving approval from the Board of Investment of Thailand (“BOI”), promoted businesses are granted the privilege to employ foreign skilled workers and experts (“**Foreign Experts**”) under Sections 25 and 26 of the Investment Promotion Act B.E. 2520 bypassing the rigid criteria of Thai immigration laws.

Absent of the definition for “Foreign Experts”, BOI has recently published an announcement, serving as a general guideline, regarding the criteria, positions, permitted duration, and qualifications of Foreign Experts to work under each type of promoted business.

The BOI announcement’s general qualifications and criteria are summarized below.

Foreign Experts			
	Executive Level	Management Level	Operation Level
Positions <i>*including but not limited to</i>	President, vice-president, chairman, CEO, executive and managing director	Project leader, production manager, assistant production manager, marketing advisor	Production supervisor, project coordinator, electrical engineer, IT programmer, injection mold technician, data analyst
Age	At least 27 years old	At least 27 years old	At least 22 years old

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Work Experience	At least 5 years	At least 5 years	At least 2 - 5 years
Promoted Work Period	Generally, BOI grants promoted business 1 – 4 years, depending on the type of promoted business. Please refer to the examples below.		
	<i>International Business Center (IBC)</i> 4 years (with 4 more year extension eligibility)	<i>Trade and Investment Support Office (TISO)</i> 1 year (with 1 more year extension eligibility)	
Other Relevant Criteria	<ul style="list-style-type: none"> ▪ For Software Development, Digital Service and E-Commerce activities (which has acquired investment promotion from the BOI since February 2019), only senior-level digital specialists receiving a monthly salary of at least THB 75,000 is eligible for employment. ▪ Once promoted certificate and commencement operation approval are obtained, the promoted business must gradually decrease the number of Operational Foreign Experts overtime under the discretion of the BOI. 		

For further information, please contact the authors or our China Practice Group at Kudun and Partners.

About Us

Foreign Direct Investments Practice Group

Our energetic and experienced lawyers are knowledgeable in a wide range of legal fields and throughout our years of experience, we have skilfully and effectively assisted clients in the commercial, operational and legal aspects of each matter.

Our one-stop corporate services center offers a plethora of services including legal assistance on applications for investment promotion with the Trade and Investment Support Office (TISO), International Business Center (IBC) and Board Of Investment of Thailand (BOI) including the application for tax privileges under the IBC scheme with the Revenue Department; share transfer documentation; shareholder agreements; trademark registration; PDPA (Personal Data Protection Agreement); and various other legal support to ensure our clients' success in their investment in Thailand.