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LEADING THE WAY

## Foreign workers in Myanmar should get business visa

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Immigration is one of the primary concerns for foreigners planning to work in Myanmar. Many who work in the country for short periods obtain a tourist visa rather than a business visa when entering the country. The reason is simple — it's much easier and less time-consuming than applying for a business visa. But in doing so, both foreign individuals and the company put themselves at risk, as they could be violating local laws by working in Myanmar with the wrong visa.

A tourist visa allows foreign individuals to stay in Myanmar for up to 28 days. You must stay in a hotel that is approved by the Tourism Ministry and are prohibited from undertaking any sort of commercial activity. A business visa allows a foreigner to stay in Myanmar for business purposes.

The situation is different from Thailand. If a foreigner enters Myanmar with a tourist visa with the intention of working, he or she cannot convert a tourist visa into a business visa. The only way to obtain a business visa is to fly out of Myanmar to the nearest country and apply there.

We recommend all foreigners planning to work in Myanmar obtain an appropriate business visa before entering the country, not only for themselves but also for their family members. Family members must also hold a business visa even though a spouse and child may not work.

There are two options for obtaining a business visa. You can apply at a Myanmar embassy or consulate in your home country or the nearest permitted location before your visit or obtain a visa on arrival. If you apply through an embassy or consulate, you have two choices:

**Single-entry visa:** A typical single-entry business visa is valid for three months, with the period of stay in Myanmar restricted to 70 days from the date of arrival. Processing times typically range from three to six business days, depending on the embassy or consulate.

The business visa will generally need to be supported by several items or documents. Specific requirements for documentation vary among embassies and consulates. Therefore, direct confirmation with the particular embassy or consulate is required.

**Multiple-journey re-entry business visa:** A multiple-journey re-entry business visa is granted on a case-by-case basis. The validity varies from a six months to one year from the date it is issued. However, the applicant must previously have been granted at least three single-entry visas within one year.

If a person would like to stay in Myanmar for a longer term — for example, more than three months without having to leave — he or she may consider applying for a "stay permit", and local sponsorship will be required. The permit to stay allows its holder to work for three months to one year without re-entry into Myanmar.

Currently, for a company set up under the Myanmar Company Act, a business visa — with a multiple-journey re-entry visa if the foreign individual wants to stay for a long term — will be sufficient. If a foreigner plans to stay and work in Myanmar for more than six months, application for a stay permit and multiple-journey re-entry visa is recommended.

However, the process of obtaining the stay permit and multiple-journey re-entry visa is pretty time-consuming. A recommendation letter from the Directorate of Investment and Company Administration is required to support the application, and a blanket stay permit and multiple-journey re-entry visa will not be issued by the Immigration Department. Stay permits and multiple journey re-entry visas are granted on a case-by-case basis, and the number of foreigners already working for the same company in Myanmar may be a factor the authorities will look at.

**Visa on arrival:** A foreigner can also apply for a visa on arrival at Yangon or Mandalay international airports. The visa on arrival is available to nationalities on an approved list at <http://evisa.moip.gov.mm/index.aspx>.

The documentation requirements for a business visa on arrival will be similar to those for a business visa before arrival. However, immigration authorities may also ask applicants to provide further information at the discretion of the immigration officer.

Business visas on arrival are issued strictly on a case-by-case basis and not guaranteed. So it's advisable to apply at a Myanmar embassy or consulate before arrival to avoid any unexpected issues or refusal.

**Do foreigners need to obtain a work permit?** The concept of a work permit has only been introduced in Myanmar recently. Based on the current regulations, a work permit is required only for foreign experts and technicians working for companies set up under the Myanmar Foreign Investment Act. For a company set up under the Myanmar Companies Act, a work permit is currently not required.

However, the Labour Ministry is drafting a comprehensive Foreign Workers Act that will likely require work permits for all foreigners in the future.

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