

(Unofficial translation in English)

Document: Moh Toh 0204.2/ 2

Ministry of Interior  
Asdang Road, Bangkok 10200

26 March 2007

Subject: Ministry of Interior Notification on Permission for Certain Categories of Aliens to Remain inside the Kingdom as a Special Case (for aliens having registered in 2006)

To: Permanent Secretary of the Ministry of Labour

Reference: Ministry of Interior Notification on Permission for Certain Categories of Aliens to Remain in the Kingdom as a Special Case, dated 23 June 2006.

Attachments: 1. Ministry of Interior Notification on Permission for Certain Categories of Aliens to Remain inside the Kingdom as a Special Case (for aliens having registered in 2006), dated 26 February 2007.  
2. Form of Application for Permission.

A Cabinet resolution dated 19 December 2006 approved the System of Management for Foreign Labour 2007, for those with Burmese, Laotian, and Kampuchean nationalities, as proposed by the Ministry of Labour. The resolution approved that Burmese, Laotians, and Kampucheans who entered the country illegally and whose work permit had expired on 28 February 2007 were allowed to remain in the country on a temporary basis to await repatriation, as determined by the Ministry of Interior Notification dated 23 June 2006. In the meantime, they were allowed to continue working for another year.

Thus, the Ministry of Interior has issued a Notification dated 26 February 2007 on allowing certain categories of aliens to remain in the Kingdom on a temporary basis (for those aliens who have registered during 2006), in order to extend the time period for illegal aliens to stay in the Kingdom temporarily and await repatriation upon the expiration of their work permit, but not beyond 28 February 2008.

In order to provide clarity in implementation of provisions as contained in the above mentioned Ministry of Interior Notification, the following guidelines shall be observed:

1. In the case where the permit to remain in the Kingdom as a special case might be revoked, which is allowed under article no. 5 of the Ministry of Interior Notification, the provincial authorities or agencies responsible for peace and security shall report any alien behavior detrimental to peace and security to the Ministry of Interior for consideration and decision on such cancellation.

2. In the case of aliens leaving the province in which they had registered for their identification papers, or in which they received permission to work, as stated in article no. 6 of the above mentioned Ministry of Interior Notification, the action shall be considered in two contexts:

### **2.1 Aliens with Permission to Temporarily Leave the Area**

2.1.1 When it is necessary for aliens to leave the province in which they registered their identity or in which they received permission to work, in order to comply with laws, regulations, provisions, or in order to appear as 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 to apply for a permit for traveling outside designated areas. In the Bangkok metropolitan area, such applications can be made at the Ministry of Interior Operations Center for Immigrants, 167 Sri Yaan Intersection, Sam Sen Road, Dusit, Bangkok during office hours. This shall be executed 3 days prior to the date in which the migrant 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. If illness is the reason for having to travel, an opinion by the attending physician shall be required. The alien shall report to the police station in the area of destination within 3 days after his/her arrival.

2.1.2 In the case of provinces other than Bangkok, the above guidelines shall also apply. An application to travel shall be made to the Provincial Governor or his/her assigned representative. Permission shall be given for a maximum of 15 days. If request is made for more than 15 days, approval by the Permanent Secretary of the Ministry of Interior shall be required, it being deemed a special case, except for reasons of illness, which shall be determined by the opinion of the attending physician. In such case, the alien shall still report to the police station in the area of destination within 3 days of arrival.

### **2.2 Aliens Receiving Permission to Work in Other Areas and Traveling from their Province/Bangkok to Other Provinces/Bangkok**

2.2.1 For movement to work permanently in another province (to change employers or continue to work for the same employer who relocates to another province), the employer of the alien worker receiving permission to work in another province from the Employment Department Director-General or his/her representative shall apply to the authorities for the alien worker's travel, bringing two 1- inch photographs and relevant documents. For alien workers registered in the Bangkok metropolitan area, the application shall be made by the employer to the Ministry of Interior Operations Center for Immigrants. For migrant workers registered in other provinces, the employer shall apply to the Provincial Governor or his/her assigned representative.

The employer shall also accompany the migrant labour who had been given permission to move to another province, to register his/her outbound transfer of residence at the district office in the source province, and then travel to the destination province to report at the provincial administration office or another office designated

by the provincial Governor. As for the Bangkok Metropolitan area, migrant workers shall report to the Ministry of Interior Operations Center for Immigrants, 167 Sri Yaan Intersection, Sam Sen Road, Dusit, Bangkok before entering the formalities of inbound household registration at the Registrar's office at either the district or the local administration office.

2.2.2 If a request is made for expansion of locality of work to include other provinces (but with the same employer), the procedures as in 2.2.1 shall be followed. Once the migrant worker has received permission to travel outside the source province, he/she shall not have to register for outbound transfer of residence but merely report to the police station in the destination area of work within 3 days of arrival.

This letter is to inform and to guide coordination and implementation by 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 Remain inside the Kingdom as a Special Case (for aliens having registered in 2006)

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Using the powers vested in Section 17 of the Immigration Act of 1979, the Minister of Interior with approval by the Cabinet as stated in Cabinet resolution dated 19 December 2006, hereby issues the following notification:

1. Aliens who have been allowed to stay in the Kingdom temporarily pending repatriation are defined as those with Burmese, Laotian and Kampuchean nationalities who had entered the country illegally, but have registered for their identification papers or bear an identification card and have received approval to work in accordance with the relevant alien work laws i.e. the Ministry of Interior Notification dated 23 June 2006 on Permission for Certain Categories of Aliens to Stay in the Kingdom Temporarily as a Special Case, and have applied for a work permit before 28 February 2007.

2. The Department of Employment shall send documentary evidence of permission to work to the Department of Administration so that the latter could issue a current identification card to the alien, subject to the law on civil registration and to conditions laid down by the Director of Central Registrations.

3. Section 54 of the Immigration Act 1979 shall not be applied to the case of aliens in 1., who are permitted to stay in the country temporarily pending repatriation for the time duration specified in the work permit but, in any case, not beyond 28 February 2008.

4. The permission to stay is temporary, subject to this notification, and shall cease to have effect under one of the following situations:

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 6. below, except in the following situation:

a. The alien has received permission to work as a domestic worker, and has moved outside the designated province in order to follow the employer, or his/her spouse to perform work duties. In such case, 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 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 sea fisheries port areas 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, displaying behavior believed to pose a threat to society, or engaging in acts harmful to public peace or safety, and acts harmful to national security.

6. When it is necessary for aliens to leave the province in which they have their household registration 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, aliens shall be granted permission to travel outside the province. If residing in Bangkok, they shall obtain permission from the Permanent Secretary of the Ministry of Interior or his/her designated representative. For other provinces, permission shall be sought from the Provincial Governor or his/her designated representative.

Once aliens have received permission to change their locality of work or to work with a new employer, in accordance with the relevant labour and civil registration laws and regulations, thereby being allowed to move outside the original province, 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 Notice.

The above comes into force beginning 31 March 2007.

Announced on 26 February 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 (applicable only to those having registered in 2006) following Ministry of Interior Notification dated 26 February 2007, to travel outside their province/ Bangkok**

No...../.....issued at.....  
Day.....Month.....Year.....

Permission is hereby granted to.....ID No.:.....  
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 Alien Identity Form  
(Thor Roh 38)  
( ) Identity Record Verification Form ( Thor Roh 38/1) ( ) Other (specify).....

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

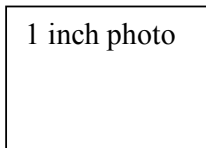
Permission is given to travel outside of Bangkok/ the province of ..... to go to sub-district/branch..... district/ Area..... for the purpose of..... and will be residing at house number..... sub-district/branch..... district/area..... province of .....tel. no.....between day... month... year..... and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

### 2) In the case of traveling outside of the province to another province for work (for alien workers who have received permission to change locality or work place, to the 5 designated southern provinces)

Permission is given to travel outside of Bangkok/ the province of ..... to go to the province of..... The reason for leaving the province this time is for the purpose of..... and the place of work being at.....and will be residing at house number..... sub-district/branch..... district/area..... province of .....tel. no.....from day... month... year.....onwards.

The permitted person shall adhere strictly to the conditions laid out in this form.

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



Name ..... (officer issuing the Permit)

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 the 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.....

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**Note**

1. This permit shall be presented to the authorities, in conjunction with the non-Thai national identity card, or with the 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 relevant police station within 3 days of arrival.
3. After such reporting, the police station shall copy this form and give the original back to the alien.

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Conditions 1.) Aliens receiving temporary permission to travel outside of the province/Bangkok 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. In the case of Bangkok, aliens shall report to the Ministry of Interior Operations Center for Immigrants.

2.) Aliens having been allowed to travel outside the province/Bangkok as part of a permission to change their place of work shall report to the provincial administration office or an office designated by the provincial Governor of the destination province. In the case of Bangkok, aliens shall report to the Ministry of Interior Operations Center for Immigrants, 167 Sam Sen Road, Dusit, Bangkok 10300 tel. no. 02-243-0596