Legal article

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Thai marriage visa: the Non-Immigrant O visa and one-year extension for the spouse of a Thai national (2026)

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> This article is general legal information, not a legal opinion on any specific matter. Each matter must be assessed on its own facts and evidence. The latest online version is at https://retireinthailandadvisory.com/thai-marriage-visa.html

Key points

- **"Thai marriage visa" is two decisions, not one.** A Non-Immigrant O visa admits the spouse of a Thai national; a one-year extension of stay under section 35 of the Immigration Act B.E. 2522 keeps the spouse here. The Immigration Bureau lists the extension as category 18, "family of a Thai national".[1][2]
- **The money test is 40,000 baht a month or 400,000 baht in a Thai bank.** The Bureau's published criteria require a foreign husband of a Thai wife to show an average annual income of at least 40,000 baht a month, or a Thai bank balance of at least 400,000 baht held for the 2 months before the application.[2]
- **Both spouses attend in person.** The applicant and the Thai spouse must appear to give a statement, with original documents and signed copies. The relationship must exist "both in law and in fact".[2]

- **Government fees are small.** The extension application (form TM.7) costs 1,900 baht; a re-entry permit costs 1,000 baht for a single entry or 3,800 baht for multiple entries.[4]
- **Only a marriage valid under Thai law counts.** A marriage registered without a genuine intention to live as spouses is void under sections 1458 and 1495 of the Civil and Commercial Code, as the Supreme Court held in Judgment No. 1067/2545; a marriage registered abroad is recognized under section 1459 and the Conflict of Laws Act, as in Judgment No. 170/2569.[1113]
- **The visa does not settle the tax.** A spouse present 180 days or more in a calendar year is a Thai tax resident under section 41 of the Revenue Code, and foreign income brought into Thailand is assessable under paragraph 2 and Orders Por. 161/2566 and 162/2566.[17]

The phrase "Thai marriage visa" does not appear in any Thai statute. What the foreign spouse of a Thai citizen actually obtains is a Non-Immigrant visa in category O, followed by a yearly permission to stay granted by the Immigration Bureau under section 35 of the Immigration Act B.E. 2522 (พระราชบัญญัติ คนเข้าเมือง พ.ศ. 2522). This guide sets out both steps from primary sources read on the date shown, compares the marriage route with the retirement routes that most readers of this site are weighing against it, and explains the two questions that decide most applications in practice: whether the marriage is one that Thai law recognizes, and whether the money test is met in the form the Bureau requires. The marriage and prenuptial agreement guide covers the property side of marrying in Thailand; this page covers the right to stay.

Legal status, checked 8 November 2026. Immigration Act B.E. 2522 sections 12, 34, 35, 36, 37, 39 and 81 read on the Office of the Council of State database; the Immigration Bureau's published criteria for category 18 (family of a Thai national) and the Royal Thai Government service page on the same category; fee amounts from the Royal Thai Government service pages; Civil and Commercial Code sections 1448, 1457, 1458, 1459, 1495 and 1496 as amended by the Act (No. 24) B.E. 2567. On tax, Revenue Code section 41 and Orders Por. 161/2566 and 162/2566 remain in force; the Revenue Department's list of new laws, read on 8 November 2026, contains no royal decree exempting foreign income brought into Thailand, so the proposed exemption is still not law.[17]

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What a Thai marriage visa is in law

A Thai marriage visa is a Non-Immigrant O visa issued to the spouse of a Thai national, combined with a one-year extension of stay that the Immigration Bureau grants under section 35 of the Immigration Act B.E. 2522 in the category it calls "family of a Thai national" (category 18). The visa is issued abroad or converted in Thailand; the extension is decided inside Thailand and renewed every year.

Section 34 of the Immigration Act lists the purposes for which an alien may enter Thailand temporarily, ending with "(15) other purposes as prescribed in a ministerial regulation", and section 35 gives the Director-General, or an officer the Director-General assigns, the power to permit a stay "under any conditions". For a purpose that falls outside the fixed periods in section 35, the same section provides that where "an alien has a necessity to remain in the Kingdom beyond the period prescribed", the Director-General "shall consider and permit the alien to stay further for periods of not more than one year at a time".[1] That sentence is the whole legal basis of the yearly marriage extension. The last paragraph of section 35 adds two practical rules: the application is made "in the form and with the fee prescribed in a ministerial regulation", and "while awaiting the order, the alien may remain in the Kingdom in the meantime", which is the legal footing of the "under consideration" stamp that applicants receive.

The detailed criteria are not in the Act. They are issued by the Immigration Bureau as internal orders under section 35, the current one being Immigration Bureau Order No. 12/2568 of 23 January 2025, and summarized on the Bureau's public service pages.[2][3] The Bureau's page for category 18 states the eligibility rule in one line: the alien "must have been granted a Non-Immigrant visa" and must have "evidence of the relationship".[2] A tourist entry or a visa exemption is therefore not a starting point for a marriage extension; the first step is always the Non-Immigrant O visa, obtained at a Thai embassy or consulate abroad, or through the Bureau's in-country procedure for obtaining or changing a visa category, which has its own conditions.

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Who qualifies: a marriage that Thai law recognizes

The foreign spouse qualifies only if the marriage is valid under Thai law and exists in fact. Under section 1457 of the Civil and Commercial Code a marriage exists only once it is registered; under section 1458 both persons must consent to be spouses and declare that consent openly before the registrar; and under section 1495 a marriage that breaches section 1458 is void. The Bureau's criteria add that a spouse must have a relationship "both in law and in fact".[92]

Three provisions of Book 5 of the Civil and Commercial Code, as amended by the Act (No. 24) B.E. 2567 which took effect in January 2025, define the marriage that immigration officers will accept. Section 1448 now provides that "a marriage may be made only when both persons have attained eighteen years of age", with the court able to permit an earlier marriage for a proper reason. Section 1457 provides that "a marriage under this Code shall exist only upon registration". Section 1458 provides that "a marriage may be made only when two persons consent to be spouses of each other, and that consent must be declared openly before the registrar, who shall record it".[9] The 2024 amendment replaced "a man and a woman" with "two persons" throughout, so that since 23 January 2025 a same-sex marriage registered in Thailand is a marriage for every purpose of the Code, including the family categories in immigration practice.

Registration is the decisive formality. Sections 1495 and 1496 provide that a marriage which breaches sections 1449, 1450, 1452 or 1458 is void, and that "only a judgment of the court may declare" a marriage void on those grounds, on the application of a spouse, a parent or a descendant.[10] Section 1452 is the provision most often relevant to a foreign spouse: "a person may not marry while he or she has a spouse". A foreigner whose earlier marriage abroad was never dissolved cannot validly marry in Thailand, and a registration obtained by concealing that fact is void under section 1452, a ground that, under section 1497, any interested person may raise.

The Supreme Court has twice explained what the "consent to be spouses" in section 1458 means, and both cases are the ones immigration officers have in mind when they ask whether a marriage exists "in fact". In Supreme Court Judgment No. 1067/2545 the Court held that consent to marry means that "the two persons agree to become members of the same family,

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must live together as husband and wife both in nature and in law, care for each other in sickness and in health, and support and maintain each other according to their ability and station". The defendant had registered a marriage with a retired naval officer 38 days before his death, had never lived with him, had not paid for his medical care and had not visited him, and admitted that she had registered because he told her that otherwise nobody would receive his death gratuity. The Court held that she "registered the marriage without any intention from the outset to be husband and wife", that the marriage breached section 1458 and was void under section 1495.[11]

The opposite result in Supreme Court Judgment No. 5351/2545 shows where the burden lies. Two petitioners asked the court to declare their own marriage void, saying they had registered it "as a sham, hoping for a commercial advantage", on a fortune-teller's advice, and had never lived together. The Court dismissed the petition because they "did not adduce other evidence to support the claim that they had not in fact lived together as husband and wife", did not produce house registration records showing separate residences, and had waited more than three years before applying; their conduct showed that they "had consented to be husband and wife under section 1458".[12] A registered marriage is presumed genuine, and the party asserting that it is a sham must prove it with evidence of the kind the Court named: where each spouse actually lives, who paid for what, and how the couple behaved over time. Those are exactly the facts that the Bureau's interview and home visit are designed to establish, which is why photographs of the shared home, a house registration showing the same address and a consistent account from both spouses carry weight that no document from an adviser can replace.

Marriages registered abroad

A marriage registered outside Thailand between a Thai national and a foreigner is recognized in Thailand under section 1459 of the Civil and Commercial Code and section 20 of the Act on Conflict of Laws B.E. 2481, provided it was made in the form required by the law of the place of marriage or by Thai law. The couple records it in Thailand at a district office by a family-status record (คร.22) after the foreign certificate has been legalized and translated.

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Section 1459 provides that "a marriage in a foreign country between persons who are both Thai nationals, or of whom one is a Thai national, may be made in the form prescribed by Thai law or by the law of that country", and that where the couple wish to register under Thai law "the Thai diplomatic or consular officer shall be the registrar".[13] The Supreme Court applied that section in Judgment No. 170/2569, where the surviving wife produced a certified copy of a Florida marriage record of 5 April 1990 with a translation and a certification by the clerk of the court of Miami-Dade County. The Court held that under section 1459 and section 20 paragraph 2 of the Act on Conflict of Laws a marriage made abroad in a form that Thai law accepts "is complete", so that the wife "is the lawful wife and an heir entitled to the estate".[13] The practical lesson for a couple married abroad is that the foreign record itself, properly certified, establishes the marriage; the Thai family-status record is evidence of it, not the source of it.

Form is not the only question. Supreme Court Judgment No. 2887/2563 concerned two Thai women married in England in 2014, and the Court held that while section 1459 and section 20 of the Conflict of Laws Act govern the form of a foreign marriage, section 19 of the same Act provides that "the conditions of marriage shall be governed by the law of the nationality of each party", so that the conditions in Book 5 of the Civil and Commercial Code applied; under section 1448 as it then stood, which spoke of "a man and a woman", the marriage did not meet Thai conditions and the parties "did not have the status of husband and wife under the law".[14] The 2024 amendment has removed that particular obstacle, but the rule of the case remains: a marriage made abroad is tested against the Thai conditions of marriage, including age and the absence of an existing spouse, as well as against the formalities of the foreign law.

The Ministry of Foreign Affairs describes the recording procedure in its consular guidance: the foreign marriage certificate is certified by the foreign ministry of the country of marriage, then by the Thai embassy there, then by the Department of Consular Affairs in Thailand, and the couple then "apply to record their family status (คร. 22)" at the district office where the Thai spouse is domiciled; a Thai national who has already married under foreign law "does not need to register the marriage again under Thai law".[15] For a marriage registered in Thailand, the same guidance describes the mirror image: the foreign spouse's certificate of single status, issued by his or her own authorities and certified through the same chain, is presented with a Thai translation to the

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registrar at the district office. Immigration officers expect to see either the Thai marriage certificate (คร.3) and registration record (คร.2), or the foreign certificate with its legalization chain and the คร.22 record.

The financial requirement: 40,000 baht a month or 400,000 baht

A foreign husband married to a Thai woman must show an average annual income of not less than 40,000 baht per month, or a deposit in a bank in Thailand of not less than 400,000 baht that has remained in the account throughout the 2 months before the application, "for expenses during the year". The Bureau's published criteria state the rule for the foreign husband; for a foreign wife of a Thai husband the Bureau lists the documents separately and does not restate the money condition.[23]

The Bureau's wording, read on 8 November 2026, is this: "in the case of marriage to a Thai woman, the husband who is an alien must have an average annual income of not less than 40,000 baht per month, or a deposit in a bank in Thailand which has remained in the account throughout the preceding 2 months of not less than 400,000 baht, for expenses during the year". [2] The Royal Thai Government's service page on the same category repeats the two figures and the 2-month period.[3] Four features of the rule matter in practice.

First, the two tests are alternatives, and the Bureau's text does not describe a combination of partial income and partial savings as it does for some other categories. An applicant who earns 25,000 baht a month and holds 200,000 baht does not meet the published test and should not assume that the two halves add up. Second, the income figure is an "average annual income", which the Bureau measures through documents of the kind that show income over a year: an embassy letter certifying pension or salary where the embassy still issues one, Thai tax filings where the income is Thai, or bank statements showing regular monthly receipts. The guide to the 800,000 baht rule explains how the income letter has become harder to obtain since several embassies stopped certifying income, and the same difficulty affects the marriage route. Third, the deposit must be in a bank in Thailand and must have "remained in the account" for the 2 months before the application, which officers verify with a bank letter and a passbook updated on the day of filing, so the money should be transferred from abroad well before the 2-month

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window opens. Fourth, the figures are exactly half of the retirement figures of 800,000 baht and 65,000 baht, which is one reason a retiree married to a Thai national often chooses this route; the trade-off is set out in the comparison below.

The parent of a Thai child is covered by the same category with a parallel test: the Bureau's text requires the father or mother to "have an average annual income of not less than 40,000 baht per month, or a deposit of not less than 400,000 baht for expenses in the year", and requires the child to be unmarried, living as part of the same household, and under 20 years of age.[2] A foreign parent whose marriage to the Thai parent has ended may therefore still qualify on the strength of a Thai child, which is an important fallback after a divorce.

The procedure, step by step

The sequence is: obtain a Non-Immigrant O visa; enter Thailand; meet the money test for 2 months where the deposit route is used; file form TM.7 with the fee of 1,900 baht at the immigration office for the province of residence, with the Thai spouse present; receive an "under consideration" stamp; attend the interview and any home visit; and collect the one-year extension. After that, the spouse reports an address every 90 days and obtains a re-entry permit before every trip abroad.

Step 1: the Non-Immigrant O visa. The Bureau's first criterion is that the alien "must have been granted a Non-Immigrant visa".[2] The visa is normally applied for at a Thai embassy or consulate in the spouse's home country or country of residence, with the marriage certificate and the Thai spouse's identity and house registration documents. A person already in Thailand on another status may apply to the Bureau under its procedure for obtaining or changing a visa category, which is listed on the same service menu and has its own conditions.

Step 2: the extension application. The application is made on form TM.7, and the Royal Thai Government service pages state the fee as 1,900 baht.[4] The Bureau's note on category 18 is explicit that "the applicant and the Thai child, wife or husband must attend in person to give a statement", and that "original documents must be produced and copied, with the copies certified as true by the signature of the applicant".[2] The Bureau publishes separate document

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checklists for the case of a Thai wife and the case of a Thai husband; the core of each is the passport and current visa, the marriage certificate and registration record, the Thai spouse's identity card and house registration, the financial evidence described above, a map of the residence and photographs of the couple at home.

Step 3: the "under consideration" period. Because section 35 allows the alien to remain "while awaiting the order", the office stamps the passport with a short permission, usually of about a month, during which the file is reviewed and a home visit may be made.[1] The applicant returns on the date stamped to collect the one-year extension. The year runs from the expiry of the previous permission, not from the date of the decision.

Step 4: the continuing duties. Section 37 of the Immigration Act lists the duties of an alien permitted to stay temporarily. Under section 37(1) the alien must "not engage in an occupation or accept employment unless permitted under the law on the working of aliens", so the marriage extension does not by itself permit work, although the holder of a Non-O visa may apply for a work permit under that law. Under section 37(5), an alien who "stays in the Kingdom beyond ninety days must notify the competent official in writing of his or her place of residence without delay upon the expiry of ninety days, and thereafter every ninety days".[5] Under section 39, leaving Thailand ends the permission to stay unless a re-entry permit was obtained first; the fee is 1,000 baht for a single entry and 3,800 baht for multiple entries.[64] The 90-day report and re-entry guide covers the forms.

Step 5: renewal. Each year the same application is made again with current financial evidence. The practical difference from the first year is that the officer now has a file, and inconsistencies between years, such as a different address from the one notified under section 37, are the usual cause of a longer review.

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Marriage visa or retirement visa: the comparison

For a foreigner aged 50 or more who is married to a Thai national, the marriage route halves the money test (400,000 baht or 40,000 baht a month instead of 800,000 baht or 65,000 baht a month) and allows a work permit application, but it depends on the marriage continuing and requires the Thai spouse to attend each year. The retirement route is independent of the marriage and of the spouse, at twice the financial threshold.

The two routes sit in the same section 35 and the same yearly cycle, so the differences are in the Bureau's criteria rather than in the Act. The retirement category (category 22, "living out one's retirement") requires the applicant to be at least 50 years old and to show 800,000 baht in a Thai bank or a monthly income of 65,000 baht, as explained in the Non-Immigrant O retirement guide and the extension guide. The marriage category has no age requirement and half the money, but it is tied to the spouse: the Bureau's criterion is a relationship "both in law and in fact", and the Thai spouse must attend to give a statement every year.[2] A divorce, or the death of the Thai spouse, ends the basis of the extension, and the foreign spouse must then qualify under another category before the current permission expires, which for a person over 50 usually means the retirement category and the higher deposit. A couple who hold property together should read the marriage and prenup guide and the will and inheritance guide alongside this one, because the immigration consequence of a death is immediate while the property consequences take months.

Three further differences are often decisive. The retirement category carries a health-insurance requirement only in the O-A visa stream, which the O-A insurance guide explains; the marriage category has no insurance condition in the Bureau's published criteria. The marriage category allows the holder to apply for a work permit, which the retirement category does not. And the marriage category requires the applicant to live with the Thai spouse at an address that officers may visit, so a couple who live in different provinces for work should expect to explain the arrangement and to show that it is nonetheless a household.

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Why the interview and the home visit exist: a law and economics view

The in-person statement, the photographs and the home visit are screening devices. In the language of law and economics, a marriage registration is cheap to obtain and valuable to a person who wants to stay in Thailand, so the state cannot tell genuine marriages from arranged ones by the certificate alone; it must look for signals that are costly to fake, such as a shared home over time. The Supreme Court's test of living together "in nature and in law" supplies exactly that signal.

George Akerlof's analysis of markets in which one side knows the quality of what is offered and the other does not shows that, without a way to verify quality, the market fills with low-quality offers and the honest seller is driven out.[22] An immigration category that accepted the marriage certificate alone would face the same dynamic: the certificate costs a few hundred baht and an afternoon, while a year's permission to stay is worth a great deal to someone who cannot otherwise qualify, so the proportion of sham registrations would rise and the Bureau would respond by tightening the rules for everyone. The interview, the home visit and the 2-month deposit are the state's answer to the information problem: each is a signal that is cheap for a genuine couple to give and expensive for a sham couple to manufacture. Gary Becker's economic theory of marriage makes the same point from the other side, modelling marriage as a long-term partnership in which the gains come from shared household production and are revealed over time rather than at the moment of registration.[21] That is why the Supreme Court in Judgment No. 5351/2545 looked at three years of conduct rather than the petitioners' own account of their intention, and why an applicant's strongest evidence is always the dull record of a shared life: joint tenancy, one house registration, two names on the same utility bills.[12]

The same analysis explains why Thai law attaches real consequences to the formal status. In Supreme Court Judgment No. 393/2554 a Thai woman had lived for years with a man who was in Thailand without permission, and was prosecuted with him; the Court held that the discretion in section 64 of the Immigration Act not to punish a person who harbors an alien "applies only where the act was done to help the parent, or the lawful husband or wife, of the person concerned", and because the couple "did not appear to have registered a marriage under the

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law", they "were not lawful husband and wife" and the discretion was not available.[16] The case is a reminder that Thai immigration law recognizes the registered marriage and nothing short of it: a long cohabitation gives no immigration status, while a registered marriage, supported by the facts, gives a yearly right to stay.

Comparative law: how other countries test a spouse's right to stay

Thailand's money test is modest by international standards. The United Kingdom requires a sponsoring spouse to earn at least £29,000 a year, a rule the Supreme Court upheld in principle in 2017, and the United States Supreme Court held in 2024 that a citizen has no constitutional right to have a foreign spouse admitted. Against that background, the Thai rule of 400,000 baht or 40,000 baht a month, decided administratively under section 35, is comparatively light, but it is also discretionary and renewable only year by year.

The British rule is the most instructive comparison because it is the mirror image of the Thai one: it tests the resident sponsor, not the foreign spouse. GOV.UK states that a partner visa applicant must show a combined income of at least £29,000 a year, with the former figure of £18,600 preserved only for those extending a visa first granted before 11 April 2024.[18] In R (MM (Lebanon)) v Secretary of State for the Home Department [2017] UKSC 10, decided on 22 February 2017, the UK Supreme Court held that the minimum income requirement was acceptable in principle because it pursued the legitimate aim of keeping couples off welfare benefits and was rationally connected to it, observing that "the fact that the MIR may cause hardship to many does not render it unlawful"; but the Court declared the rules unlawful in so far as they failed to give effect to the duty to treat the best interests of children as a primary consideration, and required the guidance to be revised so that other sources of income, such as the foreign partner's prospective earnings or third-party support, could be taken into account.[19] Thailand has no equivalent statutory duty and no equivalent litigation: the Thai test is set by Bureau order, applied to the foreign spouse's own means, and reviewed, if at all, by the Immigration Commission under section 36 rather than by the courts.

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The American comparison concerns the nature of the right. In Department of State v. Muñoz, No. 23-334, decided on 21 June 2024, the United States Supreme Court held, in an opinion by Justice Barrett, that "a citizen does not have a fundamental liberty interest in her noncitizen spouse being admitted to the country", so that the State Department owed the citizen wife no explanation when it refused her husband's visa.[20] Thai law reaches a similar position by a different route. Section 35 of the Immigration Act makes permission to stay a discretion of the Director-General "under any conditions", and section 36 allows the Director-General or the Immigration Commission to revoke a permission "where there are circumstances that warrant revocation", with an appeal to the Commission within 48 hours of notice, whose decision "shall be final".[7] Neither the Thai spouse nor the foreign spouse holds a right to the extension; what the couple holds is a well-documented claim to a discretion that is exercised consistently when the published criteria are met.

The comparison also shows what Thailand does not do. It does not impose a minimum period of marriage before the first extension, as some European states do; it does not require the Thai spouse to prove income; and it does not provide a probationary or conditional residence of the American kind that is lifted after two years. The Thai system instead repeats the full examination every year, which is administratively heavier for the couple but leaves no cliff edge at which a single refusal removes an accumulated status.

Thai tax for the foreign spouse

A foreign spouse who is present in Thailand for 180 days or more in a calendar year is a Thai tax resident under section 41 paragraph 3 of the Revenue Code, and under paragraph 2, as applied by Revenue Department Orders Por. 161/2566 and 162/2566, foreign income arising from 1 January 2024 is assessable in the year it is brought into Thailand. The 400,000 baht deposit itself is capital and is not income; what matters is the source of the money that funds the household each year.

Section 41 paragraph 3 provides that "a person who is in Thailand for one or more periods amounting in total to 180 days in any tax year shall be deemed to be a resident of Thailand", and paragraph 2 provides that a resident who has assessable income "from an employment or

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business carried on abroad, or from property situated abroad, shall, on bringing such assessable income into Thailand, pay tax" on it.[17] A spouse on a marriage extension lives in Thailand all year and is therefore a tax resident in every year of the extension. The remittance tax guide sets out the 2024 rule in full, the tax guide for retirees covers allowances and filing, and the treaty guide explains how a pension from the spouse's home country is allocated between the two states.

Two points are specific to the marriage route. The first is that the money shown for the visa and the money taxed are different questions. A transfer of 400,000 baht from savings accumulated before 2024 is not assessable income under Order Por. 162/2566, but a transfer of pension or rent earned abroad after 1 January 2024 is, in the year it arrives, whether or not it was transferred to meet the visa test. The second is that a Thai spouse with Thai income files his or her own return; the Revenue Code allows spouses to file separately, and the foreign spouse's foreign-source remittances are the foreign spouse's own assessable income. A couple planning the first year should therefore decide, before the money moves, which account receives which funds, so that the bank letter for immigration and the tax return for the Revenue Department tell the same story. Our services page sets out the tax residency analysis and remittance plan we prepare for this situation, and the status box at the top of this page records whether the proposed exemption for remitted income has become law.

What can go wrong, and what section 81 costs

The extension can be refused where the financial evidence does not match the published form, revoked under section 36 where the marriage is found not to exist in fact, and lost by a lapse of attention to dates. An alien who remains after the permission has ended "or been revoked" commits an offense under section 81 punishable by imprisonment of up to two years, a fine of up to 20,000 baht, or both.

The refusals we see fall into three groups. The first is financial form: a deposit that reached 400,000 baht only six weeks before filing, an income that is real but is shown by documents the office does not accept, or a balance held jointly with the Thai spouse where the criteria contemplate the applicant's own deposit. The second is the relationship in fact: a couple who live apart for work, or whose addresses in the house registration, the 90-day notification and the

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application differ, and who have not prepared to explain why. The third is the marriage in law: an earlier marriage abroad never dissolved, which makes the Thai registration void under section 1452, or a foreign marriage recorded in Thailand on a certificate that was not legalized through the full chain. Section 36 allows a permission already granted to be revoked "where there are circumstances that warrant revocation", and the appeal to the Immigration Commission must be lodged within 48 hours of notice.[7]

Section 81 states the sanction for an alien who "stays in the Kingdom without permission, or whose permission has ended or been revoked": imprisonment of up to two years, a fine of up to 20,000 baht, or both.[8] In practice an overstay is settled by a daily fine at the port of departure and, for longer overstays, a ban on re-entry, but the statutory offense is what makes a lapsed extension dangerous for a person who intends to stay. The safe practice is simple: file the renewal before the current permission expires, obtain a re-entry permit under section 39 before every trip, and keep the 90-day notification under section 37(5) current, because the "under consideration" stamp protects only an applicant whose application was lodged in time.

A legal consultant's role in this process is narrow and specific: to confirm before filing that the marriage is one Thai law recognizes, that the money is in the form and for the period the Bureau requires, and that the tax position of the money that funds the household has been settled. The services and fees page describes the visa packages and the tax residency analysis; the contact page is the way to send the marriage certificate, the bank letter and the planned dates for a preliminary view.

Common questions

The questions asked most often about the Thai marriage visa concern the money test, the position of a foreign wife of a Thai husband, work, same-sex marriages, what happens on divorce, and tax. The answers below follow the Immigration Bureau's published criteria and the Civil and Commercial Code as amended in 2024.

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How much money do I need for a Thai marriage visa?

The Immigration Bureau's criteria for the one-year extension require a foreign husband of a Thai wife to show an average annual income of at least 40,000 baht a month, or a deposit of at least 400,000 baht in a bank in Thailand that has remained in the account throughout the 2 months before the application. The extension fee is 1,900 baht.

Does a foreign wife of a Thai husband need 400,000 baht?

The Bureau's published criteria state the 40,000 baht or 400,000 baht test for a foreign husband married to a Thai woman, and list the documents for the case of a Thai husband separately without restating the money condition. The documents still include evidence of the relationship in law and in fact, and both spouses must attend in person.

Can I work on a Thai marriage visa?

Not without a work permit. Section 37(1) of the Immigration Act forbids an alien permitted to stay temporarily from working unless permitted under the law on the working of aliens, but a holder of a Non-Immigrant O visa based on marriage may apply for a work permit under that law, which is one advantage over the retirement category.

Is a same-sex marriage accepted for a Thai marriage visa?

Since the Civil and Commercial Code amendment (No. 24) B.E. 2567 took effect in January 2025, sections 1448 and 1458 refer to "two persons" and a same-sex marriage registered in Thailand is a marriage under Thai law. A same-sex marriage registered abroad is tested against the Thai conditions of marriage in the same way as any other foreign marriage.

What happens to the marriage visa if we divorce?

The basis of the extension ends. The foreign spouse must qualify under another category before the current permission expires, for example the retirement category at 50 or over with 800,000 baht, or as the parent of a Thai child under 20 who lives in the same household, which has the same 40,000 baht or 400,000 baht test.

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Is a marriage visa holder taxed in Thailand?

Yes, as a resident. A spouse present 180 days or more in a calendar year is a Thai tax resident under section 41 of the Revenue Code, and foreign income arising from 1 January 2024 is assessable in the year it is brought into Thailand under Orders Por. 161/2566 and 162/2566. Savings accumulated before 2024 are not income when transferred.

How does the marriage visa compare with the retirement visa?

The marriage route has no age requirement and half the money test, 400,000 baht or 40,000 baht a month against 800,000 baht or 65,000 baht a month, and allows a work permit application, but it depends on the marriage continuing and requires the Thai spouse to attend each year. The retirement route is independent of the marriage.

Footnotes

1. Immigration Act B.E. 2522 (พระราชบัญญัติคนเข้าเมือง พ.ศ. 2522), sections 34 and 35, read on the Office of the Council of State database, https://searchlaw.ocs.go.th/council-of-state/#/public/doc/cEVhclA4am5UUUtFTFZXcGZVNmdwUT09, 8 November 2026. Section 35 paragraph 3: "ในกรณีที่คนต่างด้าวมีเหตุจำเป็นจะต้องอยู่ในราชอาณาจักรเกินระยะเวลาที่กำหนดใน (1) (2) (3) และ (4) ให้อธิบดีเป็นผู้พิจารณาอนุญาตให้อยู่ต่อไปได้ครั้งละไม่เกินหนึ่งปี"; paragraph 4: "ในระหว่างรอฟังคำสั่งให้คนต่างด้าวผู้นั้นอยู่ในราชอาณาจักรไปพลางก่อนได้".

2. Immigration Bureau (สำนักงานตรวจคนเข้าเมือง), "การขออยู่ต่อ", item 18 "กรณีเป็นครอบครัวของผู้มีสัญชาติไทย (เฉพาะบิดา มารดา คู่สมรส บุตร บุตรบุญธรรม หรือบุตรของคู่สมรส)", https://www.immigration.go.th/?page_id=1772, read 8 November 2026: "คนต่างด้าวต้องได้รับการตรวจลงตรา ประเภทคนอยู่ชั่วคราว, มีหลักฐานแสดงความสัมพันธ์, กรณีคู่สมรสต้องมีความสัมพันธ์กันทั้งทางนิตินัยและพฤตินัย ... กรณีสมรสกับหญิงไทย ฝ่ายสามีซึ่งเป็นคนต่างด้าวต้องมีรายได้เฉลี่ยทั้งปีไม่น้อยกว่าเดือนละ 40,000 บาท หรือเงินฝากในธนาคารในประเทศไทยคงอยู่ในบัญชีตลอดระยะเวลาย้อนหลัง 2 เดือน ไม่น้อยกว่า 400,000 บาท เพื่อไว้ใช้จ่ายในรอบปี ... ผู้ยื่นคำขอและบุตร/ภรรยา/สามีผู้มีสัญชาติไทย ต้องมาติดต่อด้วยตนเอง เพื่อมาให้ปากคำ".

3. Royal Thai Government, "Application to stay in Thailand in the case of foreign family members of a Thai national", https://thailand.go.th/event-detail/001_01_124-2 (published 13 March 2023, updated 9 May 2023), read 8 November 2026.

4. Royal Thai Government service page sourced from the Immigration Bureau, https://thailand.go.th/issue-focus-detail/001_01_118, read 8 November 2026: form TM.7 "fee of 1,900 baht"; form TM.8 re-entry permit 1,000 baht (single) and 3,800 baht (multiple).

5. Immigration Act B.E. 2522, section 37 (1) and (5), read as in note 1: "(1) ไม่ประกอบอาชีพหรือรับจ้างทำงาน เว้นแต่จะได้รับอนุญาตตามกฎหมายว่าด้วยการประกอบธุรกิจของคนต่างด้าวหรือกฎหมายว่าด้วยการบริหารจัดการการทำงานของคนต่างด้าว ... (5) ถ้าอยู่ในราชอาณาจักรเกินเก้าสิบวัน คนต่างด้าวผู้นั้นต้องมีหนังสือแจ้งให้พนักงานเจ้าหน้าที่ ณ กองตรวจคนเข้าเมืองทราบถึงที่พักอาศัยของตนโดยมิชักช้าเมื่อครบระยะเก้าสิบวัน และต่อไปให้กระทำเช่นเดียวกันทุกระยะเก้าสิบวัน".

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6. Immigration Act B.E. 2522, section 39, read as in note 1: "คนต่างด้าวซึ่งได้รับอนุญาตให้อยู่ในราชอาณาจักรเป็นการชั่วคราว หากเดินทางออกไปนอกราชอาณาจักร ให้ถือว่าการได้รับอนุญาตให้อยู่ในราชอาณาจักรเป็นการชั่วคราวดังกล่าวเป็นอันสิ้นสุด แต่ถ้าก่อนเดินทางออกไปนอกราชอาณาจักร ได้รับอนุญาตจากพนักงานเจ้าหน้าที่ให้กลับเข้ามาในราชอาณาจักรได้อีก ... ให้อยู่ในราชอาณาจักรต่อไปได้เท่าระยะเวลาที่ยังเหลืออยู่นั้น".

7. Immigration Act B.E. 2522, section 36, read as in note 1: "คนต่างด้าวซึ่งได้รับอนุญาตให้อยู่ในราชอาณาจักรเป็นการชั่วคราว หากมีพฤติการณ์ที่สมควรเพิกถอนการอนุญาตให้อยู่ในราชอาณาจักร ให้อธิบดีหรือคณะกรรมการมีอำนาจเพิกถอนการอนุญาตที่ได้อนุญาตไว้นั้นได้ ... การอุทธรณ์คำสั่งของอธิบดีตามวรรคสอง ให้ยื่นต่อพนักงานเจ้าหน้าที่ภายในสี่สิบแปดชั่วโมงนับแต่เวลาที่ได้ทราบคำสั่งของอธิบดี".

8. Immigration Act B.E. 2522, section 81, read as in note 1: "คนต่างด้าวผู้ใดอยู่ในราชอาณาจักรโดยไม่ได้รับอนุญาตหรือการอนุญาตสิ้นสุดหรือถูกเพิกถอน ต้องระวางโทษจำคุกไม่เกินสองปี หรือปรับไม่เกินสองหมื่นบาท หรือทั้งจำทั้งปรับ".

9. Civil and Commercial Code (ประมวลกฎหมายแพ่งและพาณิชย์), sections 1448, 1457 and 1458, as amended by the Civil and Commercial Code Amendment Act (No. 24) B.E. 2567, read on the Office of the Council of State database, https://searchlaw.ocs.go.th/council-of-state/#/public/doc/Qko1NGNVa1FhMG9hTTNGcU9sTGxydz09, 8 November 2026. Section 1448: "การสมรสจะกระทำได้ต่อเมื่อบุคคลทั้งสองฝ่ายมีอายุสิบแปดปีบริบูรณ์แล้ว แต่ในกรณีมีเหตุอันสมควร ศาลอาจอนุญาตให้ทำการสมรสก่อนนั้นได้"; section 1457: "การสมรสตามประมวลกฎหมายนี้จะมีได้เฉพาะเมื่อได้จดทะเบียนแล้วเท่านั้น"; section 1458: "การสมรสจะทำได้ต่อเมื่อบุคคลสองคนยินยอมเป็นคู่สมรสกันและต้องแสดงการยินยอมนั้นให้ปรากฏโดยเปิดเผยต่อหน้านายทะเบียนและให้นายทะเบียนบันทึกความยินยอมนั้นไว้ด้วย".

10. Civil and Commercial Code, sections 1452, 1495, 1496 and 1497, read as in note 9. Section 1452: "บุคคลจะทำการสมรสในขณะที่ตนมีคู่สมรสอยู่ไม่ได้"; section 1495: "การสมรสที่ฝ่าฝืนมาตรา 1449 มาตรา 1450 มาตรา 1452 และมาตรา 1458 เป็นโมฆะ"; section 1496 paragraph 1: "คำพิพากษาของศาลเท่านั้นที่จะแสดงว่า การสมรสที่ฝ่าฝืนมาตรา 1449 มาตรา 1450 และมาตรา 1458 เป็นโมฆะ".

11. Supreme Court Judgment No. 1067/2545 (คำพิพากษาศาลฎีกาที่ 1067/2545), read on https://deka.supremecourt.or.th, 8 November 2026: "การสมรสจะทำได้ต่อเมื่อชายและหญิงยินยอมเป็นสามีภริยากัน โดยทั้งสองคนตกลงจะเป็นบุคคลในครอบครัวเดียวกัน ต้องอยู่กินด้วยกันฉันสามีภริยาทั้งในทางธรรมชาติและกฎหมาย ได้ดูแลความทุกข์สุข เจ็บป่วยซึ่งกันและกัน ต้องช่วยเหลืออุปการะเลี้ยงดูกันตามความสามารถและฐานะของตน ... จำเลยจดทะเบียนสมรสกับ ช. โดยมิได้มีเจตนาที่จะเป็นสามีภริยากันมาแต่แรก ... การสมรสของจำเลยจึงฝ่าฝืนต่อบทบัญญัติแห่งประมวลกฎหมายแพ่งและพาณิชย์ มาตรา 1458 ตกเป็นโมฆะตามมาตรา 1495".

12. Supreme Court Judgment No. 5351/2545 (คำพิพากษาศาลฎีกาที่ 5351/2545), read on https://deka.supremecourt.or.th, 8 November 2026: "ผู้ร้องทั้งสองมิได้นำพยานอื่นเข้าสืบประกอบว่าตนมิได้อยู่กินฉันสามีภริยากันจริง และมิได้ส่งสำเนาทะเบียนบ้านว่ามิได้อยู่บ้านหลังเดียวกัน นอกจากนี้ผู้ร้องทั้งสองยังปล่อยเวลาให้ล่วงเลยมาถึง 3 ปีเศษ ... พฤติการณ์ที่นำสืบเช่นนี้แสดงให้เห็นว่าผู้ร้องทั้งสองยินยอมเป็นสามีภริยากันตามประมวลกฎหมายแพ่งและพาณิชย์ มาตรา 1458 แล้ว".

13. Civil and Commercial Code, section 1459, read as in note 9: "การสมรสในต่างประเทศระหว่างคนที่มีสัญชาติไทยด้วยกันหรือฝ่ายใดฝ่ายหนึ่งมีสัญชาติไทย จะทำตามแบบที่กำหนดไว้ตามกฎหมายไทยหรือกฎหมายแห่งประเทศนั้นก็ได้ ในกรณีที่คู่สมรสประสงค์จะจดทะเบียนตามกฎหมายไทย ..." (paragraph 2 makes the Thai diplomatic or consular officer the registrar); Act on Conflict of Laws B.E. 2481, section 20; Supreme Court Judgment No. 170/2569 (คำพิพากษาศาลฎีกาที่ 170/2569), read on https://deka.supremecourt.or.th, 8 November 2026: "การสมรสระหว่างคนในบังคับไทยหรือคนในบังคับไทยกับคนต่างด้าว ซึ่งได้ทำในต่างประเทศโดยถูกต้องตามแบบที่กฎหมายไทยกำหนดไว้ ย่อมเป็นอันสมบูรณ์ ผู้คัดค้านจึงเป็นภริยาโดยชอบด้วยกฎหมายและเป็นทายาทผู้มีสิทธิรับมรดกของผู้ตาย".

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14. Supreme Court Judgment No. 2887/2563 (คำพิพากษาศาลฎีกาที่ 2887/2563), read on https://deka.supremecourt.or.th, 8 November 2026: "มาตรา 19 แห่งพระราชบัญญัติดังกล่าวบัญญัติว่า เงื่อนไขแห่งการสมรสให้เป็นไปตามกฎหมายสัญชาติของคู่กรณีแต่ละฝ่าย ... การสมรสระหว่างจำเลยและโจทก์ร่วมจึงไม่ต้องด้วยเงื่อนไขของการสมรสตามกฎหมายไทย จำเลยและโจทก์ร่วมไม่มีสถานะเป็นสามีภริยาตามกฎหมาย" (decided under section 1448 before the 2024 amendment).

15. Ministry of Foreign Affairs, Royal Thai Embassy in Manama, "การจดทะเบียนสมรส" (10 March 2024), https://image.mfa.go.th/mfa/0/qcuTAU8W4b/ขั้นตอนและบริการด้านกงสุล/การจดทะเบียนสมรส_Final.pdf, read 8 November 2026: chain of certification by the foreign ministry of the country of marriage, the Thai embassy and the Department of Consular Affairs, then "ขอบันทึกฐานะแห่งครอบครัว (คร. 22)" at the district office of the Thai spouse's domicile.

16. Supreme Court Judgment No. 393/2554 (คำพิพากษาศาลฎีกาที่ 393/2554), read on https://deka.supremecourt.or.th, 8 November 2026: "จะต้องเป็นการกระทำเพื่อช่วยบิดามารดา สามีหรือภริยาโดยชอบด้วยกฎหมายของผู้กระทำเท่านั้น ... จำเลยที่ 2 อยู่กินฉันสามีภริยากับจำเลยที่ 1 ซึ่งเป็นคนต่างด้าวอยู่ในราชอาณาจักรโดยไม่ได้รับอนุญาตโดยไม่ปรากฏว่าได้จดทะเบียนสมรสกันตามกฎหมาย จำเลยทั้งสองจึงไม่ได้เป็นสามีภริยากันโดยชอบด้วยกฎหมาย".

17. Revenue Code (ประมวลรัษฎากร), section 41 paragraphs 2 and 3, https://www.rd.go.th/5937.html; Revenue Department Orders No. Por. 161/2566 and Por. 162/2566, https://www.rd.go.th/fileadmin/user_upload/kormor/newlaw/dn161A.pdf and dn162A.pdf; Revenue Department, "กฎหมายออกใหม่", https://www.rd.go.th/21221.html, read 8 November 2026 (newest items: Royal Decrees Nos. 808 to 812 of October and November 2569 and Ministerial Regulations Nos. 402 and 403, none concerning foreign-source income).

18. GOV.UK, "Family visas: apply, extend or switch, Financial requirements if you're applying as a partner or spouse", https://www.gov.uk/uk-family-visa/proof-income-partner (public update 31 October 2024), read 8 November 2026: combined income of at least £29,000 a year; £18,600 for those extending a partner visa first applied for before 11 April 2024.

19. UK Supreme Court, press summary, R (on the application of MM (Lebanon)) v Secretary of State for the Home Department [2017] UKSC 10, 22 February 2017, https://supremecourt.uk/uploads/uksc_2015_0011_press_summary_10a8757e73.pdf, read 8 November 2026.

20. Supreme Court of the United States, Department of State v. Muñoz, No. 23-334, 21 June 2024, https://www.supremecourt.gov/opinions/23pdf/23-334_e18f.pdf, read 8 November 2026.

21. Gary S. Becker, "A Theory of Marriage: Part I", Journal of Political Economy 81, no. 4 (1973): 813-846, https://doi.org/10.1086/260084 (record verified on Crossref, 8 November 2026).

22. George A. Akerlof, "The Market for 'Lemons': Quality Uncertainty and the Market Mechanism", Quarterly Journal of Economics 84, no. 3 (1970): 488-500, https://doi.org/10.2307/1879431 (record verified on Crossref, 8 November 2026).

23. คำสั่งสำนักงานตรวจคนเข้าเมือง ที่ 12/2568 เรื่อง การอนุญาตให้คนต่างด้าวอยู่ในราชอาณาจักรเป็นการชั่วคราว (Immigration Bureau Order No. 12/2568), 23 January 2025, copy published by the Chiang Rai Provincial Immigration Office at https://chiangrai.immigration.go.th/wp-content/uploads/2025/03/ (scanned PDF, 30 pages, retrieved 8 November 2026); the general clauses and annex clause 2.22 were read on the Phrae Provincial Immigration Office copy on 5 October 2026 for the extension guide on this site. The criteria quoted in this guide are taken from the Bureau's public service page in note 2.

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