

CHAPTER IV OBTAINING THAI NATIONALITY

4.1 Introduction

This chapter provides an overview of situations that enable a person to acquire Thai nationality as well as channels and processes of obtaining Thai nationality.

4.2 Situations enabling a person to acquire Thai nationality

According to Saisoonthorn (2005), the current Thai nationality law grants the rights to Thai nationality to the people in the below thirteen situations.

- 1) The person, at the time born, lawful father's legal status is a Thai national, or
- 2) The person, at the time born, mother's legal status is a Thai national, or
- 3) The person born *in Thailand* of father (regardless lawfulness), whose legal status is a Thai national or
- 4) The person born *in Thailand* of migrant parents who hold the rights to reside in Thai Kingdom permanently
- 5) The person born *in Thailand* before 26 February 1992 from parents born in Thailand (regardless their nationality) or
- 6) The person born *in Thailand* and approved by the Minister of Interior to have Thai nationality or
- 7) The female migrant whose status was a lawful wife of a Thai national man who was naturalized to be a Thai national before 13 February 1952 or
- 8) The female migrant who were legally married to a Thai national man before 2 February 1960 or
- 9) The female migrant who were legally married to a Thai national man and approved by the Minister of Interior to have Thai nationality or
- 10) The adult migrant person whose naturalization to be Thai approved by the Minister of Interior because the person has assimilated to Thai society or

- 11) The adult migrant person whose naturalization to be Thai approved by the Minister of Interior because the person owned a capacity to assimilate to Thai society or
- 12) The migrant youth whose lawful father has been approved naturalization by the Minister of Interior before 13 February 1952
- 13) The migrant youth born to naturalized Thai parents and has been approved naturalization by the Minister of Interior.

However, Section 23 of Nationality Act B.E. 2508 (C.E. 1965) as amended by Acts B.E. 2551 (2008 C.E.) came into force on 27 February 2008 has agreed that people in more three situations may acquire Thai nationality as below.

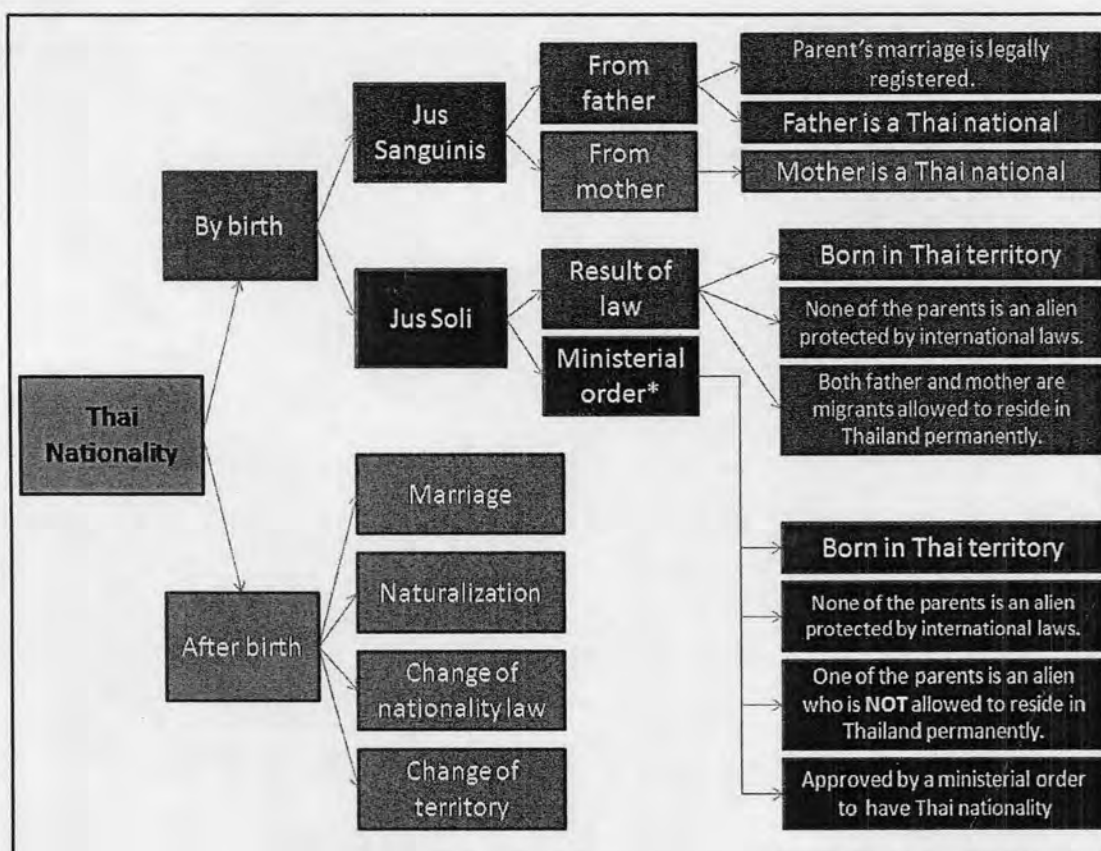
- 1) The people born *in Thailand* of temporary or illegal migrants before 14 December 1972 (and was revoked of Thai nationality by R.D. 337), or
- 2) The people born *in Thailand* of temporary or illegal migrants between 14 December 1972 and 25 February 1992 (and was rejected by R.D. 337 to acquire Thai nationality), or
- 3) People born *in Thailand* of the people in no. 14 and 15 until 27 February 2008.

It can be said that currently Thai nationality law grants the right to Thai nationality to people in sixteen situations as mentioned above. Besides, both principles of Jus Sanguinis and Jus Soli are used in acquiring Thai nationality by birth although acquiring Thai nationality according to the principle of Jus Soli is restricted for people born of legal migrants. The people who do not fall into any situations mentioned above have to submit a request form to have Thai nationality according to marriage or naturalization. The request must be approved by Minister of Interior's command. Changes in Thai nationality law and territory are also factors determining the rights to Thai nationality (Saisoonthorn, 2001: 10).

In the past, changes in Thai territory had caused the loss of Thai nationality in many groups of people who reside in the area where Thailand lost to neighboring countries during the colonial era at the end of 18 century. However, gaining or losing

Thai nationality according to the change of territory is rare nowadays because there is no such change. In contrast, the changes of nationality law in Thailand as elaborated in Section 3.4 (pages 38) played significant roles in the loss or gain of Thai nationality in certain groups of people. A good example of Thai nationality according to the law change is Section 23 of the Thai Nationality Act 2508 (1965 C.E.) as amended by Acts B.E. 2551 (2008 C.E.), which enabled the people who lost rights to Thai nationality by R.D. 337 to acquire Thai nationality.

Figure 4.1: The Rights to Thai nationality according to current Thai nationality law



Remarks:

1. Aliens protected by international laws = people entered Thailand for international relation purposes aka foreign ambassadors, workers in foreign embassies and their families.
2. Thai nationality according to the principles of Jus Soli that needs approval from a Ministerial also fall into the category 'Thai nationality after birth' since it is the Thai nationality granted by requesting after birth¹.

¹ By the researcher

Source: adapted from the figure “Current Types of Thai Nationality” (Saisoonthorn, 2000: 11)

4.3 Channels to obtain Thai nationality

People who need to obtain nationality in Thailand might be divided into two groups; 1) people born with the right to Thai nationality by birth and 2) people without the right to nationality by birth. The second group of people has to acquire Thai nationality after birth. Concerning the problem of statelessness, stateless people are potentially the people in the second group. However, the situation of statelessness might possibly happen to people in the first group too. This section deals with channels for people in both group to obtain Thai nationality, namely: 1) Tor Ror 14, 2) The Regulation of Central Registration Bureau Regarding Personal Status of Highlanders B.E. 2543 (C.E. 2000), 3) Section 7 *bis.* of Thai Nationality Act B.E. 2508 (C.E. 1965) as amended in 1992, 4) Section 23 of Thai Nationality Act B.E. 2508 (C.E. 1965) as amended in 2008, 5) naturalization, and 6) marriage.

4.3.1 Tor Ror 14

Every house in Thailand must be registered and given a house registration certificate. The document contains names of house's members and their personal information such as sex, birthplace, birth date, nationality, names of parents, etc. There are two kinds of house registration certificates in Thailand, Tor Ror 14 and Tor Ror 13. While Tor Ror 14 is a house registration certificate for Thai nationals and migrants who are permitted to reside in the kingdom permanently, Tor Ror 13 is a house registration certificate for migrants who legally entered the Thai territory and are allowed to reside in Thailand temporarily.

When a Thai national was born, his/her name should be added in a Tor Ror 14. Normally, adding names to Tor Ror 14 can be done right away if the people own the rights to Thai nationality by birth. To be precise, the Thai-born people are those born of a Thai national father or a Thai national mother OR born in Thailand of

migrants who are permitted to reside in the country permanently. The process is not complicated. When a child is born, their parents will need to report the birth to local registration office. The child's birth will be registered and the child's name will be added to the parent's Tor Ror 14. The child would just need to come to the local register office when they are 15 years old to make a Thai National Identification Card (Jiamwiriya, 2003: 43-47). This process is important because those who fail to register their names into Tor Ror 14 potentially become stateless.

There are situations in which a Thai-born child might become stateless. If the parents fail to report the child's birth to the local registration office, it is possible that the child's name is not added into Tor Ror 14. The child's status will be stateless or non-Thai until he/she can prove his/her Thainess aka to prove that he/she is a child born of a Thai national father or the Thai national mother OR born in Thailand of migrants who are permitted to reside in the country permanently. If the person is successful in doing so, his/her name will be added to Tor Ror 14 by the local registration officer. Normally, the proof can be done by a DNA test between the stateless person and one of the parents or siblings. Therefore, Tor-Ror 14 is a way to acquire Thai nationality for a Thai-born person.

It should be noted that the names of Thai nationals who are granted Thai nationality through other channels will also be added to Tor Ror 14 after their requests for naturalization or requests for Thai nationality according to nationality laws are approved by the Minister of Interior.

4.3.2 The Regulation of Central Registration Bureau Regarding Personal Status of Highlanders B.E. 2543 (C.E. 2000) – Reg. 2000²

Many minorities in Thailand including hill people are facing the problem of statelessness. The root cause of the problem is that they miss the civil census. Thus they have to find evidence to prove that they are Thais. Before 2000, the Regulation of Central Registration Bureau Regarding Granting Thai Nationality for Hill Tribe

² See original text in Appendix G, page 184.

People B.E. 2535 (C.E. 1992) or Reg. 1992 was used as the standard to grant Thai nationality to indigenous hill tribe people. In 2000, Reg. 1992 was replaced by the broader regulation, the Regulation of Central Registration Bureau Regarding Personal Status of Highlanders B.E 2543(C.E. 2000) or Reg. 2000. The new regulation aims to solve statelessness among indigenous hill tribe people and highlanders including minorities in Thailand. People who can acquire Thai nationality according to Reg. 2000 are:

1. “Hill Tribe Thai people” (Chao-Thai-Phu-Khao) and “highlanders” (Book-Kon-Bon-Puen-Thee-Soong). They are defined in the regulation as members of 9 indigenous tribes; Karen (Pkakeyaw), Mong (Meaw), Mian (Yao), Akha (E-kor), Lahu (Muser), Lesu (Lesor), Lua (Lwa or Tin or Mas or Prai), Kamu, and Mlabri (Tong-Luaeng) OR Thai ethnics who reside in the “highland” areas³. Moreover, they must have evidence to prove their Thai origins; official documents issued by government’s organization, witnesses, object evidence, etc.
2. Children who were born in Thai territory during 14 December 1972 – 25 February 1992 of hill tribe and minority migrants who arrived Thailand before 4 October 1985.

Although Thai nationality through Reg. 2000 is gained after birth, the quality of Thai nationality according to the regulation is equal to Thai nationality gained by birth. The government can not withdraw Thai nationality from people who were granted Thai nationality according to Reg. 2000. The request for Thai nationality according to this regulation needs an approval from the District Chief (DC).

³ “Highland” as defined in Reg. 2000 is the area contains 35% of gradients and the height of 500 meters above the sea level onwards. In the Reg. 2000, the areas that was marked as highlands in Thailand are the 20 provinces; Kanchana Buri, Kampaengpetch, *Chiang Rai*, Chiang Mai, Tak, Nan, Prajuabkirikan, Payao, Pisanulok, Petchburi, Petchaboon, Prae, Mae Hong Son, Ratchaburi, Loei, Lampang, Lampoon, Sukhothai, Suphanburi, and Uthai Thani. Other provinces may be added later by the Director of Central Registration bureau.

4.3.3 Section 7 *bis.* of Thai Nationality Act B.E. 2508 (C.E. 1965) as amended in B.E. 2535 (C.E.1992)⁴ – Sect. 7 *bis.*

Sect. 7 *bis.* is opened for people who were born in Thailand of temporary or illegal migrants to request for Thai nationality according to the principle of Jus Soli. The request needs an approval from the Minister of Interior. Nowadays, people who would request for Thai nationality through this channel are children of migrants who could not acquire Thai nationality according to Section 23 of Thai Nationality Act B.E. 2508 (C.E. 1965) as amended in B.E. 2551 (C.E. 2008).

Thai nationality granted through this channel is Thai nationality after birth. In some situations, the government can withdraw Thai nationality from the person obtained Thai nationality by this section⁵ (Saisoonthorn, 2005: 92-97).

4.3.4 Section 23 of Thai Nationality Act B.E. 2508 (C.E. 1965) as amended in B.E. 2551 (C.E. 2008)⁶

Section 23 of the Thai Nationality Act 1965 as amended in 2008 is similar to Section 7 *bis.* It is opened for people who were born in Thailand of temporary or illegal migrants to request for Thai nationality according to the principle of Jus Soli. However, since this section aims to solve the problems of statelessness in people affected by R.D. 337, the people who benefit from this law are more specific⁷. Moreover, the process in acquiring Thai nationality according to this law is shorter because it only needs approval from the DC.

Thai nationality through this channel is also Thai nationality after birth. Similar to nationality gained by Sect. 7 *bis.*, the government can withdraw Thai nationality from the person obtained Thai nationality by this section.

⁴ See unofficial translation in Appendix E, pages 172.

⁵ See situations that Thai state might withdraw one's nationality in Section 3.3.3, page 36

⁶ See unofficial translation in Appendix F, pages 177.

⁷ See more explanation of people qualified to request for Thai nationality according to Sect. 23 in Section 3.4.4, page 41.

4.3.5 Naturalization

Naturalization is a channel for non-Thais to become Thai nationals, aside from those who are able to acquire Thai nationality through the previous channels. There are three groups of people who are allowed to request for naturalization in Thailand: general adult⁸ migrants, adult migrants who have a special relationship with Thailand, and young migrants.⁹ (Ibid: 114-138).

4.3.6 Marriage

A female migrant who wishes to obtain Thai nationality through marriage needs to legally marry a male Thai national. She also needs to submit a request to become a Thai national. Approval of Thai nationality obtaining according to marriage is, again, under the Minister of Interior's consideration. Thai nationality by marrying to a Thai national confers the person with equal rights to a Thai national by birth. However, it is definitely Thai nationality gained after birth. Therefore, the government can withdraw= Thai nationality from the woman who obtained Thai nationality by marriage (Ibid.: 98-114).

It can be said that channels of obtaining nationality in Thailand depend on Thai nationality laws at the moment and personal legal status of the person. Table 4.1 presents channels of obtaining Thai nationality provided to each group of stateless people. The groups of the people are reorganized according to the rights to Thai nationality and personal legal status summarized from the explanations of stateless people in Thailand in Section 3.5.2 (page 49).

⁸ The person who attains majority

⁹ Situations that enable a migrant to request for Thai nationality were previously elaborated on Section 4.2 (page 54).

Table 4.1 Thai nationality obtaining channels according to groups of people

No.	Groups of People	Legal Status	Channels in Obtaining Thai Nationality
1.	People born of both Thai national father and mother	Thai national	
	<ul style="list-style-type: none"> • With Birth Registration Certificate (Tor Ror 1) 		<ul style="list-style-type: none"> • Request to add the person's name into Tor Ror 14 of the parents
	<ul style="list-style-type: none"> • Age less than 15 • Without Birth Registration Certificate (Tor Ror 1) 		<ul style="list-style-type: none"> • Register the birth at the District Office to get Birth Registration Certificate (Tor Ror 2) • Might need witness investigations upon the request of the Assistant District Chief
	<ul style="list-style-type: none"> • Age 15 up • Without Birth Registration Certificate (Tor Ror 1) • No other documents to prove the person's birth and relationship with parents 		<ul style="list-style-type: none"> • Request to add the person's name into Tor Ror 14 of the parents • Might need witness investigations or DNA test upon the request of the Assistant District Chief
	<ul style="list-style-type: none"> • Age 15 up • Without Birth Registration Certificate (Tor Ror 1) • No other documents to prove the person's birth and relationship with parents 		<ul style="list-style-type: none"> • Request to add the person's name into Tor Ror 14 of the parents • Need witness investigations • Need a DNA test
2.	<p>People born in Thailand</p> <p>One of the parents is a Thai national at the time born</p>	Thai national	Same as of people born of Thai national father and mother
3.	<p>People born in Thailand</p> <p>The parents were born in Thailand of indigenous Thais but have not yet obtained Thai nationality</p>	Thai national	
	<ul style="list-style-type: none"> • With Birth Registration Certificate (Tor Ror 3) • With parents' document evidence of birthplace • Registered in one of the government population surveys on minorities and highlanders OR the parents were registered 		<ul style="list-style-type: none"> • Request for acquiring Thai nationality according to Reg. 2000
	<ul style="list-style-type: none"> • With Birth Registration Certificate (Tor Ror 3) • Without parents' document evidence of birthplace • Registered in one of the government population surveys on minorities and highlanders OR the parents were registered 		<ul style="list-style-type: none"> • Request for acquiring Thai nationality according to Reg. 2000 • Need witness investigation on parents' birthplace
	<ul style="list-style-type: none"> • Without Birth Registration Certificate (Tor Ror 3) • Without parents' Birth Registration Certificate or Birthplace Certificates • Registered in one of the government population surveys on minorities and highlanders OR the parents were registered 		<ul style="list-style-type: none"> • Request for Birthplace Certificate • Request for acquiring Thai nationality according to Reg. 2000 • Needs witness investigation on parents' birthplace

Table 4.1 Thai nationality obtaining channels according to groups of people
(Contd. 1.)

No.	Groups of People	Legal Status	Channels in Obtaining Thai Nationality
4	People born in Thailand before 27 February 1992 The parents were not born in Thailand The parents arrived Thailand before 4 October 1985	Thai nationals	
	<ul style="list-style-type: none"> • Registered in one of the government population surveys on minorities and highlanders OR the parents were registered • With Birth Registration Certificate (Tor Ror 3) 		<ul style="list-style-type: none"> • Request for acquiring Thai nationality according to Section 23, Thai Nationality Act B.E. 2508 (C.E. 1965) as amended in B.E. 2551 (C.E. 2008)
	<ul style="list-style-type: none"> • Registered in one of the government population surveys on minorities and highlanders OR the parents were registered • Without Birth Registration Certificate (Tor Ror 3) 		<ul style="list-style-type: none"> • Request for Birthplace Certificate • Request for acquiring Thai nationality according to Section 23, Thai Nationality Act B.E. 2508 (C.E. 1965) as amended in B.E. 2551 (C.E. 2008)
5	People born in Thailand of people in group No. 4 who have not yet obtained Thai nationality	Thai nationals	
	<ul style="list-style-type: none"> • Registered in one of the government population surveys on minorities and highlanders OR the parents were registered • With Birth Registration Certificate (Tor Ror 3) • With parents' birth certificate 		<ul style="list-style-type: none"> • Request for acquiring Thai nationality according to Section 23, Thai Nationality Act B.E. 2508 (C.E. 1965) as amended in B.E. 2551 (C.E. 2008)
	<ul style="list-style-type: none"> • Registered in one of the government population surveys on minorities and highlanders OR the parents were registered • Without Birth Registration Certificate (Tor Ror 3) • With parents' birth certificate 		<ul style="list-style-type: none"> • Request for Birthplace Certificate • Request for acquiring Thai nationality according to Section 23, Thai Nationality Act B.E. 2508 (C.E. 1965) as amended in B.E. 2551 (C.E. 2008)
	<ul style="list-style-type: none"> • Registered in one of the government population surveys on minorities and highlanders OR the parents were registered • Without Birth Registration Certificate (Tor Ror 3) • Without parents' birth certificate 		<ul style="list-style-type: none"> • Request for Birthplace Certificate • Parents' request for Birthplace Certificate • Request for acquiring Thai nationality according to Section 23, Thai Nationality Act B.E. 2508 (C.E. 1965) as amended in B.E. 2551 (C.E. 2008)
6	People born in Thailand from migrant parents who arrived Thailand after 3 October 1985 <ul style="list-style-type: none"> • Registered in one of the government population surveys on minorities and highlanders OR parents were registered 		<ul style="list-style-type: none"> • Receive IDWT • Add names into Tor Ror 13 • Requests for Thai nationality by naturalization or marriage

**Table 4.1 Thai nationality obtaining channels according to groups of people
(Contd. 2.)**

No.	Groups of People	Legal Status	Channels in Obtaining Thai Nationality
7	Migrants living in Thailand	Migrants	
	<ul style="list-style-type: none"> • Arrived Thailand before 4 October 1985 • Registered in one of the government population surveys on minorities and highlanders 		<ul style="list-style-type: none"> • Receive Migrant Identification Card (MID) • Allowed to reside in The country permanently • Add names into Tor Ror 14 • Children born in Thailand of This group of people are granted Tai nationality
	<ul style="list-style-type: none"> • Arrived Thailand during 4 October 1985 – 15 September 1999 • Registered in one of the government population surveys on minorities and highlanders 		<ul style="list-style-type: none"> • Receive IDWT • Add names into Tor Ror 13 • Allowed to stay temporarily • Requests for Thai nationality by naturalization or marriage
	<ul style="list-style-type: none"> • Arrived Thailand after 15 September 1999 		<ul style="list-style-type: none"> • Pushed back to the host countries except the case of refugees OR registered as migrant labors • Requests for Thai nationality by naturalization or marriage

Source: Adapted from the table “Classifications of Highlanders and Guidelines of Assistance” (Kitprayoon and Ngam-au-rulert, 2001: 68-71)

4.4 Thai nationality obtaining processes

The processes of Thai nationality obtaining provided in this section will be based on documentary research and drawn from the researcher’s observation and participation in assisting hill people to obtain Thai nationality during an internship with the Citizenship Project¹⁰ of The Mirror Foundation. The processes of obtaining Thai nationality involved mainly three sectors: stateless people, assistance agencies and state’s agencies. The study will focus on the processes on the side of stateless people only. The processes are different depending on the channel used as well as the requirements set up by each district office. The general process includes *seven steps*: 1) searching for information, 2) gathering and preparing evidence, 3) document and

¹⁰ The project aims to assist stateless hill people in obtaining Thai nationality. Its assistance include nationality policy advocacy, providing legal advice, filling request forms, request forms and document submission on the stateless people’ behalf, coordinating with district administration offices and case follow up.

request form submission, 4) investigation, 5) case follow up, 6) appealing, and 7) identification card making.

4.4.1 Searching for information

According to Somboon (2005: 87-108), the main objective of stateless people in searching for information is to cope with difficulties found in each stage of obtaining Thai nationality. Therefore, information is always needed through the whole process of obtaining Thai nationality. Somboon says, stateless people's information-seeking process in obtaining Thai nationality occur in three periods; before entering the process, during the process, and at the end of the process as seen Table 4.2 (Somboon, 2005: 87-108).

Table 4.2: Information regarding obtaining Thai nationality

	Before entering the process	During the process	End of the process (after the request is approved)
Content	<ol style="list-style-type: none"> 1. Their right to Thai nationality 2. How to prepare themselves before entering the process 3. Expense 	<ol style="list-style-type: none"> 1. Procedures including required document, witnesses, filling forms, 2. Duration of the process 3. How to solve the problems found in the process 4. Progress of the request 	<ol style="list-style-type: none"> 1. Preparation for ID card making
Source	<ol style="list-style-type: none"> 1. Village chiefs 2. Relatives and friends 3. District officers 	<ol style="list-style-type: none"> 1. Village chiefs 2. Relatives and friends 3. District officers 4. NGOs* 	<ol style="list-style-type: none"> 1. Village chiefs 2. Relatives and friends 3. District officers 4. NGOs*
Methods	<ol style="list-style-type: none"> 1. Large group communication 2. Interpersonal communication 	<ol style="list-style-type: none"> 1. Large group communication 2. Interpersonal communication 	<ol style="list-style-type: none"> 1. Interpersonal communication

Before entering the process of nationality obtaining, the main source of information for stateless people are village chiefs. Family members or relatives,

friends and neighbors who previously received Thai nationality occasionally provide information in terms of comparison of cases between the person and the stateless people. The information needed in this process is about their right to Thai nationality and how to prepare for entering the process. The stateless people trust the information received from village chiefs the most because they believe it is from state's agencies. The people usually ask the sources for the information in person or receive the information from the village meetings held by the village chief. Therefore, it can be said that the methods in passing the information in this stage are interpersonal communication and large group communication (Ibid).

During the process of obtaining Thai nationality, stateless people already know that they are eligible to acquire Thai nationality. The information provided by village chiefs is basic information such as required documents, how to fill in the request form and fingerprint stamping. Interpersonal communication is mostly used to pass the information in this stage (Ibid.). Before the submission of documents, village chiefs are still a source of information as well as the main person to provide assistance because they are trusted by stateless people. The role of friends who have received Thai nationality includes advice and assistance in preparing documents according to their experiences. However, after the stateless people submit the requests, they rarely ask for other information from friends and village chiefs. District officers become the main source of information about the status of the requests. However, the stateless people usually do not dare to follow up with the district officers because they fear to disturb the officers (Ibid).

The end of the nationality obtaining process is when the stateless people's request has been approved. Normally, the information needed in this process is preparation of ID card making. Information regarding the procedures and the progress of requests is still needed for the people whose family members have not yet been granted Thai nationality. Village chiefs and friends are still the main sources of information. The method used to access to information is still interpersonal communication (Ibid.).

4.4.2 Gathering and preparing evidence

At this step, the stateless people gather and prepare evidence required in nationality obtaining. Evidence used in obtaining Thai nationality must prove the person's eligibility according to the conditions of each nationality obtaining channel. Normally the evidence is divided into document evidence, witness evidence and object evidence (Kitprayoon, Ngam-au-rulert, 2001:35-62).

4.4.2.1 Document evidence

Required documents in obtaining Thai nationality generally are: birth certificate or birthplace certificate, documents granted in government population surveys, Tor Ror 13, identification cards of people without Thai nationality and/or color cards, documents of parents and other family members, and other documents.

- a. 'Primary Birth Certificate', 'Birth Registration Certificates' and 'Birthplace Certificate'

In order to obtain Thai nationality after birth, an individual has to prove that he/she is born in Thailand. There are three kinds of document that the Thai officials accept as evidence to prove a person's birth; 'Primary Birth Certificate' (Tor Ror 1/1), 'Birth Registration Certificates' (Tor Ror 1, 2, and 3) and 'Birthplace Certificate'.

Primary Birth Certificate (Tor Ror 1/1) is basically the document granted to every child born in Thailand. This document is issued by the hospital and health center where the child is born. It is used later to register the child's birth to the local registration office. It can also be used as evidence to obtain Thai nationality if the child's birth is not officially registered. However, witness investigations are needed to make sure that the certificate was actually granted to the person who request for Thai nationality.

Birth Registration Certificate is the most acceptable as evidence of birth because it is issued by the government's local registration office which is the District Administration Office. There are three kinds of birth registration certificate in Thailand; Tor Ror 1, Tor Ror 2 and Tor Ror 3. The first two kinds are certificates for Thai nationals and the last one is for non-Thais. Therefore, stateless children are usually granted Tor Ror 3¹¹. However, not many stateless people own Tor Ror 3, especially in the past¹².

The birthplace certificate¹³ is an option for stateless people who do not have a Primary Birth Certificate or Birth Registration Certificate. It is the document issued by the district administration office to certify that the person was born in Thailand. In order to request for the certificate, the stateless person has to submit a request form and to present registration documents issued by the officials in highlanders or minority surveys in *Section b* as well as witnesses of birth. Investigations will be arranged between the Assistant District Chiefs and the stateless person and witnesses. Important witnesses usually are parents, the midwife, people who witness the birth and trusted bodies such as the village chief at that time or the elders in the villages. The certificates are approved by the district chief. The processes might take 1 week – 3 months to complete.

b. Documents granted in the government population surveys

There were quite many government surveys on hill tribe and minority populations. The surveys were done by different agencies with different purposes. Although the surveys were incomplete and the data was not always accurate, the people at least received an official document that recorded their existence and personal data and it can be used as an essential evidence to prove their right to Thai nationality. Documents to be discussed in this section are mainly those given to the stateless in the four surveys discussed in Section 3.5.1 (page 45) and other minor surveys. These documents are: 1) Hill Tribe Civil Registration Record, 2) House

¹¹ See sample in Appendix I,J, pages 198-199.

¹² Problems of birth registration in Thailand are already discussed in Section 3.3.1, (page 33).

¹³ See sample in Appendix K, page 200.

Member Survey Registration Record, 3) Highland People Personal Registration Record, 4) Highland Community Registration Record and 5) Other kinds of record.

Hill Tribe Civil Registration Record (*Tha-bian-rat-chao-khao*) is the document made during the survey conducted by DG, the Ministry of Interior in 1969-1970. The document was kept in District Administration Offices. The people registered in the survey were given Hill Tribe Coins. The coins were later not accepted by the officials as reliable evidence in obtaining Thai nationality because they can be transferred to anybody (Kitprayoon and Ngam-au-rulert, 2001: 37).

House Member Survey Registration Record¹⁴ (*Tha-bian-sam-ruad-ban-chee-buk-kon-nai-baan*) or Tor Ror Chor Khor 1 was issued by the SWD (at that time under the Ministry of Interior) and other agencies in the hill tribe population survey according to the M.R. dated April 24, 1984. The survey was conducted during 1985 – 1988. The purpose of this survey was to find out the number of hill tribe people under the department's control. The document is now less acceptable as evidence to obtain Thai nationality comparing with the latest two documents; Highland People Personal Registration Record and Highland Community Registration Record because photos and fingerprints of the people were not recorded in the document (Ibid.).

Highland People Personal Registration Record¹⁵ (*Tha-bian-pra-wat-book-kon-bon-puen-thee-soong*) was issued by officers from DG, the Ministry of Interior during the survey conducted in 1990-1991 according to the M.R. dated June 5, 1990. The aim of the surveys is basically to grant every individual in the country an official identification document in order to determine their personal legal status. There were different groups of people registered in the surveys including hill tribe people and minority groups such as the Mons, displaced Laos, Burmese, Chinese, etc. The major information in the documents includes names and personal information such as parent's names, origins, birth date, birthplace, photos and fingerprints of people who live in the house. The documents are just like the house registration certificate for non-citizens. The people who were registered in the surveys were also given 13-digit

¹⁴ See sample in Appendix L, page 201.

¹⁵ See sample in Appendix M, page 202.

identification numbers. People aged 12 upwards were granted identification cards. The cards are known in general as “color cards”. The Highland People Personal Registration Record is accepted at a high level as an evidence to obtain Thai nationality (Ibid: 38).

There was another survey conducted in 1999 by officers from District Administration Offices under the project of Secretariat Office of the Sub-Committee of National Security Regarding Community, Environment and Narcotic Control on Highland and the Civil Registration Division, Registration Administration Bureau. The target groups were the same of whom were registered in the survey in 1990-1991. This time, the people were given a Highland Community Registration Record¹⁶ (*Tha-bian-pra-wat-chum-chon-bon-puen-thee-soong*). The purpose of the survey is to find out the number of highland people including minorities and to categorize them in order to design policies in the future. Details in the document are similar to those of Highland People Personal Registration Record. Identification cards (color cards) and the 13 digits identification numbers were also offered to the people registered in the survey. Legal status of the people depended on the law in each period of time (Ibid: 39).

Both Highland People Personal Registration Record and Highland Community Registration Record were made into two copies. The first copy was kept by the District Administration Office and the second one was kept by the people. One of these documents can be used to request for Tor Ror 13 (Ibid.). Nowadays, Highland Community Registration Record is accepted as evidence to obtain Thai nationality at a high level.

There are more documents given to minorities by DG in its surveys such as ‘Displaced Burmese Registration Record’¹⁷ for displaced Burmese arrivals before March 9, 1976 and ‘Thai Lue Registration Record’¹⁸. These documents are accepted as evidence to obtain Thai nationality at a high level because they were issued by

¹⁶ See sample in Appendix N, page 203.

¹⁷ See sample in Appendix O, page 204.

¹⁸ See sample in Appendix P, page 205.

official agencies. The people who own one of these documents can also use it to request for Tor Ror 13 (Ibid.).

In sum, documents in this group are accepted in different level by the officials as evidence in obtaining Thai nationality. The preferable documents are documents on highland and minorities that recorded the people's photos and fingerprints such as Highland People Personal Registration Record, Highland People Personal Registration Record and Highland Community Registration Record Displaced Burmese Registration Record and Thai Lue Registration Record.

c. Tor Ror 13

Tor Ror 13 is a house registration certificates for migrants who legally or illegally entered the Thai territory and are allowed to reside in Thailand temporarily. People who have the Highland People Personal Registration Record or Highland Community Registration Record and other document in Section b. usually have Tor Ror 13.

d. Color cards/ Identification Cards of People without Thai Nationality (IDWT)

The color cards are identification cards made in different colors for people who were registered in the government surveys for non-Thai minorities during 1990 – 1991 and again in 1999. The cards in each color identify the holders' personal status, the rights to reside in the country as well as the rights to Thai nationality according to their primary information such as origins and the date of entering Thailand (Civil Registration Division, Registration Administration Bureau, DOPA, Ministry of Interior, 2001). The card lists the holder's name, date of issuance and the valid date, which is usually period that the person is permitted to stay in Thailand. Highlanders and hill tribe people registered in the survey during 1990-1991 were provided blue paper cards¹⁹ while those registered in the survey in 1999 were given

¹⁹ See sample in Appendix S, page 208.

green paper cards²⁰ with red rims. However, some of them were given pink paper cards, which meant they were classified as displaced Burmese nationals.

Nowadays, color cards are not in used anymore. In 2007, all the people who held color cards had to hold the Identification Cards of People without Thai Nationality (IDWT)²¹. IDWT is a pink plastic smart card so it is called the “pink card”. This kind of card was made according to the survey under the Personal Status and Rights Problem Management Strategies in Thailand 2005²². This strategic plan had pushed DG to conduct the latest survey on non-citizen population in Thailand during 2007. The purpose of the survey was to solve the problems of personal legal status and statelessness in non-citizens. The survey aimed to include people who missed all the previous surveys as well as new comers and to categorize them into groups by using identification number. The people registered in the survey received the pink cards.

e. Documents of parents, other family members and witnesses

According to Thai nationality laws, information of a person’s parents such as birthplace, birth date and the date of entering Thailand is very important to prove a person’s personal status as well as his/her right to Thai nationality. Therefore, the above mentioned documents such as identification cards and community or personal records of the person’s parents are also needed as evidence in obtaining Thai nationality. People whose parents do not have any document evidence are usually suspected to be children of migrants unless there is other evidence to prove their right to Thai nationality.

Documents of other family members are needed when the person request for Thai nationality according to Reg. 2000. The head of the family can request for Thai

²⁰ See sample in Appendix R, page 207.

²¹ See sample in Appendix T, page 209.

²² Personal Status and Rights Problem Management Strategies is the government project created by a committee combined with government officials, academics and development practitioners in 2005. The project aims to find undocumented people in Thailand and to grant all the people legal status in order to solve the problems of statelessness.

nationality according to the regulation for everyone in the family in one time. So they have to submit all the documents together. At the same time, the witnesses also need to provide their identification cards and house registration or highland people personal registration records or highland community.

f. Other documents

Other documents can be presented as evidence in obtaining Thai nationality if the person could not provide all of the above mentioned documents. Basically, the document shall present the proof the person's birth in Thailand or date of entering the Thai territory or the period of residing in Thailand. Acceptable documents are those officially issued by government organizations such as healthcare records and student certificates.

The requester may provide more other documents that prove his/her potential to be a good citizen or to be assimilated to Thai society such as student's transcripts and certificates of participation in social activities, ex. donation certificate, cards of voluntary members, certificate of employment, etc.

4.4.2.2 Witness evidence

Witness evidence was required in several steps in obtaining Thai nationality upon the request of the District Chiefs. It was found that witnesses are required in 3 situations; 1) the person requests for a birthplace certificate, 2) the person requests for a correction of documents, 3) the person does not have any documents of parents, or 4) the person requests for obtaining Thai nationality.

Normally, there are 3-5 witnesses required in each investigation except in the case of request for the correction in the primary document such as Highland Personal Registration Record or Highland Community Registration Record. In such cases, more than 5 witnesses may be required. Witnesses should be the people who know the requester's background very well such as one of the parents, neighbors, friends,

elders in the village. However, witnesses who are government workers or those who are related to the government in some ways are more preferable for the officials (Kitprayoon and Ngam-au-rulert, 2001: 42-44). Village chiefs or deputy chiefs are, therefore, requested by the officials to present in almost every investigation as witnesses for people under their supervision.

4.4.2.3 Object evidence

The only object evidence that is highly acceptable in obtaining Thai nationality nowadays is a DNA test result. The test must be required by the Assistant District Chief and it must be done in a recognized government hospital. In Thailand, the tests must be performed by six hospitals, namely: Maharaj Nakorn Chiang Mai Hospital in Chiang Mai province, Ramathibodi Hospital and Chulalongkorn Hospital in Bangkok, Srinakarin Hospital in Khon Kaen province and Songkla Nakarin Hospital in Songkla province (MF, 2008).

4.4.3 Document evidence and request form submission

After stateless people finish preparing all evidence, they need to submit the document evidence at the district administration office. The process of document and request form submission includes;

- 1) Stateless people and witnesses go to the District Office.
- 2) Stateless people submit the document evidence.
- 3) The officer examines the evidence.
- 4) If all required documents are provided and there is not any mistake in the document, the officer will accept the documents and fills in the request form for the stateless.
- 5) The process ends when the stateless and witnesses sign or stamp their fingerprints (for those who cannot write Thai) in the request form.

However, it is possible that there might be a mistake in the documents or there are not enough documents. The officer then requests the stateless people to find

more documents or correct the document. The request form will be postponed until all necessary documents are provided.

4.4.4 Investigation

Investigations in acquiring Thai nationality aim to dig out the truth regarding the requesters' background, especially their qualifications to obtain Thai nationality. After the documentary evidence and request form are submitted, stateless people or the requester as well as their witnesses will need to come to the district administration office for the investigation. It is requested by the office to investigate at least three witnesses. It is required that a witness shall provide coherent information that supports information provided by other witnesses. If the witnesses did not provide enough or correct information, the stateless person might be asked to come for more investigations or to provide more witnesses.

The Assistant District Chief in each district office is in charge of the investigations, starting from investigating the requester, then the witnesses one by one. The content in each investigation will be recorded in the 'Investigation Record Forms' prepared by the office. The format of the investigation record form varies depending on the ADC in each district. The form usually includes general questions asked in the investigation and the answers given by the person being investigated. Questions included are mostly about the background of the requesters. Examples of the questions are as below:

1. Who are the requester's parents?
2. Where does the requester live?
3. How many siblings does the requester have?
4. What does the requester do to make a living?
5. How long does the witness know the requester?
6. What is the relationship between the witness and the requester?
7. Does the requester have any background related to drugs? If so, when and how?

8. Has the requester participated in social or community development activities? What are they?

At the end of the investigation, the ADC, the requester, and the witnesses will need to sign the form to verify the investigation content recorded in the form. NGOs might be assigned by the ADC to help investigate the requesters and witnesses as well as to record the investigation content in the Investigation Record Form. After that, the ADC examines the forms before signing to verify the form.

4.4.5 Case follow up

This process starts after the submission of the documents as well as after the investigations. Case follow up is another important process because it lets the stateless person know the status of the request. There are many ways to follow up the case; making a call, coming to ask at the office directly, and asking some other people to call or to ask the office directly. Usually, stateless people ask the village chief who assisted them to submit the request.

4.4.6 Appealing

This process begins when a request is turned down by the District Chief. The requester has a right to appeal within 30 days after being informed the result of the request. Appealing can be done at the district and provincial level. The person has to submit the appeal at the district level first. After submission of the appeal, the committee will arrange a meeting between the committee members and the DC. The resolution of the committee on the appeal will be announced within 10 days. If the appeal is turned down by the district appeal committee, he/she can submit the appeal to the provincial appeal committee. If the appeal is turned down by the provincial appeal committee, the requester can complain to the Administrative Court. The process ends at the court's event.

4.4.7 Identification card making

Whenever a person is granted Thai nationality, he/she will need to go to the District Office to get Thai National Identification Card (TID card). At this stage of the process, the person may be requested to prove that he/she is the same person of the requester by taking a brief investigation conducted by the ADC. The process includes filling out the form, fingerprint stamping, taking a photo, fee payment and getting the card.

4.5 Conclusion

This chapter provides information of obtaining Thai nationality in Thailand. Situations that enable a person the right to Thai nationality are mainly based on the status of parents and the law that is effective at the time the person was born as well as the place of birth. Main channels to acquire Thai nationality are 1) Tor Ror 14, 2) the Regulation of Central Registration Bureau Regarding Personal Status of Highlanders B.E. 2543 (C.E. 2000), 3) Section 7 bis., Thai Nationality Act B.E. 2508 (C.E. 1965) as amended in 1992, 4) Section 23, Thai Nationality Act B.E. 2508 (C.E. 1965) as amended in 2008, 5) naturalization, and 6) marriage. Each channel only provides a chance for some groups of people to acquire Thai nationality according to the current Thai nationality law. The process of obtaining Thai nationality includes seven steps: 1) searching for information, 2) gathering and preparing evidence, 3) document and request form submission, 4) investigation, 5) case follow up, 6) appealing, and 7) identification card making.