



1.CLARITY ABOUT VISA EXTENSION – OMISSION

2.CLARITY ABOUT WORK PERMIT EXTENSION

29 April 2020

control v 1.2

There seem to be inconsistencies in aspects of visa and work permit administration. JFCCT also makes recommendations about the post COVID 19 era.

JFCCT recommends:

1. Confirmation that the visa extension to 31 July will apply to all visa classes and cases, with monitoring and review and preparation for the period beyond extension, or further extension as needed
2. Confirmation that WP extension will be treated similarly.
3. Family 'O' visa holders and Residents should be included in the return list.
4. Avoidance as far as possible of any need to make an in-person visit to any agency (including applications for visa and work permit renewals; and the various other agencies from which supporting documents have to be obtained) for the health and safety of government officials and foreigners, and the usually Thai and sometimes foreign staff of companies having to attend at offices.
5. Set up contact centre help desks (which can be staff working from home) to support a new way of operating
6. Using the time before the extensions run out to prepare urgently for digital solutions; even with on-line filing as a start.
7. Strip away unnecessary and duplicative filings and measures and harmonise Work Permit and Visa requirements, with digital solutions on the road to fully digitising and process re-engineering immigration and labour (and other) interactions.

1.CLARITY ABOUT VISA EXTENSION – OMISSION

Renewal of visas was extended by Notification of 7 April of Ministry of Interior, to 30 April (the original term of the State of Emergency), then to 31 July (all visa types).

Notification of the Ministry of Interior

Re : Permission for Certain Groups of Aliens to Remain in the Kingdom as a Special Case

(7 April)

2. For an alien who has been permitted a temporary stay in the Kingdom according to their type of visa (including Visa on Arrival) and an alien who has been permitted a temporary stay in the Kingdom according to their visa exemption privileges (P. 30/PP. 14/ PP. 30/PP. 90) whose specified period of



time permitted for stay in the Kingdom expires as from 26 March B.E. 2563 (2020):

- (1) the period of time permitted for stay in the Kingdom under Section 35 of the Immigration Act B.E. 2522 (1979) (including under the Petroleum Act B.E. 2514 (1971) and its Amendments, the Investment Promotion Act B.E. 2520 (1977) and its Amendments, and
- (2)

This was extended to 31 July by cabinet meeting on 21 April with no other material change: PRD information

https://thailand.prd.go.th/mobile_detail.php?cid=4&nid=9381

The Ministry of Interior on 7 April 2020 issued the first notification granting an automatic visa extension until 30 April 2020 for foreign visitors whose visas expired on or after 26 March 2020, in an effort to combat the COVID-19 outbreak.

According to the draft notification approved by the Cabinet on 21 April 2020, the period of time permitted to stay will be extended from 1 May 2020 to 31 July 2020. This means that foreigners whose visas had expired as from 26 March 2020 will be permitted to stay until 31 July 2020 without having to apply for an extension

The CAAT entry bar (a separate point but to illustrate a scheme) allows into Thailand work permit holders, (need a 'B' visa for that) and smart visa holders (Smart Visa holders don't need a separate work permit) but not Residents. (Let us treat the flight ban as a separate issue). (JFCCT Recommends including 'O' visa and 'Residents also).

“(e) Non-Thai nationals with work permit or who have been granted permission from Thai government agencies to work in Thailand (Smart Visa only)”
<https://www.caat.or.th/en/archives/48998>

“The ban on international passenger flights to Thailand will be extended from 1 May 2020 at 17.00 UTC to 31 May 2020 at 17.00 UTC.
<https://www.caat.or.th/en/archives/49796>

It's possible that the total scheme is like this:

- Residents are provided for as they are not allowed back in unless they also have a WP
- WP holders are allowed back in, and to alleviate queues at immigration, there is an automatic extension.

So it does not make sense in this total scheme, 'B' visa holders are not included in the extension. We understand that OSOS is treating 'B' visa holders as included in the extension, but some other Immigration offices are not.



The most encouraging poster below was issued days prior to this Memo. It says “(All types of visa”) and is intended to include all visa classes. This would thus include ‘B’ visa holders, ‘O’ visa holders and retirement visa holder and others. The primary objective is to alleviate problems with in-person visits which impact the health and safety of government officials as well as the foreigners who have to apply. In addition to the application forms there are many supporting forms which often need to be sought from other agencies, often also in person.

INFORMATION

The government extends the permitted period of stay **for aliens to temporarily stay in the Kingdom as a special case** from 1 May 2020 to 31 July 2020.

Aliens permitted to take up residency in the Kingdom
 The period for re-entry has been **extended beyond 1 year.**
 *Once the situation is resolved, such alien must return within the period of time specified by the government.

Aliens permitted to temporarily stay in the Kingdom (All types of visa)
 The permitted period of stay and notification of 90-day report shall be **extended from 1 May 2020 to 31 July 2020.**
 *Once the situation is resolved, such alien must apply for visa extension and do 90-day reporting as specified by the regulations.

Aliens holding border pass
 The permitted period of stay shall be temporarily **extended until the border checkpoints are opened.**
 *Once the border checkpoints are opened, such aliens must depart within 7 days.

Hotline : **1178**
 สำนักงานตรวจคนเข้าเมือง
 IMMIGRATION BUREAU
 www.immigration.go.th

INFORMATION

The government permits **aliens to temporarily stay in Thailand until 31 July 2020.**

No need to extend visa

No need to do 90-day reporting

No need to pay fee

No need to submit any documents

Immigration Bureau will process the abovementioned steps automatically.

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ประชาสัมพันธ์

รัฐบาลขยายเวลา อนุญาตให้ **คนต่างด้าว ประเภทคนอยู่ชั่วคราว** อยู่ต่อไปอีก เป็นกรณีพิเศษ
 จากวันที่ 1 พฤษภาคม ถึงวันที่ 31 กรกฎาคม 2563

คนต่างด้าวที่มีถิ่นที่อยู่ในราชอาณาจักร
 ✓ ขยายระยะเวลาการเดินทางกลับให้ **เกินกว่า 1 ปี**
 • เมื่อสถานการณ์คลี่คลาย ให้เดินทางกลับราชอาณาจักรโดยเร็วตามระยะเวลาที่ ส.ต.ม. กำหนด

คนต่างด้าว ประเภทคนอยู่ชั่วคราว ทุกประเภทวีซ่า
 ✓ ขยายระยะเวลาการให้อยู่ต่อ และการแจ้ง 90 วัน **ตั้งแต่วันที่ 1 พฤษภาคม 2563 ไปจนถึงวันที่ 31 กรกฎาคม 2563**
 • เมื่อสถานการณ์คลี่คลาย ให้ขออนุญาตตามระเบียบ

คนต่างด้าวที่ใช้บัตรผ่านแดน (Border pass)
 ✓ ให้อยู่ต่อไป จนกว่าจะมีการเปิดให้สัญจรข้ามแดนระหว่างประเทศ ตามปกติ
 • เมื่อมีการเปิดด่านชายแดน ให้เดินทางกลับออกไปภายใน 7 วัน

Hotline : **1178**
 สำนักงานตรวจคนเข้าเมือง
 IMMIGRATION BUREAU
 www.immigration.go.th



A corporate services firm has even published an advisory with the heading “You Still Need to Go! The Latest Amnesty Update is unlikely to apply to Expats”

“This latest Amnesty does not apply to expats who have work permits, retirement, family or marriage Non-Immigrant 'Extensions of Stay' (i.e. if you are normally required to do 90-day reporting). The only benefit from this 'amnesty' will be that your local immigration office should be much less crowded than usual.

“The Non-Immigrant 'B', 'O' or 'Ed' visas that are exempt from overstay penalties or extensions, are those that have been obtained from a Thai embassy or consulate. Technically, when we renew our stay here we no longer have 'visas'.”

Some anecdotal evidence: “We have a foreign contractor with a work permit and Class B visa renewal coming up (he’s still in that initial ‘temporary’ renewal period, I think, as the work permit was only recently issued). The lawyer we are using to process this informs us that Class B visa renewals are NOT included in the automatic extensions to July 31, and that normal procedures and deadlines still apply”.

THOSE STUCK OUTSIDE THAILAND

For one year ‘B’ visa holder with WP (for example), there is no mechanism *under normal circumstances* to renew these from outside Thailand.

There are many ‘B; visa holders who are stuck outside Thailand. If the automatic extension applies, there is no need for them to take any action (see the poster), for ‘B’ or any other visa class (‘O’ etc).

2. CLARITY ABOUT WORK PERMIT EXTENSION

There does not seem to be a parallel extension for work permits. We are aware of:

- A Ministry of Labour press statement on MoL website about 22 March or so with a generous statement of automatic extension; but no apparent specific announcement or notification from the Ministry of which we are aware.
- Two decrees extending WP s for workers from three neighbouring countries: Laos, Cambodia, Myanmar to 30 April (may have been extended further)

We are aware of these cases from our members:

- Foreigner must be present in person to renew WP; -there is no extension. A major law firm in a webinar on 28 April stated that there was no extension.
- The Prime Minister had stated that there would be or was already in place automatic extensions of WP just like for visas.
- Either granted extension (or allowed renewal) of WP without physical presence, or deemed that there was no need to get an extension and it was granted.

The inconsistencies are noted.

JFCCT Recommendations are at the start of this Memo.