

## Announcement of the Office of Board of Investment

No. Por 12/2561

Qualifications, Criteria, and Conditions for Smart Visa  
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Whereas the Cabinet has passed the resolutions on January 16, 2018 and November 6, 2018 approving the guidelines for Smart Visa for alien persons who are highly skilled professionals, investors, executives, and start-up business operators, and assigned the Office of the Board of Investment to issue an announcement on qualifications of Smart Visa applicant pursuant to the approved criteria;

By virtue of Section 13 of the Investment Promotion Act B.E. 2520 (1977), the Office of Board of Investment hereby repeals the Announcement of the Investment Promotion No. Por 4/2561 dated February 1, 2018 on Qualifications, Criteria, and Conditions for Smart Visa, and announces as follows.

1. Alien persons under this Announcement shall include:

1.1 Highly skilled professionals, investors, executives, and start-up business operators who wish to work, invest or establish a business in the targeted industries as follows:

- (1) Next-generation automotive industry;
- (2) Smart electronics industry;
- (3) Affluent, medical and wellness tourism industry;
- (4) Agriculture and biotechnology industry;
- (5) Food for the future industry;
- (6) Automation and robotics industry;
- (7) Aviation and logistics industry;
- (8) Biofuel and biochemical industry;
- (9) Digital industry;
- (10) Medical hub industry;
- (11) Service on alternative dispute resolution;
- (12) Human resource development on science and technology; and
- (13) Environmental and renewable energy management.

1.2 Accompanying persons who are the spouse or legitimate children of the alien persons under article 1.1.

2. Qualifications for Smart Visa of alien persons under article 1 who wish to apply for a certificate of qualifications for Smart Visa in each group shall be as follows:

2.1 Highly skilled professionals:

2.1.1 General highly skilled professionals shall:

(1) Be science or technology professionals whose expertise in the targeted science and technology industry has been certified by agencies under Strategic Talent Center (STC).

(2) Work in the business certified as the business in the targeted industries by relevant public agencies such as National Innovation Agency (Public Organization) (NIA) and Digital Economy Promotion Agency.

(3) Have an average monthly income of no less than Baht 100,000 or equivalent; but in case having employment contract with start-up business operators or professionals who are retirees certified by relevant agencies, must have no less than Baht 50,000 monthly income

(4) Have an employment or service contract with local operator or overseas operator to work in the country with a validity of no less than 1 year from the submitting date of application for qualification certificate.

(5) Not possess prohibited characteristics pursuant to the immigration law.

2.1.2 In case of professionals working in public agencies, higher education institutes and specialist training institutes, or providing alternative dispute resolution service:

(1) Professionals working in public agencies must be professionals in science and technology certified as science and technology professionals in targeted industries by the public agency that employs or uses such professionals.

(2) Professionals working in higher education institutes or private sector specialist training institutes must be certified as science and technology professionals in targeted industries by agencies under Strategic Talent Center (STC).

(3) Professionals providing alternative dispute resolution must be certified by local arbitration institutes or agencies, such as Thailand Arbitration Center and Thai Arbitration Institute, as professionals in related expertise and that such professionals come into the Kingdom to provide service on alternative dispute resolution.

(4) Must have employment or service contracts, or evidences of cooperation or working with public agencies, higher education institutes, specialist training institutes, and local arbitration institutes or agencies, as the case may be, that determine the applicant to work in Thailand.

(5) Not possess prohibited characteristics pursuant to the immigration law.

## 2.2 Investors:

### 2.2.1 Must have minimum investment capital in one of the following cases:

(1) Invest directly in the name of the applicant with the investment not less than Baht 20 million in the technology-based entity for manufacturing or service provision process, or in a venture capital company.

(2) Invest directly in the name of the applicant at no less than Baht 5 million in start-up business, incubation project, or accelerator project.

In this regard, the applicant can invest in more than 1 business and shall maintain the above-mentioned amount of investment during the term of Smart Visa.

2.2.2 Businesses established or invested by the applicant shall be certified as the technology-based entity for manufacturing or service provision process, and as the businesses in the targeted industries by relevant public agencies such as National Science and Technology Development Agency, National Innovation Agency (Public Organization) (NIA), and Digital Economy Promotion Agency.

In case of venture capital company, it shall be certified as a technology-based entity for manufacturing or service provision process, and as business in the targeted industries by relevant public agencies such as National Science and Technology Development Agency, National Innovation Agency (Public Organization) (NIA), and Digital Economy Promotion Agency.

In case of incubation project or accelerator project, it must be certified by relevant public agencies such as National Innovation Agency (Public Organization) (NIA) and Digital Economy Promotion Agency.

### 2.2.3 Not possess prohibited characteristics pursuant to the immigration law.

## 2.3 Executives shall:

(1) Have an average monthly income of no less than Baht 200,000 or equivalent.

(2) Have a bachelor's degree or equivalent and above, and have work experience in the relevant field for no less than 10 years.

(3) Have an employment contract with a business in Thailand or an employment contract with an overseas business which determines the applicant to work in Thailand. In this regard, the validity of such employment contract shall not be less than 1 year from the date of submission of application for qualification certificate.

(4) Work in executive positions such as chairman of the board, managing director, etc., in the business certified as technology-based entity for manufacturing or service provision process by relevant

public agencies such as National Science and Technology Development Agency, National Innovation Agency (Public Organization) (NIA), and Digital Economy Promotion Agency.

(5) Work in the business in targeted industries as certified by relevant public agencies such as National Innovation Agency (Public Organization) (NIA) and Digital Economy Promotion Agency.

(6) Not possess prohibited characteristics pursuant to the immigration law.

#### 2.4 Start-up business operators:

##### 2.4.1 In case of permission of up to 6 months, shall:

(1) Have establishment plan for start-up business in Thailand using technology or innovation as significant part of business operation which is certified by relevant agencies such as National Innovation Agency (Public Organization), or participate in start-up promotion activities such as Startup Camp that is certified by public agencies such as Office of the Board of Investment, National Innovation Agency (Public Organization) (NIA), and Digital Economy Promotion Agency.

(2) Have a health insurance policy valid throughout the period of residency in Thailand.

(3) Not possess prohibited characteristics pursuant to the immigration law.

##### 2.4.2 In case of permission of up to 1 year, shall:

(1) Be certified to participate in the incubation project or accelerator project or other similar projects by relevant public agencies such as National Innovation Agency (Public Organization) (NIA) and Digital Economy Promotion Agency, provided that such project is in the targeted industries.

In case of not participating in the incubation project, the applicant must have venture capital from public agency or be certified by relevant public agency such as Digital Economy Promotion Agency.

(2) Have a deposit of no less than 600,000 Baht or equivalent in a bank account opened in Thailand or in the country of nationality or residence for no less than consecutive 3 months on the date of application submission.

In the case where a start-up business operator has a spouse or legitimate children as accompanying persons, such start-up business operator shall have additional deposit of no less than 180,000 Baht or equivalent per person in Thailand or in the country of nationality or residence for no less than consecutive 3 months on the date of application submission.

(3) Have a health insurance policy valid throughout the period of residency in Thailand for both the applicant and its accompanying persons who are the spouse or legitimate children.

(4) Not possess prohibited characteristics pursuant to the immigration law.

2.4.3 In case of permission of up to 2 years, shall:

(1) Establish a business in Thailand that is certified as start-up business in the targeted industries by relevant public agencies such as National Innovation Agency (Public Organization) (NIA) and Digital Economy Promotion Agency.

(2) Hold the shares of not less than 25 percent of the registered capital or be a director in the established and certified business in (1).

(3) Have a deposit of no less than 600,000 Baht or equivalent in a bank account opened in Thailand or in the country of nationality or residence for no less than consecutive 3 months on the date of application submission.

In the case where a start-up business operator has a spouse or legitimate children as accompanying persons, such start-up business operator shall have additional deposit of no less than 180,000 Baht or equivalent per person in a bank account opened in Thailand or in the country of nationality or residence for no less than consecutive 3 months on the date of application submission.

(4) Have a health insurance policy valid throughout the period of residency in Thailand for both the applicant and its accompanying persons who are the spouse or legitimate children.

(5) Not possess prohibited characteristics pursuant to the immigration law.

2.5 Accompanying persons who are the spouse or legitimate children under article 1.1 of the immigration law shall not possess prohibited characteristics pursuant to the immigration law.

3. Alien persons with the qualifications under article 2 shall be eligible to reside in the Kingdom temporarily and have other rights pursuant to the permission for some types of alien to reside temporarily in the Kingdom for highly skilled professionals, investors, executives and start-up business operators, and shall comply with the criteria, procedures, and conditions specified by the Ministry of Interior, Office of Immigration Bureau, and other relevant public agencies.

4. Alien persons with the qualifications under article 2.1 – 2.4 shall be permitted to work in the Kingdom without work permit in the jobs which are not prohibited for alien persons pursuant to the law on managing the work of alien persons during the valid term of permission to reside in the Kingdom, as follows:

- (1) Jobs in a certified private business or in public agency in case of highly skilled professionals;
- (2) Jobs in a certified business in case of investors;
- (3) Jobs in a certified business in case of executives;
- (4) Jobs in a certified project or business in case of start-up business operators.

In case of amendment or addition of the jobs under (1) - (4), an additional certificate shall be obtained pursuant to relevant criteria.

(5) Accompanying persons who are the spouse of alien persons with the qualifications under article 2.1 – 2.4 (except the spouse of alien persons under article 2.4.1) and legitimate children of alien persons with the qualifications under article 2.1 (highly skilled professionals) above the age of eighteen shall be permitted to work in the Kingdom within the scope of rights of the alien person whom such follower is dependent on.

This Announcement shall be effective from now on.

Announced on December 18, 2018.

Duangjai Asawachintachit

Secretary General of the Board of Investment