

(Unofficial translation in English)

Moh Toh 0204.2 / Voh

Ministry of Interior
Asdang Rd. Bangkok 10200

22 March 2007

Subject: Ministry of Interior Notification on Permission for Certain Categories of Aliens to Stay inside the Kingdom as a Special Case in Yala, Pattani, Narathiwat, Satun, and 4 Districts in Songkla i.e. Chana, Na Thawi, Thepa, Saba Yoi

To: The Permanent Secretary of the Ministry of Labour

Attachments: 1. Ministry of Interior Notice on Permission for Certain Categories of Aliens to Stay inside the Kingdom as a Special Case in Yala, Pattani, Narathiwat, Satun, and 4 Districts in Songkla i.e. Chana, Na Thawi, Thepa, Saba Yoi, dated 9 March 2007
2. Form for Permission to Leave the Locality

A cabinet resolution dated 30 January 2007 approved a resolution of the Management Committee on Illegal Immigration (Koh Bor Ror) in its meeting no. 1/2007 (met on 22 January 2007) on the registration of migrant labour pursuant to measures to support the special economic development zones in 5 southern border provinces, which had been proposed by the Ministry of Labour. The Ministry of Interior, with powers vested in Section 17 of the Immigration Act 1979, was instructed to issue a Notification allowing illegal aliens of Burmese, Laotian, and Kampuchean nationalities who had registered their identities (in possession of the form Toh Roh 38/1) and those who had not, and whom employers have verified that they have hired such aliens prior to the cabinet resolution, to stay in the Kingdom temporarily, pending their repatriation. The time period of the allowance is as long as there remain measures to support the special economic development zones in the 5 southern border provinces. Furthermore, Section 54 of the Immigration Act of 1979 will not apply for such categories of aliens and movement to outside a province is allowed only within the 5 southern border provinces. The Department of Administration, using the powers vested in section 5 and 8(1) of the Civil Registration Act of 1991, has been instructed to prepare the record of identity for all illegal immigrants of Burmese, Laotian, and Kampuchean nationalities who come forward to report. They are to be fingerprinted, issued a 13 digit identification code, an Alien Identity Record Verification (Thor Roh 38/1), and a non-Thai nationality ID and work permit in the same card.

The Minister of Interior has now issued a Ministry of Interior Notification on allowing certain categories of aliens to stay in the Kingdom as a special case in Yala, Pattani, Narathiwat, Satun, and 4 districts in Songkla i.e. Chana, Na Thawi, Thepa, Saba Yoi, dated 9 March 2007. This allows above mentioned illegal immigrants to stay in the Kingdom temporarily pending repatriation, the length of time allowed equals the time stated in the work permit, but not after 14 March 2008.

To provide clarity in implementation and congruence with Ministry of Interior provisions, the following guidelines are set:

1. In the case of revoking the permission to stay as a special case, in accordance with article number 5 of the Ministry of Interior Notification, the province or security agencies are to report the behavior of aliens that are an obstacle to peace and order to the Ministry of Interior for consideration and decision.

2. In the case of aliens traveling from the province in which they had registered or in which they gained permission to work as allowed in article number 6 of the Ministry of Interior Notification, consideration shall be taken in two contexts:

2.1 Traveling outside the province by aliens having received temporary permission to stay in the country.

When it is necessary to travel outside the province in which they had registered their identity or in which they gained permission to work, in order to comply with laws, regulations, provisions, or in order to appear as a court witness subsequent to a warrant issued by the investigating officer, or called for by a Ministry of Labour agency, or to receive medical treatment, the employer shall accompany the alien needing to travel outside the province according to the above criteria and apply for a travel permit with the Provincial Governor or his/her designated representative during office hours. This shall be executed at least 3 days prior to the date in which the alien worker leaves the province. The application shall be accompanied by two 1-inch photographs and relevant documents for the responsible officer to consider in making a decision. Permission shall be given for a maximum of 15 days each time. If more time is required, approval from the Permanent Secretary of the Ministry of Interior must be sought. In the case of illness, an opinion from the attending physician is required. The alien must report to the police station in the area of destination within 3 days after his/her arrival.

2.2 For traveling to another province for work, **movement is allowed only in Yala, Pattani, Narathiwat, Satun, and 4 districts in Songkla i.e. Chana, Na Thawi, Thepa, Saba Yoi.**

1) If moving from the province (to within the 5 provinces above) permanently (resultant from either a change in employer or a change in locality of work), the employer of the alien worker receiving permission from the Director-General of the Employment Department or his/her representative to move for work shall submit an application form with two 1 inch photos and relevant documents to the Provincial authorities. If approved, the employer shall accompany the alien worker to register (at the source province) the outbound move of residency and then to report his presence at the destination province, either at the Provincial Administration Office or the District Office (use the latter office in the case of Songkla only). After that, the alien shall go to the Civil Registry's Office to register his inbound move of residency.

2) In the case of an expansion of the locality of work, to enable the alien worker to work outside his/her permitted locality (with the same employer), the procedure is the same as 1., above. That is, it is equivalent to applying to work outside the designated province except that once one has received written permission to travel outside the province, one does not have to register the change of residence. It is sufficient that one reports to the police station in the new locality of work within 3 days of arrival.

This letter is to inform, to guide coordination and implementation by the relevant agencies.

Yours respectfully,

(Sura-Art Tongniramol)
Deputy Permanent Secretary
Acting on behalf of the Permanent Secretary,
Ministry of Interior

Ministry of Interior Notification

on

Permission for Certain Categories of Aliens to Stay inside the Kingdom as a Special Case in Yala, Pattani, Narathiwat, Satun, and 4 districts in Songkla i.e. Chana, Na Thawi, Thepa, Saba Yoi

Using the powers vested in Section 17 of the Immigration Act 1979, Cabinet Resolution of 19 December 2006 and 30 January 2007, the Minister of Interior hereby issues the following Notification:

1. Aliens who have been allowed to stay in the Kingdom temporarily pending repatriation are defined as illegal immigrants of Burmese, Laotian and Kampuchean nationalities who have entered or are staying in the Kingdom in the provinces of Yala, Pattani, Narathiwat, Satun, and 4 districts in Songkla i.e. Chana, Na Thawi, Thepa, Saba Yoi, including those who had registered their alien identity (holding a Toh Roh 38/1) and those who had not (without Thor ror 38/1), and whom their employer has certified that they have worked for them prior to 30 January 2007.

2. Aliens defined in 1., above are to implement the following:

(1) Report to the Provincial or District or Local Registrar from 15 March 2007 to 13 May 2007 in order to arrange for a record of identity and an identity card to be issued in accordance with the civil registry law and with regulations set by the Director of Central Registry, Department of Administration.

(2) To submit an application for a work permit to the official handling alien employment, adhering to the conditions and time frame set down by the Director-General. Then, the Department of Employment shall send evidence of the work permit issued to the Department of Administration so that it may issue an identity card in accordance with the civil registry law and with the regulations set down by the Director of Central Registry, Department of Administration.

(3) Section 54 of the Immigration Act 1979 shall not apply to aliens defined in 1., above and who has implemented 2., above. These would be aliens who have been permitted to stay in the Kingdom temporarily pending repatriation, the length of stay permitted equaling to the time stated in the work permit but not beyond 14 March 2007.

4. The permission for aliens to stay in the Kingdom temporarily as stated in this Notification shall be revoked under the following situation:

(1) The alien has a prohibited disease as defined by the Ministry of Public Health, or his/her health condition is not strong such that it is an obstacle to work, as determined by a physician.

(2) He/she has been convicted by a court of last instance, except for conviction in cases of negligence or misdemeanor.

(3) He/she has traveled outside the province without permission for reasons not specified in no. 6 below, except in the following situation:

a. The alien has received permission to work as a domestic worker, and traveled outside the designated province in order to follow his/her employer, or

his/her spouse to perform work duties. The employer or his/her spouse and the alien worker shall travel together and present their personal identity cards when verification is required by the authorities.

b. The alien has been permitted to work in fisheries or waterborne transport, and has been allowed to travel outside of the designated province by boat/ship, to work in every area where there are fisheries ports and along normal transportation routes used by loading and unloading establishments. Movement outside of areas around sea fisheries ports and outside of areas where loading of cargo occurs is not permitted.

5. The Permanent Secretary of the Ministry of Interior or his/her designated representative shall have the authority to revoke the permission for an alien to remain inside the Kingdom as a special case as stated in this Notification, if security agencies or those responsible for peace and order report of an alien with behavior detrimental to public peace and morals, or showing behavior believed to pose a threat to society, or engaging in acts harmful to public peace or safety, and harmful to national security.

6. When it is necessary for aliens to leave the province in which they have their identity registered or in which they have received permission to work, in order to act in compliance with laws, regulations, provisions, or in order to appear as a court witness subsequent to a warrant issued by the investigating officer, or called for by a Ministry of Labour agency, or to receive medical treatment, they shall seek permission from the Provincial Governor or his/her designated representative residing in another province.

As for moving to another province for work, aliens may only move within the provinces of Yala, Pattani, Narathiwat, Satun, and 4 districts in Songkla i.e. Chana, Na Thawi, Thepa, Saba Yoi. They shall seek permission to do so in accordance with the law on alien employment, and in making such application, the content in the above paragraph shall apply *mutatis mutandis*.

7. Illegal immigrants of Burmese, Laotian, and Kampuchean nationalities, who fall under specific guidelines as contained in certain resolutions of the Cabinet, resolutions of the National Security Council, or in Ministry of Interior Orders, are not eligible under this Notification.

The above shall come into force beginning 15 March 2007.

Announced, 9 March 2007

Aree Wong –Araya
Minister of Interior

Permit Form

For Certain Categories of Aliens Permitted by the Minister of Interior to Stay in the Kingdom as a Special Case in Yala, Pattani, Narathiwat, Satun, and 4 Districts in Songkla i.e. Chana, Na Thawi, Thepa, Saba Yoi Following Ministry of Interior Notification Dated 9 March 2007, to Travel outside the Province

Issue No.: / Issued at

day: month: year:

Permission is hereby granted to.....ID No.:.....(13 digits).....

age years old nationality:..... residing at house number:
moo:.....road:.....sub-district/branch:.....district/area:.....
province:..... who has the following documentary evidence

- () copy of non-Thai nationality identification card. () copy of Record of Identity Form (Thor roh 38)
() Identity Record Verification Form (Thor roh 38/1) () Other (specify).....

1) In the case of travel outside the province on a temporary basis

Permission is given to travel outside of Bangkok/ the province of to go to sub-district..... district..... province.....for the purpose of..... and will be residing at house number..... sub-district..... district..... province.....tel. no.....between day... month... year..... and day.... month....year..... totaling... days.

2) In the case of traveling outside the province to work

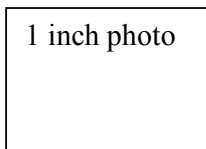
(Change locality or workplace, within the 5 designated southern provinces)

Permission is given to travel outside the province of to go to the province/district of..... The reason for leaving the province this time is for the purpose of..... the place of work being at.....

and will be residing at house number.....
moo.....street.....district..... province oftel. no.....from day... month... year.....onwards.

The person receiving the permission is to adhere strictly to the conditions laid out in this form.

Issued on day... month.... Year.....



Name (officer issuing the Permit)

Position.....

signed.....
(name of person receiving
the permit)

Note: agency issuing the permit..... tel. no.....

Reporting Form for Alien Worker in the Case of Temporary Travel outside the Province

Police station.....
 Day..... Month..... year.....
 Time now.....hrs.
 (name of alien worker).....nationality.....
 Has reported that he/she will be residing at moo.....sub-district.....district.....
 province..... which is under the responsibility of police station.....

(signature).....
 (.....)
 Official recording the reporting

Tel. no.....

Note

1. This permit shall be presented to the authorities in conjunction with the non-Thai national identity card, or Identity Record Verification Form (Thor roh 38/1), or the work permit.
2. After arriving at the province of destination, aliens shall report to the police station within 3 days of arrival.
3. After such reporting, the police station shall retain copies of this form and give the original back to the alien.

- Conditions 1.) Aliens receiving temporary permission to travel outside their province shall return to the province once the period of permission ends. They shall report on their return to the provincial administration office or an office designated by the provincial Governor.
- 2.) Aliens having been allowed to travel outside the province to change their place of work (only within the 5 southern border provinces) shall report to the provincial administration office, or the district office, or an office designated by the provincial Governor upon arrival at their destination.