

### ***Additional Experience with the TM.30***

Reference is made to the Background Note for the 7 Feb 2019 BOI-JFCCT Consultative session.

#### **Complying with requirements about TM.30**

1. Let's say someone lives in Bangkok and there they have submitted TM.30 to notify the authorities where they are.
2. Then they go to Chang Mai for a conference. They stay in a hotel and the hotel completes and submits the TM.30 form to the authorities for them.
3. They go back to their home in Bangkok, and within 24 hours they have to fill in the TM.30 form and report to the authorities that they are back. They have to do the filing themselves if they own the home or otherwise their landlord is responsible for it, in which case they have to advise the landlord.
4. Then they go to Hua Hin for a weekend trip to visit friends and stay in their friend's house. They have to fill in the TM.30 form again and their friends – or their friend's landlord - has to file it with the authorities within 24 hours. Their friends – or their friend's landlord - does not have a username and password to the online filing system for TM.30 and they are not able to obtain it due to system errors. They therefore print the forms, fill them in and go to the Immigration office to file them. When they arrive at the Immigration office, they realize that it is closed, as it is a Saturday. They then decide to go to the local police office to file it there. But the police officer has no procedure for how to receive it, and refuses to accept it.
5. After the weekend, when they go back to Bangkok they have to fill in the TM.30 form again and they or their landlord has to file it within the deadline of 24 hours.
6. The following week they go abroad for a business meeting. Once they come back to Bangkok they have to fill in TM.30 again and they or their landlord has to file it.

The above is what the law requires. Moreover, the TM.30 does not only affect foreigners. All people (everyone), who for example is visited by foreign friends who stay in their house, are obliged to file TM.30 for them. Anyone (foreigner or not) who rents out property to foreigners is responsible for filing TM.30 for them. And it is the property owners who are fined in the case of non-compliance.

On top of this are practical issues, based on real and actual experience.

1. Reporting is not straightforward. One particular landlord spent days on it (just a typical example). If the law becomes fully enforced, it will be difficult for foreigners to rent property in Thailand as landlords will not want all the trouble with TM.30. and the risk of fines for non-compliance.
2. On at least two occasions, Immigration officials refused to accept more than a few filings of the form. One person for example had been abroad and went to Immigration to file TM.30 when he came back to Thailand. Immigration said that he had already filed it before and they did not want it again. And then, later on when he went to do his 90 day report, it was rejected because he had not filed TM.30 after he came back to Thailand.
3. The online system is not reliable and (based on the information available) it does not give a receipt of the filing - at least not for private property owners. It means that most owners end up with a physical filing (due to that issue of reliability) and it takes a lot of time for them.

In most countries it is only those who have committed serious crimes who have to report their every movement to the authorities. Even if the TM.30 reporting was made easy through a reliable online platform, it still gives a very negative impression of Thailand to foreigners who are staying here legally and who might even be incentivized or encouraged to be in Thailand.

While the law requires a TM.30, the law has to be respected. Without a TM.30 requirement, it would be more clear, and it seems that the information or purpose is already covered by other means.