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Nationality Act, B.E.2508

As amended by Acts No.2 and No.3, B.E.2535 (1992) and the Act No. 4, B.E.2551 (2008)

Translation

BHUMIBOL ADULYADEJ, REX.

Given on the 21st day of July, B.E. 2508 (1965)

Being the 20th 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, B.E.2508"

Section 2 (1)

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

Section 3

The following shall be repealed:

(1) The Nationality Act, B.E. 2495 (1952);

(2) The Nationality Act (No. 2), B.E. 2496 (1953);

(3) The Nationality Act (No. 3), B.E. 2499 (1956);

(4) The Nationality Act (No. 4) B.E. 2503 (1960).

Section 4

In this Act:

"Alien" means a person who does not have a Thai nationality;

"Committee" (2) means a committee who holds responsibility for nationality consideration.

"Competent official" means the person appointed by the Minister for the execution of this Act;

"Minister" means the Minister taking charge and control of the execution of this Act.

Section 5 (3)

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 6 (4)

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 particular or person in general as he considers fit from fees as follows:

(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.

Chapter 1

Acquisition of Thai Nationality

Section 7 [5]

The following persons acquire Thai nationality by birth:

(1) A person born of a father or a mother of Thai nationality, whether within or outside the Thai Kingdom;

(2) A person born within the Thai Kingdom except the person under Section 7 bis paragraph one.

"Father" in (1) means also a person having been proved, in conformity with the Ministerial Regulation, that he is a biological father of the person even though he did not register marriage with the mother of the person or did not do a registration of legitimate child. [6]

Section 7 bis [7]

A person born within the Thai Kingdom of alien parents does not acquire Thai nationality if at the time of his birth, his lawful father or his father who did not marry his mother or his mother was:

(1) the person having been given leniency for temporary residence in Kingdom as a special case;

(2) the person having been permitted to stay temporarily in the Kingdom;

(3) the person having entered and resided in the Thai Kingdom without permission under the law on immigration.

In case the Minister deems it appropriate, he may consider and give an order for each particular case or in general granting Thai nationality to any person under paragraph one, in conformity with the rules prescribed by the Cabinet. [8]

The person who is born within the Thai Kingdom and has not acquired Thai nationality under paragraph one shall reside in the Thai Kingdom under conditions stipulating in the Ministerial Regulation, but principles of national security as well as human rights have to be considered concurrently. The person shall be deemed to have entered and resided in the Thai Kingdom without permission under the law on immigration unless the Ministerial Regulation is formulated. [9]

Section 8

A person born within the Thai Kingdom of alien parents does not acquire Thai nationality, if at the time of his birth, his father or mother was:

(1) Head of a diplomatic mission or a member thereof;

(2) Head of a consular mission or a member thereof;

(3) An officer or expert of an international organization;

(4) Member of a family, either as a relative under patronage or servant, who came from abroad to reside with the person in (1), (2) or (3).

Section 9

An alien woman who marries a person of Thai nationality shall, if she desires to acquire Thai nationality, file an application with the competent official according to the form and in the manner prescribed in the Ministerial Regulations.

The granting or refusal of permission for acquisition of Thai nationality shall lie with the discretion of the Minister.

Section 10

An alien who possesses the following qualifications may apply for naturalization as a Thai:

(1) becoming sui juris in accordance with Thai law and the law under which he has nationality;

(2) having good behavior;

(3) having regular occupation;

(4) having a domicile in the Thai Kingdom for a consecutive period of not less than five years till the day of filing the application for naturalization;

(5) having knowledge of Thai language as prescribed in the Regulations.

Section 11

The provisions of Section 10 (4) and (5) shall not apply if the applicant for naturalization as a Thai;

(1) has rendered distinguished service to Thailand or has done acts to the benefit of official service, which is deemed suitable by the Minister;

(2) is a child, wife, or husband of a person who has been naturalized as a Thai or has recovered Thai nationality; (10)

(3) is one who used to have Thai Nationality;

(4) is a husband of a person with Thai nationality. (11)

Section 12

Any person being desirous of applying for naturalization as a Thai, shall file an application with the competent official according to the form and in the manner prescribed in the Ministerial Regulations.

Should the applicant for naturalization as a Thai, under paragraph one, have children who are not sui juris in accordance with Thai law, and who have a domicile in Thailand, he may concurrently apply for such naturalization for his children. In this case, such children shall be exempt from possessing the qualifications under Section 10 (1), (3), (4) and (5).

The granting or refusal of permission for naturalization as a Thai shall lie with the discretion of the Minister. In case the Minister deems appropriate to grant permission, he shall submit the matter to the King for Royal Sanction. After the Royal Sanction, the applicant shall make an affirmation of loyalty to Thailand.

When there is the publication in the Government Gazette under Section 5, the competent official shall issue a certificate of naturalization as a Thai to the person as evidence. (12)

Section 12/1 (13)

Other persons may apply for such naturalization under Section 12 for persons without Thai nationality who have a domicile in the Thai Kingdom according to following situations:

(1) A curator under an order of the court may apply for naturalization for incompetent persons who has evidence proving the birth within the Thai Kingdom. In this case, such persons shall be exempted from possessing the qualifications under Section 10 (3) and (5) and making an affirmation to loyalty to Thailand of the persons shall lie with the discretion of the Minister.

(2) With a permission of the children, a ruler of public foster home, in conformity with the Minister, may apply for naturalization for children under their responsibility who are not sui juris in accordance with Thai law and have been staying in such foster home not less than 10 years. In this case, such persons

shall be exempted from possessing the qualifications under Section 10 (1) and (3)

(3) A Thai person may apply for naturalization for the adopted child who are not sui juris in accordance with Thai law, has been registered as a legitimate child of the Thai person not less than 5 years and also has evidence proving the birth in the Thai Kingdom. In this case, such persons shall be exempt from possessing the qualifications under Section 10 (1) and (3)

Application on naturalization as a Thai for the others under paragraph one shall be in conformity with the Ministerial Regulation.

Chapter 2

Loss of Thai Nationality

Section 13 (14)

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

Section 14 (15)

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

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

Section 15 (16)

Except in the case under Section 14, a person who has Thai nationality and other nationality, or who acquires Thai nationality by naturalization may, if he desires to renounce Thai nationality, file an application with the competent official according to such form and in the manner prescribed in the Ministerial Regulations.

The granting or refusal of permission for renunciation of Thai nationality shall lie with the discretion of the Minister.

Section 16. With respect to an alien woman who acquires Thai nationality by marriage, her Thai nationality may be revoked if it appears that:

(1) The marriage was effected by concealment of facts or making any statement false in material particular;

(2) She commits any act prejudicial to the security, or conflicting with the interests of the State, or amounting to an insult to the nation;

(3) She commits any act contrary to public order or good morals.

Revocation of Thai nationality in paragraph one shall lie with the discretion of the Minister. (17)

Section 17 [18]

With respect to a person of an alien parent who was born within the Thai Kingdom and acquires Thai nationality, his Thai nationality may be revoked if it appears that:

(1) He has resided in a foreign country, of which his father or mother has or used to have nationality, for a consecutive period of more than five years as from the day of his becoming sui juris;

(2) There is evidence to show that he makes use of the nationality of his father, mother, or of a foreign nationality, or that he has an active interest in the nationality of his father, mother, or in a foreign nationality;

(3) He commits any act prejudicial to the security or conflicting with the interests of the State, or amounting to an insult to the nation;

(4) He commits any act contrary to public order or good morals.

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

Section 18 [19]

When there are circumstances suitable for maintaining the security or interests of the State, the Minister is empowered to revoke Thai nationality of the person who acquires Thai nationality under Section 7 bis paragraph two.

Section 19

The Minister is empowered to revoke Thai nationality of a person who acquires Thai nationality by naturalization if it appears that:

(1) The naturalization was effected by concealment of facts or making any statement false in material particular;

(2) There is evidence to show that he still makes use of his former nationality;

(3) He commits any act prejudicial to the security or conflicting the interests of the State, or amounting to an insult to the nation;

(4) He commits any act contrary to public order or good morals;

(5) He has resided abroad without having a domicile in Thailand for more than five years;

(6) He still retains the nationality of the country at war with Thailand.

The revocation of Thai nationality under this Section may extend to children of a person whose Thai nationality is revoked, in case such children are not sui juris and acquire Thai nationality under Section 12 paragraph two. The Minister shall, after the order for revocation of Thai nationality has been given, submit the matter to the King.

Section 20 [20]

-repealed-

Section 21 [21]

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

Section 22

A person of Thai nationality who bas been naturalized as an alien, or who has renounced Thai nationality, or whose Thai nationality has been revoked, shall lose Thai nationality.

Chapter 3

Recovery of Thai Nationality

Section 23 [22]

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

In applying for recovery of Thai nationality, a declaration of intention shall be made before the competent official according to the form and in the manner prescribed in the Ministerial Regulations.

Section 24

A person who had Thai nationality and has lost the nationality, together with his father or mother while not becoming sui juris, shall, if he desires to recover Thai nationality, file with the Competent official an application according to the form and in the manner prescribed in the Ministerial Regulations within two years from the day of his becoming sui juris under Thai law, and the law under which he has nationality.

The granting or refusal of permission for recovery of Thai nationality shall lie with the discretion of the Minister.

Chapter 4

Committee on Nationality Consideration [23]

Section 25 [24]

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

(1) The Under Secretary of State for Interior as chairman;

(2) Representative 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 Attorney General, the Office of Royal Thai Police, the Office of 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 committees.

Director of the Department of Provincial Administration is a committee and a secretary of the Committee and two officials of the DOPA shall be appointed as secretary assistants by the Director.

Section 26 [25]

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

Section 27 [26]

The Committee is empowered to give advice and opinion to the Minister in accordance with 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. The advice and opinion of the Committee for the enactment the Ministerial Regulations under this Act shall be concurrently considered.

Section 28 [27]

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

Section 29 [28]

The provisions on the Committee on Administrative Consideration under the Law on Administrative Procedure shall be allowed to enforce for the appointment and the vacation of the experts and the meetings of the Committee and the Sub-committees.

Countersigned by Field Marshal Thanom Kittikachorn

as Prime Minister

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Rates of Fees [29]

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

Reason:- Due to continuous changes of the nationality acts, from the enactment in B.E.2495 to the amended Acts in B.E.2496, B.E.2499 and B.E.2503, it leaded to inexpedience of implementation of such acts. Some principles in previous Acts were as well considered to amend for more circumspect use; therefore, the Acts shall be revised and compiled into one.

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Nationality Act (No.2) B.E. 2535 (1992) [30]

Section 3

The Declaration of the Revolutionary Party No.337 dated 13th December, B.E.2515 shall be repealed.

Section 10

The provisions of Section 7 (1) of the Nationality Act, B.E. 2508 as amended by this Act shall also apply to the person who was born before the date of enforcement of this Act.

Section 11

The provisions of Section 7 bis of the Nationality Act, B.E.2508 as amended by this Act shall also apply to the person who was born before the date of enforcement of this Act, except the one who has acquired Thai nationality by virtue of the Minister's order given under the Declaration of the Revolutionary Party No.337 dated 13th December, B.E.2515 before the date of enforcement of this Act.

The person who was born within the Thai Kingdom before the date of enforcement of this Act but did not acquire Thai nationality according to Section 7 bis paragraph two of the Nationality Act, B.E.2508 as amended by this Act. The Minister may in this case give an order to effect the acquisition of Thai nationality in general or as a special case.

Section 12. The Minister of Interior shall take charge and control of the execution of this Act.

Reason:- Due to the principle of equality between men and women, a child shall acquire Thai nationality on the principle of jus sanguinis from his or her mother. Furthermore, rules on acquisition of Thai nationality of all consanguine descendents of migrants, illegal migrants, persons with temporary residence and persons having been given leniency for temporary residence in Kingdom as a special case shall be revised circumspectly because these persons hardly register their marriage as a matter of facts which do not comply with previous principles in the Declaration of the Revolutionary Party No.337 dated 13th December, B.E.2515. This Act, therefore, shall be enacted

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Nationality Act (No.3) B.E.2535 (1992) [31]

Section 4

The provisions of Section 14 paragraph one of the Nationality Act, B.E.2508 as amended by this Act shall not apply to those who attained the age of twenty years before the enforcement of this Act. If the said persons desire to renounce their Thai nationality, they have to comply with Section 15 of the Nationality Act, B.E.2508 as amended by the Nationality Act (No.2) B.E.2535.

Section 5

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

Reason:- Due to expedience, the provisions on entitlement of right to Thai nationality of those who has Thai nationality and has as well acquired the nationality of his father according to the law on nationality of his father or those who has acquired Thai nationality by naturalization of the parents shall be revised. The said persons are required, if he

desires to retain his other nationality, to make a declaration of his intention to renounce his Thai nationality. This Act, therefore, shall be enacted.

Nationality Act (No.4) B.E.2551 (2008) [32]

Section 21

The provision of Section 7 paragraph two of the Nationality Act B.E.2508 as amended by this Act shall also apply to the person who was born before the date of enforcement of this Act.

Section 22

The provision of Section 7 bis paragraph three of the Nationality Act B.E.2508 as amended by the Nationality Act (No.2) B.E.2535 and by this Act shall also apply to the person who was born before the date of enforcement of this Act.

Section 23

A person of Thai nationality born within the Thai Kingdom, but his nationality was revoked by Section 1 of the Declaration of Revolutionary Party No.337 dated 13th of December, B.E.2535 and a person who was born within the Thai Kingdom, but did not acquire Thai nationality by Section 2 of the Declaration of Revolutionary Party no.337 dated 13th of December, B.E. 2535, including children of the said persons who were born within the Thai Kingdom before the date of enforcement of this Act and did not acquire Thai nationality under Section 7 bis paragraph one of the Nationality Act B.E.2508 as amended by the Act B.E.2535 no.2 shall acquire Thai nationality from the date of enforcement of this Act. The said persons shall have evidence on civil registration proving the domicile within the Thai Kingdom for a consecutive period till the present and shall have good behavior or have done acts to the benefits of official service. Nonetheless, those who have already acquired Thai nationality with the discretion of the Minister before the date of enforcement of this Act are exempt.

After 90 days from the date of enforcement of this Act, a person possessing the qualifications under paragraph one shall apply for registration into the civil registration system as the persons with Thai nationality towards a district registrar or a local registrar at the district of his present domicile.

Section 24

Ministerial Regulations, Declarations, Rules or Orders, which have been enforced before the date of enforcement of this Act, under the Nationality Act B.E.2508 and the Nationality Act (No.2) B.E.2535 shall be effective unless they are against the provisions in this Act. Nonetheless, they shall be repealed when new Ministerial Regulations, Declarations, Rules or Orders under this Act are enacted.

Section 25

Within 180 days from the date of enforcement of this Act, Section 27 of the Nationality Act B.E.2508 as amended by this Act shall not affect 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 Regulations under this Act.

Section 26

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

Reason:- Due to the facts that a lot of person who were born in the Thai Kingdom of a Thai father did not acquire Thai nationality because the parents did not register the marriage or register them a legitimate children, some previous provisions which are not accordant with the principle on equality between men and women under the Constitution of the Thai Kingdom, lack of mechanism to scrutinize or give advice or opinion for supporting consideration on nationality issues of the Minister, and rates of fees which is incompatible with current circumstance, this Act, therefore, shall be enacted.

Note:

(1) Published in the Government Gazette Vol.8, Chapter 62, Page 1por dated 4 August B.E.2508 (1965)

(2) Under Section 4, the definition of "Committee" was added by the Nationality Act (No.4) B.E.2551 (2008)

(3) Section 5 as amended by the Nationality Act (No.4) B.E.2551 (2008)

(4) Section 6 as amended by the Nationality Act (No.4) B.E.2551 (2008)

(5) Section 7 as amended by the Nationality Act (No.2) B.E.2535 (1992)

(6) Section 7 paragraph two as added by the Nationality Act (No.4) B.E.2551 (2008)

(7) Section 7 bis as added by the Nationality Act (No.2) B.E.2535 (1992)

(8) Section 7 bis paragraph two as amended by the Nationality Act (No.4) B.E.2551 (2008)

(9) Section 7 bis paragraph three as amended by the Nationality Act (No.4) B.E.2551 (2008)

(10) Section 11 (2) as amended by the Nationality Act (No.4) B.E.2551 (2008)

(11) Section 11 (4) as added by the Nationality Act (No.4) B.E.2551 (2008)

(12) Section 12 paragraph four as amended by the Nationality Act (No.4) B.E.2551 (2008)

(13) Section 12/1 as added by the Nationality Act (No.4) B.E.2551 (2008)

(14) Section 13 as amended by the Nationality Act (No.4) B.E.2551 (2008)

(15) Section 14 as amended by the Nationality Act (No.4) B.E.2551 (2008)

(16) Section 15 paragraph one as amended by the Nationality Act (No.2) B.E.2535 (1992)

(17) Section 16 paragraph two as added by the Nationality Act (No.4) B.E.2551 (2008)

(18) Section 17 as amended by the Nationality Act (No.4) B.E.2551 (2008)

(19) Section 18 as amended by the Nationality Act (No.2) B.E.2535 (1992)

(20) Section 20 as repealed by the Nationality Act (No.4) B.E.2551 (2008)

(21) Section 21 as amended the Nationality Act (No.4) B.E.2551 (2008)

(22) Section 23 paragraph one as amended by the Nationality Act (No.4) B.E.2551 (2008)

(23) Chapter 4 Committee on Nationality Consideration as added by the Nationality Act (No.4) B.E.2551 (2008)

(24) Section 25 as added by the Nationality Act (No.4) B.E.2551 (2008)

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(25) Section 26 as added by the Nationality Act (No.4) B.E.2551 (2008)

(26) Section 27 as added by the Nationality Act (No.4) B.E.2551 (2008)

(27) Section 28 as added by the Nationality Act (No.4) B.E.2551 (2008)

(28) Section 29 as added by the Nationality Act (No.4) B.E.2551 (2008)

(29) Rates of fees as amended by the Nationality Act (No.4) B.E.2551 (2008)

(30) Published in the Government Gazette Vol.109, Chapter 13, Page 3 dated 25 February B.E.2535 (1992).

(31) Published in the Government Gazette Vol.109, Chapter 42, Page 94 dated 8 April B.E.2535 (1992)

(32) Published in the Government Gazette Vol.125, Chapter 39 Kor, Page 24 dated 27 February B.E.2551 (2008)

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