

BOI Regulatory Updates:

The Employment of Foreign Nationals in BOI-Promoted Projects

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To ensure that investment-promoted projects employ an appropriate proportion of Thai personnel, supporting balanced investment promotion, contributing to economic growth, job creation, and the development of Thai human resources, Thailand's Office of the Board of Investment ("BOI") has introduced updated regulatory criteria governing the employment of foreign nationals in BOI-promoted projects. These updates focus on two main areas: the required ratio between Thai and foreign employees, and the minimum monthly salary thresholds for foreign personnel.

On 5 June 2025, the BOI issued **Announcement No. Por. 8/2568**, titled "*Criteria for Approval of Positions for Foreign Nationals, Placement of Foreign Nationals in Approved Positions, and Extension of Position Terms and Personnel*" under Sections 25 and 26 of the Investment Promotion Act B.E. 2520 (1977)." This Announcement shall repeal and replace **Announcement No. Por. 3/2567**, dated 9 August 2024.

EFFECTIVE DATE OF ENFORCEMENT

- For projects **receiving a BOI promotion certificate on or after 5 June 2025**, the new criteria will be effective from **1 October 2025 onwards**.
- For projects that **received a BOI promotion certificate prior to 5 June 2025**, the new rules will apply from **1 January 2026 onwards**.

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KEY CHANGES UNDER ANNOUNCEMENT NO. POR. 8/2568

To ensure full compliance and to maximize the benefits available under the BOI promotion scheme, companies engaged or to be engaged in BOI-promoted activities must carefully adhere to the updated requirements when employing foreign personnel. Below is a summary of the key conditions to be considered before hiring foreign professionals in BOI-promoted businesses.

1. Updated Definitions

Under the Announcement, the definition of “**Foreign Nationals**” has been clarified to mean: “*skilled workers or experts of foreign nationality employed on a full-time basis by a juristic person operating a BOI-promoted business and authorized to work in Thailand pursuant to Sections 25 and 26 of the Investment Promotion Act.*” This updated definition provides greater specificity than the prior version.

The term “**Thai Nationals**” is also now defined as “*Thai individuals employed on a full-time basis and duly registered under the Social Security Fund through a juristic person that has been granted investment promotion privileges.*”

2. Ratio Requirement: Thai vs. Foreign Employees

The BOI now mandates the following employment ratio criteria for Thai and foreign personnel:

CRITERIA	EMPLOYMENT RATIO REQUIREMENT
A. Manufacturing business with more than 100 employees	At least 70% of the total workforce must be Thai Nationals
B. Manufacturing business or service activities with fewer than 100 employees	No mandatory ratio requirement applies
C. Positions for foreign nationals with a permitted stay in Thailand not exceeding six months	Not subject to ratio requirements
D. Special manufacturing projects requiring a lower ratio of Thai Nationals	Subject to case-by-case consideration by the BOI Committee

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3. Minimum Monthly Salary Requirements for Foreign Employees

To qualify for the BOI approval, foreign personnel must receive at least the following minimum monthly salary (in Thai Baht (THB)):

POSITION LEVEL	MINIMUM MONTHLY SALARY (THB)
Executive Level	150,000
Management Level	75,000
Engineers, Researchers and IT Experts	50,000*
Operation Level (e.g., Technician, Craftsman)	50,000
Workstation staff / Service staff	35,000**

***Note:** 50,000 THB applies to individuals with a bachelor's degree e.g. engineer, researchers, IT experts.

****Note:** Applies only to International Business Process Outsourcing (IBPO) or Trade and Investment Support Office (TISO) with IBPO services.

Each position approval is generally valid for **two years**, unless otherwise specified, and may be extended subject to relevant factors — such as business expansion or increased production capacity.

RECOMMENDATIONS

These regulatory changes reflect the BOI's ongoing efforts to promote sustainable investment and ensure that foreign talent complements the development of Thailand's workforce. Companies engaged in BOI-promoted activities are strongly advised to review these updated requirements and be prepared accordingly to maintain compliance.

For further information or legal consultation regarding BOI updates, please contact Linda Osathaworanan at linda@siampremier.com



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