

Permanent resident: To be or not to be

Similar to typical "how to" questions such as how to buy a house or condo or how to set up a business, how to acquire Permanent Resident status has become a question frequently asked by foreign visitors and expatriates working and living in Thailand. While some have been told that a Permanent Resident (PR) permit is readily available to buyers of condominium units, others have learned that getting one requires commitment and time.

Why is PR status desirable? First of all, since it is an immigration status granted to foreigners who qualify and are approved to become residents of Thailand, the main benefit of having a PR is that the holder would no longer need a visa to enter and stay in Thailand. To some, this means relief from the burden of maintaining and renewing a one-year visa, which is becoming a more challenging process.

Another benefit is that a child born in Thailand to foreign parents both holding PR at the time of the child's birth would automatically get Thai nationality.

A further advantage is derived under the Condominium Act which exempts a PR holder from having to bring in foreign currency for buying a condo. In addition, Thai banks do not generally grant personal home mortgage loans to foreigners unless they have PR status, so it is good to have.

Needless to say, there are some difficulties that one must deal with in order to reap the rewards of a PR.

Foreigners must apply for a permit from the Immigration Bureau and the key requirement that knocks out foreign visitors at the outset is that an applicant must have been living in Thailand on a one-year visa for at least three consecutive years.

Such a one-year visa is obtainable if, for the business category, the foreigner is employed by a Thai company that has at least four Thai employees, earns the minimum income requirement, and fulfills other requirements prescribed by the Bureau.

The Immigration Act allows the granting of PR permits based on a limited quota of only 100 people per nationality per year. In certain years, the competition within some nationalities can be quite stiff. Currently, PR is basically available in three categories — working, humanitarian, and expert — with different requirements.

The popular working category, with some exceptions, basically requires that the applicant have held a work permit for three consecutive years, earns at least 80,000 baht a month, or has paid personal income tax of at least 100,000 baht per year in the past two years.

The humanitarian category includes a variety of circumstances, for example, staying to support a Thai wife, in which case the foreigner must have been legally married to her for at least two years and their combined income must have been at least 30,000 baht in the past two years. Applicants under the expert category need certification from the Thai government agency concerned to support their application.

The opening period for submitting applications varies from year to year but usually occurs in the last few weeks of the year. One of the requirements is that an applicant must have never been

imprisoned, making a criminal background check (usually a time-consuming process and dependent on the co-operation given by foreign embassies and police authorities) imperative.

Following the submission of application and fingerprinting, a

scheduled interview in person takes place with an immigration official to test the applicant's basic Thai listening and speaking skills. Scores will be given to the application for consideration by the committee which will decide on each case subjectively and objectively, thus making the outcome unpredictable. Applicants under the humanitarian category are given priority and preferential treatment. A waiting period of many months before the announcement of results is common.

There is a non-refundable application fee of 7,600 baht. However, it is often the steep government fee of almost 200,000 baht per PR, payable upon approval of the PR, which makes eligible foreigners have second thoughts, since a one-year visa by comparison, is more cost-effective. Nevertheless, while to some expatriates a one-year visa is sufficient to stay and work or to have a personal bank account or to obtain a credit card or driving licence, to others, a PR brings with it a great amount of pride and other intangibles.

It must be noted that PR holders are still considered "alien" under Thai law, thus they are not able to own land or work unless approval is granted. Yet, the demand for PR sometimes exceeds the quota available not only because of its legal benefits but also for the recognition it brings to the foreign holder in the eyes of the Thai authorities. Some even aim higher, that is, to pursue Thai nationality after holding a PR for five years.

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Written by Kobkit Thienpreecha, Attorney, Commercial & Corporate Department, Tilleke & Gibbins International Ltd. Please send comments or suggestions to Marilyn Tinnakul at marilyn@tillekeandgibbins.com.