

(ROYAL EMBLEM)

ORDER OF THE ROYAL THAI POLICE

No. 777/2551

**Subject: Criteria and Conditions for Consideration of an Alien's Application
for a Temporary Stay in the Kingdom of Thailand**

Pursuant to Order No. 543/2549 dated August 15, 2006 and Order No. 56/2551 dated January 21, 2008 concerning the authority to grant a temporary stay in the Kingdom of Thailand to aliens who are granted visa exemption under Paragraph 3, Section 35 of the Immigration Act B.E. 2522 (A.D. 1979), and Order No. 606/2549 dated September 8, 2006 concerning the criteria and conditions for consideration of an alien's application for a temporary stay in the Kingdom of Thailand, issued by the Royal Thai Police Bureau;

It is deemed expedient to amend the criteria and conditions for consideration of an alien's application for a temporary stay in the Kingdom of Thailand by virtue of Section 11(4) of the Royal Thai Police Act B.E. 2547 (A.D. 2004). Therefore, the Commissioner-General of the Royal Thai Police Bureau issues the following order prescribing the criteria and conditions for consideration of an alien's application for a temporary stay in the Kingdom of Thailand under Paragraph 3, Section 35 of the Immigration Act B.E. 2522 (A.D. 1979):

1. The following orders shall be repealed:

- 1.1 Order No. 606/2549 of the Royal Thai Police Bureau dated September 8, 2006 and
- 1.2 Order No. 56/2551 of the Royal Thai Police Bureau dated January 21, 2008.

All other regulations, rules, and orders in the parts which are provided herein, or which are contradictory hereto or inconsistent herewith, shall be superseded by this Order.

2. The criteria for consideration of granting an alien extension of stay in the Kingdom of Thailand, in the case of necessity, for a period not exceeding one year for each request, according to Paragraph 3, Section 35 of the Immigration Act B.E. 2522 (A.D. 1979), shall be in accordance with the criteria for consideration of granting an alien extension of stay in the Kingdom as stated herein. The Immigration Bureau shall issue an order for supporting documents for the consideration according to the reasons and necessity of each case and shall report the same to the Royal Thai Police.

3. During the period pending the consideration for granting an alien extension of stay in the Kingdom under Clause 2 herein, said alien is allowed to stay in the Kingdom of Thailand while awaiting the results of the consideration. A permission to stay during the waiting period shall be stamped as many times as necessary by the competent officers; however, the total period of stay shall not exceed thirty days from the date following the date on which the permitted period has lapsed.

4. In the case where an applying alien does not meet the full qualifications stipulated by the criteria herein, the alien must be notified of the non-permission order and must depart from the Kingdom within seven days from the date following the date on which the permitted period has lapsed.

If the alien wishes to seek reconsideration of the non-permission order under Paragraph 1 herein, he may submit one petition only in writing, stating the reasons and necessity, to a competent officer equivalent to or higher than inspector for which a written order accepting such petition must be issued first. The petitioner may submit the application together with supporting documents for consideration simultaneously. The reconsideration must be completed within the period of time stated in Paragraph 1. During the reconsideration, competent officers must stamp permission allowing the alien seven business days from the submission date of the petition for reconsideration to wait for the result.

5. In the case where an alien applicant does not meet the full qualifications stipulated by the criteria herein or in other cases not specified in this Order but a competent officer equivalent to or higher than inspector is of the opinion that the alien has legitimate reason for staying in the Kingdom of Thailand, the application shall be forwarded to the Commander of the Royal Thai Police or an authorized competent officer for further consideration of the alien's application.

6. Within one year from the effective date hereof, in the case of an alien who has entered the Kingdom under Clause 2.18 (6) based on marriage to a Thai woman and has continuously been permitted temporary stay in the Kingdom prior to the enforcement of this Order, but said alien does not meet the full qualifications stipulated under the criteria herein, the Commander of the Immigration Bureau or an authorized competent officer shall consider the case based on the reasons and necessity.

This Order is effective as of this date.

Given on November 25, 2008

Police General (signature)
(Phatcharavat Wongsuwan)
Director of Royal Thai Police

**Criteria for Consideration of Granting an Alien Extension of Stay in the Kingdom
According to Clause 2 of Order No. 777/2551 of the Royal Thai Police
dated November 25, 2008**

Reasons of Necessity	Criteria for Consideration
<p>2.1 In the case of business necessity, for example, the applicant must stay to carry out work for a company or partnership: Each permission shall be granted for no more than one year.</p>	<p>(1) The alien must have been granted a non-immigrant visa (NON-IM). (2) The alien must earn an income per the attached Table of Income (Annex A). (3) The business must have a paid-up registered capital of no less than Baht 2 million. (4) Said business must have submitted its financial statements as at the end of its fiscal year for the past two accounting years which have duly been audited and certified by a certified public accountant or a tax auditor, to prove that the business is sufficiently secure with actual and continuous operation, according to the guidelines for consideration of business status concerning the actual and continuous operation attached hereto (Annex B). (5) Said business needs to hire aliens. (6) Said business must have a ratio of one alien employee per four permanent Thai employees. (7) The following businesses shall be exempted from the Criteria (3), (4), and (5), and the ratio of Thai employees specified under Criteria (6), shall be reduced to one alien employee per one permanent Thai employee: (a) International trade business (representative office) (b) Regional office (c) Overseas company (branch office)</p>
<p>2.2 In the case of necessity where the applicant must carry out duties relating to investment approved by the relevant ministry, department, and bureau: Each permission shall be granted for no more than one year.</p>	<p>The alien: (1) Must have been granted a non-immigrant visa (NON-IM). (2) Must have been confirmed and requested by the relevant ministry, department, and bureau.</p>
<p>2.3 In the case of necessity where the applicant must carry out duties for the government, state enterprise, or other government agency: Each permission shall be granted for no more than one year.</p>	<p>The alien: (1) Must have been granted a non-immigrant visa (NON-IM). (2) Must have been confirmed and requested by said agency or organization.</p>

Reasons of Necessity	Criteria for Consideration
<p>2.4 In the case of tourism purposes: Each permission shall be granted for no more than 30 days. However, the total period of stay shall not exceed 90 days from the date of entry into the Kingdom.</p>	<p>The alien:</p> <ol style="list-style-type: none"> (1) Must have been granted a tourist visa (TOURIST). (2) Must not be of a nationality or type prescribed by the committee monitoring official proceedings of officers of the Immigration Bureau.
<p>2.5 In the case of investment: Each permission shall be granted for no more than one year.</p>	<p>A. Investment of no less than Baht 3 million: The alien:</p> <ol style="list-style-type: none"> (1) Must have been granted a non-immigrant visa (NON-IM); (2) Must have entered the Kingdom before October 1, 2006 and must have been consecutively permitted to stay in the Kingdom for an investment of no less than Baht 3 million; (3) Must have evidence of transferring funds into Thailand of no less than Baht 3 million; (4) Must have evidence of investing in the purchase of a condominium unit for no less than Baht 3 million issued by a relevant agency or by the government; or (5) Must have evidence of investing in the form of a fixed deposit of no less than Baht 3 million with a bank which is registered in Thailand and has Thai nationals holding more than 50 percent of its shares; or (6) Must have evidence of investing in the purchase of government or state enterprise bonds of no less than Baht 3 million; or (7) Must have evidence of making an investment as set out in Criteria (4), (5), or (6) with a total value of no less than Baht 3 million. <p>B. Investment of no less than Baht 10 million: The alien:</p> <ol style="list-style-type: none"> (1) Must have been granted a non-immigrant visa (NON-IM). (2) Must have evidence of transferring funds into Thailand of no less than Baht 10 million. (3) Must have evidence of investing in the purchase or rental of a condominium unit for a period of no less than 3 years issued by a relevant agency or government, at a purchase or rental price of no less than Baht 10 million; or (4) Must have evidence of investing in the form of a fixed deposit of no less than Baht 10 million with a bank which is registered in Thailand and has Thai nationals holding more than 50 percent of its shares; or (5) Must have evidence of investing in the purchase of government or state enterprise bonds of no less than Baht 10 million; or (6) Must have evidence of making an investment as set out in Criteria (3), (4), or (5) with a total value of not less than Baht 10 million.

Reasons of Necessity	Criteria for Consideration
<p>2.6 In the case of a teacher, professor, or expert in a government educational institution: Each permission shall be granted for no more than one year.</p>	<p>The alien:</p> <ol style="list-style-type: none"> (1) Must have been granted a non-immigrant visa (NON-IM). (2) Must have been confirmed and requested by the particular educational institution.
<p>2.7 In the case of a teacher, professor, or expert in a private educational institution: Each permission shall be granted for no more than one year.</p>	<ol style="list-style-type: none"> (1) The alien must have been granted a non-immigrant visa (NON-IM). (2) Said educational institution is permitted to operate by a relevant government agency. (3) The alien must have been confirmed and requested by the particular educational institution.
<p>2.8 In the case of study in a government educational institution: Each permission shall be granted for a period certified by the educational institution, which shall not exceed one year.</p>	<p>The alien:</p> <ol style="list-style-type: none"> (1) Must have been granted a non-immigrant visa (NON-IM). (2) Must have been confirmed and requested by that particular educational institution.
<p>2.9 In the case of study in a private educational institution: Each permission shall be granted for a period certified by the educational institution, which shall not exceed one year.</p>	<ol style="list-style-type: none"> (1) The alien must have been granted a non-immigrant visa (NON-IM). (2) Said educational institution is permitted to operate by a relevant government agency. (3) The alien must have been confirmed and requested by that particular educational institution. (4) The alien must have been confirmed by the relevant government agency (except in the case of study in an international school and higher education).
<p>2.10 In the case of conducting training or research in a university or research institute: Each permission shall be granted for no more than one year.</p>	<p>The alien:</p> <ol style="list-style-type: none"> (1) Must have been granted a non-immigrant visa (NON-IM). (2) Must have been confirmed and requested by the dean of that university or by the head of that research institution. (3) In the case of conducting training or research in a private university or research institute, must have been confirmed and requested by the relevant government agency.

Reasons of Necessity	Current Criteria for Consideration
<p>2.11 In the case of being a family member of an alien who has been permitted a temporary stay in the Kingdom for study in an educational institution according to Clauses 2.8 or 2.9 hereof (applicable only to parents, spouse, children, adopted children, or spouse's children):</p> <p>Each permission shall be granted for no more than one year.</p>	<p>(1) The alien must have been granted a non-immigrant visa (NON-IM). (2) The alien must have proof of relationship. (3) In the case of spouse, the relationship must be <i>de jure and de facto</i>; or (4) In the case of children, adopted children, or spouse's children, said children, adopted children, and spouse's children must not be married, must live with the alien as part of the family, and must not be over 20 years of age; or (5) In the case of parents, funds must be deposited in a bank in Thailand, under the father's or the mother's name, of no less than Baht 500,000 for the past three months. For the first year only, the applicant must have proof of a deposit account in which said amount of funds has been maintained for no less than 30 days prior to the filing date.</p>
<p>2.12 In the case of performing duties in the mass media:</p> <p>Each permission shall be granted for no more than one year.</p>	<p>The alien:</p> <p>(1) Must have been granted a non-immigrant visa (NON-IM). (2) Must have been confirmed and requested by the Government Public Relations Department or the Department of Information, Ministry of Foreign Affairs.</p>
<p>2.13 In the case of studying Buddhism or practicing religious activities:</p> <p>Each permission shall be granted for no more than one year.</p>	<p>The alien:</p> <p>(1) Must have been granted a non-immigrant visa (NON-IM). (2) Must have been confirmed and requested by the National Office of Buddhism, or Office of the Prime Minister, or Mahachulalongkornrajavidyalaya University, or Mahamakut Buddhist University. (3) Must have been confirmed by the abbot of the temple where the applicant is studying Buddhism or practicing religious activities.</p>
<p>2.14 In the case of a missionary:</p> <p>Each permission shall be granted for no more than one year.</p>	<p>The alien:</p> <p>(1) Must have been granted a non-immigrant visa (NON-IM). (2) Must have been confirmed and requested by the Department of Religious Affairs or the Office of National Buddhism. (3) Must have been confirmed and requested by the particular religious organization.</p>

Reasons of Necessity	Criteria for Consideration
<p>2.15 In the case of a skilled laborer or a medical expert or a practitioner of other professions for the purpose of transferring knowledge to Thai people:</p> <p>Each permission shall be granted for no more than 90 days.</p>	<p>The alien:</p> <ol style="list-style-type: none"> (1) Must have been granted a non-immigrant visa (NON-IM). (2) Must have been confirmed and requested by a relevant organization or agency.
<p>2.16 In the case of installation or repair of machines, aircraft, or ocean vessels:</p> <p>Each permission shall be granted for no more than 90 days.</p>	<p>The alien:</p> <ol style="list-style-type: none"> (1) Must have been granted a non-immigrant visa (NON-IM). (2) Must have been confirmed and requested by a relevant organization or agency.
<p>2.17 In the case of an actor, vocalist, or musician working at a hotel or an entertainment company in Thailand with a paid-up registered capital of no less than Baht 20 million:</p> <p>Each permission shall be granted for no more than 120 days.</p>	<p>The alien:</p> <ol style="list-style-type: none"> (1) Must have been granted a non-immigrant visa (NON-IM). (2) Must have been confirmed and requested by a hotel or an entertainment company in Thailand which has a paid-up registered capital of no less than Baht 20 million.
<p>2.18 In the case of being a family member of a Thai national (applicable only to parents, spouse, children, adopted children, or spouse's children):</p> <p>Each permission shall be granted for no more than one year.</p>	<ol style="list-style-type: none"> (1) The alien must have been granted a non-immigrant visa (NON-IM). (2) The alien must have proof of relationship. (3) In the case of spouse, the relationship must be <i>de jure</i> and <i>de facto</i>; or (4) In the case of children, adopted children, or spouse's children, said children, adopted children, or spouse's children must not be married, must live with the alien as part of the family, and must not be over 20 years of age; or (5) In the case of parents, the father or mother must maintain an average annual income of no less than Baht 40,000 per month throughout the year or must have deposited funds of no less than Baht 400,000 to cover expenses for one year. <p>For other necessary cases, the Commissioner or Deputy Commissioner of Immigration Bureau is granted the authority to make decisions regarding approval on a case-by-case basis.</p>

Reasons of Necessity	Criteria for Consideration
	(6) In the case of marriage to a Thai woman, the alien husband must earn an average annual income of no less than Baht 40,000 per month or must have no less than Baht 400,000 in a bank account in Thailand for the past two months to cover expenses for one year.
<p>2.19 In the case of being a family member of a Thai resident (applicable only to parents, spouse, children, adopted children, or spouse's children): Each permission shall be granted for no more than one year.</p>	<p>(1) The alien must have been granted a non-immigrant visa (NON-IM). (2) The alien must have proof of relationship. (3) In the case of spouse, the relationship must be <i>de jure</i> and <i>de facto</i>; or (4) In the case of children, adopted children, or spouse's children, said children, adopted children, or spouse's children must not be married, must live with the alien as part of the family, and must not be over 20 years of age; or (5) In the case of parents, the father or mother must be 50 years of age or over.</p>
<p>2.20 In the case of being a family member of an alien permitted a temporary stay in the Kingdom under Clauses 2.1, 2.2, 2.3, 2.5, 2.6, 2.7, 2.10, 2.12, 2.13, 2.14, 2.15, 2.16, 2.17, 2.21, 2.22, 2.26, or 2.29 hereof or Section 34(7) (applicable only to parents, spouse, children, adopted children, or spouse's children): Each permission shall be granted for no more than one year.</p>	<p>(1) The alien must have been granted a non-immigrant visa (NON-IM). (2) Must have proof of relationship. (3) In the case of spouse, the relationship must be <i>de jure</i> and <i>de facto</i>; or (4) In the case of children, adopted children, or spouse's children, said children, adopted children, or spouse's children must not be married, must live with the alien as part of the family, and must not be over 20 years of age; or (5) In the case of parents, the father or mother must be 50 years of age or over.</p>
<p>2.21 In the case of necessity where the alien must stay to perform duties in a public charitable organization, a foreign private company, a foundation, an association, a foreign chamber of commerce, the Thai Chamber of Commerce, or the Federation of Thai Industries: Each permission shall be granted for no more than one year. In the case where there is no certification made by any government agency under Criteria (3) hereof, each permission shall be granted for no more than 90 days of stay.</p>	<p>The alien: (1) Must have been granted a non-immigrant visa (NON-IM). (2) Must have been confirmed and requested by the authorized person or the person holding the highest position in the organization, and/or (3) Must have been confirmed and requested by the head of a government agency equivalent to or higher than the departmental level or by the head of a state enterprise or by the head of another government agency relating to the organization.</p>

Reasons of Necessity	Criteria for Consideration
<p>2.22 In the case of retirement: Each permission shall be granted for no more than one year.</p>	<p>The alien:</p> <ol style="list-style-type: none"> (1) Must have been granted a non-immigrant visa (NON-IM). (2) Must be 50 years of age or over. (3) Must have evidence of having income of no less than Baht 65,000 per month; or (4) On the filing date, the applicant must have funds deposited in a bank in Thailand of no less than Baht 800,000 for the past three months. For the first year only, the applicant must have proof of a deposit account in which said amount of funds has been maintained for no less than 60 days prior to the filing date; or (5) Must have an annual earning and funds deposited with a bank totaling no less than Baht 800,000 as of the filing date. (6) An alien who entered the Kingdom before October 21, 1998 and has been consecutively permitted to stay in the Kingdom for retirement shall be subject to the following criteria: <ol style="list-style-type: none"> (a) Must be 60 years of age or over and have an annual fixed income with funds maintained in a bank account for the past three months of no less than Baht 200,000 or have a monthly income of no less than Baht 20,000. (b) If less than 60 years of age but not less than 55 years of age, must have an annual fixed income with funds maintained in a bank account for the past three months of no less than Baht 500,000 or have a monthly income of no less than Baht 50,000.
<p>2.23 In the case of a person who used to have Thai nationality or whose parent is or was of Thai nationality visiting relatives or returning to his or her original homeland: Each permission shall be granted for no more than one year.</p>	<ol style="list-style-type: none"> (1) There must be evidence that the applicant used to have Thai nationality or that his/her parent is or was of Thai nationality.
<p>2.24 In the case of visiting a spouse or children who are of Thai nationality: Permission shall be granted for one time and no more than 60 days.</p>	<ol style="list-style-type: none"> (1) There must be proof of relationship. (2) In the case of spouse, the relationship must be <i>de jure</i> and <i>de facto</i>.
<p>2.25 In the case of receiving medical treatment, attending rehabilitation, or taking care of a patient: Permission shall be granted for no more than 90 days.</p>	<ol style="list-style-type: none"> (1) Must have been confirmed and requested by a physician of the hospital providing said treatment with full explanation about the illness, period of treatment, and the physician's opinion that the illness is an impediment to travel. (2) In the case of taking care of a patient, the applicant must have been confirmed and requested by a physician of the hospital providing the examination and treatment or by an embassy or consulate.

Reasons of Necessity	Criteria for Consideration
	(3) In the case of caretakers who are not the parents, spouse, children, adopted children, or spouse's children, permission shall be granted for no more than one person.
<p>2.26 In the case of litigation or court proceedings: Each permission shall be granted for no more than 90 days.</p>	(1) There must be evidence confirming that the applicant is involved in a litigation or court proceedings as accuser, injured person, accused, plaintiff, defendant, or witness.
<p>2.27 In the case of performing duties or missions for a government agency, state enterprise, other government agency or embassy or consulate or international organization: Each permission shall be granted for no more than 90 days. An exception is made in the case of necessity, on a case-by-case basis, where each permission shall be granted for no more than one year.</p>	<p>(1) Must have been confirmed and requested by a government agency of the departmental level or equivalent; the head of a state enterprise; the head of another government agency; or a police officer of a level equivalent to or higher than the divisional level; or by a military officer of a command unit under the Ministry of Defense, Royal Thai Armed Forces Headquarters, Royal Thai Army, Royal Thai Navy, or Royal Thai Air Force who is a Major General, Rear Admiral, Air Vice Marshal, or officer of a higher ranking; or by an international organization.</p> <p>(2) In the case of necessity on a case-by-case basis, to stay more than 90 days, the application must be forwarded to the Commissioner of the Immigration Bureau or Deputy Commissioner of the Immigration Bureau for consideration.</p>
<p>2.28 In the case of necessity, with certification or request made by an embassy or consulate: (1) In the case of necessity, each permission shall be granted for no more than 30 days of stay. (2) For training only, each permission shall be granted for no more than 90 days of stay.</p>	<p>(1) Must have been confirmed and requested by the embassy or consulate. (2) In the case of training, said alien must have been granted a non-immigrant visa (NON-IM).</p>
<p>2.29 In the case of proof of nationality: Each permission shall be granted for no more than 180 days.</p>	(1) Must have been confirmed by a relevant government agency.

Reasons of Necessity	Criteria for Consideration
<p>2.30 In the case of an actor, vocalist, musician, or performance director, including persons responsible for entertaining performances or plays conducted from time to time: Each permission shall be granted for no more than 90 days.</p>	<p>(1) Must have been confirmed and requested by a relevant private entity.</p>
<p>2.31 In the case of a person in charge of conveyance and crew of conveyance who entered through a port, station, or locality in the Kingdom, and has not departed from the Kingdom: Each permission shall be granted for no more than 90 days.</p>	<p>(1) The case shall be considered based on the reasons and necessity of not being able to depart from the Kingdom.</p>

Verified Correct,
Pol. Lt. Gen. (*signature*)
(Chatchawal Suksomjit)
Commissioner of the Immigration Bureau

Table of Income for Criteria 2.1(2)
Annexed to Order No. 777/2551 of the Royal Thai Police Bureau
dated November 25, 2008

Nationality	Minimum Income
1. Countries in Europe (except Russia) and Australia, Canada, Japan, the United States of America	Baht 50,000 per month
2. South Korea, Singapore, Taiwan, and Hong Kong	Baht 45,000 per month
3. Countries in Asia (except Japan, South Korea, Singapore, Taiwan, Hong Kong, Cambodia, Myanmar, Laos, and Vietnam) and South America, countries in Eastern Europe, countries in Central America, Mexico, Russia, and South Africa	Baht 35,000 per month
4. Countries in Africa (except South Africa), Cambodia, Myanmar, Laos, and Vietnam	Baht 25,000 per month

Verified Correct,
 Pol. Lt. Gen. (*signature*)
 (Chatchawal Suksomjit)
 Commissioner of the Immigration Bureau

Guidelines for Consideration of Business Status
Concerning the Actual and Continuous Operation under Criteria 2.1(4)
Annexed to Order No. 777/2551 of the Royal Thai Police
dated November 25, 2008

Topic	with/is	without/is not	Copies of Documents
1. Business conducted in accordance with registered objectives			<ul style="list-style-type: none"> – an affidavit/directors' certificate certified by the Registrar within the past six months – a form for submission of financial statements (Form Sor.Bor.Chor.3 or Sor.Bor.Chor.3/1)
2. Audited financial statements certified by a certified public accountant or tax auditor			<ul style="list-style-type: none"> – reports of a certified public accountant or tax auditor, as the case may be
3. Reports of a certified public accountant or tax auditor with unqualified opinions, or if there are any opinions, such opinions shall not be in relation to the ongoing concerns of the business operation			
4. Transactions must be made for the assets, i.e. cash and deposits with financial institutions, trade receivables, inventories, current assets, and others as shown in the balance sheet			<ul style="list-style-type: none"> – balance sheet, notes to financial statements
5. Depreciation or impairment of assets under land, building, and equipment categories			
6. Transactions must be made for the liabilities, i.e. trade payables, loans, current liabilities, and others as shown in the balance sheet			<ul style="list-style-type: none"> – balance sheet, notes to financial statements
7. Notes to financial statements must not specify “no business operation” or “dormant”.			<ul style="list-style-type: none"> – profit and loss statement, notes to financial statements
8. Monthly value added tax returns must be filed for any business recorded for value added tax registration (all businesses that earn income by selling or providing services or from other main income of more than Baht 1,800,000 per year or in the amount which is required to be registered for value added tax by the Revenue Department)			<ul style="list-style-type: none"> – value added tax return forms (Forms Phor. Por. 30 or Phor. Por. 36) and receipts
9. Special business tax returns must be filed monthly (for any business required to be registered for specific business tax).			<ul style="list-style-type: none"> – special business tax return forms (Form Phor.Thor.40) and receipts
10. Individual income tax returns must be filed monthly.			<ul style="list-style-type: none"> – employee withholding income tax return forms (Form P.N.D. 1)
11. Social security contribution returns must be filed monthly.			<ul style="list-style-type: none"> – general social security contribution return forms (Form Sor. Por. Sor. 1-10) (Social Security)

Verified Correct,
Pol. Lt. Gen. (*signature*)
(Chatchawal Suksomjit)
Commissioner of the Immigration Bureau