



Announcement of the Board of Investment

No. Por. 13/2561

Process of Certification of Qualifications for Alien Persons Wishing to Apply for Smart Visa

Subsequent to the Announcement of the Board of Investment No. Por.12/2561 dated December 18, 2018 on Qualifications, Criteria, and Conditions for Smart Visa;

By virtue of Section 13 of the Investment Promotion Act B.E. 2520 (1977) and the Cabinet's resolutions dated January 16, 2018 and November 6, 2018, the Board of Investment hereby repeals the Announcement of the Board of Investment No. Por. 5/2561 dated February 1, 2018 on Process of Certification of Qualifications for Alien Persons Wishing to Apply for Smart Visa, and announces as follows:

1. Application submission

Alien persons who wish to apply for certification of qualifications can submit the application to the BOI's One Stop Service Center for Visa and Work Permit (OSS) or to the Royal Thai Embassy or Thai Consulate in foreign countries, and such agency shall submit the application to the OSS.

2. Process of certification of qualification

2.1 The One Stop Service Center for Visa and Work Permit shall send the application to relevant agencies within 3 working days from the date receiving the application to undertake the following process:

2.1.1 Certify qualifications of professionals by relevant agencies such as Digital Economy Promotion Agency, National Science and Technology Development Agency, Office of National Research Council of Thailand, and Thailand Institute of Scientific and Technological Research.

2.1.2 Certify target industries by relevant agencies such as National Innovation Agency (Public Organization) and Digital Economy Promotion Agency.

2.1.3 Certify technology-based entity for production/manufacturing or service provision process and the business in target industries by relevant agencies such as National Science and Technology Development Agency and Digital Economy Promotion Agency.

2.1.4 Certify the participation in the incubation project or accelerator project or other similar projects by relevant agencies such as National Innovation Agency (Public Organization) and Digital Economy Promotion Agency.

In the case where the applicant does not participate in the incubation project, the applicant must be jointly invested by the public sector or be certified by Digital Economy Promotion Agency or relevant public agencies.

2.1.5 Certify the venture capital company

2.1.5.1 Certify the venture capital company with technology-based production/ manufacturing or service provision which is jointly invested by the public sector such as the National Science and Technology Development Agency and Digital Economy Promotion Agency.

2.1.5.2 Certify the venture capital company with technology-based production/ manufacturing or service provision of the private sector such as National Innovation Agency (Public Organization) and Digital Economy Promotion Agency.

2.1.6 Certify start-up projects in activities such as start-up camps by relevant agencies such as National Innovation Agency (Public Organization), Digital Economy Promotion Agency, and Thailand Board of Investment.

2.1.7 Certify plans for establishing local start-ups employing technology or innovation as a significant part of operation by relevant agencies such as National Innovation Agency (Public Organization) and Digital Economy Promotion Agency.

2.1.8 Certify qualification of professionals and their duties in providing Alternative Dispute Resolution in the Kingdom by relevant agencies such as Thailand Arbitration Center and Thai Arbitration Institute.

2.1.9 Certify local start-ups in targeted industries by relevant agencies such as National Innovation Agency (Public Organization) and Digital Economy Promotion Agency.

2.1.10 Inspect criminal records and behaviors by the Ministry of Foreign Affairs.

2.1.11 Check to ensure that the person is not an alien prohibited from entering Thailand by the Immigration Office.

2.1.12 Check to ensure that the work is not a prohibited work according to the laws by the Department of Employment.

2.2 Relevant agencies under clauses 2.1.1 – 2.1.12 shall notify the results of consideration to One Stop Service Center for Visa and Work Permit within 20 working days from the date of receipt of application.

2.3 One Stop Service Center for Visa and Work Permit shall consider and screen the applicant pursuant to the Announcement on Qualifications and notify the results within 7 working days from the date receiving the notification under clause 2.2 as follows:

2.3.1 In the case where the applicant does not meet the qualifications:

The Center shall notify the results to the applicant and/or relevant agencies, whatever the case may be.

2.3.2 In the case where the applicant meets the qualifications:

(1) The Center shall notify the results to the applicant so that the applicant can proceed with the application for Smart Visa at the One Stop Service Center for Visa and Work Permit, the Royal Thai Embassy or Thai Consulate in foreign countries, the Eastern Economic Corridor's Labor Administration Center, or other places as stipulated by the Immigration Bureau within 60 days from the date of issuance of qualification certificate.

(2) The Center shall notify the results to the Ministry of Foreign Affairs, the Immigration Bureau, or the EEC's Labor Administration Center, or other places as stipulated by the Immigration Bureau to proceed with relevant matters.

3. Accompanying persons who are spouse or legitimate children may submit the application under clause 1 along with the alien persons whom they accompany, and One Stop Service Center for Visa and Work Permit shall consider and send such application using the means under clauses 2.1.10 – 2.1.12, whatever the case may be. In this regard, One Stop Service Center for Visa and Work Permit shall notify the results in accordance with clause 2.3.

4. Alien persons who wish to continue to reside temporarily in the Kingdom after expiration of permission shall submit the application under clause 1 no less than 60 days prior to the expiry date of permission.

5. Alien persons shall submit a report using the form of report on status specified by the Office to indicate the status and update the information every 1 year from the date of permission to reside temporarily in the Kingdom.

6. The process for certification of qualifications for eligibility of Smart Visa shall be completed within 30 working days from the date of receipt of application with evidences as stipulated in the conditions.

7. In the case where the permission grantee wishes to abolish the rights to reside in the Kingdom under Smart Visa, such grantee shall serve a written notice to One Stop Service Center for Visa and Work Permit, and the Center shall submit such application to relevant agencies to proceed with relevant matters, whatever the case may be.

This Announcement shall be effective from now onwards.

Announced on December 18, 2018.

(Miss Duangjai Atsawajintajit)

Secretary General of the Board of Investment