# Question - Answer

Subject: Payment of personal income tax according to

Section 41, paragraph two, of the Revenue Code.

## Issue - Principle

1

Question: What are the principles of the Revenue Department orders No. P.161 and P.162?

Answer: Revenue Department orders No. P.161 and P.162 explain the legal principles according to Section 41, paragraph two, that a person has a duty to pay personal income tax from foreign income sources. When entering the following elements

(1) A person has assessable income from a foreign source from 1 January 2024 onwards, in the tax year spent in Thailand for 180 days or more, and

(2) that person has brought The assessable income came into Thailand in that tax year or in subsequent tax years. ***Result :*** If both elements are complete, that person has the following assets: The money must be assessed, otherwise it must be included in the calculation to pay taxes. Personal income In the tax year that has been brought The assessable income comes into Thailand.

Example: In tax year 2024, Mr. A. is in Thailand for a total of 200 days. Mr. A. has assessable income from:

Leasing assets, assets, and residences abroad. In this case, it is considered that it is relevant to the elements (1). In other words, Mr. A. Have money that is not assessable from a foreign source of income in the tax year in which the person has resided in Thailand for 180 days or more, if later. In the tax year 2025, Mr. A. transferred money that he believed should not be assessed as mentioned to a bank account in Thailand. In this case, it is considered that element (2) is met, that is, Mr. A brought in that assessable income. In Thailand in that tax year or in subsequent tax years, therefore, the result is that Mr. A must bring the said assessable income. that has been introduced Come into Thailand to gather words. Calculated to pay personal income tax for tax year 2025.

**Example in the case of a person with money bringing Money comes back into Thailand in different forms.**

| case | Assessable income | | Period of stay in Thailand In the tax year in which the assessable income arises | | Bringing money into Thailand | | Pay taxes Or not? |
|---|---|---|---|---|---|---|---|
| | before 1 Jan. 2024 | since 1 Jan. 2024 | < 180 days | ÿ 180 days | before 1 Jan. 2024 | since 1 Jan. 2024 | |
| 1 | | ✓ | | ✓ | | ✓ | broken |
| 2 | | ✓ | ✓ | | | ✓ | It's not broken. |
| 3 | ✓ | | | ✓ | | ✓ | It's not broken. |
| 4 | ✓ | | ✓ | | | ✓ | It's not broken. |

# Question - Answer

Subject: Payment of personal income tax

According to Section 41, paragraph two of the Revenue Code

## Issue - Effectiveness

2

Question: When do the Revenue Department orders No. P.161 and P.162 come into effect?

Answer: Effective for for the assessable income incurred and brought Entering Thailand from 1 January 2024 onwards

Example 1: In tax years 2023 and 2024, Mr. A. is a resident of Thailand and Mr. A. has assessable income from interest. Bank deposits abroad in tax year 2023 and have assessable income from renting condominiums in foreign countries. In the tax year 2024, and later in the tax year 2025, Mr. A. brought money. It should be assessed whether the two of them returned back to Thailand. Mr. A. did not have any money. Tax from interest on bank deposits abroad Because it is assessable income that occurred before 1 January 2024, but Mr. A. has a duty to lead Assessable income from renting a condominium located in a foreign country is included. Calculate for income tax Individuals for tax year 2025 because it is assessable income arising from 1 January 2024 onwards.

Example 2: In the tax year 2024, Mr. A. is a resident of Thailand. and have assessable income from dividends abroad later In the tax year 2025, Mr. A. took the assessable income from the dividends. Such overseas results are returned to Thailand. Mr. A. has the duty Assessable income from dividends abroad must be included in the statement. Calculated to pay personal income tax for tax year 2025. Because it is assessable income from 1 January 2024.

3

Question: If it is assessable income received before 2024 but brought into Thailand in 2024, will it have to be taxed?

Answer: No taxes required. Because it is assessable income that occurred before January 1, 2024.

Example: In tax year 2022, Mr. A. stayed in Thailand for a total period of more than 180 days and Mr. A. went to give advice. abroad and receive a consulting fee of 50,000 baht in the tax year 2024. Mr. A. transferred the said consulting fee Returning to Thailand, Mr. A. has no duty to bring Assessable income from consulting fees abroad is included in the calculation. To pay personal income tax for tax year 2024 because it is assessable income that occurred before January 1. 2024

# Question - Answer

## Subject: Payment of personal income tax

## According to Section 41, paragraph two of the Revenue Code

## Issue - People in Thailand

4 Question: People living in Thailand means what?

Answer: Persons who are in Thailand for a total of 180 days or more between 1 January and 31 December.

of that year, whether staying in Thailand for a single consecutive period or staying in Thailand for several periods combined

This does not take into account the nationality or ethnicity of that person.

example :

- Mr. A. is in Thailand every day. From January to December 2024, a total of 366 days.
  Mr. A. is a resident of Thailand in tax year 2024.
- Miss K. is in Thailand. Only certain months in 2024, a total of 184 days.
  Ms. K. is a resident of Thailand in tax year 2024.
- Mr. B. was in Thailand from January to December 2024, a total of 179 days.
  Mr. B. is not a resident of Thailand in tax year 2024.
- Mrs. D. has been in Thailand continuously for a total of 250 days, with the first 100 days being in 2024.
  As for the last 150 days, it is in the year 2025. As such, Mrs. D. is not a resident of Thailand in both the 2024 tax year and the tax year.
  2025 because Mrs. D. was in Thailand for less than 180 days in that tax year.

5 Question: If you are not in Thailand for 180 days or more in the tax year. but have assessable income from foreign income sources in the year Such taxes Do I have to pay personal income tax when bringing that assessable income back into Thailand?

Answer: There is no need to pay personal income tax even if the assessable income is brought back into Thailand.

Example: In 2024, Mr. A. is in Thailand for a total of 65 days. Mr. A. has assessable income from rent.
Assets located abroad in the said year And in the same year, Mr. A transferred the said income to the bank account in Thailand Mr. A. does not have to pay personal income tax on the said rental money in tax year 2024 because Mr. A. is not

Persons who were in Thailand when the assessable income occurred

## Issue - Assessable income

6 Question: What types of assessable income must be taken? to pay income tax according to Section 41, paragraph two of the Revenue Code

Answer: Assessable income from foreign sources that is subject to personal income tax is determined by

Assessable income according to Section 40 (1) to (8) of the Revenue Code. ***However,*** if it is assessable income that is exempt Tax according to the Revenue Code does not require tax-exempt assessable income to be taxed in Thailand, such as inheritance.
or income received from support from parents, descendants, or spouses, only income that does not exceed twenty million baht throughout the year.
That tax, etc.

## Question - Answer

Subject: Payment of personal income tax

According to Section 41, paragraph two of the Revenue Code

### Issue - Bringing assessable income into Thailand

7 Question: Bring that assessable income into Thailand. What does it mean?

Answer: Actions by any means to bring that assessable income into Thailand, such as transferring assessable income through bank accounts, transferring assessable income through the ONLINE system, or bringing assessable income into the country, etc.

Example: Ms. K. is a resident of Thailand and transfers 200,000 baht to a bank account abroad. and received interest on deposits from the said bank in the amount of 10,000 baht. Later, Ms. K. ordered the transfer of said interest.

into a bank account in Thailand. It is considered that Ms. B. has brought the interest which is classified as assessable income into Thailand.

### Issue - Principal

8 Question: Transferring money abroad and bringing that money back into Thailand is subject to taxes. Or how?

Answer: **No tax is payable** in the case of transferring investment funds abroad. and the said money was transferred back into Thailand.

It will not be considered as assessable income.

Example: Mr. A. transferred 200,000 baht to an overseas investment account. Later, Mr. A. closed the said investment account and brought the 200,000 baht back into Thailand. Such money is not considered assessable income. Mr. A. has no duty to pay income tax from the use of The money came back into Thailand.

9 Question: If you deposit money in a bank abroad and receive interest from that deposit, then later take the principal and Interest returned to Thailand must be combined with the principal and interest. Calculate personal income tax?

Answer: **The principal amount is not subject to taxes ,** but must be **subject to capital gains taxes.** You can get it only. The amount of crushed interest, which is money, should not be assessed according to Section 40 (4) (a) of the Revenue Code, which is brought back into Thailand in the tax year that Taxi received The interest rate is as mentioned and the person is a person who has been residing in Thailand since 180 days.

Example: In the tax year 2024, Mr. A was in Thailand for a total period of more than 180 days. Mr. A took 50,000 baht to deposit in a bank abroad and received interest on the amount deposited. 5,000 baht in the tax year 2024, continued in the tax year 2025, Mr. A. transferred the money

All returned to Thailand. Mr. A. has a duty to bring Only assessable income from interest on deposits abroad.

which is money that has to be assessed since January 1, 2024, to be included in the calculation for paying income tax as a natural person for Tax year 2025

## Question - Answer

Subject: Payment of personal income tax

According to Section 41, paragraph two of the Revenue Code

### Issue - Unrealized profits

10 Question: Take money to buy stocks abroad. At the end of the year, foreign stock prices increased without the shares being sold yet. Do I have to pay taxes? No, how?

Answer: **No tax due** because the said shares have not yet been sold, which is a benefit received in excess of capital.

It is not considered to have assessable income according to Section 40 (4) (g) of the Revenue Code.

Example 1: In the tax year 2024, Mr. C. was in Thailand for a total of more than 180 days and Mr. C. used the money to buy A shares. Abroad on March 15, 2024, 100 shares, 1,000 baht per share, totaling 100,000 baht. Later on December 31, 2024, the share price increased to 1,100 baht per share. Therefore, Mr. C. has unearned profits. Know (UNREALIZED GAIN) increased by 10,000 baht on December 31, 2024, Mr. C. has not sold any of the said shares yet. Therefore, it is not considered assessable income according to Section 40 (4) (g) of the Revenue Code.

Example 2: Later in tax year 2025, Mr. C. stayed in Thailand for a total of more than 180 days and Mr. C. sold A shares. Abroad, 80 shares on June 1, 2025 at a price of 1,200 baht per share. Therefore, Mr. C. has a profit (REALIZED GAIN) of 16,000 baht on June 1, 2025, which is considered a profit. Income that is assessed from the benefit received from the sale of shares which is valued as income in excess of capital according to Section 40 (4) (g) of the Revenue Code, but for the additional 20 shares of A that Mr C has still sold, it is not yet considered assessable income. According to Section 40 (4) (g) of the Revenue Code

Example 3: Later in the tax year 2026, Mr. C. took the profit from the sale of 80 A shares on June 1, 2025, which was For a year, assessable income according to Section 40 (4) (g) of the Revenue Code is returned to Thailand. Mr. C. has a duty to bring the income. It should be evaluated from the above mentioned sales of shares abroad. Calculated to pay personal income tax for tax year 2026. Because it is assessable income arising from 1 January 2024.

## Question - Answer

Subject: Payment of personal income tax according to

Section 41, paragraph two, of the Revenue Code.

### Issue - Accumulated funds received while not residing in Thailand.

11

Question: If a person goes to live, work or carry on an activity abroad for a long time and later wants to return to live in Thailand, then Therefore, you can bring back the money you have accumulated from working or doing business abroad. Entering Thailand, such persons will have to pay tax on importing Has that accumulated money come into Thailand?

Answer: **No tax is required** in the case of using money accumulated from doing business. Work or conduct business abroad into Thailand

This is because the said accumulated money comes from assessable income that occurred in the tax year in which the person was in Thailand for less than 180 days.

Example: Mrs. D. is of Thai nationality and went to live in China in 2007. But in 2024, Mrs. D. wants to travel back and live in Thailand permanently, so she has brought savings. From doing business in China, G has returned. Entering all of Thailand, as such, Mrs. D. is not obliged to pay personal income tax for for the money taken Entering Thailand in 2024 due to

Such accumulated money comes from assessable income incurred in the tax year in which Mrs. D. is not a resident of Thailand.

### Issue - Elimination of double taxation

12

Question: If money is earned, what should be assessed as imported into Thailand as income? Money earned is subject to taxation, income earned abroad. And if you can bring in the money? Returned and had to bring the money to pay tax in Thailand again. This time there would be a double tax liability. Is it overlapping or not? And can I pay tax on the money I paid abroad? To eliminate double taxation or not?

Answer: There is no double taxation in the case of being a tax resident in Thailand. (Remained in Thailand since 180 days)

Tax paid abroad can be credited with tax paid in Thailand in the tax year brought. Assessable income coming in

Thailand according to the provisions of the Double Tax Convention. that Thailand is a contracting party with that country