

Guidelines for Diplomatic Privileges and Immunities of Same-Sex Spouses

As the Act Amendment upon the Civil and Commercial Code (No. 24) B.E. 2567 (2024) or **Marriage Equality Act** in Thailand comes into effect on 23 January 2025, same-sex spouses¹ of members of the Diplomatic Missions, Consular Representatives, and International Organizations (DCIOs) will benefit legal implication under Thai law and relevant international agreements to which Thailand has been compliance as a party. This document outlines the guidelines for diplomatic privileges and immunities extended to same-sex spouses within the DCIOs framework.

I. Diplomatic Privileges and Immunities for Same-Sex Spouses Entering the Kingdom when the Marriage Equality Act Comes into Effect.

Visa Requirements

From 23 January 2025 onwards, same-sex spouses of members of DCIOs are eligible to obtain diplomatic and official visas or Non-Immigrant “F” visa as legally recognized spouses. If required², they must apply for subjective visa at the Royal Thai Embassy or Royal Thai Consulate-General before entering into the Kingdom. The Note Verbale from the sending state or international organization with relevant details about the members of the DCIOs and their same-sex spouse will be required.

Visa Types and its Category

Passport Type	Visa Type	Code
Diplomatic Passport	Diplomatic	D
Official Passport	Official	F
Ordinary Passport	Non-Immigrant	F

Registration

Upon arrival, same-sex spouses of the members of the DCIOs must register their information in the e-Privilege system. Please refer to the “Staff Registration” section in the latest Guideline on Protocol Practices for the required documents and information at <https://protocol.mfa.go.th/en>

¹ The Act recognizes only the status of “spouse” and not included other non-spousal relationship such as civil partner.

² Please check against bilateral agreement with Thailand (if any) whether visa is required.

Permit of Stay

Same-sex spouses of members of the DCIOs are eligible to apply for the extension of their Permit of Stay and Re-Entry Visa upon arrival into the Kingdom, under Article 15 of the Immigration Act B.E. 2522 (1979)³ as “Spouse”.

Re-Entry Visa

The requirements for re-entry visas remain unchanged. Same-sex spouses granted stay permit must apply for re-entry visa before departing and re-entering the Kingdom. They must return to the Kingdom before the re-entry visa expires, as failure to do so will void their stay permits. If a stay permit becomes invalid, re-application for validity entry visas at a Royal Thai Embassy or Consulate-General will be required.

Identity Card

Same-sex spouses of members of the DCIOs will be made an issuance of a diplomatic identity cards labeled as “spouse”.

II. Diplomatic Privileges and Immunities for Same-Sex Spouses Residing in the Kingdom prior to the Act's Implementation

Once the Act becomes entering into force, the DCIOs may send a Note Verbale to the Department of Protocol, Ministry of Foreign Affairs requesting to update the status of same-sex spouses of members of the DCIOs and new MFA Identity Card. Please note that the Note should be issued after the Act has been in an effective.

Regarding the stay permits of same-sex spouses of members of the DCIOs residing in the Kingdom before the Act’s effective date, DCIOs may have a selective choice to choose one of the following options:

³ Article 15 of the Immigration Act B.E. 2522 (1979)

- (1) Diplomats and immediate family members.
- (2) Administrative and technical staff, member of service staff and immediate family members, excluding locally-hired staff who are member of the mission, regardless of their designations.
- (3) Official of the UN organs and immediate family members.
- (4) Officials of other International Organizations which have relevant agreements with the Royal Thai Government.
- (5) Officials of the Asian Institute of Technology and immediate family members
- (6) Private servants of diplomats and official of International Organizations as stated in relevant agreements with the Royal Thai Government.

Option A: Changing to diplomatic/official passport or visa category from Non-Immigrant “O” to Non-Immigrant “F” in ordinary passport

Under the Immigration Bureau’s regulation, same-sex spouses who wish to change from ordinary passports to diplomatic/official passports or change visa in ordinary passport from Non-Immigrant “O” to Non-Immigrant “F” must leave the Kingdom and apply for the appropriate visas (if required) with their diplomatic/official passport or the same ordinary passport from a Royal Thai Embassy or Consulate-General. The respective procedures will be as follows:

1. In case that the spouses of the members of the DCIOs are required to obtain appropriate visa before entering the Kingdom, the DCIOs should submit a Note Verbale to the Department of Protocol requesting facilitation for the issuance of appropriate visa. Relevant information such as name, date of departure from the Kingdom and date of return, the Royal Thai Embassy or Royal Thai Consulate-General where the applicants wish to apply for the visa should be included. The Note Verbale should be submitted to the Department of Protocol at least 1 month prior to the intended departure date;
2. It is strongly recommended that the DCIOs should submit a request for termination of duty at the Immigration Bureau before departure. The DCIOs can directly submit such request in advance to the Immigration Bureau no more than 21 days before the departure date. The DCIOs are also required to submit a request for termination of duty to the Department of Protocol through e-Privilege system.
3. The spouses depart the Kingdom and apply for appropriate visa outside the Kingdom (if required). The visa application could be submitted only at www.thaievisa.go.th;
4. Upon arrival, the spouses must register themselves in the e-Privilege system as “Spouse” of the member of the DCIOs. Please refer to the “Staff Registration” section in the latest Guideline on Protocol Practices for the required documents and information at <https://protocol.mfa.go.th/en>;
5. The spouses are requested to apply for the permit of stay with the Immigration Bureau. Please refer to the “Permit of Stay” section in the latest Guideline on Protocol Practices for the required documents and information at <https://protocol.mfa.go.th/en>. The permit of stay for the same-sex spouse will be subjective to the Article 15 of the Immigration Act B.E. 2522 (1979), in which the Immigration Bureau will grant the permit of stay which will be under the scope of the permit of stay of their spouses as the main holder of the privileges and immunities (such

as until completion or no more than the contract period/not exceeding 3 years).

Option B: Maintain ordinary passport

Same-sex spouses may use their ordinary passports, along with their current stay permits and re-entry visas, without leaving the Kingdom. If they choose this option and wish to extend their permit of stay, the Immigration Bureau will grant the extensions on an annual basis with their status officially recognized as “spouse.” The length of stay permit and requirements for the extension of stay permit will be the same as before the Act comes into effect.

Option C: Transfer entry/stay permit stamps to diplomatic/official passport

Same-sex spouses may request the Immigration Bureau to transfer valid entry/stay permit stamps from their ordinary passport to diplomatic/official passport. If they choose this option, the DCIOs should submit a Note Verbale with supporting documents to the Department of Protocol requesting facilitation for the transfer of valid entry/stay permit stamps from current ordinary passport to diplomatic/official passport and changing current status to “Spouse”. Required supporting documents are: (1) Passport pages of the applicant and spouse (main holder of the diplomatic privileges and immunities); (2) latest entry stamp; and (3) valid permit of stay. The Department of Protocol will issue a letter to the Immigration Bureau requesting for facilitation for this option.

In case of the extension of permit of stay, the Immigration Bureau will grant the extensions on an **annual basis** with their status officially recognized as “Spouse”. The length of stay permit and other requirements for the extension of stay permit will be the same as before the Act comes into effect.

However, if the spouses would like to temporarily depart the Kingdom and shall return again, the process mentioned earlier in **Option A** will be applied.

III. Same-Sex/Civil Partners and Other Relationships

Thai Marriage Equality Act solely recognizes the status of “spouse.” Therefore, policies on diplomatic privileges and immunities for civil partners and other non-spousal relationships remain unchanged, including their visa requirements, stay permits, re-entry visas, and identity cards.

Diplomatic Privileges and Immunities Division

As of 30 January 2025