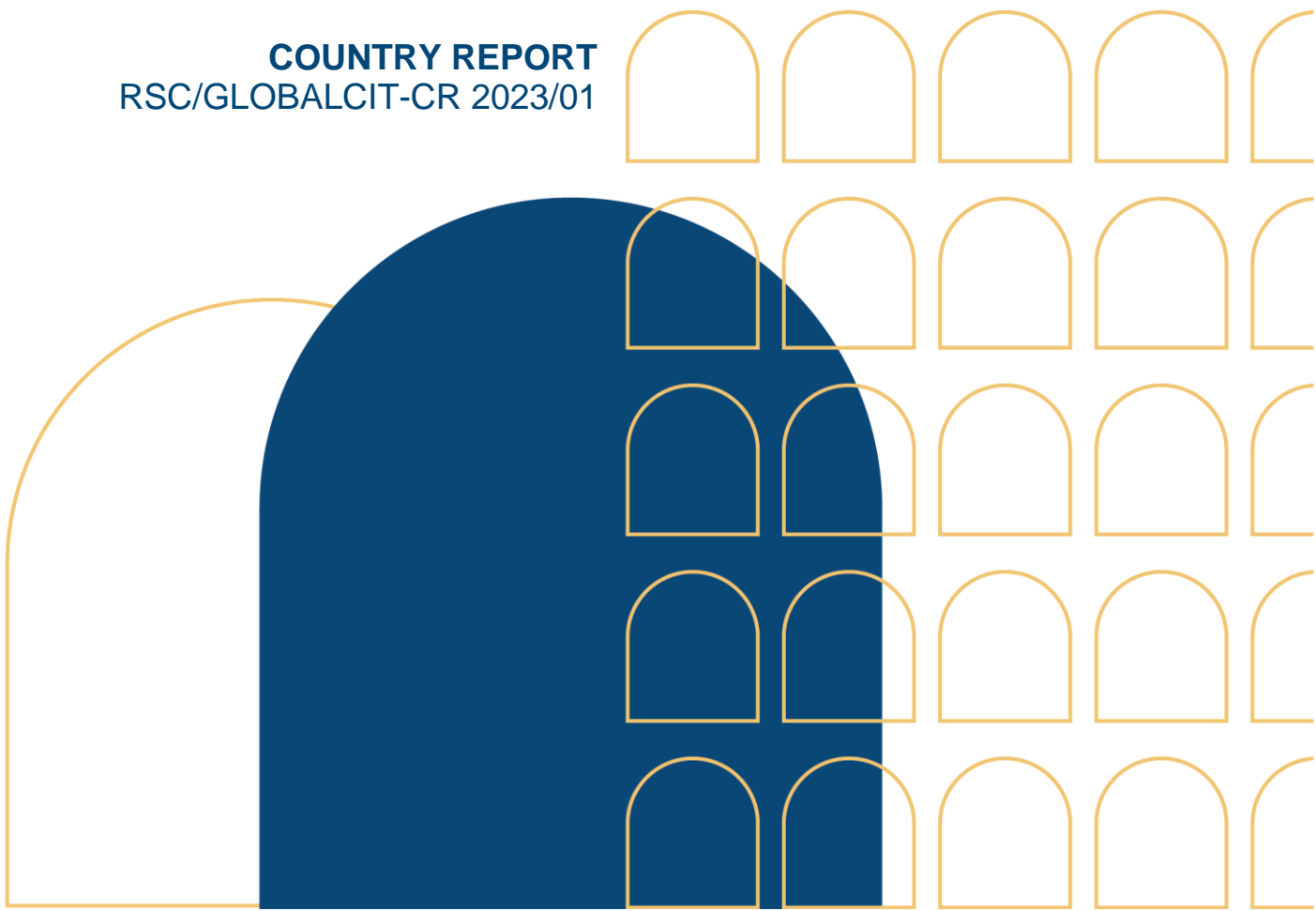


Report on Citizenship Law: Thailand

Puangrat Patomsirirak

COUNTRY REPORT
RSC/GLOBALCIT-CR 2023/01



© Author(s)/Editor(s), 2023
Requests should be addressed to GlobalCit@eui.eu.
Global Citizenship Observatory (GLOBALCIT)
Robert Schuman Centre for Advanced Studies
in collaboration with Edinburgh University Law School

Report on Citizenship Law: Thailand

RSC/GLOBALCIT-CR 2023/01
May 2023

This work is licensed under a [Creative Commons Attribution 4.0 \(CC-BY 4.0\)](https://creativecommons.org/licenses/by/4.0/) International license.

If cited or quoted, reference should be made to the full name of the author(s), editor(s), the title, the series and number, the year and the publisher.

Published in Month 2021 by the European University Institute.
Badia Fiesolana, via dei Roccettini 9
I – 50014 San Domenico di Fiesole (FI)
Italy
www.eui.eu

Views expressed in this publication reflect the opinion of individual author(s) and not those of the European University Institute.

This publication is available in Open Access in [Cadmus](https://www.cadmus.eu/), the EUI Research Repository:



With the support of the
Erasmus+ Programme
of the European Union

Funded by the European Union. Views and opinions expressed are however those of the author(s) only and do not necessarily reflect those of the European Union or the European Education and Culture Executive Agency (EACEA). Neither the European Union nor EACEA can be held responsible for them.

Robert Schuman Centre for Advanced Studies

The Robert Schuman Centre for Advanced Studies, created in 1992 and currently directed by Professor Erik Jones, aims to develop inter-disciplinary and comparative research on the major issues facing the process of European integration, European societies and Europe's place in 21st century global politics.

The Centre is home to a large post-doctoral programme and hosts major research programmes, projects and data sets, in addition to a range of working groups and *ad hoc* initiatives. The research agenda is organised around a set of core themes and is continuously evolving, reflecting the changing agenda of European integration, the expanding membership of the European Union, developments in Europe's neighbourhood and the wider world.

For more information: <http://eui.eu/rscas>

The EUI and the RSC are not responsible for the opinion expressed by the author(s).

GLOBALCIT

The Global Citizenship Observatory (GLOBALCIT) is an online observatory and research network committed to fact-based and non-partisan analysis of citizenship laws and electoral rights around the globe. GLOBALCIT addresses the need to understand the varieties of citizenship laws and policies in a globalised world. It provides reliable and comparative data on the content, causes and consequences of the laws that govern the acquisition and loss of citizenship and the franchise. It enables scholars, policymakers, and the general public to critically analyse how citizenship connects people across international borders. GLOBALCIT publishes databases, analyses, indicators and debates on citizenship status and electoral rights. It relies on a large international network of country experts. Its user-friendly interactive tools enable the comparison of data across countries and over time. Research for the current GLOBALCIT Reports has been supported by the European University Institute's Global Governance Programme, and the British Academy Research Project CITMODES (codirected by the EUI and the University of Edinburgh).

For more information see: www.globalcit.eu

Report on Citizenship Law: Thailand

Puangrat Patomsirak

1. Introduction

Thailand managed to evade colonialism during the 19th century and enacted its first written nationality law earlier than other Southeast Asian countries that were either colonised or under protectorates. However, due to political challenges during the modern nation-building era, the so-called autonomous Thailand, with its heterogeneous community roots, struggled to establish a nationality law free from imperial influence. Thailand had signed unfair treaties with various imperial powers, which led to 'extraterritoriality' meaning that imperial states claimed to protect their own subjects in Thailand.¹ This made it difficult for Thailand to delineate its Thai subjects, as the original Thai subjects simply changed their status to become imperial foreign subjects, thereby gaining extraterritorial rights in Thailand. In response, Thailand enacted the Naturalization Act in 1911 to increase the number of Thai subjects. The Nationality Act of 1913 would then contextualise Thai nationality in a way that imperial states could identify their citizens. Thailand undertook these measures to compete for population with Britain, France, and especially China to have specifically Thai citizens. After extraterritoriality ended in 1938 due to the termination of the treaties, a new Nationality Act was adopted in 1952. The current Nationality Act of 1965 was consolidated in 2012 and supplemented by the 2017 Constitution Law.

The Thai nationality acts mainly employ a combination of the principles of *ius soli* (by birthplace), *iussanguinis* (by parentage), and *iusdomicile* (by residence). Individuals who become Thai citizens through *ius soli* or *iussanguinis* are regarded as Thai citizens by birth, even if their citizenship is approved after they were born. In contrast, Thai citizens by marriage and naturalisation are deemed Thai citizens after birth and are entitled to political rights that differ slightly from those of Thai citizens by birth.

For more than a century, Thailand's laws and citizenship practices have been influenced by imperialism, nationalism, ethnic Chinese-Thai, anti-communism, dynamic migration, and international standards on the right to nationality. Consequently, several controversies have arisen and persisted, such as conditional *ius soli* citizenship, the establishment of authentic Thai citizenship by descent, the implicit acceptance of dual nationality, and specific resolutions for stateless residents.

¹ This type of treaty was signed with following states; Denmark (1858), Portugal (1859), the Netherlands (1860), Germany (1862), Sweden, and Norway (1868), Belgium, Austria-Hungary and Italy (1869), Spain (1870), America and Russia, see Francis Bowes Sayre, 'The Passing of Extraterritoriality in Siam' (1928) 22 *The American Journal of International Law* 70, 71-72.

This report intends to analyse the laws and policies concerning Thai nationality/citizenship and the citizens of Thailand, which have been shaped by various influences. It provides a historical background on why and how Thailand changed from an ambiguous traditional Thai subjecthood to a nationality, followed by a discussion of the regulatory framework of the repealed nationality laws that still apply to those born during that time. The report then examines Thailand's current citizenship regime, highlighting non-citizen residents targeted by laws to become Thai citizens. In the final part, it reveals some urgent needs and concerns for reforming the citizenship regime. This study, aligned with the GLOBALCIT Glossary², employs the terms citizenship and citizen as the default terms for nationality and national. However, it should be noted that the original texts in Thailand's nationality law, translated to English, usually employs "nationality" without differentiating between nationality and citizenship.

2. Historical Background

This section discusses Thailand's transition from traditional Thai subjecthood to the adoption of the concept of nationality. During the modern nation-building period, Thailand implemented the Naturalisation Act alongside the Nationality Act (1911-1952). The first aimed to increase the number of Thais by changing foreigners into Thai citizens, while the latter helped delineate and retain the Thai population. Thailand's efforts to embrace foreign immigrants were prominent during this first phase. Granting citizenship by birth without linking it to ethnicity and indirectly permitting dual citizenship were key strategies for assimilating both ethnic natives and ethnic Chinese-Thais. In contrast, the Nationality Act of 1952 reflected Thailand's second phase of a more restrictive citizenship regime for foreigners.

2.1 Traditional Thai-nation with Ambiguous Thai Subjecthood

The first written law about Thai nationality/citizenship emerged during a transitional period of modernised Thailand under Western imperialism. In the pre-modern era, from the Sukothai period (1257-1350) to the middle of the Rattanakhosin period in the mid-19th century, Thailand was not a unitary state, its borders were ambiguous, particularly along Myanmar, Laos PDR, and Cambodia. Thailand's population was heterogeneous, comprising various ethnic native people such as Hmong, Mien, Karen, Tai, and Khmer, who were self-governing.³ They were neither citizens nor aliens. Simultaneously, Thailand, known as 'Siam' by foreign states, became a hub of international commerce in the Indo-China region, overcrowded by new Western and Asian immigrants, particularly ethnic Chinese merchants.⁴ The Thai governors in the central area, led by an absolute monarchy king, still acknowledged Siamese or Thai subjecthood through rough ethnocultural identification, relying on shared elements of culture,

² GLOBALCIT (2020). Glossary on Citizenship and Electoral Rights. San Domenico di Fiesole: Global Citizenship Observatory / Robert Schuman Centre for Advanced Studies / European University Institute. Available at: <https://globalcit.eu/glossary/>.

³ Chris Baker and Pasuk Phongpaichit, *A History of Thailand* (Cambridge University Press 2014)7-10; Sompong Sucharitkul, 'Thai Nationality in International Perspective' in Ko Swan Sik, *Nationality and International Law in Indonesia Perspective* (Martinus Nijhoff Publishers 1990) 454.

⁴ Wasana Wongsurawat, *The Crown and the Capitalist: The Ethnic Chinese and the Founding of the Thai Nation* (University of Washington Press 2019) 3-4.

language, kinship, and Buddhism.⁵ This approach centralised the population in the capital area and trade towns while ignoring native ethnic minorities residing in border and mountainous areas. This unclear boundary between citizen and alien implied an ambiguous understanding of what from a Western perspective was understood as 'nationality'. Notably, this is because the concept of modern nation-states and nationality had not yet been instituted in Thailand until the late reigns of King Chulalongkorn (1868–1910) and later King Vajiravudh.⁶ Thailand engaged in the demarcations of both a territory and a specific population under the modernisation project.

2.2 The Modern Nation-Building Era

Official identification by nationality became essential for Thailand due to the impact of the western subjects' extraterritoriality rights. In the late 19th century, an autonomous Thailand escaped colonisation by Britain and France by signing bilateral Treaties of Friendship and Commerce with Western countries, beginning with the Bowring Treaty with Britain. One of the unfair accords was that the subjects of those imperial countries were not subject to Thailand's judicial system. Imperial states claimed extraterritoriality to safeguard not only their original 'citizens' but also Asiatic subjects, ethnic Chinese, and anyone who voluntarily altered their status to be western foreign subjects.⁷ The result was a decreased number of Thais because some of them easily enrolled as foreign subjects and then claimed extraterritorial privileges to circumvent criminal sanctions.⁸ The Thai government was concerned that losing Thais while having an increase in foreigners would be detrimental to the nation's independence. Especially, Thailand's traditional recognition of Thai subjects remained ambiguous, and the process for Thai subjects to change their status to foreign subjects was too simple, resulting in one-third of Thailand's residents becoming foreigners.⁹ In 1899, Thailand under King Chulalongkorn re-negotiated with Britain, followed by the Netherlands (1901), France (1904) and Denmark (1905) for new agreements to divide foreign and Thai subjects.¹⁰ Following those accords, Thailand incorporated the way that Western countries defined their citizens by birthplace, the parents' nationality, residency, and time of immigration into the registration of 'Thai subjects.'

Thailand's consideration of changing foreigners to Thai citizens was also economically motivated.¹¹ The Thai King acknowledged the situation of foreigners desiring to become Thais

⁵ Nidhi Eoseewong, 'the Political System and Society in Thao Hong and Thao Truong' in Sujit Wongthet, *Editing in the Old Version and Building in the new Version* (the Office of the National Cultural Committee 2006) 108.

⁶ Pinkaew Laungaramsri, *Governing by Paper: Identification Cards and the Control of the "Alien Other" and Transnational Labor* (The Thailand Research Fund and Chiang Mai University 2016) 31-33.

⁷ Sayre, (n 1) 73-74.

⁸ Siwasin Juicharoen, 'Asiatic Subjects under Western Protection and Constructing Citizenship of Modern State of Siam 1873-1913' in Somkiat Wanthana and others, *When does Thai Nation emerge?* (Illuminations Editions 2021) 235, 242-244.

⁹ House of Representatives, *Nationality Bill Debate 17 September 1942* (13/1942, S2, Vol.3) 523, 534.

¹⁰ The British Agreement of November 29, 1899, The Franco-Siamese Treaty of 1904 Articles 10 and 11, the Danish Treaty of March 24, 1905, Article 1.

¹¹ Laungaramsri (n 6) 19, 31-32.

for running local businesses in Thailand and followed the recommendations of Western legal advisers to enact the Naturalisation Act, Buddhist Era (B.E.) 2454 (1911).¹²

2.3. The Naturalisation Act B.E.2454 (1911): Increasing the Number of Thais

The 1911 Naturalisation Act aimed to increase the number of Thais, and the term "Thai subject," indicative of a Thai citizen, was still used in this Act.¹³ The Act provided that naturalisation was an exercise of individual discretion by the administration, based on *ius domicilii* or residence rather than origin in Thailand.¹⁴ Essentially, a foreigner who had attained the age of majority, resided in Thailand (Siam) for at least five years at the time of application, and had good character and sufficient property to sustain life could apply for naturalisation to be a Thai.¹⁵ The five-year residency requirement did not apply to foreigners who met at least one of three exceptions.¹⁶ The first exception was a foreigner who made a special meritorious contribution to the Thai government. The second was a former Thai subject who wanted to restore their Thai subject status. The third was a descendant of the naturalised Thai who had reached the age of majority. All accounts indicate that foreigners who qualified for exceptions must have some special link with the territory or subject of Thailand. Notably, as Thailand aimed to increase its population, it did not require naturalised Thais to renounce their original citizenship. However, restrictions on dual citizenship were in place as naturalised Thais holding dual citizenship were not granted benefits as Thai subjects if they naturalised to become foreigners (Articles 14 and 15).

Other provisions reflected Thailand's acceptance of foreign immigrants having links with Thailand (Articles 12 and 13). These rules expanded the successful naturalisation of an individual to automatically affect the registration of the individual's wife and underage children for their Thai subject status. At the same time, due to fears that Thai subjects born to foreign parent(s), particularly ethnic Chinese, might relinquish Thai citizenship, the Act confined the possibility of relinquishment subject to the final discretion of the Thai government.¹⁷

2.4 The Nationality Act B.E.2456 (1913): Delineating and Competing for Populations

Thailand's promulgation of the first Nationality Act B.E.2456 in 1913 (the 1913 Act) was a significant consolidation project for the country with the formal emergence of the terms "Thai nationality" and "Thai national" (or citizen). There were both internal and external drivers of this process. Firstly, disunited Thailand was concerned about territorial partitions based not only on imperialism but also on multi-ethnic Thai communities. As Saisoonthorn argues, King Vajiravudh, who studied in Western countries, observed violence against ethnic minorities in

¹² National Archives of Thailand, *the Foreigners Who Asked to be Naturalised to Become Thais* (Rama VI R6 T3.5/1, 22 October B.E.2454 -31 March 2466 1911-1923); National Archives of Thailand, *the Naturalisation Act* (Rama V R5 KT5/3, 2 January-30 August B.E.2444, 1901).

¹³ The Naturalisation Act B.E.2454 (1911), the Government Gazette of Thailand (GG), 28 Page 96, the Preamble.

¹⁴ The Naturalisation Act B.E.2454 (1911), Article 6.

¹⁵ The Naturalisation Act B.E.2454 (1911), Article 6.

¹⁶ The Naturalisation Act B.E.2454 (1911), Article 7.

¹⁷ The Nationality Act B.E.2456 (1913), GG 29 Page 282, Article 5.

European states and Russia and took away from this lesson to build an assimilation policy through nationality law without ethnicisation.¹⁸ The Thai Nationality Act, thus, cut across varying socio-cultural identities and ethnicities of ethnic native minorities by giving them the same socio-political qualification as Thai citizens.

Furthermore, the Nationality Act can be seen as a response to China's 1909 nationality legislation. According to Wongsurawat, while China became an important trade partner of Thailand before the 1900s, China's foreign policy about ethnic Chinese-Thai born in Thailand to Chinese parents, called Overseas Chinese by China, affected Thailand's population management.¹⁹ China's nationality law, which resulted in assigning Chinese nationality by descent to Thailand-born children of Overseas Chinese, possibly led to a decrease in the number of Thai citizens if such an ethnic Chinese Thai favoured Chinese citizenship over Thai subjecthood. Although conferring Thai citizenship to Chinese remained contested,²⁰ Thailand could no longer afford to lose citizens and was aware of the unnecessary conflict with powerful China. The promulgation of the 1913 Act was deemed a peaceful solution for competing for populations with China.

(1) Widening Citizenship by Birth and Dual Citizenship

The 1913 Act underlined a mixture of *ius soli* and *iussanguinis* principles and implicitly adopted dual nationality.²¹ In the Act's preamble, it referred to the accumulation of "Thai customary nationality law," which is now understood to mean Thailand's tradition of granting Thai citizenship by descent.²² This interpretation is intended to be an inclusive approach for ethnic native people whose ancestors were inhabitants of Thailand before the Act was enforced, so that they would not become stateless. Article 3 of the Act was broad in conferring Thai citizenship by birth, and more so than any subsequent nationality acts. Children born in Thailand were automatically granted Thai nationality due to their birthplace, while those born to Thai parents had Thai nationality by descent. However, gender bias limited citizenship acquisition for a child born abroad to a Thai mother, as Thailand only granted Thai citizenship if the father was unidentifiable.²³ Consequently, a child born abroad to a Thai mother and a foreign or stateless father was not eligible for Thai citizenship.²⁴

The broadened application of Thai nationality by birth implicitly allowed Thai citizens to maintain dual nationality acquired by birth in many ways. Thailand kept this legal room for social engineering, as Thai citizenship needed to be flexible for transnational Sino-Thais who

¹⁸ Phunthip Kanchanachittra Saisoonthorn, 'Development of Concepts on Nationality and the Efforts to Reduce Statelessness in Thailand' (2006) 25(3) *Refugee Survey Quarterly* 40, 42-43.

¹⁹ Wongsurawat (n 4) 23-24.

²⁰ National Archives of Thailand, *Document of the Department of Royal Secretariat* (Rama V, Ministry of Interior, MR. 5 M/30/2, 1901); Pinkaew Laungaramsri, 'Governing by Paper: Mediating Textual Border and Negotiating Mobility in Thailand' (2020) 28(3) *South East Asia Research* 267, 271.

²¹ The Nationality Act B.E.2456 (1913), Article 3(1)(2) and (3).

²² Phunthip Kanchanachittra Saisoonthorn, *Appearance of Stateless and Nationalityless Persons in Thailand: Concept and Measure of Problem Management under International Law* (Thammasat University 2013) 38.

²³ The Nationality Act 1913, Article 3(2)

²⁴ Yut Sanguthai, *Textbook for an Undergraduate Degree: Private International Law* (The University of Moral and Political Sciences, 1940) 198.

valued Thailand's economic growth.²⁵ This included the peaceful assimilation of grandchildren born in Thailand to foreigners, such as British and French subjects.²⁶ Allowing dual nationality was a compromise that enabled Thailand to retain these populations.

(2) Thai Citizenship after Birth

The notion of Thai citizenship by marriage and the renunciation and restoration of citizenship may have been imported. Thailand became increasingly familiar with how nationality law could allow for changing citizen status after frequent negotiations with the United Kingdom, France, and Denmark regarding subjects and citizens.²⁷ However, only foreign women who married Thai men could obtain Thai citizenship through marriage.

(3) Ethnic Native People Unrecognised as Thai Citizens

Not all ethnic native minorities living in remote, mountainous border areas were formally documented as Thais, despite the lack of racial discrimination in citizenship law.²⁸ The 1911 and 1913 Acts upheld Thai citizens' solidarity during the country's revolution from monarchical absolutism to constitutional government, but Thai elite rulers during that time failed to comprehensively identify which ethnic minority groups were native. The identification of the 'native' race proved difficult for Thailand, which, as a new modern nation that was not homogenous, had never fully understood the practice of building a nation under ethnic diversity and surpassing original fragmentation.²⁹ Consequently, Thailand's population census and issuance of identification cards in the early 1900s, which contained information on residents' race, were processed to a limited extent in central cities.³⁰ This failure to thoroughly survey and record the pre-1913 ethnic inhabitants at the outset of designating them as Thai citizens practically excluded them from Thai citizen status, even though the Nationality Act aimed to target them as Thais.

²⁵ George Willaim Skinner, *Chinese Society in Thailand: An Analytical History* (Cornell University Press 1957) 20-27; Supang Chantavanich, *From Siamese-Chinese to Chinese-Thai: Political Conditions and Identity Shifts among the Chinese in Thailand* in Leo Suryadinata (ed), *Ethnic Chinese as Southeast Asians* (Palgrave Macmillan 1997)235.

²⁶ The Protocol of Registration of British Subject in Siam Signed in Bangkok 29 November 1899, 1900, GG 17 Page 12.

²⁷ For example, the treaties were (1) the Protocol between Siam and Britain signed on March 10, 1908, Provided the Instrument of Ratification of July 9, 1909, (2) The Letter of the Minister of Foreign Affairs, Thailand, to the Ambassador of Britain at Bangkok 1910, (3) The Franco-Siamese Treaty of 1904 (Articles 10 and 11), (4) The Friendship Agreement between Siam and France concerning Nationality of 1924 (Article 27), (5) The Danish Treaty of March 24, 1905, and (6) The Friendship Treaty between Siam and Denmark of 1925 (Article 24).

²⁸ Saisoonthorn, 'Development of Concepts on Nationality and the Efforts to Reduce Statelessness in Thailand' (n 18) 44; Saisoonthorn, *Appearance of Stateless and Nationalityless Persons in Thailand: Concept and Measure of Problem Management under International Law* (n 22) 38.

²⁹ National Archives of Thailand, *Document of the Department of Royal Secretariat* (Rama V, Ministry of Interior, MR. 5 M/30/2, 1901).

³⁰ Rossarin Gray, Amornrat Bunnag, and Rewadee Suwannopkiao, *The Development of Population Registration and Population Census in Thailand* (Institute for Population and Social Research, Mahidol University, 2008) 21; Laungaramsri, (n 6) 22.

2.5 The Nationality Act B.E. 2495 (1952)

In 1952, Thailand enacted the Nationality Act B.E. 2495, which remained in effect until 1965. The aim of this Act was to reorganise Thai citizens after the revolutionary People's Party had terminated extraterritoriality in order to strengthen the Thai nation without foreign influence. This new Act demonstrated a growing emphasis on ethnocentric nationalism, hostility towards ethnic-Chinese Thai, and concern over illegal immigrants. In contrast to the 1911 and 1913 Acts, which expanded Thai citizenship to include immigrants, the 1952 Act was characterized by the exclusion of foreigners and foreignness. Thai citizenship by *iussanguinis* became the norm and reflected a political imperative to promote a homogeneous nation. Among several significant changes, the 1952 Act implied a shift from allowing to opposing dual citizenship.

(1) An Authentic Thai Citizen: Prioritising *IusSanguinis*

The 1952 Act categorised a Thai citizen by descent as the ideal Thai citizen. The Thai parliament heavily prioritized *iussanguinis* citizenship as Thailand's customary law over *ius soli* citizenship,³¹ which was aimed at promoting a sense of Thai-ness and devaluing any foreign elements in Thai citizenship. As a result, the majority of Thai parliament members believed that only a Thai citizen by descent was an authentic Thai with undying loyalty to the Thai state,³² leading to hidden privileges for such citizens. No clause in the 1952 Act enabled the revocation of their Thai citizenship by descent.

The provision of *iussanguinis* citizenship remained granted in a discriminatory manner due to its patrilineal nature. Thai mothers had unequal rights to Thai fathers in passing down Thai nationality. A child born overseas to a Thai mother could not be granted Thai citizenship unless the child's father was stateless, or the child had no legitimate father.³³

(2) Anti-Dual Chinese Thai Citizenship and the Debate Surrounding *Ius soli* Citizenship

The legislative stance against dual citizenship was controversial, with the 1942 Bill proposing in Field Marshal Phibun Songkhram's government outlining extreme opposition to dual citizenship. The ethno-nationalist group began denying *ius soli* citizenship, as shown by parliamentary discussions between 1942 and 1956.³⁴ According to their argument, Thai citizenship should not be granted solely based on birth in Thailand. The argument states that a Thai by birth who was not born of Thai parents lacked a true Thai consciousness and loyalty to Thailand, and if such a person, "whose Thai blood was absent" (or had no Thai parent(s) which meant a lack of Thai race), rose to the position of administration, it would endanger Thailand's political security.³⁵ Concerns specifically targeted ethnic Chinese Thai citizens born in Thailand who still held *iussanguinis* Chinese citizenship.³⁶ The proponents' concerns stemmed partly from China's great power status following WWII, as well as the argument that

³¹ House of Representatives, *Nationality Bill Debate 17 September 1942* (n 9) 523.

³² *Ibid* 523, 527.

³³ The Nationality Act B.E. 2495 (1952), GG 10 Page 106, Article 7(2).

³⁴ House of Representatives, *Nationality Bill Debate 17 September 1942* (n 9) 524-525; House of Representatives, *Nationality Bill Debate 12 June 1950* (3/1942, SS2, Vol.1).

³⁵ House of Representatives, *Nationality Bill Debate 17 September 1942* (n 9) 523, 528.

³⁶ House of Representatives, *Nationality Bill Debate 12 June 1950* (n 34) 146.

Thailand's dual citizenship policy had never been effective in assimilating such Chinese-Thai citizens.³⁷

Nonetheless, liberal democratic politicians upheld the adherence to international standards. *Ius soli* citizenship was required to prevent statelessness of those born in Thailand.³⁸ Consequently, in 1952, unconditional *ius soli* citizenship was contained, very shortly followed by being suspended from 1953 to 1956. The 1953 amendment permitted, conditionally and specifically, Thailand-born children to Thai mothers to qualify for Thai territorial birthright citizenship, excluding children born to immigrants. This was meant to confine dual citizenship status.³⁹ However, Thailand's obligation to comply with the Universal Declaration of Human Rights (UDHR) encouraged liberal legislators to reactivate unconditional *ius soli* citizenship in 1956.

(3) Banning Dual Citizenship Acquired after Birth

Unlike the 1913 Act and the 1911 Act, the 1952 Act explicitly prohibited dual citizenship acquired after birth. A Thai who naturalised as a foreigner was subject to losing Thai citizenship.⁴⁰ In the case of a naturalised Thai, if evidence of their retention of original foreign citizenship, including citizenship of a country at war with Thailand, was found, Thailand's Ministry of Interior would revoke their Thai citizenship.⁴¹

(4) Expanded Grounds for Loss and Restoration of Citizenship

Due to fear of communism, Thailand developed a broad range of legal grounds for involuntary loss of citizenship in 1960. Given that foreign communist insurgency could participate while concealing themselves as Thai citizens,⁴² three groups of Thai were targeted: a Thai citizen born in Thailand to foreign parents, a naturalised Thai, and a Thai woman who acquired citizenship by marriage. The grounds for revocation generally reflected Thailand's unwillingness to tolerate shared allegiance with other states, consecutive stays abroad longer than permitted, acquisition of Thai citizenship by concealment or making false statements of essential facts and acts endangering Thailand's national security.

More specifically, stripping *ius soli* citizenship from Thais born to immigrants became reinforced between 1953 and 1960. This seemed not to stem from concerns about original ethnic-Chinese Thai but as a response to the phenomenon of children born in Thailand to refugees and forced migrants from Southeast Asian countries at the beginning of the Cold War. Thailand broadened the grounds for revoking the citizenship of Thai born in Thailand whose foreign parents had non-permanent immigration status. Their citizenship could be simply revoked with regards to a broad term of revocation that "if appearing the reasonable ground for the protection of national security or interests of the State".⁴³ Additionally, it

³⁷ House of Representatives, Nationality Bill Debate 17 September 1942 (n 9) 531.

³⁸ House of Representatives, *Nationality Bill Debate 10 January 1953* (2/1953, SS, Vol.1) 86.

³⁹ *Ibid* 79.82.

⁴⁰ The Nationality Act B.E. 2495 (1952), Article 17.

⁴¹ The Nationality Act B.E. 2495 (1952), amended in 1960, Article 18(2)(6)

⁴² The Constituent Assembly, *Nationality Bill Debate 31 December 1959* (S49) 2054, 2058, 2060.

⁴³ The Nationality Act B.E. 2495 (1952), amended in 1960, Article 16 bis.

replaced an annulled rule that caused only a Thai born to a foreign father to lose *ius soli* citizenship if intentionally obtaining an identity card issued to an alien.

Nonetheless, it is crucial to emphasise that despite Thailand's expansion of involuntary citizenship loss, Thailand offered former Thai nationals in all circumstances a wide range of legal means to regain their Thai citizenship.⁴⁴

3. The Current Citizenship Regime

The Nationality Act B.E. 2508 of 1965 came into force on 4th August 1965, and since then, it has undergone four amendments. These comprise of the Nationality Act no.2 B.E. 2535 (1992), the Regulation of the Revolutionary Party no. 337 (Por-Wor 337), the Nationality Act no.3 B.E. 2535 (1992), the Nationality Act no.4 B.E. 2551 (2008), and the latest Nationality Act no.5 B.E. 2555 (2012). The consolidated version of the Nationality Act of 1965, in 2012, is supplemented by the 2017 Thai Constitution which provides constitutional protection for the first time to prevent the revocation of Thai nationality by birth of Thais who acquire it through either *ius soli* or *iussanguinis* principles.

Full recognition of Thai citizenship, which grants individuals the right to possess an identification document, is dependent on compliance with the Nationality Act and the Civil Registration Act. The Nationality Acts establish the eligibility criteria for obtaining Thai nationality, while the Civil Registration Act is responsible for recording the status of Thai citizens. The current Civil Registration Act B.E. 2534 of 1991, consolidated in 2019, must be followed; failure to comply, even if one is eligible for Thai nationality, leads to one being classified as an unrecognised Thai without an official Thai identification card. According to article 57 of the Immigration Act, B.E. 2522 of 1979, individuals without a Thai identification document will be treated as foreigners.

3.1 General Characteristics and Important Background

The current citizenship laws in Thailand can be examined through two distinct phases. The first period occurred between the introduction of the original Nationality Act in 1965 and the pre-enforcement of the Nationality Act No. 4 in 2008. The second phase began with the proclamation of Nationality Act No. 4 B.E. 2551 in 2008.

During the first phase, Thai nationality laws and their implementation were shaped by anti-communism and increasing xenophobia against refugees and forced immigrants. Thai nationality was highly restrictive during the second half of the 20th century, as ideological and civil wars in Southeast Asian states post-World War II led to the influx of over a million refugees and forced migrants from the Indochinese states, Cambodia, Laos PDR, Malaysia, Vietnam,

⁴⁴ The Nationality Act B.E. 2495 (1952), Article 20.

and Myanmar.⁴⁵ Additionally, irregular migration was rampant due to ethnic and political conflicts in origin countries, with displaced individuals from Myanmar and China contributing significantly.⁴⁶ The Thai government was concerned about those migrants, with the country being democratically governed by a royalist group defeating the People's party, concerned about communists hiding among asylum seekers.⁴⁷ The government's focus shifted towards maintaining national security and the monarchy. Thailand inevitably received a large number of irregular/illegal migrants due to consultations with international communities.⁴⁸ However, at that time, Thailand had never attempted to assimilate them, and their children born in Thailand into Thai society as Thai. From 1967 to 2004, the Thai government documented these irregular immigrants and their children differently by a profile registration followed by coloured identity cards for eighteen categories of stateless refugees and their children.⁴⁹

As a result of these circumstances, after the 1965 original Act allowing unconditional *ius soli* citizenship, Thailand enacted the Regulation of the Revolutionary Party No. 337 (Por-Wor 337) on 13 December 1972,⁵⁰ which drastically changed its citizenship practices for children of foreigners. Por-Wor 337 did not entirely suspend *ius soli* citizenship, but it refused Thai nationality to persons born in Thailand between December 1972 and February 1992 of an alien father without permanent residence or an alien mother without permanent residence in circumstances where the legitimate father was absent. Additionally, Por-Wor 337 retroactively revoked the territorial birthright citizenship of Thais whose parents held that immigration status. Por-Wor 337 was enforced for over two decades and rendered two primary groups born in Thailand stateless. The first group consisted of persons born in Thailand who previously acquired nationality under the 1913 Act, the 1952 Act, and the original 1965 Act. Most were children of immigrants who settled in Thailand generations ago due to international trade in the early 20th century or conflicts in their countries of origin before the Cold War period.⁵¹ The second group consisted of those whose parents immigrated irregularly during war crises. Although Por-Wor 337 was annulled by Nationality Act No. 2 B.E. 2535 in 1992, the latter law proclaimed a new Article 7 bis similar to Por-Wor 337, resulting in conditional *ius soli* citizenship that remains in force today (see below section 3.2.1(2)). This conditionality continues to restrict the access to citizenship for a child born in Thailand to immigrant parents, particularly migrant workers from Laos PDR, Cambodia, and Myanmar who have arrived in Thailand for employment since 2004.

⁴⁵ See in The National Legislative Assembly, *Nationality Bill Debate (19 December 1991)* 130.

⁴⁶ Khachatphai Burutphat, *Ethnic Burmese Minority* (Prae Pittaya Publishing 1997) 67; The Bureau of Registration Administration, Ministry of Interior, Handbook of Imposition of the Legal Status of Highland Person Volume 2 (Identification Card of Ethnic Minority) (Department of Provincial Administration, the MOI, 2002) 8, 12.

⁴⁷ Courtland Robinson, 'Refugee Warriors at the Thai-Cambodian Border' (2000) 19(1) *Refugee Survey Quarterly* 23, 23-24; Sara E Davies, 'Saving Refugees or Saving Borders? Southeast Asian States and the Indochinese Refugee Crisis' (2006) 18(1) *Global Change, Peace and Security* 3, 7-8.

⁴⁸ UNGA, Report on UNHCR Assistance Activities in 1974–1975 and Proposed Voluntary Funds Programme and Budget for 1976, Addendum 2 Assistance to Displaced Persons from Indochina in Thailand, 2.

⁴⁹ The Bureau of Registration Administration, (n 46).

⁵⁰ The Regulation of Revolutionary Party no. 337 (Por-Wor 337), GG, Vol.89, Part 190, P 206.

⁵¹ These conflicts and political and ethnic upheavals include, for example, the Indochina War in Vietnam during 1945–1946 and the Civil War in China in the 1950s between the Chinese Nationalist Party (CNP) and the Communist Party of China (CPC).

In the second phase of the 1965 nationality law, the international human rights laws played a vital role in reforming Thai nationality laws in 2008 and 2012. Although Thailand is not a signatory to the Statelessness Conventions of 1954 and 1961, several laws and policies show Thailand's intention to resolve statelessness. This helps to address the statelessness of former Thais, first-generation children born in Thailand, and their second-generation children affected by Por-Wor 337 (see section 3.3.1). It also includes the conferral of Thai nationality to stateless displaced Thai individuals (see section 3.3.4). Importantly, discrimination in citizenship matters has been reduced in several ways, as evidenced by the Constitution of 2017 which provided equal protection to Thai citizens by birth.

3.2. The Main Modes of Acquisition and Loss of Nationality

3.2.1 Acquisition of Nationality by birth

(1) *Ius Sanguinis* Citizenship

According to Article 7(1) of the Thai Nationality Act, a person born to a Thai mother or father, whether inside or outside of Thailand, will automatically acquire Thai nationality at birth without any additional conditions. It is important to note that in 1992, the Nationality Act no. 2 has removed the previous patrilineal element and established equal rights for both parents to pass on Thai citizenship to their children. This modification was influenced by recommendations from the Committee on the Elimination of Discrimination against Women (CEDAW) in 1990, which had criticised Thailand for discriminatory nationality policies.⁵²

Currently, there is no distinction made between children born within and outside of marriage, and any biological child of a Thai father is entitled to Thai nationality by descent. Previously, under the original 1965 Act, only children with a legitimate Thai father were eligible for *ius sanguinis* citizenship. The Thai government has adopted this change to address inequalities and prevent children from becoming stateless.⁵³ The right of children to acquire Thai nationality should not be influenced by the registration status of their parents' marriage.⁵⁴

To process nationality verification, a child born to a biological father must provide one of the following forms of evidence: retroactive registration as a legitimate child, a court order confirming the father as the child's legitimate parent, DNA evidence, or a witness who can attest to the child's Thai biological father.⁵⁵ Additionally, the Supreme Administrative Court ruled that Article 7 Paragraph 2, which entered into effect on February 27, 2008, applies retroactively to children born before that date.⁵⁶ This ruling was established in the case of *Lert*

⁵² Committee on the Elimination of Discrimination against Women, 'Concluding Comment of the Committee on the Elimination of Discrimination against Women: Thailand' (22 January- 2February 1990) No.38 A/45/38, para 238.

⁵³ The National Legislative Assembly, *Nationality Bill Debate 21 November 2007* (SS65)7.

⁵⁴ *Ibid* 7, 22; The National Legislative Assembly, *the Nationality Bill Suggested by Mrs.Tuenjai Deetas* (18 July 2007, OP114/2007) 5,7.

⁵⁵ Ministerial Regulation on the Methods and Fees for Applying for Thai Nationality by Descent for a Child of a Thai Biological Father B.E.2553 (2010).

⁵⁶ The Nationality Act no.4 B.E.2551 of 2008, Article 21.

Michael Angdry Shuck, who was born in 1962 overseas to a Thai mother and a German father who were unmarried. Both parents passed away before Shuck was recognised as a Thai citizen.⁵⁷

(2) Ius soli Citizenship

Thai nationality is conferred by *ius soli* principle, which can be categorised into two groups: automatic attribution at birth and discretionary granting of citizenship after birth, based on the state's discretion.

In 1992, an amendment was made to Article 7(2) of the 1965 Act which grants conditional *ius soli* citizenship at birth to individuals born in Thailand to foreign parents who hold permanent residency in Thailand and do not enjoy diplomatic immunity or represent another country. Foundlings were not entitled to Thai citizenship until recently when an extension of Article 7(2) was applied to confer Thai nationality if there is reasonable evidence suggesting birth in Thailand.⁵⁸ Given that the situation of unknown parents does not necessarily imply that the parents of a child are not permanent residents, the Ministry accords such a person Thai nationality by *ius soli* principle. This approach resolves statelessness for foundlings, albeit not necessarily in a consistent manner as *ius soli* citizenship requires proof of the consecutive residence in Thailand for at least ten years. (Article 7 bis paragraph 2).⁵⁹

Due to the restricted form of *ius soli* citizenship, Article 7 bis paragraph 1 denies Thai citizenship at birth to persons born in Thailand whose foreign parents have temporary immigration status, been granted leniency for temporary stay, or are illegal immigrants. However, such persons born in Thailand could obtain Thai *ius soli* citizenship after birth under Article 7 bis paragraph 2, which is subject to additional regulations set by the Cabinet and approved by the Minister of Interior.⁶⁰ The Minister has discretion to issue a specific or general order granting Thai nationality for them. Normally, the additional regulations depend on Thailand's policies at a specific time to resolve statelessness and assimilate a particular group of people born in Thailand. (See section 3.3.3)

More importantly, those who acquire *ius soli* citizenship at birth and those who acquire it after being born are treated equally in terms of their Thai citizenship, including voting rights and the right to be a candidate for an election. This is because their citizenship is based on the same ground of Thai nationality due to birthplace in Thailand.

⁵⁷ Red case no.Aor 43/2554 Lert Michael Angdry Shuck v. Commissioner-General of the National Police Bureau (2011) The Supreme Court.

⁵⁸ Department of Provincial Administration, the MOI, The Consultation on the Civil Registration and the Right to Thai Nationality of Children Kwan (MT 0309.1/9077, 2 April 2020).

⁵⁹ UNGA, National Report Submitted in Accordance with Paragraph 5 of the Annex to Human Rights Council Resolution 16/21: Thailand (Human Rights Council A/HRC/WG.6/39/THA/1, 17 August 2021) Para 114.

⁶⁰ The Nationality Act no.4 B.E.2551 of 2008, consolidated in 2012, Article 7 bis paragraph 2.

3.2.2 Acquisition of Nationality by Marriage

Article 9 of the 1965 Act, consolidated in 2012, allows foreign women who marry Thai men to apply for Thai nationality. To do so, they must file an application with the competent official according to the form and manner prescribed in the Ministerial Regulation B.E.2510 (1967) issued under the Nationality Act 1965. The Minister has discretionary power to approve or deny the request for Thai nationality. The Government Gazette (GG) records from 2018 to 2022 show that 235 foreign women successfully obtained Thai nationality in 2018, followed by an average of 100 people per year for the next three years, and 61 people in 2022.⁶¹

3.2.3. Acquisition of Nationality by Naturalisation

Significant changes were introduced under the 1965 Act, consolidated in 2012, enabling specific access to Thai nationality after birth for some vulnerable foreigners. Naturalisation could be divided into three main channels. The first is for ordinary foreigners in accordance with Article 10. Before filing an application, an applicant must become *sui juris* in accordance with Thai law and the law of the country of their current nationality. The applicant must have had a domicile in Thailand for a consecutive period of no less than five years before the date of filing the naturalisation application, expressed practically through a permanent resident status, and be proficient in speaking and listening in the Thai language.⁶² These residence and language skills are indicative of sufficient integration into Thailand. Additionally, the applicant shall have good morals, as indicated by a clean serious criminal record, no activities hostile to Thailand, and a well-founded occupation with reference and the ability to make a living in Thailand.

Focusing on the second category of naturalisation, the requirement for language proficiency and five consecutive years of domicile in Thailand is not needed for those who render distinguished service to Thailand, are the child or wife of a naturalised or restored Thai citizen, used to have Thai nationality, or are the husband of a Thai citizen (Article 11).

Nevertheless, for vulnerable foreigners, it can be argued that the matter of discrimination arises despite the decreased naturalisation criteria. Article 12/1, reformed in 2012, benefits three groups: an incompetent person under the care of a Thai guardian appointed by the court, an underage child adopted by a Thai citizen for at least five years, and a minor under the care of a foster home for not less than ten years. However, the first two groups are subject to an additional condition of providing evidence demonstrating their birth in Thailand. The birthplace in Thailand has never been considered a qualification for naturalisation in other cases.

From 2018 to 2022, the number of naturalisations peaked in 2019 with 433 individuals, with no other year surpassing 190 individuals. Of those naturalised, two persons were granted Thai

⁶¹ The author gains the information from her calculation of the number of those acquire Thai nationality under Article 9 as published in the GG.

⁶² Ministerial Regulation B.E.2510 (1967) issued under the Nationality Act 1965.

citizenship due to their distinguished service to Thailand, although there is uncertainty regarding cases of vulnerable individuals as previously discussed.⁶³

3.2.4. Involuntary Loss of Citizenship and Dual Nationality

Inconsistencies between the law and practice have complicated the involuntary loss of Thai nationality and the constraint of dual nationality. Under the 1965 Act consolidated in 2012, the Thai government still has broad discretion to revoke Thai nationality, which is slightly broader than the previous 1952 Act (see section 2.2(4)). Revocation is directed at both naturalised Thai citizens and Thai citizens by birthplace who have foreign nationalities, reflecting an anti-dual nationality stance in those cases. Other expanded grounds directly affect Thais residing abroad, reducing the duration during which they could retain Thai nationality from 10 to 5 years for naturalised Thais, and from 7 to 5 years for Thais born in Thailand. According to the Government Gazette, 57 Thais had their nationality revoked due to the aforementioned grounds from 1977 to 2008.⁶⁴ There are no available data on citizenship revocation after 2008.

It also appears that the loss of Thai nationality due to possessing an Alien Identification Card under Article 21 has been resumed. However, landmark cases such as *Kimlain Ungsakul* and *Nguan Seng Saesim* have ensured that the arbitrary loss of Thai nationality by Thai authorities is illegitimate. The Supreme Court ruled that involuntary possession of an alien identification card issued arbitrarily by Thai authorities or receipt of one due to a parent's intention does not result in the loss of Thai nationality, except where there is some evidence of the person's intention to continue holding an Alien Identification Card.⁶⁵ Although Article 21 was applied to make 46 Thais lose their nationality in 1971,⁶⁶ the lack of a consistent and effective government declaration makes it unclear how many have lost their nationality on this ground since then.

In principle, with respect to Thailand's 2017 Constitution, revocation grounds for Thai nationality should no longer be applied to Thai citizens by *ius soli* principle, as Article 39 endorses that "the revocation of Thai nationality acquired by birth shall not be permitted". Apparently, this benefit includes both *ius soli* and *iussanguinis* citizenship, allowing Thai citizens by *ius soli* principle to maintain dual nationality, if they have it.

However, the practical implementation is different from what is stated in Article 39, as demonstrated by the recent case of *Leekiang Sae-Tae* in 2021. The person in question was born in Thailand to Chinese parents, emigrated to China and Hong Kong, and then returned to Thailand. In 2008, the Minister decided to revoke her Thai nationality by birth based on two reasons: her acquisition of Chinese citizenship followed by British National (Overseas) status and a British passport, and her continuous residence overseas for 43 years. The Supreme

⁶³ The author gains the information from her calculation of the number of the naturalisation as published in the GG.

⁶⁴ The author gains the information from her calculating the number of the revocation of Thai nationality as published in the GG.

⁶⁵ Case 1317/2495 *Nguan Seng Saesim* (1952) The Supreme Court; Case 1452/2498 *Provincial Prosecutor of Ta-Kau-Pa v. Kimlain Ungsakul* (1955) The Supreme Court.

⁶⁶ The Government Gazette, dated on 5 October 1971.

Administrative Court upheld the Minister's decision, confirming the legitimacy and lawfulness of the decision to revoke her nationality.⁶⁷ This conflict between law and practice seriously affects Thai citizens by birth under *ius soli* principle, who, despite being equally protected under the Constitution to Thai citizens by birth acquired by descent in terms of securing Thai nationality, are still subject to revocation practically. The limited interpretation of administrative authorities and the judiciary on the prohibition of revoking Thai nationality by birth reflects the existence of an anti-dual nationality stance and raises challenges about the inequality between citizens by birth.

Nevertheless, the revocation of nationality and the anti-dual nationality stance have never been an issue for Thai citizens by descent.

3.2.5. Voluntary Loss or Renunciation of Citizenship

The 1965 Act provides for voluntary loss of citizenship for Thai women married to foreign husbands, naturalisation as a foreigner, and Thais holding dual nationality by birth. In terms of statistics,⁶⁸ the overall number of renunciations of Thai nationality was highest in 2015 and 2016, averaging around 700 persons, with decreasing numbers ranging between 90 and 200 persons per year afterwards. Additionally, at the peak in 2015, 686 Thai women relinquished their Thai nationality with the expectation of acquiring their foreign husband's nationality.

Concerns have been raised regarding the renunciation of Thai women who marry foreigners, arguing that Thailand lacks a legal framework for re-examining whether a Thai woman who loses her Thai nationality, due to renunciation, can successfully hold her husband's foreign nationality. As reported to Thailand's National Human Rights Commission and the Minister of Interior in 2022, Chaifang, whose Thai nationality was declared lost by the Minister in 2002,⁶⁹ was never granted the right to use Chinese nationality as the wife of a Taiwanese man by Taiwan's Ministry of Interior.⁷⁰ As a former Thai, she was stateless in Taiwan for two decades. There is no clear indication in Thailand's legal mechanism that the large number of Thai women who have lost their nationality will not be rendered stateless.

3.2.6. Restoration of Citizenship

Unlike the previous Nationality Act of 1952, the current version of the 1965 Act is very restrictive in terms of the restoration of citizenship. Articles 23 and 24 specifically permit the restoration of citizenship for a former Thai who had previously renounced their nationality due to marrying a foreigner, but whose marriage had subsequently been terminated for whatever reason. And it applies to former Thai citizens who had lost their nationality as underage children together with their father or mother.

⁶⁷ Red case Aor 648/2564 *Mrs. Leekiang Sae-Tae V Minister of Ministry of Interior* (2021) The Supreme Administrative Court.

⁶⁸ The author gains the information from her calculation of the number of renunciations of Thai nationality based on Articles 13, 14, and 15 of the Thai Nationality Act 1965, as published in the GG in the 2010s.

⁶⁹ The Ministry of Interior on the Renunciation of Thai Nationality, GG 119 Section 25 Ngor, 26 March 2002, 40.

⁷⁰ Thaipost, 'Uneasy Life! The Distressed Thai Women Abroad Becoming Stateless, without any Protection'(1 April 2022) < <https://www.thaipost.net/general-news/116301/>> accessed 20 September 2022.

3.3. Specific Rules and Status for Certain Groups

3.3.1 The Thailand-Born Stateless Persons Affected by Por-Wor 337

Due to the adverse effects of Por-Wor 337, which resulted in statelessness and injustice for individuals born in Thailand, the Nationality Act no.4 B.E.2551, enacted on 27 February 2008 provides a solution and remedy for those affected persons who had also assimilated into Thai society.⁷¹ Article 23 of the Act enables a person whose Thai nationality was revoked by Por-Wor 337, and a person born in Thailand but who had not acquired Thai nationality due to Por-Wor 337, including their children, to restore and claim Thai nationality from the date of the Act's enforcement. To qualify, these affected persons must provide evidence of civil registration demonstrating their domicile within Thailand for a consecutive period up to the date of application submission, have good behaviour or have performed acts beneficial to official service. This rule provides a remedy for the illegitimate revocation of Thai nationality. While the process involves acquiring Thai nationality after birth, the Council of State in Thailand has ruled out that individuals acquiring nationality under Article 23 are Thai citizens by birth since the Article is based on the *ius soli* principle.⁷² As a result, between 2008 and 2019, 52,841 residents in Thailand were able to reduce their statelessness under this Article.⁷³ Even so, the obstacle to acquiring Thai nationality through this Article appears to be a lack of birth documentation, especially in cases where Thai authorities have denied late birth registration (see section 4).

3.3.2 The Eighteen Groups of Stateless Ethnic Migrants

Prior to 2000, Thailand classified stateless ethnic migrants into eighteen groups and issued them with coloured identity cards. However, specific policies to mitigate statelessness were launched only for some of these groups.⁷⁴ Notably, the eighteen groups of stateless ethnic persons in Thailand are a mix of unrecognised native Thais and former refugees. The categorisation was poorly planned, varying depending on the date of arrival in Thailand, historical and political conflict in their countries of origin, and ethnicity.⁷⁵ The eighteen groups registered from 1967 to 1999 consisted of:

- (1) Displaced Persons from Viet Nam
- (2) Former Chinese Nationalist Party or Kuomintang members (KMT)
- (3) Haw or Yunnanese Chinese Displaced Person
- (4) Independent Haw Chinese
- (5) Former Chinese Malaya Communists
- (6) Displaced Nepalese from Myanmar

⁷¹ The National Legislative Assembly, the Nationality Bill Suggested by Mrs.Tuenjai Deetas (n 54) 4.

⁷² The Council of State, Recording Opinion regarding the Qualifications of Candidates for Election as a Village Headman (226/2552, May 2009).

⁷³ Source: Thailand's Bureau of Registration Administration, the Department of Provincial Administration (the MOI), dated on 31 July 2019, see Darunee Paisanpanichkul and others, *Ending and Protecting Child Statelessness in Thailand: Developing an Accelerated Nationality Review Model Statelessness project* (Legal Research and Development Center, Faculty of Law, Chiang Mai University, 2020) 54.

⁷⁴ Nowadays, those categories are re-recorded and issued a new card entitled '*Persons without Thai nationality*'.

⁷⁵ Laungaramsri, (n 6) 47.

- (7) Displaced Thais from Myanmar
- (8) Displaced Persons from Myanmar
- (9) Displaced Thais from Koh Kong
- (10) Thai Lue
- (11) Displaced Person from Lao PDR
- (12) Hmong from Thamkrabok, Sara Buri Province
- (13) Illegally immigrating Mountainous Person from Lao PDR
- (14) Highlanders or hill tribes
- (15) Persons from Highland Communities
- (16) Illegal Migrant from Myanmar (settlement)
- (17) Illegal Migrant from Myanmar (working)
- (18) Illegal Migrant from Cambodia

Unrecognised native Thais are usually indigenous ethnic minorities whose ancestors and they themselves have lived in mountainous, border, and distant areas since pre-modern Thailand, but have never been successfully registered as Thais, thus being seen as aliens. Typically, this group can verify their nationality through the 'Regulations of the Central Registration Office in 2000' to acquire Thai nationality by birth.⁷⁶ The regulation aims to validate simplified verification and recognition of Thai status for potential Thai nationals. Some ethnic native minorities, such as Thai Lue, Mra Bris, Hmong, Maniq, Karen, and Mokens, can afford Thai status. However, many others are unable to do so due to their marginalised position and the authorities' prejudices against them.⁷⁷

Former refugees are individuals who fled wars and conflicts in their countries of origin and arrived in Thailand at various times until the end of the 1990s. Although Thailand now prefers to refer to them as 'People Who Fled Death Persecution,' they are still considered refugees by scholars, and NGOs.⁷⁸ Between 1978 and 2002, Thailand announced several Cabinet resolutions to simplify the naturalisation process for former refugees on a group-by-group basis.⁷⁹ After residing in Thailand for some time, the Thai government considers former refugees able to assimilate into Thai society. Cabinet Resolutions were launched for six groups, namely: Displaced Persons from Vietnam in 1984; Former Chinese Nationalist Party or Kuomintang members (KMT) in 1978; Displaced Thais from Koh Kong, Cambodia in 1980, 1983-84, and 1991; Illegally immigrating Mountainous Person from Laos PDR in 1991; Displaced Thais from Myanmar in 1997; and Former Chinese Malaya Communists in 2002.

Theoretically, other former refugees may apply for Thai nationality through naturalisation under the Nationality Act of 1965. The Thai government has provided assistance through the

⁷⁶ Regulations of the Central Registration Office Regarding the Consideration to Record in the Civil Registration for a Person in the Highlands, B.E. 2543 (2000).

⁷⁷ See more Janepicha Cheva-Isarakul and Christoph Sperfeldt, 'Citizenship and Statelessness among Mobile Maritime Populations: The Case of the Moken in Thailand' (2023) *Citizenship Studies* 1; Siwanoot Soitong, 'Justice Management on Offspring of Thai Parents: Case Study - the Rungwareerak's Family' (2018) TU Law Faculty Symposium and Young Researchers Workshop 2018, 319.

⁷⁸ Puangrat Patomsirirak, 'People who Fled Death Persecution to Thailand: Studying Management of Thai State' (Master of Law Thesis, Thammasat University 2014).

⁷⁹ *Ibid* 189-195.

Ministerial Regulation for Naturalisation of Ethnic Minorities of 2002, consolidated in 2012, to facilitate easier application.⁸⁰ However, implementing the Regulation remains challenging. Although naturalisation qualification is not contingent upon documentation indicative of permanent residence permits, Thai authorities strictly require it. As of 2012, only 820,000 stateless former refugees had been granted permanent resident status, while approximately 400,000 persons remained in temporary immigration status,⁸¹ making it impossible now for Thai naturalisation. This indicates that there may be over 1 million stateless former refugees in Thailand, despite their long period of inhabitancy and potential assimilation into Thai society.

3.3.3 Stateless Persons/Children Born in Thailand

The aim of granting Thai citizenship by birth to stateless children born in Thailand was introduced several years prior to 1992. Initially, this strategy was limited to only some of the eighteen groups of former refugees. Article 7 bis of the Nationality Act of 1965 allowed for Cabinet Resolutions and Ministerial Sub-Regulations to be regularly announced, focusing on specific groups of children who could claim *ius soli* citizenship. The National Security Council (NSC) believed that children born and raised in Thailand had assimilated into Thai society.

However, in 2005, the NSC launched the National Strategy on the Administration of Legal Status and Rights of Persons, with the aim of reducing excessive procedures in nationality verification for stateless children born in Thailand.⁸² The Strategy asserts that due to their long period of stay in Thailand, children born in Thailand and their stateless parents have lost their link to their country of origin. As a result, children who have already assimilated should be granted Thai nationality, not alien status.⁸³ In practice, the Strategy includes stateless children born in Thailand who are registered in another category of civil registration and issued an identification card named 'Person without (Civil) Registration Status'. The key factor of inclusion is based on proving their parents' arrival in Thailand before 18 January 1995.

According to the Cabinet Resolution dated on 26 January 2021, the Thai government has extended its target beyond those born in Thailand to former refugees.⁸⁴ This covers stateless children abandoned by their parents (known as 'rootless persons'), stateless students in the Thai education system, and individuals who have provided a distinguished service to Thailand. Among those are stateless children born in Thailand to migrant workers who are typically recent arrivals. The eligibility for Thai citizenship in this case depends on their consecutive

⁸⁰ Ministerial Regulation on Forms, Modes, and Fees to Apply for Acquiring Thai Nationality, Naturalising to Become a Thai, and Restoring Thai Nationality in the Case of an Ethnic Minority B.E.2545 (2002) consolidated in 2012.

⁸¹ National Security Council, Criteria for Determining Legal Status for Immigrants Who Have Been Living for a Long Time (NR 0807/2429, 4 December 2020) 3.

⁸² Cabinet, the Cabinet Resolution on the Implementation of the National Strategy on the Administration of Legal Status and Rights of Persons (18 January 2005).

⁸³ This policy is now implemented by Notification of the Ministry of Interior regarding the General Conferral and the Individualised Granting of Thai Nationality to Those Born in the Kingdom Without Acquiring Thai Nationality Due to Their Father and Mother Being Foreigners B.E. 2560 (2017)

⁸⁴ Cabinet, the Cabinet Resolution on Criteria for Determining Legal Status for Immigrants Who Have Been Living for a Long Time (26 January 2021).

residence in Thailand for more than 15 years from the date of their registration in Thailand's civil registration.

In practice, the Thai nationality of these three groups of stateless persons is acquired after their birth. Such children are usually required to provide evidence beyond their birthplace in Thailand.⁸⁵ The eligibility for Thai citizenship in this case depends on language ability, consecutive residence in Thailand proved by being registered in civil registration, a bachelor's degree, and good behaviour (not being convicted of a crime except a misdemeanour or negligence, and/or making distinguished services available). Even so, Thailand constitutes their Thai status as Thai citizens by birth.

3.3.4 Displaced Thais or Ethnic Thai Refugees

Since 2012, the 1965 Act allows for the conferral of Thai nationality based on cultural affinity. Individuals who successfully register as Displaced Thai are granted Thai nationality by birth.⁸⁶ According to Article 4, it provides that the recognition of Displaced Thai is subject to verification that their ethnic Thai ancestors were made subjects of another state because of Thailand's territorial succession in the past. Additionally, the individual must not hold another nationality, reside in and immigrate to Thailand for a certain period, observe Thai customs and culture, and be verified and registered in Thailand's civil registration.

This special track of granting Thai nationality aims to address the statelessness of ethnic refugees who have Thai ethnicity. In 2012, Thailand introduced the Ministerial Regulation on the Verification and Recognition of the Status of Displaced Thai B.E.2555 (2012) to facilitate the acquisition of Thai nationality.

Currently, the target groups are the Displaced Thais from Myanmar and the Displaced Thais from Koh Kong, Cambodia, who are part of the eighteen groups of stateless ethnic persons. The first group consists of descendants of ethnic Thais who resided along the contentious border between Thailand and Myanmar. Following the occupation of those territories by Britain in 1868, the Thais in those areas became subjects of Britain and were subsequently integrated into independent Myanmar. Due to the numerous conflicts between the Burmese army and ethnic armed minorities, this group returned to Thailand before March 9, 1976.⁸⁷ The second group comprises descendants of Thais who lived in Koh Kong, Cambodia, which was formerly Thailand's Prachan Khiri Khet Province before being ceded to France after the Franco-Siamese War in 1893. This group fled violence during the Indo-China War and arrived in

⁸⁵ Cabinet, the Cabinet Resolution on Approval of the Criteria for Determining the Status of the Target Group according to the Administration of Legal Status and Rights of Persons (7 December 2010); Cabinet, the Cabinet Resolution on Approval of the Criteria for Granting Thai Nationality to Solve the Problem of School Students, Undegraded Students, and Stateless Persons Born in the Kingdom (7 December 2016).

⁸⁶ The Nationality Act no.4 B.E.2551 of 2008, consolidated in 2012, Article 9/6.

⁸⁷ Some of them have already been granted Thai nationality by Cabinet Resolution, dated on 27 May 1997.

Thailand before November 15, 1977.⁸⁸ From 2008 to 2019, the new rule has reduced the statelessness of 9,165 Displaced Thais.⁸⁹

3.4. Special Institutional Arrangements

The Ministry of Interior is the principal administrative body for Thai citizenship practices. In the case of granting citizenship automatically, the Ministry has decentralised powers to the provincial and local registrars. Requests for naturalisation, obtaining Thai nationality through marriage, renouncing and regaining Thai nationality can be submitted to local authorities or the Thai consulate if the person is overseas. However, the central Ministry and the Review Committee on Nationality still hold decision-making power. Specifically, in the case of withdrawal of Thai nationality, the decision is taken by the Ministry or, alternatively, a prosecutor will request and the court will order. Nonetheless, the acquisition of Thai nationality through marriage and naturalisation, as well as the loss and restoration of Thai nationality, are only deemed valid if the decision has been published in the Government Gazette.

4. Current Political Debates and Reform Plans

Thailand has taken significant steps to improve its nationality laws and citizenship regime, as exemplified by the creation of new 'flagship' projects by the Department of Provincial Administration in 2019 aimed at tackling statelessness.⁹⁰ These efforts align with Thailand's adoption of the sustainable development goals, including goal 16.9, which advocates for the eradication of statelessness.⁹¹ However, despite these efforts, problematic issues related to nationality persist. The problem is not the absence of written laws, but rather their implementation. While various stakeholders, including non-Thai residents, NGOs, and scholars, have initiated and engaged in debates for reform, some issues remain unaddressed by Thai authorities. Three controversial matters requiring urgent reformation are highlighted, with regards to non-citizen residents and Thais abroad.

The first issue requiring urgent attention concerns the lack of birth registration. Birth registration is a crucial step in recognising an individual's Thai status, and a lack of registration can lead to statelessness and vulnerability. Ethnic native Thais and stateless children who were born in Thailand years ago typically encounter obstacles related to late birth registration. Many of these individuals were born during a period when Thailand lacked a systematic civil registration process, or in remote conflict areas, making it difficult to register their births. Additionally, their

⁸⁸ Some of them have already been granted Thai nationality by Cabinet Resolution, dated on 9 August 1983, 4 September 1984, and 19 February 1991.

⁸⁹ Source: Thailand's Bureau of Registration Administration, the Department of Provincial Administration (the MOI), dated on 31 July 2019, see Paisanpanichkul and others, (n 56) 51.

⁹⁰ Department of Provincial Administration, the MOI, the Important Policies of the Department of Provincial Administration on Nationality and Personal Status (Flagships for DOPA Excellence 2020) (MT 0309.8/W 2976, 3 February 2020).

⁹¹ United Nations (Thailand), 'How the UN is supporting the Sustainable Development Goals in Thailand' <<https://thailand.un.org/en/sdgs>> accessed 5 March 2023.

ethnic parents lacked the Thai language skills required to communicate with Thai authorities. Moreover, some Thai authorities had erroneously registered their birthplace as Myanmar due to misunderstandings at that time which mainly is a result of a lack of a professional translator.⁹² While the Ministry of Interior acknowledges these issues and has issued guidance for proving birthplace in such circumstances,⁹³ this guidance is not consistently implemented. This is evident in the cases of *Chanin* and *Bia-Or*, both of whom were born in Thailand in the 1990s to stateless refugees from Myanmar (Persons from Highland Communities).⁹⁴ Despite having witnesses who can attest to their birthplace, the Ministry and the Administrative Court have disregarded the context of their cases, resulting in discriminating against them and preventing them from retroactively registering their births. Today, many residents born in remote or mountainous areas lack state-approved proof for late birth registration, further exacerbating the problem of statelessness.⁹⁵

For those born abroad to Thai parent(s), an absence of birth registration at a Thai consulate poses a risk of being rejected entry to Thailand as a Thai. Although the Constitutional Court addressed this issue by establishing in the *Witteveen* case that an unrecognised Thai has a temporary right to enter Thailand for the specific purpose of nationality verification,⁹⁶ the problem could persist, as some Thai consulates arbitrarily establish additional conditions for birth registration beyond the Ministry's notification.⁹⁷ This abuse of hidden accession to birth registration leads to a failure to prove nationality from abroad, including being unable to enjoy citizenship rights.

The second matter arises from the limited interpretation of Article 39 of the Thai Constitution by the Thai administrative authorities and the Supreme Administrative Court. While Article 39 prohibits the revocation of Thai nationality by birth, these entities have revoked the Thai nationality of person who acquired it through *ius soli* principle as discussed in section 3.2.4. Notably, this inconsistency and inequality between citizens by birth to retain their Thai nationality does not appear to be of public concern, but it may be on its way to being filed for review by the Thai Ombudsman.

The third concern involves refugees in nine temporary shelters along the border between Thailand and Myanmar. Apart from the eighteen groups of former refugees previously discussed, these refugees are ethnic minorities who fled political violence and suppression

⁹² Paisanpanichkul and others, (n 56) 38.

⁹³ Department of Provincial Administration, the MOI, Letter to the Tak Provincial Governor Regarding the Amendment of Personal Information in the Profile Registration for Highlanders (MT 0309.1/16671, 24 October 2014).

⁹⁴ Red case no.208/2565, *Chanin* (2022) The Administrative Court; Red case no 173/2565, *Bai-Or* (2022) The Administrative Court.

⁹⁵ UNGA, Compilation on Thailand: Report of the Office of the United Nations High Commissioner for Human Rights (Human Rights Council A/HRC/WG.6/39/THA/2, 19 August 2021) para 72.

⁹⁶ Case 7/2563 *Mr. Tjibbe Ulysses Michael Witteveen* (2020) The Constitutional Court.

⁹⁷ Royal Thai Embassy in Berlin, Germany, 'the Birth Registration' <<http://thai.thaiembassy.de/geburt>> accessed 19 September 2022; Royal Thai Embassy in Vienna, Austria, 'the Birth Registration' <https://www.thaiembassy.at/en/2015-11-24-08-08-19/2015-12-24-08-45-43.html?fbclid=IwAR2d2iSU00485vUgx6Tx1jwAMlwlzbf84bShwzQ2tn1Kw_uyBkP8l0Nji4l> accessed 19 September 2022

against ethnic minorities in Myanmar. Over more than three decades of establishing shelters, there has been a mixture of refugees living there for a long period and newcomers, totalling around 91,224 persons.⁹⁸ The NSC and the Ministry have registered them in the database separately from other groups. Although some scholars pinpoint that Thai nationality laws and citizenship regime could apply to those stateless refugees who assimilate into the Thai community, Thai authorities offer no local integration and do not grant them citizenship but instead resort to voluntary return and resettlement in third countries. Critics argue that camp refugees have never integrated into Thai society, but the reality is that some have moved out of the shelters, earned a living, married, and lived with Thai families.

5. Conclusion

Thailand has developed its nationality laws and practices over the course of a century, influenced by various factors such as extraterritorial privileges of imperial subjects, nationalism, anti-communism, ethnic Chinese-Thai, dynamic migration of refugees and migrant workers, and international standards on the right to nationality. During the modern nation-building era, Thailand moved from traditional identification to accepting the imperial logic of identifying citizens by nationality. The 1911 Naturalisation Act and the 1913 Nationality Act were enacted during this period, introducing a mix of the *ius soli* and *iussanguinis* principles, naturalisation, and citizenship by marriage, which expanded the conferral of citizenship to include both native residents and immigrants. However, this liberal approach to citizenship was reversed with the Nationality Act of 1952, as Thailand sought to rebuild itself by deconstructing foreignness, resulting in the reversal of the policy on dual citizenship and unconditional *ius soli* citizenship.

The Nationality Act of 1965, which applies conditional *ius soli* citizenship, reflects an anti-immigrant attitude developed towards forced immigrants during the Cold War era, resulting in many stateless persons being born in Thailand to former refugees and immigrants. While the rules for the revocation of nationality have been expanded, the restoration of nationality has become more difficult.

Despite efforts to address issues of citizenship and statelessness through the 1992-2012 amendments to the 1965 Act, citizenship policies, and the 2017 Constitution, Thailand continues to face challenges related to inconsistent policies and practices. One longstanding problem concerns the lack of recognition for ethnic native Thais, an issue that has persisted since the early 20th century. Ensuring birth registration for both Thais abroad and stateless persons in Thailand and prohibiting the revocation of Thai citizenship by birth, which are essential for nationality verification and preventing statelessness, seem to fall short in practice by administrative officials and the judiciary. The limited interpretation on the prohibition of revoking Thai nationality by birth reflects the existence of an anti-dual nationality attitude, although the 2017 Constitution indirectly allows Thai citizen by birth to hold dual nationality. Despite specific plans to address statelessness among those born in Thailand and former refugees, inadequate implementation has resulted in continued statelessness. Additionally,

⁹⁸ UNHCR, RTG/MOI-UNHCR Verified Refugee Population: Thailand Border Operation-Information Management Unit, Bangkok (28 February 2023).

some camp refugees from Myanmar have been excluded from Thai citizenship due to a lack of Thailand's political will, even though the law could apply to those who have integrated into Thai society.

References

- Chris Baker and Pasuk Phongpaichit, *A History of Thailand* (Cambridge University Press 2014)7-10.
- Committee on the Elimination of Discrimination against Women, 'Concluding Comment of the Committee on the Elimination of Discrimination against Women: Thailand' (22 January-2February 1990) No.38 A/45/38, para 238.
- Courtland Robinson, 'Refugee Warriors at the Thai-Cambodian Border' (2000) 19(1), *Refugee Survey Quarterly* 23, 23-24.
- Darunee Paisanpanichkul and others, *Ending and Protecting Child Statelessness in Thailand: Developing an Accelerated Nationality Review Model Statelessness project* (Legal Research and Development Center, Faculty of Law, Chiang Mai University, 2020) 38,51,54.
- Francis Bowes Sayre, 'The Passing of Extraterritoriality in Siam' (1928) 22 *The American Journal of International Law* 70, 73-74.
- George Willaim Skinner, *Chinese Society in Thailand: An Analytical History* (Cornell University Press 1957) 20-27.
- House of Representatives, *Nationality Bill Debate 17 September 1942* (13/1942, S2, Vol.3) 523, 534.
- House of Representatives, *Nationality Bill Debate 12 June 1950* (3/1942, SS2, Vol.1).
- House of Representatives, *Nationality Bill Debate 10 January 1953* (2/1953, SS, Vol.1) 86.
- Janepicha Cheva-Isarakul and Christoph Sperfeldt, 'Citizenship and Statelessness among Mobile Maritime Populations: The Case of the Moken in Thailand' (2023) *Citizenship Studies* 1.
- Khachatphai Burutphat, *Ethnic Burmese Minority* (Prae Pittaya Publishing 1997) 67.
- National Archives of Thailand, *the Naturalisation Act* (Rama V R5 KT5/3, 2 January-30 August B.E.2444, 1901).
- National Archives of Thailand, Document of the Department of Royal Secretariat (Rama V, Ministry of Interior, MR. 5 M/30/2, 1901)
- National Archives of Thailand, *the Foreigners Who Asked to be Naturalised to Become Thais* (Rama VI R6 T3.5/1, 22 October B.E.2454 -31 March 2466 1911-1923)
- Nidhi Eoseewong, 'the Political System and Society in Thao Hong and Thao Truong' in Sujit Wongthet, *Editing in the Old Version and Building in the new Version* (the Office of the National Cultural Committee 2006) 108.
- Phunthip Kanchanachittra Saisoonthorn, 'Development of Concepts on Nationality and the Efforts to Reduce Statelessness in Thailand' (2006) 25(3) *Refugee Survey Quarterly* 40, 42-44.
- Phunthip Kanchanachittra Saisoonthorn, *Appearance of Stateless and Nationalityless Persons in Thailand: Concept and Measure of Problem Management under International Law* (Thammasat University 2013) 38.
- Pinkaew Laungaramsri, *Governing by Paper: Identification Cards and the Control of the "Alien Other" and Transnational Labor* (The Thailand Research Fund and Chiang Mai University 2016) 19, 22, 31-33, 47.
- Pinkaew Laungaramsri, 'Governing by Paper: Mediating Textual Border and Negotiating Mobility in Thailand' (2020) 28(3) *South East Asia Research* 267, 271.
- Puangrat Patomsirirak, 'People who Fled Death Persecution to Thailand: Studying Management of Thai State' (Master of Law Thesis, Thammasat University 2014)189-195.
- Rossarin Gray, Amornrat Bunnag, and Rewadee Suwannoppakao, *The Development of Population Registration and Population Census in Thailand* (Institute for Population and Social Research, Mahidol University, 2008) 21.
- Royal Thai Embassy in Berlin, Germany, 'the Birth Registration' <<http://thai.thaiembassy.de/geburt>> accessed 19 February 2023

- Royal Thai Embassy in Vienna, Austria, 'the Birth Registration' <https://www.thaiembassy.at/en/2015-11-24-08-08-19/2015-12-24-08-4543.html?fbclid=IwAR2d2iSU00485vUgx6Tx1jwAMlwzbf84bShwzQ2tn1Kw_uyBkP8l0Nji4I> accessed 19 February 2023.
- Sara E Davies, 'Saving Refugees or Saving Borders? Southeast Asian States and the Indochinese Refugee Crisis' (2006) 18(1) *Global Change, Peace and Security* 3, 7-8.
- Siwanoot Soitong, 'Justice Management on Offspring of Thai Parents: Case Study - the Rungwareerak's Family' (2018) TU Law Faculty Symposium and Young Researchers Workshop 2018, 319.
- Siwasin Juicharoen, 'Asiatic Subjects under Western Protection and Constructing Citizenship of Modern State of Siam 1873-1913' in Somkiat Wanthana and others, *When does Thai Nation emerge?* (Illuminations Editions 2021) 235, 242-244.
- Sompong Sucharitkul, 'Thai Nationality in International Perspective' in Ko Swan Sik, *Nationality and International Law in Indonesia Perspective* (Martinus Nijhoff Publishers 1990) 454.
- Supang Chantavanich, 'From Siamese-Chinese to Chinese-Thai: Political Conditions and Identity Shifts among the Chinese in Thailand' in Leo Suryadinata (ed), *Ethnic Chinese as Southeast Asians* (Palgrave Macmillan 1997) 235.
- Thaipost, 'Uneasy Life! The Distressed Thai Women Abroad Becoming Stateless, without any Protection' (1 April 2022) <<https://www.thaipost.net/general-news/116301/>> accessed 20 February 2023.
- The Bureau of Registration Administration, Ministry of Interior, *Handbook of Imposition of the Legal Status of Highland Person Volume 2 (Identification Card of Ethnic Minority)* (Department of Provincial Administration, the MOI, 2002) 8, 12.
- The Constituent Assembly, *Nationality Bill Debate 31 December 1959* (S49) 2054, 2058, 2060.
- The National Legislative Assembly, *Nationality Bill Debate* (19 December 1991) 130.
- The National Legislative Assembly, *the Nationality Bill Suggested by Mrs. Tuenjai Deetas* (18 July 2007, OP114/2007) 5,7.
- The National Legislative Assembly, *Nationality Bill Debate 21 November 2007* (SS65) 7.
- UNGA, *Compilation on Thailand: Report of the Office of the United Nations High Commissioner for Human Rights* (Human Rights Council A/HRC/WG.6/39/THA/2, 19 August 2021) para 72.
- UNGA, *National Report Submitted in Accordance with Paragraph 5 of the Annex to Human Rights Council Resolution 16/21: Thailand* (Human Rights Council A/HRC/WG.6/39/THA/1, 17 August 2021) Para 114.
- UNGA, *Report on UNHCR Assistance Activities in 1974–1975 and Proposed Voluntary Funds Programme and Budget for 1976, Addendum 2 Assistance to Displaced Persons from Indochina in Thailand*, 2.
- UNHCR, *RTG/MOI-UNHCR Verified Refugee Population: Thailand Border Operation-Information Management Unit*, Bangkok (28 February 2023).
- United Nations (Thailand), 'How the UN is supporting the Sustainable Development Goals in Thailand' <<https://thailand.un.org/en/sdgs>> accessed 5 March 2023.
- Wasana Wongsurawat, *The Crown and the Capitalist: The Ethnic Chinese and the Founding of the Thai Nation* (University of Washington Press 2019) 3-4.
- Yut Sanguthai, *Textbook for an Undergraduate Degree: Private International Law* (The University of Moral and Political Sciences, 1940) 198.

Laws and Policies

- Bureau of Registration Administration, Ministry of Interior, *Handbook of Imposition of the Legal Status of Highland Person Volume 2 (Identification Card of Ethnic Minority)* (Department of Provincial Administration, the MOI, 2002) 8, 12.

- Cabinet, the Cabinet Resolution on the Implementation of the National Strategy on the Administration of Legal Status and Rights of Persons (18 January 2005).
- Cabinet, the Cabinet Resolution on Approval of the Criteria for Determining the Status of the Target Group according to the Administration of Legal Status and Rights of Persons (7 December 2010)
- Cabinet, the Cabinet Resolution on Approval of the Criteria for Granting Thai Nationality to Solve the Problem of School Students, Undegraded Students, and Stateless Persons Born in the Kingdom (7 December 2016).
- Cabinet, the Cabinet Resolution on Criteria for Determining Legal Status for Immigrants Who Have Been Living for a Long Time (26 January 2021).
- Council of State, Recording Opinion regarding the Qualifications of Candidates for Election as a Village Headman (226/2552, May 2009).
- Constitution of the Kingdom of Thailand B.E.2560 (2017)
- Department of Provincial Administration, the MOI, *the Important Policies of the Department of Provincial Administration on Nationality and Personal Status* (Flagships for DOPA Excellence 2020) (MT 0309.8/W 2976, 3 February 2020).
- Department of Provincial Administration, the MOI, *The Consultation on the Civil Registration and the Right to Thai Nationality of Children Kwan* (MT 0309.1/9077, 2 April 2020).
- Department of Provincial Administration, the MOI, *Letter to the Tak Provincial Governour Regarding the Amendment of Personal Information in the Profile Registration for Highlanders* (MT 0309.1/16671, 24 October 2014).
- Ministerial Regulation B.E.2510 (1967) issued under the Nationality Act 1965.
- Ministerial Regulation on the Methods and Fees for Applying for Thai Nationality by Descent for a Child of a Thai Biological Father B.E.2553 (2010)
- Ministerial Regulation on Forms, Modes, and Fees to Apply for Acquiring Thai Nationality, Naturalising to Become a Thai, and Restoring Thai Nationality in the Case of an Ethnic Minority B.E.2545 (2002) consolidated in 2012.
- Ministry of Interior on the Renunciation of Thai Nationality, GG 119 Section 25 Ngor, 26 March 2002, 40.
- Nationality Act B.E.2456 (1913)
- Nationality Act B.E. 2495 (1952)
- Nationality Act B.E. 2508 (1965)
- Nationality Act, no.2, B.E.2535 (1992)
- Nationality Act, no.3, B.E.2535 (1992)
- Nationality Act no.4 B.E.2551 (2008)
- Nationality Act, no.5, B.E.2555 (2012)
- Nationality Act B.E.2508 (1965), consolidated version in 2012
- National Security Council, Criteria for Determining Legal Status for Immigrants Who Have *Been Living for a Long Time* (NR 0807/2429, 4 December 2020).
- Naturalisation Act B.E.2454 (1911)
- Notification of the Ministry of Interior regarding the General Conferral and the Individualised Granting of Thai Nationality to Those Born in the Kingdom Without Acquiring Thai Nationality Due to Their Father and Mother Being Foreigners B.E. 2560 (2017)
- Regulations of the Central Registration Office Regarding the Consideration to Record in the Civil Registration for a Person in the Highlands, B.E. 2543 (2000).
- Regulation of the Revolutionary Party no. 337 (Por-Wor 337), GG, Vol.89, Part 190, P 206.

Judgements

- Case 1317/2495 *Nguan Seng Saesim* (1952) The Supreme Court.
- Case 1452/2498 Provincial Prosecutor of Ta-Kau-Pa v. Kimlain Ungsakul (1955)
The Supreme Court.

Case 7/2563 *Mr. Tjibbe Ulysses Michael Witteveen* (2020) The Constitutional Court.
Red case no.Aor 43/2554 *Lert Michael Angdry Shuck v. Commissioner-General of the National Police Bureau* (2011) The Supreme Court.
Red case Aor 648/2564 *Mrs.Leekiang Sae-Tae V Minister of Ministry of Interior* (2021) The Supreme Administrative Court.
Red case no.208/2565, *Chanin* (2022) The Administrative Court.
Red case no 173/2565, *Bai-Or* (2022) The Administrative Court.

COUNTRY REPORT
RSC/GLOBALCIT-CR 2023/01

