



FAQs ON NSM

Frequently Asked Questions about Applying for Protected Person Status
under The Regulation on the Screening of Aliens who Enter into the
Kingdom and are Unable to Return to the Country of Origin

NATIONAL SCREENING MECHANISM – NSM

‘REGULATION OF THE OFFICE OF THE PRIME MINISTER ON THE SCREENING OF ALIENS WHO ENTER INTO THE KINGDOM
AND ARE UNABLE TO RETURN TO THE COUNTRY OF ORIGIN B.E.2562’

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With guidance from
Sub-Division 4 of the Investigation Division,
Immigration Bureau

Frequently Asked Questions

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WHAT IS THE REGULATION ON THE SCREENING OF ALIENS WHO ENTER INTO THE KINGDOM AND ARE UNABLE TO RETURN TO THE COUNTRY OF ORIGIN (THE NATIONAL SCREENING MECHANISM – NSM)?

The National Screening Mechanism, or the NSM, refers to the ‘Regulation of the Office of the Prime Minister On the Screening of Aliens who Enter into the Kingdom and are Unable to Return to the Country of Origin B.E. 2562’.

The Thai government uses this mechanism to screen for people who are “unable or unwilling to return to his/her country of origin due to a reasonable ground that they would suffer danger due to persecution.”

Thailand’s Immigration Bureau started to accept registration requests in September 2023. The assessment will include at least one interview with immigration officials. Depending on the officer's decision, there may be additional interviews where you will have to share your personal history, explain why you left your country of origin, and why you cannot return.

If your application is successful, the Thai government will give you “Protected Person” status and your repatriation may be deferred due to the danger you face in your country.

If your application is unsuccessful, the Immigration Act will be applied to your case and there is a possibility that you may be deported from Thailand under the relevant laws.

Please note that the NSM is a process under Thai law where an applicant who has already gone through the criminal process for illegal entry or illegal stay, and has a deportation order issued against them, can challenge that deportation order by arguing that they will face harm if deported. In other words, if you have not already been charged with illegal entry or illegal stay and received a criminal sentence, you are not eligible to apply for the NSM.

The NSM is not a national asylum system, cannot provide applicants with a Thai visa, and it is not a pathway to get citizenship or permanent residency in Thailand.

¹ https://www.ratchakitcha.soc.go.th/DATA/PDF/2562/E/314/T_0001.PDF



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IS THE NSM CONNECTED TO MY ASYLUM CLAIM AT UNHCR?

The NSM is not related to the UNHCR’s asylum-seeking process, and the decision to grant a person “Protected Person” status will be made by the Thai government. The NSM is a screening mechanism that is conducted by the Thai government to screen people who came to Thailand and are unable to return to their country of origin because they have a reasonable ground to believe that they would suffer danger due to persecution if repatriated from Thailand. If the application is successful, the applicant will be granted “Protected Person” status, which is not equivalent to the UNHCR’s recognized refugee status.

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HOW COULD THE NSM BENEFIT ME?

Under Clause 15 of the NSM, “if the competent official or Government official discovers an alien claiming to have a reasonable ground to be a Protected Person, the repatriation of such alien shall be deferred, except where national security is threatened”. If you believe that you will be in danger if you return to your country, you may request registration under the NSM so that the Thai government will consider not repatriating you. Afterwards, the officer who reviews your case will have 30 days to determine whether you are eligible to register under the NSM. However, please note that you will need to be arrested and charged with illegal entry or illegal stay before you are eligible to apply under the NSM. Following the arrest and criminal sentence, you may be held in an Immigration Detention Center.

According to the Regulation, a person who is granted Protected Person status under the NSM will be given a government-issued ID, permission to stay in Thailand temporarily for 5 years, access to healthcare, and access to education.

As of June 2024, the Immigration Bureau is coordinating with the Ministry of Public Health to allow Protected Persons to purchase health insurance at a low cost. The Ministry of Public Health has already amended its announcement accordingly.

The 5-year temporary stay in Thailand can be renewed but the decision to renew will depend on whether the applicant’s country is safe to return and national security concerns. If a reasonable ground for persecution no longer exists, the applicant will have to return to their country of origin.



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DO I HAVE TO BE AN ASYLUM SEEKER OR A RECOGNIZED REFUGEE WITH UNHCR TO BE ABLE TO APPLY FOR THE NSM?

No, you are not required to be registered with UNHCR. However, being a UNHCR-recognized refugee may be beneficial for consideration in the NSM process.

In the NSM process, you must prove to the authorities that there is an ongoing and reasonable ground for persecution in your home country that prevents you from returning to your country.

If your application is unsuccessful, you will be prosecuted under Thai immigration laws, so there is a risk of deportation if your application is unsuccessful. Alternatively, you have the option to voluntarily leave Thailand if you are able to do so.

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WHO IS ELIGIBLE TO REGISTER AND BE GRANTED “PROTECTED PERSON” STATUS UNDER THE NSM?

On 27 March 2023, the criteria and conditions for screening applications was announced in the Royal Thai Gazette. In summary, to be eligible you must:

- 1. Enter or stay in Thailand and be unable or unwilling to return to the country of origin due to a reasonable belief that you will be in danger of persecution.
- 2. Not be a person for whom the Ministry of Interior has specific measures or procedures that apply to them – for example, refugees in camps or temporary shelters.
- 3. Not be a migrant worker from Myanmar, Laos, Cambodia, or Vietnam as specified by the Cabinet as having specific measures or procedures that apply to them.

The NSM registration process includes checking for any arrest warrants and criminal records, and examination of personal, political, and national security circumstances. As part of the process, you will need to give your fingerprints to the Thai government.

“Protected Person” status may not be granted if the status will affect the national security of Thailand.



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**CAN I APPLY FOR THE NSM
IF I DO NOT HAVE A VALID THAI VISA?**

According to the Immigration Bureau, you can apply for the NSM only if you have already been prosecuted for illegal entry or illegal stay under Thai immigration laws. Therefore, only people with illegal immigration status (i.e., you do not have a valid Thai visa) can apply for “Protected Person” status under the NSM. This means that you cannot apply if you have a valid Thai visa or another kind of stay permit such as a migrant worker card.

If you are in Thailand illegally but have never been prosecuted for illegal entry or illegal stay, please be aware that before you can apply for the NSM, you must first go through the criminal justice process for your illegal status.

The legal process begins when you are arrested or willingly surrender to the authorities and typically involves being charged with an immigration offence and being brought to court. Following the criminal sentence, most people are taken to an Immigration Detention Center.

You may apply for the NSM when you are inside an Immigration Detention Center (IDC), or after you are granted bail from IDC. In order to apply for bail, you will normally need a Thai national to act as your guarantor and the required amount of money.

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IF I WAS SENT TO THE IDC AND I WANT TO BE BAILED OUT, DO I NEED TO APPLY UNDER THE NSM FIRST?

You may be eligible for bail even if you do not apply under the NSM. If you are a refugee or asylum seeker who has an active case at UNHCR (i.e., a valid and unexpired UNHCR card), you may request bail under the condition that you are seeking asylum with UNHCR. The IDC will contact UNHCR to confirm your asylum-seeker or refugee status. In this case, you will need to provide 50,000 baht to the IDC as a bail bond and you will be required to report at the IDC every 15 days following your release. In summary, if you have an active case at UNHCR and meet the other bail requirements, you can submit a bail application once you are detained in IDC.

You may also be eligible for bail if you apply for the NSM. Specifically, if the Immigration Bureau grants your request to register and you are either (1) under screening or (2) have been granted 'Protected Person' status, you can request bail for the reason that you are seeking protection under the NSM. In this case, you will need to provide 20,000 baht to the IDC as a bail bond and you will be required to report at the IDC every 45 days following your release. You do not need to have an active case with UNHCR if you are applying for bail with the reason that you are seeking protection under the NSM.

If you apply for bail as an asylum-seeker or refugee with UNHCR or for the reason that you are seeking protection under the NSM and you are under 18 years of age, you may be able to submit a bail application without paying the bail bond and you may be allowed to stay outside the IDC after you turn 18 years old. Children released from IDC are requested to report to the IDC every 45 days.

Please note that the Thai authorities have complete discretion over whether to approve a bail application.



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I AM ON BAIL. CAN I BENEFIT FROM THE BAIL POLICY RELATING TO THE NSM?

If you are on bail for a reason other than because you are registered under the NSM and want to benefit from the new NSM bail policy, you will need to cancel your current bail agreement and apply for a new one. This will mean you will have to pay 20,000 baht as a new bail bond once you are under screening for the NSM. Please keep in mind that you may have to return to IDC after your previous bail agreement is cancelled and it is unclear how long a new bail application will take. We encourage you to talk to a Thai lawyer before starting this process.

After you cancel your current bail agreement, it may take up to 3 months to get back the 50,000 baht you paid for bail. If you do not have an extra 20,000 baht but want to submit a bail application under the NSM, you may have to return to the IDC and wait until you get back the money to use it for the new bail under NSM.

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I AM CURRENTLY ON BAIL, CAN I APPLY FOR THE NSM?

Yes, you can contact Sub-Division 4 of the Investigation Division, Immigration Bureau to request to register under the NSM.

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WHERE CAN I GET THE FORMS TO REGISTER FOR THE NSM?

The forms are available online. Here are the links:

1. [Eligibility Application Form for Person Seeking Protection](#) (KG.1)
2. [Appeal Form for the Dismissed Eligibility Application Form for Person Seeking Protection to file the Protected Person Application](#) (KG.3)
3. [Application Form for Person Seeking Protection](#) (KG. 5)



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WHAT INFORMATION SHOULD I PREPARE IF I WANT TO APPLY FOR THE NSM?

You need to provide information and evidence (if any) to the authorities that you are unable or unwilling to return to your country of origin due to a reasonable ground that you would suffer danger due to persecution. The Assessment Form for Person Seeking Protection (KG. 7) will give you some ideas on the criteria the Thai government will use to assess your claim.

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WHAT LANGUAGE DO I NEED TO USE DURING THE NSM PROCESS?

The forms must be completed in English or Thai. For interviews with the Immigration Bureau, you can request to bring your own interpreter who speaks your language. If you cannot bring your own interpreter, Sub-Division 4 of the Investigation Division, Immigration Bureau will provide one for you.

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WHAT DOCUMENTS WILL I RECEIVE IF I AM REGISTERED UNDER THE NSM?

Once you are registered under the NSM, the authorities will issue an Identification Document for Person under Screening (KG. 6).

Once you are granted the Protected Person status, the authorities will issue an Identification Document for the Protected Person (KG. 8).

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DO I NEED A LEGAL REPRESENTATIVE TO APPLY FOR THE NSM?

No, you do not need a legal representative to be apply for the NSM or to be granted Protected Person Status. However, if you want to have a legal representative, you can notify the authorities.

If you would like more information on the NSM, you may contact the Center for Asylum Protection (CAP) or Asylum Access Thailand (AAT). Please be aware that CAP may not be able to be your legal representative under the NSM.



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CAN I BRING MY OWN INTERPRETER OR ANYONE TO ASSIST ME?

As of 3 November 2023, the Immigration Bureau has told us that people can bring their own interpreter or someone you trust with you to help complete the Eligibility Application Form for Person Seeking Protection (KG.1).

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CAN I COMPLETE THE ELIGIBILITY APPLICATION FORM FOR PERSON SEEKING PROTECTION (KG.1) BY MYSELF?

Yes, you can complete the Eligibility Application Form for Person Seeking Protection (KG. 1) by yourself or with the assistance of someone. Then you can bring the completed form together with any evidence in support of your claim to submit to the Immigration Bureau.

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WHERE CAN I SUBMIT A REGISTRATION REQUEST FOR THE NSM?

You can submit a request to register under the NSM at either:

- 1. Sub-division 4, Investigation Division, Immigration Bureau during government office working hours. The Sub-division 4 office is shared with Bangkhen Immigration Detention Center (Bangkhen IDC), in the Royal Thai Police Sport Club in Bangkok.
- 2. The Immigration Detention Center that you are detained at.²

First, you must submit the Eligibility Application Form (KG.1) and if it is accepted, you must submit the Application Form (KG. 5.) Even if you prefer to complete the forms at the Sub-division 4 office, we encourage you to review the forms before you go to the office.

²
<https://ratchakitcha.soc.go.th/documents/140D166S0000000003300.pdf>

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WHAT HAPPENS AFTER I SUBMIT A REQUEST UNDER THE NSM AND WHAT HAPPENS IF THE OFFICIAL DISMISSES MY REQUEST?

Under Section 17 of the NSM, you will be notified of the determination result of your “request”. If your “Eligibility Application” request is rejected, you may appeal the result within 15 days from the date of notification. If the appeal period has passed without any appeal submission, the authorities will place you in immigration proceedings which may result in detention and possible deportation from Thailand. Alternatively, you may voluntarily depart from Thailand.

Under Section 18 of the NSM, if it is determined that you are eligible to submit a request, you will have 60 days to submit the Application Form (KG. 5) from the date of notification. If 60 days have passed without any submission, you will be considered to have abandoned the request and the authorities will place you in immigration proceedings which may result in detention and possible deportation from Thailand.

Under Section 20 of the NSM, if the application is rejected, the authorities will place you in immigration proceedings which may result in detention and possible deportation from Thailand.

If the application is approved, you will be granted “Protected Person” status. With this status, you should be protected from deportation for at least 5 years unless national security issues are implicated.

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DO I NEED TO PAY TO REGISTER UNDER THE NSM OR TO BE A PROTECTED PERSON?

There are no fees for applying for or receiving Protected Person status under the NSM.

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WHERE CAN I FIND MORE INFORMATION ABOUT THE NSM?

Sub-Division 4, Investigation Division, Immigration Bureau, is located at the Royal Thai Police Sports Club on Vibhavadi-Rangsit Road, Talat Bang Khen Subdistrict, Lak Si District, Bangkok. Phone numbers: 02-0241622 or 02-0245998.

For more information, you can visit: <https://help.unhcr.org/thailand/asylum/> and <https://nsmthailand.org/>

Notes