

Deportation Act, B.E. 2499 (1956)

Translation

BHUMIBOL ADULYADEJ P.R.

Given on the 17th of January B.E. 2500

Being the 12th year of the Present Reign

By Royal Command of His Majesty King Bhumibol Adulyadej it is hereby proclaimed that

Whereas it is proper that there be a law on deportation;

His Majesty the King, by and with the advice and consent of the Assembly of the People's Representatives, is graciously pleased to en an Act as follows:

Section 1

This Act shall be called the "Deportation Act, B.E. 2499 (1956)"

Section 2

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

Section 3

The Deportation Act, Lor. Sor. 131 shall be repealed.

Section 4

In this Act:

"Alien" means any person who doesn't have Thai Nationality.

"Minister" means the Minister in Charge under this Act.

Section 5

When it appears necessary in the interests of public peace and order or morals, the Minister shall have the power to order the deportation of aliens from the Kingdom for such period as may be found proper. Moreover, when the circumstances have changed, the Minister may withdraw a deportation order.

The provisions of the first paragraph shall not apply to those who have held Thai nationality by birth.

Section 6

Upon issuance of a deportation order, the Minister or officer delegated by the Minister shall order the arrest and detention at any place of the person to be deported until arrangements are made to carry out the deportation order.

While applying to the Minister for a deportation order against any person, the ranking administrative officer or police officer may arrest and detain such person. In such case, the provisions on arrest and detention of the Criminal Procedure Code shall apply *mutatis mutandis*.

During the deportee is arrested for deportation cannot get out of country, if the deportee requests, the Minister may send him to any places for training until he can get out from country. In such case, the deportee has to pledge a penal bond or be paroled and such deportee must inform himself at the place specified by the Minister. However, such informing period must less than 6 month per time.

(This Section was amended by Deportation Act (No.3), B.E. 2521)

Section 7

No person under a deportation order may be deported from the Kingdom before the expiration of fifteen days from the date notice of the deportation order has been given to the person to be deported.

In the event of an appeal under Section 8, deportation shall be suspended until the President of the Council of Ministers has acted on the appeal.

Section 8

A person ordered deported shall have the right to appeal to the President of the Council of Ministers to withdraw the deportation order or not to be sent from the Kingdom but such appeal must be filed within seven days from the knowledge of the deportation order. The President of the Council of Ministers shall have the power to order the cancellation of the deportation order, or its mitigation in any other respect or order that the person be sent to any place to work instead of deportation as he may think fit. A penal bond may be required.

Section 9

If a problem arises concerning the nationality of a person to be deported, such person shall be obliged to present evidence proving he is of Thai nationality or was of Thai nationality by birth.

Section 9 bis

Whoever escapes from detention under Section 6 shall be liable to imprisonment for not more than three years or a fine of not more than six thousand Baht or both.

If the offence stated in the first paragraph is committed by breaking out of the place of detention by means of violence or threats of violence or by the concerted action of three or more persons, the offender shall be liable to imprisonment for not more than five years or a fine of not more than ten thousand Baht or both.

(This Section was added by Deportation Act (No.2), B.E. 2507)

Section 9 ter

Whoever does anything to free a person from detention under Section 6 shall be liable to imprisonment for not more than five years or a fine of not more than ten thousand Baht or both.

If the offence stated in the first paragraph is committed by violence or the threat of violence, the offender shall be liable to a penalty heavier than that prescribed in the first paragraph by one half.

(This Section was added by Deportation Act (No.2), B.E. 2507)

Section 9 quater

Whoever gives lodging to, hides or aids in any way a person who has escaped from a place of detention under Section 6 so that such person may not be arrested shall be liable to imprisonment for not more than three years or a fine of not more than six thousand Baht or both.

Whoever assists the escaped person from detention under Section 6, it shall be assumed that such person is associated with escaped person in first paragraph, except that such person can prove that he is innocent.

If the offence stated in the first paragraph is committed to assist the offender's father, mother, child, or spouse, the court may impose no penalty.

(This Section was amended by Deportation Act (No.3), B.E. 2521)

Section 9 quinque

Whoever, being an official with the duty to watch over a person in detention under Section 6, does anything to free the person from detention shall be liable to imprisonment from one to seven years and a fine of two thousand to fourteen thousand Baht.

If the offence stated in the first paragraph is committed through negligence, the offender shall be liable to imprisonment for not more than two years or a fine of not more than four thousand Baht or both.

If the offender stated in the second paragraph can help to arrest the escaped person within 3 months, the penalty to the offender shall be cancelled.

(This Section was added by Deportation Act (No.2), B.E. 2507)

Section 10

Whoever having been deported from the Kingdom returns before the expiration of the period stipulated in the deportation order or before the Minister's orders the cancellation of the deportation order shall be subject to imprisonment for not more than one year and shall be deported from the Kingdom under the original deportation order.

Section 10 bis

Whoever having been waived under the Minister's order to work at any place under Section 6 paragraph 3 but reject to go there or not work as assigned, such person shall be subject to imprisonment for not more than one year and shall be deported from the Kingdom under the original deportation order.

(This Section was added by Deportation Act (No.3), B.E. 2521)

Section 11

Whoever, in mitigation of a deportation order, has been ordered and sent to work in any place instead of deportation under Section 8 does not go or does not remain to work at such place in conformity with the order shall be subject to imprisonment for not more than one year. In such case, the Minister may also order deportation.

Section 12

The Minister of Interior shall be in charge under this Act.

Countersigned by

Field Marshal P. Pibulsonggram

Prime Minister

Lor Gor 2500/11/295 dated 29 January B.E. 2500

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