

## **Working of Alien Act**

**WORKING OF ALIEN ACT** – Unofficial translation

**WORKING OF ALIEN ACT,**

**B.E. 2551 (2008)**

BHUMIBOL ADULYADEJ, REX.

Given on the 13th Day of February B.E. 2551;

Being the 63rd Year of the Present Reign

His Majesty King Bhumibol Adulyadej is graciously pleased to proclaim that:

Whereas it is expedient to revise the law on working of alien;

This Act contains certain provisions in relation to the restriction of right and liberty of person, 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 by the King, by and with the advice and consent of the National Assembly, as follows:

**Section 1.** This Act is called the “Working of Alien Act, B.E. 2551”.

**Section 2.** This Act shall come into force as from the day following the date of its publication in the Government Gazette.<sup>1</sup>

**Section 3.** The followings shall be repealed:

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

**Section 4.** This Act shall not apply to the performance of specific duties by the alien in the Kingdom in the following capacities:

- (1) as a member of a diplomatic mission;
- (2) as a member of a consular mission;

(3) as a representative of member countries and official of the United Nations and specialised institutions;

(4) as a personal servant coming from foreign countries to work regularly for the person under (1) or (2) or (3);

(5) as a person who performs duties or missions in accordance with agreements between the Government of Thailand and foreign government or international organisation;

(6) as a person who performs duties or mission for the benefit of education, culture, art, sports or other activities as may be prescribed by the Royal Decree;

(7) as a person permitted, with or without any condition, by the Council of Ministers to enter and perform any duty or mission.

**Section 5.** In this Act:

“Alien” means a natural person who is not of Thai nationality;

“Work” means engaging in work by exerting energy or using knowledge whether or not in consideration of wages or other benefits;

“Permit” means a work permit;

“Holder of permit” means an alien who has been granted a permit;

“Employee” means the holder of permit under section 9, section 11, section 13 (1) and (2) and section 14 who has been granted to engage in work as prescribed by the Ministerial Regulation issued under section 15;

“Fund” means the Alien Repatriation Fund

“Board” means the Board of Alien Repatriation Fund;

“Committee” means the Committee Considering Working of Alien;

“Appeal Committee” means the Committee Considering Appeal on Working of Alien;

“Competent official” means a person appointed by the Minister for the execution of this Act;

“Registrar” means the Director-General and the competent official appointed by the Minister upon recommendation of the Director-General so as to grant permit and to perform other duties under this Act;

“Director-General” means the Director-General of the Department of Employment;

“Minister” means the Minister having charge and control of the execution of this Act.

**Section 6.** The Minister of Labour shall have charge and control of the execution of this Act and shall have the power to issue Ministerial Regulations prescribing fees not exceeding the rate hereto attached, granting exemptions from fees and prescribing other acts for the execution of this Act.

Such Ministerial Regulations shall come into force upon their publications in the Government Gazette.

## **CHAPTER I**

### **Working of Alien**

#### **Part 1**

##### **General Provisions**

**Section 7.** The work that may be engaged by alien as well as working area and period shall be prescribed by the Ministerial Regulation. In the issuance of such Ministerial Regulation, regard shall be had to national security, occupation opportunity of Thais and demand for alien labour as necessary for the development of the country. The matters to be prescribed may be different between general alien and the aliens under section 13 and section 15.

The provisions of paragraph one shall not apply to the working of aliens under section 12.

**Section 8.** In order to limit the number of aliens other than skilled workers or experts to engage in specific categories of works or in works with specific nature in the Kingdom, the Minister may, with approval of the Council of Ministers, impose by notifying in the Government Gazette the levy for hiring of aliens other than skilled workers or experts to engage in specific categories of works or in works with specific nature in the Kingdom.

Whoever desires to engage the alien under paragraph one shall notify the registrar in the form as specified by the Director-General and shall pay the levy at least three days prior to the date of hired contract.

Whoever fails to comply with the provisions under paragraph two shall be liable to surcharge at the rate of one-time of the levy to be paid.

#### **Part 2**

##### **Work Permit**

**Section 9.** No alien shall engage in any work other than the works under section 7 and the permit shall be granted by the registrar, except for the alien who enters into the Kingdom temporarily under the law on immigration so as to engage in necessary and urgent work for a period of not exceeding fifteen days and that alien may engage in that work after giving written notification to the registrar.

In the issuance of the permit, the registrar may impose any conditions to be complied with by the alien.

The permit, the application for and the issuance of the permit and the giving of notification under paragraph one shall be in accordance with the form and procedure as prescribed by the Ministerial Regulation.

The Director-General may lay down the guideline for prescribing of the conditions under paragraph two to be complied with by the registrar.

**Section 10.** The alien who is eligible for the permit under section 9 shall have the place of residence in the Kingdom or has been permitted to enter into the Kingdom temporarily under the law on immigration in any status other than tourists or transit passenger and shall not have any prohibitions as prescribed by the Ministerial Regulation.

**Section 11.** Whoever desires to engage an alien living abroad to work for his business in the Kingdom may apply for the permit and pay fee on behalf of that alien.

The application for the permit on behalf of the alien under paragraph one shall be in accordance with the procedure as prescribed by the Ministerial Regulation.

**Section 12.** In granting of permission to any alien to engage in work in the Kingdom under the law on investment promotion or other laws, the authority who grants permission under such law shall without delay notify the granting of that permission in writing to the registrar together with other details as specified by the Director-General.

The registrar shall, after receiving the notification under paragraph one, issue the permit to that alien within seven days as from the date of receiving of such notification.

While awaiting for the permit under paragraph two, that alien may engage in work without regard to section 24 until the date of receiving of the permit as notified by the registrar.

**Section 13.** The alien who is not eligible for the permit under section 9 on account of the following grounds may apply to the registrar for the permit to engage in the works as notified in the Government Gazette by the Council of Ministers according to the recommendation of the Committee with due regard to national security and social impact:

(1) being deported under the law on deportation, but he is allowed to work at any place in lieu of deportation or while awaiting for deportation;

(2) having immigrated into or stayed in the Kingdom without permission under the law on immigration, but he is allowed to stay in the Kingdom temporarily while awaiting for deportation under the law on immigration;

(3) being lost of nationality by the provisions of the Announcement of the National Executive Council No. 337, dated 13th December B.E. 2515 or by other laws;

(4) born in the Kingdom but not entitling to Thai nationality by the provisions of the Announcement of the National Executive Council No. 337, dated 13th December B.E. 2515;

(5) born in the Kingdom but not entitling to Thai nationality by the provisions of the law on nationality.

The Council of Ministers may impose any condition in the Notification under paragraph one.

The application for and the granting of the permit under paragraph one shall be in accordance with the procedure as prescribed by the Ministerial Regulation.

**Section 14.** The alien having place of residence in, and being of nationality of, the country having common boundary with Thailand who enters into the Kingdom with travel document under the law on immigration may be permitted to engage in specific categories of works or in works with specific nature in the Kingdom temporarily through the specified period or season within the area which is adjacent to boundary or the area which is contiguous therewith.

An alien who desires to engage in the work under paragraph one shall submit the application, together with travel document, for temporary work permit to the registrar and shall pay fee in the amount as prescribed by the Ministerial Regulation.

In granting of the permit, the registrar shall specify the permitted working area or work place, working period, category or nature of work and the employer to work with in accordance with the form and procedure as prescribed by the Ministerial Regulation.

The provisions of this section may come into force in any area, to the alien of any nationality, for any category or nature of work, during any period or season and with any condition upon the Notification of the Council of Ministers as prescribed in the Government Gazette.

**Section 15.** The employee with the permit issued under section 9, section 11, section 13 (1) and (2) and section 14, particularly to the work as prescribed by the Ministerial Regulation, shall remit money to the Fund as security for repatriation of that employee and the employer shall have the duty to deduct salary of that employee and remit the deducted money to the Fund.

The amount of money to be remitted to the Fund, the deduction of salary and the remittance of the deducted money to the Fund under paragraph one shall be in accordance with the rules, procedure, period and rate as specified by the Ministerial Regulation. The prescribed amount and rate may be different for the employees of different nationalities with due regard to the cost of repatriation of the employee of each nationality.

The provisions of paragraph one shall not apply to the employee having the receipt issued under section 16 paragraph one showing that he completely paid to the Fund or having the certificate issued under section 16 paragraph two and the employee who has shown in the evidence of the registrar that he completely paid to the Fund, particularly to the employee whose money has not yet returned under section 18 or who has not been repatriated.

**Section 16.** When the employer remits deducted salary of any employee to the Fund, the registrar shall issue the receipt to the employer. Such receipt shall at least specify name and identification number of the employee whose salary has been deducted and remitted to the Fund and the unpaid amount. The employer shall then deliver the receipt to the employee as evidence.

In the case where the salary of the employee has been deducted so as to remit to the Fund completely, the employer shall issue the certificate thereon to that employee as evidence.

If the certificate issued under paragraph two is lost or damaged, the employee may request the registrar for the substitution thereof.

The issuance of the receipt under paragraph one and the certificate under paragraph two and the issuance of the substitution under paragraph three shall be in accordance with the form, rules and procedure as prescribed by the Ministerial Regulation.

**Section 17.** The employer who fails to remit the deducted salary under section 15 to the Fund or remit an incomplete amount shall be liable to surcharge at the rate of two per cent per month of the unremitted or incomplete amount thereof.

**Section 18.** The employee who departs the Kingdom on his own expense shall be entitled to claim his deducted salary which has been remitted to the Fund. In this case, the employee may submit his request to the registrar at the port of entry he has to presence for his departure or posts his written claim to the registrar.

The employee shall, in making of the claim under paragraph one, attach the evidence under section 16 paragraph one therewith if the he has not yet paid the Fund completely or the evidence under section 16 paragraph two if the he has completely paid to the Fund.

The registrar shall return the deducted salary under paragraph one to the employee within thirty days as from the date of receiving the request or claim, as the case may be. If the registrar fails to return that money to the employee within the aforesaid period, the registrar shall return that money together with interest at the rate of seven point five per cent per annum since the expiration of the aforesaid period through the date the registrar returns that money to the employee.

The return of deducted salary and interest thereof under this section may be made in cash or cheque specifying the name of the employee or by transferring that money to the account of the employee in accordance with the rules as prescribed by the Director-General.

**Section 19.** If the employee who departs the Kingdom on his own expense fails, within two years as from the date he departs the Kingdom, to claim for his deducted salary remitted to the Fund under section 18, his right to claim for that

money shall be terminated and that money shall devolve on the Fund.

Within two years as from the departing date, if the employee under paragraph one enters into the Kingdom and engages in the work as specified in the permit which is still valid or engages in the work as specified in the new permit and

that work has been prescribed by the Ministerial Regulation enacted under section 15, as the case may be, that employee shall be exempted from deduction of salary so as to remit to the Fund, except where the deducted salary which is remitted to the Fund of that employee has not yet completed, the employer shall deduct salary of that employee so as to remit to the Fund until the completion thereof.

**Section 20.** If the employee has to be repatriated, the Fund shall provide money for the expense of repatriation of that employee.

In the case where the money remitted to the Fund of the employee to be repatriated has not yet completed, the Fund shall provide only for the deficient,

except where the employee engages in work in the Kingdom on demand of the employer, that employer shall be liable to the deficient and the Fund shall collect the deficient from that employer.

**Section 21.** The permit granted under this Act shall be valid for not exceeding two years as from its granting date, except the permit which is granted to the alien under section 12 shall be valid through the period he has been permitted to work under such law.

The period of the permit under paragraph one shall not extend the period to stay in the Kingdom under the law on immigration.

**Section 22.** In the case where the period of work of the holder of permit under section 12 has been extended under such law, the licensor under such law shall notify the extension of that period in writing to the registrar in accordance with the form as specified by the Director-General as soon as possible and the registrar shall file that extension in the permit.

**Section 23.** Prior to the expiry date of the permit, if the holder of permit desires to continue engaging in that work, he shall apply for the renewal of that

permit to the registrar.

Upon submission of the application under paragraph one, the applicant may engage in that work until the registrar refuses the renewal.

The period of each renewal shall not exceed two years and the renewal shall be made only in necessary case so as to deter the settlement of alien in the Kingdom. In the case of the alien under section 13 (1) and (2), the consecutive period of work to be renewed shall not exceed four years, except where otherwise prescribed by the Council of Ministers occasionally.

The application for and the granting of renewal shall be in accordance with the rules and procedure as prescribed by the Ministerial Regulation.

**Section 24.** A holder of permit shall keep the permit on himself or at the place of work during work in order that it may be readily shown to the competent official or registrar.

**Section 25.** If the permit is lost or damaged, a holder of permit shall apply for its substitution to the registrar within fifteen days as from the date that loss or damage has known to him.

The application for and the granting of the substitution of the permit shall be in accordance with the rules and procedure as prescribed by the Ministerial Regulation.

**Section 26.** A holder of permit shall engage in work of the category or nature and with the employer and at the area or place and conditions as permitted.

The holder of permit who desires to change or add category or nature of work, employer, working area or work place or conditions shall be permitted by the registrar.

The application for and the granting of the permission shall be in accordance with the rules and procedure as prescribed by the Ministerial Regulation.

**Section 27.** No person shall engage an alien to work for him other than the holder of permit and in the work of the category or nature and at the working area or work place as specified in the permit.

**Section 28.** If the holder of permit violates or fails to comply with the specified conditions, the registrar shall have the power to revoke the permit.

## **CHAPTER II**

### **Alien Repatriation Fund**

**Section 29.** There shall be established the fund in the Department of Employment, called the "Alien Repatriation Fund", so as to be the revolving fund for the repatriation of employee, alien and deportee abroad under this Act, the law on immigration and the law on deportation, as the case may be.

**Section 30.** The Fund shall consist of the following money and properties:

- (1) surcharge under section 8 paragraph three;
- (2) money to be remitted to the Fund by the employer under section 15
- (3) surcharge under section 17;
- (4) money devolve on the Fund under section 19 paragraph one;
- (5) money collected from the employer under section 20 paragraph two;
- (6) donated money or properties;
- (7) fee collected under this Act as allowed by the Ministry of Finance to spend without remitting to State's fund;
- (8) fruits of the Fund;
- (9) subsidy from Government under section 31 paragraph two.

Money and properties under paragraph one shall devolve on the Fund without remitting to State's fund.

**Section 31.** The Fund shall be paid for the following purposes:

- (1) to finance expenses in relation to the repatriation of employee under this Act;
- (2) to be returned to the employee under section 18 and to be paid for related expenses thereof;
- (3) to finance expenses in relation to the repatriation of alien under the law on immigration;
- (4) to finance expenses in relation to the deportation of deportee under the law on deportation;
- (5) to finance necessary administration cost of the Fund, but not exceeding ten per cent of the fruits of the Fund;



(6) money of the Fund under section 30 (7) and fruits arising therefrom shall be paid particularly for the benefit of the concerned agencies in relation to the administration of the working of alien.

In the case where the money of the Fund is inadequate for the expenses under paragraph one, the Government shall from time to time pay subsidy to the Fund as necessary.

**Section 32.** There shall be the Board of Alien Repatriation Fund, consisting of the Permanent Secretary of the Ministry of Labour as Chairperson, the Director-General of the Department of Employment as Vice-Chairperson, the Commissioner of Immigration Bureau, a representative of the Ministry of Foreign

Affaires, a representative of the Office of the Attorney-General, a representative of the Bureau of the Budget, a representative of the Department of Provincial Administration, a representative of the Comptroller General's Department, a representative of the Department of Social Development and Welfare and not more than seven qualified persons having experience in labour, finance, industry and law appointed by the Minister with approval of the Council of Ministers as members.

The Director of the Office of Foreign Workers Administration shall be member and secretary.

The Board may appoint not more than two officials of the Department of Employment to be assistant secretaries.

**Section 33.** A qualified member of the Board shall hold office for the term of three years.

A qualified member who vacates from office may be reappointed, but not more than two consecutive terms.

**Section 34.** In addition to vacating office at the end of the term, a qualified member of the Board vacates office upon:

- (1) death;
- (2) resignation;
- (3) being bankrupt;
- (4) being an incompetent or quasi incompetent;
- (5) being dismissed by the Council of Ministers due to negligent or dishonest in the discharge of duty, disgrace behaviour or incapability;
- (6) having been sentenced by a final judgment to imprisonment.

**Section 35.** The provisions on the committee having duty to conduct administrative procedure under the law on administrative procedure shall apply to the appointment of the qualified members of the Board and the meeting of the Board *mutatis mutandis*.

**Section 36.** The Board shall have the power to appoint its subcommittee so as to consider or perform any act as entrusted by the Board.

The provisions on the committee having duty to conduct administrative procedure under the law on administrative procedure shall apply to the appointment and the meeting of the sub-committee of the Board *mutatis mutandis*.

**Section 37.** The Board shall have the powers and duties as follows:

- (1) to lay down guideline, rules, conditions and priority for spending of the Fund for each year in accordance with the objectives of the fund;
- (2) to determine rule for calculation of necessary cost in relation to the repatriation or deportation of the employee, alien or deportee of each nationality;
- (3) to consider and allocate money of the Fund for financing each objective of the fund in accordance with the guideline and priority under (1);
- (4) to consider and allocate money of the Fund to concerned agencies as advance money for repatriation or deportation of the employee, alien or deportee;
- (5) to issue regulations relating to the receipt, spending, keeping or benefiting of money and internal audit of the Fund;
- (6) to issue regulations relating to the rules and procedure for payment of money of the Fund to concerned agencies for the repatriation or deportation of the employee, alien or deportee and for payment of advance money under (4).

The determination, result of consideration and regulations under this section shall be published in the Government Gazette.

The regulations issued under (5) and (6) shall come into force upon their publications in the Government Gazette.

**Section 38.** The Department of Employment shall make and maintain the accounting of the Fund in accordance with the accounting system of the Ministry of Finance.

**Section 39.** The Office of the Auditor-General or the independence auditor as approved by the Office of the Auditor-General shall be auditor of the Fund.

**Section 40.** The auditor shall report the result of the audit to the Board for further submission to the Council of Ministers within one hundred and twenty days as from the ending date of the accounting year, and the Department of Employment shall publicise the financial statement as audited by the auditor within fifteen days as from the date the acknowledgement of the Council of Ministers has been given thereto.

### **CHAPTER III**

#### **Committee Considering Working of Alien**

**Section 41.** There shall be the Committee Considering Working of Alien, consisting of the Permanent Secretary of the Ministry of Labour as Chairperson, the Secretary-General of the National Economic and Social Development Board, the Secretary-General of the National Security Council, the Director

of the National Intelligence Agency, the Attorney-General, a representative of the Ministry of Defense, a representative of the Ministry of Foreign Affairs, a representative of the Ministry of Agriculture and Cooperatives, a representative of the Ministry of Interior, a representative of the Ministry of Public Health, a representative of the Ministry of Industry, a representative of the Royal Thai Police, not more than three representatives of employers' organization, not more than three representatives of employees' organization and not more than four qualified persons having experience in labour, industry and law appointed by the Minister with approval of the Council of Ministers as members.

The Director-General shall be member and secretary and the Director of the Office of Foreign Workers Administration shall be member and assistant secretary.

The acquisition, term of office and vacation from office of the representatives of employers' organisation and employees' organisation and the term of office and vacation from office of the qualified members under paragraph one shall be in accordance with the regulations determined by the Minister with approval of the

Council of Ministers and published in the Government Gazette.

**Section 42.** The Committee shall have the powers and duties as follows:

- (1) to propose policy on working of alien to the Council of Ministers;
- (2) to give recommendation to the Council of Ministers or the Minister in the issuance of the Royal Decrees, Ministerial Regulations, Regulations and Notifications under this Act;
- (3) to monitor, oversee and cooperate an implementation of the agencies concerned with the working of alien according to the policy on working of alien laid down by the Council of Ministers;
- (4) to supervise an implementation of the Department of Employment under this Act to be in accordance with the policy on working of alien laid down by the Council of Ministers;
- (5) to perform any other duties as entrusted by the Council of Ministers or Minister.

**Section 43.** At a meeting of the Committee, not less than one-half of the total number of the members must be presented to constitute a quorum.

At a meeting of the Committee, if the Chairperson is not present at the meeting or is unable to perform his duty, the members shall select one among themselves to preside over at the meeting.

A decision shall be made by a majority of votes. In casting votes, each member shall have one vote. In case of an equality of votes, the person who presides over at the meeting shall cast an additional vote as a casting vote.

**Section 44.** The Committee shall have the power to appoint its subcommittee to perform any act as entrusted by the Committee.

The provisions of section 43 shall apply to the meeting of the subcommittee *mutatis mutandis*.

## **CHAPTER IV**

## **Committee Considering Appeal on Working of Alien**

**Section 45.** There shall be the Committee Considering Appeal on Working of Alien, consisting of the Permanent Secretary of the Ministry of Labour as Chairperson, a representative of the Ministry of Foreign Affairs, a representative of the Office of National Economic and Social Development Board, a representative of the Office of Attorney-General, a representative of the Department of Business Development, a representative of the Office of the Board of Investment, a representative of the Royal Thai Police, a representative of employers' organization, a representative of employees' organization and not more than three qualified persons appointed by the Minister as members.

The Director-General shall appoint an official of the Department of Employment to be member and secretary and not more than two officials thereof as assistant secretaries.

The acquisition, term of office and vacation from office of the representatives of employers' organization and employees' organization and the term of office and vacation from office of the qualified members under paragraph one shall be in accordance with the regulations determined by the Minister and published in the Government Gazette.

**Section 46.** In the case where the registrar refuses to grant the permit or permission under section 9, section 11, section 13, section 14 or section 26 or refuses to renew the permit under section 23 or revokes the permit under section

28, the applicant or the person whose his permit has been revoked, as the case may be, shall have the right to appeal, in writing, to the Appeal Committee by submitting an appeal to the registrar within thirty days as from the date the order has known to him.

The registrar shall send the appeal together with his reasons for refusing the granting of the permit, permission, renewal of the permit or revocation of the permit to the Appeal Committee within seven days as from the date of receiving the appeal, and the Appeal Committee shall give a decision thereon within thirty days as from the date of receiving the appeal.

The decision of the Appeal Committee shall be final.

In the case of appeal on refusal order of not granting renewal of the permit under section 23, the appellant may engage in work until the decision of the Appeal Committee has been given.

**Section 47.** The provisions on administrative order and the committee having duty to conduct administrative procedure under the law on administrative procedure shall apply to the making of administrative order and the meeting of the Appeal Committee *mutatis mutandis*.

## **CHAPTER V**

### **Supervision**

**Section 48.** In the performance of duties under this Act, the Director-General, the registrar and the competent official shall have the powers as follows:

(1) to have written inquiry or summon any person to give statement and to produce document or evidence;

(2) to enter into, for the purpose of inspection under this Act and with warrant of the Court, any place during working hour or the period believed to have work if there is a reasonable ground to suspect that there is an alien working in that place illegally, except the entering between sunrise and sunset. In this case, they shall also have the power to make an inquiry or summon any document or evidence from a person in charge of or relate to that place.

**Section 49.** The registrar and competent official shall have identification card made in the form as specified by the Minister by publishing in the Government Gazette.

In the performance of duties under this Act, the registrar and the competent official shall produce identification card to related person.

**Section 50.** In the performance of duties under this Act, the Director-General, the registrar and the competent official shall be the competent official under the Penal Code.

If the competent official finds the alien working without having the permit which is in violation of this Act and he orders that alien to report at the police station together with him but that alien fails to do so or tries to escape, the competent official shall have the power to arrest that alien without warrant of arrest and shall take the arrested person to the office of the inquiry official at once. In this case, the provisions of section 81, section 81/1, section 82, section 83, section 84, section 85 and section 86 of the Criminal Procedure Code shall apply to the arrest under this section *mutatis mutandis*.

In order to assist the inquiry official in conducting an inquiry, the

Minister may appoint the competent official having knowledge and experience in conducting an inquiry as joint-inquiry official under the Criminal Procedure Code. In this case, that competent official shall have the powers and duties to assist the inquiry official to conduct an inquiry the offense committed under this Act.

The carrying out of any conduct in relation to the arrest under paragraph two and the joint inquiry under paragraph three shall be in accordance with the rules and procedure as the Director-General and the Commissioner-General of the

Royal Thai Police jointly determined.

## **CHAPTER VI**

### **Penalties**

**Section 51.** An alien who engages in work without having the permit shall be liable to imprisonment for a term of not exceeding five years or to a fine from two thousand Baht to one hundred thousand Baht or to both.

In the case where the accused under paragraph one willfully departs the

Kingdom within the period specified by the inquiry official, but not more than thirty days, the inquiry official may settle the case and causes that alien to depart the Kingdom.

**Section 52.** A holder of permit who engages in work in violation of the conditions determined under section 9, section 13, section 14 or section 26 shall be liable to a fine of not exceeding twenty thousand Baht.

**Section 53.** A holder of permit who fails to notify the registrar under section 22 or fails to comply with section 24 shall be liable to a fine of not exceeding ten thousand Baht.

**Section 54.** Whoever fails to comply with section 27 shall be liable to a fine of not exceeding ten thousand Baht, and he shall be liable to a fine from ten thousand Baht to one hundred thousand Baht per one alien if that alien has not had the permit.

**Section 55.** Whoever fails to comply with the written inquiry or fails to give statement or deliver document or evidence to the registrar or the competent official who performs duties under section 48 without reasonable ground shall be liable to a fine of not exceeding ten thousand Baht.

**Section 56.** The offenses under this Act other than the offense under section 51 may be settled by the Settlement Committee as appointed by the Minister.

The Settlement Committee as appointed by the Minister under paragraph one shall consist of three members whereby one of which shall be the inquiry official under the Criminal Procedure Code.

When the Settlement Committee has settled the case and the accused pay the fine in an amount as settled within thirty days, the case is deemed to be settled under the Criminal Procedure Code.

#### **Transitory Provisions**

**Section 57.** The Ministerial Regulation prescribing the work that may be engaged by the alien under section 7 shall be enacted within two years as from the date this Act comes into force.

While there is no such Ministerial Regulation under section 7, the registrar may permit the alien to engage in any work other than the works as prescribed by the Royal Decree enacted under section 6 of the Working of Alien Act, B.E. 2521.

**Section 58.** An alien who holds the permit or has been permitted to engage in work under the Working of Alien Act, B.E. 2521 as amended by the Working of Alien Act (No. 2), B.E. 2544 on the date this Act has been published in the Government Gazette shall be deemed to have the permit or permission to engage in work under this Act in accordance with the conditions as specified in the permit or permission.

The permit granted under the Announcement of the National Executive

Council No. 322, dated 13th December B.E. 2515 shall be valid through the period as specified therein and the holder of permit still engage in work as permitted.

**Section 59.** All applicant and appeal submitted under the provisions of the Working of Alien Act, B.E. 2521 as amended by the Working of Alien Act

(No. 2), B.E. 2544 prior to the date this Act comes into force shall be deemed to be the application or appeal submitted under this Act.

**Section 60.** All Royal Decree, Ministerial Regulations,

Notifications, resolutions of the Council of Ministers or orders of the Minister or

Director-General issued or made by virtue of the provisions of the Working of Alien Act, B.E. 2521 as amended by the Working of Alien Act (No. 2), B.E. 2544 and still be in force prior to the date this Act comes into force shall be continued in force if they are not contrary to or inconsistent with the provisions of this Act and they shall be deemed as if they are the Royal Decree, Ministerial Regulations, Notifications, resolutions of the Council of Ministers or orders of the Minister or Director-General issued or made by virtue of this Act.

Countersigned by:

General Surayud Chulanont

Prime Minister

#### **Rate of Fees**

(1) The permit each 20,000 Baht

(2) Renewal of the permit each time 20,000 Baht

(3) Substitution of the permit each 3,000 Baht

(4) Permission to change or add category of work,

employer, working area or work place or working conditions as permitted each time 5,000 Baht

(5) Levy for hiring of alien other than skilled worker or expert per person 10,000 Baht

(6) Submission of an application each 1,000 Baht

In the enactment of the Ministerial Regulation prescribing fees, the fees to be prescribed may be different with due regard to nature of work or both nature and working area of alien.

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[www.lawreform.go.th](http://www.lawreform.go.th))

**Remark:** Reference to Thai legislation in any jurisdiction shall be made to the Thai version only. This translation has been made so as to establish correct understanding about this Act to the foreigners.