



NATIONALITY ACT

B.E. 2508 965)



BHUMIBOL ADULYADEJ, REX.

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

Being the 20th Year of the Present Reign.

His Majesty King Bhūmibol 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. This Act shall come into force on and from the day following the date of its publication in the Government Gazette.⁽¹⁾

Section 3. The following shall be repealed

- (1) The Nationality Act, B.E. 2495 ;
- (2) The Nationality Act (No. 2), B.E. 2496
- (3) The Nationality Act (No. 3), B.E. 2499
- (4) The Nationality Act (No. 4), B.E. 2503.

(1) Published in the Government Gazette Vol. 82, No. 62 (Special Issue) dated August 4, 2508 (1965).

Section 4 In this Act

“Alien” means a person who does not have Thai nationality

“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. The acquisition of Thai nationality under Section 9 or 12, 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 effect personally.

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 official 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

CHAPTER 1

Acquisition of Thai Nationality

Section 7.⁽¹⁾ 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 ;

(1) It is repealed and replaced by the Nationality Act (No. 2), B.E. 2535

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

Section 7 bis.⁽¹⁾ 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 the Thai Kingdom as a special case

(2) the person having been permitted to stay temporarily in the Thai 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 granting Thai nationality to any person under paragraph one, which is to be in conformity with the rules prescribed by the Cabinet.

The person who was born within the Thai Kingdom and has not acquired Thai nationality under paragraph one shall be deemed to have entered and resided in the Thai Kingdom without permission under the law on immigration, unless an order is given otherwise according to the law on that particular matter.

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 a servant, who came from abroad to reside with the person in (1), (2) or (3).

(1) Section 7 bis is inserted by the Nationality Act (No. 2), B.E. 2535.

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 in 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 behaviour ;

(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 Ministerial 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 an act to the benefit of official service, which is deemed suitable by the Minister ;

(2) Is a child or wife of a person who has been naturalized as a Thai or has recovered Thai nationality ; or

(3) Is one who used to have Thai nationality.

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 which case such children shall be exempted 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 in the discretion of the Minister. In case the Minister deems it 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.

A person who has been naturalized as a Thai is entitled to apply for a certificate naturalization as a Thai

CHAPTER 2

Loss of Thai Nationality

Section 3 A woman of Thai nationality who marries an alien and may acquire the nationality of her husband according to the law on nationality of her husband shall, if she desires to renounce Thai nationality, make a declaration of her intention before the competent official according to the form and in the manner prescribed in the Ministerial Regulations.

Section 14.⁽¹⁾ A person of Thai nationality who was born of an alien father and has acquired the nationality of his father according to the law on nationality of his father, or a person who acquires Thai nationality under Section 12 paragraph two 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 actually acquire the nationality of

(1) Paragraph one of Section 14 and Section 15 are repealed and replaced by the Nationality Act. (No. 2) B.E. 2535 : and subsequently paragraph one of Section 14 is again replaced by the Nationality Act (No. 3) B.E. 2535. See the text of the Nationality Act (No. 3), B.E. 2535 at the end of this book.

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his father or a foreign nationality, he shall grant permission, except in case where Thailand is being engaged in arms conflict or is in state of war, he may order the dispensation of any renunciation of Thai nationality.

Section 15. Except in the case under Section 14, a person who has Thai nationality and other nationality, or acquires Thai nationality by naturalization shall, if he desires to renounce Thai nationality, file an application with the competent official according to such form and in the manner as prescribed in the Ministerial Regulations.

The granting or refusal of permission for renunciation of Thai nationality shall lie in 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 the public order or good moral

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, his Thai nationality may be revoked if it appears that

(1) He has resided in a foreign country, of which his father 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 or of a foreign nationality, or that he has an active interest in the nationality of his father 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 the public order or good moral.

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 18.⁽¹⁾ When there exist 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 with the interests of the State, or amounting to an insult to the nation ;

(4) He commits any act contrary to the public order or good moral

(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, and the Minister shall, after the order for revocation of Thai nationality has been given, submit the matter to the King for information.

Section 20. A Committee shall be set up consisting of the Under-Secretary of State for Interior as chairman, a representative of the Ministry of Foreign Affairs, the Director-General of the Department of Administrative Affairs, the Director-General of the Police Department and the Director-General of the Public Prosecution Department

1) It is repealed and replaced by the Nationality Act (No. 2), B.E. 2535.

as members, and having the duty to consider the revocation of Thai nationality under Sections 16, 17 (1) or (2), 18 or 19.

Where circumstances appear with respect to any person that his Thai nationality may be revoked, the competent official shall submit the matter for consideration of the Committee. After consideration, the Committee shall refer its opinion to the Minister for direction.

Section 21.⁽¹⁾ A person of Thai nationality who was born of an alien father and may acquire the nationality of his father according to the law on nationality of his father shall lose Thai nationality if he obtains an alien identification card according to the law on registration of aliens.

Section 22. A person of Thai nationality who has 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. A 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 and reason whatsoever, 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 of Thai nationality who has lost Thai nationality together with his parent 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

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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 in the discretion of the Minister.

Countersigned by

Field Marshal Thanom Kittikachorn

Prime Minister

Bates of Fees

(1) Application for naturalization as a Thai	each time	5,000 baht
(2) Application for naturalization as a Thai for a child of the applicant, who is not <i>sui juris</i>	each time	2,500 baht
(3) Certificate of naturalization as a Thai	each copy	500 baht
(4) Substitute of the certificate of naturalization as a Thai	each copy	500 baht
(5) Application for recovery of Thai nationality	each time	1,000 baht
(6) Other applications	each copy	5 baht