



*Problems concerning an improper disposal of complainant's birth certificate and a failure to proceed his nationality application per the Notification of the Ministry of Interior Re: Order for Non-Thai person born in the Kingdom of Thailand to alien parents to obtain Thai nationality in general and specific cases, dated September 26, 2012*

A person born in Thai Kingdom of alien parents or a person without Thai nationality is able to obtain Thai nationality through variety of cases, upon a circumstance of birth and of residence in Thai Kingdom, which can be considered from qualifications of either father or mother to the maximum profit of child status improvement.

A strategy in handling a problem of individual status and rights to resolve a statelessness problem in Thailand concurrently takes into consideration of basic human rights and national security principles according to the Nationality Act B.E.2508 and the 4th version amendment B.E.2551, wherein Section 7 prescribes that the Thai nationality by birth can be obtained in 2 circumstances: 1. Lineage principle and 2. Territorial principle.

A group of aliens – getting registered in B.E.2515, Thor Ror 13 – is the group that has alien parents and the number “6” is designated as the first digit in their ID card, while the number “7” is designated to their children. This group of aliens whom their ID card begins with the number “6” is now granted an ID card as non-Thai person with the status of nationalityless but not stateless. They are eligible to permanently reside in Thailand but ineligible to Thai citizenship. Their children – whom their ID card begins with the number “7” – are born in Thailand and granted Thai citizenship. The group of aliens – whom their ID card begins with the number “8” – is a legal immigrant with alien identification card or a person who is naturalized as Thai citizen.

For above complaint, the complainant was born in the Wiang Haeng district, Chiangmai province. His parents are pink ID card holders of which its number begins with “6”. At birth, his birth certificate contained an ID card number beginning with the number “7” which is an



eligible group for Thai nationality application per the notification of the Ministry of Interior. Later, his civil registration status has been disposed. He has no longer the civil registration status and his ID card shows the number “0” as the first digit, which refers to the immigrant who migrates into Thailand and is ineligible to Thai nationality application per the notification of the Ministry of Interior.

The complainant has intended to apply for Thai nationality according to the notification of the Ministry of Interior. This is not able to proceed since the notification of the Ministry of Interior excludes the individuals whom their ID card begins with the number “0”. The complainant was suggested by the Foundation that he is eligible to apply for Thai nationality per the notification of the Ministry of Interior; and due to an unclearness of said notification, there is not any officials accepts his application.

The office of the Ombudsman issued – to related agencies – a written request for a clarification on above complaint and was reported as follows:

1. Regarding the birth certificate improper disposal, the Wiang Haeng district registration bureau verifies that this case is not the birth certificate disposal. It becomes a case that the complainant’s civil status in the civil registration database was disposed because the complainant was in a prolong list of the central house registration with no moving out action; or in other word, there is no movement on his registration status. With this reason, his status was then disposed during the review and update of records in the civil registration database, dated December 14, 2004.

2. Regarding the failure of the Wiang Haeng district on proceeding the complainant’s Thai nationality application, the finding reveals that the complainant’s current status is a person without registration status – whom ID card begins with the number “0” – and wasn’t enlisted in the inspection of migrated person who has a relationship with registered minority group. This group of persons cannot apply for Thai nationality per the notification of the Ministry of Interior, of which its provisional guideline specifically targets 18 minority and ethnic groups which the cabinet has completely certified their status of permanent resident in Thailand. But this excludes the group of persons who has no registration status of prolong



staying period which was reviewed under the strategy in handling a problem of individual status and rights during the period of B.E.2549 – B.E.2555. With this reason, the Wiang Haeng registration and card bureau cannot proceed the complainant's nationality application.

3. Regarding the complainant endorsed – as evidence to support his birth location in Thailand and eligibility to apply for Thai nationality – the birth certificate that shows his name and ID card number with the number “7” as the first digit and that is issued by Wiang Haeng registration bureau dated October 1, 1997; the Wiang Haeng registration bureau has consulted with the Central Registration Bureau, Department of Provincial Administration, to reinstate the item of individual status per aforementioned birth certificate and will later update the complainant of the result.

Also, the office of the Ombudsman followed up with the Wiang Haeng registration bureau and the complainant about the progress of consideration in reinstating the individual status of eligibility to apply for Thai nationality and was reported that the complainant had already filed in more information. The Wiang Haeng registration bureau issued him an ID card – with the number “7” as the first digit – of non-Thai person born in Thailand of alien parents and is processing his nationality application to the Chiangmai provincial office.

Then, the Chiangmai provincial office has already received the issue from the Wiang Haeng registration bureau. The next step is the Chiangmai provincial office submits the complainant's documents to Office of the Narcotics Control Board, Chiangmai Provincial Police and Special Branch Bureau for a purpose of background check. After getting the reports from all three agencies, the Chiangmai provincial office must request an approval of Chiangmai governor and further proceed the approved issue to the central registration bureau for an issuance of 13 digits ID card number which approximately takes 2-3 months. When the 13 digits ID card number is issued, the central registration bureau will have a written notice to the complainant to get a new ID card reissued at his domicile. The office of the Ombudsman has kept the complainant updated of this progress via email.



Later, the office of the Ombudsman received an email from the complainant informing that he was issued an official Thai ID card. At this moment, the complainant feels like getting a new life and expresses his appreciation to the office of the Ombudsman on their ongoing assistance until he was issued an official Thai ID card.