

LEGAL & BUSINESS INTELLIGENCE

Work Permits & Visas for Foreign
Workers in ASEAN Countries

A Survey – Updated March 2016

DEJ-UDOM & ASSOCIATES
Attorneys-at-Law





Dej-Udom & Associates is an independent law firm in Bangkok, Thailand which provides legal services to a diverse client base that ranges from leading multinational corporations to local companies and individuals. The firm supplies partner-led service in the practice areas of Litigation, Immigration & Employment, Intellectual Property, Corporate Law and Services, Taxation, and Banking and Securities to clients who value expert counsel and astute representation coupled with realistic billing policies and personal contact and attention. Founded in 1986, the firm has strong roots in Thailand's business and legal community and regularly takes on cases and problems that demand sophisticated understanding of intricate legal issues and penetrating focus on strategy, government policies, business planning & procedures, and technology. The firm's highly qualified lawyers and respected negotiators also successfully resolve local and international disputes through multiple alternative dispute resolution channels and offer specialized regional advice on the upcoming ASEAN Economic Community integration. As the International Lawyers Network's member law firm in Thailand since 1990; Dej-Udom & Associates is part of a leading association of high-quality, full-service law firms represented by over 5,000 lawyers in 66 countries.

Dej-Udom & Associates' Legal & Business Intelligence

Southeast Asia with its coming ASEAN Economic Community and proposed Regional Comprehensive Economic Partnership continues to garner global attention as an increasingly popular business and investment destination. However, in today's marketplace, it's difficult to stay current with all the information available, and for the potential investor, the amount of relevant data is staggering. One of Dej-Udom & Associates' strengths is its ability to serve as a transnational legal and business resource, and our ongoing series of reports and articles is meant to be a gateway for new investors unfamiliar with Southeast Asia and allow the firm to pass on significant information about the region to our clients.

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Dr. Dej-Udom Krairit

Founder and Managing Director



The founder of the firm, Dr. Dej-Udom Krairit has 48 years of experience in local and international law practice and is now serving his third three-year term as President of the Lawyers Council of Thailand. He also serves as counsel to many multinational companies and is a member of numerous international organizations. He is currently a Foreign Affairs Director and Member of Committee of the Thai Bar. Over the past 35 years, he has been a lecturer at the Thai Bar, at Thammasat and Chulalongkorn Universities, and the Lawyers Council of Thailand

Worawut Krairit

Senior Partner & Executive Director

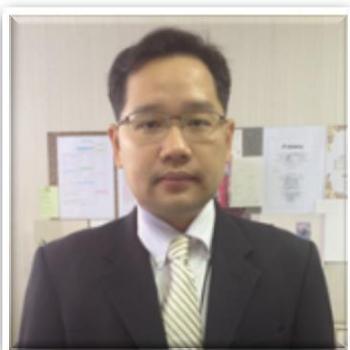


Mr. Worawut Krairit's fields of specialization are Corporate Law, Customs, Taxation, Property, and Intellectual Property. In addition to his other duties, Mr. Krairit has worked closely with many major Fortune 500 companies in obtaining Board of Investment privileges including one to undertake a multi-million dollar manufacturing project in Thailand.

Dr. Poondej Krairit

Senior Partner

Intellectual Property & Technology Law



Dr. Poondej Krairit heads the firm's Intellectual Property Department and currently serves on the Committee of the Design Group of Asian Patent Attorney Association (APAA), the Committee for Intellectual Property Association of Thailand (IPAT) and the Intellectual Property Promotion Association of Thailand (IPPAT). He is a Professional Patent Agent certified and registered by Department of Intellectual Property in the Ministry of Commerce.



Nipa Pakdeechanuan

Senior Partner

Corporate Law, Incorporation, and Business Startup



Ms. Nipa Pakdeechanuan is the firm's senior corporate partner and has advised many foreign clients on the regulations and requirements for establishing businesses in Thailand. Her areas of expertise include undertaking legal due diligences for foreign companies entering into joint ventures with Thai companies.

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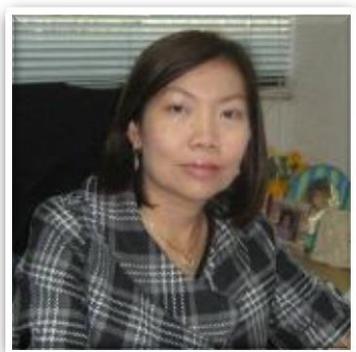


Ms. Punjaporn Kosolkitiwong heads the Litigation Department and has over twenty-nine years' experience in litigation. She also specializes in financial restructuring and employment & labor law. Currently, she serves as a lecturer in Bankruptcy and Rehabilitation Law for Lawyers Council of Thailand and on the committee on Anti-Counterfeiting of Asian Patent Attorney Association.

Aim-on Larpisal

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Employment, Immigration, and Labor Law



Ms. Aim-on Larpisal has headed the firm's Employment & Immigration Department for over twenty years. This department offers expert advice on and handles all aspects of employment under Thai law and also routinely assists a number of international relocation service providers whose clients are large multinational corporations.

Work Permits and Visas in ASEAN Countries – A Survey

As the regulations and procedures vary greatly between countries, one of the challenges of having foreign workers in the ASEAN region is obtaining their work permits and visas. For countries like Indonesia and Malaysia, it is a very complex and lengthy process, while in others like Myanmar and Vietnam, the immigration and employment laws and practices are changing. The following is our survey of work permit and visa policies and application procedures for foreign workers employed in the ASEAN member states updated March 2016.

1. [Brunei](#)
2. [Cambodia](#)
3. [Indonesia](#)
4. [Laos](#)
5. [Malaysia](#)
6. [Myanmar](#)
7. [Philippines](#)
8. [Singapore](#)
9. [Thailand](#)
10. [Vietnam](#)

1. Brunei

All foreign visitors need a visa to enter Brunei, but some nationals can visit visa free for shorter tourist, business, or professional visits:

- 14 days - Cambodia, Canada, Indonesia, Japan, Laos, Liechtenstein, Maldives, Myanmar, Norway, People's Republic of China, Philippines, Peru, Qatar, Switzerland, Thailand, Ukraine, and Vietnam
- 30 days – Australia, Iceland, Malaysia, New Zealand, Norway, Oman, Singapore, South Korea, United Arab Emirates, and Ukraine
- 90 days – United States and all EU/EFTA countries

All other nationalities must apply for a visa from a Brunei embassy or consulate. Activities allowed under the visa-free visits include attending cultural, technological or scientific conferences, seminars or meetings, and unpaid participation in athletic or performing arts events or competitions. Visitors cannot be involved in any activities considered employment.

For foreign workers, Brunei's employment policies are very accommodating, and it is not difficult for an employer to get approval for foreign worker, especially if a local is not available to do the job. Before a foreigner can enter Brunei and begin working, they must obtain an Employment Visa and an Employment Pass from the Department of Immigration and National Registration. However, to even recruit a foreign worker, an employer must be registered with the Labour Department of Brunei and then apply for a Labour Quota License from the same department and obtain a bank guarantee to cover the cost of airfare back to the potential employee's home country and the cost of their workmen's compensation insurance policy. The employer also needs to obtain an approval letter from the foreign workers section at the Immigration and National Registration Department. After initial approval, the Ministry of Health then requires the foreign worker to undergo a pre-employment medical exam in their home country which

then must be sent back to Brunei for approval. After this, the application documents are filed that include an application letter from the employer to the Director of Immigration and National Registration, an Employment Pass application form, a Visa application form, the employer's Labour License, and Labour Department Form 500. After approval of the visa application, a foreigner can enter Brunei and then the Department of Immigration and National Registration will issue the Employment Pass. An Employment Pass is valid for 2-3 years and can be extended 2-3 years each time. A foreign worker must then register with the National Registration Identity Card system for a Smart Identity Card (Green).

2. Cambodia

All foreign visitors need a visa to enter Cambodia and can obtain a visa on arrival or an e-Visa for tourism purposes at all of the country's major entry points, except for nationals of Afghanistan, Algeria, Bangladesh, Iran, Iraq, Nigeria, Pakistan, Saudi Arabia, Sri Lanka, and Sudan. All nationals from ASEAN countries are eligible for visa exemptions. Business visas are also available on arrival.

To work in Cambodia, a foreigner must have a valid business visa and work permit. Before a foreigner can begin working in Cambodia, the employer must obtain approval from the Ministry of Labor and Vocational Training (MLVT). A 30-day single entry business visa can be obtained on arrival or from a Cambodian embassy or consulate. It can then be extended up to one year; however, the 30- and 60-day extensions are only single entry, but the 6- and 12-month extensions are multiple entry. After arrival, the employer then applies with the MLVT for a work permit, which consists of a Work Book and an Employment Card, and there are two types of work permits available in Cambodia for foreign workers, temporary and permanent. Temporary work permits are only valid for the period of the business visa and are issued for the following job descriptions: staff and management specialists, technical staff, skilled workers, and service providers. Documentation needed for a temporary work permit includes the application form, passport with proper visa, Certificate of Health, official work contract, and proof of insurance. A permanent work permit is initially valid for two years, and permanent work permits are issued for foreign immigrants accepted by the Minister Interior and foreign investors and their dependents accepted by the Council for the Development of Cambodia. Documentation needed for a permanent work permit include a copy of the official document recognizing the investment or immigration, passport with the proper visa, and a certified bank statement from any Cambodian bank verifying the government mandated bank deposit amount.

3. Indonesia

All foreign visitors need a visa to enter Indonesia. A visa on arrival for 30-day business, tourist, and social-cultural stays is available to nationals from Brunei, Cambodia, Chile, Ecuador, Hong Kong, Laos, Macau, Malaysia, Morocco, Myanmar, Peru, Philippines, Singapore, Thailand, and Vietnam. Nationals from 174 countries can enter visa free for up to 30 days for tourism purposes, but can only enter through the international airports in

Bali, Batam, Jakarta, Medan, Surabaya, and nine harbors and leave through 29 airports, 88 harbors and seven other borders.

For foreign workers, Indonesia has very strict and complicated immigration and visa requirements and obtaining the proper visa and work permit can be a long process. Currently, a standard work permit will only be issued for a 6-12 month which can be extended. However, unless the foreign worker has a bachelor's degree in their field of expertise and more than five years of experience in that field, the authority will only issue a 6-month work permit.

To start, a potential foreign worker must have a sponsoring company in Indonesia, and this future employer is responsible for completing all applications and obtaining all approvals before their foreign employee can begin working. The employer begins by applying for a VITAS/VBS Temporary Resident Visa that will have a maximum validity of 12 months. Initially, the employer must request an approval letter from the Indonesia Investment Coordinating Board (BKPM) and submit a Compulsory Company Manpower Report to the Regional Manpower Office. Then, the employer can submit an RPTKA (Expatriate Placement Plan) application for approval at the BKPM if a foreign investment company or the Manpower Ministry if a domestic company. After the RPTKA is approved, the employer applies for the VITAS/VBS approval from Directorate General of Immigration in Indonesia. After it approves the grant of the VITAS, the Immigration Department then advises the Indonesian consular post in the foreign worker's home country or country of residence that the VITAS/Limited Stay Visa can be issued, but only after the foreigner completes the final application forms and the consular post receives final authorization from the Immigration Department in Indonesia.

After receiving the VITAS/VBS, the foreign worker can then enter Indonesia and apply for their IMTA/ Expatriate Work Permit from the Manpower Department. The IMTA application can only be filed after the yearly fee to the DPKK/Skill and Development Fund has been paid into the Manpower Ministry's bank. The foreigner can begin working after receiving the IMTA. The next step is to apply for a KITAS Card/Residence Permit and POA/Registration from Immigration which is only valid for a one-year period and can only be extended for three consecutive one-year periods. Within 7 days after arrival, the foreigner and sponsor must submit the KITAS Card and POA application to the local Immigration Office responsible for their area of residence. Concurrently, they must also apply for the Blue Foreigners Registration Book (Blue Book) from the Immigration's Office for the Supervision of Foreigners in which all official activities are registered. To travel out of Indonesia, a MERP/Multiple Exit Re-entry Permit can be obtained after the KITAS Card is issued. Within 30 days of the KITAS Card's issuance, the foreign worker must obtain a STM/Resort Police Report from the local police, a SKPPS/ Temporary Residence Certificate from the local mayor's office and an additional SKTT/Certificate of Domicile if living outside one of the big cities, a SKJ/Travel Permit if working outside one of the big cities, and an Expatriate Existence Report.

4. Laos

All foreign visitors need a visa to enter Laos except for nationals from 15 countries that are eligible for visa extensions:

- 14 days – Brunei
- 15 days – Japan, Luxembourg, Russia, South Korea, Switzerland
- 30 Days – Cambodia, Indonesia, Malaysia, Mongolia, Myanmar, Philippines, Singapore, Thailand, Vietnam

For almost all other nationalities, 30-day tourist visas can be obtained as a visa on arrival at all airports and most border crossings. All other nationalities must obtain a visa from a Lao consulate or embassy.

To work in Laos, a foreigner must have a business visa (B2 Visa) and a work permit and residence card. Under the Lao PDR Labor Law amended in 2013, a business can hire foreign workers, but must give priority to Lao citizens. Also, foreign employees can only make up a maximum of 20% of a company's unskilled labor force and 25% of its skilled labor force.

According to the Immigration Department, a B-2 Visa will only be issued to foreign business persons, foreign experts who are under loan-funded projects, experts and volunteers of non-governmental organizations, staff members of diplomatic missions, general consulates, United Nations agencies and other international organizations that hold ordinary passports

Before arriving in Laos, a foreign worker must obtain a B2 Visa from a Lao consular post in their home country or country of residence, and overall, obtaining a B2 visa is a lengthy process. If a foreigner is currently residing in Laos, they must leave the country to apply for the visa. The prospective foreign worker needs to be sponsored by a company or individual in Laos that must obtain approval from the Lao Ministry of Foreign Affairs (MFA) in Vientiane and present a financial guarantee for the prospective foreign employee. After approval, the MFA then contacts the Lao consular post specified in the application which will then issue the B2 Visa. After arriving in Laos with the valid B2 Visa, the employer then applies for the work permit from the Ministry of Information, Culture and Tourism and the residence card from the Immigration Department.

6. Malaysia excluding Sabah, Sarawak, and Labuan

Most foreign visitors do not need a visa to enter Malaysia for social or business purposes, and visitors from 58 countries can enter visa free for up to 90 days. Visitors from 100 countries, including all ASEAN countries, can enter visa free for 30 days. All visitors, visa exempt or with a visa, are issued a Social Visit Pass (SVP) on arrival, and business activities allowed under an SVP include attending meetings and conferences, factory inspections, exploring investment opportunities and factory set up, company audits, and arranging for the sale or lease of property. However, visitors cannot be involved in any activities considered employment.

All foreign workers must have an employment pass to work in Malaysia and must have a sponsor in Malaysia who agrees to support them financially and return them to their home country if necessary. Two common employment passes are the Employment Pass which is issued for a minimum period of two years and the Professional Visit Pass which is only issued for workers still employed and compensated by a company outside of Malaysia.

Process for an Employment Pass

An Employment Pass (EP) is issued to foreigners who qualify for employment in key managerial positions in foreign owned companies based in Malaysia, in professional or mid-level managerial positions, or in highly skilled non-executive positions. An EP is valid for a minimum of two years and a maximum of five years and has minimum salary requirements. Before recruiting a foreign worker, the sponsoring Malaysian company must receive approval from the Expatriate Committee at the Ministry of Immigration or one of the other government authorities with the power to approve hiring a foreign worker. There are also paid up capital requirements for a company to hire a foreign worker under an EP that range from RM 250,000 for a 100% local company to RM 500,000 for 100% foreign owned company. After initial approval, the company then applies for the Employment Pass, and at the same time, applies for a Visa with Reference (VDR) from the Immigration Department. After the VDR is approved, it is sent to the Malaysian consular post in the foreign worker's home country or country of residence, and the foreigner can then apply for a single-entry visa. Within seven days after arrival in Malaysia, the foreigner must go to the Immigration Department and collect the Employment Pass and a multiple entry visa. Under an EP, a foreign worker also needs to register for an i-Pass at the local Immigration Office. The i-Pass is an official identification document and also allows a foreigner to travel in Malaysia without a passport.

Process for an Professional Visit Pass

A Professional Visit Pass (PVP) is issued for qualified foreigners with specific professional experience or specialist skills that remain employed by a company in their home country or country of residence and work for a Malaysian company for a period not exceeding 12 months. The employment categories for a PVP include government advisor, professor, researcher, consultant, technical advisor, installation, maintenance, repair of machinery, or any expert in a specific field approved by the Immigration Department. To file a PVP application, the sponsoring company's representative must personally appear for an appointment with the Malaysian Immigration Department. Concurrently, the company applies for a Visa with Reference (VDR) which must be approved and sent to the foreigner's home country or country of residence for visa issuance. Within seven days after arrival, the foreign worker can then obtain the PVP from the Immigration Department and a multiple entry visa. However, if the PVP is valid for six months or less, a multiple entry visa will not be granted.

5. Myanmar

All foreign visitors need a visa to enter Myanmar except for nationals from Brunei, Cambodia, Laos, Indonesia, Philippines, Thailand, and Vietnam who can enter visa free for 14 days. Nationals from 100 countries can apply online for 28-day tourist e-visas, but can only enter through the Yangon, Mandalay, and Nay Pyi Taw airports. Nationals from 50 countries can apply online for 70-day business single entry e-visas and only enter through the above three airports. Tourist and business visas on arrival are also available for nationals of 48 countries. All nationalities can apply for a visa at a Myanmar embassy or consulate.

Myanmar does not have a comprehensive work permit system, so most foreign workers must apply for a business visa, a stay permit, and a multiple re-entry permit if needed. At this time, the longest a foreigner can stay in Myanmar at one time is 70 days. A business visa can be single entry for 70 days or multiple-entry which allows for multiple 70-day visits over a period of six to twelve months. Needed documentation includes a recommendation letter from an employer and an invitation letter from a Myanmar company on its official letterhead.

A Stay Permit allows a foreigner to work for either a three-month or one-year period and is single entry. To leave the country during the time period, a foreigner must apply for a Single or Multiple Journey Re-Entry Permit. To receive a Multiple Re-Entry Permit, an applicant must have first traveled to Myanmar at least three times on a business-entry visa and show evidence that they are a company director, manager, or consultant. Needed documentation includes a recommendation letter from an employer that describes the occupation, purpose of visit, intended arrival and departure date, and an invitation letter from the appropriate Myanmar government ministry.

Under the new Myanmar Foreign Investment Law, work permits are now available for companies receiving Investment Permits from the Myanmar Investment Commission (MIC) in the Directorate of Investment and Corporate Administration (DICA). Only foreigners working in managerial or supervisory positions or in jobs that require expertise or special skills are eligible, and preference must be given to Myanmar citizens. To obtain work permits under the Myanmar Foreign Investment Law, the company must first state the number of foreign workers it wants to employ in its application for an Investment Permit with the MIC. After obtaining the Permit, the company must apply for an appointment and stay permits, and then with the endorsement of MIC, apply for work permits from the Directorate of Labor under the Ministry of Labor, Employment and Social Security and stay permits and visas from the National Registration Department under the Ministry of Immigration and Population.

Under the Permanent Residence of a Foreigner Rules of 2014, an eligible foreigner who meets all of the requirements and is approved for permanent residence is allowed to stay in Myanmar for a five-year period and can work in areas not restricted or prohibited by law. As a Permanent Resident, a foreigner can operate businesses in areas not restricted or prohibited by law. Permanent Resident certificates can be renewed every five years.

7. Philippines

Under the Philippine visa waiver program, foreign visitors from over 157 countries, including all ASEAN member states, can enter the Philippines for tourism purposes without a visa for up to 30 days. For longer stays and for business and other non-immigrant visas, all nationalities must apply at a Philippine embassy or consulate. Under a temporary business visa, visitors can conduct business activities such as attending meetings and conferences, contract negotiations, investigating investment opportunities, client and factory visits, and sales calls to potential local clients, but cannot be involved in any activities considered employment.

To work in the Philippines, all foreign nationals must first obtain an Alien Employment Permit (AEP) from the Department of Labor and Employment (DOLE) and must have a local sponsor file the application. Only after the AEP is approved can a foreigner apply for a work visa. Two common work visa types are the 9(g) Pre-Arranged Employment Visa and the Special Non-Immigrant 47(a)(2) Visa if working under the privileges of the Special Economic Zones (SEZ), Philippine Economic Zone Authority (PEZA), the Board of Investments (BOI), or Authority of the Freeport Area of Bataan (AFAB).

Process for a 9(g) Pre-Arranged Employment Visa

A 9(g) Visa is issued for pre-arranged employment in executive, technical, or managerial positions. To obtain one, the potential foreign worker must first enter the Philippines and apply for a Tax ID Number and Identity Card from the Bureau of Internal Revenue. After receiving these, the foreigner then applies for an AEP at the DOLE office with jurisdiction over the place of business. Within 15 days of receiving the AEP, the foreign worker must complete the 9(g) Visa application process with the Bureau of Immigration which requires personal attendance and an interview. An Alien Certificate of Registration (ACR I-Card) is also required from the local Immigration office. If a foreigner needs to start working before receiving a 9(g) Visa, they can apply for a Provisional Work Permit (PWP) from the Bureau of Immigration. A PWP is valid for three months or until the issuance of the 9(g) Visa.

Process for a Special Non-Immigrant 47(a)(2) Visa

Upon approval by the Secretary of Justice, Special Non-Immigrant 47(a)(2) Visas are issued for foreign workers in enterprises in industries invested with public interest or with public policy considerations and for foreigners working in companies registered with SEZ, PEZA, BOI, or AFAB in executive, supervisory, or specialist positions or as consultants or contractors. In some cases, a 47(a)(2) Visa will be issued to a foreigner in their home country, but in all others, a foreigner must enter the Philippines and complete the visa process. After receiving their Tax ID Number and Identity Card and AEP, the foreign worker then obtains a 47(a)(2) Visa from the Immigration branch at their particular SEZ, PEZA, BOI, or AFAB office.

8. Singapore

All foreign visitors to Singapore can obtain a 30-day entry visa on arrival for social purposes, except for nationals from Armenia, Azerbaijan, Belarus, China, Georgia, India, Kazakhstan, Kyrgyzstan, Moldova, Burma, Nigeria, Russia, Tajikistan, Turkmenistan, Ukraine, and Uzbekistan (Can apply for a visa online), and Afghanistan, Algeria, Bangladesh, Egypt, Iran, Iraq, Jordan, Kosovo, Lebanon, Libya, Morocco, Pakistan, Palestine, Saudi Arabia, Somalia, Sudan, Syria, Tunisia, and Yemen (Must apply for a visa in advance). Nationals from all EU countries, South Korea, Norway, Switzerland, and the United States can obtain a 90-day entry visa on arrival for social purposes. Short-term business trips require a Business Visit Pass and allowed business activities under it include job interviews, sales calls, and contract negotiations, but engaging in any activity considered employment is prohibited. Visit Passes must be applied for and obtained at a Singapore embassy or consulate prior to entry.

Before commencing employment in Singapore, a foreign worker must obtain a work pass from the Ministry of Manpower. An Employment Pass (EP), a Personalized Employment Pass (PEP) and an EntrePass are available for foreign professionals working in managerial, executive, or specialized positions. Mid-level skilled foreigners are eligible for an S Pass, and Work Permits are granted to unskilled foreign workers. The most common work pass for a foreigner in Singapore is an Employment Pass. The Ministry of Manpower (MOM) has a stringent evaluation process and each application is evaluated on an individual basis.

Process for an Employment Pass

Currently, to receive an EP, a foreign worker must be guaranteed a minimum monthly salary of SD 3,300 and have acceptable qualifications – degrees, qualifications and specialist skills. For older experienced workers, the MOM also expects higher minimum salaries. An EP does not automatically include dependent passes for spouses and children and a foreign worker must make a minimum monthly salary of SD 5000 to be eligible for dependent passes. Before beginning the application process, the MOM requires employers to list the job first on the Jobs Bank for Singaporeans only. The MOM also recommends that employers and job seekers use its online Self-Assessment Tool that will accurately assess if an EP applicant will meet the requirements for approval. After approval, the MOM will send an In-Principal Approval (IPA) letter to the employer after which the foreign worker can enter Singapore using the IPA as a single entry visa. The MOM will issue a Notification Letter once the foreigner has arrived in Singapore and the appropriate fees are paid. Then, the foreign employee and all dependents must register their biometric data in person at the Employment Pass Services Centre. The EP can then be picked up four working days after the biometrics registration.

Process for an Personalized Employment Pass

A Personalized Employment Pass (PEP) is issued to a foreign worker as an individual, not the company or business they work for, and allows certain types of foreign workers a great deal of job flexibility. However, a PEP is only issued for one 3-year term. Under a PEP, a foreigner can work in most business sectors, does not need a new employment pass when changing jobs, and can be unemployed and job hunting for a six-month period

while still living in Singapore. Only foreign professionals working outside of Singapore making at least SD 18,000/month or foreigners already working under an Employment Pass in Singapore making at least SD 12,000/month are eligible for a PEP. However, if a foreigner wants to start their own business or engage in entrepreneurial activities, they must apply for an EntrePass. The application and pickup procedures for a PEP are identical to the EP above.

9. Thailand

Foreign visitors to Thailand from 76 countries can enter the Kingdom for social or tourism purposes either visa free or by obtaining a visa on arrival for periods of 14 to 90 days. All nationals from ASEAN member states can visit visa free, whether arriving by air or at a land crossing. All other nationalities must apply for a visa from a Thai embassy or consulate. In Thailand, almost all ongoing business activities are considered employment and require a work permit and visa to perform. Some short-term business activities such as entering Thailand to attend a business meeting, trade show or conference, or Board of Directors meeting do not require a work permit. However, activities such as sales calls, conducting conferences or seminars, and non-profit and charity work do require a work permit.

To work in Thailand, all foreigners must have a valid non-immigrant B visa (Non-B Visa) and a work permit and obtaining them can be a lengthy and complicated process. The Immigration Bureau is responsible for all visas, and a foreign worker must obtain a Non-B Visa from a Thai embassy or consulate before entering Thailand. The Department of Employment in the Ministry of Labor is responsible for work permits and labor matters for foreigners. In some cases, Thai government agencies such as the Board of Investment (BOI) or the Industrial Estates Authority (IEAT) will also issue work permits. A work permit must be sponsored by a qualified Thai entity and many supporting documents are required. Under the Alien Occupation Act, foreigners are prohibited from working in 39 occupations including manual labor, agriculture, forestry, fishery, farm supervision, accountancy, civil engineering, and architectural work. Companies must meet certain qualifications to employ foreigners including having at least THB 2 million in paid up capital for each foreigner.

Regular Process for Visa and Work Permit

To start the regular process for a visa and work permit, the foreign worker must apply for a Non-B Visa from a Thai consulate or embassy in their home country or country of residence. Many consular posts require a work permit pre-approval from the Department of Employment before a Non-B Visa can be issued. The initial Non-B Visa is usually single entry and valid for 90 days. After arrival, a foreigner must obtain a medical certificate from a hospital or clinic that confirms the absence of leprosy, tuberculosis, elephantiasis, syphilis, mental illness, and addiction to alcohol or narcotics, and can then begin the work permit application process. Employment is forbidden until a work permit has been obtained. After the work permit is issued, the foreign worker must apply in person for a visa extension from the responsible Immigration office, but only 30 days before the initial visa expires. The visa extension will only be granted for 30 days, and after a second

personal appearance at the Immigration office, the Non-B Visa will be extended to cover the foreign worker's long-term stay in Thailand. If planning to travel outside Thailand, the foreigner must also obtain a multiple re-entry permit in order to maintain the validity of the visa.

Visa and Work Permit Process under Investment Promotion

Businesses and investments that operate under the Investment Promotion Act, including the Thailand Board of Investment (BOI) and the Industrial Estate Authority of Thailand (IETA), are subject to different rules and processes in employing foreigners. To obtain a work permit, the employer must first apply for an approval letter for a foreign worker from the BOI or IEAT. With the approval letter, the foreign worker can then apply for a Non-B Visa at the Thai consular post in their home country or country of residence. Upon arrival in Thailand, the foreigner is eligible to use the One Stop Service Centre (OSSC) in Bangkok and must appear in person to obtain their work permit, Non-B Visa extension, and multiple re-entry permit. At the OSSC, processing time is significantly reduced and the visa and work permit applications and renewals can be completed within three hours, if all required paperwork is supplied. If the OSSC in Bangkok is not convenient for the company due to distance or any other reason, the company can request to apply under the regular process at the Department of Employment and Immigration Bureau offices in their locale.

10. Vietnam

All foreign visitors need a visa to enter Vietnam, but nationals from certain countries can enter visa free for tourism purposes:

- 30 days - Cambodia, Indonesia, Kyrgyzstan, Laos, Malaysia, Singapore, and Thailand
- 21 days - Philippines
- 15 days – Belarus, Denmark, Finland, France, Germany, Italy, Japan, Norway, Russia, South Korea, Spain, Sweden, and the United Kingdom
- 14 days - Brunei and Myanmar

All other nationalities must obtain a visa at a Vietnam embassy or consulate.

On 1 November 2013, the Vietnam's Department of Labor, Invalid and Social Affairs (DOLISA) implemented a new labor law concerning foreign employment in Vietnam. Included in the new labor law were additional work permit exemptions, approval of technical workers for work permits, no changes to the employer report of demand requirement, additional documentation for work permit applications, and work permit renewal requirements. In March 2014, the Vietnamese government promulgated a Guidance Circular on the new labor law which clarifies the new conditions and procedures for foreign workers in Vietnam.

Obtaining a work permit in Vietnam can be a lengthy process, and currently, only executives, managers, specialists, and technical workers are eligible for a work permit. An important requirement to note is that an employer must file a yearly report of demand on their use of foreign workers to the local Department of Labor for approval by the

People's Committee. Reports on demand must also be done if the number of foreign employees changes. As a pre-requirement to recruit a new foreign worker, the employer must get approval from the local People's Committee, and an application for a work permit cannot be processed until gaining this approval.

Before arriving in Vietnam, the foreign worker must send the employer a notarized police clearance certificate from their home country, and the employer must get it and all other necessary documents legitimized and translated into Vietnamese. After the approval of demand from the Labor Department via the People's Committee, the foreigner can enter Vietnam on a single entry visa by using a previously prepared visa authorization letter or on a multiple-entry visa obtained a Vietnamese embassy or consulate. Residence registration with the local authorities is required within 24 hours of arrival. After obtaining a medical certificate from an authorized medical professional, the work permit application can be submitted to DOLISA. After approval, a work permit is valid for a maximum of 2 years and cannot be extended; instead, it must be reissued - an almost identical process to getting the original work permit. After receiving a Temporary Residence Card (TRC) from the Ministry of Public Security, a foreigner is not required to renew their visa every 90 days, and a TRC acts as an official ID and a multiple-entry visa when traveling outside Vietnam.