

Nationality Act (No.4), B.E. 2551 (2008)

Translation

Given on the 19th day of February 2008 (B.E. 2551)

Being the 63rd Year of the Present Reign

His Majesty King Bhumibol Adulyadej has been graciously pleased to proclaim that:

Whereas it is expedient to revise the law on nationality,

Be it, therefore, enacted by the King, by and with the advice and consent of the Constituent Assembly in the capacity of the National Assembly, as follows.

Section 1

This Act shall be called the "Nationality Act (No.4), B.E. 2551 (2008)."

Section 2

This Act shall come into force on and from the day following the date of its publication in the Government Gazette.

Section 3

In Section 4 of the Nationality Act, B.E. 2508, the following shall be added between the words "Alien" and "Competent official":

"Committee" means a committee who holds responsibility for nationality consideration.

Section 4

Section 5 of the Nationality Act, B.E. 2508 shall be repealed and replaced by the following:

"Section 5

The acquisition of Thai nationality under Section 9, 12 or 12/1; the loss of Thai nationality under Chapter 2; or the recovery of Thai nationality under Chapter 3 shall be effective upon its publication in the Government Gazette and shall have an individual effect."

Section 5

Section 6 of the Nationality Act, B.E. 2508 shall be repealed and replaced by the following:

"Section 6

The Minister of Interior shall take charge and control of the execution of this Act and shall have the power to appoint competent officials and to issue Ministerial Regulations fixing fees not exceeding the rates annexed to this Act, and to exempt any person as he thinks fit from fees for the following:

- (1) Application for naturalization as a Thai;
- (2) Certificate of naturalization as a Thai;
- (3) Application for recovery of Thai nationality.

Such Ministerial Regulations shall become effective upon their publication in the Government Gazette."

Section 6

The following shall be added as paragraph two of Section 7 of the Nationality Act, B.E. 2508 as amended by the Nationality Act (No.2), B.E. 2535:

"Father" in (1) means a person having been proved, in conformity with the Ministerial Regulation, that he is truly the father of the person even though he did not register marriage with the mother of the person or did not complete registration of legitimate child."

Section 7

Paragraph two and three of Section 7 of the Nationality Act, B.E. 2508 as amended by the Nationality Act (No.2), B.E. 2535 shall be repealed and replaced by the following:

"In particular cases where the Minister deems it appropriate, he may consider and give an order to grant Thai nationality to any person under paragraph one, in conformity with the rules prescribed by the Cabinet.

The person who is born within the Kingdom of Thailand and has not acquired Thai nationality under paragraph one shall reside in the Kingdom of Thailand under conditions stated in the Ministerial Regulation, but principles of national security and human rights have to be considered as well. The person shall still be deemed to have entered and resided in the Kingdom of Thailand without permission under the law on immigration when there is no such Ministerial Regulation."

Section 8

(2) of Section 11 of the Nationality Act, B.E. 2508 shall be repealed and replaced by the following:

"(2) is a child, wife, or husband of a person who has been naturalized as a Thai or has recovered Thai nationality."

Section 9

The following shall be added as (4) of Section 11 of the Nationality Act, B.E. 2508:

"(4) is husband of a person with Thai nationality"

Section 10

Paragraph four of Section 12 of the Nationality Act, B.E. 2508 shall be repealed and replaced by the following:

"When there is the announcement under Section 5, the competent official shall issue a certificate of naturalization as a Thai as evidence."

Section 11

The following shall be added as Section 12/1 in Chapter 1: Acquisition of Thai Nationality of the Nationality Act, B.E. 2508:

"Section 12/1

According to following situations, the applicant may apply for naturalization as a Thai for persons without Thai nationality, but having residence in the Kingdom of Thailand:

- (1) A caretaker under an order of the court may apply for naturalization as a Thai for disabled persons with evidence proving their birth within the Kingdom of Thailand. In this case, such persons shall be exempt from possessing the qualifications under Section 10 (3) and (5); affirming loyalty to Thailand shall lie with the discretion of the Minister.
- (2) With permission from their charges, the administration of a public foster home in conformity with the Minister may apply for Thai naturalization for children under their responsibility who are not sui juris in accordance with Thai law and have been staying in a foster home not less than 10 years. In this case, such persons shall be exempt from possessing the qualifications under Section 10 (1) and (3).

- (3) A Thai who adopted a child may apply for Thai naturalization for the adopted child who is not sui juris in accordance with Thai law, has completed registration for a legitimate child not less than 5 years ago, and also has evidence proving that the child was born in the Kingdom of Thailand. In this case, such persons shall be exempt from possessing the qualifications under Section 10 (1) and (3).

Applying for naturalization as a Thai for others groups under paragraph one shall conform with the Ministerial Regulation."

Section 12

Section 13 of the Nationality Act, B.E. 2508 shall be repealed and replaced by the following:

"Section 13

A man or woman of Thai nationality who marries an alien and may acquire the nationality of the spouse according to his nationality law shall, if he or she desires to renounce Thai nationality, make a declaration of his or her intention before an official according to the form and in the manner prescribed in the Ministerial Regulations."

Section 13

Section 14 of the Nationality Act, B.E. 2508 as amended by the Nationality Act (No.3), B.E. 2535 shall be repealed and replaced by the following:

"Section 14

A person of Thai nationality, who was born of an alien father or mother and has acquired the nationality of the father or mother according to the law on nationality of the father or mother, or a person who acquired Thai nationality under Section 12 paragraph two or Section 12/1 (2) and (3) is required, if he desires to retain his other nationality, to make a declaration of his intention to renounce his Thai nationality within one year after his attaining the age of 20 years, according to such forms and in the manner as prescribed in the Ministerial Regulations.

If, after consideration of the said intention, the Minister is of opinion that there is reasonable ground to believe that such person may acquire the nationality of his father, mother, or a foreign nationality, he shall grant permission, except in cases where Thailand is engaged in armed conflict or is in state of war, he may order the dispensation of any renunciation of Thai nationality."

Section 14

The following shall be added as paragraph two of Section 16 of the Nationality Act, B.E. 2508: "Revocation of Thai nationality in paragraph one shall lay at the discretion of the Minister."

Section 15

Section 17 of the Nationality Act, B.E. 2508 shall be repealed and replaced by the following:

"Section 17

With respect to a person who has Thai nationality, by reason of the person having been born within the Kingdom of Thailand to an alien father or mother, the person's Thai nationality may be revoked if it appears that:

- (1) The person has resided in a foreign country, of which the father or mother has or used to have nationality, for a consecutive period of more than five years from the day of the person became sui juris;
- (2) There is evidence to show that the person makes use of the nationality of the father, mother, or of a foreign nationality, or that the person has an

active interest in the nationality of the father, mother, or in a foreign nationality;

- (3) The person commits any act prejudicial to the security or conflicting with the interests of the State, or amounting to an insult to the nation;
- (4) The person commits any act contrary to public order or good morals.

The Minister in the event of (1) or (2), and the Court in the event of (3) or (4) and upon request of the public prosecutor shall order the revocation of Thai nationality."

Section 16

Section 20 of the Nationality Act, B.E. 2508 shall be repealed.

Section 17

Section 21 of the Nationality Act, B.E. 2508 as amended by the Nationality Act (No.2), B.E. 2535 shall be repealed and replaced by the following:

"Section 21

A person of Thai nationality who was born to an alien father or mother and may acquire the nationality of his father or mother according to the law on nationality of the father or mother shall lose Thai nationality if the person obtains an alien identification card according to the law on registration of aliens."

Section 18

Paragraph one of Section 23 of the Nationality Act, B.E. 2508 shall be repealed and replaced by the following:

"Section 23

A man or woman of Thai nationality who has renounced Thai nationality in the case of marriage to an alien under Section 13 may, if the marriage has been dissolved for any reason, apply for recovery of Thai nationality."

Section 19

The following shall be added as Chapter 4: Committee on Nationality Consideration, including Sections 25, 26, 27, 28 and 29 of the Nationality Act, B.E. 2508:

"Chapter 4

Committee on Nationality Consideration

Section 25

The Committee on Nationality Consideration shall be set up consisting of:

- (1) The Undersecretary of State for Interior as chairman;
- (2) Representatives from Ministry of Defense, Ministry of Foreign Affairs, Ministry of Social Development and Human Security, Ministry of Justice, Ministry of Labor, National Security Council, the Office of the Attorney General, the Office of the Royal Thai Police, the Office of the National Intelligence Agency, the Narcotics Control Board and Internal Security Operations Command as members;
- (3) Experts on Nationality appointed by the Minister, not more than 6 persons, as a committee.

The Director of the Department of Provincial Administration is a member and shall appoint a secretary of the Committee and two officials of the DOPA as secretary-assistants.

Section 26

The experts shall hold office for a term of two years and shall serve for only two terms.

Section 27

The Committee shall give recommendations and opinions to the Minister. The discretion of the Minister under Section 7 bis, Section 9, Section 11, Section 12, Section 12/1, Section 14, Section 15, Section 16, Section 17, Section 18, Section 19, and Section 24 and the enactment of the Ministerial Regulation are considered with the recommendation from the Committee.

Section 28

The Committee shall have the power to appoint the Sub committees.

Section 29

Provisions on the Committee on Administrative Consideration under the Law on Administrative Procedure shall be allowed to come into force for the appointment and vacancy of Experts and the meetings of the Committee and Sub-committees."

Section 20

Rates of fees stated in the Nationality Act, B.E. 2508 shall be repealed and replaced by the rates of fees listed at the end of this Act.

Section 21

Paragraph two of Section 7 of the Nationality Act, B.E. 2508 as amended by this Act shall be effective for persons born before this Act comes into force.

Section 22

Paragraph three of Section 7 bis of the Nationality Act, B.E. 2508 as amended by the Nationality Act (No.2), B.E. 2535 and by this Act shall be effective for persons born before this Act comes into force.

Section 23

A person of Thai nationality born within the Kingdom of Thailand but whose nationality was revoked by Section 1 of the Declaration of the Revolutionary Party No. 337 on the 13th of December B.E. 2535 (1992); a person who was born within the Kingdom of Thailand but did not acquire Thai nationality by Section 2 of the Declaration of the Revolutionary Party No. 337 on the 13th of December B.E. 2535, including children of persons who were born within the Kingdom of Thailand before this act comes into force and did not acquire Thai nationality under Section 7 bis paragraph one of the Nationality Act, B.E. 2508 as amended by the Nationality Act (No.2), B.E. 2535 shall acquire Thai nationality from the day this Act comes into force if the person has evidence by way of civil registration proving a domicile within the Kingdom of Thailand for a period consecutive to the present as well as good behavior, official service, or having done acts to the benefit of Thailand. Persons who have already acquired Thai nationality at the discretion of the Minister before this Act comes into force are exempt.

Ninety days from the day this Act comes into force, a person possessing the qualifications under paragraph one shall be able to apply for Thai nationality registration in the civil registration system with a district or local registrar at the district of the person's present domicile.

Section 24

Ministerial Regulations, Declarations, Rules or Orders under the Nationality Act, B.E. 2508 and the Nationality Act (No.2), B.E. 2535 shall be effective unless they conflict with provisions in this Act. Upon enactment of Ministerial Regulations, Declarations, Rules or Orders under this Act, previous ones shall be repealed.

Section 25

Within 180 days from the day this Act comes into force, Section 27 of the Nationality Act, B.E. 2508 as amended by this Act shall not be effective at the discretion of the Minister under Section 7 bis, Section 9, Section 11, Section 12, Section 12/1, Section 14, Section

15, Section 16, Section 17, Section 18, Section 19, and Section 24 and the enactment of the Ministerial Regulation under this Act.

Section 26

The Minister of Interior shall take charge and control of the execution of this Act.

Countersigned by

General Surayuth Chulanon

Prime Minister

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Rates of Fees

- (1) Application for naturalization as a Thai
- (2) Application for naturalization as a Thai for a child of the applicant, who is not sui juris
- (3) Certificate of naturalization as a Thai each time 10,000 Baht
 - each time 5,000 Baht
 - each copy 1,000 Baht
- (4) Substitute of the certificate of naturalization, as a Thai
- (5) Application for recovery of Thai nationality
- (6) Other applications
 - each copy 1,000 Baht
 - each time 2,000 Baht
 - each copy 100 Baht

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