

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

Given on the 19th day of February, B.E. 2551 (2008)
Being the 63th 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"

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 Section 5 of the Nationality Act B.E. 2508 shall be repealed and replaced by the following: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 Section 6 of the Nationality Act B.E. 2508 shall be repealed and replaced by the following: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 naturalisation as a Thai;
- (2) Certificate of naturalisation 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 Act B.E. 2535 no.2:

“Father” in (1) means a person having been proved, in conformity with the Ministerial Regulation, that he is truly a 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.”

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 Paragraph two and three of Section 7 of the Nationality Act B.E. 2508 as amended by the Act B.E. 2535 no.2 shall be repealed and replaced by the following:

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

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 stating in the Ministerial Regulation, but principles of national security and human rights have to be considered as well. Nevertheless, the person shall be deemed to have entered and resided in the Thai Kingdom without permission under the law on immigration when there is no such Ministerial Regulation still.”

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 naturalised 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 naturalisation 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 naturalisation as a Thai for persons without Thai nationality, but having residence in the Thai Kingdom:

- (1) A curator under an order of the court may apply for naturalisation as a Thai for incompetent persons who has evidence proving the birth within the Thai Kingdom. In this case, such persons shall be

- exempt 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 naturalisation as a Thai for children of 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 exempt from possessing the qualifications under Section 10 (1) and (3)
- (3) A Thai who adopted a child may apply for naturalisation as a Thai for the adopted child who are not sui juris in accordance with Thai law, has been done a registration of legitimate child 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 naturalisation as a Thai for the others under paragraph one shall be in conformity 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 woman of Thai nationality who marries an alien and may acquire the nationality of the husband or the wife according to the nationality law of them, shall, 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 13. Section 14 of the Nationality Act B.E. 2508 as amended by the Act B.E. 1535 no.3 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 his father or mother according to the 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) 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 twenty years, according to such form 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 being 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 lie with 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 his having been born within the Thai Kingdom of an alien father or mother, 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 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 Act B.E. 2535 no.2 shall be repealed and replaced by the following:

“Section 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 the law on nationality of his father or mother shall lose Thai nationality if he 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 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.”

Section 19. The following shall be added as Chapter 4: Committee on Nationality Consideration, including Section 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 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 Labour, 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) Expertises 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. The expertises shall hold office for a term of two years and shall serve for only two terms.

Section 27. The Committee shall give recommendation and opinion 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 the vacation of the Expertises and the meetings of the Committee and the Sub-committees.”

Section 20. Rates of fees stating in the Nationality Act B.E. 2508 shall be repealed and replaced by the rates of fees in 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 affective for a person 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 Act B.E. 2535 no.2 and by this Act shall be affective for a person born before this Act comes into force.

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 on the 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 on the 13th of December, B.E. 2535, including children of the persons who were born within the Thai Kingdom 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 Act B.E. 2535 no.2 shall acquire Thai nationality from the day this Act coming into force if the person has evidence on civil registration proving the domicile within the Thai Kingdom for a consecutive period till the present and having good behaviour, or having done acts to the benefits of official service. The persons already acquired Thai nationality with the discretion of the Minister before this Act comes into force are exempt.

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

Section 24. Ministerial Regulations, Declarations, Rules or Orders under the Nationality Act B.E. 2508 and the Nationality Act B.E. 2535 no.2 shall be affective unless they are conflictual with provisions in this Act. When there is the enactment of Ministerial Regulations, Declarations, Rules or Orders under this Act, the previous ones shall be repealed.

Section 25. Within 180 days from the day this Act coming onto force, Section 27 of the Nationality Act B.E. 2508 as amended by this Act shall not be affective 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 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:
Surayuth Chulanon
The Prime Minister

Remark: It has published in the Government Gazette No.125, Part 39 A, on 27th of February, B.E. 2551.

Rates of Fees

(1) Application for naturalisation as a Thai	each time 10,000 baht
(2) Application for naturalisation as a Thai for a child of the applicant, who is not sui juris	each time 5,000 baht
(3) Certificate of naturalisation as a Thai	each copy 1,000 baht
(4) Substitute of the certificate of naturalisation, 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