

(Unofficial Translation)

-Garuda-

Order of the Immigration Bureau

No. 16 / 2554 [2011]

On Assignment on Deliberating Bailing an Alien Awaiting Deportation
Under Section 54 of the Immigration Act B.E. 2522 [1979] and Bail Criterion

Reference is made to the Order of the Immigration Bureau No. 289/2552 dated 4 December B.E. 2552 [2009] and the Order of the Immigration Bureau No. 193/2553 dated 14 October B.E. 2553 [2010], assigning on deliberating bailing an alien awaiting deportation under Section 54 of the Immigration Act B.E. 2522 (1979) with the given bail criterion;

To streamline the bail consideration procedure of an alien awaiting deportation to be in conformity with the Royal Decree on the Royal Thai Police Structuralization B.E.2552 [2009] and the Ministerial Rules on Structuralizing to a Division or to Other Named Governmental Entity under Royal Thai Police B.E. 2552 [2009], by virtue of Section 74 of the Royal Thai Police Act B.E. 2547 [2004] [the Bureau] has passed the Order as follows;

1. To repeal;

1.1 The Order of the Immigration Bureau No. 289/2552 dated 4 December B.E. 2552 [2009] on Assignment on Deliberating Bailing an Alien Awaiting Deportation Under Section 54 of the Immigration Act B.E. 2522 [1979] and Bail Consideration Criterion.

1.2 The Order of the Immigration Bureau No. 143/2553 dated 14 October B.E. 2553 [2010] on Assignment on Deliberating Bailing an Alien Awaiting Deportation Under Section 54 of the Immigration Act B.E. 2522 [1979] and Bail Consideration Criterion (addendum).

Any regulations, orders, announcements, resolutions, note orders and official letters in contrary to or inconsistent with this Order shall be superseded by this Order.

2. To assign on deliberating bailing an alien awaiting deportation and bail consideration criterion as follows;

2.1 The Commander of Investigation and Interrogation Division, Immigration Bureau, accounts for granting or not granting+a bail to an alien awaiting deportation under Section 54 of the Immigration Act B.E.2522 (1979) who is under jurisdiction of Sub-Division 3, Investigation and Interrogation Division, Immigration Bureau, in accordance with the necessity shown in 2.5.1 - 2.5.4, and for granting or not granting a bail extension and a surety confiscation or return.

2.2 The Commander of Immigration Division 2 accounts for granting or not granting+a bail to an alien awaiting deportation under Section 54 of the immigration Act B.E.2522 (1979) who is under jurisdiction of Immigration Checkpoints under Immigration Division 2, in accordance with the necessity shown in 2.5.3 - 2.5.4, and for granting or not granting a bail extension and a surety confiscation or return.

2.3 The Commanders of Immigration Division 3 - 6 account for granting or not granting a bail to an alien awaiting deportation under Section 54 of the Immigration Act B.E.2522 (1979) who is under jurisdiction of the Provincial Immigration under Immigration Division 3 . 6 as the case may be, in accordance with the necessity shown in 2.5.3 - 2.5.4, and for granting or not granting a bail extension and a surety confiscation or return.

2.4 Any practice in bailing, shall follow the Orders of Royal Thai Police on Regulations Unrelated to the Case Title 34, Provision 5. An inspector in charge shall sign as a party to a bailer in a bail agreement and be accountable in surveilling a bailer for a strict compliance with conditions set in a bail agreement.

2.5 In deliberating a bail application the following necessity shall be considered;

2.5.1 A bail request in order to approach an embassy, consular office or Ministry of Foreign Affairs for an application for a passport or travel certificate issuance.

2.5.2 A bail request received from the Office of the United Nations High Commissioner for Refugees when an alien awaiting deportation is granted a refugee status, awaiting a resettlement.

2.5.3 A bail request due to an illness required to be under close surveillance by a doctor where a governmental hospital doctor recommends in written form that such alien is required a treatment from a hospital as an internal patient or in need of close surveillance by a doctor and such illness is considered a hindrance in traveling. However, such illness shall not be a severe contagious disease that could effect a public.

2.5.4 A bail request due to *casus fortuitus* giving that it is unable to depart from the Kingdom.

Each permission to a bail request as per 2.5.1 and 2.5.2 shall not exceed 30 days with a condition that an alien shall report , at latest, on a due date stated in a bail agreement, to a party official at the office of Sub-Division 3, Investigation and Interrogation Division, Immigration Bureau or the offices of Provincial Immigration under Immigration Division 3 . 6 as the case may be.

A permission to a bail request as per 2.5.3 shall follow a written recommendation from a governmental hospital doctor who initially recommended for how long such alien shall be treated in a hospital or under a medical care. However, each permission shall not exceed 30 days with a condition that an alien shall report , at latest, on a due date stated in an [bail] agreement, to a [party] official at the office of Sub-Division 3, Investigation and Interrogation Division, Immigration Bureau or the offices of Immigration Checkpoints under Immigration Division 2 or the offices of Provincial Immigration under Immigration Division 3 . 6 as the case may be In case [an alien] fails to report on an appointment date, an exemption may only be applied whereas such alien has been admitted to a hospital as an internal patient whose bailer or proxy shall present to a party official for a bail extension request, 3 official days in advance, a doctor certificate certifying that such alien has been under treatment at a hospital.

A permission to a bail request as per 2.5.4 shall be considered upon a necessity of *casus fortuitus* that an alien is unable to depart from the Kingdom. Each permission shall not exceed 30 days with a condition that an alien shall report, at latest, on a due date stated in a bail

agreement, to a party official at the office of Sub-Division 3, Investigation and Interrogation Division, Immigration Bureau or the offices of Immigration Checkpoints under Immigration Division 2 or the offices of Provincial Immigration under Immigration Division 3 . 6 as the case may be.

Any permission to a bail under necessity other than 2.5.1 - 2.5.4 including a circumstances of an alien convicted by a Thai court under the Narcotics laws, the Anti Trafficking laws , an offence against the national security under the Penal Code or any other offence under public attention; or being an important detainee, a detainee under custody, an illegal migrant worker under the Cabinet resolution; or a permission to a bail as per a necessity in 2.5.1 - 2.5.4 for a period over 30 days, shall be hierarchically submitted by the assigned official in 2.1 . 2.3 to the assigned Deputy Immigration Commissioner(s) supervising the Investigation and Interrogation Division or [supervising] Immigration Division 2 . 6 as the case may be, for his consideration on behalf of the Immigration Commissioner.

3. Any deficiency or possible deficiency in such assignation due to any assigned performance or failure to fulfill the assigned duty shall be, in written form, hierarchically reported immediately to the Immigration Commissioner for his acknowledgement and command.

Be it, henceforth.

Given on the 28th January B.E.2554 [2011]

Pol. Lt. Gen. . signature -

(Viboon Bangtamai)

The Immigration Commissioner