

Alien Working Act, B.E.2551 (2008)

Translation

BHUMIBOL ADULYADEJ, REX.

Given on the 13th February B.E. 2551

Being the 63rd year of the present Reign

His Majesty King Bhumibol Adulyadej has been graciously pleased to proclaim that:

Whereas, it is expedient to have the Law Governing Alien Working.

This Act contains the provisions in relation to the restriction of rights and liberties of persons, in respect of which Section 29, in conjunction with Section 32, Section 33, Section 34 and Section 43 of the Constitution of the Kingdom of Thailand so permit by virtue of law.

Be it, therefore, enacted an Act by the King, by and with the advice and consent of National Legislative Assembly, as follows.

Section 1

This Act shall be called "Alien Working Act, B.E. 2551 (2008)"

Section 2

This Act shall come into force from the day following the date of its publication in the Government Gazette.

Section 3

The followings shall be repealed:

- (1) Alien Working Act, B.E. 2521,
- (2) Alien Working Act, (No.2), B.E. 2544.

Section 4

This Act shall not apply to duty performances in the Kingdom of aliens, particularly, in the following positions:

- (1) persons in diplomatic delegations,
- (2) persons in consular delegations,
- (3) representatives of member countries and staffs of the United Nations Organization and Expert Bureau,
- (4) personal servants traveling from foreign countries to perform permanent work for persons under (1), (2) or (3),
- (5) persons performing duties or missions in accordance with the agreement which the Thai government has made with foreign governments or international agencies,
- (6) persons performing duties or missions for the advantages of educations, cultures, arts, sports or other activities which, in this connection, shall be stipulated by the Royal Decree,
- (7) persons authorized by the Council of Ministers to enter the Kingdom to perform any duties or missions which, in this connection, conditions on the matter may be or may not be stipulated.

Section 5

In this Act:

"Alien" means a non-Thai nationality natural person.

"Working" means a working by physical strength or knowledge whether or not intended for wages or any other benefits.

"Permit" means a Work Permit.

"Recipient of Permit" means an alien receiving the Permit.

"Employee" means a recipient of the Permit in accordance with Section 9, Section 11, Section 13 (1) and (2) and Section 14 to perform work prescribed under Ministerial Regulation issued under Section 15 herein.

"Fund" means the Alien Out-of-Kingdom Repatriation Fund.

"Fund Committee" means the Alien Out-of-Kingdom Repatriation Fund Committee.

"Committee" means the Committee considering alien working.

"Appeal Considering Committee" means the Committee considering working appeal of aliens.

"Competent Official" means a person appointed by the Minister to execute in accordance with this Act.

"Registrar" means Director-General and a Competent Official appointed by the Minister at the recommendation of the Director-General in order to issue the Permits and perform other acts in accordance with this Act.

"Director-General" means Department of Employment Director-General.

"Minister" means the Minister having charge and control in accordance with this Act.

Section 6

Labor Minister shall have charge and control in accordance with this Act and shall have the power to issue Ministerial Regulations, fix the fees not exceeding the rates indicated in the attached Schedule, exempt payments of the fees and prescribe other activities for the executions in accordance with this Act. A Ministerial Regulation, once published in the Government Gazette shall be enforceable.

Chapter 1

Alien Working

Part 1

General

Section 7

Any work may be performed, in whichever locality and when by aliens shall be in accordance with the requirements stipulated under the Ministerial Regulation by taking into account the national security, career opportunity of the Thai people and demand for alien labors necessary for national developments which, in this connection, such requirements may be stipulated variedly among the aliens themselves in accordance with Section 13 and Section 14 herein.

The provisions under paragraph one above shall not apply to alien working in accordance with Section 12 herein.

Section 8

For the purpose in limiting the alien number not being craftsmen or experts to come in to do some category or nature of works in the Kingdom, the Minister, with the approval of the Council of Ministers, may prescribe a directive by publishing in the Government Gazette for the collections of the fees on the employments of aliens not being the craftsmen or experts who will come in to do some category or nature of works in the Kingdom.

Whoever desiring to employ aliens in accordance with paragraph one above, shall notify the Registrar in accordance with the format prescribed by the Director-General and pay the fee at least three days prior to making the employment contract.

Whoever failing to comply with the provisions under paragraph two above shall pay an additional surcharge of one time of the fee required to be paid.

Part 2 Work Permit

Section 9

No alien shall be permitted to do any work other than those set forth under Section 7 above and unless receiving Work Permit from the Registrar except an alien coming into the Kingdom temporarily in accordance with the Law Governing the Immigrant to do necessary and urgent work with the working period not exceeding fifteen days and that such alien can commence working only when pertinent letter of notification has been conveyed to the Registrar. In issuing the Permits, the Registrar may stipulate conditions for the aliens to comply with, as well.

The Permits, applications for Permits, issuances of Permits and conveyances of notifications under paragraph one above shall be in accordance with the format and procedures prescribed under the Ministerial Regulation.

Director-General may as well lay down the rules in outlining the guidance on the stipulation of conditions under paragraph two above for the Registrar to comply with.

Section 10

An alien eligible to apply for a Permit under Section 9 above must have a residence in the Kingdom or must be authorized to enter the Kingdom temporarily in accordance with the Law Governing the Immigrant, not being an alien authorized to come in as a tourist or transit traveler and shall possess no prohibitions prescribed under the Ministerial Regulation.

Section 11

Whoever desiring to employ aliens residing outside the Kingdom to do his work in the Kingdom may submit the applications for the Permits and pay the fees on behalf of such aliens. The applications for the Permits on behalf of the aliens under paragraph one above shall be in accordance with the procedures prescribed under the Ministerial Regulation.

Section 12

In permitting aliens to work in the Kingdom in accordance with the Law Governing Investment Promotion or the other laws, the person giving permissions in accordance with such laws shall convey letters of notification on such permissions to the Registrar together with relevant details immediately. Upon receiving the notifications in accordance with paragraph one above, the Registrar shall issue the Permits to such aliens within seven days from the date of receiving the notifications.

During the waiting period for the Permits under paragraph two above, such aliens shall be able to work for that time being with the exception that they are not required to comply with Section 24 until the date on which the Registrar has notified them to pick up the Permits.

Section 13

An alien who is not eligible to obtain a Permit because of the following reasons may submit an application to the Registrar for a Permit to do the work under the category prescribed by the Council of Ministers by publishing in the Government Gazette in accordance with the Committee by taking into account the national security and social impact:

- (1) Having been deported in accordance with the Law Governing Deportation, however, he/she has been given a leniency to make a living at any place in lieu of deportation or under the period pending deportation.
- (2) Entering into or residing in the Kingdom without a permission in accordance with the Law Governing the Immigrant but has been permitted to stay in the Kingdom temporarily pending repatriation out of the Kingdom in accordance with the Law Governing the Immigrant.
- (3) Nationality has been withdrawn in accordance with the Revolutionary Party Announcement No. 337, dated 13 December 1972, or the other laws.
- (4) Being born in the Kingdom but has not been given the Thai nationality in accordance with the Revolutionary Party Announcement No. 337, dated 13 December 1972.
- (5) Being born in the Kingdom but has not been given the Thai nationality in accordance with the Law Governing Nationality. On the Announcement under paragraph one above; the Council of Ministers may as well prescribe any conditions therewith.

An application for and an issuance of a Permit in accordance with paragraph one above shall be in accordance with the procedures prescribed under the Ministerial Regulation.

Section 14

An alien having the residence in and being the citizen of the country having common border with Thailand, if entering into the Kingdom by using document in lieu of his passport in accordance with the Law Governing Immigrant, may be permitted to do some certain category or nature of work in the Kingdom on a temporary basis during the prescribed periods or seasons provided, however, that this rules shall be applicable to working in the locality having the common border or the continuous area of such locality. An alien desiring to work in accordance with paragraph one above, shall submit an application for a temporary Work Permit together with producing document used in lieu of the passport to the Registrar and pay the fee as prescribed under the Ministerial Regulation.

On the issuance of a Work Permit, the Registrar shall indicate the locality or place permitted to work, length of time permitted to work category or nature of work and the employer for whom such alien will be working which all these shall be in accordance with the format and procedures prescribed under the Ministerial Regulation.

The provisions under this Section will apply to whichever locality, alien of whatever nationality, whatever category or nature of work to be performed, whichever the period or season the work to be performed, how the condition will be, shall be in accordance with the requirements prescribed by the Council of Ministers by publishing in the Government Gazette.

Section 15

Employees receiving Work Permits in accordance with Section 9, Section 11, Section 13 (1) and (2) and Section 14 exclusively the works prescribed under the Ministerial Regulation shall send in the money as contributions to the Fund as guarantees to cover the expenses in repatriating such employees out of the Kingdom which, in this respect, the employers shall have the duties to deduct such money from the employees' wages for contributing to the Fund.

The employees' amounts of money required to be contributed to the Fund, wage deductions, and the sending of the wages in to the Fund in accordance with paragraph one above shall be in accordance with the rules, procedures, schedules and rates prescribed under the Ministerial Regulation which, in this respect, such amounts and rates may be fixed differently for employees of each nationality by taking into account the expenses in repatriating employees of each nationality out of the Kingdom.

The provisions under paragraph one above shall not apply to employees having the Receipts in accordance with paragraph one of Section 16 herein which show that such employees have already sent the money in full amount in to the Fund or having Certificates in accordance with paragraph two of Section 16 and the employees where it appears in accordance with the evidences of the Registrar that they have already paid in the money in full amount to the Fund provided, however, that this shall be exclusively for the employees who have never received money back in accordance with Section 18 herein or have never been repatriated in accordance with Section 20.

Section 16

Once the employer has already sent in the wage of any employee to the Fund, the Registrar shall issue a Receipt to the employer and that, at least, the name and Serial Number of the employee whose wage has already been deducted, the amount of money having been sent in and the amount in arrears must be indicated on such Receipt and the employer shall give such Receipt to the employee for retention as an evidence.

When an employee's wage has been deducted for contribution to the Fund in full amount, the Registrar shall issue a Certificate to such employee as evidence.

In the case where the Certificate under paragraph two above has been lost or damaged, the employee shall have the right to request for a substitute from the Registrar.

An issuance of the Receipt under paragraph one, Certificate under paragraph two and a substitute under paragraph three above shall be in accordance with the format, rules and procedures prescribed under the Ministerial Regulation.

Section 17

An employer who fails to send in the wage to the Fund in accordance with Section 15 or sends in but not in full amount shall pay the surcharge at the rate of two percents (2%) per month of the unsent wage or the sent one but not in full amount.

Section 18

An employee leaving the Kingdom at his/her own expenses shall have the right to receive his/her wages deducted for contributions to the Fund back by submitting a request to the Registrar for the return of such wage at the Immigration Check-Point through which he/she has to pass to leave the Kingdom or forward a letter of notification to the Registrar requesting for the return of such wage.

On a request for the return of the wage under paragraph one above, the employee must attach the evidence specified under paragraph one of Section 16 above in the case where the money has not yet been sent to the Fund in full amount or evidence in accordance with paragraph one or paragraph two of Section 16 above in the case where the money has already been sent in to the Fund in full amount.

The Registrar shall have the duty to return the wage in accordance with paragraph one above to the employee within thirty days from the date of receiving the request or letter of notification requesting for the return of such wage, as the case may be. In the case where the registrar has returned the wage to the employee when such period has passed over, the Registrar shall return the money together with the interest at the rate of seven and a half percents (7.5%) per year from the date of the maturity of the thirty-day period until the date on which the Registrar has returned the money to the employee.

The return of wage and interest in accordance with this Section shall be made in cash or in check indicating name of the employee or by way of money transfer to bank account of the

employee provided, however, that all these shall be carry out in accordance with the rules prescribed by the Director-General.

Section 19

An employee leaving the Kingdom at his/her own expenses, if he/she should fail to request for the return of his/her wages deducted and sent in to the Fund in accordance with Section 18 above within two years from the date of leaving the Kingdom, his/her right to get the money back shall be deprived of and that such money shall be vested in the Fund.

In the case where the employee under paragraph one above returned to the Kingdom and work in accordance with his/her original Work Permit which has not yet been expired or in accordance with his/her new Work Permit which is the work prescribed in the Ministerial Regulation issued under the provisions of Section 15 above, as the case may be, within two years from the date after departing the Kingdom, such employee's wage shall not be deducted again for sending in to the Fund except the employee's wage which used to be deducted and has not yet been sent in to the Fund in full amount which, in this respect, the employer shall deduct such employee's wage and send it in to the Fund until the required amount is fully contributed.

Section 20

When there is a case to repatriate an employee out of the Kingdom, the Fund shall pay the Fund's money to cover the expenses in the repatriation of such employee out of the Kingdom.

In the case where the employee to be repatriated out of the Kingdom has not yet fulfilled money contributions to the Fund, the Fund shall pay the fund's money in contribution to the shortfall portion except Such employee returns to work in the Kingdom in accordance with the requirement of the employer, such employer shall be responsible for the amount which the employee has not yet sent in to the Fund in full and that the Fund shall call for the shortfall amount from the employer.

Section 21

Work Permits issued under this Act shall be valid for a period not exceeding two years from the date of issuance except the Work Permits issued to the aliens under Section 12 which shall be validly equivalent to the period of time permitting to come in to work in accordance with such law.

A Work Permit under paragraph one above shall have no effect of time extension of stays in the Kingdom in accordance with the Law Governing the Immigrant.

Section 22

In the case where a working period of a person receiving a Work Permit in accordance with Section 12 above has been extended in accordance with such law, the person giving permission in accordance with such law shall convey a letter of notification on such working period extension to the Registrar in accordance with the format prescribed by Director-General immediately and that, in this connection, the Registrar shall record such period extension in the Work Permit.

Section 23

Prior to the expiration of a Work Permit and that the person receiving such Work Permit desires to continue doing such work, such person shall submit the application to the Registrar for renewal thereof.

Once the application for the renewal thereof has already been submitted in accordance with paragraph one above, the person submitting the application for such renewal shall be permitted to continue working for the time being until the Registrar will issue an order on non-renewal thereon.

A renewal of a Work Permit shall be for a period of not exceeding two years each time and shall do it only in the case of necessary in order to prevent the aliens from settling down in

the Kingdom and the alien case under Section 13 (1) and (2). The total length of time permitted to work shall not be over a consecutive period of four years unless otherwise prescribed from time to time by the Council of Ministers.

An application for a Work Permit and the renewal thereof shall be in accordance with the rules and procedures prescribed under the Ministerial Regulations.

Section 24

A Work Permit recipient must have the Work Permit kept on him/her or at his/her working place during the working hours to be available produced to the Competent Official or Registrar at all times.

Section 25

Should a Work Permit be lost or damaged, the Work Permit recipient shall submit an application to the Registrar for a substitute of such Work Permit within fifteen days from the date of knowing such loss or damage.

An application for a substitute of the Work Permit and the issuance of the substitute thereof shall be in accordance with the rules and procedures prescribed under the Ministerial Regulations.

Section 26

The Work Permit recipient must do the work in accordance with category and nature of work and with the employer at the locality or place and conditions as permitted.

A Work Permit recipient whoever desiring to change or increase the category or nature of work, employer, working locality or place or conditions must be permitted by the Registrar.

An application for a Work Permit and the permission thereof shall be in accordance with the rules and procedures prescribed under the Ministerial Regulations.

Section 27

No person shall be permitted to employ an alien to work except the alien having a Work Permit to work with him/her in accordance with the category or nature of work indicated on the Work Permit at the locality or place also indicated on the Work Permit.

Section 28

In the case where it is apparent that a Work Permit recipient is in violation of or fails to comply with the Work Permit issuing conditions, the Registrar shall have the power to issue an order revoking such Work Permit.

Chapter 2

Alien Out-of-Kingdom Repatriation Fund

Section 29

A Fund called "Alien Out-of-Kingdom Repatriation Fund" shall be established in Department of Employment for use as a circulating capital to cover the expenses in relation to the repatriations of alien employees and persons under deportation order out of the Kingdom in accordance with this Act, the Law Governing the Immigrant and the Law Governing Deportation, as the case may be.

Section 30

The Fund shall consist of money and properties as follows:

- (1) surcharges in accordance with paragraph three of Section 8 above,
- (2) money sent in to the Fund by employers according to Section 15,

- (3) surcharges in accordance with Section 17 above,
- (4) money vested in the Fund according to paragraph one of Section 19,
- (5) money collected from employers owing to paragraph two of Section 20,
- (6) money or properties given by, donors,
- (7) fees collectible in accordance with this Act as authorized by Ministry of Finance for use as expenses without having been required to be handed over to Treasury Office as the state revenue,
- (8) fruits of the Fund,
- (9) government's subsidy in accordance with paragraph two of Section 31.

Money and properties under paragraph one above shall be contributed to the Fund without having been required to be handed over to Treasury Office as the state revenue.

Section 31

The Fund's money shall be used on the following objectives:

- (1) To cover the expenses in repatriating employees out of the Kingdom in accordance with this Act.
- (2) To be returned to employees in accordance with Section 18 above and used as expenses for such particular business.
- (3) To be used as expenses in connection with the repatriations of aliens out of the Kingdom in accordance with the Law Governing the Immigrant.
- (4) To be used as expenses in connection with the sending of persons ordered deported out of the Kingdom in accordance with the Law Governing Deportation.
- (5) For use as expenses necessary for the Fund managements which must not exceed ten percents (10%) of the fruits of the Fund.
- (6) The Fund money in accordance with Section 30 (7) above and fruits of such money shall be used exclusively in the interest of the managements relating to the working of aliens of related organizations.

In the case where the Fund money is insufficient to cover the expenses in accordance with paragraph one, the government shall from time to time provide the Fund with a subsidy as necessary.

Section 32

There shall be an Alien Out-of-Kingdom Repatriation Fund Committee consisting of Permanent Secretary for Labor as Chairman, Department of Employment Director-General as Vice Chairman, Immigration Office Commander, a representative of Ministry of Foreign Affairs, a representative of Office of the Attorney-General, a representative of The Bureau of the Budget, a representative of Department of Local Administration, a representative of The Comptroller-General's Department, a representative of Department of Social Development and Welfare and qualified persons in the number of not exceeding seven persons appointed by the Minister with the approval of the Council of Ministers from persons well-versed in the fields of labor, finance, industry and law, as members.

Alien Administration Office Director shall be a member and Secretary.

The Fund Committee may appoint officials of Department of Employment not exceeding two persons as Assistant Secretaries.

Section 33

Fund qualified members shall have each term in office for a period of three years.

A Fund qualified member, after vacating office on normal expiration of term in office, may be re-appointed provided, however, that it shall not exceed two consecutive terms.

Section 34

Other than vacating office on normal expiration of term in office, a Fund qualified member vacates office upon:

- (1) death,
- (2) resignation,
- (3) becoming a bankrupt,
- (4) becoming incompetent or quasi-incompetent person,
- (5) having been discharged by resolution of the Council of Ministers because of misfeasance or duty corruption, misconduct or inefficiency,
- (6) being imprisoned by final judgment.

Section 35

The Provisions Governing the Committee Having the Administrative Consideration Power in accordance with the Law Governing Official Administrative Procedure shall apply to the appointment of the Fund Committee members, qualified members and the Fund Committee meetings mutatis mutandis.

Section 36

The Fund Committee shall have the power to appoint a Fund Committee to consider or carry out actions on matters as assigned by the Fund Committee.

The Provisions Governing the Committee Having the Administrative Consideration Power in accordance with the Law Governing Official Administrative Procedure shall apply to the appointment of the Fund Sub-Committee members, and the Fund Sub-Committee meetings mutatis mutandis.

Section 37

The Fund Committee shall have the power and duty as follows:

- (1) Stipulating guidance, rules, conditions and priority on the spending of the Fund money in each year in accordance with the Fund objectives.
- (2) Stipulating the rules on the calculations of necessary expenses for use in repatriating employees, aliens or deported persons of each nationality out of the Kingdom.
- (3) Considering the allocation of the Fund money for spending in accordance with the objectives of the Fund and in line with the guidance and sequence of priority under (1).
- (4) Considering the allocation of the Fund money for related organizations on the advance for use in repatriating employees, aliens or deported persons out of the Kingdom.
- (5) Issuing rules relating to receiving, spending and keeping money, acquisitions of benefits and the Fund internal audits.
- (6) Issuing regulations relating to the rules and procedures on disbursing the Fund money to related organizations for use in repatriating employees, aliens or deported persons out of the Kingdom and withdrawing the advance under (4) above.

Stipulations, considering results and rules under this Section shall be published in the Government Gazette.

The rules in accordance with (5) and (6), once published in the Government Gazette, shall be enforceable.

Section 38

Department of Employment shall prepare the Fund's accounts in concordance with the accounting system laid down by Ministry of Finance.

Section 39

Office of the Auditor-General of Thailand or independent accountant approved by Office of the Auditor-General of Thailand shall be the Fund's auditor.

Section 40

The auditor shall forward a report on account audit results to the Fund Committee for submitting on to the Council of Ministers within one hundred and twenty days from the date then ending the accounting year and the Department of Employment shall disseminate Financial Statements having already been certified by the auditor within fifteen days from the date on which the Council of Ministers has acknowledged such Financial Statements.

Chapter 3

Alien Working Considering Committee

Section 41

There shall be an Alien Working Considering Committee consisting of Permanent Secretary for Labor as Chairman, National Economic and Social Development Board Secretary-General, National Security Council Secretary-General, National Intelligence Agency Director, Attorney-General, a representative of Ministry of Defense, a representative of Ministry of Foreign Affairs, a representative of Ministry of Cooperatives and Agriculture, a representative of Ministry of Interior, a representative of Ministry of Public Health, a representative of Ministry of Industry, a representative of Office of National Police, representatives of Employer and Employee Organizations in the number of not exceeding three persons on each side and qualified persons not exceeding four persons appointed by the Minister with the approval of the Council of Ministers from persons well-versed in the fields of labor, industry and law, as members.

Director-General shall be a member and Secretary and Alien Administration Office Director shall be a member and Assistant Secretary.

The acquisitions of positions, term of office and matter on vacating office of the representatives of the Employer and Employee Organizations and term of office and vacating office of the qualified members under paragraph one above shall be in accordance with the rules prescribed by the Minister with the approval of the Council of Ministers and published in the Government Gazette.

Section 42

The Committee shall have power and duty as follows:

- (1) Submitting proposals on alien working to the Council of Ministers.
- (2) Submitting recommendations to the Council of Ministers or Minister in issuing Royal Decrees, Ministerial Regulations, Rules and Announcements in accordance with this Act.
- (3) Monitoring follow-ups, controls and coordinating the working of organizations relating to alien working in accordance with alien working policy prescribed by the Council of Ministers.
- (4) Monitoring controls over work operations of Department of Employment in executing in accordance with this Act to assure the compliance with the alien working policy prescribed by the Council of Ministers.
- (5) Performing other duties as assigned by the Council of Ministers or the Minister.

Section 43

The Committee Meeting must be attended by members in the number of not less than a half of the total number of the Committee members to constitute a quorum.

In a Committee Meeting, if the Chairman should not be present at the Meeting or cannot perform his duty, members in attendance shall elect a member to chair the Meeting.

The Meeting resolution shall be decided by majority of votes. In casting the votes, one member shall have one vote. In the case of equality in the votes, the Chairman shall have an additional vote which is the casting vote.

Section 44

The Committee shall have the power to appoint a Sub-Committee to carry out actions as assigned by the Committee.

The provisions under Section 43 above shall apply to the Sub-Committee Meetings *mutatis mutandis*.

Chapter 4

Alien Working Appeal Considering Committee

There shall be an Alien Working Appeal Considering Committee consisting of Permanent Secretary for Labor as Chairman, a representative of Ministry of Foreign Affairs, a representative of National Economic and Social Development Board, a representative of Office of the Attorney-General, a representative of Trade Business Development, a representative

of Board of Investment, a representative of Office of National Police, representatives of Employer and Employee Organizations in the number of one person on each side and qualified persons not exceeding three persons appointed by the Minister, as members.

Director-General shall appoint an official of Department of Employment as a member and Secretary and another two as Assistant Secretaries.

The acquisitions of positions, term of office and matter on vacating office of the representatives of the Employer and Employee Organizations and term of office and vacating office of the qualified members under paragraph one above shall be in accordance with the rules prescribed by the Minister by publishing in the Government Gazette.

Section 46

In the case where the Registrar has had an order of non-issuance, non-permission of a Work Permit in accordance with Section 9, Section 11, Section 13, Section 14 or Section 26 or non-renewal thereof in accordance with Section 23 or revocation thereof in accordance with Section 28, the applicant for a Work Permit, the applicant for a permission, the recipient of a Work Permit or a person whose Work Permit has been revoked, as the case may be, shall have the right to lodge to the Appeal Considering Committee by making a letter for submission to the Registrar within thirty days from the date of receiving such notification.

The Registrar shall forward the appeal together with the reason on the non-issuance of the Work Permit, non-permission, non-renewal or revocation of the Work Permit onto the Appeal Considering Committee within seven days from the date of receiving such appeal.

The decision of Appeal Considering Committee shall be final.

In the case of an appeal against a Work Permit non-renewal order in accordance with Section 23 above, the appellant shall have the right to continue working for the time being until there shall be a decision on the appeal by the Appeal Considering Committee.

Section 47

The Provisions Governing the Administrative Order and the Committee Having the Administrative Consideration Power in accordance with the Law Governing Official Administrative Procedure shall apply to the making of such Administrative Order and the Appeal Considering Committee meetings *mutatis mutandis*.

Chapter 5

Supervision and Control

Section 48

In performing duties in accordance with this Act, Director-General, Registrar and competent officials shall have the power as follows:

- (1) Forwarding a letter of inquiry or summoning any persons to give explanation on the facts including the handover over documents or evidences.
- (2) Entering any places during the hours when there is or where there is a reasonable ground to suspect that there is an alien working illegally in order to inspect such particular place to assure its compliances with this Act provided, however, that a Court Warrant is necessarily required except it is an entry during the hours of sunrise and sunset. In this respect, the abovementioned officials shall have the power to make inquiries on the facts or call for any documents or evidences from the persons responsible for or related to such place.

Section 49

The Registrar and competent officials must have identification cards in accordance with the format prescribed by the Minister by publishing in the Government Gazette. In performing duties, the Registrar and competent officials shall produce the identification cards to related persons.

Section 50

In performing duties in accordance with this Act, Director-General and competent officials shall be officials in accordance with Criminal Code.

In the case where a competent official find an alien working without a Work Permit which is a violation of this Act and that such competent official had given his order to such alien to report to the police station along with him but such alien resisted to go with him or tried to escape, such competent official shall have to power to arrest such alien without Arrest Warrant and then escort him to the office of the police investigator immediately. For this purpose, the provisions under Section 81, Section 81/1, Section 82, Section 83, Section 84, Section 85 and Section 86 of Criminal Procedure Code shall apply to the arrest under this Section *mutatis mutandis*.

In the interest in assisting the police investigator in the investigation, the Minister may appoint a competent official knowledgeable and skillful on the investigation as a joint investigator in accordance with Criminal and Procedure Code. In this particular case, the competent official shall have the power and duty to assist the police investigator in the investigation on the offence under this Act.

Steps of actions in making the arrest under paragraph two and joint investigations with the police investigator under paragraph three above shall be in accordance with the rules and procedures jointly prescribed by Director-General and National Police Commander.

Chapter 6

Penalty

Section 51

An alien whoever working without a Work Permit shall be liable for punishment of imprisonment not exceeding five years or a fine from two thousand Baht up to one hundred thousand Baht or both.

In the case where an alien allegedly charged for committing the offence under paragraph one above agrees to travel out of the Kingdom within the period of time prescribed by the investigator which shall not be later than thirty days, the investigator may settle a fine and initiate steps of actions in repatriating such alien out of the Kingdom.

Section 52

A Work Permit recipient whoever working which is in violation of the conditions prescribed under Section 9, Section 13, Section 14 or Section 26 above shall be liable for punishment of a fine not exceeding twenty thousand Baht.

Section 53

A Work Permit recipient whoever failing to notify the Registrar in accordance with Section 22 or failing to comply with Section 24 above, shall be liable for punishment of a fine not exceeding ten thousand Baht.

Section 54

Whoever violating Section 27 above shall be liable for punishment of a fine not exceeding ten thousand Baht and that if such alien should not have a Work Permit, the person committing such violation shall be liable for punishment of a fine from ten thousand Baht up to one hundred thousand Baht per one employed alien.

Section 55

Whoever failing to comply with a letter of inquiries or letter of summon or neglecting to give the facts or failing to submit documents or evidences to the Registrar or competent official performing duties in accordance with Section 48 above provided without reasonable ground shall be liable for punishment of a fine not exceeding ten thousand Baht.

Section 56

On the offences under this Act, except those under Section 51 herein, the Settlement Committee appointed by the Minister shall have the power of settlement.

The Settlement Committee appointed by the Minister in accordance with paragraph one above shall consist of three persons and that one of them must be an investigator in accordance with Criminal Procedure Code.

Once the Settlement Committee has already undertaken a settlement and that the alleged offender has paid the fine in accordance with the amount which has been settled within thirty days, the case shall be deemed to be dismissed in accordance with Criminal Procedure Code.

Transitory Provision

Section 57

A Ministerial Regulation stipulating the works which may be taken up by aliens in accordance with Section 7 above, shall be issued for completion within two years from the date on which this Act has been put into force.

During the absence of the Ministerial Regulation in accordance with Section 7 above, the Registrar shall permit alien to do any works except the works prescribed under the Royal Decree issued under Section of Alien Working Act, RE. 2521.

Section 58

An alien whoever having already received a Work Permit or having given a leniency to work under Alien Working Act, B.E. 2521, which was amended by Alien Working Act, (No.2), B.E. 2544, on the date which this Act has been published in the Government Gazette, shall be deemed to receive the Work Permit or receive a permission to work in

accordance with this Act provided, however, that this shall be in accordance with the conditions prescribed in such Work Permit or leniency.

A Work Permit issued under the Revolutionary Party Announcement, No. 322, dated 13 December 1972, shall continue to enforceable as long as the Work Permit has not expired and that the Work Permit recipient is still doing such work which has been permitted.

Section 59

All the applications and appeals which have been submitted in accordance with Alien Working Act, B.E. 2521, which was amended by Alien Working Act, (No.2), B.E. 2544, prior to this Act has been put into force, shall be deemed to be the applications or appeals submitted under this Act.

Section 60

All Royal Decrees, Ministerial Regulations, Announcements, Council of Minister's resolutions or orders of the Minister or Director-General which were issued or ordered by virtue of the power in accordance with the provisions under Alien Working Act, RE. 2521, which was amended by Alien Working Act, (No.2), B.E. 2544, and were still effective on the day prior to the date on which this Act has been put into force shall continue to be enforceable so long as they are not contradictory to or inconsistent with the provisions of this Act and shall be deemed as the Royal Decrees, Ministerial Regulations, Announcements, Council of Minister's resolutions or orders of the Minister or Director General issued under this Act.

Countersigned by

General Surayuth Chulanond

Prime Minister

Registration Fee

1) Permit	20,000 Baht
2) Permit Renewal	20,000 Baht
3) Substitute	3,000 Baht
4) Permission to change or add the type of work or employer or locality or location or conditions as permitted	5,000 Baht
5) Employment an alien which is not an expertise or Specialized person	10,000 Baht
6) Permit application	1,000 Baht

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