

ROYAL ORDINANCE Concerning the Management of Employment of Foreign Workers, B.E.2560 (2017)

HIS MAJESTY KING MAHA VAJIRALONGKORN BODINDRADEBAYAVARANGKUN;

Given on the 17th Day of June B.E. 2560;

Being the 2nd Year of the Present Reign.

His Majesty King Maha Vajiralongkorn Bodindradebayavarangkun is graciously pleased to proclaim that: Whereas it is expedient to revise the law on foreigners' working and the law on the bringing of foreigners for working with employers in the country;

Whereas this Royal Ordinance contains certain provisions relating to the restriction of rights and liberties of the people, in respect of which section 26 in conjunction with section 28, section 33, section 34, section 38 and section 40 of the Constitution of the Kingdom of Thailand so permits by virtue of the provisions of law;

Whereas this Royal Ordinance is, in essence, concerned with foreigners' working management to achieve orderliness and efficiency by laying down rules governing the bringing of foreigners for working with employers in the country as well as the working of foreigners and setting up the Foreigners' Working Management Policy Commission empowered to lay down policies on and exercise supervision of foreigners' working management and, in this regard, this Royal Ordinance contains certain provisions which have the effect of restricting a person's rights and liberties to or of life and the body, a person's liberty of dwelling, a person's liberty to write, print and publicise, a person right to property and a person's liberty to engage in an occupation, in a manner that restrictions on rights and liberties are made to the extent necessary for the purpose of foreigners' working management to achieve orderliness and efficiency; Be it, therefore, by virtue of the provisions of section 172 of the Constitution of the Kingdom of Thailand, enacted by the King, as follows.

Section 1. This law is called the "Royal Ordinance Concerning the Management of Employment of Foreign Workers, B.E.2560 (2017)".

Section 2. This Royal Ordinance shall come into force on the day following the date of its publication in the Government Gazette.

Section 3. The following shall be repealed:

- (1) the Foreigners' Working Act, B.E. 2551 (2008);
- (2) the Royal Ordinance concerning the Bringing of Foreigners for Working with Employers in the Country, B.E. 2559 (2016).

Section 4. This Royal Ordinance shall not apply to the performance of duties in the Kingdom by foreigners only in the capacity as the following:

- (1) members of a diplomatic mission;
- (2) members of a consular mission;

(3) representatives of a Member State to, and personnel of, the United Nations and specialised agencies;

(4) private servants travelling from a foreign country to be in the ordinary service to the persons under (1), (2) or (3);

(5) persons performing duties or missions under an agreement concluded by the Government of Thailand with a foreign Government or an international organisation;

(6) as a person who enters occasionally to organize or attend meetings, provides comments, lectures, or provide demonstrations in meetings, trainings, observe activities or seminars, or performing arts, cultures or compete in sports, or other activities prescribed by the Cabinet. The Cabinet will specify the period and conditions as see appropriate;

(7) as a person who enters to engage in business or investment or has high knowledge, capability or skills, which will benefit the country's development, as prescribed by the Cabinet

(6) persons performing duties or missions for educational, cultural, artistic, sportive or other purposes as prescribed in the Ministerial Regulation;

(7) persons granted entry upon permission by the Council of the for performing a particular duty or mission, with or without condition.

(8) as a representative of the foreign worker juristic person who is granted an operation of business license in accordance with the Foreign Business legislation

Section 5. In this Royal Ordinance:

“Bringing foreign workers to work” means any operation that brings foreign workers to the Kingdom to work.

“Work” means engaging in an occupation whether with or without an employer, but does not include an operation of business of a person who is granted a license in accordance with the Foreign Business legislation.

“foreigner” means a natural person who is not of Thai nationality;

“employer” means an employer under the law on labour protection and shall also include a natural person or a juristic person intending to bring a foreigner for working in the country with himself or itself; “employee” means a person who works for an employer in return for wages;

“License to bring in foreign workers” means the license to operate a business to bring in foreign workers to work with the employers in the Kingdom.

“Licensee who is permitted to bring in foreign workers” means an operation of business, that bring in foreign workers to work with the employers in the Kingdom, who is granted a license to bring in foreign workers.

“work permit” means a work permit of a foreigner; “person granted permission for working” means a foreigner granted permission for working;

“office” means an office of the person granted permission for bringing foreigners for working; “fee” means money or other benefits given in return for the bringing of foreigners for working; “expenses” means expenses incurred in the bringing of foreigners for working;

“Fund” means the Foreigners’ Working Management Fund;

“Fund Committee” means the Committee of the Foreigners’ Working Management Fund;

“Commission” means the Foreigners’ Working Management Policy Commission;

“competent official” means a person appointed by the Minister for performing activities under this Royal Ordinance;

“Registrars” means the Director-General and competent officials appointed by the Minister with the recommendation of the Director-General for issuing work permits and performing other activities under this Royal Ordinance;

“Director-General” means the Director-General of the Department of Employment;

“Minister” means the Minister having charge and control of the execution of this Royal Ordinance.

“Section 5/1 The provisions in this Royal Ordinance shall be pursuant to the criteria, procedures and conditions prescribed in the Ministerial Regulation, or as prescribed by the Minister or the Director-General. Such Ministerial Regulation or prescription shall not include unnecessary procedures or create immoderate burden to the people and shall specify each procedure operation period carried out by the officials.

In the case that this Royal Ordinance specifies that anyone who has the obligation to notify the Director-General, Registrar or Competent Official, the Director-General shall prescribe the procedures required and informs the notifier to operate conveniently and timely in writing or electronics, or other means in which the people may operate without causing immoderate burden. The period taken for the Director-General, Registrar or Competent Official to reply to the notification shall be specified.”

Section 6. The Minister of Labour shall have charge and control of the execution of this Royal Ordinance and shall have the powers to appoint competent officials and issue Ministerial Regulations prescribing fees not exceeding the rates annexed hereto, exempting fees and prescribing other matters or issue Notifications, in the execution of this Royal Ordinance. Such Ministerial Regulations and Notifications shall come into force upon their publication in the Government Gazette.

Chapter 1

General Provisions

Section 7 The Minister, with approval from the Committee may issue an announcement concerning the types of work prohibited for foreign workers, which could be fully prohibited or prohibited under conditions, as the case may be.

The announcement concerning the provisions in paragraph one shall be in regard to the national security, occupation opportunity of Thais and demand for foreign workers as necessary for the development of the country, as well as the agreements Thailand is in party with, or has binding obligations shall be in the way of reciprocity.

Section 8 The foreign worker is prohibited to engage in work without obtaining a work permit or engage in work other than their rights which is in violation this Royal Ordinance.

Section 9 No one shall accept a foreign worker without obtaining a work permit to engage in work or accepts a foreign worker to engage in work or engage in work other than their rights which is in violation this Royal Ordinance.

Section 10 Repealed.

Section 11 To ensure the occupation and profession opportunity of Thais, the Department of Employment shall announce for Thai nationality job-seekers and register applicants and disseminate accessible updated information daily.

Anyone wishes to employ a foreign worker, to engage in the type of work where Thai national job-seekers have been registered with the Department of Employment, to work within the same type and area, if there are five workers or above, the number of foreign workers that can be employed shall not exceed twenty percent, unless a special fee is paid.

The fee rate in paragraph two shall be in pursuant to the Ministerial Regulation, which may be prescribed as a fee for specific numbers of foreign workers that may differ from which is specified in paragraph two.

The number of foreign workers to be counted in paragraph two shall not include the foreign workers who are permitted to work in accordance to Section 63/1.

Anyone who fails to comply with the provisions in paragraph two, shall be liable to surcharge at the rate of one-time of the fee to be paid.

The types of work the provisions of this Section will be enforced upon shall be prescribed in the Royal Decree.

Section 12 Repealed.

Section 13 Anyone who employs a foreign worker shall notify the Registrar regarding the name and nationality of the foreign worker and the type of work within fifteen days from the employment date, and shall notify the Registrar within fifteen days from the date that the foreign worker no longer work and the reason shall also be included.

The provisions in paragraph one shall not be enforced on the types foreign workers announced by the Director-General.

Section 14 In special cases regarding the benefits of the national security or economics or ward off public calamity, the Minister under the approval of the Cabinet may permit foreign workers to work in the Kingdom with any condition, or the exception not to follow this Royal Ordinance in any case.

Section 15 Repealed.

Section 16. All cases resulting from disputes between the person granted permission for bringing foreigners for working and the foreigner, the person granted permission for bringing foreigners for working and the employer or the employer and the foreigner in connection with rights or duties under this Royal Ordinance or in connection with labour relation shall fall within the jurisdiction of the Labour Court.

CHAPTER II

FOREIGNERS' WORKING MANAGEMENT POLICY COMMISSION

Section 17. There shall be a commission called the "Foreigners' Working Management Policy Commission", consisting of the Minister of Labour as Chairperson, Permanent Secretary for Labour as Vice Chairperson, Permanent Secretary for Defence, Permanent Secretary for Finance, Permanent Secretary for Foreign Affairs, Permanent Secretary for Social Development and Human Security, Permanent Secretary for Agriculture and Co-operatives, Permanent Secretary for Interior, Permanent Secretary for Public Health, Permanent Secretary for Industry, Secretary General of the National Economic and Social Development Board, Secretary-General of the National Security Council, Director of the National Intelligence Agency, Commander-in-Chief of the Royal Thai Army, Commander-in-Chief of the Royal Thai Navy, Commissioner-General of the Royal Thai Police, Director-General of the Department of Labor Protection and Welfare, Secretary General of the Internal Security Operations Command, President of the Thai Chamber of Commerce and President of the Federation of Thai Industries as ex officio members, not more than two representatives of employees' organisations appointed by the Minister upon nomination by the Director-General and qualified persons appointed by the Minister from those possessing knowledge or experience in labour, industry, law and human rights, provided that one person shall be appointed from each field, as members.

The Director-General shall be a member and secretary and the Director of the Office of Foreign Workers Administration, Department of Employment, shall be a member and assistant secretary.

Section 18. A member representing an employees' organisation and a qualified member must possess the qualifications and must not be under the prohibitions as follows:

(1) being of Thai nationality;

(2) not being a bankrupt or having been a dishonest bankrupt;

(3) not being an incompetent person or a quasi-incompetent person;

(4) not having been sentenced by a final judgment to a term of imprisonment, except for an offence committed through negligence or a petty offence;

(5) not being a holder of a political position, a member of a local assembly or a local administrator, an executive member or a holder of any position responsible for the administration of a political party, an adviser to a political party or an official of a political party;

(6) not having been sentenced or ordered by the Court to the effect that property shall vest in the State by reason of unusual wealthiness or an unusual increase of property.

Section 19. A member representing an employees' organisation and a qualified member shall hold office for a term of three years. While members representing employees' organisations and qualified members vacate office for any reason and the appointment of new members representing employees' organisations and new qualified members has not yet been made, the Commission shall consist of the total existing members. A member representing an employees' organisation and a qualified member, who vacates office upon the expiration of the term, may be re-appointed but may not serve for more than two consecutive terms.

Section 20. In addition to the vacation of office upon the expiration of the term, a member representing an employees' organisation and a qualified member vacate office upon:

(1) death;

(2) resignation;

(3) being removed by the Minister on the ground of neglect of duties, misbehavior or lack of competence;

(4) being disqualified or being under any prohibition under section 18.

Section 21. The Commission has the powers and duties in connection with the formulation of policies and the oversight of foreigners' working management as follows:

(1) to formulate policies and strategies on foreigners' working management by laying down measures and directions to be pursued in solving problems concerning foreigners' working and laying down directions and goals for foreigners' working management;

(2) to consider and recommend reviews, revision and development of rules for the management and resolution of problems concerning foreigners' working to ensure that they are appropriate to attending situations;

(3) to report annual operations to the Council of Ministers and disseminate the same to the public;

(4) to perform any other activities as provided by law to be the powers and duties of the Commission or as entrusted by the Council of Ministers.

The policies prepared under (1) shall be submitted to the Council of Ministers for consideration and approval and, upon their approval by the Council of Ministers, all State agencies shall pursue and supervise operations in the implementation of such policies.

Section 22. The Commission has the power to appoint a sub-committee for considering or performing any particular act as entrusted by the Commission.

CHAPTER III

BRINGING FOREIGNERS FOR WORKING WITH EMPLOYERS IN THE COUNTRY

PART I GENERAL PROVISIONS

Section 23. The provisions of this Chapter shall not apply to:

(1) procurement of employment under the law on procurement of employment and protection of job seekers;

(2) procurement of employment under the law on maritime labour.

Section 24. Repealed

Section 25. No person shall advertise the bringing of foreigners for working with employers in the country unless such person is the person granted permission for bringing foreigners for working

PART II

OPERATION OF BUSINESS INVOLVING THE BRINGING OF FOREIGNERS FOR WORKING WITH EMPLOYERS IN THE COUNTRY

Section 26. No person shall operate the business involving the bringing of foreigners for working with employers in the country unless permission is granted by the Director General.

The application for permission and the granting of permission under paragraph one shall be in accordance with the rules, procedures and conditions prescribed in the Ministerial Regulation.

A permit for bringing foreigners for working shall be in accordance with the form prescribed in the Notification of the Director-General.

Section 27. A person applying for permission for bringing foreigners for working with employers in the country must be a limited company or a public limited company and possess the qualifications and must not be under any prohibitions as follows:

(1) having such paid-up registered capital as prescribed in the Notification of the Director-General, provided that it shall not be less than one million Baht;

(2) having the capital belonging to shareholders of Thai nationality in the amount of not less than three-fourths of the total capital and having shareholders of Thai nationality in the number of not less than three-fourths of the total number of shareholders, except in the case where there is a treaty to which or under which Thailand is a party or is bound by the obligation therein as concluded between the Government of Thailand and a foreign Government, in which case the provisions and conditions of such treaty or obligation shall govern;

(3) having an office situated in a proper, open and definite location, provided that it is not a prohibited place as prescribed in the Notification of the Director-General;

(4) not being a person granted permission for bringing foreigners for working, not being a person whose permit for bringing foreigners for working is suspended or not having had a permit for bringing foreigners for working revoked under this Royal Ordinance;

(5) not being a permit grantee, not being a person whose permit is suspended or not having had a permit revoked, under the law on procurement of employment and protection of job seekers;

(6) not being an employment permit grantee, not being a person whose employment permit is suspended or not having had an employment permit revoked, under the law on maritime labour;

(7) having a manager who is a director authorised to represent the juristic person and who has qualifications and is under no prohibitions as follows:

(a) being of Thai nationality;

(b) being of not lower than twenty years of age;

(c) not being a director, partner or manager of a juristic person that is the person granted permission for bringing foreigners for working or at the time when such juristic person has had the permit for bringing foreigners for working revoked under this Royal Ordinance Royal Ordinance;

(d) not being a director, partner or manager of a juristic person that is the permit grantee or at the time when such juristic person has had the permit revoked under the law on procurement of employment and protection of job seekers;

(e) not being a director, partner or manager of a juristic person that is the grantee of a permit for procurement of employment or at the time when such juristic person has had the permit for procurement of employment revoked under the law on maritime labour;

(f) not being an incompetent person or a quasi-incompetent person;

(g) not being a person who has or had misconduct or moral impropriety;

(h) not having been sentenced by a final judgment to a term of imprisonment in respect of an offence which, under the law, requires a dishonest act as an element thereof or in respect of an offence under this Royal Ordinance, the law on procurement of employment and protection of job seekers, the law on maritime labour or the law on anti-human trafficking.

Section 28. The applicant must, before being granted permission by the Director General, place with the Director-General the security as prescribed in the Ministerial Regulation, provided that it must not be less than five million Baht, as security for loss which may arise from the bringing of foreigners for working with employers in the country under this Royal Ordinance.

In the case where the security placed by the person granted permission for bringing foreigners for working under paragraph one diminishes on account of its being expended under this Royal Ordinance, the Director-General shall order, in writing, the person granted permission for bringing foreigners for working to place additional security until the specified amount is fully achieved within thirty days as from the date of receipt of the order.

The undertaking, retention, deduction, change of the guarantee, demand for additional guarantee, additional guarantee placement and return of guarantee shall be pursuant to the criteria, procedures and conditions according to the Ministerial Regulation.

Section 29 Repealed.

Section 30. The license to bring in foreign workers according to Section 26 shall be valid for five years from the date of issuance, but the licensee who is permitted to bring in foreign workers shall pay yearly fee as prescribed by the Ministerial Regulation.

The Competent Official shall be obligated to inspect the compliance of this Royal Ordinance at least once a year.

The licensee who is permitted to bring in foreign workers who desires to renew the license to bring in foreign workers shall apply thirty days before the expiry date. When the application is submitted, the operations may continue until the Director-General order not to extend the license.

The application for renewal of license to bring in foreign workers and the granting permission shall be pursuant to the criteria, procedures and conditions prescribed in the Ministerial Regulation. The Director-General shall complete the consideration within fifteen days from the date of receiving the application.

The licensee who is permitted to bring in foreign workers shall pay the yearly fee within sixty days from the starting day of the license to bring in foreign workers second year and the consecutive

years. The payment may be made through electronics means. After the yearly payment, a notification shall be made to the Registrar, and a copy of yearly fee receipt shall also be submitted.

If the licensee who is permitted to bring in foreign workers do not pay the fee within the period specified in paragraph five, the Director-General may suspend the license to bring in foreign workers in accordance to Section 86.

Section 31. In the case where a permit for bringing foreigners for working is lost, destroyed or substantially damaged, the person granted permission for bringing foreigners for working must submit an application for receiving a substitute for the permit for bringing foreigners for working within fifteen days as from the date of the knowledge of such loss, destruction or damage.

The application for a substitute for a permit for bringing foreigners for working and the issuance of a substitute for a permit for bringing foreigners for working shall be in accordance with the rules, procedures and conditions prescribed in the Notification of the Director-General.

Section 32. The person granted permission for bringing foreigners for working must display the permit for bringing foreigners for working at an open and conspicuous place at the office indicated in the permit for bringing foreigners for working.

Section 33 The licensee who is permitted to bring in foreign workers that desires to move office or to establish a temporary office that is not specified in the license to bring in foreign workers shall notify the Registrar at least fifteen days in advanced.

Section 34 The licensee who is permitted to bring in foreign workers that desires to change the manager authorized to act on behalf of the juristic person shall notify the Registrar at least fifteen days in advanced.

Section 35 The licensee who is permitted to bring in foreign workers shall notify the Registrar of the number and names lists of the employees who perform duties relating to bringing foreign workers to work, under the criteria, procedures and conditions prescribed by the Director-General.

The managers authorized to act on behalf of the juristic person and the employees who perform duties relating to bringing foreign workers to work of the licensee who is permitted to bring in foreign workers shall obtain identification cards and a copy of the license to bring in foreign workers, and shall always be able to present the existence of such identification cards and license to bring in foreign workers to the Competent Officials.

The identification card shall be in the form prescribed by the Director-General.

Section 36 Repealed.

Section 37 Repealed.

Section 38. The security which the person granted permission for bringing foreigners for working has placed under section 28 shall not be subjected to legal execution as long as the person granted permission for bringing foreigners for working does not cease the operation of the business

of bringing foreigners for working with employers in the country or remains liable to make compensation under this Royal Ordinance after having ceased the operation of such business.

Under the execution of Section 55, in the case that the licensee who is permitted to bring in foreign workers dissolve the business of bringing foreign workers to work and has no responsibility to compensate under this Royal Ordinance, the licensee who is permitted to bring in foreign workers shall apply to the Director-General for the return of the guarantee. When the Director-General checks and finds that the licensee who is permitted to bring in foreign workers does not have responsibility to compensate under this Royal Ordinance, the licensee who is permitted to bring in foreign workers shall be notified in writing to receive the return of the guarantee.

The person granted permission for bringing foreigners for working shall take a return of the security within five years as from the date of receipt of the written notification from the Director-General. In the case where the person granted permission for bringing foreigners for working fails to take a return of the security within the specified time, such security shall vest in the State.

Section 39 Repealed.

Section 40 Repealed.

Section 41 The licensee who is permitted to bring in foreign workers may bring in foreign workers when a contract in bringing foreign workers and the foreign workers' potential employers are in place, which include the name list, nationality and the foreign worker's passport number. Such employers shall not be in form of workers subcontract or wages subcontract business operator and is permitted to bring in foreign workers to work only in accordance with such number and name list.

The contract in bringing foreign workers in paragraph one shall contain at least in pursuant to the detail prescribed by the Director-General.

When bringing the foreign workers to work, the licensee who is permitted to bring in foreign workers shall submit a copy of the contract of the potential foreign workers' employers to the Registrar and in necessary cases, may request the Registrar to certify the copy and the existence of the employers and the work of the employers. In such cases, when the Registrar checks and finds accuracy, a certification document shall be issued. Upon receiving the foreign workers' name lists and passport numbers, the licensee who is permitted to bring in foreign workers shall notify the Registrar of the information in paragraph one and the Registrar shall notify the Immigration Bureau or relevant agencies.

Upon notifying the Registrar in paragraph three, the licensee who is permitted to bring in foreign workers may apply for the work permits on behalf of the foreign workers in accordance with the notification in paragraph three.

Section 42 In bringing foreign workers to work with the employers in the Kingdom, the licensee who is permitted to bring in foreign workers or the employee who performs duties relating to bringing foreign workers to work are prohibited to demand for or receive money or any other

property from the employer or the foreign worker other than service fee or cost from the employer according to the list and rate prescribed by the Director-General.

Section 43 When the licensee who is permitted to bring in foreign workers has delivered the foreign worker to the employer, a notification shall be made to the Registrar within fifteen days from the date that the foreign worker is delivered to the employer in accordance to the list prescribed by the Director-General.

Section 44. The person granted permission for bringing foreigners for working must use the name, words representing the name or any other word, in the operation of business, identified as "Company Bringing Foreigners for Working in the Country" and may also use other accompanying foreign expressions or letters bearing the identical connotation.

Section 45. Any person other than the person granted permission for bringing foreigners for working shall not use any name, word representing the name or any other word, in the course of business, identified as "Company Bringing Foreigners for Working in the Country" or use foreign words or letters bearing the similar connotation.

PART III

EMPLOYERSBRINGING FOREIGNERS FOR WORKING WITH THEM IN THE COUNTRY

Section 46 Any employer, who do not operate businesses concerning workers subcontract or wages subcontract, wishes to bring in foreign workers from overseas to work in the Kingdom under an agreement or Memorandum of Understanding made by the Thai and foreign government shall inform the Registrar regarding the number of countries the foreign workers reside in, the type of work the foreign worker to be engaged in and other detail in accordance to the list prescribed by the Director-General. In the case that fees have to be made in accordance to Section 11, the employer shall proceed further after fee payment has been conducted.

In the case that there is no fee to be paid or fee payment has been conducted in accordance to paragraph one, the employer shall proceed to acquire the name and passport number of the foreign worker who is entering to work, and notify the Registrar and the Registrar shall notify the Immigration Bureau or relevant agencies. In this regard, the Director-General may specify the employer who brings in foreign workers to engage in the types of work that require a guarantee placement to ensure the compliance under this Royal Ordinance. The undertaking, rate, retention, deduction or change of the guarantee, the demand for additional guarantee, additional guarantee placement and return of guarantee shall be pursuant to the criteria, procedures and conditions according to the Ministerial Regulation.

Before a foreign worker engages in work with the employer, the employer shall conduct an employment contract in writing, including at least the list prescribed by the Director-General, and place the employment contract at the employer's workplace for the Registrar or Competent Officials to check, and a copy of the employment contract shall be given to the employee. If the foreign worker no longer works due to any reason, the employer shall notify the Registration within fifteen days from the date that the foreign worker no longer works and the reason shall also be included.

The provisions in this Section shall not be enforced on the employers, who are not workers subcontract or wages subcontract business operators, that wish to bring in foreign workers from the countries that Thailand have not made an agreement or Memorandum of Understanding with the foreign country in accordance to paragraph one.

Section 47. In the case where the security placed by the employer under section 46 diminishes on account of its being expended under this Royal Ordinance and the employer remains bound by the responsibilities under this Royal Ordinance, the Director-General shall order, in writing, the employer to place additional security until the specified amount is fully achieved within thirty days as from the date of receipt of the order.

Any employer who fails to place additional security within the time under paragraph one must be liable to payment of additional money at the rate of two percent per month until the additional security is placed in the full amount.

Section 48. In the case where an employer requests for a return of the security, the employer must have no liability to make compensation under this Royal Ordinance. In this regard, upon an employer's request for a return of the security, the Director-General shall conduct an examination to his satisfaction that the employer has no liability to make compensation under this Royal Ordinance and notify, in writing, the employer to take a return of the security.

In the case where the employer fails to take a return of the security within five years as from the date of receipt of the notification from the Director-General, such security shall vest in the State.

Section 49 The employer is prohibited to demand for or receive money or any other property from the foreign workers in coming to work with themselves in the Kingdom, except from the costs which are of the foreign worker's responsibility, in which the employer has paid for in advanced, such as passports, health check, work permit or other relevant costs as prescribed by the Director-General, in which the employer may deduct from the wages, over time, holiday wages or over time holiday wages. The employer may only deduct the foreign worker's wages in accordance to the actual cost paid but shall not exceed ten percent of the foreign worker's monthly wages.

In the case that no agreement has been made concerning the employer's advanced payment for the employee's travelling costs, and the employer has made advanced payment, the employer may deduct the foreign worker's wages in accordance to paragraph one.

PART IV

DUTIES AND RESPONSIBILITIES

Section 50 When the licensee who is permitted to bring in foreign workers delivers the foreign workers to the employers in accordance to Section 43, in case of the following circumstances, the employer shall notify the licensee who is permitted to bring in foreign workers and the Registrar within seven days from the date of the incident, as the case may be:

- (1) the employer refuses to accept the foreign worker for employment,
- (2) the foreign worker does not consent to work with the employer
- (3) the foreign worker quits with any reason.

In the cases of (1) or (3), that are not of the foreign worker's fault, and the foreign worker wishes to work with another employer, the licensee who is permitted to bring in foreign workers may arrange for the foreign worker to work with another employer within thirty days from the date the employer refuses to accept the foreign worker for employment, however the period of work with the new employer shall not exceed the period of the contract to bring in foreign workers to work.

In the case of (2), that are the employer's fault, the provisions in Section 51 and Section 52 shall apply *mutatis mutandis*.

When the licensee who is permitted to bring in foreign workers perform under paragraph two or paragraph three, the result shall be notified to the Registrar in accordance with the form prescribed by the Director-General.

In the case of (1) or (2) where such foreign worker does not work for the new employer within the specific period, it shall be considered that the permission to stay in the Kingdom of such foreign worker is terminated in pursuant to the immigration law. The licensee who is permitted to bring in foreign workers shall send the foreign worker back to the country of origin within seven days from day of the deadline to work with the new employer is overdue and shall submit evidence that such foreign worker has left the Kingdom to the Registrar within seven days from the date of sending the foreign worker back. If such operation cannot be managed, a notification shall be made to the Registrar within three days from day of the deadline to work with the new employer is overdue. The Registrar shall notify the Competent Official under the immigration law or police officer to repatriate such foreign worker from the Kingdom immediately. In such cases, the licensee who is permitted to bring in foreign workers shall be responsible for the operation costs of the Competent Official under the immigration law or police officer, but not exceeding the rate prescribed by the Director-General.

In the case that the licensee who is permitted to bring in foreign workers fail the submit the leaving the Kingdom evidence within the specified period in paragraph five, an administrative fine shall be made to the Registrar in the rate of one thousand Baht per day per one foreign worker until valid operation is carried out, but not exceeding twenty thousand Baht per one foreign worker.

Section 51 The foreign worker, who works with the employer under Section 43 and Section 46, that quits before the completion of the employment contract is not permitted to work

with another employer, except be able to prove to the Registrar the reason to quit result from the fault of the employer or has paid for the damage costs to the current employer. In such cases, the Registrar shall issue a new work permit or endorse the work permit showing the rights to change employer.

The damage costs under paragraph one includes all the costs in bringing such foreign worker to work, which shall be calculated by the ratio of the time such foreign worker has completed work.

The provisions in paragraph one shall not be enforced on the foreign workers that are granted renewed employment contract and quit the work during the renewed employment contract.

Section 52 The foreign worker who changes the employer under Section 51 shall start working with the new employer within thirty days from the date of employment termination with the previous employer. In the case that such foreign worker engages in the type of work that the employer is obligated to place a guarantee under Section 46, the new employer shall place the guarantee to the Director-General under Section 46 within fifteen days from the date of employing such foreign worker.

Section 53 The foreign worker who has no rights in changing employer under Section 51 or the foreign employer who has the rights to change employer but does not start working with another employer within the specific period under Section 52, the foreign worker's work permit shall be terminated from the date of the employment termination or exceeds the specific period under Section 52, as the case may be. The permission to stay in the Kingdom of such foreign worker terminates in pursuant to the immigration law.

The licensee who is permitted to bring in foreign workers or the employer, who latest placed the guarantee under Section 46 or Section 52, shall be responsible for the costs of sending the foreign worker back to the country of origin under paragraph one, as the case may be.

Section 54 Repealed.

Section 55 When the foreign worker has worked for the employer under Section 43 or Section 46 until the term under the contract of bringing foreign workers to work with the employers in the Kingdom or the employment contract is completed, the licensee who is permitted to bring in foreign workers or the employer, who latest placed the guarantee under Section 46 or Section 52, shall send the foreign worker back to the country of origin, except for renewing the employment contract or the foreign worker works with the new employer within the specific period under Section 52.

The provisions in paragraph five and paragraph six of Section 50 shall apply when sending the foreign worker back to the country of origin under paragraph one, *mutatis mutandis*.

In the case that the licensee who is permitted to bring in foreign workers dissolve the business in bringing foreign workers to work with the employers in the Kingdom, the Registrar shall

return the guarantee to the licensee who is permitted to bring in foreign workers when such licensee shows evidence of sending the foreign worker back to the country of origin, but shall not be later than two years from the date of the business dissolution. When such deadline is reached and the licensee who is permitted to bring in foreign workers fails to show evidence of sending the foreign worker back to the country of origin to the Registrar, such guarantee shall be vested in the Alien Repatriation Fund to be used in repatriating the foreign worker from the Kingdom. In the case that the licensee who is permitted to bring in foreign workers shows some part of the evidence of sending the foreign worker back within the period specified, the Director-General shall return the guarantee in relevant to the ratio and guideline prescribed in the Ministerial Regulation.

Section 56 The foreign worker who comes in to work under this Chapter and has to be repatriated back to the country of origin under the immigration or other relevant law, the authority that is repatriating such foreign worker may demand for the cost arises from such arrangement from the licensee who is permitted to bring in foreign workers or the employer who placed the guarantee.

In the case that the licensee who is permitted to bring in foreign workers or the employer fail to compensate the money within the period specified in paragraph one, the Director-General shall deduct the amount of money from the guarantee undertaken to return to the authority that repatriate the foreign worker.

Section 57 The foreign worker who received damages caused by the licensee who is permitted to bring in foreign workers or the employer who does not comply to Section 50 may surrender to the Director-General or the appointed official to repatriate the foreign worker and the Director-General or the appointed official shall arrange for repatriation immediately, and the provisions in Section 58 paragraph two shall apply *mutatis mutandis*.

Section 58 In the case that the licensee who is permitted to bring in foreign workers or the employer who latest placed the guarantee under Section 46 or Section 52 does not send the foreign worker back to the country of origin under these provisions, when the Registrar or the Competent Official finds such foreign worker, repatriation shall be arranged.

Regarding the foreign worker's repatriation under paragraph one, the Registrar or the Competent Official shall initially use the money from the Fund and informs the licensee who is permitted to bring in foreign workers or the employer under paragraph one in writing to pay for the expenses occur in arranging the foreign worker's repatriation and other necessary costs within the specific period. If such person does not pay within the specific period, the Director-General shall deduct the amount from the guarantee undertaken by the licensee who is permitted to bring in foreign workers or the employer, as the case may be.

When such deduction under paragraph two is completed, the Director-General shall inform the licensee who is permitted to bring in foreign workers or the employer without delay.

CHAPTER IV
FOREIGNERS' WORKING

Section 59 A foreign worker who resides in the Kingdom or receives permission to enter the Kingdom temporarily under the immigration law, but not for tourism or transit purpose, shall be able to engage in the types of work that are not prohibited for foreign workers under Section 7 paragraph one, and shall obtain a work permit.

Under the execution of Section 60, the foreign worker who desires to apply for a work permit under paragraph one shall submit an application to the Registrar, and in the case of already having an employer, the name of the employer shall also be identified.

The application for permission to work and the granting of permission to work under paragraph one and paragraph two shall be pursuant to the criteria, procedures and conditions prescribed in the Ministerial Regulation, which may specify the use of electronics means. The work permit validity period shall be as requested by the applicant but not exceeding two years from the date of the work permit issuance.

Under paragraph three of the Ministerial Regulation, a specific period from receiving the application to the day of the work permit issuance shall not exceed fifteen working days. In the case that the Registrar is not able to issue the work permit within the specific period, the Minister or Director-General shall take appropriate action on the officials involved. In the case of not issuing the work permit without reasonable cause shall be considered as a disciplinary offense and a disciplinary action shall be conducted.

Under the execution of law, the permitted person to work under paragraph one has the rights to engage in all types of work that are not prohibited for foreign workers in pursuant to Section 7 paragraph one.

Section 60 A foreign worker who resides outside the Kingdom that desires to apply for a work permit in the Kingdom may submit the application and make payment for the fees through electronics system.

Any employer who desires to employ a foreign worker to engage in their business in the Kingdom may submit a work permit application on behalf of the foreign worker to the Registrar and may pay for the fees on behalf of the foreign worker.

The application for permission to work and the granting of permission to work under paragraph one and paragraph two shall be pursuant to the criteria, procedures and conditions prescribed in the Ministerial Regulation.

Section 61 A foreign worker who enters the Kingdom temporarily under the immigration law to engage in the work that consist of necessary or urgent characteristics or ad hoc

work for a period of not exceeding fifteen days, that foreign worker may engage in that work after giving written notification to the Registrar.

The work that consist of necessary or urgent characteristics or ad hoc work under paragraph one shall be shall be as prescribed by the Director-General.

The foreign worker who works in accordance to paragraph one, if such work exceeds the period provided, may request for an extension of not exceeding fifteen days, and shall notify the Registrar before the period deadline.

The notification under paragraph one and paragraph three, and the issuance of notification receipt shall be pursuant to the criteria and procedures prescribed in the Ministerial Regulation.

Section 62 When a foreign worker is permitted to work in the Kingdom under the law on investment promotion, petroleum or other laws, the authority who grants permission under such law shall notify the Registrar without delay.

The Registrar shall, after receiving the notification under paragraph one, issue the work permit to that foreign worker within seven days as from the date of receiving of such notification. While waiting for the work permit under paragraph two, that foreign worker may engage in work without regard to Section 68

The work permit issuance under paragraph two shall be pursuant to the criteria, procedures and conditions prescribed in the Ministerial Regulation without being under the execution of Section 7, and the work permit validity period shall be as permitted to enter to work under such law.

In the case that the permitted person to work has been granted an extension period to work under such laws, the responsible agency regarding those laws shall notify such extension period to the Registrar immediately in pursuant to the form prescribed by the Director-General, and the Registrar shall write down such extension period on the work permit.

Section 63 The foreign worker with the following grounds may apply to the Registrar for the work permit to engage in the work as notified in the Government Gazette by the Cabinet according to the recommendation of the Committee with due regard to national security, social impact and humanity:

(1) being deported under the law on deportation, but is allowed to work at any place in lieu of deportation or while waiting for deportation;

(2) having immigrated into or stayed in the Kingdom without permission under the immigration law, but is allowed to stay in the Kingdom temporarily while waiting for deportation under the immigration law, which is not the case of Section 63/2;

The application for permission to work and the granting of permission to work under paragraph one shall be pursuant to the criteria, procedures and conditions prescribed in the Ministerial Regulation, and the work permit validity period is as of the period allowed but shall not

exceed one year from the date of the work permit issuance, and may be extended as many time as see appropriate but shall not exceed one year per extension.

When the Registrar issues a work permit to the foreign worker, a notification shall be made to the Competent Official under the immigration law.

Within the end of January of every year, the Competent Official under the immigration law shall notify the Registrar regarding the result of deportation or repatriation. In the case that the Registrar is notified that there is no deportation or repatriation, or has not been notified by the Competent Official under the immigration law, the Registrar is authorized to extend the work permit under paragraph one as requested by the foreign worker and shall notify the Competent Official under the immigration law when the extension has been granted.

Section 63/1 The foreign worker with the following grounds may apply to the Registrar to work:

- (1) being lost of nationality by the provisions of the Announcement of the National Executive Council No. 337, dated 13th December B.E. 2515 (1972) or by other laws;
- (2) born in the Kingdom but not entitling to Thai nationality by the provisions of the Announcement of the National Executive Council No. 337, dated 13th December B.E. 2515 (1972) or by other nationality laws;
- (3) being a foreign worker who has been granted legal entry status under the announcement of the Ministry of Interior in accordance to the immigration law;
- (4) being a foreign worker who is a person without registration status and has received an identification card in accordance with the Central Registration Office Regulation under the civil registration law.

The foreign worker under paragraph one shall not be under the execution of announcement under Section 7 and Section 11 but the Cabinet may prohibit the types of work, which could be fully prohibited or prohibited under conditions, as the case may be with regard to the national security, social impact and humanity.

The application for permission to work and the granting of permission to work under paragraph one shall be pursuant to the criteria, procedures and conditions prescribed in the Ministerial Regulation, and the work permit validity period is five years each time. The person under (1), (3) and (4) are exempted from the work permit fee or the work permit extension fee. The person under (2) may be or may not be exempted from the fee shall be pursuant to the Ministerial Regulation under Section 6.

Section 63/2 In the case that the Minister under the immigration law permits any foreign worker or other group of person to enter the Kingdom in accordance to the immigration law, or exempt any foreign worker or other group of person not to comply to the immigration law, the Cabinet may specify such foreign worker or other group of person, who is not a foreign worker

under Section 63/1, to apply to work, the Cabinet shall specify the types of work the foreign worker may engage in for the benefits of economic and social development.

The application for permission under paragraph one shall be pursuant to the criteria and procedures prescribed in the Ministerial Regulation and such Ministerial Regulation shall specify the criteria for the Director-General to have the authority to specify the conditions on the work permit. The work permit validity period is as requested by the applicant but shall not exceed two years from the date of the work permit issuance.

Section 64 The foreign worker being of nationality of the country having common boundary with Thailand who enters into the Kingdom with border pass or other document in the same way which are prescribed by the Director-General, may be permitted by the Registrar to work in the Kingdom temporarily through the specified period or season within the area which is specified.

Localities, nationalities of foreigners and types or natures of work to which the provisions of paragraph one shall apply and the conditions for application thereto shall be as prescribed in the Notification of the Council of Ministers by publication in the Government Gazette.

The application for work permission and the issuance of a work permit under paragraph one shall be in accordance with the rules, procedures and conditions prescribed in the Ministerial Regulation

Paragraph 4 Repealed.

Section 64/1 A foreign worker who desires to apply for a work permit shall have qualifications and without any disqualification ground as prescribed by the Ministerial Regulation and have not been sentenced to punishment under Section 101, except being acquitted for at least two years before applying for a work permit or being a foreign worker under Section 63 in which the Registrar grants a permission to work as a special case.

In the case of where there is a need to check the health of the foreign worker before issuing a work permit, the foreign worker or the employer of the foreign worker shall bring the foreign worker to a sanatorium that obtains a license to operate a sanatorium for a health check.

The provisions in paragraph one shall not be enforced on the foreign worker under Section 63/1.

Section 64/2 The permitted worker has a duty to notify the Registrar regarding the employer, the employer's workplace and they type of work within fifteen days from the date of engaging in the work, and shall notify the Registrar every time when there is a change of employer.

Section 65 Repealed.

Section 66 Repealed.

Section 67. The person granted permission for working who intends to continue working shall submit an application for renewal of the work permit to the Registrar before the work permit expires.

Upon submission of the application under paragraph one, the applicant for renewal of such work permit may work for the time being until the Registrar gives an order refusing to grant renewal of the work permit.

Under the execution of Section 63 and Section 63/1, the extension period of the work permit shall be as requested by the applicant but not exceeding two years per extension and only as necessary.

The application for renewal of a work permit and the renewal thereof shall be in accordance with the rules, procedures and conditions prescribed in the Ministerial Regulation.

Section 68 The permitted worker shall always be able to show the work permit to the Competent Official or the Registrar within a reasonable time.

Section 69. If a work permit is lost, destroyed or substantially damaged, the person granted permission for working shall submit an application for a work permit substitute within fifteen days as from the date of the knowledge of such loss, destruction or damage.

The application for the substitution of the work permit and the issuance for the substitution of the work permit pursuant to the criteria and procedures prescribed by the Director-General.

Section 70 Repealed.

Section 71 Repealed.

Section 72 Repealed.

Section 73 Repealed.

Section 74 Repealed.

CHAPTER V

FOREIGNERS' WORKING MANAGEMENT FUND

Section 75. There shall be established within the Department of Employment a fund called the "Foreigners' Working Management Fund" as a revolving fund to be expended on the foreigners' working management.

Section 76. The Fund shall consist of the money and property as follows:

(1) the money and property transferred from the Fund for the Repatriation of Foreigners from the Kingdom under section 140;

(2) surcharge under paragraph five of Section 11 and paragraph two of Section 47, and the administrative fine charged under this Royal Ordinance;

(3) the money or property donated;

(4) fees collectible under this Royal Ordinance, in respect of which approval is given by the Ministry of Finance for their being expended without being required to be submitted to the Treasury as the State revenue;

(5) fruits of the money or property of the Fund;

(6) subsidies allocated by the Government as are necessary;

(7) any other money or property received by the Fund in any case whatsoever.

The money and property under paragraph one shall be remitted to the Fund without being required to be remitted to the Treasury as the State revenue.

Section 77. The money of the Fund shall be expended for the following objects:

(1) assisting foreigners who have an entry for working under this Royal Ordinance and who suffer violation of rights under labour law;

(2) repatriating foreigners from the Kingdom;

(3) assisting and subsidising State agencies or non-governmental organisations which have proposed projects or work plans in connection with working management, welfare provision, education, public health and labour protection for foreigners;

(4) providing monetary returns to foreigners who have contributed money to the Fund for the Repatriation of Foreigners from the Kingdom under the Foreigners' Working Act, B.E. 2551 (2008) and funding expenses in connection with such proceeding;

(5) managing the Fund;

(6) managing the foreigners' working under this Royal Ordinance. The pursuit of activities under (1), (2), (3), (4), (5) and (6) shall be in accordance with the rules, procedures and conditions prescribed by the Fund Committee.

Section 78. There shall be a committee called the "Committee of the Foreigners' Working Management Fund" consisting of the Permanent Secretary for Labour as Chairperson, Director-General of the Department of Employment as Vice Chairperson, a representative of the Ministry of Foreign Affairs, a representative of the Comptroller-General's Department, a representative of the Bureau of the Budget and a representative of the Office of the Attorney General as ex officio members and not more than five qualified persons appointed by the Minister from persons possessing expertise in labour, finance, economics, administration or law, provided that one person shall be from each field, as members.

The Director of the Foreign Workers Administration Bureau, Department of Employment, shall be a member and secretary.

The Fund Committee may appoint not more than two Government officials of the Department of Employment as assistant secretaries.

Section 79. A qualified member of the Fund Committee shall hold office for a term of four years. A qualified member of the Fund Committee who vacates office upon the expiration of the term may be re-appointed but may not serve for more than two consecutive terms.

Section 80. In addition to the vacation of office upon the expiration of the term, a qualified member of the Fund Committee vacates office upon:

- (1) death;
- (2) resignation;
- (3) being a bankrupt;
- (4) being an incompetent or a quasi-incompetent person;
- (5) being removed by the Minister on the ground of neglect of duties, misbehaviour or lack of competence;
- (6) being sentenced by a final judgment to a term of imprisonment.

Section 81. The Fund Committee shall have the powers and duties as follows:

- (1) to lay down policies, supervise the management and monitor operations to ensure conformity with the objects of the Fund;
- (2) to prescribe rules, procedures and conditions for the disbursement of money of the Fund in accordance with the objects of the Fund;
- (3) to consider and approve the annual action plan;
- (4) to consider the allocation of the money of the Fund for expenditure in accordance with the objects of the Fund;
- (5) to issue Rules in connection with the receipt of money, the disbursement of money, the retention of money, the exploitation and internal audit of the Fund, with the approval of the Ministry of Finance;
- (6) to issue Rules in connection with rules and procedures for the payment of money of the Fund for the management of foreigners' working and the disbursement of advance money for such operation.

Section 82. The Fund Committee has the power to appoint a sub-committee of the Fund for considering or performing any particular activity as entrusted by the Fund Committee.

Section 83. The Department of Employment shall prepare accounts of the Fund in conformity with correct accounting systems by reference to generally recognised accounting principles and submit the same to the auditor within sixty days as from the end of the accounting year.

Section 84. The Office of the Auditor-General or the independent auditor as approved by the Office of the Auditor-General shall be the auditor of the Fund.

Section 85. The auditor shall report audit results to the Fund Committee for submission to the Council of Ministers within one hundred twenty days as from the end of the accounting year and the Department of Employment shall disseminate financial statements certified by the auditor within fifteen days as from the date on which the Council of Ministers has the knowledge thereof.

CHAPTER VI

ADMINISTRATIVE MEASURES

PART I SUSPENSION OF PERMITS FOR BRINGING FOREIGNERS FOR WORKING, REVOCATION OF PERMITS FOR BRINGING FOREIGNERS FOR WORKING AND REVOCATION OF WORK PERMITS

Section 86. In the case where the person granted permission for bringing foreigners for working lacks any qualification or is under any prohibition under section 27 or fails to comply with or incorrectly complies with this Royal Ordinance or a Ministerial Regulation or a Notification issued under this Royal Ordinance, the Director-General shall order suspension of the permit for bringing foreigners for working for a period not exceeding one hundred twenty days and order the person granted permission for bringing foreigners for working to undertake correct compliance or take remedial action within the specified period of time.

Section 87. In the case where the person granted permission for bringing foreigners for working commits an offence under this Royal Ordinance and is under legal proceedings, the Director-General shall order suspension of the permit for bringing foreigners for working until the case becomes final.

Section 88. The Director-General shall order revocation of a permit for bringing foreigners for working upon occurrence of the following events:

(1) the person granted permission for bringing foreigners for working fails to comply with or take remedial action required by the order of the Director-General under section 86;

(2) the person granted permission for bringing foreigners for working has had the permit for bringing foreigners for working suspended, with the period of one year not having elapsed, or has had the permit for bringing foreigners for working suspended on two occasions and there exists a ground for ordering another suspension thereof;

(3) the person granted permission for bringing foreigners for working has failed to comply with or incorrectly complied with the law of the country of origin or become involved with or aided and abetted such failure of compliance or incorrect compliance in the bringing of foreigners for working with employers in the country and the Director-General has given a written warning demanding correct compliance with the law of the country of origin or prohibiting involvement with

such hitherto indicated incidences but the person granted permission for bringing foreigners for working fails to comply with the written warning of the Director-General within fifteen days as from the date of receipt thereof;

(4) the person granted permission for bringing foreigners for working violates section 89 paragraph two;

(5) the Director-General considers that the failure, by the person granted permission for bringing foreigners for working, to comply with or incorrect compliance with this Royal Ordinance or a Ministerial Regulation or Notification issued under this Royal Ordinance is a serious case;

(6) the Director-General considers that the person granted permission for bringing foreigners for working is unable to comply with this Royal Ordinance or a Ministerial Regulation or Notification issued under this Royal Ordinance.

Section 89. An order for suspension of a permit for bringing foreigners for working and an order for revocation of a permit for bringing foreigners for working shall be in writing and notified to the person granted permission for bringing foreigners for working. In the case where the person granted permission for bringing foreigners for working is not found or the person granted permission for bringing foreigners for working refuses to receive the order, such order shall be posted at an open and conspicuous place at the office and it is deemed that the person granted permission for bringing foreigners for working has the knowledge of such order as from the date on which it is posted.

During suspension of the permit for bringing foreigners for working, the person granted permission for bringing foreigners for working shall not carry out any act in connection with the bringing of foreigners for working with employers in the country unless it is the act to be carried out in furtherance of the bringing of foreigners for working with employers in the country prior to the date of the suspension of the permit for bringing foreigners for working.

The person granted permission for bringing foreigners for working whose permit for bringing foreigners for working has been revoked must be responsible for the repatriation of foreigners who remain under his responsibility to countries of origin until the liability under this Royal Ordinance is discharged and shall give the Director-General a report on foreigners who remain under his responsibility.

Section 90. In the case where it appears that the person granted permission for working violates this Royal Ordinance or fails to comply with the conditions fixed for the permission, the Registrar shall have the power to order revocation of the work permit.

Section 91. The Director-General may publish a list of employers or persons granted permission for bringing foreigners for working upon whom punishment has been inflicted by reason of the violation of or failure to comply with this Royal Ordinance.

PART II

APPEALS AGAINST ADMINISTRATIVE ORDERS

Section 92 In the case where the Director-General refuses to grant permission under Section 26, refuses to grant permission to extend the license to bring in foreign workers under Section 30 or has deducted the guarantee or demand for additional guarantee under this Royal Ordinance, the permission applicant or the licensee who is permitted to bring in foreign workers has the right to appeal to the Minister within thirty days from the date of receiving the order.

The decision of the Minister shall be final.

Section 93 In the case that the Director-General has deducted the guarantee or demand for additional guarantee under this Royal Ordinance, the employer has the right to appeal to the Minister within thirty days from the date of receiving the order.

The decision of the Minister shall be final

Section 94. The person granted permission for bringing foreigners for working whose permit for bringing foreigners for working has been suspended or whose permit for bringing foreigners for working has been revoked has the right to appeal to the Minister within thirty days as from the date of receipt of the notification of the order in question. A decision of the Minister shall be final.

Section 95 In the case that the Registrar refuses to grant permission under Section 59, Section 60, Section 63, Section 63/1 or Section 64 or refuses to grant permission to extend the work permit under Section 67, or revokes the work permit under Section 90, the foreign worker who applied for permission, the person applied for permission on behalf of the foreign worker or the permitted worker, as the case may be, has the right to appeal to the Minister within thirty days from the date of receiving the order.

The decision of the Minister shall be final.

Section 96. The Minister, upon receipt of the appeal under section 92, section 93, section 94 or section 95, shall consider the appeal and notify the appellant without delay but not later than thirty days as from the date of receipt thereof. If a necessary cause prevents completion of the consideration within such period of time, the appellant shall be given the notification thereof in writing before the expiration of such time. In this regard, the period for the consideration of the appeal may be extended for a period not exceeding thirty days as from the date of the expiration thereof.

In the case where the period of time specified in paragraph one has elapsed, it shall be deemed that the Minister has considered the appeal and affirmed the original order.

Section 97. The appeal under section 92, section 93, section 94 or section 95 shall not have the effect of staying the execution of the order except the case of the appeal of an order refusing to grant renewal of a work permit under section 67.

CHAPTER VII
COMPETENT OFFICIALS

Section 98. In the performance of duties under this Royal Ordinance, the Registrar and the competent official have the powers as follows:

(1) to summons or order, in writing, any person concerned to give explanations and furnish documents or any other evidence for assisting the consideration;

(2) to enter the place of business of bringing foreigners for working in the country during working hours for conducting an inspection in the execution of this Royal Ordinance;

(3) to enter the enterprises that accept a foreign worker during working hours to inspect the operations under this Royal Ordinance;

(4) to conduct a search in the case where there is a reasonable cause to suspect that a foreigner has been brought for working in the country or a foreigner has worked unlawfully or to conduct a search for finding and assisting a foreigner who has become an injured person from any act in violation of this Royal Ordinance;

(5) to seize or attach documents or evidence pertinent to the working or the bringing of foreigners for working in the country, in the case where there is a reasonable cause to believe that an offence under this Royal Ordinance has been committed.

A search under (4) requires a warrant of search except that, in the case where there is a reasonable cause to believe that a delay in securing a warrant of search is likely to result in the foreigner being attacked, moved or concealed or relevant evidence being moved, concealed, transformed or destroyed, a search may be conducted without warrant of search, provided that the provisions of the Criminal Procedure Code on searching shall be complied with.

In the performance of the duties under (2), (3), (4) and (5), persons concerned shall render reasonable assistance.

The use of power under (1), (2) or (3) shall not be executed in immoderate ways that stop the foreign worker from working, or causes the employer's enterprise to stop or engage during the night unnecessarily.

Section 99. The Registrar and the competent official must have an identification card in accordance with the form prescribed by the Minister by publication in the Government Gazette. In the performance of duties under this Royal Ordinance, the Registrar and the competent official must show the identification card to persons concerned.

Section 100. In the performance of duties under this Royal Ordinance, the Registrar and the competent official shall be officials under the Penal Code.

For the purpose of arresting and suppressing offenders under this Royal Ordinance, the Registrar or the competent official shall have the same powers and duties as those of an administrative or police official under the Criminal Procedure Code.

In the case that the Competent Official finds a foreign worker who is working without obtaining a work permit or works differently to what is specified in the work permit which is in violation of this Royal Ordinance and the Competent Official orders such foreign worker to report to the police with the Competent Official but the foreign worker refuses to comply or escape, the Competent Official shall have the power to arrest such foreign worker without a warrant of arrest and shall take the arrested person to the office of the inquiry official at once.

CHAPTER VIII

PENALTIES

Section 100/1 The Director-General, the Registrar or the Competent Official who fail to reply to the notification within the period specified under Section 5/1 paragraph two without reasonable cause shall be liable to a fine of not exceeding twenty thousand Baht.

Section 101 Any foreign worker who violates Section 8 shall be liable to a fine between five thousand to fifty thousand Baht. After the fine is paid, a repatriation of the foreign worker shall be arranged immediately, except for the foreign worker under Section 63 or Section 63/1.

The provisions in paragraph one shall not be enforced on the foreign workers who are the victims or witnesses under trafficking in persons offenses in pursuant to the anti-trafficking in persons laws.

In the case where the accused under paragraph one will fully depart the Kingdom, the inquiry official may fine the case in pursuant to the criteria, procedures and conditions together prescribed by the Committee and shall notify the Department of Employment, and when the foreign worker departs the Kingdom, the case is settled according to the criminal procedure code.

The Committee under paragraph three consists of the representative of Office of the Attorney General as Chairperson, the representative of the Royal Thai Police as member and the representative of the Department of Employment as member and secretary.

The criteria, procedures and conditions of the fine that are together prescribed by the Committee under paragraph three shall take into consideration regarding the severity of the offense, the repetition of the violation and the prevention of offense repetition of the offender and shall be publicated in the Government Gazette.

Section 102 Whoever accepts a foreign worker that violates Section 9 shall be liable to fine between ten thousand Baht to one hundred thousand Bath per one foreign worker.

If the violator under paragraph one repeats the violation, such violator shall be liable to imprisonment for a term of not exceeding one year or to a fine between fifty thousand Baht to two

hundred thousand Baht per one foreign worker, or to both. Such person shall be prohibited to employ another foreign worker for three years from the date of the court final judgment for penalty.

It shall not be considered that the family member living with the person who accepts a foreign worker to work under paragraph one to be guilty of being a principal, an instigator or a supporter.

Section 103 Whoever fails to comply with Section 13 shall be liable to a fine of not exceeding twenty thousand Baht.

Section 104. Any person who violates section 25 shall be liable to imprisonment for a term not exceeding six months or to a fine not exceeding one hundred thousand Baht or to both.

Section 105. Any person who violates section 26 paragraph one shall be liable to imprisonment for a term of one year to three years or to a fine of two hundred thousand to six hundred thousand Baht or to both.

Section 106 Any Competent Official who fails to perform duty under Section 30 paragraph two shall be liable to imprisonment for a term not exceeding one year or to a fine not exceeding ten thousand Baht, or to both.

Section 107 Any licensee who is permitted to bring in foreign workers who does not comply to Section 31 paragraph one, Section 32, Section 33, Section 34, Section 35 paragraph one, Section 41 paragraph two, Section 43 or Section 44 shall be liable to a fine of not exceeding twenty thousand Baht.

Section 108 Repealed.

Section 109 Any manager authorized to act on behalf of juristic person or registered employee under Section 35 who does not comply to Section 35 paragraph two shall be liable to a fine of not exceeding five thousand Baht.

Section 110 Anyone who is not an employee that has the responsibility in bringing foreign workers to work under Section 35 but has operated in bringing foreign workers to work with the employers in the Kingdom shall be liable to imprisonment for a term not exceeding three years or to a fine not exceeding six hundred thousand Baht, or to both.

Section 110/1 Any licensee who is permitted to bring in foreign workers delivers the foreign worker to be an employee of a workers subcontract or wages subcontract employer, or engages the foreign worker to work by being the workers subcontract or wages subcontract himself or herself shall be liable to imprisonment for a term not exceeding one year or to a fine not exceeding two hundred thousand Baht, or to both.

Any licensee who is permitted to bring in foreign workers delivers the foreign worker to the employer without notifying the Registrar under Section 41 paragraph three shall be liable to imprisonment for a term not exceeding six months or to a fine not exceeding one hundred thousand Baht, or to both.

Section 111 Any licensee who is permitted to bring in foreign workers or employee who perform duties relating to bringing foreign workers to work violates Section 42 shall be liable to

imprisonment for a term of not exceeding one year and fine twofold of the money or other property received from the employer or foreign worker or cost demanded exceeding from the rate prescribed by the Director-General and the court shall order such licensee who is permitted to bring in foreign workers or employee who committed the offense to return the money or other property demanded illegally to the employer or foreign worker, as the case may be.

In the case that the licensee who is permitted to bring in foreign workers refuses to return the money or other property in pursuant to the court order within thirty days, when the employer or foreign worker make a request, the Director-General may deduct the guarantee undertaken by such licensee who is permitted to bring in foreign workers to comply with the court order.

Section 112. Any person who violates section 45 shall be liable to a fine of twenty thousand Baht and to another fine not exceeding five thousand Baht a day throughout the period in which the violation occurs.

Section 113 Any employer who brings in a foreign worker to work with himself or herself in the Kingdom by being the workers subcontract or wages subcontract shall be liable to a fine not exceeding two hundred thousand Baht.

Any employer under Section 46 paragraph one brings in a foreign worker to work with himself or herself in the Kingdom without notifying under Section 46 paragraph one or paragraph two shall be liable to a fine of not exceeding one hundred thousand Baht.

Any employer who fails to show an employment contract when the Competent Official requests to inspect it under Section 46 paragraph three shall be liable to a fine of not exceeding five thousand Baht.

Section 113/1 An employer who fail to notify the Registrar or the licensee who is permitted to bring in foreign workers when a foreign worker no longer works with them in accordance to Section 46 paragraph three, or when a case under Section 50 paragraph one occurs, as the case may be, shall be liable to a fine of not exceeding five thousand Baht.

Section 114 Any employer who violates section 49 shall be liable to imprisonment for a term of not exceeding six months and fine twofold of the money or other property received from the foreign worker or has deducted exceeding the rate prescribed, and the court shall order such employer to return the money or other property demanded illegally to the foreign worker.

In the case that the employer refuses to return the money or other property in pursuant to the court order within thirty days, when the foreign worker make a request, the Director-General may deduct the guarantee undertaken by such employer to comply with the court order.

Section 115 Any licensee who is permitted to bring in foreign workers who does not comply to Section 50 paragraph four shall be liable to a fine of not exceeding twenty thousand Baht.

Section 115/1 Any licensee who is permitted to bring in foreign workers who neglects to send a foreign worker back to the country of origin in accordance to Section 50 paragraph five or Section 55 shall be liable to a fine of not exceeding one hundred thousand Baht per one foreign worker.

Section 116 Any employer who neglects to send a foreign worker back to the country of origin in accordance to Section 55 shall be liable to a fine of not exceeding one hundred thousand Baht per one foreign worker.

Section 117 Repealed.

Section 118 Repealed.

Section 119 Any foreign worker who works without notifying the Registrar in accordance to Section 61 shall be liable to a fine of not exceeding fifty thousand Baht.

Section 119/1 Any licensee who is permitted to bring in foreign workers who does not comply to Section 64/2 shall be liable to a fine of not exceeding twenty thousand Baht.

Section 120 Any licensee who is permitted to bring in foreign workers who does not comply to Section 68 shall be liable to a fine of not exceeding five thousand Baht.

Section 121 Repealed.

Section 122 Repealed.

Section 123 Repealed.

Section 124 Repealed.

Section 125. Any person who fails to appear for giving explanations or fails to furnish documents or evidence under section 98 (1) shall be liable to imprisonment for a term not exceeding six months or to a fine not exceeding one hundred thousand Baht or to both.

Section 126. Any person who obstructs the performance of duties under section 98 (2), (3), (4) or (5) shall be liable to imprisonment for a term not exceeding one year or to a fine not exceeding two hundred thousand Baht or to both.

Section 127. Any person who fails to render assistance under section 98 paragraph three shall be liable to a fine not exceeding ten thousand Baht.

Section 127/1 Any Registrar or Competent Official who does not comply to Section 98 paragraph four shall be liable to a fine of not exceeding ten thousand Baht.

Section 128. Any person who makes any deceitful representation to another person that he can bring foreigners for working with employers in the country or can procure foreign workers for employers and, through such deceit, obtains money or property or any other benefit from the deceived person shall be liable to imprisonment for a term of three to ten years or to a fine of six hundred thousand to one million Baht for each foreigner or to both. I

an offence under paragraph one is jointly committed by three persons upwards or by an organised criminal under the law on anti-human trafficking, the offender shall be liable to heavier penalty than that provided by law by one half.

Section 129. Any person who aids and abets the commission of an offence under section 128, whether the principal commits the offence outside the Kingdom or not, shall be liable to imprisonment for a term of one to three years or to a fine of two hundred thousand to six hundred thousand Baht or to both.

Section 130. In claiming the property or value lost on account of the commission of the offence under section 128 or section 129 on behalf of the injured person, the Public Prosecutor may make a claim together with the institution of a criminal action or may subsequently file a motion when such criminal action is under trial by the Court of First Instance, without precluding the injured person's right to file a motion for making an additional claim for lost property or value under the Criminal Procedure Code before the Court renders judgment.

In the case where no application is made for compensation for lost property or value under paragraph one, if the Court renders judgments punishing the accused, the Court may, in the criminal judgment, order the accused to compensate the injured person for the lost property or value as the Court deems appropriate. Such order does not prejudice the injured person's right to institute a civil action against the accused for claiming a deficient amount in relation to the lost property or value.

Section 131 Anyone seizes the work permit or other important document of the foreign worker shall be liable to imprisonment not exceeding six months or to a of fine between ten thousand Baht to one hundred thousand Baht, or to both.

In the case that the foreign worker gives consent for anyone to keep the work permit or other documents under paragraph one, such person shall allow and facilitate the foreign worker to access such document at all times as requested by the foreign worker, anyone who violates shall be liable to the punishment in accordance to paragraph one.

Section 132. In the case where the offender is a juristic person, if the commission of the offence by such juristic person has resulted from the instruction or an action of any person or failure to give an instruction or failure to take action required to be done as a duty of a director, a manager or any person responsible for the operation of such juristic person, such person shall also be liable to the penalty as provided for such offence.

Section 133 The offenses under this Royal Ordinance which are punishable by a fine alone, except from the offenses under Section 101, the Director-General or the Governor shall have power to settle the case as follows:

- (1) the Director-General for the offenses carried out in Bangkok.
- (2) the Governor for the offenses carried out in a particular province.

In the case where there is an inquiry, if the inquiry official finds that any person has committed an offence under this Royal Ordinance carrying the penalty in respect of which settlement is permissible and such person agrees to the settlement, the inquiry official shall refer the matter to the Director-General or Changwat Governor, as the case may be, within seven days as from the date of such person's agreement to the settlement.

Upon payment of a fine by the offender, in an amount required for the settlement, within the specified time not exceeding thirty days, the case shall be deemed to have been extinguished under the Criminal Procedure Code.

TRANSITORY PROVISIONS

Section 134. While the Notification under section 7 has not been issued, the Registrar may grant foreigners permission for engaging in any work except the work prescribed in the Royal Decree issued under section 6 of the Foreigners' Working Act, B.E. 2521 (1978).

Section 135. Any foreigner who has been granted a work permit or has been granted, as a matter of relaxation, permission for working under the Foreigners' Working Act, B.E. 2551 (2008) on the date prior to the date on which this Royal Ordinance comes into force shall be deemed to have been granted a work permit or granted, as a matter of relaxation, permission for working under this Royal Ordinance.

Work permits issued under the Notification of the National Executive Council No. 322, dated 13th December, B.E. 2515 (1972) shall continue to be valid until the expiry thereof.

Section 136. Any employer who has been granted permission for bringing foreigners for working with him in the country under the Royal Ordinance on the Bringing of Foreigners for Working with Employers in the Country, B.E. 2559 (2016) may continue the bring of foreigners for working with him in the country.

Section 137. Any person who has been granted a permit for bringing foreigners for working with employers in the country under the Royal Ordinance on the Bringing of Foreigners for Working with Employers in the Country, B.E. 2559 (2016) prior to the date on which this Royal Ordinance comes into force shall be deemed to have been granted a permit for bringing foreigners for working under this Royal Ordinance.

In the case where the person who has been granted a permit for bringing foreigners for working with employers in the country under paragraph one intends to bring foreigners for working with employers in the country after the date on which this Royal Ordinance comes into force, such person must comply with this Royal Ordinance before bringing foreigners for working with employers in the country.

Section 138. All applications submitted under the Foreigners' Working Act, B.E. 2551 (2008) and the Royal Ordinance on the Bringing of Foreigners for Working with Employers in the Country, B.E. 2559 (2016) prior to the date on which this Royal Ordinance comes into force shall be deemed to be the applications submitted under this Royal Ordinance and the Director-General shall completely require supporting documents or evidence provided under this Royal Ordinance.

Section 139. All appeals submitted under the Foreigners' Working Act, B.E. 2551 (2008) and the Royal Ordinance on the Bringing of Foreigners for Working with Employers in the Country, B.E. 2559 (2016) prior to the date on which this Royal Ordinance comes into force shall be deemed to be the appeals submitted under this Royal Ordinance.

Section 140. All affairs, money, rights, liabilities, property and debts of the Fund for the Repatriation of Foreigners from the Kingdom under the Foreigners' Working Act, B.E. 2551 (2008) shall be transferred to the Foreigners' Working Management Fund under this Royal Ordinance.

Section 141. In the initial period, the Foreigners' Working Management Policy Commission shall consist of ex officio members under section 17 for performing duties under this Royal Ordinance pro tempore until the appointment of members representing employees' organisations and qualified members is made under this Royal Ordinance, provided that this shall not be later than one hundred twenty days as from the date on which this Royal Ordinance comes into force.

Section 142. In the initial period, the Committee of the Foreigners' Working Management Fund shall consist of ex officio members under section 78 for performing duties under this Royal Ordinance pro tempore until the appointment of qualified members is made under this Royal Ordinance, provided that this shall not be later than one hundred twenty days as from the date on which this Royal Ordinance comes into force.

Section 143. An employee whose wages have been deducted and remitted into the Fund for the Repatriation of Foreigners from the Kingdom under the Foreigners' Working Act, B.E. 2551 (2008) prior to the date on which this Royal Ordinance comes into force and who has left the Kingdom at his own expenses shall be entitled to a return of the deducted money within two years as from the date of leaving the Kingdom. In the absence of a request for a return thereof within the specified time, such money shall vest in the Fund.

Section 144. All offences under the Foreigners' Working Act, B.E. 2551 (2008) which have occurred prior to the date on which this Royal Ordinance comes into force and which are capable of settlement may be settled by the Settlement Committee appointed by the Minister of Labour under section 56 of the Foreigners' Working Act, B.E. 2551 (2008) prior to the date on which this Royal Ordinance comes into force.

All offences under the Royal Ordinance on the Bringing of Foreigners for Working with Employers in the Country, B.E. 2559 (2016) which have occurred prior to the date on which this Royal Ordinance comes into force and which are capable of settlement may be settled by the Director-General of the Department of Employment or Changwat Governor as provided under section 61 of the Royal Ordinance on the Bringing of Foreigners for Working with Employers in the Country, B.E. 2559 (2016).

Section 145. All by-laws or orders issued or given by virtue of the provisions of the Foreigners' Working Act, B.E. 2521 (1978), the Foreigners' Working Act, B.E. 2551 (2008) and the Royal Ordinance on the Bringing of Foreigners for Working with Employers in the Country, B.E. 2559 (2016) as in force on the date prior to the date on which this Emergency comes into force shall remain in force insofar as they are not contrary to or inconsistent with this Royal Ordinance until by-laws or orders issued under this Royal Ordinance come into force.

Countersigned by:

General Prayut Chan-o-cha

Prime Minister

RATES OF FEES

(1) Permits for bringing foreigners for working	20,000 Baht each
(1/1) The yearly fee under Section 30	10,000 Baht per time
(2) Renewal of a permit for bringing foreigners for working	20,000 Baht each
(3) Substitutes for permits for bringing foreigners for working	10,000 Baht each
(4) Repealed	
(5) Repealed	
(6) Repealed	
(7) Repealed	
(8) Work permits	20,000 Baht each
(9) Renewal of work permits or extension of the working period	20,000 Baht each
(10) Work permit substitutes	3,000 Baht each
(11) Repealed	
(12) Employment of foreigners	20,000 Baht for each foreigner
(13) Application fee	1,000 Baht each
(14) Certification of copies of documents	
(a) Thai language	50 Baht per page
(b) Foreign language	100 Baht per page
(15) Issuance of certificates	
(a) Thai language	500 Baht per page
(b) Foreign language	1,000 Baht per page
(16) Foreign language translation	1,000 Baht each
(17) Other fees	1,000 Baht each

In issuing Ministerial Regulations prescribing fees, different fees may be prescribed by reference to occupational lines or occupational lines together with work locations of foreigners.

Remarks: - the reasons to enact this legislation are that while the Royal Ordinance Concerning the Management of Foreign Workers' Employment B.E. 2560 (2017) specifies the responsibilities under law to the licensee who is permitted to bring in foreign workers, the employer and the foreign worker, there are unnecessary complicated procedures and permission system, which are not in accordance with the provisions of the Constitution of the Kingdom of Thailand. Moreover, specifications concerning the violations and penalty provisions are as severe as the violations regarding trafficking in persons. Even though the use of foreign workers that violate the provisions in this Royal Ordinance are not the acts that have the characteristics of trafficking in persons, it creates panic and impact towards the employers within households, agriculture sector, small and medium enterprises sector, and the business and industry sector, which have impact the economy and social of the country. An amendment of such Royal Ordinance shall be made by using only necessary permission system and specify easier and more facilitated procedures in controlling and inspecting foreign workers who come in to work, the work of the foreign workers, the recruitment of foreign workers to promote the partnership with the relevant sectors that are related in the management of foreign workers employment system. As well as revising the penalty provisions to be appropriate. Moreover, by pursuing the measures to temporary exempt the penalty provisions enforced on the employers and foreign workers, to provide time to comply to such Royal Ordinance in accordance to the Order of the Head of the National Council for Peace and Order No. 33/2560 concerning the Temporary Measures to Rectify the Problems in Management of Foreign Workers' Employment dated 4 July B.E. 2560 (2017) ended on 31 December B.E. 2560 (2017), the problems reappear after the end of the exemption. Therefore, the situations are emergent, urgent and unavoidable, in order to protect the country's economic security, this Royal Ordinance shall be legislated.

Royal Ordinance Concerning the Management of Foreign Workers' Employment (No. 2)B.E. 2561 (2018)

Section 2 This Royal Ordinance shall come into force as from the day following the date of its publication in the Government Gazette.

Section 67 Any one who employs a foreign worker prior to the enforcement of this Royal Ordinance and such foreign worker obtains a legal work permit, a notification shall be made to the Registrar under Section 13 of the Royal Ordinance Concerning the Management of Foreign Workers' Employment B.E. 2560 (2017)

which is amended under this Royal Ordinance, such notification shall be made within sixty days from the date this Royal Ordinance is enforced. The Director-General shall specify the procedures regarding the notification through an electronic mean or other mean that will facilitate the employer.

The Provisions in paragraph one shall not be enforced on the types of foreign workers prescribed by the Director-General.

The foreign worker in which the employer has already submitted an application to employ a foreign worker and has received a certificate to receive a nationality verification in the Kingdom or a certificate of leaving the Kingdom under the announcement of the Ministry of Labour concerning the Criteria, Procedures and Conditions in Work Permit Application and Permission to Work under the Royal Ordinance Concerning the Management of Foreign Workers' Employment B.E. 2560 (2017) prior to the enforcement of this Royal Ordinance, may stay in the Kingdom and work for the current employer until the Registrar has an order not to issue a work permit.

In necessary cases, the Minister shall specify the period the Registrar and the Competent Official have to carry out a nationality verification or other operations that are needed in order to permit a foreign worker to work. In the case that the Registrar or Competent Official fail to complete such operation with in the period specified, the Minister shall conduct a disciplinary action towards the Registrar and Competent Official immediately.

Section 68 The Minister's announcement under Section 7 and the Cabinet's specification under Section 63 or Section 63/1 of the Royal Ordinance Concerning the Management of Foreign Workers' Employment B.E. 2560 (2017) which is amended by this Royal Ordinance that is developed after this Royal Ordinance is enforced shall not have impact on the foreign workers that have already been permitted to work prior to the day this Royal Ordinance is enforced, such foreign worker may continue to work until the work permit expires, and if there is a desire for the work permit extension then arrangement shall be made in compliance to the Royal Ordinance Concerning the Management of Foreign Workers' Employment B.E. 2560 (2017) which is amended by this Royal Ordinance.

Section 69 The foreign workers under Section 63/1 of the Royal Ordinance Concerning the Management of Foreign Workers' Employment B.E. 2560 (2017) which are amended by this Royal Ordinance who have not yet been granted permission to work may work until the enforcement of the Ministerial Regulation, to be developed under Section 63/1 paragraph three of the Royal Ordinance Concerning the Management of Foreign Workers' Employment B.E. 2560 (2017), which is amended by this Royal Ordinance. When the Ministerial Regulation is enforced, such foreign worker shall apply for a work permit within sixty days from the date the Ministerial Regulation is enforced, and when such application is submitted, the foreign worker shall be able to continue to work until the Registrar refuses to issue the work permit.

Regarding the sixty days period under paragraph one, the Minister may prescribe an extension when considered necessary.

Section 70 The provisions of Section 30 paragraph one, paragraph five and paragraph six of the Royal Ordinance Concerning the Management of Foreign Workers' Employment B.E. 2560 (2017) which are amended by this Royal Ordinance shall not be enforced on the licensees who are permitted to bring in foreign workers under the Royal Ordinance Concerning the Management of Foreign Workers' Employment B.E. 2560 (2017) prior to the date of enforcement of this Royal Ordinance, and the licensee who is permitted to bring in foreign workers shall continue to operate the business in bringing foreign workers to work until the license to bring in foreign workers expires.

Section 71 The provisions of Section 101, Section 102 and Section 119 of the Royal Ordinance Concerning the Management of Foreign Workers' Employment B.E. 2560 (2017) and the amendment by this Royal Ordinance shall not be enforced until 1 July B.E. 2561 (2018).

Section 72 The Minister of Labour shall have charge and control of the execution of this Royal Ordinance.