

**Refugee Review Tribunal  
AUSTRALIA**

**RRT RESEARCH RESPONSE**

**Research Response Number:** VNM23774  
**Country:** Vietnam  
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This response was prepared by the Country Research Section of the Refugee Review Tribunal (RRT) after researching publicly accessible information currently available to the RRT within time constraints. This response is not, and does not purport to be, conclusive as to the merit of any particular claim to refugee status or asylum.

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**Questions**

1. **Could you please check Vietnamese citizenship laws as to whether you lose you citizenship if left illegally?**
2. **Would such persons still be citizens?**

**RESPONSE**

1. **Could you please check Vietnamese citizenship laws as to whether you lose you citizenship if left illegally?**
2. **Would such persons still be citizens?**

A search through the Tribunal's resources located the Vietnamese Nationality law referred to as 'Law No. 07/1998/QH10 on Vietnamese Nationality of 20 May 1998' which was gazetted (No 21) 31 July 1998. However, Chapter 3 which deals with the issue of loss of Vietnamese nationality, does not definitively address the question.

Article 23 – Loss of Vietnamese nationality states:

A Vietnamese citizen shall lose his/her Vietnamese nationality in the following cases:

1. Being permitted to relinquish his/her Vietnamese nationality;
2. Being deprived of his/her Vietnamese nationality.
3. Losing his/her Vietnamese nationality under international treaties which Vietnam has signed or acceded to;
4. Other cases defined in Clause 2 of Article 19, Article 26 and Article 28 of this Law.

Article 21 – The restoration of Vietnamese nationality states:

1. A person who has lost his/her Vietnamese nationality under Article 23 of this Law and now applies for the restoration of Vietnamese nationality, may have his/her Vietnamese nationality restored, if he/she falls into one of the following cases;

a/ Applying for repatriation to Vietnam;

b/ His/her spouse, offspring(s), mother or father being Vietnamese citizen(s);

c/ Having made meritorious contributions to the cause of building and defending the Vietnamese fatherland;

d/ Being beneficial to the State of the Socialist Republic of Vietnam.

2. Persons applying for the restoration of Vietnamese nationality shall not have Vietnamese nationality restored, if such restoration is detrimental to Vietnam's nationality interests.

The Government shall stipulate the procedures and order for handling applications for restoration of Vietnamese nationality.

#### Article 25 – The deprivation of Vietnamese nationality states:

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

2. Persons who have been granted with Vietnamese nationality in accordance with Article 20 of this Law, regardless of whether they reside inside or outside the Vietnamese territory, may be deprived of Vietnamese nationality if they commit acts prescribed in Clause 1 of this Article ('Law No. 07/1998/QH10 on Vietnamese Nationality of 20 May 1998' 1999, UNHCR, January, <http://www.unhcr.ch/cgi-bin/texis/vtx/rsd/print.html?CATEGORY=RSDLEGAL&id=3ae6b56010> – Accessed 11 November 2005 – Attachment 1).

The laws do not make any specific mention that if someone left Vietnam illegally, they would lose their nationality/citizenship.

The questions were also sent to DFAT for the Post's comment (Attachment 2). Again they referred to the same articles with the gazetted law and stated the following;

The Law on Vietnamese Nationality (No. 7/1998/QH10 of May 20, 1998) published in the Official Gazette No. 21 (31-7-1998) does not fully answer questions in ref tel para 6

A. Relevant articles of the Law (official translation) are as follows:

##### Article 1 - The right to nationality

1. In the Socialist Republic of Vietnam, each individual is entitled to have a nationality. Not any Vietnamese citizen is deprived of his/her Vietnamese nationality, except for the cases prescribed in Article 25 of this Law.

...

##### Article 21 - The restoration of Vietnamese nationality

1. A person who has lost his/her Vietnamese nationality under Article 23 of this Law and now applies for the restoration of Vietnamese nationality may have his/her Vietnamese nationality restored, if he/she falls into one of the following cases:

- a. applying for repatriation to Vietnam;
- b. his/her spouse, offspring(s), mother or father being Vietnamese citizen(s)

...

#### Article 23 - Loss of Vietnamese nationality

A Vietnamese citizen shall lose his/her Vietnamese nationality in the following cases:

...

- 2. Being deprived of his/her Vietnamese nationality.

...

#### Article 25 - The deprivation of Vietnamese nationality

- 1. Vietnamese citizens residing abroad may be deprived of Vietnamese nationality if they take acts that cause serious harms to the national independence, the case of building and defending the Vietnamese fatherland or to the prestige of the Socialist Republic of Vietnam.

(Department of Foreign Affairs and Trade (DFAT) 2005, *DFAT report 424 – Vietnam: RRT Information Request: VNM23774*, 28 November – Attachment 3).

### List of Sources Consulted

#### Internet Sources:

Google, Vivisimo & Copernic 2001 Personal Agent search engines

BBC News website <http://www.bbc.co.uk>

The Guardian website <http://www.guardian.co.uk/>

CNN website <http://www.cnn.com/>

<u>Databases:</u>		
Public	<i>FACTIVA</i>	Reuters Business Briefing
	<i>REFINFO</i>	IRBDC Research Responses (Canada)
RRT	<i>ISYS</i>	RRT Country Research database, including U.S. Department of State <i>Country Reports on Human Rights Practices</i> .
RRT Library	<i>FIRST</i>	RRT Library Catalogue

### List of Attachments

- 1. 'Law No. 07/1998/QH10 on Vietnamese Nationality of 20 May 1998' 1999, UNHCR, January, <http://www.unhcr.ch/cgi-bin/texis/vtx/rsd/print.html?CATEGORY=RSDLEGAL&id=3ae6b56010> – Accessed 11 November 2005.
- 2. DFAT, 2005, Email: 'Country Information Request – VNM23774', 11 November.

3. Department of Foreign Affairs and Trade (DFAT) 2005, *DFAT report 424 – Vietnam: RRT Information Request: VNM23774*, 28 November.