

<u>Working of Aliens Act B.E .2521 and Working of Aliens Act (No.2) B.E. 2544</u>	<u>Working of Aliens Act B.E .2551</u>
	<p>Section 3. The followings shall be repealed:</p> <ol style="list-style-type: none"> 1. Working of Aliens Act B.E. 2521; 2. Working of Aliens Act (No.2) B.E .2544
<p>Section 4. This Act does not apply to performance of specific duty by aliens in the Kingdom in the following capacities:</p> <ol style="list-style-type: none"> (1) as members of a diplomatic mission; (2) as members of a consular mission; (3) as representatives of member countries and officials of the United Nations and specialized institutions; (4) as personal servants coming from foreign countries to work regularly for persons in (1) or (2) or (3); (5) as persons who perform duty or mission under an agreement concluded between the Government of Thailand and foreign Governments or international organizations; (6) as persons who perform duty or mission for the benefit of education, culture, art, sports or other activities as may be prescribed by the Royal Decree; (7) as persons permitted by the Government of Thailand to enter and perform any duty or mission. 	<p>Section 4. This Act does not apply to performance of specific duty by aliens in the Kingdom in the following capacities:</p> <ol style="list-style-type: none"> (1) as members of a diplomatic mission; (2) as members of a consular mission; (3) as representatives of member countries and officials of the United Nations and specialized institutions; (4) as personal servants coming from foreign countries to work regularly for persons in (1) or (2) or (3); (5) as persons who perform duty or mission under an agreement concluded between the Government of Thailand and foreign Governments or international organizations; (6) as persons who perform duty or mission for the benefit of education, culture, art, sports or other activities as may be prescribed by the Royal Decree; (7) as persons permitted by the Cabinet to enter and perform any duty or mission, accordingly upon the rules prescribed by the Cabinet.
<p>Section 5. In this Act,</p> <p>"alien" means a natural person who is not of Thai nationality;</p> <p>"work" means engaging in work by exerting energy or using knowledge whether or not in consideration of wages or other benefit;</p> <p>"permit" means a work permit;</p> <p>"holder of permit" means an alien who has been granted a permit;</p> <p>"Committee" means the Committee Considering Working of Aliens;</p>	<p>Section 5. In this Act,</p> <p>"alien" means a natural person who is not of Thai nationality;</p> <p>"work" means engaging in work by exerting energy or using knowledge whether or not in consideration of wages or other benefit;</p> <p>"permit" means a work permit;</p> <p>"holder of permit" means an alien who has been granted a permit;</p> <p>"Employee" means the holder of permit subject to Section 9, Section 11, Section 13(1) and (2), and Section 14 be</p>

<p>"competent official" means person appointed by the Minister for the execution of this Act;</p> <p>"Registrar" means person appointed by the Minister as Registrar of working of aliens;</p> <p>"Director-General" means the Director-General of the Labor Department;</p> <p>"Minister" means the Minister having charge and control of the execution of this Act.</p>	<p>granted to work as prescribed in the Ministerial Regulation issued under Section 15;</p> <p>“Fund” means the fund for deporting an alien out of the Kingdom;</p> <p>“Fund Committee” means the Committee of the fund for deporting an alien out of the Kingdom;</p> <p>“Committee” means the Committee Considering Working of Aliens;</p> <p>“Appeals Committee” means the Committee considering appeals of working of aliens;</p> <p>"competent official" means person appointed by the Minister for the execution of this Act;</p> <p>"Registrar" means Director-General and the competent officer appointed by the recommendation of the Director-General in order to issue a permit and act on behalf of this Act;</p> <p>"Director-General" means the Director-General of the Department of Employment;</p> <p>"Minister" means the Minister having charge and control of the execution of this Act.</p>
	<p>Section 6. The Minister of Labor Department shall be in charge of this Act and authorized to issue the Ministerial Regulations prescribing fees not exceeding the rate as prescribed in the attachment to this Act, except that the fees and other business in performing in accordance with this Act.</p> <p>After having published in the Government Gazette, the Ministerial Regulation shall come into force.</p>

<p>Section 6. Subject to section 12, any work which an alien is prohibited to engage in any locality and at any particular time and whether subject to absolute or conditional prohibition and to any extent shall be prescribed by the Royal Decree.</p>	<p>Section 7. Any work which an alien is prohibited to engage in any locality and at any particular time shall be prescribed in the Ministerial Regulation with regard to national security, Thai nationals' work opportunity, and demand of alien labor necessary for country's development, provided that it may be prescribed differently between general aliens and an alien under Section 13 and Section 14.</p> <p>The previous paragraph is not applicable to working of alien under Section 12.</p>
	<p>Section 8. For the purpose of limiting an alien who is not a skilled or specialized person entering into Thailand to work in any particular type of work, the Minister upon the approval of the Cabinet may prescribe by publishing in the Government Gazette a fee on hiring an unskilled or unspecialized alien entering into Thailand to work in the prescribed work.</p>
<p>Section 7. Subject to section 10, an alien may engage in any work which is not prohibited by the Royal Decree issued under section 6 only upon receipt of a permit from the Director-General or official entrusted by the Director-General except an alien who is permitted to enter the Kingdom for temporary stay under the law on immigration in order to engage in the work which is of necessity and urgency for period not longer than fifteen days, but such alien may engage in the work after he has notified the Director-General or official entrusted by the Director-General in writing in the forms prescribed by the Director-General.</p>	<p>Section 9. Any alien is prohibited to engage in any work other than as prescribed in Section 7 and granted by the Registrar a permit to engage in any work, except that an alien entering the Kingdom for temporary stay under the law on immigration in order to engage in the work which is of necessity and urgency for period not longer than fifteen days, but such alien may engage in the work after he has notified the Registrar in writing.</p> <p>In issuing the permit, the Registrar may prescribe the rules for such the alien to perform.</p> <p>The permit, permit application, permit issuance, and notification under the first paragraph shall be subject to the forms and procedures as prescribed in the Ministerial Regulation.</p> <p>Director -General may prescribe the rules to be a guideline for the Registrar to</p>

	perform in prescribing the rules under the second paragraph.
	Section 10. Any alien applying for a permit under Section 9 shall have either a residence in the Kingdom or enter the Kingdom for temporary stay under the law on immigration, but not enter under tourist or transit visa and possess the characteristic as prescribed in the Ministerial Regulation.
<p>Section 8. Subject to the law on immigration, any person wishing to employ an alien in his business in the Kingdom may submit an application on behalf of the alien to the Director-General or official entrusted by the Director-General.</p> <p>The Director-General or official entrusted by the Director-General may issue permit to an alien under paragraph one only after the entry into the Kingdom of such alien.</p>	<p>Section 11. Any person wishing to employ an alien who resides outside the Kingdom in his business in the Kingdom shall submit an application and pay for a fine on behalf of the alien.</p> <p>Such application on behalf of the alien under the previous paragraph shall be subject to the rules and conditions prescribed in Ministerial Regulation.</p>
<p>Section 10. An alien who has been permitted entry to work in the Kingdom under the law on promotion of investment or other laws shall apply for a permit with the Director-General or official entrusted by the Director-General within thirty days from the date of his entry into the Kingdom, but if such alien is already in the Kingdom, the period of thirty days shall begin as from the day he is aware that he has been granted permission to work under the law on promotion of investment or other laws. Pending the issue of permit, the applicant shall be allowed to engage in such work.</p>	<p>Section 12. In granting an alien entering and engaging to work in the Kingdom under the law on promotion of investment or other laws, the grantor under such laws shall promptly notify such permission in writing to the Registrar together with the details as prescribed by the Director-General.</p> <p>Upon the receipt of such notification in the previous paragraph, the Registrar shall issue such alien the permit within 7 days as from the date of such receipt.</p> <p>Pending the issue of permit, the applicant shall be allowed to engage in such work and exempted not to perform under Section 24 until the date the Registrar notify such issuance.</p>
<p>Section 12. The following aliens may engage in only such works which have been prescribed by the Minister as published in the Government Gazette. In such Notification, the Minister may prescribe any condition as he may deem appropriate:</p>	<p>Section 13. An alien unable to apply for a permit under Section 9 due to the following grounds may apply for a permit to the Registrar in order to engage to work as prescribed by the Cabinet in the Government Gazette upon the recommendation of the Committee with</p>

<p>(1) aliens under a deportation order under the law on deportation who have been permitted to engage in profession at a place in lieu of deportation or while awaiting deportation;</p> <p>(2) aliens whose entries into the Kingdom have not been permitted under the law on immigration and are awaiting deportation;</p> <p>(3) aliens who are born within the Kingdom but have not acquired Thai nationality under the Announcement of the National Executive Council No. 337, dated 13th December B.E. 2515 or under other laws;</p> <p>(4) aliens whose Thai nationality has been revoked under the Announcement of the National Executive Council No. 337, dated 13th December B.E. 2515 or under other laws.</p> <p>An alien may engage in such works as prescribed by the Minister under paragraph one only upon receipt of a permit from the Director-General or official entrusted by the Director-General.</p>	<p>regard to national security and effect on society:</p> <p>(1) aliens under a deportation order under the law on deportation who have been permitted to engage in profession at a place in lieu of deportation or while awaiting deportation;</p> <p>(2) aliens whose entries into the Kingdom have not been permitted under the law on immigration but been permitted to temporary stay in the Kingdom and are awaiting deportation under the law on immigration;</p> <p>(3) aliens whose Thai nationality has been revoked under the Announcement of the National Executive Council No. 337, dated 13th December B.E. 2515 or under other laws.</p> <p>(4)) aliens who are born within the Kingdom but have not acquired Thai nationality under the Announcement of the National Executive Council No. 337, dated 13th December B.E. 2515 or under other laws;</p> <p>(5) aliens who are born within the Kingdom but have not acquired Thai nationality under the law on nationality.</p> <p>Such notification prescribed by the cabinet in paragraph 1, the Cabinet may prescribe any condition as deem appropriate.</p> <p>In applying for and issuing a permit under paragraph 1 shall be in accordance with the condition prescribed in the Ministerial Regulation.</p>
	<p>Section 14. An alien having a residence and is of nationality of bordering country, and entering the Kingdom with a document in lieu of passport under the law on immigration may be permitted to engage to temporarily work in the</p>

	<p>Kingdom for some kind of businesses in any particular period of time or season as prescribed, accordingly upon working of alien in the area attached to border or the area attached to such area.</p> <p>Alien wishing to engage to work under the previous paragraph shall apply for a temporary permit and exhibit the document in lieu of passport to the registrar and pay a fine as prescribed in the Ministerial Regulation.</p> <p>This Act shall be applicable to which locality, nationality, and category of work, and any particular time and whether subject to condition shall be prescribed by the Cabinet in the Government Gazette.</p>
	<p>Section 15. An employee whose his permit allowed under Section 9, Section 11, Section 13(1) and (2), and Section 14, specifically the works prescribed in Ministerial Regulation, shall submit the fund the money to be a guarantee money of deportation such employee out of the kingdom, an employer shall be responsible for deducting from the employee's wage and submitting the fund such wage.</p> <p>The amount of money being submitted to the fund, deduction, and submission under the previous paragraph shall be subject to the rules, procedures, period of time, and rate as prescribed in the Ministerial Regulation, accordingly such rate and amount aforesaid may be differently prescribed for each nationality regarding an expense of deportation of each nationality.</p> <p>The provision in paragraph 1 shall not applicable to an employee with the receipt under paragraph 1 of Section 16 declaring that he/she has already paid to the fund or to an employee with the certificate under paragraph 2 Section 16 and an employee whose his/her money already sent to the fund as shown in the Registrar's</p>

	<p>registration, accordingly specially for an employee who has never been refunded under Section 18 or has never been deported under Section 20.</p>
	<p>Section 16. Where an employer has already submitted an employee's wage to the fund, the Registrar shall issue the employer the receipt indicating at least the name and identity number of the employee whose wage is deducted, the amount of submitted wage, and the remaining, the employer shall hand the receipt to such the employee kept as evidence.</p> <p>When the employee's wage is deducted and submitted to the fund, the Registrar shall issue the employee the certificate as evidence.</p> <p>In the case the certificate under paragraph 2 lost or damaged, the employee is entitled to request for a substitute from the Registrar.</p> <p>In issuing the receipt and certificate under paragraph 1 and 2, respectively, and in issuing the substitute under paragraph 3 shall be subject to the forms, rules, and procedures as prescribed in the Ministerial Regulation.</p>
	<p>Section 17 An employer fails to submit the fund the wage under Section 15 or incompletely submit shall be liable for 2 percent/ month of the undelivered or incomplete wage.</p>
	<p>Section 18. An employee who return out of the kingdom with his/her expense shall be eligible for his wage deducted and submitted to the fund by filing a request for the refund to the Registrar at the port of entry he/she will pass through to leave the Kingdom or by notifying the Registrar in writing for refund.</p> <p>According to such refund under the previous paragraph, in case the employee</p>

	<p>incompletely submit the wage to the fund, he/she shall attach the evidence prescribed in paragraph 1 Section 16, or in case the employee completely submit the fund the wage, the evidence under paragraph 2 Section 16 shall be attached.</p> <p>The Registrar shall return the employee the wage according to paragraph 1 within 30 days as from the receiving date of the request or the notification, as the case may be. In the case the Registrar returns such wage exceeding the specified period of time, the Registrar shall return the money together with the interest of 7.5 percent/year as from the due date until the date the Registrar returns such money to the employee.</p> <p>In returning the wage and interest under this provision shall be made either by cash, crossed cheque, or transfer to the employee's bank account, accordingly upon the procedures prescribed by the Director-General.</p>
	<p>Section 19. Any employee returning the country with his/her own expense and failing to request for the deducted and submitted wage to the fund under Section 18 within 2 years from the date of leaving the Kingdom shall not be entitled to request for such money and it shall belong to the fund after since.</p> <p>In the case the employee under paragraph 1 backs to engage to work in the Kingdom upon the valid permit or to work upon a new permit which is the work as prescribed in the Ministerial Regulation issued under Section 15, as the case may be, within the period of two years from the leaving date of the Kingdom, the employee's wage shall not be deducted and submitted to the fund, except that the employee has not submitted the wage completely, the employer shall deduct such employee's wage and submit to the fund until completion.</p>

	<p>Section 20. If it comes to the case the employee must be deported out of the Kingdom, the fund shall pay an expense for deportation of such employee.</p> <p>In the case the deported employee fails to submit the money completely, the fund with its money shall pay for the remaining, except that the employee returns the Kingdom upon the employer's demand, such employer shall be responsible for the remaining.</p>
<p>Section 13. Permits issued under this Act shall be valid for one year from the date of issue except:</p> <p>(1) the permit issued to an alien under section 10 shall be valid for such period which he has been permitted to work under such laws;</p> <p>(2) the permit issued to an alien under section 12 shall be valid for the period prescribed by the Director-General or official entrusted by the Director-General which must not exceed one year from the date of issue;</p> <p>(3) the permit issued to an alien who has been permitted entry into the Kingdom for temporary stay under the law on immigration shall be valid for such period which he has been permitted to stay in the Kingdom at the time of the issue of the permit;</p> <p>(4) the permit issued to an alien who has been permitted entry into the Kingdom for temporary stay under the law on immigration without definite period shall be valid for thirty days from the date of issue.</p>	<p>Section 21. Permits issued under this Act shall be valid for two years from the date of issue, except that the permit issued to an alien under Section 12 shall be valid for the period he has been permitted to engage to work in the Kingdom under such laws.</p> <p>The validity of the permit under paragraph 1 does not extend the period of stay in the Kingdom under the law on immigration.</p>
<p>Section 14. In the case a holder of permit which is issued under section 10 has received extension of working period under such laws, the holder thereof shall notify the Registrar within thirty days from the date of receiving extension and the Registrar shall record such extension in the permit.</p>	<p>Section 22. In the case a holder of permit which is issued under Section 12 has received extension of working period under such laws, the holder thereof shall promptly notify the Registrar in writing the extension according to the form prescribed by the Director-General and the Registrar shall put down such extension in the permit.</p>

<p>Section 15. Before a permit is expired and if the holder of permit wishes to continue working, he shall apply for a renewal of the permit with the Registrar prior to the expiration thereof. In such case, the applicant for renewal of the permit may continue working until the Registrar issues an order refusing the renewal of the permit.</p> <p>Each renewal of permit shall be valid for one year, except (1) the renewal of permit under section 13 (3) shall be valid for the period not more than the extension which the holder has been permitted to stay in the Kingdom;</p> <p>(2) the renewal of permit under section 13 (4) shall be valid for thirty days each time unless such alien has been permitted to stay in the Kingdom under the law on immigration for a definite period which is longer than thirty days in which case the renewal of permit shall be for such period which he has been permitted to stay in the Kingdom, but not longer than one year.</p>	<p>Section 23. Before a permit is expired and the holder of permit wishes to continue working, he shall apply for a renewal of permit with the Registrar.</p> <p>After having applied for renewal of permit under paragraph 1, pending an order refusing the renewal of permit, the applicant shall be allowed to engage such work.</p> <p>Each renewal of permit shall be valid for two years as may necessary and to protect an alien's settling down. In the case of an alien under Section 13 (1) and (2), the permitted working period shall not exceed 4 years consecutively, except as prescribed by the Cabinet case by case.</p> <p>In applying for and renewing the permit shall be according to the rules and procedures prescribed in the Ministerial Regulation.</p>
<p>Section 18. A holder of permit must keep the permit on himself or at the place of work during work in order that it may be readily shown to competent official or Registrar.</p>	<p>Section 24. A holder of permit must keep the permit on himself or at the place of work during work in order that it may be readily shown to competent official or Registrar.</p>
<p>Section 19. If a permit is materially damaged or lost, holder of the permit shall apply for a substitute with the Registrar within fifteen days from the date of the knowledge of such damage or loss.</p>	<p>Section 25. If a permit is materially damaged or lost, holder of the permit shall apply for a substitute with the Registrar within fifteen days from the date of the knowledge of such damage or loss.</p> <p>In applying for and issuing the substitute shall be in accordance with the rules and procedures prescribed in the ministerial Regulation.</p>

<p>Section 21. A holder of permit shall not engage in the work other than that which is specified in the permit or change locality or place of work from that which is specified in the permit unless permission is obtained from the Registrar.</p>	<p>Section 26. A holder of permit shall engage in the permitted type or nature of work, and with the employer in the permitted locality or place and conditions.</p> <p>The holder of permit wishing to change the locality or place of work, the type or nature of work, the employer, or conditions shall be obtained permission from the Registrar.</p> <p>Applying for and granting permission shall be according to the rules and procedures prescribed in the Ministerial Regulation.</p>
<p>Section 22. No person shall employ an alien who has no permit nor employ him in the work which is of different description or condition from that specified in the permit.</p>	<p>Section 27. No person shall employ an alien to engage in the work, except an alien who has a permit to work with him/her under the type of work and locality or place specified in the permit.</p>
	<p>Section 28. In the case a holder of permit violates or fails to comply with the conditions of such permission, the Registrar is entitled to revoke such permit.</p>
	<p>Section 29 The fund for deporting an alien out of the Kingdom shall be established in the Department of Employment for the sake of deporting an employee, alien, and deported person out of the Kingdom in accordance with this Act, the law on immigration, and the law on deportation, as the case may be.</p>
	<p>Section 30. The fund shall comprises of the following money and assets:</p> <ol style="list-style-type: none"> (1) additional money under paragraph 3 of Section 8; (2) money submitted to the fund by an employer under Section 15; (3) additional money under Section 17; (4) money which belong to the fund under paragraph 1 of Section 19; (5) money collected from an employer under paragraph 2 of Section 20;

	<ul style="list-style-type: none"> (6) devoted money or assets; (7) any fees collected subject to this Act as allowed by the Finance Ministry to be spent in the business of the fund and not required to submit to ; (8) fruits of the fund; (9) supporting money from the government under paragraph 2 of Section 31; <p>Money and assets specified above shall be submitted to the fund</p>
	<p>Section 31. The fund’s money is for the following purposes:</p> <ul style="list-style-type: none"> (1) to deport an employee out of the Kingdom according to this Act; (2) to return to an employee under Section 18 and to spend in any other relevant businesses; (3) to deport an alien out of the Kingdom under the law on immigration; (4) to deport a deported person out of the Kingdom under the law on deportation; (5) to be a necessary expense for fund management not exceeding 10 percent of the fruits of the fund; (6) the fund’s money under Section 30 (7) and the fruits of such money shall be spent especially for the purpose of management concerning working of alien of relevant organizations. <p>In the case the fund’s money is insufficient for spending in the mentioned businesses, the government shall pay supporting money to the fund on a temporary basis, as necessary.</p>
	<p>Section 32. There shall be a committee called “Fund Committee for Deportation an Alien out of the Kingdom” consisting of the Permanent-Secretary of the Labor Ministry as Chairman, the Director-General of the Department of Labor as</p>

	<p>Vice Chairman, Commander in chief of the Immigration Office, a representative of the Ministry of Foreign Affairs, a representative of the Office of the Attorney General, a representative of the Bureau of the Budget, a representative of Department of Provincial Administration, a representative of the Comptroller General's Department, a representative of Department of Social Development and Welfare, and not more than seven qualified persons appointed by the Minister upon approval of the Cabinet. Such qualified persons shall possess knowledge and expertise in labor, financial, industry, and law as members of the Fund Committee.</p> <p>The Director of the Office of Foreign Workers Administration shall be a member and the secretary of the Fund Committee.</p> <p>The Fund Committee may appoint not more than two officials of Department of Employment as the secretary assistant of the Fund Committee.</p>
	<p>Section 33. A qualified member of the Fund Committee shall hold office for a term of three years. A qualified member of the Fund Committee who vacates office may be reappointed but in total shall not exceed two consecutive term of office.</p>
	<p>Section 34. Apart from the vacation of office upon expiration of the term office, a qualified member of the Fund Committee shall vacate office upon:</p> <ol style="list-style-type: none"> (1) death; (2) resignation; (3) being a bankrupt; (4) being an incompetent person or quasi-incompetent person; (5) dismissal by the resolution of the Cabinet due to misconduct, dishonest or impropriety in performance of duty or being deficient in ability;

	(6) being imprisoned by a final judgment.
	Section 35. The law on Administrative Procedure concerning the Committee authorized to proceed with administrative consideration shall apply to the appointment of a qualified member of the Fund Committee and to the meeting of the Fund Committee <i>mutatis mutandis</i> .
	Section 36. The Fund Committee has the authority to appoint the sub-committee to act on behalf of the Fund Committee. The law on Administrative Procedure concerning the Committee authorized to proceed with administrative consideration shall apply to the appointment of sub-committee and to the meeting of the Fund Committee <i>mutatis mutandis</i> .
	Section 37. The Fund Committee shall have the following authorities: (1) Specifying guidelines, rules, conditions, and arranging the Fund's expenditure in each year according to the objectives of the Fund; (2) Prescribing rules on expenditure calculation which is necessary for deporting an employee, alien, or deported person of each nationality out of the Kingdom; (3) Considering and allocating the Fund's money for the purpose of the Fund and according to (1); (4) Allocating the Fund's money for the relevant organizations to advance money for deporting an employee, alien, deported person out of the Kingdom; (5) Prescribing regulations on receiving money, disbursement, retention, benefit, and internal inspection of the Fund; (6) Prescribing regulations and payment method of the Fund to the relevant organizations for the purpose of deporting an employee, alien, and deported person out of

	<p>the kingdom, and advance money disbursement under (4).</p> <p>Rules, results, and regulations under this Act shall be published in the Government Gazette.</p> <p>Regulations under (5) and (6) shall come to force after having published in the Government Gazette.</p>
	<p>Section 38. The Department of Employment shall arrange the Fund's account in accordance with accounting system as prescribed by the Finance Ministry.</p>
	<p>Section 39. The Office of the Auditor General of Thailand or an independent liquidator approved by the Office of the Auditor General of Thailand shall act as the Fund's comptroller.</p>
	<p>Section 40. The Fund's comptroller shall report the accounting result to the Fund Committee for being proposed to the Cabinet within 120 days as from the last date of fiscal year.</p>
<p>Section 24. There shall be a committee called the "Committee Considering Working of Aliens" consisting of the Permanent-Secretary for Interior or person entrusted by the Permanent-Secretary for Interior as Chairman, a representative of the Ministry of Foreign Affairs, a representative of the Ministry of Industry, a representative of the Department of Local Administration, a representative of the Police Department, a representative of the Department of Social Welfare, a representative of the Department of Public Prosecution, a representative of the Department of Trade Registration, a representative of the Department of Internal Trade, a representative of the office of the Board of Investment, a representative of the office of the National Economic and Social Development Board, and not more than three other persons appointed by the Minister as committee members and a representative of the</p>	<p>Section 41. There shall be a committee called the "Committee Considering Working of Aliens" consisting of the Permanent Secretary of Labor Ministry as Chairman, the Secretary-General of the Office of the National Economic and Social Development Board, the Secretary-General of the Office of the National Security Council, the Director of the National Intelligence Agency, the Attorney General, a representative of Ministry of Defense, a representative of Foreign Affairs Ministry, a representative of Ministry of Agriculture and Cooperatives, a representative of Interior Ministry, a representative of Public Health Ministry, a representative of Ministry of Industry, a representative of the Royal Thai Police, a representative of the employer's organization and the employee's organization for not more than three persons each, and not more than 4 qualified persons appointed by the</p>

<p>Labour Department as member and secretary.</p>	<p>Minister upon approval of the Cabinet and act as a member. Such qualified persons shall possess knowledge and expertise in labor, industry, and law.</p> <p>The Director-General shall be a member and the secretary of the Committee and the Director of the Foreign Workers Administration shall be a member and the secretary assistant of the Committee.</p> <p>Acquisition, term in office, and vacation of office of a representative of employer's organization and of employee's organization, and term in office and vacation of office of a qualified member of the Committee under paragraph 1 shall be in accordance with the rules prescribed by the Minister upon approval of the Cabinet and published in the Government Gazette.</p>
<p>Section 27. The Committee has the duty to consider, give recommendation or advice to the Minister as follows:</p> <ol style="list-style-type: none"> (1) the issue of Royal Decrees under section 4 (6) and section 6; (2) prescription of work which the Minister may publish under section 12; (3) the issue of Ministerial Regulations under section 16; (4) consideration of appeal of order under section 17; (5) other matters as entrusted by the Minister. 	<p>Section 42. The Committee has the following authorities:</p> <ol style="list-style-type: none"> (1) recommend working of aliens policy to the Cabinet; (2) advice the Cabinet or the Minister in issuing Royal Decrees, Ministerial Regulations, Rules, and Regulations under this Act; (3) follow, supervise, and cooperate with the relevant agencies concerning working of aliens according to working of aliens policy as prescribed by the Cabinet; (4) Monitor an operation of the Department of Employment to be in line with this Act and in accordance with working of aliens policy as prescribed by the Cabinet; (5) Any other duties as delegated by the Cabinet or the Minister.
<p>Section 28. At a meeting, the presence of not less than one-half of all the members shall constitute a quorum. If the Chairman does not attend or is unable to perform his</p>	<p>Section 43. At a meeting, the presence of not less than one-half of all members shall constitute a quorum.</p>

<p>duty, the members present shall elect one among themselves to preside over the meeting.</p> <p>The decision of the meeting shall be made by majority of votes.</p> <p>Each member shall have one vote; and in case of an equality of votes, the person presiding over the meeting shall have an additional vote as casting vote.</p>	<p>If the Chairman does not attend or is unable to perform his duty, the members present shall elect one among themselves to preside over the meeting.</p> <p>The decision of the meeting shall be made by majority of votes. Each member shall have one vote; and in case of an equality of votes, the person presiding over the meeting shall have an additional vote as casting vote.</p>
<p>Section 29. The Committee has the power to appoint a sub- committee to carry out any activity or consider any matter within the scope of duty of the Committee.</p> <p>The provisions of section 28 shall apply to the meeting of a sub- committee <i>mutatis mutandis</i>.</p>	<p>Section 44. The Committee has the power to appoint a sub-committee to carry out any activity as entrusted by the Committee.</p> <p>The provision of Section 43 shall apply to the meeting of a sub-committee <i>mutatis mutandis</i>.</p>
	<p>Section 45. There shall be an appeals committee called “Committee Considering Appeals of Working of Aliens” consisting of the Permanent Secretary of Labor Department as Chairman, a representative of Foreign Affairs Ministry, a representative of the Office of the National Economic and Social Development Board, a representative of the Office of the Attorney General, a representative of Department of Business Development, a representative of the Board of Investment, a representative of the Royal Thai Police, a representative of employer’s organization and of employee’s organization for 1 person each, and not more than three qualified persons appointed by the Minister as a member.</p> <p>The Director-General shall appoint an official of Department of Employment as a member and the secretary of the Appeals Committee and two persons as a secretary assistant.</p> <p>Acquisition, term in office, and vacation of office of a representative of employer’s organization and of employee’s</p>

	<p>organization, and term in office and vacation of office of a qualified member of the Appeals Committee under paragraph 1 shall be in accordance with the rules prescribed by the Minister upon approval of the Cabinet and published in the Government Gazette.</p>
	<p>Section 46. If the Registrar does not issue a permit or grant a permission under Section 9, Section 11, Section 13, Section 14, or Section 26 or not order a renewal of permit under Section 23 or order a cancellation of a permit under Section 28, an applicant or a holder of permit, as the case may be, is entitled to file an appeal in writing with the Appeals Committee by submitting an appeal to the Registrar within 30 days from the date of receipt of the order.</p> <p>The Registrar shall submit the appeal together with the ground of such refuses and cancellation to the Appeals Committee within 7 days from the date of receipt of the appeal and the Appeals Committee shall complete his decision on the appeal within 30 days from the date of receipt of the appeal.</p> <p>The decision of the Appeals Committee shall be final.</p> <p>Pending the appeal under Section 23, the appellant shall be allowed to engage in such work until the Appeals Committee has completed his decision on an appeal.</p>
	<p>Section 47. The law on administrative procedure concerning administrative orders and the Committee authorized to proceed with administrative consideration shall apply to the Appeals Committee's administrative order and meeting.</p>
	<p>Section 48. In carrying out the duty under this Act, the Director-General, the Registrar, and the competent official shall have the following authorities:</p> <p>(1) to inquire in writing or summon</p>

	<p>any person for explanation of any facts, including submissions of documents or evidence;</p> <p>(2) to enter the place with the warrant of search of the Court during business hours or believed there is an operation in case there are reasonable grounds to believe an alien is engaging to work illegally for the sake of this Act, except that to enter the place during the hours between sunrise and sunset. In this case, it is reasonable to conduct inspection of the facts or to inquire any documents or evidences from a person responsible for or involved in such place.</p>
	<p>Section 49. The Registrar and the competent official must have identity cards in accordance with the form prescribed by the Minister and published in the Government Gazette.</p> <p>In carrying out the duties under this Act, the Registrar and the competent official must present the identity cards to the person concerned.</p>
	<p>Section 50. In carrying out the duties under this Act, the Director-General, the Registrar, and the competent official shall be the competent official under the Criminal Code.</p> <p>In the case the competent official finds out an alien engaging to work without permission against this Act and he orders such alien to report himself at the police station together with the competent official, but the alien does not agree and try to escape of the arrest, the competent official is authorized to arrest such alien without the warrant of arrest and bring him back to the competent official's office. According to this regard, Section 81, Section 81/1, Section 82, Section 83, Section 84, Section 85, and Section 86 of the law on Criminal Procedure shall apply to the arrest under this provision <i>mutatis</i></p>

	<p><i>mutandis.</i></p> <p>For the purpose of assisting the inquiry official in investigation, the Minister shall appoint the competent official possessing expertise to be co-inquiry official in accordance with the law on Criminal Procedure. In this regard, such competent official is authorized to assist the inquiry official in investigating the case under this Act.</p> <p>The arrest under paragraph 2 and join investigation under paragraph 3 shall be in accordance with the rules and procedures as jointly prescribed by the Director-General and the Commander in Chief of the Royal Thai Police.</p>
	<p>Section 51. Any alien engaging in the work without permission shall be subject to an imprisonment of not exceeding 5 years or a fine from 2,000 baht to 100,000 baht, or both.</p> <p>In the case the alien accused committing an offense under paragraph 1 agrees to return their country within the period of the investigation but not exceeding 30 days, the inquiry official may impose a fine and proceed with the return of such alien.</p>
	<p>Section 52. Any holder of permit engaging in the work which is in violation of Section 9, Section 13, Section 14, or Section 26 shall be subject to a fine not exceeding 20,000 baht.</p>
	<p>Section 53. Any holder of permit fails to notify the Registrar under Section 22, or not complying with Section 24 shall be subject to a fine not exceeding 10,000 baht.</p>
	<p>Section 54. Any person who violates Section 27 shall be subject to a fine not exceeding 10,000 baht and if the alien does not obtain a permit, the offender shall be subject to a fine from 10,000 baht</p>

	to 100,000 baht per a hired employee.
	Section 55. Any person fails to comply with the writing inquire or summon or fails to give a fact or does not submit a document or evidence to the Registrar or the competent official operating on their duty under Section 48, accordingly without a reasonable ground, shall be subject to a fine not exceeding 10,000 baht.
	<p>Section 56. An offense under this Act apart from Section 51, the Committee appointed by the Minister is entitled to impose a fine.</p> <p>The Settlement Committee appointed by the Minister under paragraph 1 shall be for three persons and one of them must be an inquiry official according to the law on criminal procedure.</p> <p>Where the Settlement Committee impose a fine and the alleged offender already pay the imposed fine within 30 days, the case shall be settled according to the law on Criminal Procedure.</p>
	<p>Section 57. The Ministerial Regulation prescribing the category of work for an alien under Section 7 shall be complete within 2 years as from the date of the implementation of this Act.</p> <p>Pending the prescription of the Ministerial Regulation under Section 7, the Registrar may allow the alien to engage in the work, except the work prescribed in the Royal Decree which is issued under Section 6 of the Working of Aliens Act B.E. 2521.</p>
	Section 58. Any alien permitted or indulged to engage in the work under the Working of Aliens Act B.E. 2521 amended by the Working of Aliens Act (No.2) B.E. 2544 on the date on which this Act is published in the Government Gazette shall be deemed granted a permit or permission to engage to work under

	<p>this Act, accordingly upon the rules prescribed in the permit or the indulgence.</p> <p>The permit issued under the Announcement No. 322 of the National Executive Council dated 13 December 2515 shall be valid as far as such permit does not expire and the holder of permit is still working in the permitted work.</p>
.	<p>Section 59. All requests and appeals submitted under the Working of Aliens Act B.E. 2521 amended by the Working of Aliens Act (No.2) B.E. 2544 before this Act comes into force shall be the requests and appeals submitted under this Act.</p>
	<p>Section 60. All royal decrees, ministerial regulations, notification, cabinet's resolution or orders of the Minister or Director-General which are issued or ordered under the Working of Aliens Act B.E. 2521 amended by the Working of Aliens Act (No.2) B.E. 2544 and still valid prior to this Act coming into force shall be effective as far as they are not against the provisions of this Act and it shall be deemed as royal decrees, ministerial regulations, notifications, cabinet's resolutions, or orders of the Minister or the Director-General under this Act</p>

Fee Rates

Working of Aliens Act B.E. (No.2) B.E. 2544	Working of Aliens Act B.E. B.E. 2551
1) Permit 10,000 baht	1) Permit 20,000 baht
2) Permit renewal or extension 10,000 baht	2) Permit renewal 20,000 baht
3) Substitute of permit 3,000 baht	3) Substitute of permit 3,000 baht
4) Permission to change a type of work or locality or location of work 5,000 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) Permit application 100 baht	5) Employment an alien which is not an expertise or specialized person 10,000 baht
	6) Permit application 1,000 baht