



1 May 2020

Subject: Recommendations about the enforcement of the Notifications of the Ministry of Interior Regarding Permission for Certain Groups of Aliens to Remain in the Kingdom as a Special Case dated 8 April and 23 April 2020

Dear The Commissioner of Immigration Bureau

CC: 1. Prime Minister

2. Minister of Interior

In pursuance to the Prime Minister's and Minister of Interior's Notification Regarding the Permission for Certain Groups of Aliens to Remain in the Kingdom as a Special Case dated 8 April 2020 in which its Article 2 states that "For an alien who has been permitted a temporary stay in the Kingdom according to their type of visa (including Visa on Arrival) and an alien who has been permitted a temporary stay in the Kingdom according to their visa exemption privileges (P. 30/PP. 14/ PP. 30/PP. 90) whose specified period of time permitted for stay in the Kingdom expires as from 26 March 2020:

- The period of time permitted for stay in the Kingdom under Section 35 of the Immigration Act B.E. 2522 (1979) shall be temporarily extended as from 26 March 2020 to 30 April 2020
- The period of time for the notification of residence under Section 37 (5) of the Immigration Act B.E. 2522 (1979) or in accordance with the relevant notifications of the Ministry of Interior, upon the completion of the period of time for the notification of residence for such alien, shall be extended as from 26 March 2020 to 30 April 2020

Later, the Prime Minister and the Minister of Interior issued a Notification on 23 April 2020 to extend the period of time permitted for stay in the Kingdom of the migrants and extend the period of time for the notification of residence from 1 May 2020 to 31 July 2020.

The Migrant Working Group (MWG) agrees that such measures can help to prevent and decrease the risk of infection regarding the Covid-19 outbreak. MWG has, however, received complaints from migrant workers and employers of migrant workers from neighboring countries who are confused if they are entitled to benefit from the two MOI's Notifications or not since they have made entry into the country with Non-Immigrant L-A visas and are therefore obliged to notify the Immigration Bureau of their residence pursuant to Section 37 of the Immigration Act 1979. Even if the two Notifications have been issued, officials at the operational level hold on to the opinion that migrant workers who have made entry into the country with Non-Immigrant L-A visas are obliged to report themselves to the Immigration Bureau pursuant to Section 37. For

example, in Chiang Mai, it has been found that a number of workers are required to report themselves within 90 days the practice of which is inconsistent with the two MOI's Notifications and it has led to crowdedness of the Immigration Office by these migrants which may increase a risk of Covid-19 infection. Such outbreak of the disease would be incompatible with the outcome expected from the enforcement of the Ministry of Public Health's measures and guidance to contain the spread of Covid-19.

In addition, there are over 555,993 migrant workers whose name lists have not been submitted to the Ministry of Labor by their employers within 31 March 2020 and they are unable to apply for permission to stay temporarily to work in the Kingdom within the deadline including their dependents as well. As a result, the cabinet has issued a resolution on 15 April 2020 to allow them to stay temporarily in the Kingdom until 30 November 2020. It is unclear if migrant workers who are permitted to stay temporarily in the Kingdom per the cabinet resolution are obliged to report themselves pursuant to Section 37 of the Immigration Act or not.

Given the lack of clarity of the enforcement of the Notifications and the impact on migrant workers who have made entry into the country with Visa on Arrival or who have been permitted to stay temporarily in the Kingdom per the cabinet resolution on 15 April 2020, the Migrant Working Group (MWG) would like to propose that a circular letters be issued to the Immigration Offices nationwide to keep them informed the implication of the Notifications and to publicize the information to migrants as to the Visa on Arrival and the required notification of residence of aliens pursuant to the Immigration Act's Section 37. This can help to prevent migrant works from having to crowd into the Immigration Offices which may help to give rise to the outbreak of the Covid-19.

Thank you very much.

Yours sincerely,



(Adisorn Kerdmongkhol, Migrant Working Group's Manager)

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