

Nationality Act (No.5) B.E. 2555 (2012)

BHUMIBOL ADULYADEJ, REX.

Given on the 14th day of March, B.E. 2555 (2012)
Being the 67th 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.5), B.E.2555"

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 definition of the term "Displaced Thai" shall be added between the terms "Alien" and "Committee" as follow:

““Displaced Thai” means an ethnic Thai who has become a subject of another State because of territorial succession of the Thai Kingdom in the past, including his/her descendants. These persons do not possess any other nationality, has immigrated into and resides in the Kingdom for a consecutive period, which can be proved by civil registration evidences, and observe the Thai way of life. Or, hold other relevant characteristics as prescribed in the Ministerial Regulation.”

Section 4. The followings shall be added as Section 9/1, Section 9/2, Section 9/3, Section 9/4, Section 9/5, Section 9/6 and Section 9/7 of the Nationality Act B.E.2508:

“Section 9/1. The Committee on the Recognition of Displaced Thais shall be set up and comprised of:

- (1) Permanent Secretary of the Ministry of Interior as chairperson;
- (2) Representatives from the Ministry of Defense, the Ministry of Foreign Affairs, the Ministry of Justice, the Ministry of Culture, the Office of National Intelligence Agency, the Office of National Security Council and the Office of Royal Thai Police as members by title;
- (3) Seven to nine experts appointed by the Minister of Interior. The group must include researchers or academia on nationality laws or legal status issues,

sociologists or anthropologists specializing in history or ethnicity, representatives from non-governmental organizations and the civil society;

The Director of the Department of Provincial Administration (DOPA) shall be a member and serves as the Secretariat of the Committee. The Director shall appoint two officials from DOPA as assistants.

Section 9/2. The experts under Section 9/1 (3) shall hold office for a term of two years and may be reselected. However, he/she shall not serve for more than two consecutive terms.

In the case where the expert has finished his/her term but there has not been a new member selected, the expert shall continue his/her work until a new member has been selected.

Section 9/3. The authorities of the Committee shall be as follows:

- (1) Consider and recognize Displaced Thais;
- (2) Recommend and advise the Minister regarding the enactment of the Ministerial Regulation or any procedures relating to Displaced Thais without needing to follow procedures according to Section 27;
- (3) Call upon related officials or any persons to clarify or give opinion for consideration of the Committee;
- (4) Establish Sub-committees or Working Groups to carry out work under assignment of the Committee;
- (5) Perform others duties as requested by the Minister.

Section 9/4. The provisions on the Committee on Administrative Consideration under the Law on Administrative Procedure shall be enforced for the appointment and the completion of terms of the experts and the meetings of the Committee.

Section 9/5. A person claiming as a Displaced Thai and requiring the recognition as a Displaced Thai shall file his/her application to a competent officer.

After submission, the application shall be presented to the Committee to precede verification and recognition as a Displaced Thai.

Verification and recognition of a Displaced Thai shall be under principles, conditions and procedures as prescribed in the Ministerial Regulation.

Section 9/6. A person recognized as a Displaced Thai by the Committee shall be considered as those acquiring Thai nationality by birth.

Children, *born of Displaced Thais before the legitimate father or the biological father who did not register marriage with the mother or the mother acquires Thai nationality under paragraph one*, shall also acquire Thai nationality by birth unless they possess other nationality.

Section 9/7. Section 9/6 Paragraph 2 shall be allowed to apply to children of Displaced Thais who acquired Thai nationality before the parents would be recognized as Displaced Thais by virtue of Section 9/6 paragraph one.”

Section 5. A Displaced Thai who naturalizes as a Thai citizen or acquired Thai nationality before the enforcement of this Act shall be considered as a Displaced Thai recognized by the Committee under the Nationality Act B.E.2508 (1965) as amended by this Act and shall be considered having Thai nationality by birth.

Section 6. In the first session, the Minister of Interior shall appoint the Committee on the Recognition of Displaced Thais under Section 9/1 of the Nationality Act B.E.2508 (1965) as amended by this Act within 60 days from the date of its publication in the Government Gazette.

Section 7. Ministerial Regulation under Section 9/5 of the Nationality Act B.E.2508 (1965) as amended by this Act shall come into force within 120 days from the date of its publication in the Government Gazette.

Section 8. The Minister of Interior shall take charge and control of the execution of this Act.

Countersigned by:

Yinglak Chinwatra

The Prime Minister

Note : Whereas it is expedient to solve nationality problems for Displaced Thais who have Thai ethnicity, but have become subjects of other States because of territorial succession of the Thai Kingdom, therefore Thai nationality by birth shall be conferred upon those who do not yet possess other nationality and have migrated into and resides in the Kingdom for a consecutive period, which can be proved by civil registration evidences, under a way of life as Thai. More, in order to follow principle of *'jus sanguinis'* under law on nationality, the children of these Displaced Thais who do not yet possess other nationality or who already acquired Thai nationality shall as well acquire Thai nationality by birth. This Act, therefore, shall be enacted.