



Thailand Immigration Alert

Visa Exemption for Japanese Short-Term Business Travelers: Caution Regarding Work Activities

Introduction

The Ministry of Interior of Thailand has announced a visa exemption (free visa) specifically for Japanese business travelers, allowing them a maximum stay of 30 days. This exemption applies to travel from January 1, 2024, to December 31, 2026.

What to know?

The conditions for this exemption are as follows:

- Must hold a Japanese passport or a travel document to replace a Japanese passport.
- Allowed temporary entry into the Kingdom for up to 30 days.
- The purpose of their visit must be for 'business contacts or conducting urgent or necessary work or specific work according to clause 2 of the Announcement of the Department of Employment dated 14 October 2020.' Travelers must submit relevant documents such as appointment letters, invitation letters, or certifications related to their business activities for review and approval by immigration officers.

The decision to grant a visa exemption remains at the discretion of the immigration officers at the port of entry who will review the documents presented by the business travelers. If deemed appropriate, the officers will stamp “Por 30 (Mor.17)” (In Thai: “พ 30 (ม.17)”) on the passport and permit a stay of up to 30 days in the country.

The granting of a visa exemption for Japanese business travelers aims to facilitate travel procedures for this group, which holds high economic potential and investment interest in Thailand. Typically, short-term business travelers require a Non-Immigrant Type B Visa (Business) application from the Thai embassy or consulate before entering Thailand. Therefore, the visa exemption for Japanese business travelers expedites their entry for business contacts, enabling them to enter Thailand immediately without the need for a visa application process. This mechanism aims to stimulate and promote economic activities in the country overall.

Our thoughts

It is essential to exercise caution regarding the nature of work or business activities to be conducted in Thailand, determining whether they fall under the definition of 'work' according to the Foreigners' Working Management Emergency Decree B.E. 2560 and its Amendment B.E. 2561 (FWMED). If they do, a work permit will be required in accordance with these laws.

In cases of 'urgent or necessary work or specific work,' the Department of Employment (DOE) has issued an announcement clearly defining the types of work that fall under such circumstances. These activities include organizing conferences, training, or seminars; conducting special academic lectures; temporary internal audits; quality inspection of products or goods; inspection or improvement of the production process; machinery installation, inspection, repairing, or consulting, etc. Foreign individuals intending to engage in such activities must inform the DOE by submitting the necessary documentation as stipulated in Article 61 of the FWMED before commencing work. The duration of such work must not exceed 15 days initially, with a possible extension of another 15 days, totaling 30 days.

Moreover, it is crucial to consider which business activities can be conducted without constituting work, allowing Japanese business travelers to operate without the need for a work permit. The FWMED defines 'work' as “engaging in any occupation, regardless of whether there is an employer”. Therefore, assessing the nature of “business contacts” requires careful consideration on a case-by-case basis, as there are no specific regulations or announcements from the DOE, particularly

regarding Japanese business travelers in the context of the Ministry of Interior Announcement. If the DOE deems certain business contacts as work related and requires a general work permit, it may not align with the intention of providing visa exemptions to Japanese business travelers to stimulate the economy and facilitate business contacts.

Hence, if any company or organization wishes to invite Japanese business travelers to Thailand, besides considering the visa exemption, they must carefully assess the nature of business activities to be conducted. They must determine if the activities can be conducted without a work permit, or if the activities fall under 'urgent or necessary work or specific work' which requires notification to the DOE, or if the activities fall under 'work' that requires a regular work permit.

Nonetheless, it is important to note that a visa exemption for Japanese short-term business travelers cannot be used to apply for a regular work permit. In such cases, Japanese business travelers must apply for a Non-Immigrant Type B Visa (Working/Employment) from the Thai embassy or consulate abroad.

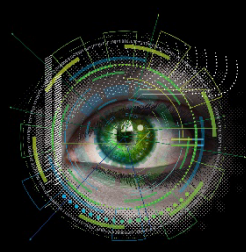
Contacts

- Pornpun Niyomthai, Partner, Tax & Legal Services
Tel: +66 (0) 2034 0175
Email: pniyomthai@deloitte.com
- Natchariya Chomngam, Senior Manager, Tax & Legal Services
Tel: +66 (0) 2034 0000 ext. 14202
Email: nchomngam@deloitte.com



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