

Legal Express

Incentives for Foreigners to Invest in Thailand

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During the past few decades, Thai governments have adopted and maintained their policy on welcoming foreigners to invest and work in Thailand. Recently, in order to further enhance competitiveness and attractiveness, the current administration has come up with four main schemes to provide additional benefits to attract and incentivise foreign investment in a number of dimensions as set out below.

Long-Term Resident Visa

This program aims at attracting high efficiency foreigners, i.e. those who are Wealthy Global Citizens, Wealthy Pensioners, Work-From-Thailand Professionals, and High-Skilled Professionals (the “**High-Efficiency Foreigners**”) to stay and work in Thailand on a long-term basis by offering a long-term resident visa (LTR Visa) as administered by the Office of the Board of Investment, Thailand (the “BOI”).

At present, the BOI sets out the following key qualifications for the LTR Visa:

Type	Key Criteria
Wealthy Global Citizens	<ul style="list-style-type: none">• Having investment in Thai government bonds, investment in private or public companies, venture capital, or private equity trust, or properties in Thailand of at least US\$500,000.• Having an average income of at least US\$80,000 per annum.• Having assets worth at least US\$1,000,000.
Wealthy Pensioners	<ul style="list-style-type: none">• Being at least 50 years old.• Having an average income of at least (i) US\$80,000 per annum, or (ii) US\$40,000 per annum with an investment in government bonds, private or public companies, venture capital, or private equity trust, or properties in Thailand for at least US\$250,000.

Type	Key Criteria
Work-from-Thailand Professionals	<ul style="list-style-type: none"> • Having an average income of at least (i) US\$80,000 per annum, or (ii) US\$40,000 per annum and meet certain specific requirements set out by the BOI such as holding a Master's degree or above, possess intellectual property or receive Series A funding. • Having at least 5 years of work experience in the relevant fields of the current employment.
Highly-Skilled Professionals	<ul style="list-style-type: none"> • Having at least 5 years of experience in targeted industries (e.g. next-generation automotive, digital, or high value-added food processing). • Having an average income of at least (i) US\$80,000 per annum, or (ii) US\$40,000 per annum and meet certain specific requirements of the BOI, e.g. applicants must have Master's degree or above in science, technology or other expertise relevant to work in Thailand • The applicants working for certain governmental agencies in Thailand, e.g. public universities or other governmental organizations, will be exempt from the income requirement.

Apart from the above key criteria, applicants are required to have health insurance in Thailand with a coverage of not less than US\$50,000, or social security or deposit in or outside of Thailand for a sum not less than US\$100,000, or US\$25,000 for spouses or children.

Having obtained the LTR Visa, he or she may apply for a digital work permit and immediately start working while awaiting approval of his or her work permit and is eligible for the following tax and non-tax incentives:

Tax

- Reduction of personal income tax rate to 17% for Highly-Skilled Professionals.
- Exemption of personal income tax for bringing income generated offshore into Thailand.

Non-tax

- Privileged Fast Track service at international airports in Thailand.
- 90-day address report extended to 1-year and exemption of re-entry permit.
- Multiple re-entry permit.
- Facilitation services on immigration and work permit.

Elite Card Membership Program

Operated by Thailand Privilege Card Co., Ltd. (“TPC”) and supervised by the Tourism Authority of Thailand (TAT), the Elite Card Membership Program was designed to attract high-net-worth foreigners interested in staying long-term in Thailand. Qualified applicants shall be offered a Privilege Entry Visa (PE Visa) and privileged services in accommodation, entertainment, and transportation. With an application fee starting from Baht 900,000, the Elite Card Membership Program grants a unique five-year multiple entry visa ranging from 5 to 20 years, depending on the type of package, where the members can stay in Thailand for up to 1 year, which can then be extended for 1 year each as assisted by Elite Personal Liaison service without a re-entry permit before leaving the country.

Elite Flexible One Program

Under the partnership between real estate developers and TPC, the Elite Flexible One Program was created to offer an attractive alternative for foreign investors looking for a long-term stay with real estate investment in Thailand. To enjoy such benefits, applicants must purchase a ready-to-move-in property of the partnered real estate developers with a minimum value of Baht 10,000,000.

If all requirements are satisfied, eligible foreigners will be granted the PE Visa for staying in Thailand for up to 5 years, with privileged services similar to those of the Elite Card Membership Program. In this connection, the member cannot sell, transfer or mortgage the purchased property for a period of 5 years and must also submit a report evidencing the ownership of such property to TPC annually. Members will have an option to upgrade to higher tiers of the Elite Card Membership Program afterwards, which will make them eligible to apply for the Elite Flexible Plus Program.

Elite Flexible Plus Program

In general, foreigners holding the PE Visa are not eligible to work or do business in Thailand. To enable them to work in Thailand, they would be required to leave and re-enter the country under a Non-immigrant Visa. Thus, to alleviate this inconvenience, TAT launched the Elite Flexible Plus Program in January 2022, targeting the existing members of the Elite Card Membership Program that are also interested in investing and working in Thailand while retaining their rights and benefits under the Elite Membership Program.

Interested members of the Elite Card Membership Program are required to invest not less than US\$1,000,000 in real estate, private or public companies, or securities listed on the Stock Exchange of Thailand. This may be of particular interest to Elite Flexible One members, who may have already made their large sum of investment in real estate. Meanwhile, proof of their investment must be submitted to TPC annually for 5 consecutive years from the date of such investment.

Upon joining the Elite Flexible Plus Program, the members can convert their PE Visa to the Non-Immigrant Visa (Non-B Visa) without being required to leave Thailand, which can then be used to request a 5-year work permit.

This document is solely intended to provide an update on recent development in Thailand legislation and is not purported to provide a legal opinion, nor a legal advice to any person

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