



Foreigners still confront with many restrictions on retirement in Thailand

As Thailand has been ranked 11th out of 25th regarding best countries to retire in the world of 2020, it is necessary for foreigners staying in Thailand to comply with Thai laws. On Bangkok Post of 24 January 2022 there is an interview between the Bangkok Post and the Immigration Bureau deputy commander Pol Maj Gen Achayon Kraithong regarding Thai laws and regulations on VISA, Work Permit, Permanent Residence, and Nationality granted to foreigners which can be divided into 4 main parts as below.

1. VISA

With regard to the Thai retirement visa, it is another term for “Extension of Stay Based on Retirement” which is an extension of a Non-Immigrant O Visa or Non-Immigrant O Visa. This is a long term Thai visa that entitles the holder to stay of uninterrupted 1 year period in Thailand. However, according to Section 37 (5) of Immigration Act B.E. 2522 (A. D. 1979), it requires a foreigner, who is permitted to stay in the Kingdom temporarily, within a period of 90 days to report the stay of the foreigner to a competent official at the Immigration Division, of his or her residence, in writing, without delay, upon the completion of 90 day period. This shall be repeated at every 90 day interval. If there is an immigration office in the locality, the notification may be made to the competent official of that immigration office. In addition, this notification may be made by the alien in person or in writing to the competent official as regulated by the Director-General. For applying Non-Immigration O VISA, the applicant must be 50 years of age or over and must meet any of the financial requirements:

1. Security deposit of THB 800,000 in a Thai bank account for 2 months prior to the visa application
2. Monthly Income of 65,000 THB
3. Combination of security deposit and annual income with a total of 800,000 THB

2. Work Permit

According to the regulations of the Department of Employment, to legally work in Thailand, a foreigner must hold a Non-Immigration B VISA (Extension of Stay Based on Business) or Permanent Residence Certificate, and a work permit issued in his/her name. Therefore, a foreigner who holds a Thai retirement visa is not allowed to work in Thailand. In addition, foreigners are only allowed to perform work that does not violate the Alien Employment Act. However, those who obtained Non-Immigration B VISA are also required to report to the competent official for every of 90 days.

3. Permanent Residence

Permanent Residence in Thailand is similar to Green Card system in other countries. An application for permanent residence opens from November to December of each year and there will be the notification from the Minister of Interior by approval of the cabinet regarding quota of foreigners to have residence in the Kingdom of Thailand in each year which is normally 100 persons per nationality. In addition, a foreigner who holds a permanent resident certificate can stay in Thailand indefinitely and do not have to notify or report to the competent official every of 90 days.

4. Nationality

It is important to note that even a foreigner who has lived, worked, paid taxes for over a decade, the foreigner is regarded as a non-immigrant which cannot claim for any state welfare benefits unless the foreigner is undergoing a process to change the nationality.

Should you have any question, please do not hesitate to contact us via info@bglballaw.com

