

Expat Counsel

# FOREIGN RESIDENTS IN THAILAND: The 90-day notification report I

Let's say you live in Thailand. You have a non-immigrant visa and you or your spouse has a work permit. All of this is properly renewed every year. You're off the hook and can forget about the whole thing, right?

Not exactly. One important requirement that lots of foreign residents of Thailand forget once is the requirement that if you don't leave Thailand, you and all your family members have the obligation to notify the Thai immigration authorities of your address and intention to stay more than 90 days. I said "once" because if you don't do this you'll have to pay fines that make it unlikely you will forget again.

The Immigration Act, BE 2522, contains Article 37(5), which says that any foreigner who is temporarily in the Kingdom must notify the Immigration Division as soon as possible upon the expiration of 90 days. This must be done for every 90 days that goes by, unless you leave and come back, as discussed below. Article 76 of the Immigration Act also provides that a foreigner failing to properly make this notification shall be punished with a fine not exceeding 5,000 baht and an additional 200 baht per day until the notification is submitted.

You can see how neglecting to let the immigration authorities know that you have stayed more than 90 days can be costly. If you overstay, say, an additional 90 day period without notifying, this could cost you as much as 5,000 baht plus 200 baht a day, or a total of 23,000 baht. For a family of four this would be 92,000 baht. Imagine if you overstay a year!

So, let's take another look at how to comply with this requirement. First, to whom does it apply? The answer is practically anybody who isn't Thai and who doesn't have immigrant status and who isn't in country on a tourist visa. Examples of people to whom it would apply are those in Thailand for business or educational purposes.

If you look in your passport at your visa, and it says "Non-Immigrant Visa B" or "Non-Immigrant Visa O", the requirement applies to you. You can also look at the re-entry permit in your passport. If it says "NON-IMM", the requirement also applies.

Foreigners living in Thailand more than three years on extensions of one-year non-immigrant visas can apply for residence permits, which will exempt them from the 90 day notice requirement. We will discuss this in a later article.

When does the 90 day period start? It's on the date of the last entry stamp in your passport. Thus, if you've been in Thailand for a couple of months, travel outside and come back, the 90 day period starts on the date of your arrival. So that means you can avoid the notification requirement by travelling to a foreign location every 90 days. If

your spouse and children stay in Thailand while you are travelling, though, they will still have to comply with the notification requirement, since it's counted separately for each person.

You can, of course, figure out when the 90 day period is up for you by looking at the latest entry stamp to Thailand in your passport. It will say something at the top like "Immigration Suvarnabhumi Airport Thailand". Then it will say "VISA CLASS —" and something like "NON-RE" in handwriting after this, reflecting your immigration status. Next, a date, like 25 JAN 2009, will

be printed. This is the date from which the 90-day period starts to run.

People may get confused by the entry stamp because the next thing it says is "UNTIL", with the date of expiration of your next re-entry permit written in after this. Usually foreigners who live in Thailand get re-entry permits for a year, so the date after the word "UNTIL" could be much more than 90 days away. It may be logical to infer from this date that you don't have to do anything about your immigration status until then, but the 90 day requirement is independent of and in addition to this.

Moral of the story? Immigration stamps can be confusing. And try to keep track of the 90 days.

Next time we'll discuss how to comply with the 90 day notification requirements. ■

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The illustration depicts a man in a suit carrying a briefcase labeled "WORK PERMIT". He is standing on a grid representing a calendar. A speech bubble above him says "23,000 BAHT / 92,000 BAHT". A speech bubble below him says "90 DAY PERIOD START!". A house is shown in the bottom left corner of the grid.