



Thailand Immigration Alert

Thailand Board of Investment (BOI) Issues Guidelines and Penalties for Document Forgery

Introduction

On November 11, 2024, the Thailand Board of Investment (“BOI”) issued an update via email (e-News: Single Window for Visa and Work Permit: Nov. 2024) regarding the guidelines and penalties associated with document forgery in any application submitted to the BOI through the Single Window System. This communication outlines the steps of the Expatriate Services Division will take to address such offenses, including notifying the company’s Managing Director and specifying the penalties that may apply.

What to know?

In case the BOI finds that there is forgery of the documents submitted to the BOI to support any application, the BOI will take the following steps:

1. The Expatriate Services Division will send a notification letter to the Managing Director of the company to inform them of the offense and outline the next steps, which include:

Penalties of the company:

First offence	A warning is being issued and the company is required to sign an acknowledgment letter of the penalty and punishment that will be taken if another offence occurs.
Second offence	Suspension of system access for 365 days except for visa and work permit extension application requests (position's extension) and visa and work permit cancellation application requests in the Single window system. This means that the company cannot hire new expatriates under the BOI channel.
Third offence	Suspension of system access until further notice from the BOI except for visa and work permit cancellation application requests in the Single window system. This means that the company cannot hire new expatriates under the BOI channel and the expatriates under BOI cannot extend their visas and work permits.

Penalties of the expatriates:

First offence	Unable to submit any application requests in the system for a period of 180 days, including reporting legal action against foreign nationals.
Recidivism	No longer eligible to use the benefits under the BOI privileges.

2. The highest-ranking executive of the company, such as the Managing Director, CEO, or Deputy Managing Director, must present to the Expatriate Services Division within 15 days of receiving the notice.

If the company's executive fails to meet the Expatriate Services Division's officer to provide the required explanation within the specified timeframe, the Expatriate Services Division will suspend access to the Single Window system until the matter is clarified.

3. The Expatriate Services Division will file a police report regarding the matter.

Our thoughts

The recent announcement from the Thailand Board of Investment (BOI) on penalties for document forgery highlights the serious impact of non-compliance for both companies and expatriates. The outlined penalties, including restricted system access and the suspension of BOI privileges, demonstrate the BOI's strong commitment to upholding the integrity of the visa and work permit process.

It is crucial for companies to be aware of these penalties and ensure that all documentation submitted meets BOI standards. This proactive approach can help protect company operations and preserve the ability to hire expatriates through the BOI channel. For expatriates, understanding these guidelines is equally important to avoid potential disruptions to their legal status in Thailand.

We, at Deloitte, will continue to monitor these developments closely and provide further updates as they become available.

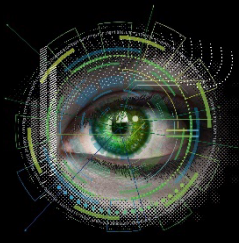
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