

Immigration Act In the name of his Majesty King Bhumibol
Enacted on the 24Th of February B.E. 2522 The 34Th year of the present
reign

Wherease it is deemed proper to revise the Law on immigration

Section 1 : This Act shall be called the “ Immigration Act, B.E. 2522 ”

Section 2 : This Act shall be enforced after the lose of ninety days from the date of its publication in the Government Gazette.

Section 3 : Immigration Acts :

1. B.E. 2493 (1950)
2. B.E. 2497 (1954 – NO.2)

Shall be repealed

In lieu all others laws , regulations , or rules witch are provided for in this

Act or contradictory hereto or inconsistent herewith , the provision of this Act shall be applied.

Section 4 : In this Act :

“ Alien” means any person who is not of Thai nationality under the nationality Act.

“ Conveyance” means any vehicle or beast of burden or any other object(s) which may be used in conveying persons from one place to another.

“ Owner of Conveyance ” includes an agent of the owner , a person renting, an agent if the person renting , possessor , or an agent of the possessor of the conveyance , as the case may be.

“ Person in charge of conveyance” means the master of the vessel or person responsible for the control of the conveyance.

“ Crew of conveyance” means the person who has a function , duty , or work in the conveyance , and in the interest of this Act , it includes the person in charge of conveyance driving the conveyance without a crew.

“ passenger ” means any person other than the person in charge , or the crew of conveyance

“ Immigrant ” means any alien who enters the Kingdom.

“ Immigration Doctor ” means any doctor appointed by the Director General to carry out the provisions of this Act.

“ House Master ” means any persons who is the chief possessor of a house , whether in the capacity of owner , tenant , or in any other capacity whatsoever , in accordance with the law on people act.

“ Dwelling Place ” means any place used for habitation such as a house shed , boat or floating house which human beings inhabit .It also includes the precinct of the place used for habitation , whether it be enclosed or not , in accordance with the Panel Code.

“ Hotel ” means any place built for remuneration for travelers or persons who wish to look for a place to stay or rest for a period of time , in accordance with the law on the hotels.

“ Commission ” means The Immigration Commission.

“ Competent Official ” means any officer appointed by the Minister to carry out a function in conformity with this Act.

“ Director ” means Director General of the Police Department.

“ Minister ” means the Minister in charge of this Act.

Section 5 : The Minister of Interior shall be in charge and have control for the executive of this Act and shall have power to appoint competent officials , and Issue Minister Regulations ; to fix fees and other expense not exceeding rates annexed to this Act and to fix other activities for the execution of this Act.

Such Ministerial Regulations shall become effective after having been published in the government Gazette.

Chapter 1

immigration Commission

Section 6 : The immigration Commission will consist of the Under Secretary of the Minister of Interior as Chairman and the following members :

- Under Secretary of Ministry of Foreign Affairs
- Director general , Police Department
- Director General , labor Department
- Director General , public Prosecution Department
- Secretary General , Board of Investment Committee
- Secretary General , National Security Council

- Director , Tourist Organization of Thailand
- Commander of Immigration Division as member and secretary

Section 7 : The Immigration Commission shall have power and duty to :

1. Revoke permission for temporary stay in the Kingdom under Section 36 Para 1.
2. Consider and appeal under Section 36 Para 2.
3. Permit aliens to enter into and assume residence in the Kingdom under Section 41 Para 1
4. Fix qualifications of any aliens asking to take up residence in the Kingdom ;and to fix conditions pertaining to the national security ; and to fix other conditions under Section 41 Para 2.
5. Fix Regulations for residence applications of aliens temporarily entering into the Kingdom under section 41 Para 4.
6. Permit aliens to enter into and take up residence on the Kingdom under Section 43 Para 1 and to fix regulations for display of the aliens financial status under Section 43 Para 2.
7. Permit the aliens , who is authorized to stay in the Kingdom temporarily , to take up residence; and to permit and fix conditions in rendering permission to the alien who has applied for taking up residence in the Kingdom to remain in the Kingdom for the tome being under Section 45 Para 1 and 2.
8. Give order to revoke permission for taking up residence in the Kingdom under Section 47 Para 3.
9. Permit aliens , who have a residence in the kingdom , to continue that residence in the Kingdom under Section 51 Para 1.
10. Consider revocation of a residence permit under permit under Section 53.
11. Give advice , suggestions and view to the Minister on establishing standard operating procedures for local official and for other officials , regarding national security , as well as issuance of Ministerial Regulations under this Act.
12. Consider and give opinions on immigration matters as assigned by the cabinet or by the Minister.

Section 8 : In the performance of duty of the Immigration Commission under this Act , the Committee member who is also the security shall , without delay , submit matters under committee jurisdiction to the chairman of the Committee ; his duty , he (the committee member who is also the secretary) shall without delay , submit them to the committee member who is appointed by the committee. The chairman of the committee or the

committee member so appointed shall call for a meeting in accordance with the urgency of the matter and in accordance with the rules and regulations fix by the committee.

In the meeting of the Commission , if the Chairman does not attend the meeting or is not in the meeting of the members of the meeting shall select one member to preside over the Meeting.

The quorum of any meeting will consist of no less than half of all members.

Decisions of the meeting will be decided by a majority vote. One member has one vote. If the voting score is equal , the Chairman of the meeting shall make the deciding vote.

Section 9 : The Immigration commission may appoint Sub – Committees or may empower any Competent Official to carry out any assigned function. The provision of Section 8 shall be applied Mutantis Mutandis for the meeting of the Sub – Committee.

Section 10 : In the performance of duties under this Act , the commission shall have power to issue written orders asking persons concerned to give facts or to present documents pertaining to meters under the power and duty of the Immigration Commission.

Chapter 2

Entering and Department the Kingdom

Section 11: Persons entering into or departing the Kingdom must other and leave by way of immigration check points , designated landing , stations or areas and in accordance to the prescribed time as published in the Government Gazette by the Minister.

Section 12 : Aliens which fall into any of the following categories are excluded from entering into the Kingdom :

1. Having no genuine and valid passport or document used in lieu of passport ; or having a genuine and valid passport or document used in lieu of a passport without Visaing by the Royal Thai Embassies or Consulates in Foreign countries ; or from the Ministry of Foreign Affairs , excepting if a visa is not required for certain types of aliens in special instances.

Visaing and visa exemption will be under the learn and conditions as provided in the Ministerial Regulations.

2. Having no appropriate means of living following entrance into the Kingdom.
3. Having entered into the Kingdom to take occupation as a laborer or to take employment by using physical without skills training or to work in violation of the Ministerial Regulations.
4. Being mentally unstable or having any of the disease as prescribed in the Ministerial Regulations.
5. Having not yet been vaccinated against smallpox or inoculated or undergone any other medical treatment for protection against disease and having refused to have such vaccinations administered by the Immigration Doctor.
6. Having been imprisoned by the judgement of the Thai Court ; or by a lawful injunction ; or by the judgement of the Court of foreign country , except when the penalty is for petty offense or negligence or is provided for as an exception in the Ministerial Regulations.
7. Having behavior which would indicate possible danger to the public or likelihood of being a nuisance or constituting any violence to the peace or safety of the public or to the security of the public or to the security of the nation , or being under warrant of arrest by competent officials of foreign governments.
8. Reason to believe that entrance into the Kingdom was for the purpose of being involved in prostitution , the trading of woman or children , drug smuggling , or other types of smuggling which are contrary to the public morality.
9. Having no money or bond as prescribed by the Minister under him
10. Being a person prohibited by the Minister under Section 16.
11. Being deported by either the Government of Thailand that of or other foreign countries ; or the right of stay in the Kingdom or in foreign countries having been revoked ; or having been sent out of the Kingdom by competent officials at the expense of the Government of Thailand unless the Minister shall consider exemption on an individual special case basis.

The examination and diagnosis of disease of a physical or mental nature , including protective operations as against disease , shall be conducted by the Immigration Doctor.

Section 13 : The bellowed listed aliens shall not be required to have a passport or document in lieu of passport :

1. Any person in charge of or the crew of a seagoing or air conveyance making an entry into a port , station or locality in the Kingdom and departing therefrom. For convenience in controlling these person , the competent official may issue them a certificate in accordance with the form as prescribed in the Ministerial Regulations.
2. A citizen of a country with has its boundaries adjacent to Thailand making at a temporary journey across the border under compliance with the agreement between the Government of Thailand and of that country.
3. A passenger of an international train holding a through ticket and making a transit journey across Thailand under compliance with the international agreement between the Government of Thailand and of the country concerned , including the conductor and crew of such train.

Section 14 : The Minister shall have power to issue public notice in the Government Gazette requiring the alien entering into the Kingdom to have with either money or bond , or shall have power to order an exemption under any condition. The public notice issued by the Minister under the first paragraph of this section shall not apply to children under the age of twelve years.

Section 15 : Aliens entering into the Kingdom under bellow listed status shall be exempted from complying out the function or the prohibition under Section 11 , Section 12 (1) , (4) and (5) and Section 18 Para 2.

1. Persons on Diplomatic Missions sent by a Foreign country' s government to perform duties in the Kingdom ; or which are travelling through the Kingdom to perform duties in another country.
2. Consular parties and their employees sent by a foreign country' s government to perform duties in the Kingdom to perform duties in another country.
3. A person which a foreign country' s government has sent to perform duties or missions in the Kingdom with the approval of the Thai Government.
4. A person performing duties or missions in the Kingdom for the government of Thailand in accordance with the agreements of the Government of Thailand and of the foreign country involved.

5. Officer Chief of International Organizations or Department performing duties in Thailand , which are protected by law or which the Thai Government has concurred with , including officer , specialists or other persons , who are appointed or responsibilities in the Kingdom for said Organization or Departments or for the Thai Government under an agreement with the Thai Government has made with such International Organizations or Departments.
6. Spouses or children under patronage or being a part of the household of persons under paragraph (1) , (2) , (3) , (4) or (5)
7. Private servants travelling from foreign countries to work at the residence of the persons under (1) or any person having a document showing status equivalent to that of diplomatic immunity , in accordance with the agreement that the Thai Government has made with Foreign Governments or with International Organizations or Departments.
8. Case (1) , (2) , (6) or (7) shall be in compliance with agreements made between concerned countries and with mutual reciprocation.

The competent official shall have power to question or examine evidence for the purpose of ascertaining whether a person entering into the Kingdom is under the exemptions provided for this Section.

Section 16 : In the instance where for reason of national welfare or safeguarding the public peace, culture , morality , or welfare , or when the Minister considers it improper to allow any alien or any group of alien to enter into the Kingdom , the Minister shall have power to exclude said alien or group of aliens from entering into the Kingdom.

Section 17 : In certain special cases , the Minister , by the Cabinet approval , may permit any alien or any group of aliens to stay in the Kingdom under certain conditions , or may consider exemption from being conformity with this Act.

Section 18 : The competent official shall have power to inspect persons entering into or leaving the Kingdom ,

In light of this provision , persons entering into or departing from the Kingdom must submit a list of items as prescribed in the Ministerial Regulations , and must be inspected and approved by the competent official assigned to the Immigration check point.

Section 19 : In inspecting and considering whether an alien is forbidden from entering the Kingdom , the competent official shall have authority to allow said alien to stay at an

appropriate place after promising that he will present himself to the competent official to receive his orders on a specified date, time and place; or if the competent official deems appropriate he may call for a bond or call for both bond and security; or the competent official may detain said aliens at any place for paragraph, the competent official shall have power to call a person, whose statement the competent official has reason to believe may be useful in case of doubt, to give oath, testimony, or statements to the competent officials.

If there is reason to suspect that any alien has entered into the Kingdom for the purpose of committing acts specified in Section 12 (8) or for the purpose taking part therein, or any woman or child enters into the Kingdom for a temporary stay by ordering said person(s) to report in person to him and answer his questions; or the competent official may order officials at the Local Police Station where said person(s) will reside, within a period of time prescribed by the competent official which shall not be less than seven day intervals.

Section 20 : In the instance where the competent official has detained any alien under the provision of Section 19, the competent official shall have grounds to detain said alien in so far as it is necessary, under the circumstance but not more than forty – eight hours beginning at the time of this (detainee's) arrival at the office of the competent official. In case of necessity, the period of forty – eight hours may be extended, but not to exceed seven days, and the competent official shall record the reason for such extension.

If it is necessary to detain any alien longer than the period of time provided in the first paragraph, the competent official shall apply to the Court for an order to further detain said alien and the Court may order further detention, if found necessary, not exceeding twelve days at each application. However, if the Court deems it appropriate, the Court may order that said alien be temporary.

Section 21 : The expense of detaining an alien shall, under Section 19 and 20 be charge to the account of the owner, or person in charge, of the conveyance bringing the alien into the Kingdom. If there appears to be no owner or person in charge of the conveyance, or the alien concerned entered into the Kingdom without coming by way of a conveyance, the expense shall be charged to his (alien's) account.

Section 22 : In the instance where the competent official discovers that an alien is forbidden from entering into the Kingdom under the provisions of Section 12, the competent official

shall have authority to order said alien by written notification to leave the Kingdom. If said alien is not satisfied with the competent official's order , he (alien) may appeal to the Minister. The order of the Minister shall be final.

Appealing cases are not allowed under Section 12 (1) or (10) , but if the Minister does not have an order within seven days beginning from the date of submitting the appeal, it is considered that the Minister has ordered that said alien is not forbidden from entering into the Kingdom under Section 12. Appeal must be submitted the competent official within forty – eight hours beginning from the time of received said order from the competent official and must comply with the pattern (and a fee must be paid) an provided in the Ministerial Regulations. When appeal is submitted by the alien concerned , the competent official shall delay deportation of said alien until an order for said case is receive from the Minister. While processing under order of the competent official or while waiting for an order from the Minister , as the case may be, the provisions of Section 20 shall not be applied.

Chapter 3

Conveyance

Section 23 : The owner or person in charge of a conveyance must bring the conveyance into or out of the Kingdom thought the proper route , immigration check point , port boundaries station , or area , and time , which the minister shall publish in the Government Gazette.

Section 24 : The competent official shall have power to check conveyances entering into or leaving the Kingdom ; or to check conveyances where there is reason to suspect that passengers are being taken in or out of the Kingdom; except in the case that such conveyance is being used for the official activities of the Government of Thailand or of a Foreign Country for which permission is granted by Government of Thailand.

Section 25 : When any conveyance enters onto or leaves the Kingdom , the owner or person in charge of said conveyance must report the date and time of arrival or departure of the conveyance at the port, station , or area in accordance with the pattern outlined in the Ministerial Regulation to the competent official at the office of Immigration controlling said port , station or area within the specified time as published by the competent official .

In the instance that the provision of Para 1 . cannot be carried out , the owner or person in charge of the conveyance shall , in person , as soon as possible , report to the competent official at the nearest Immigration Office.

In making a report of the arrival or departure of conveyances under the provision of this Section, the Minister , if he deems it proper , may exempt any conveyance , or place it under new stipulations.

Section 26 : The owner or person in charge of any conveyance entering into or leaving the Kingdom must submit a list (passenger and crew) in accordance with the pattern prescribed in the Ministerial Regulations and must be inspected by the competent official at the place and under conditions published by the Director General.

In the instance that an inspection must be conducted at any other place , which is other than the place published by the Director General under Para. of this Section , such inspection must be approved by the Director General or a competent official deputized by the Director General.

Section 27 : For the purpose of inspection , the owner or person in charge of any conveyance into or leaving the Kingdom shall be required to do as follows :

1. Prevent passengers or crew from leaving the conveyance or any quarters arranged with the approval of the competent official without the permission of the competent official , except in the instance that the person in charge and crew of the conveyance are the same person , such a person is allowed to leave the conveyance in the status of the person in charge for her purpose of notifying the competent official as outlined under Section 25.

If the passengers or crew of said conveyance fail to comply with or otherwise cause a disturbance to , the provisions of Section 29 Para. 2 shall be applied Mutatis Mutandis. The expense of taking action under the provisions of this paragraph shall be charged to the account of the owner or person in charged of the conveyance.

2. Submit to the competent official a list of passengers and crew, including the person in charge of the conveyance according to the pattern as prescribed by the Ministerial Regulations and within the period of time fixed by the Director General or a competent official.

3. Cooperate fully with the competent official in following the provisions of this Act.

The provisions of this Section shall apply to the owner or person in charge of the conveyance from or to the border, and conveying passengers into the kingdom or talking passenger to the border for the purpose of leaving the Kingdom. This applies to passenger entering into or leaving the Kingdom only.

Section : 28 While in the Kingdom. If there is an increase or production in the number of crew members or a change in crew members of the conveyance or if any crew of the conveyances shall not leave the Kingdom, the owner of the conveyance , or the person in charge of the conveyance in the instance where there is no conveyance owner in the Kingdom , shall notify the competent official in accordance with the pattern as prescribed in the Ministerial Regulations.

In the instance where the crew of the conveyance shall not leave the Kingdom as stated in the Para 1. , and the crew of the conveyance are aliens , the owner or person in charge of the conveyance, as the case may be , shall take such person (s) and turn them over to the competent official as soon as possible.

If the said crew of the conveyance resists the owner or person in charge of conveyance in the course of complying with the provisions of Para 2. , the provision of Section 29 Para 2. shall be applied Mutatis Mutandis . The expense for carrying out this paragraph shall be charged to the account of the owner or person in charge of the conveyance.

Section 29 : When the competent official discovers any illegal alien or has reason to suspect any alien of being illegal for entering into the Kingdom , the competent official shall have authority to order the owner or person in charge to the conveyance to detain said alien in the conveyance or to send said alien to any place for the purpose of interrogation by the competent official or else deporting said alien.

In the instance that said alien resists, or cause a disturbance, the owner or person in charge of the conveyance of his agent may ask the local administrative or police officials to detain or arrest said alien. If assistance from such official cannot be immediately rendered, the owner of person in charge of the conveyance shall have authority to arrest said alien over to local

administrative or police officials, who shall without delay, turn said alien concerned over to the competent official for the purpose of carrying out this Act.

The expense concerning action taken under this Section shall be charged to the account of the owner or person in charge of the conveyance.

Section 30 : In the instance where there is reason to suspect that a violation of this Act has taken place, the competent official shall have the authority to order the owner or person in charge of conveyance to stop the conveyance or to take the conveyance to any place necessary for inspection.

The order under Para.1 may be carried out by giving a signal by any other means which is understandable.

Section 31 : During the time any conveyance enters into the Kingdom , beginning from the time said conveyance comes through the Kingdom until the competent official will complete his inspection , no person , who is not an official , shall be permitted to board said conveyance or to bring another conveyance alongside or to enter the area or place arranged for inspection , except as authorized by the competent official.

The owner or person in charge of the conveyance shall not ignore or allow anyone to do so in accordance with Para1.

Section 32 : In the instance of a conveyance which is leaving the kingdom but during or after the time of inspection by the competent official , said conveyance is still within the Kingdom. No person except the competent official shall be allowed to board said conveyance or bring another conveyance alongside the conveyance in question, unless authorized by the competent official.

The provisions of Para. 1 shall be applied to the area or place which is arranged for the purpose of inspection during the time when the person who is to leave the Kingdom has not yet boarded the conveyance.

The owner or person in charge of the conveyance shall not ignore these requirements or allow anyone else to act under this Section.

Section 33 : In the instance that a competent official has to conduct an inspection of the conveyance during non – duty hours ; or at any other place besides the one published by the Director General under Section 26 Para. 1 : or to go outside his office in order to detain such conveyance ; or has to wait to conduct an inspection of the conveyance without it being the fault of the competent official , the owner or person in charge of the conveyance shall have to pay a fee for such services and other expenses as prescribed in the Ministerial Regulations.

Chapter 4

Temporary Stay in the Kingdom

Section 34 : aliens entering into the kingdom for a temporary stay may enter for the below listed activities;

1. Diplomatic or Consular Missions.
2. Performance of official duties.
3. Touring
4. Sporting
5. Business
6. Investing under the concurrence of the Ministries and Departments concerned.
7. Investing or other activities relating to investing subject to the provisions of the law on investment promotion.
8. Transit journey.
9. Being the person in charge of the crew of a conveyance coming to port, station , or area in the Kingdom.
10. Study or observation.
11. Mass media.
12. Missionary work under the concurrence of the Ministries and departments concerned.
13. Scientific research or training or teach in a Research Institute in the Kingdom.
14. The practice of skilled handicraft or as a specialist
15. Other activities as prescribed in the Ministerial Regulations.

Section 35 : The Director General or the competent official deputized by the Director General shall have the authority to permit the alien , who entered to stay temporarily in the Kingdom under Section 34 , to remain in the Kingdom under any prescribed conditions. The periods of time which one is authorized to stay in the Kingdom are as Follows :

1. Not exceeding 30 days for a case under Section 34 (4) , (8) and (9)

2. Not exceeding 90 days for a case under Section 34 (3)
3. Not exceeding one year for a case under Section 34 (5) , (10), (11) , (12), (13) , (14) and (15)
4. Not exceeding two years for a case under Section 34 (6)
5. As deemed necessary for a case under Section 34 (1) and (2)
6. As deemed appropriate by the Commission of Investment Promotion, for a case under Section 34 (7) If it is deemed necessary that the aliens have to stay in the Kingdom Longer than the period of time prescribed in the paragraphs (1) (2) (3) and (4) the Director General shall consider granting the aliens extension of stay for a period not exceeding one year for each time. After granting permission, the Director General shall report to the Commission for their information, with the reason , within seven days from the date of granting.

Each time when applying for an extension of temporary stay in the Kingdom , the alien shall submit an application and pay the fees as prescribed in the Ministerial Regulations. While waiting for directives the alien may be permitted to stay.

Section 36 : Where there is a proper reason , the Director General or the Immigration Commission shall have power to revoke permission previously authorized the alien to stay temporary in the Kingdom, whether or not the Director General , or the official deputized by the Director General , has granted such permission.

In the case the Director General has ordered permission to be revoked, the alien whose permission has been revoked may appeal such orders to the Immigration Commission. Order of the Immigration Commission will be final.

The appeal of the Director General's order under paragraph 2 of this Section shall be submitted to the competent official within forty – eight hours from the time of acknowledgement of such order from the Director General and must be complied with from and fees as prescribed in the Ministerial Regulations.

After cancellation of the temporary entry permit in reference to the provision of paragraph 1 of this Section, the alien must be notified by a written notice. In the case a written notice cannot be sent to the alien , yet the competent official has post a notice to the alien's place of stay , as previously notified , and forty – eight hours , have passed , it is assumed that the alien has received said notice.

Section 37 : An alien having received a temporary entry permit into the Kingdom must comply with the following :

1. Shall not engage in the occupation or temporary or employment unless authorized by the Director General. or competent official deputized by the Director General . If , in any case , there is a law concerning alien employment provided hereafter , the granting of work privileges must comply with the law concerned.
2. Shall stay at the place as indicated to the competent official. Where there is proper reason that he cannot stay at the place as indicated to the competent official, he shall notify the competent official of the change in residence, within 24 hours from the time of removing to said place.
3. Shall notify the police official of the local police station where such alien resides, within twenty – four hours from the time of arrival. In the case of change in residence in which new residence is not located the same area with the former police stations , such alien must notify the police official of the police station for that area within twenty – four hours from the time of arrival.
4. If the alien travels to any province and will stay there longer than twenty – four hours , such alien must notify the police official of the police station for that area within forty – eight hours from the time of arrival.
5. If the alien stays in the Kingdom longer than ninety days, such alien must notify the competent official at the Immigration Division, in writing, concerning his place of stay , as soon as possible upon expiration of ninety days. The alien is required to do so every ninety days. Where there is an Immigration Office, the alien may notify a competent Immigration Official of that office.

The provision of (3) and (4) shall not apply to any cases under Section 34 by any conditions as prescribed by the Director General.

In making notification under this Section, the alien may make notification in person or send a letter of notification to the competent official , in accordance with the regulations prescribed by the Director General .

Section 38 : The house – master , the owner or the possessor of the residence , or the hotel manager where the alien , receiving permission to stay temporary in the Kingdom has stayed , must notify the competent official of the Immigration Office located in the same area with that hours , dwelling place or hotel, within 24 hours from the time of arrival of the alien concerned. If there is no Immigration Office located in that area, the local police official for that area must be notified.

In case the house, dwelling place, or hotel where the alien has stayed under provision of Para.1 is located within the Bangkok area , such notification must be reported to the competent official at the Immigration Division.

Making notification, in reference to the Para 1 and 2 of this Section, must comply with regulations prescribed by the Director General.

Section 39 : After having received permission for temporary entry into the Kingdom , if the alien leaves the Kingdom it is considered that his temporary entry permit has expired. But , if prior to leaving the alien is granted permission to return by the competent official , and the alien returning is not excluded from entry under Section 12.and the period of time previously authorized has not expired , the alien shall be authorized to stay in the Kingdom for the rest of the authorized time.

In asking permission for re – entry, the alien must submit an application in accordance with the form and pay a fee in accordance with the rate and regulations as prescribed in the Ministerial Regulations.

Chapter 5

Entering to take Resedence in the Kingdom

Section 40 : Subject to the provisions of Section 42, 43 and 51 , the Minister , by the approval of the Cabinet , shall have power to publish , in the Government Gazette , immigration quotas from year to year (not exceeding 100 persons per year from each country and not exceeding 50 persons who have no nationality).

For the purpose of fixing immigration quotas, all the colonies of a country or each self–governing country shall be recognized as one country.

Section 41 : Alien shall not be allowed to take up residence in the Kingdom unless authorized by the Immigration Commission and by the approval of the Minister , within the immigration quota limitation as prescribed by the Minister in accordance with the provision of Section 40 , and providing that the alien concerned has received a Residence Certificate in accordance with the provision of Section 47.

For the most benefit of the country in allowing the alien to take up residence in the Kingdom, the Immigration Commission shall fix regulations concerning qualification of the alien entering to take residence in the Kingdom of Thailand by considering income, property , knowledge , technical , professional ability , and family status of such alien in comparison with the Thai national populace , considering condition of national security or other appropriate conditions. So it can be used as a regulation and a condition to consider in allowing the alien to take residence in the Kingdom.

In applying for a Residence Certificate , the alien may apply before coming into the Kingdom or apply after he has been granted permission to stay temporarily in the Kingdom The Committee can stipulate any requirement to an alien under Section 34 who is holding a temporarily permit of stay and applying for a permanent resident visa.

A permanent resident visa of alien obtained prior to his entry into the Kingdom will be effective when that alien enters the Kingdom to process the relevant formalities and obtains approval from the authorities indicated under Section 18, Para. 2 that alien must not be the person under Section 12 and Section 44, and must possess a residence certificate under Section 47. The alien is allowed to stay temporarily in the Kingdom during the period of processing the residence certificates.

Section 42 : The provision of Section 40 concerning immigration quotas as published by the Minister shall not apply to the persons listed below :

1. An alien who previously entered to take up residence in the Kingdom and re – entered into the Kingdom in accordance with Section 48 or 51.
2. A woman having Thai nationality by birth who has renounced Thai nationality in the case of marriage to an alien.
3. A child of an alien father and mother born while the mother was out of the Kingdom and the mother has application of departure for return in accordance with the provision of Section 48. When the child entering into the Kingdom with father or mother who returns within the

prescribed time as state in the application of departure for return and the child is under one year old.

Section 43 : When any alien brings foreign not less than ten million baht , for investment in the Kingdom and the Immigration Commission has considered that it is not contradictory to the provisions of this Act , the Immigration Commission , with the concurrence of the Minister, shall allow said alien to take up residence in the Kingdom over and the above number of aliens as published by the Minister under Section 40, but not to exceed 5% of said amount each year.

For the purpose of examination of foreign currency brought in for investment, the alien who is allowed to take up residence under Para , must display financial status for the period of not less than two years , but not more than five years, in accordance with the regulation prescribed by the Immigration Commission , or as the Immigration Commission may deem appropriate.

Section 44 : No alien is authorized to take up residence in the Kingdom, if it appears that said alien :

1. has been punished with imprisonment by judgement or legal order of a Thai or foreign country court, except a minor offense committed by negligence , or an offense exempted as prescribed by the Ministerial Regulations.
2. Is unable to earn his living because of mental defect or physical infirmity or having any diseases as prescribed by Ministerial Regulations.

The provision of (2) shall not apply to an alien father, mother, husband, wife or child of the one having domicile within the Kingdom and is able to support each other.

Section 45 : If the alien who has been granted to stay temporarily in the Kingdom wishes to take up residence in the Kingdom , he must submit an application as prescribed in the Ministerial Regulations to the Immigration Office in the area , the application must be submitted to the nearest Immigration Office.

When the Immigration Commission considers that the quota is not over subscribed then notification prescribed by the Minister , in accordance with Section 40 or 43 as the case may

be or the alien in the person under Section 44, the alien may be allowed to take up residence in the Kingdom under the concurrence of the Minister.

When the alien applies for residence in the Kingdom and the authorized period of time granted him to stay temporarily in the Kingdom has expired during consideration. The alien may apply at the same Immigration Office for an extension of stay till the date the result of the consideration will be made know to him. The Immigration Commission or competent official deputized by Immigration Commission, shall have power to grant permission by affixing any conditions.

In submitting application in reference to the first paragraph, the applicant must pay a fee as fixed in the Ministerial Regulations.

Section 46 : Any alien entering into the Kingdom, and if while waiting to receive a Residence Certificate in reference to Section 41 or while waiting to know the result of consideration of the Immigration Commission , or of competent official deputized by the Immigration Commission under Section 45 Para 2.,leaves the Kingdom , it is recognized that a leniency for temporary stay in the Kingdom in reference to Section 41 Para 5 or section 45 Para.2 is expired. Unless prior to departing the Kingdom the alien concerned has been granted permission to return by a competent official, and he has returned within the period of prescribed time, the alien concerned will be allowed to stay for the rest of the prescribed time.

Section 47 : The alien who is allowed to take up residence in the Kingdom must apply for a Residence Certificate from the Director General or from a competent official deputized by the Director General within 30 days from the date receiving written notification from a competent official.

In the case that the alien, whose age is under 12 years, is granted permission to take up Residence in the Kingdom, the person with guardian power or the guardian must apply for a Residence Certificate on behalf of the alien concerned. The Director General, or competent official deputized by the Director General, shall issue a separate Residence Certificate or together with the person having guardian power or the guardian.

If the alien concerned fails to apply for a Residence Certificate within prescribed period of time, under Para.1 of this Section, the Immigration Commission may hold back issuing of

permission to reside in the Kingdom. If so, a leniency for temporary stay in the Kingdom in reference to Section 41 Para.5 or Section 45 Para.2, would be expired.

The applicant for a Residence Certificate must pay a fee as prescribed in the Ministerial Regulations.

Section 48 : A residence Certificate is of permanent validity, but it expires when the holder leaves the Kingdom , unless prior to departing , the holder has his departure for return document endorsed by a competent official in accordance with Section 50. In such a case , if the certificate holder returns to the Kingdom within one year from the date of endorsement and he is not excluded from entry according to Section 12 or 44 , a Residence Certificate shall be considered still valid.

The provisions of Section 12 (1) concerning visa, and (2) and (3) and (4) shall not apply to the first paragraph of this Section.

Section 49 : The holder or person who has in his possession a Residence Certificate not used in reference to Section 48 must return it to the competent official.

The person who has in his possession a Residence Certificate of a dead alien must return it to the competent official.

Section 50 : Any alien having lawfully entered and being a resident in the Kingdom and wishes to leave the Kingdom with intention to return, shall :

1. Present his Residence Certificate to the competent official for endorsement of departure for return in accordance with the procedure prescribed in the Ministerial Regulations.
2. If no Residence Certificate has been issued ,because said alien was granted permission to reside in the country before the regulation to obtain a Residence Certificate was in affect he must apply for the same through the competent official and conform with (1),
3. If there is not enough space for endorsement in accordance with (1), the holder must change his Residence Certificate in accordance to Section 52.

Document of departure for returns valid for one year from the date of endorsement made by the competent official. The certificate holder can make as many departures and returns with the one year period as he desire.

A fee must be paid as prescribed in the Ministerial Regulations for notification of departure for return and for issuing a residence Certificate in reference to (2).

Section 51 : Any alien who has formerly resided in the Kingdom but has no document of departure for return or has a document of departure for return, but has not returned to the Kingdom in reference to the time prescribed in Section 48 and the alien wishes to take up residence in the Kingdom again , he must submit an application in accordance with the procedure as prescribed in the Ministerial Regulations for consideration and approval. When the Immigration Commission considers that the alien has reason and proper excuse and he is not excluded from entry under Section 12 and Section 44, the alien may be permitted to enter to take up residence in the Kingdom under the concurrence of the Minister, but the alien has to receive a new Residence Certificate. The provision of Section 45 Para.2 shall be applied Mutatis Mutandis while waiting for permission.

The provisions in Section 12 (1) concerning visa, (2),(3) and (9) shall not apply with the case as provided in the first paragraph of this section.

The applicant must pay fees as prescribed in the Ministerial Regulations.

Section 52 : Whoever has lost documents issued under this Act, and wants to receive a substitute , or wants to change a Residence Certificate in reference to Section 50 (3) , when the competent official is satisfied with the result of an investigation, a substitute or a change of Residence Certificate will be issued. The applicant must pay fees as prescribed in the Ministerial Regulations.

Chapter 6

Deportation of the Aliens

Section 53 : If it is learned at a late date that aliens who came to stay in the Kingdom are among the persons excluded from entry because of any circumstance as prescribed in Section 12 (7) or (8) or (10) or Section 43 Para.2 or Section 44 or persons convicted under Section 63 or 64 , the Director General will submit the matter to the Immigration Commission. If the Immigration Commission decides that the alien's permission to stay in the Kingdom should

be revoked, the Immigration Commission will submit their opinion to the Minister for further consideration in revoking the Permission.

Section 54 : Any alien who enters or come to stay in the Kingdom without permission or when such permission expires or is revoked , the competent official will deport such alien out of the Kingdom.

The provisions of Section 19 and 20 will be applied Mutatis Mutandis if in the case that investigation for deportation in reference to Para.1 of this Section must be conducted.

In case there is an order of deportation for the alien; while waiting for the alien to be deported the competent official may order the alien to stay at any prescribed place or he may order the alien to report to him (competent official) according to a prescribed date, time ,and place with Security or with Security and Bond. The competent official may also detain the alien at any given place as many be necessary.

The expense of detention shall be charged to the alien's account.

The provision of this Section shall not apply to aliens entering and talking up residence in the Kingdom before the enforcement of the Immigration Act B.C. 2480 [1937]

Section 55 : Aliens being deported under this Act shall be sent back by any conveyance or route as the competent official may consider appropriate.

The expense of deportation shall be charged to the owner or person in charge of the conveyance which brought the alien into the Kingdom. If there appears to be no owner or person in charge of the conveyance, the alien committing the act against the provisions of Section 63 or 64 will have to pay the expense of deportation. The competent official shall have power to ask for deportation expenses from one of the aliens committing the offense or from all of them. However, if the alien concerned wishes to go by and other conveyance or by another route, at his own expense , the competent official may permit him to do so.

Section 56 : In the case where there is an exemption from a visa for the alien, under section 12 (1), and the alien has shown the competent official a ticket or any travel document of the owner of the conveyance or the person in charge of the conveyance or evidence of any other person, in accordance with the condition as prescribed in the Ministerial Regulations, for the

purpose of deporting from the Kingdom of such alien, the competent official shall have power to order the owner of the conveyance , the person in charge of the conveyance , or the person issuing a ticket, document or evidence , as the case may be, not to cancel, return or alter the important vital statement on the said ticket, document or evidence, with or without any conditions.

The order under Para.1 can be done by attaching to or by stamping in the said ticket, document or evidence, when the competent official has ordered, if here is cancellation , return or alternation of the important vital statement in the said ticket, document or evidence , finding it difference from the order given by the competent official, the competent official shall have power to order the owner of the conveyance , the person in charge of the conveyance, or the person issuing a ticket , document or evidence , as the case may be , to conform with the former condition as indicated on the ticket, document or evidence, for the purpose of deportation.

Chapter 7

Miscellaneous

Section 57 : For the purpose of Chapter 7 miscellaneous ; whoever claims his nationality is Thai and if there is not enough evidence for the competent official to believe that he has Thai nationality , it is presumed that such a person is an alien until he can prove other wise.

An application for proof of nationality under Para.1 of this Section will be submitted to the competent official in the accordance with the form and fees as prescribed in the Ministerial Regulations. If such person does not satisfy the competent official's order, he may apply to the Court asking for consideration.

In the case where there is an application to the Court upon receiving and application, the Court shall notify the Public Prosecutor, who may, in turn, have a right for objection thereto.

Section 58 : Any alien who has no lawful document for entering the Kingdom under Section 12 (1); or has no Residence Certificate under this Act; and also has no identification in accordance with the Law on Alien registration, is considered to have entered into the Kingdom in violation to this Act.

Section 59 : The Director General, or the competent official deputized by Director General, shall have the authority to arrest and suppress any person violating this Act. They shall also have the authority to issue a subpoena, warrant of arrest or search, make arrest , search , or detain. They shall also have the authority to conduct inquiry into the offense against the provisions of this Act in the same manner as the inquiry official under the Criminal Procedure Code.

Section 60 : In any area where the Minister deems it proper to grant exemption from payment of any fees under this Act, he shall have the authority to do so by making public notification in the Government Gazette.

Chapter 8

Penalty

Section 61 : Whoever fails to comply with the written order under Section 10 shall be punished by a fine not exceeding 5,000 Baht.

Section 62 : Whoever fails to comply with the provisions of Section 11 or Para.2 of Section 18 shall be punished by imprisonment not exceeding two years and a fine not exceeding 20,000 Baht.

If the person committing an offense under Para.1, holds Thai citizenship he will be punished by a fine not exceeding 20,000 Baht.

Section 63 : Whoever brings or takes an alien into the Kingdom or does anything which helps, assists, or facilitates an alien in making and entry into the Kingdom in contravention of this Act, shall be punished by imprisonment not exceeding 10 years and a fine not exceeding 100,000 Baht.

When any owner or person in charge of a conveyance who fails to comply with the provision of Section 23, and the conveyance carried the aliens entering into the Kingdom in contravention of this Act, it is first presumed that the owner or person in charge of the conveyance has committed an offense under Para.1 of this Section unless it can be proved that the owner or person in charge was unable to know of the presence of said aliens in the conveyance, even though proper caution was exercised.

Section 64 : Whoever know of any alien entering into the Kingdom in contravention of this Act, and harbours, hides or in any manner assists said alien to evade arrest, shall be punished by imprisonment not exceeding 5 years and a fine not exceeding 50,000 Baht.

Whoever allows an alien entering into the Kingdom in contravention of this Act, to stay with him, it is first presumed that said person is aware that the alien concerned entered into the Kingdom in contravention of this Act, unless it can be proved that he does not know, even though proper caution has been exercised.

If the act committed under Para.1 of this Section is done in order to assist his father, mother, child, husband or wife, the offender may not necessarily be punished by the Court.

Section 65 : Any owner or person in charge of a conveyance who fails to comply with the provision of Section 23 shall be punished with imprisonment not exceeding 5 years or a fine not exceeding 50,000 Baht or both.

Section 66 : Any owner or person in charge of a conveyance who fails to comply with the provision of Section 25, Section 26 Para.1, or Section 27 (2) shall be punished with imprisonment not exceeding 10,000 Baht or both.

Section 67 : Any owner or person in charge of a conveyance who fails to comply with the provision of Section 27(1) Para.1 or fails to cooperate with the competent official accordance with the provision of Section 27(3) shall be punished with a fine not exceeding 20,000 Baht.

Section 68 : Any owner or person in charge of a conveyance who fails to comply with the provision of Section 28 Para.1, shall be punished with imprisonment not exceeding 10,000 Baht.

Section 69 : Any owner or person in charge of a conveyance who fails to comply with the provision of Section 28 Para.2 shall be punished with imprisonment not exceeding 10,000 Baht. for each crew member of the conveyance that he has not turned over to the competent official.

Section 70 : Any conveyance that has an alien passenger who is excludable from entry into the Kingdom according to Section 12(1), the owner or person in charge of the conveyance shall be punished with a fine not exceeding 20,000 Baht for each alien.

Section 71 : Any owner or person in charge of a conveyance who fails to obey the order given by the competent official under Section 29 Para.1, shall be punished with imprisonment not exceeding 5 years and a fine not exceeding 50,000 Baht.

If as a result of non – compliance with the provision of paragraph 1, thus causing the alien to escape , the said owner or person in charge shall be punished with imprisonment not exceeding 10 years and a fine not exceeding 100,000 Baht.

Section 72 : Any alien, who escapes from a conveyance or escapes while on the way to any destination when the competent official has told the owner or person in charge of the conveyance to detain the alien or to take the alien , in accordance with the provision of Section 29 or he escapes while under detention or the control of the competent official, said alien shall be punished with imprisonment not exceeding two years or a fine not exceeding 20,000 Baht or both.

Section 73 : Any owner or person in charge of a conveyance who fails to obey the order given by the competent official under Section 30 shall be punished with imprisonment not exceeding 5 years or a fine not exceeding 50,000 Baht or both.

Section 74 : Whoever fails to comply with the provisions of Section 31 or 32 shall be punished with a fine not exceeding 10,000 Baht.

Section 75 : Any alien, who fails to comply with the provisions of Section 37(1) shall be punished with imprisonment not exceeding 1 year or a fine not exceeding 10,000 Baht or both.

Section 76 : Any alien, alien, who fails to comply with the provisions of Section 37(2),(3),(4)or(5) shall be punished with a fine not exceeding 5,000 Baht and with an additional fine not exceeding 200 Baht for each day which passes until the law is complied with.

Section 77 : Whoever fails to comply with the provision of Section 38, shall be punished with a fine not exceeding 2,000 Baht. If said person is a hotel manager, he shall be punished with a fine from 2,000 Baht to 10,000 Baht.

Section 78 : Whoever fails to comply with the provision of Section 49 shall be punished with a fine not exceeding 1,000 Baht.

Section 79 : The owner, or person in charge of a conveyance, or person issuing a ticket, document or evidence , who fails to comply with the order given by the competent official under Section 56, shall be punished with imprisonment not exceeding 6 months or a fine not exceeding 500 Baht for each day until said alien shall leave the Kingdom but not exceeding 50,000 Baht or both.

Section 80 : Whoever destroys an order given by the competent official under Section 56 Para.2, or causes such order to be blurred with the intention of not letting the owner of the conveyance , or the person in charge of conveyance, or the person issuing the ticket, document or evidence to receive said order of the competent official, shall be punished with a fine not exceeding 50,000 Baht.

Section 81 : Any alien who stay in the Kingdom without permission or with permission expired or revoked shall be punished with imprisonment not exceeding two years or a fine not exceeding 20,000 Baht or both.

Section 82 : Any alien who evades the service of an order issued by the Minister Immigration Commission, Director General, or the competent official designated by the Immigration Commission, which is required to be served upon him [alien] under this Act, shall be punished with a fine not exceeding 5,000 Baht.

If the order as stated in Para.1 is for deportation the offender shall be punished with imprisonment not exceeding two years and fine not exceeding 20,000 Baht.

Section 83 : In the case where the offenders, who shall be punished under this Act are a juristic person, managing director, manager, or representative of such juristic person, they will be punished in accordance with the penalty provided for such offenses unless they can prove that they are not involved in the commission of an offense by said juristic persons.

Section 84 : In all offenses under this Act, except the provisions of Section 62 Para.1 Section 63 , 64, 71 and 82 Para.2. The settlement Commission ,consisting of the Police Department's Director General or Representative, the Public Prosecution Department's Director General or Representative, and the Immigration Division's Commander or Representative, as the,

members shall have the authority to assign duty of settlement to the Inquiry Official or the competent official by fixing a settlement rule or any conditions as the Settlement Commission may deem proper.

When the offender has paid the fine as stipulated, the case shall be deemed settled under the Criminal Procedure Code.

Transitory Provisions

Section 85 : It is recognized that any alien who is authorized to stay temporarily in the Kingdom on the date that this Act comes into force is one who has been permitted to stay under this Act, but said alien will be entitled to the rights and benefits only as stated in the previous application.

Section 86 : Any alien allowed to stay temporarily in the Kingdom and who has stayed more than ninety days on the date that this Act comes into force, shall notify the competent official under Section 37(5) within 7 days from the date that this Act comes into force.

Section 87 : The house master, owner, or possessor of a dwelling place, or a hotel manager, who has allowed an alien to remain temporarily in the Kingdom on the date that this Act comes into force. Shall notify the competent official under Section 38 within 30 days from the date that this Act comes into force.

Section 88 : It is recognized that a Residence Certificate, issued under the law on Immigration before the date that this Act comes into force and still valid, will be valid as the Residence Certificate issued under this Act.

Section 89 : It is recognized that the endorsement of departure for return, stamped on the alien's Residence Certificate by the competent official before the date that this Act comes into force, is remain valid as the endorsement issued under this Act.

Section 90 : It is recognized that an alien who is detained for deportation on the date that this Act comes into force, is viewed as one who is detained for deportation under the provision of this Act.

Section 91 : It is recognized that all alien's applications pending consideration on the date that this Act comes into force are viewed as applications submitted under the provisions of this Act.

Section 92 : All ministerial regulations, regulations, orders, or resolutions of the Immigration Commission under the Immigration Act B.E. 2493 (1950), revised by the Second Immigration Act B.E. 249 (1954), which were still in force before the date that this Act came into force, are still in force if they are not in contravention to this Act, until it would have the ministerial regulation, regulations, orders, or the resolutions of the Immigration Commission under this Act come into force.

Rate of Fees Services Charges and other Expenses Fees

1. Appeal in reference to Section 22 ; - each person not exceeding 500.00 Baht.
 2. Application for extension of temporary stay in the Kingdom in reference to Section 35 ; - each person, each time, not exceeding 500.00 Baht.
 3. Appeal in reference to Section 36 ; - each person not exceeding 500.00 Baht.
 4. Application for each re – entry permit, for holders of any visa application of entry, under Section 39. - each person, each re – entry, not exceeding 500.00 Baht.
 5. Application for residency in the Kingdom in reference to Section 45 ; - each person not exceeding 2,000.00 Baht.
 6. Aertificate of Residence in reference to Section 47 or 51; - each certificate not exceeding 50,000.00 Baht.
- In the case the applicant for a Residence Certificate is the spouse or the child who is not sui juris of the alien talking residence in the Kingdom or of the person whose nationality is Thai; - each certificate not exceeding 25,000 Baht.
7. Endorsement of departure for returning in reference to Section 50(1); - each person not exceeding 500.00 Baht.
 8. Certificate of Residence in reference to Section 50(2); - each certificate not exceeding 5,000.00 Baht.
 9. Document issued in reference to Section 52; - each document not exceeding 500.00 Baht.
 10. Application for proof of nationality in reference to Section 57; - each person not exceeding 200.00 Baht.

Fee for Services and other expenses

1. Inspection of a conveyance during non – duty hours ; if the conveyance has no passengers;

- each conveyance, each time, not exceeding 200.00 Baht.
- 2. If the conveyance has passengers, the fee will be increased on a per person basis; - each passenger not exceeding 10.00 Baht.
- 3. Inspection of a conveyance at a place other than prescribed by the Director General in accordance with Section 26(Para.1) - each conveyance, each day, not exceeding 200.00 Baht.
- 4. Waiting for inspection of conveyance which is not the official's fault; - each day not exceeding 200.00 Baht.
- 5. Going out of the office for controlling a conveyance ; - each conveyance, each day, not exceeding 200.00 Baht.

Thailand Law Forum