

Immigration Alert.

Notification Form For House-Master, Owner or The Possessor of The Residence Where Alien Has Stayed ("TM 30")



The TM 30 is prescribed under Section 38 of the Immigration Act, which was enacted in 1979. It requires the landlord (i.e., the owner or possessor of a dwelling place or a hotel manager), who allows foreigners to take residence there, to report the movement of the foreigners within 24 hours irrespective whether the movement is for domestic or international trips.

However, since the enactment of the law, such TM 30 reporting requirements were loosely enforced in only some provinces. Bangkok was not one of them. Hence, the TM 30 was never an issue for most foreigners since enforcement was limited.

On March 2019, the Immigration Bureau (located at Chaengwattana, Bangkok) announced that going forward, any visa extension and 90-days reporting submitted at the Immigration Bureau ("IB") and all Provincial Immigration Offices ("PIOs") must be attached with a TM 30 receipt. If there is no TM 30 receipt attached to the visa extension application, the immigration office will not accept the application. If there are multiple TM 30s, only the last TM 30 receipt is required. The Immigration Bureau uses TM 30 as a mean to track and update the addresses of foreigners based in Thailand.

It is noteworthy that currently such requirements are only enforced by the IB and the PIOs. The immigration office at the One Stop Service Center ("OSSC") does not, at the moment, require the TM 30 to be attached for all types of visa extension and 90-days reporting. OSSC is for companies that qualifies for general businesses, Board of Investment, the Industrial Estate Authority of Thailand, and the Department of Minerals and Fuels.

Who is liable for what?

Under Section 38 of the Immigration Act, the "Head of Household, the owner or possessor of a dwelling place or a hotel manager who allows any foreigner to temporarily stay in the Kingdom, shall notify the local immigration authorities within 24 hours from the time the foreigner has taken residence. If there is no immigration office located in that locality, the police officer at a police station of that locality jurisdiction shall be notified. Any person fails to comply with the provision of Section 38 shall be subject to punishment with a fine of not exceeding 2,000 Baht but in the case of hotel manager, a fine will be from 2,000 Baht to 10,000 Baht."

According to the law, the landlord has the responsibility to file the TM 30 report for any type of visa holders and both short term and long term stay/visa regardless whether they have a work permit or not or where the applications of visa extension and 90-day report is filed.

Foreigners who have the Thai Resident Certificate, i.e., permanent resident, are exempt from this requirement. The Immigration Committee are currently considering whether or not the United Nation (UN) officers and diplomatic passport holders would be included in this exemption.

In case that the foreigners own their own condominium and/or have foreigners as tenants or dwellers, the foreign owners must report TM 30 for themselves and their tenants.

Why are foreigners alarmed by these rules if the owner or possessor of a dwelling place or a hotel manager has to comply with the laws and liable for the penalty?

Under the new requirement from IB and PIOs, foreigners are required to attach a TM 30 receipt together with their visa extension/renewal application and 90-days reporting, otherwise, their applications will not be accepted.

It is technically possible for foreigners to process TM 30 on behalf of the landlords, as long as the landlords are willing to provide supporting documents such as a Power of Attorney, proof of ownership of the property, lease contracts etc. However, this requires cooperation from the landlord.

If for any reasons, the landlords failed to comply with the TM 30 requirements, they will be subject to a fine at the IB, which currently is at Baht 800.

Since foreigners require TM 30 to extend their visas and for 90-days reporting, in practice, they will pay the fine on behalf of the landlord.

How to resolve these issues?

The landlords should apply for usernames and passwords either online or at the immigration office and share them with their tenants, who are foreigners that need to fulfill the TM 30 requirements. This is a one time process. By doing this the tenants can use it to self-report online: at https://extranet.immigration.go.th/fn2_4_online/?sessionExpire=true. Once completed, a screen to inform the process has been completed will appear, and the tenants can capture the screen of TM 30 and keep it for reference when needed in the future.

If landlord do not comply with the laws, can I use TM 28 instead?

TM 28 is the reporting of foreigners' changing of residence address to the IB within 24 hours. It is under **Section 37** of the Immigration Act which is not strictly enforced at this moment. The IB currently does not allow TM 28 to be used to replace TM 30 to support the visa extension or 90-day report applications



For more information and how Deloitte can help you, please contact:

Anthony Visate Loh
Country Leader
Tax & Legal Services
Thailand & Lao
+66 (0) 2034 0112

aloh@deloitte.com www.deloitte.com/th

Pornpun Niyomthai
Director
Tax & Legal Services
Bangkok, Thailand
+66 (0) 2034 0000 Ext. 10404

pniyomthai@deloitte.com www.deloitte.com/th

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