



An open letter

8 April 2020

Subject: Recommendations concerning the management of foreigners during the Covid-19 outbreak

Dear Prime Minister

CC: Minister of Interior

In response to the Covid-19 outbreak, the government has declared a state of emergency which has staggeringly affected the travel inside and outside the country. It has led to the closure of ports of entry between Thailand and neighboring countries and prohibition of inter-provincial movement of migrants in many provinces including border provinces. As a result, a number of foreigners including tourists, businesspersons, expats who live with their Thai families, etc. have been affected in terms of their right to stay in Thailand. They are required to extend their stay and report themselves pursuant to the immigration law. A number of migrants are required to extend their stay and report themselves to the Immigration Bureau or their respective Embassies to keep the authorities informed of their current addresses every 90 days as required by the law. The staggering number of foreigners who are required to apply for the extension of stay by themselves has overflowed many facilities and this will simply help to spread the virus more easily. Such requirement is therefore in breach of the government-initiated Social Distancing guideline.

To address the problems that affect a number of foreigners who are unable to return to their countries and to contain the spread of Covid-19, the Migrant Working Group (MWG) has these recommendations for the Prime Minister and the Minister of Interior as competent officials of the Immigration Act. They are urged to invoke Section 17 of the law urgently to;

1. Extend the deadline to apply for extension of stay for foreigners depending on the types of visas they have been granted including the holders of VOA who have been exempted from visa stamps including tourists, skilled workers, investors, expats who live with their families in Thailand, etc. They should be allowed to continue their stay in Thailand from 26 March 2020 when the state of emergency was first imposed, until the day the state of emergency is lifted. If the situation remains unresolved, the Immigration Bureau should be empowered to extend their stay appropriately.

2. Extend the deadline of current address notification as required by Section 37(5) and other Notifications by the Ministry of Interior. An amnesty should be given to foreigners who are required to notify the authorities of the current addresses every 90 days during the time when the state of emergency is still imposed until it is lifted. If the situation remains unresolved, the Immigration Bureau should be empowered to extend their deadline appropriately.

3. Extend the stay of foreigners who are holders of border passes from 23 March 2020 when the ports of entries were first closed to when they are reopened again.

4. Extend the one-year requirement to stay in Thailand for foreigners who have permanent residencies in Thailand to ensure their permanent residencies are not revoked while they are unable to reenter the country.

For undocumented migrants, the Immigration Bureau may allow them to continue staying in their current addresses pending the deportation or pending other measures from the government as the case may be by invoking Section 54 (3) and (4) during the time the state of emergency is imposed. The deportation and other measures can be imposed after the state of emergency is lifted or when the situation has been resolved and normal time returns. As of now, such migrants are required to leave the country within 15 days pursuant to the Royal Thai Police's Notification.

When the situation is resolved, the Immigration Bureau may proceed to execute the legal requirements pursuant to the immigration law. A 15-day-grace period should, however, be granted to ensure the good preparation and reduce the crowdedness of the facilities. Any terms imposed by the Immigration Bureau should not lead to unnecessary burden on the foreigners which may simply exacerbate their predicament.

With respect in human rights and human dignity

Migrant Working Group (MWG)

For more information, please contact

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