



**V 1.11 – 11 Feb 2020**

**Recommendations about interim app-based workaround solution for  
Immigration recording: 90 day, TM.6, TM.30  
SHORT SUMMARY**

***Base Recommendations are still valid:*** The agreed, preferred means of resolving issues tabled about TM.30 and 90 day reporting is change to the law, either through the legislature or by administrative action, so that:

- (i) In the case of TM.30, reporting requirements about foreigners are removed for most categories, and ultimately the regulation is removed completely, and
- (ii) In the case of 90 day reporting, require reporting only of changes to place of residence.

***Recommendations about an interim, app-based workaround.*** JFCCT appreciates the opportunity to provide these recommendations about the app-based interim workaround.

***General:***

1. JFCCT considers it useful to group users:
  - (i) Tourists, who need quick processing with minimal recording and may only make one visit (there are exceptional periods where public health mandates additional screening). An app is a burdensome set up.
  - (ii) Those who live and work in Thailand
  - (iii) Retirees, who are similar to group (ii).
2. JFCCT is concerned that the App proposal is too complicated, has too many dependencies and unnecessary requirements with too much reliance on base levels of proof. For simple reporting (eg 90 day), a functioning on-line (web based) tool is more appropriate. That should be the starting point. The App idea is not well supported.

***Specific by recording type:***

- a) For TM.30 – foreigners are impacted as landlords need to report about them. No beta review has been offered yet. JFCCT proposes a re-think to eliminate all non-essential reporting cases first, an on-line tool is a better basis, with App optional, work permit/visa card (in development) should be workable for those holders. Problems are interactions between landlord and foreigner in private dwelling situations.
- b) For TM.6 – in time a readable work permit/visa card may carry relevant information, which could be used. The focus should be on no paper or paper equivalent. If Address is the only issue, why create an App just for the address?
- c) For 90 day reporting (the only one so far with a technical review), a web-based tool would be more appropriate. Keep it simple. The geo location, inability to use an agent or staff member and taking a selfie are all problematic.



**Recommendations about interim app-based workaround solution for Immigration recording; to Deputy Secretary-General to the Prime Minister, for Political Affairs, Dr Kobsak Pootrakool**

From dialogue 15 November 2019 (Presentation made by DGA) and beta review of 90 day reporting tool 29 Jan 2020.

**TM.30; TM.6; 90 day reporting; an Immigration App**

**Background:** The agreed, preferred means of resolving issues tabled about TM.30 and 90 day reporting is change to the law, either through the legislature or by administrative action, so that:

- (iii) In the case of TM.30, reporting requirements about foreigners are removed for most categories, and ultimately the regulation is removed completely, and
- (iv) In the case of 90 day reporting, require reporting only of changes to place of residence.

It is understood that change to the relevant primary law (mainly the Immigration Act 1979), through the National Assembly (House of Representatives and Senate) may be politically difficult. Change by administrative action relying on powers in delegated or subsidiary laws has some possibilities which continue to be explored. JFCCTs recommendations about change remain valid.

TM.28 (reporting by foreigners) has largely been removed by rendering it inapplicable to most categories of foreigner. The remaining categories (journalists and missionaries) are planned to be removed, by administrative action. TM.28 is not proposed to be in-scope for the proposed Immigration app. There are reports in the press and elsewhere of some Immigration officers still attempting to enforce alleged TM. 28 requirements.

*[JFCCT's submissions about TM.30, 90 day reporting, TM.28 are here: [www.jfcct.org/major-business-issues/work-permit-visa/](http://www.jfcct.org/major-business-issues/work-permit-visa/) - see first five files. Also see presentation at JFCCT September Presidents' Council meeting.]*

Separate to change to the law by one of the two means described, JFCCT has been invited to provide recommendations. The invitation is appreciated. **This response** focuses on the interim workaround, which has been proposed by the Immigration Bureau as a downloadable App. It could also be a web-based on-line tool. A card is in development which WP holders would have; why duplicate? The card could be used for use cases it covers.

Although the intent of facilitating compliance by foreigners through development of an App is appreciated, we question whether the concept of using an App (rather than web-based on line reporting or other) has taken into account the needs and first-hand experience of the **actual users**, namely the foreigners who will be expected to use the App in real-world



situations. Foremost among these concerns is the thought that a “one size fits all” approach may be counterproductive, because foreigners entering and leaving Thailand do so in a variety of very different contexts, e.g. as tourists, as long-term residents, as business visitors, etc., each of whom has a separate and unique immigration status. We respectfully suggest that before rolling out an App or any new tool, the designers and developers continue as an ongoing process a review of the proposed functionality with a representative group of foreign users, and reconsider some of the current design demonstrated at the November meeting and in the 29-January presentation of the beta version of the 90 day reporting app. JFCCT would be glad to provide input and to assist in any such ongoing, ‘hands-on’ review process as has been partially done so far for the basics of a 90 day reporting case but there only about an App, which had several features which are considered unnecessary

### A. General and overall approach to solution

Ref	Issue - General	Additional notes/status
<p><b>General: three different user groups served</b></p> <p><u>Tourists and short term visitors:</u> The strategy should be to avoid paper; avoid anything cumbersome for checkpoint entry; there is no need for an app for such groups. We compete with Malaysia, Vietnam – strategy should be no paper, no app.</p> <p><u>Those working and living in Thailand:</u> Use cases are about 90 day reporting and TM.30. Subject to removing the TM.30 requirement completely, issues about a revised app are addressed. An on-line tool and a card which WP holders can use (in development) can be used; a range of tools to cover various use cases.</p> <p><u>Retirees</u> – on retirement visas: Similar to those living and working in Thailand. Some may spend portions of the year outside Thailand.</p> <p>For 90 day reporting, the long standing proposal is to change the law so that only reporting a change of address is required. That experience could almost be achieved by a ‘ONE CLICK’ strategy using an on-line (web-based) tool. If there is no change to address, ONE CLICK can confirm it.</p>		
A1	<p>The primary tool should be an on-line (web-based) confirmation. We do not recommend an App for 90 day reporting in particular. The single focus on an app seems to be driven by use of an app in the context of digital ID for foreigners. If web based, those with no smartphone could then still use non paper means. Some will not able to use an App or will find it cumbersome – eg: (i) those with a feature phone only, or with an outdated operating system or insufficient memory available on their smart</p>	



	<p>phone, (ii) those with no phone, (iii) those with a company phone where company policy restricts downloading apps or other third party tools, (iv) those with concerns about the app granting access to other data on the phone.</p> <p>An App can be thought of as an interface leading to the same or similar functionality as on-line (web-based) reporting.</p> <p>A biometric-based card for foreign WP holders is a valid idea, perhaps also including web-based use.</p>	
A2	<p>Range of OS – only Android and iOS? – these two OS cover about 94% market share, what of other OS such Windows Mobile, Blackberry (those not using Android), etc. Android 9 is now minimum for App development.</p>	
A3	<p>Does the App have access to all (or other) data on a user’s smartphone? How will a foolproof safeguard be implemented so that there is a verifiable way to ensure no access by the App to other user data? Mere assurances will not meet this requirement.</p>	
A4	<p>Downloading the App then entering and uploading personal data will take time. Having to do this in a busy arrival hall will certainly cause delays. If required to download at Suvarnabhumi, will measures be taken to improve the WiFi experience at Suvarnabhumi? Currently, other than in certain airline lounges, it requires some type of registration, or linking with identity documents, and can be cumbersome and unreliable.</p>	
A5	<p>Server capacity for input volume – is it adequate? What is the back-end server architecture?</p>	
A6	<p>Is the App gathering location data of the user if running in background? If yes, what is the reason?</p>	
A7	<p>Will the App (and/or a website) be properly tested and all communications exchanged in English? Many times, messages, captions, navigation, etc. within government apps and websites are only partially in English (and often English whose meaning is ambiguous or which has not been proofread for errors by a native speaker).</p>	
A8	<p>What kind of authentication will the App require? Will Passport Number/Password be sufficient or will Thai telephone number also be required for an OTP (one time password)?</p>	
A9	<p>One proposal is to include an online system for application before travel, web-based but with a</p>	



	<p>supporting app if preferred. The application would cover the basic immigration arrival requirements including the basic information currently collected by the TM.6, and produce a QR code or data fields that could be used to speed up immigration processing (either on smart phone or on paper, by user choice). Not so hard for tourists. Also residents can save their information and just update the flight number, date etc. Immigration scanning the QR code or checking the data creates an electronic record. Travelers also often do not like filling up passports with needless stamps.</p> <p>Thus the app would be secondary to a web-based functionality. Get the web page working first, then phase in a fast track immigration system for people who apply before travelling, and slowly phase out the current system.</p>	
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## B. TM.30

Ref	Issue for TM.30 reporting	Additional notes/status
B1	TM.30 (s.38) is relevant as landlords (who may be Thai or foreign) have to report about foreigners' movements; also landlords may be foreigners. TM.30 is thus additional regulation due to their being foreigners in Thailand. There is strong resistance amongst landlords (Thai and foreign) in having to support TM.30 – some landlords (Thai and foreign) no longer make their premises available to rental by foreigners. Is that an economically attractive development?	
B2	Reduce the scope so that premises-owning foreigners do not need to self-report, as mentioned at the 15 Nov dialogue. (This is a fundamental issue about scope, not an issue about the App per se).	
B3	Thus, as we understand it, there is proposed to be only one report filed about a foreigner who has a 'home base' in Thailand, that is, the report would be done about the outbound movement but not about the return to home base. So the return to home base would, as we understand	



	it, be assumed sometime after the outbound movement. This should be clarified.	
B4	Landlords need to file the report, not the foreigner; but if the foreigners' QR code is to be used, somehow it must be provided in a machine readable way to the landlord. How will this work? Will the card (which WP holders will use) which is in development be supported in this context? For those categories, would that not be a more simple means? To avoid the need for person-to person interaction , how will the identification be done?	
B5	How hotels capture this data – will this need to be by QR Code going forward? JFCCT suggests maintaining multiple methods.	
B6	How will privately-owned premises use it? – Will it cover short stays outside the home province?	
B7	For a long time TM.30 was not used. One suggestion is to go back to that status. It is acknowledged by all parties that TM.30 is not an appropriate means of finding the location of those with criminal intent.	
B8	Interpret the minimum period of movement from 24 hours to 3 days, extend the compulsory submission for private premises for staying longer than 3 days. This to avoid reporting a foreigner just for a weekend out, or a short business trip.	
B9	Will the app require the user to grant consent (express or implied) to allowing access to personal data on the user's device? Will the proposed use of any captured or input data be clearly described? How will a foreigner allow the landlord to use his/her own personal data?	

### C. TM.6

Ref	Issue for TM.6 reporting	Additional notes/status
C 1	On accessing the app, a QR code is generated which is effectively a Digital ID for foreigners; see general recommendation not to use an App for TM.6 purposes;	
C2	If there is a need to capture address, do it upon arrival at hotel or guest house or other premises, rather than at	



	Immigration check points. Currently the process for the paper form TM.6 does not include electronic capture of address data. It is filled out and the paper goes into a pile.	
C3	We suggest using a model similar to economies which have no paper and no paper equivalent. Apart from address and flight arrival, all relevant data is in the passport or is captured by the airline (eg flight details)	
C4	Reading the QR Code – will anyone be able to read it? What is the security or access control?	
C5	Downloading and completing the fields - see General point A4 about not having only an App -	
	<p>Categories for foreigner – shouldn't this be by nationality?            What do the following mean, for example:</p> <p>BRITISH COLONIST</p> <p>_____</p> <p>BRITISH INDIAN OCEAN TERR.</p> <p>_____</p> <p>BRITISH NATIONAL (OVERSEAS)</p>	

#### **D. 90 Day reporting**

General points:

- 1) Keep it simple – 90 day reporting lends itself to web-based on-line capture. There are also too many unnecessary data points in the proposed App.
- 2) No on-line system or app can provide proof of every micro element of any situation. All on-line systems rely on self-statements to varying extents. For example, the globally accepted means of income tax reporting relies heavily on information provided by the taxpayer (self-disclosure) and there are penalties for making false statements. Imagine if tax systems required proof of every statement or assertion. The same approach can be applied to 90 day reporting in respect of location and taking a selfie, both of which we propose are unnecessary steps for the stated purpose of reporting each 90 days, and the process.

<b>Ref</b>	<b>Issue for 90 day reporting</b>	<b>Additional notes/status</b>
D1	The original proposal was to report only change of address. The system should have a ONE CLICK objective – if the data is current from the last report, a simple ONE CLICK confirmation should be the objective.	



D2	The plan is apparently to use GPS to confirm the user's physical presence in Thailand, as well as to require a selfie. We suggest allowing confirmation from anywhere, confirming presence in Thailand is unnecessary (See D.10 for more)	
D3	Currently there is an on-line (web-based) reporting option (when it works). Can this simply be enhanced and made more reliable? Or if not, start again with the idea of a web-based system.	
D4	Use cases need expanding. Tools such as this need to work for many use cases, not just the most common. Thus, a late report should be possible. If a fee is levied for late reporting, make the fee higher based on date (ie there is a deadline and the later you pay, the higher the penalty). All effort should be made to avoid requiring trips to see an Immigration officer in person.	
D5	Fee – if it is very modest and easy to pay, most won't object, even if some will. But how will it be paid?	
D6	Accommodation type should not give rise to doubt, it is not that important. Thus 'OTHER' should be included as an option.	
D7	Why is room number and floor important? This is not provided by hotels, for example, in TM.30 reporting.	
D8	Reporting by agent. How can this functionality be included? One reason an agent can report on someone's behalf (instead of the foreigner needing to physically present him or herself at IB) is to accommodate busy people. It may possibly be that by physically bringing the passport to Immigration there is an implied consent from the passport holder to report on his or her behalf (assuming the agent validly holds the passport). An agent operating on a foreigner's behalf on line or via the app would be done by the agent providing their identity. Again, any system needs to rely on penalties for false reporting as a deterrent.	
D9	Postcode matching with address will never be fully accurate. There needs to be manual override for all fields.	
D10	Why the need for the user to be in Thailand? If the person is not in Thailand, there is no reporting requirement. While the purpose of reporting is to confirm residential address, having to state that one is in Thailand is unnecessary as it does not relate to any aspect of that purpose. If the foreigner is outside Thailand, there is no obligation to make	





	a 90 day report. And in any case, if the foreigner has already left Thailand by the time 90 days have come around, Immigration Bureau will have a record of their exit from the Kingdom.	
D11	As there is no legal or practical requirement for a foreigner to have a local phone number, why should 90 day reporting create that requirement? The phone number field should be optional and should allow foreign phone numbers. Some visitors continue to use foreign numbers or use WiFi-based messaging applications for text messages or various voice-over-data functions.	
D12	How will the system support someone leaving TH after 80 days then returning, say, 12 days later? The 90 day clock should automatically start again upon return to Thailand. The app (or web-based version) therefore needs to have solid back-end connectivity to the relevant data in the IB's database.	
D13	Use of this tool to reduce Thailand as hub for illicit activity. We question whether an App-based or online web-based 90-day reporting function will really help catch criminals, who are likely to avoid use of it in any case. This aspect has been acknowledged.	
D14	Reporting should be possible by agents on behalf of the subject foreigner – thus a selfie is not appropriate. See also D8, above.	
D15	For whichever functions an App or web-based online system is available, there should be no need to show up at immigration in person. Online systems must be reliable and available for use at least until the expiration of the 90 day timeframe (see also D3, above). Currently, online reporting is only available if one's deadline is less than 7 days away, otherwise a personal visit to IB is required. This contradicts the intent of making 90 day reporting and easy and automated process.	
D16	A selfie does not add value. If the idea is to check the selfie back end, it may be a manual task (or if attempting to match with another image automatically, it can be assumed that the likely error rate does not warrant doing this). Photos – selfie, passport photo, and image taken at immigration checkpoint often will not match (see also D2, above). FAR (false acceptance rate) and FRR (false recognition rate) would be high if trying to make them equal.	



## Joint Foreign Chambers of Commerce in Thailand

### **Guillotine**

Many are keen to see the Guillotine (Simple and Smart License project) continue and develop further. Multiple submissions already made to the project propose the elimination of certain immigration requirements related to the subjects addressed in this response.