

THE STATE PRESIDENT

Order No. 22/2008/L-CTN of November 28, 2008, on the promulgation of law

THE PRESIDENT OF THE SOCIALIST REPUBLIC OF VIETNAM

Pursuant to Article 103 and Article 106 of the 1992 Constitution of the Socialist Republic of Vietnam, which was amended and supplemented under Resolution No. 51/2001/QH10 of the Xth National Assembly, the 10th session;

Pursuant to Article 91 of the Law on Organization of the National Assembly;

Pursuant to Article 50 of the Law on Promulgation of Legal Documents,

PROMULGATES:

the Law on Vietnamese Nationality,

which was passed on November 13, 2008, by the XIIth National Assembly of the Socialist Republic of Vietnam at its 4th session.

President of the Socialist Republic of Vietnam

NGUYEN MINH TRIET

Law on Vietnamese Nationality

(No. 24/2008/QH12)

Pursuant to the 1992 Constitution of the Socialist Republic of Vietnam, which was amended and supplemented under Resolution No. 51/2001/QH10;

The National Assembly promulgates the Law on Vietnamese Nationality.

Chapter I

GENERAL PROVISIONS

Article 1. Vietnamese nationality

Vietnamese nationality reflects the cohesive relationship between individuals and the State of the Socialist Republic of Vietnam, giving rise to rights and obligations of Vietnamese citizens toward the State and rights and responsibilities of the State of the Socialist Republic of Vietnam toward Vietnamese citizens.

Article 2. Rights to nationality

1. In the Socialist Republic of Vietnam, every individual is entitled to a nationality. Vietnamese citizens will not be deprived of their Vietnamese nationality, except for cases prescribed in Article 31 of this Law.

2. The State of the Socialist Republic of Vietnam is a unified state of all ethnic groups living in the Vietnamese territory; all members of ethnic groups are equal in their right to have Vietnamese nationality.

Article 3. Interpretation of terms

In this Law, the terms below are construed as follows:

1. “Foreign nationality” is the nationality of a country other than the Vietnamese nationality.

2. “Stateless person” is a person who has neither Vietnamese nationality nor foreign nationality.

3. “Overseas Vietnamese” are Vietnamese citizens and persons of Vietnamese origin who permanently reside in foreign countries.

4. “Persons of Vietnamese origin residing abroad” are Vietnamese people who used to have Vietnamese nationality which had been determined at the time of their birth on the consanguinity principle and their offsprings and grandchildren are permanently residing in foreign countries.

5. “Foreigners residing in Vietnam” are foreign nationals and stateless persons who permanently or temporarily reside in Vietnam.

Article 4. The nationality principle

The State of the Socialist Republic of Vietnam recognizes that Vietnamese citizens have a single nationality, Vietnamese nationality, unless it is otherwise provided for by this Law.

Article 5. Relationships between the State and citizens

1. Persons who hold Vietnamese nationality are Vietnamese citizens.

2. Vietnamese citizens have their citizen rights guaranteed by the State of the Socialist Republic of Vietnam and have to fulfill their citizen obligations toward the State and the society as prescribed by law.

3. The State of the Socialist Republic of Vietnam adopts policies to create conditions for Vietnamese citizens in foreign countries to enjoy their civic rights and fulfill their civic obligations in conformity with the circumstance of living away from the country.

4. Rights and obligations of overseas Vietnamese citizens who also hold foreign nationality comply with relevant laws.

Article 6. Protection of Vietnamese citizens living abroad

The State of the Socialist Republic of Vietnam protects lawful rights of Vietnamese citizens living abroad.

Domestic state agencies and overseas Vietnamese representative missions shall take all necessary measures in accordance with laws of host countries and international law and practice to effect such protection.

Article 7. Policies toward persons of Vietnamese origin residing abroad

1. The State of the Socialist Republic of Vietnam adopts policies to encourage and create favorable conditions for persons of Vietnamese origin residing abroad to maintain close relations with their families and homeland and contribute to the building of their homeland and country.

2. The State adopts policies to create favorable conditions for persons who have lost their Vietnamese nationality to restore Vietnamese nationality.

Article 8. Restriction of the situation of non-nationality

The State of the Socialist Republic of Vietnam creates conditions for children born in the Vietnamese territory to have a nationality and stateless persons permanently residing in Vietnam to acquire Vietnamese nationality under this Law.

Article 9. Retention of nationality upon marriage, divorce or annulment of unlawful marriage

The marriage, divorce or annulment of unlawful marriage between a Vietnamese citizen and a foreigner does not alter Vietnamese nationality of the involved parties as well as their minor children (if any).

Article 10. Retention of nationality upon change of the spouse's nationality

That a husband or wife acquires, restores or loses his/her Vietnamese nationality does not alter the nationality of his/her spouse.

Article 11. Papers proving Vietnamese nationality

One of the following papers can prove one's Vietnamese nationality:

1. Birth certificate; in case the birth certificate does not clearly state the Vietnamese nationality of the holder, papers proving his/her parents' Vietnamese nationality are required.
2. People's identity card;
3. Vietnamese passport;
4. Decision permitting the naturalization in Vietnam, decision permitting the restoration of Vietnamese nationality, decision recognizing the adoption of a foreign child, and decision permitting a foreigner to adopt a Vietnamese child.

Article 12. Settlement of matters arising from the fact that a Vietnamese citizen concurrently holds a foreign nationality

1. Matters arising from the fact that a Vietnamese citizen concurrently holds a foreign nationality shall be settled under treaties to which the Socialist Republic of Vietnam is a contracting party; for case where no treaties are available, these matters shall be settled according to international practice.

2. Pursuant to this Law, the Government shall conclude, propose the conclusion of, or decide on the accession to, treaties to settle matters arising from the fact that a Vietnamese citizen concurrently holds a foreign nationality.

Chapter II

ACQUISITION OF VIETNAMESE NATIONALITY

Section 1. GENERAL PROVISIONS

Article 13. Persons having Vietnamese nationality

1. Persons having Vietnamese nationality include those who have Vietnamese nationality by the effective date of this Law and those who acquire Vietnamese nationality under this Law.

2. Overseas Vietnamese who have not yet lost Vietnamese nationality as prescribed by Vietnamese law before the effective date of this Law may retain their Vietnamese nationality and within 5 years after the effective date of this Law, shall make registration with overseas Vietnamese representative missions to retain Vietnamese nationality.

The Government shall specify the order of and procedures for registration for retention of Vietnamese nationality.

Article 14. Grounds for identification of persons having Vietnamese nationality

A person is determined to have Vietnamese nationality on one of the following grounds:

1. By birth, as prescribed in Articles 15, 16 and 17 of this Law;
2. Having been naturalized in Vietnam;
3. Having Vietnamese nationality restored;
4. On the grounds defined in Articles 18, 35 and 37 of this Law;
5. On the grounds defined in treaties to which the Socialist Republic of Vietnam is a contracting party.

Article 15. The nationality of children whose parents are Vietnamese citizens

A child born inside or outside the Vietnamese territory whose parents, at the time of his/her birth, are both Vietnamese citizens has Vietnamese nationality.

Article 16. The nationality of children either of whose parents is a Vietnamese citizen

1. A child born inside or outside the Vietnamese territory either of whose parents is a Vietnamese citizen and the other is a stateless person at the time of his/her birth or whose mother, at the time of his/her birth, is a Vietnamese citizen and whose father is unknown, has Vietnamese nationality.

2. A child either of whose parents is a Vietnamese citizen at the time of his/her birth and the other is a foreign national has the Vietnamese nationality if so agreed in writing by his/her parents at the time of birth registration. In case a child is born in the Vietnamese territory but his/her parents fail to reach an agreement on the selection of his/her nationality, the child has Vietnamese nationality.

Article 17. The nationality of children whose parents are stateless persons

1. A child born in the Vietnamese territory whose parents, at the time of his/her birth, are both stateless persons with a permanent residence in Vietnam has Vietnamese nationality.

2. A child born in the Vietnamese territory whose mother, at the time of his/her birth, is a stateless person with a permanent residence in Vietnam and whose father is unknown, has Vietnamese nationality.

Article 18. The nationality of abandoned newborns and children found in the Vietnamese territory

1. Abandoned newborns and children found in the Vietnamese territory whose parents are unknown, have Vietnamese nationality.

2. A child specified in Clause 1 of this Article who is aged under full 15 years will no longer have Vietnamese nationality in the following cases:

a/ He/she has found his/her parents who hold single foreign nationality;

b/ He/she has found his/her mother or father who holds single foreign nationality.

Section 2. NATURALIZATION IN VIETNAM

Article 19. Conditions for naturalization in Vietnam

1. Foreign nationals and stateless persons permanently residing in Vietnam who file applications for Vietnamese nationality may be permitted for naturalization in Vietnam if they satisfy the following conditions:

- a/ Having the full civil act capacity as prescribed by Vietnam's laws;
- b/ Obeying the Constitution and laws of Vietnam; respecting the traditions, customs and practices of the Vietnamese nation;
- c/ Understanding Vietnamese sufficiently enough to integrate themselves into the Vietnamese community;
- d/ Having resided in Vietnam for 5 years or more by the time of application for naturalization;
- e/ Being capable of making their livelihood in Vietnam.

2. Those who apply for Vietnamese nationality may be permitted for naturalization in Vietnam without having to fully meet the conditions prescribed at Points c, d and e, Clause 1 of this Article if they fall into one of the following cases:

- a/ Being spouses, natural parents or natural offsprings of Vietnamese citizens;
- b/ Having made meritorious contributions to Vietnam's national construction and defense;
- c/ Being helpful to the State of the Socialist Republic of Vietnam.

3. Persons naturalized in Vietnam shall renounce their foreign nationality, except for those defined in Clause 2 of this Article in special cases, if so permitted by the President.

4. Persons applying for Vietnamese nationality must have Vietnamese names. These names may be selected by the applicants and written in the decisions on naturalization in Vietnam.

5. Persons applying for Vietnamese nationality may not be permitted for naturalization if such naturalization is detrimental to Vietnam's national interests.

6. The Government shall specify conditions for naturalization in Vietnam.

Article 20. Dossiers of application for Vietnamese nationality

1. A dossier of application for Vietnamese nationality comprises:

- a/ An application for Vietnamese nationality;
- b/ A copy of the birth certificate, passport or other substitute papers;
- c/ A curriculum vitae;
- d/ A judicial record issued by a competent Vietnamese authority for the period the applicant resides in Vietnam and a judicial record issued by a competent foreign authority for the period the applicant resides in the

foreign country. Judicial records must be issued within 90 days before the date of filing the dossier;

e/ Papers proving his/her Vietnamese language skills;

f/ Papers proving his/her place and period of residence in Vietnam;

g/ Papers proving his/her ability to make livelihood in Vietnam.

2. For persons exempt from several conditions on naturalization in Vietnam specified in Clause 2, Article 19 of this Law, papers corresponding to exempted conditions are not required.

3. The Government shall specify papers in dossiers of application for Vietnamese nationality.

Article 21. Order of and procedures for processing of dossiers of application for Vietnamese nationality

1. A person applying for Vietnamese nationality shall file a dossier to the provincial-level Justice Service of the locality where he/she resides. In case the dossier is incomplete under Clause 1, Article 20 of this Law or invalid, the provincial-level Justice Service shall immediately notify the applicant thereof for supplementation and completion of the dossier.

2. Within 5 working days after the receipt of a complete and valid dossier, the provincial-level Justice Service shall send to the provincial-level Public Security Department a request for verification of the applicant's identity.

Within 30 days after the receipt of a request from the provincial-level Justice Service, the provincial-level Public Security Department shall conduct verification and send verification results to the provincial-level Justice Service. During this period, the provincial-level Justice Service shall examine papers in the dossier of application for Vietnamese nationality.

Within 10 working days after the receipt of verification results, the provincial-level Justice Service shall complete the dossier for submission to the provincial-level People's Committee president.

Within 10 working days after the receipt of a request from the provincial-level Justice Service, the provincial-level People's Committee president shall consider, make conclusion and send his/her proposal to the Ministry of Justice.

3. Within 20 working days after the receipt of the proposal from the provincial-level People's Committee president, the Ministry of Justice shall re-examine the dossier, if finding that all conditions for naturalization in Vietnam are met, the Ministry shall send a written notification to the applicant for carrying out procedures to renounce his/her foreign nationality, except the case in which the applicant wishes to retain his/her

foreign nationality or is a stateless person. Within 10 working days after the receipt of a written permission for the applicant to renounce his/her foreign nationality, the Minister of Justice shall report the case to the Prime Minister for submission to the President for consideration and decision.

In case the applicant wishes to retain his/her foreign nationality or is a stateless person, within 20 days after the receipt of the proposal from the provincial-level People's Committee president, the Ministry of Justice shall re-examine the dossier, if finding that the applicant is eligible for naturalization in Vietnam, the Ministry shall report the case to the Prime Minister for submission to the President for consideration and decision.

4. The President shall consider and make decision within 30 working days after the receipt of the Prime Minister's proposal.

Article 22. Order of, procedures for, and dossiers of application for naturalization in Vietnam applicable to stateless persons permanently residing in Vietnam

Stateless persons who do not have adequate personal identification papers but have been stably residing in the Vietnamese territory for 20 years or more by the effective date of this Law and obey Vietnam's Constitution and laws will be permitted for naturalization in Vietnam under the order, procedures and dossiers specified by the Government.

Section 3. RESTORATION OF VIETNAMESE NATIONALITY

Article 23. Cases in which restoration of Vietnamese nationality is permitted

1. A person who has lost his/her Vietnamese nationality as prescribed in Article 26 of this Law and applies for restoration of Vietnamese nationality may restore his/her Vietnamese nationality, if he/she falls into any of the following cases:

a/ Having applied for permission to return to Vietnam;

b/ His/her spouse, a natural parent or a natural offspring is a Vietnamese citizen;

c/ Having made meritorious contributions to Vietnam's national construction and defense;

d/ Being helpful to the State of the Socialist Republic of Vietnam;

e/ Conducting investment activities in Vietnam;

f/ Having renounced Vietnamese nationality for acquisition of a foreign nationality but failing to obtain permission to acquire the foreign nationality.

2. Persons applying for restoration of Vietnamese nationality may not restore Vietnamese nationality, if such restoration is detrimental to Vietnam's national interests.
3. A person who has been deprived of his/her Vietnamese nationality may only be considered for restoration of Vietnamese nationality for at least 5 years after the date he/she is deprived of Vietnamese nationality.
4. Persons applying for restoration of Vietnamese nationality shall use their previous Vietnamese names, which must be written in the decisions permitting the restoration of Vietnamese nationality.
5. Persons permitted to restore Vietnamese nationality shall renounce their foreign nationality, except for the following persons in special cases, if so permitted by the President, who:
 - a/ Are spouses, natural parents or natural offsprings of Vietnamese citizens;
 - b/ Have made meritorious contributions to Vietnam's national construction and defense;
 - c/ Are helpful to the State of the Socialist Republic of Vietnam.
6. The Government shall specify conditions on restoration of Vietnamese nationality.

Article 24. Dossiers of application for restoration of Vietnamese nationality

1. A dossier of application for restoration of Vietnamese nationality comprises:
 - a/ An application for restoration of Vietnamese nationality;
 - b/ A copy of the birth certificate, passport or other valid substitute papers;
 - c/ A curriculum vitae;
 - d/ A judicial record, issued by a competent Vietnamese authority for the period the applicant resides in Vietnam, or a judicial record, issued by a competent foreign authority for the period the applicant resides in the foreign country. Judicial records must be issued within 90 days before the day of submission of the dossier;
 - e/ Papers proving that the applicant is a former Vietnamese national;
 - f/ Papers proving the eligibility for restoration of Vietnamese nationality prescribed in Clause 1, Article 23 of this Law.
2. The Government shall specify papers in dossiers of application for restoration of Vietnamese nationality.

Article 25. Order of and procedures for processing dossiers of application for restoration of Vietnamese nationality

1. If the person applying for restoration of Vietnamese nationality resides in Vietnam, he/she shall file the dossier to the provincial-level Justice Service in the locality where he/she resides, if residing abroad, he/she shall file the dossier to the overseas Vietnamese representative mission in the host country. In case the dossier is incomplete under Article 24 of this Law or invalid, the dossier-receiving agency shall immediately notify the applicant thereof for supplementation or completion of the dossier.

2. Within 5 working days after the receipt of a complete and valid dossier, the provincial-level Justice Service shall send to the provincial-level Public Security Department a written request for verification of the applicant's identity.

Within 20 days after the receipt of the provincial-level Justice Service's request, the provincial-level Public Security Department shall conduct verification and send verification results to the provincial-level Justice Service. During this period, the provincial-level Justice Service shall examine papers in the dossier of application for restoration of Vietnamese nationality.

Within 5 working days after the receipt of verification results, the provincial-level Justice Service shall complete the dossier for submission to the provincial-level People's Committee president.

Within 5 working days after the receipt of the provincial-level Justice Service's proposal, the provincial-level People's Committee president shall consider the dossier, make conclusion and send his/her opinion to the Ministry of Justice.

3. Within 20 days after the receipt of a valid and complete dossier, the overseas Vietnamese representative mission shall verify and transfer the dossier, together with its opinions on the restoration of Vietnamese nationality, to the Ministry of Foreign Affairs for forwarding to the Ministry of Justice.

In case of necessity, the Ministry of Justice may request the Ministry of Public Security to verify the applicant's identity.

4. Within 20 days after the receipt of the written proposal of the provincial-level People's Committee president or the overseas Vietnamese representative mission, the Ministry of Justice shall re-examine the dossier, if finding that the applicant is eligible for restoration of Vietnamese nationality, it shall send a written notification to the applicant for carrying out procedures to renounce his/her foreign nationality, unless the applicant wishes to retain his/her foreign nationality or is a stateless person.

Within 10 working days after the receipt of the certificate of the applicant's renunciation of his/her foreign nationality, the Minister of Justice shall

report the case to the Prime Minister for submission to the President for consideration and decision.

In case the person applying for restoration of Vietnamese nationality wishes to retain his/her foreign nationality or is a stateless person, within 15 days after the receipt of the proposal of the provincial-level People's Committee president or the overseas Vietnamese representative mission, the Ministry of Justice shall re-examine the dossier, if finding that the applicant is eligible for restoration of Vietnamese nationality, it shall report the case to the Prime Minister for submission to the President for consideration and decision.

5. The President shall consider and make decision within 20 days after the receipt of the Prime Minister's proposal.

Chapter III

LOSS OF VIETNAMESE NATIONALITY

Section 1. GENERAL PROVISIONS

Article 26. Grounds for loss of Vietnamese nationality

1. Being permitted to renounce Vietnamese nationality.
2. Being deprived of Vietnamese nationality.
3. Failing to register for retention of Vietnamese nationality as prescribed in Clause 2, Article 13 of this Law.
4. Falling into cases specified in Clause 2, Article 18, and Article 35 of this Law.
5. Falling into cases specified in treaties to which the Socialist Republic of Vietnam is a contracting party.

Section 2. RENUNCIATION OF VIETNAMESE NATIONALITY

Article 27. Grounds for renunciation of Vietnamese nationality

1. A Vietnamese citizen who files an application for renunciation of Vietnamese nationality to acquire a foreign nationality may be permitted to renounce Vietnamese nationality.
2. A person applying for renunciation of Vietnamese nationality may not renounce Vietnamese nationality if he/she falls into any of the following cases:
 - a/ Owing tax debts to the State or having a property obligation toward an agency, organization or individual in Vietnam;
 - b/ Being examined for penal liability;
 - c/ Serving a Vietnamese court's judgment or ruling;

- d/ Being kept in detention pending judgment enforcement;
 - e/ Serving a decision on application of the administrative handling measure of confinement to an education establishment, a medical treatment establishment or a reformatory.
3. A person applying for renunciation of Vietnamese nationality may not renounce Vietnamese nationality if such renunciation is detrimental to Vietnam's national interests.
 4. Cadres, civil servants and those who are serving in Vietnamese people's armed forces may not renounce Vietnamese nationality.
 5. The Government shall specify conditions for renunciation of Vietnamese nationality.

Article 28. Dossiers of application for renunciation of Vietnamese nationality

1. A dossier of application for renunciation of Vietnamese nationality comprises:
 - a/ An application for renunciation of Vietnamese nationality;
 - b/ A curriculum vitae;
 - c/ A copy of the Vietnamese passport, identity card or other papers specified in Article 11 of this Law;
 - d/ A judicial record issued by a competent Vietnamese authority. Judicial records must be issued within 90 days before the date of filing the dossier;
 - e/ Papers proving that the applicant is carrying out procedures for acquisition of foreign nationality, except cases in which the laws of that country do not provide for the issuance of these papers.
 - f/ The written certification of clearance of tax debts, issued by the Tax Department of the locality where the applicant resides;
 - g/ Those who used to be cadres, civil servants or employees or used to serve in Vietnamese people's armed forces and have retired, stopped working, been dismissed, removed from office or relieved from post or demobilized for not more than 5 years, are also required to submit documents of the agencies, organizations or units which have issued the decisions on their retirement, dismissal, removal from office or relief from post or demobilization, certifying that their renunciation of Vietnamese nationality is not detrimental to Vietnam's national interests.
2. Vietnamese citizens who do not permanently reside in Vietnam are not required to submit papers specified at Points d, f and g, Clause 1 of this Article.

3. The Government shall specify papers in the dossiers of application for renunciation of Vietnamese nationality.

Article 29. Order of and procedures for processing of dossiers of application for renunciation of Vietnamese nationality

1. If the person applying for renunciation of Vietnamese nationality resides in Vietnam, he/she shall file the dossier to the provincial-level Justice Service of the locality where he/she resides; if residing abroad, he/she shall file the dossier to the Vietnamese representative mission in the host country. In case the dossier is incomplete under Article 28 of this Law or invalid, the dossier-receiving agency shall immediately notify the applicant thereof for supplementation or completion of the dossier.

2. In case the person applying for renunciation of Vietnamese nationality resides in Vietnam, within 5 working days after the receipt of a complete and valid dossier, the provincial-level Justice Service shall publish an announcement on the application for renunciation of Vietnamese nationality on three consecutive issues of a local printed or online newspaper and forward this announcement to the Justice Ministry for posting on the latter's website; in case the applicant resides abroad, within 5 working days after the receipt of a complete and valid dossier, the overseas Vietnamese representative mission shall publish the announcement on its website.

Announcements must be posted on websites for at least 30 days.

3. Within 5 working days after the receipt of a complete and valid dossier, the provincial-level Justice Service shall send to the provincial-level Public Security Department a written request for verification of the applicant's identity.

Within 20 days after the receipt of the provincial-level Justice Service's request, the provincial-level Public Security Department shall conduct verification and send verification results to the provincial-level Justice Service. During this period, the provincial-level Justice Service shall examine papers in the dossier of application for renunciation of Vietnamese nationality.

Within 5 working days after the receipt of verification results, the provincial-level Justice Service shall complete the dossier for submission to the provincial-level People's Committee president.

Within 5 working days after the receipt of the proposal of the provincial-level Justice Service, the provincial-level People's Committee president shall consider, make conclusion and send his/her opinion to the Ministry of Justice.

4. Within 20 days after the receipt of a complete and valid dossier, the overseas Vietnamese representative mission shall examine and transfer the dossier, together with its opinion on the renunciation of Vietnamese nationality to the Ministry of Foreign Affairs for forwarding to the Ministry of Justice.

In case of necessity, the Ministry of Justice may request the Ministry of Public Security to verify the applicant's identity.

5. Within 20 days after the receipt of the proposal of the provincial-level People's Committee president or the overseas Vietnamese representative mission, the Ministry of Justice shall re-examine the dossier, if finding that the applicant is eligible for renunciation of Vietnamese nationality, the Ministry shall report the case to the Prime Minister for submission to the President for consideration and decision.

6. The President shall consider and make decision within 20 days after the receipt of the Prime Minister's proposal.

Article 30. Exemption from carrying out procedures for personal identity verification

The dossiers of application for renunciation of Vietnamese nationality of persons falling into any of the following cases are not required to go through the step of personal identity verification:

1. Those who are aged under 14 years;
2. Those who were born and settle abroad;
3. Those who have settled in a foreign country for 10 years or more;
4. Those who were permitted to leave Vietnam for family reunion.

Section 3. DEPRIVATION OF VIETNAMESE NATIONALITY

Article 31. Grounds for deprivation of Vietnamese nationality

1. Vietnamese citizens residing abroad may be deprived of Vietnamese nationality if they commit acts that cause serious harms to the national independence, national construction and defense or the prestige of the Socialist Republic of Vietnam.

2. Persons who have been naturalized in Vietnam under Article 19 of this Law, regardless of whether they reside inside or outside the Vietnamese territory, may be deprived of Vietnamese nationality, if they commit acts specified in Clause 1 of this Article.

Article 32. Order of and procedures for deprivation of Vietnamese nationality

1. Within 15 days after the date of detecting or receiving a complaint or denunciation about an act prescribed in Clause 1, Article 31 of this Law, the provincial-level People's Committee or overseas Vietnamese representative mission shall conduct verification, if obtaining sufficient grounds, it shall compile a dossier to propose the President to deprive the person committing such act of his/her Vietnamese nationality.

Courts which have adjudicated persons committing acts defined in Clause 1 of this Article shall compile a dossier to propose the President to deprive these persons of their Vietnamese nationality.

The Government shall specify papers in the dossiers of proposal for deprivation of Vietnamese nationality.

2. Dossiers of proposal for deprivation of Vietnamese nationality shall be sent to the Ministry of Justice. Within 30 days after the receipt of a dossier from the provincial-level People's Committee, overseas Vietnamese representative mission or court, the Ministry of Justice shall assume the prime responsibility for, and coordinate with the Ministry of Public Security, the Ministry of Foreign Affairs and other relevant ministries and branches in, examining the dossier of proposal for deprivation of Vietnamese nationality and report the case to the Prime Minister for submission to the President for consideration and decision.

3. The President shall consider and make decision within 20 days after the receipt of the Prime Minister's proposal.

Section 4. ANNULMENT OF DECISIONS ON THE GRANT OF VIETNAMESE NATIONALITY

Article 33. Grounds for annulment of decisions on the grant of Vietnamese nationality

1. In case a person who has been naturalized in Vietnam under Article 19 of this Law, regardless of whether he/she resides inside or outside the Vietnamese territory, has intentionally made false declarations or forged papers in applying for Vietnamese nationality, the decision on the grant of Vietnamese nationality may be annulled, if such decision has been issued for 5 years or less.

2. The annulment of decisions on the grant of Vietnamese nationality of a person will not alter the nationality of his/her spouse.

Article 34. Order of and procedures for annulment of decisions on the grant of Vietnamese nationality

1. Within 15 days after the day of detecting or receiving a complaint or denunciation about acts specified in Clause 1, Article 33 of this Law, the provincial-level People's Committee shall conduct verification, if obtaining

sufficient grounds, it shall compile a dossier to propose the President to annul the decision on the grant of Vietnamese nationality to the person committing such an act.

Courts which have adjudicated persons committing acts defined in Clause 1, Article 33 of this Law shall compile dossiers to propose the State President to annul the decision on the grant of Vietnamese nationality to the convicted persons.

The Government shall specify papers in the dossiers of proposal for annulment of decisions on the grant of Vietnamese nationality.

2. Dossiers of proposal for annulment of decisions on the grant of Vietnamese nationality shall be sent to the Ministry of Justice.

Within 15 days after the receipt of a proposal dossier from the provincial-level People's Committee or court, the Ministry of Justice shall examine the dossier and report the case to the Prime Minister for submission to the President for consideration and decision.

3. The President shall consider and make decision within 20 days after the receipt of the Prime Minister's proposal.

Chapter IV

CHANGE OF NATIONALITY OF MINORS AND ADOPTED CHILDREN

Article 35. Nationality of minor children upon their parents' naturalization in Vietnam, restoration or renunciation of Vietnamese nationality

1. When the nationality of the parents changes as a results of naturalization in Vietnam, restoration or renunciation of Vietnamese nationality, the nationality of the minor child who is living with his/her parents will be changed accordingly.

2. When only one parent is permitted for naturalization in Vietnam, restoration or renunciation of Vietnamese nationality, the minor child who is living with that person will acquire Vietnamese nationality or lose his/her Vietnamese nationality, if so agreed in writing by his/her parents.

In case a parent is permitted for naturalization in Vietnam or restoration of Vietnamese nationality, the minor child who is living with that person will also acquire Vietnamese nationality, if his/her parents fail to reach a written agreement on the retention of their child's foreign nationality.

3. Change of the nationality of persons aged between full 15 and under 18 years under Clauses 1 and 2, this Article, is subject to these persons' consent.

Article 36. Nationality of minor children whose parents are deprived of Vietnamese nationality or have their decisions on the grant of Vietnamese nationality annulled

The nationality of a minor child will not change when both of his/her parents are or either of them is deprived of Vietnamese nationality or the decision on the grant of Vietnamese nationality is annulled.

Article 37. Nationality of adopted minor children

1. A child who is a Vietnamese citizen and adopted by a foreigner will retain his/her Vietnamese nationality.
2. A child who is a foreign national and adopted by a Vietnamese citizen will acquire Vietnamese nationality from the date a competent Vietnamese agency approves the adoption.
3. A child who is a foreign national and adopted by parents one of whom is a Vietnamese citizen and the other is a foreign national may be permitted for naturalization in Vietnam according to the application for Vietnamese nationality filed by his/her adoptive parents and is exempt from conditions prescribed in Clause 1, Article 19 of this Law.
4. Change of the nationality of adopted children aged between full 15 and under 18 years is subject to these persons' consent.

Chapter V

RESPONSIBILITIES OF STATE AGENCIES FOR NATIONALITY

Article 38. Tasks and powers of the President for nationality

1. To decide on the grant, restoration, renunciation and deprivation of Vietnamese nationality and annulment of decisions on the grant of Vietnamese nationality.
2. To decide on the negotiation and conclusion of nationality treaties under this Law and the Law on Conclusion of, Accession to and Implementation of Treaties.

Article 39. Responsibilities of the Government for nationality

1. To perform the unified state management of nationality.
2. To negotiate and conclude nationality treaties or propose the State President to decide on the negotiation and conclusion of nationality treaties according to this Law and the Law on Conclusion of, Accession to and Implementation of Treaties.
3. To direct the nationality law dissemination and education.
4. To provide for the rates of charges and fees for settlement of nationality-related matters.

5. To inspect and examine the observance of the nationality law.
6. To enter into international cooperation on nationality.

Article 40. Responsibilities of ministries, ministerial-level agencies, provincial-level People’s Committees and overseas Vietnamese representative missions

1. The Ministry of Justice shall take responsibility before the Government for the performance of the state management of nationality, promulgate forms of papers required for settlement of nationality-related matters, make state statistics of nationality-related matters already settled for reporting to the Prime Minister for submission to the President.

2. The Ministry of Foreign Affairs shall coordinate with the Ministry of Justice in guiding overseas Vietnamese representative missions to settle nationality-related matters, make state statistics on nationality-related matters settled by overseas Vietnamese representative missions for reporting to the Ministry of Justice.

3. Ministries and ministerial-level agencies shall, within the scope of their tasks and powers, coordinate with the Ministry of Justice in performing the state management of nationality.

4. Provincial-level People’s Committees shall consider and propose their opinions on cases of application for naturalization in Vietnam, restoration of Vietnamese nationality, renunciation of Vietnamese nationality, deprivation of Vietnamese nationality and annulment of decisions on the grant of Vietnamese nationality under this Law; and annually, make statistics on Vietnamese nationality-related matters already settled for reporting to the Ministry of Justice.

5. Overseas Vietnamese representative missions shall consider and propose their opinions on cases of application for restoration, renunciation and deprivation of Vietnamese nationality; and annually, make statistics on Vietnamese nationality-related matters already settled for reporting to the Ministry of Foreign Affairs and the Ministry of Justice.

Article 41. Announcement and publicization of results of settlement of nationality-related matters

The Ministry of Justice shall notify applicants for naturalization in Vietnam, restoration or renunciation of Vietnamese nationality and persons deprived of their Vietnamese nationality or have their decisions on the grant of Vietnamese nationality annulled of the results of settlement of nationality-related matters and publicize the results on the Justice Ministry’s website.

The President Office shall send to the CONG BAO of the Socialist Republic of Vietnam decisions on the grant of, restoration, renunciation, deprivation of Vietnamese nationality and decisions annulling decisions on the grant of Vietnamese nationality.

Chapter VI

IMPLEMENTATION PROVISIONS

Article 42. Transitional provisions

From the effective date of this Law, dossiers of nationality-related matters already received shall still be processed under the 1998 Law on Vietnamese Nationality and its detailing and guiding documents.

Article 43. Effect

This Law takes effect on July 1, 2009.

This Law replaces the May 20, 1998 Law on Vietnamese Nationality.

Article 44. Implementation detailing and guidance

The Government shall detail and guide the implementation of articles and clauses of the Law as assigned; and guides other necessary provisions of the Law in order to meet state management requirements.

This Law was passed on November 13, 2008, by the XIIth National Assembly of the Socialist Republic of Vietnam at its 4th session.-

Chairman of the National Assembly
NGUYEN PHU TRONG