



29 April 2019

## **TM.30 concerns and recommendations – Tourism focus**

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For over 40 years, JFCCT has been providing service to the foreign business community in Thailand. JFCCT has taken a keen interest in the Work Permit and Visa area and has offered extensive, detailed, researched submissions in furtherance of ease of doing business, investment attractiveness and achieving Thailand 4.0 status.

Included in our recommendations is elimination of the TM.30 form and process.

The TM.30 regulation currently requires owners/landlords to report the movements of foreigners. While the reporting responsibility is technically with owners/landlords, the detriment, cost, and economic consequence are suffered by foreigners who are legitimately in Thailand. A foreigner moving about Thailand must ensure that his/her landlord or premises provider is continually informed of all movements.

The owner of the house, the lessor, or the owner of the hotel or residence is responsible for notifying the Immigration Office in their area within 24 hours from the time of the foreigner's arrival, failing which a fine of up THB 10,000 can be levied on the owner/lessor.

Filing by the owner/lessor can be done in three ways:

1. In person at the Immigration Bureau or related Immigration Office located in the area of residence. An official receipt is provided. The foreigner must request a copy of the official receipt from the owner/lessor.
2. By registered postal mail (at the Post Office). The foreigner must obtain a copy of the postal mail registration receipt and a copy of TM 30 request that the owner/lessor filed.
3. Filing by internet. Note: The owner/lessor must first register at [www.immigration.gov.th](http://www.immigration.gov.th) and obtain a username and password. The foreigner must request a copy of the online proof/acknowledgment after the owner/lessor successfully files the TM 30 in the system. A printout of the screenshot is required.

Filing on line is cumbersome (there is a 27 page manual about how to do it) and it is an additional burden on owners/landlords, for no material net benefit.

JFCCT has made detailed submissions as to why we recommend that the TM.30 be eliminated.

At a multi-agency consultative session on 7 February 2019, co-ordinated by BOI, in addition to providing sound reasons for removing the TM.30, actual cases documenting the significant difficulties encountered by foreigners attempting to comply with the TM.30 requirements was provided. This is available on the JFCCT website at <https://pronto-core-cdn.prantomarketing.com/2/wp-content/uploads/sites/1871/2019/02/Experience-with-TM.30-Feb-2019-a.pdf>



## Joint Foreign Chambers of Commerce in Thailand

In addition, application and enforcement seems to differ among individual Immigration offices.

The Immigration Bureau at Chaengwattana announced new regulations regarding the Notification of Residence of Foreigners (TM30) that went into immediate effect on March 28. The Immigration Bureau uses the TM 30 as a mechanism to track and update the addresses of foreigners in Thailand. Without an official receipt for TM30 filing, the Immigration Bureau at Chaengwattana has stated that it will not provide the following normal visa services:

- All types of visa extension applications, both first-year and renewal application
- 90-day reporting
- Multiple Re-entry Permits

This means that additional pre-conditions are being imposed for the above services, and additional complexity is being added to the daily lives of foreigners who are legitimately living in Thailand.

We understand that the Chaengwattana office uses these rules as do the Provincial Immigration Offices in Samuthprakarn, Chonburi, and Nonthaburi Provinces, among others.

This directly contradicts the government's stated goal to enhance the 'ease of doing business' in Thailand. The goal of that effort should be removal of burdensome overhead, rather than adding to complexity. The TM.30 process is invasive, intrusive, and cumbersome. It is reminiscent of the rejected plan to provide ankle bracelets to all tourists to track their whereabouts, or to the NBTCs aborted 'Tourist SIM' plans.

JFCCT members have provided real cases where property owners or lessors are avoiding making properties available to foreigners, due to the complications and potential liability arising from TM.30 compliance. This is even starting to impact Tourism.



**SUMMARY OF RECOMMENDATIONS:**

- 1) The TM.30 serves little purpose. Responsibility is with landlords or other lessors to report movements of foreigners who have in almost all cases already reported their presence by other means.
- 2) The TM.30 is administered differently by different Immigration offices.
- 3) TM.30 is being used to block the provision of other, normal Immigration services. We wonder if this is valid.
- 4) The TM.30 developments are making daily life more difficult for individuals legitimately living and working in Thailand, in the completely opposite direction of the 'Thailand 4.0' goals and enhanced 'Ease of Doing Business'.
- 5) Impact on Tourism is starting to be felt with landlords and other property owners not wanting to make properties available to long-term foreign residents.
- 6) JFCCT does not see improvement of on-line registration as being a viable solution. It remains complicated and there are still cases where an in-person visit is needed.
- 7) JFCCT has proposed that if there are any perceived benefits to the TM.30, they be identified and covered by another, existing process.
- 8) Without limiting the importance of eliminating the TM.30, a first step might be to remove certain groups (categories of visa holders) from the compliance requirement. Removing certain groups would go some way, as an initial and urgently needed first step, to relieving the duplicative and burdensome overhead which the TM.30 imposes on those whom Thailand purports to welcome and encourage coming here. This relief could immediately be applied to:
  - i. Work permit holders
  - ii. Anyone with a long-term visa filing a 90-day report
  - iii. Anyone with a long-term visa who has returned to Thailand from travel abroad.
  - iv. Any other visa holder where other reports filed have already shown residence location.