

DECREE No. 05/1999/ND-CP OF FEBRUARY 3, 1999 ON THE PEOPLE'S IDENTITY CARD

THE GOVERNMENT

Pursuant to the Law on Organization of the Government of September 30, 1992;

To contribute to defending the national security as well as social order and safety, and to perform the citizens' rights and obligations;

At the proposal of the Minister of Public Security,

DECREES:

Article 1.- People's identity card

The people's identity card prescribed in this Decree is a kind of citizens' personal paper certified by the competent police office in terms of the personal characters and basic features of each citizen in the age prescribed by law, which aims to facilitate the performance of the citizen's rights and obligations in movement and performance of transactions on the Vietnamese territory.

Article 2.- The people's identity card is in rectangular form, sized 85.6 mm in length and 53.98 mm in width; its two sides are flower-patterned in light white blue. It has the use value of 15 years after the issuance.

The front side:

To the left from top to bottom is the national emblem of the Socialist Republic of Vietnam, sized 1.9 cm in diameter; the 3 x 4 cm photo of the identity card holder; its valid time-limit. To the right, from top to bottom: Cong Hoa Xa Hoi Chu Nghia Viet Nam (The Socialist Republic of Vietnam); words "Chung minh nhan dan" (People's identity card) (in red); the number, birth name and family name; sex; commonly used name; birth date; birth place; residence place.

The back side:

At the top is the two-way stripe code:

To the left: there are 2 blocks, the upper block for the left forefinger print, the lower block for the right forefinger print. To the right from top to bottom: The father's full name; the mother's full name; identification particulars; day, month, year of issuing the identity card; the title of the issuer, his/her signature and seal.

Article 3.- Subjects to be granted people's identity cards.

1. Vietnamese citizens aged full 14 years upward and are residing on the Vietnamese territory (citizens for short) shall have to go to the police office where their permanent residences are registered to fill the procedures for the people's identity card granting in accordance with the provisions of this Decree.

2. Each citizen shall be granted only one people's identity card and have his/her own people's identity card number.

Article 4.- The following subjects shall temporarily not be granted the people's identity cards:

1. The persons who are being held in custody, serving prison terms in detention camps; abiding by decisions on their confinement to reformatories, educational establishments or medical establishments;

2. The persons who are suffering from mental diseases or other illnesses which have deprived them of the capability to control their civil acts.

The subjects mentioned in Clause 1 and Clause 2 of this Article, after being cured from illnesses, finishing their detention or prison terms or upon the expiry of the period of serving the decisions on their confinement to reformatories, educational establishments, medical establishments, shall be granted the people's identity cards.

Article 5.- Change and re-granting of people's identity cards.

1. The following cases must go through procedures for change of the people's identity cards:

a/ The people's identity card has expired;

b/ The people's identity card is damaged and unusable;

c/ There is a change in the family name, given name, middle name, day, month and/or year of birth;

d/ The permanent residence registration place has changed to outside the province or centrally-run city;

e/ There is a change to the identification particulars.

2. If a people's identity card is lost, the re-granting procedures must be carried out.

Article 6.- People's identity card granting procedures

1. The citizens defined in Clause 1, Article 3 shall have to go to the police office to fill the procedures for people's identity card granting:

a/ Granting a new people's identity card:

- Producing the residence registration book;

- Photographing;

- Taking finger prints;

- Filling in various declaration forms;

- Submitting the people's identity card granted under Decision No. 143-CP of August 9, 1976 (if any).

b/ Changing and re-granting the people's identity cards according to Article 5 of this Decree.

- An application clearly stating the reasons for the change or re-granting of the people's identity card, with certification by the police of ward, commune or district town where the permanent residence is registered.

- Producing the permanent residence registration book;

- Producing the decision on the change of the family name, given name, middle name, the day, month and/or year of birth;

- Photographing;

- Taking the prints of both forefingers;

- Filling the declaration form applying for the people's identity card;

- Returning the people's identity card which has expired, been damaged or got change in the content as prescribed in Points c, d, e, of Article 5 of this Decree.

2. After fully receiving the valid papers and completing the procedures as prescribed in Points a and b above, the police office shall have to grant the people's identity cards to citizens within the shortest time-limit which must not exceed 15 days (for cities, provincial capitals) and 30 days (for other localities).

3. Citizens who are granted the people's identity cards for the first time or have their people's identity cards changed or re-granted must pay a fee as prescribed.

Article 7.- Using the people's identity card

1. The citizen may use the people's identity card as the personal certification and must carry it while on movement or transaction; to produce it for check or inspection when requested by competent persons. The serial number of the people's identity card may be used for recording in a number of other civil documents.

2. It is strictly prohibited to counterfeit, erase, amend, base, lend, mortgage... the people's identity cards.

Article 8.- Management of people's identity cards

The Ministry of Public Security shall direct the production and management of people's identity cards according to advanced technologies and grant the people's identity cards as prescribed.

Article 9.- Checking the people's identity cards

1. Officials, employees and people of agencies and organizations, who are entrusted to protect and settle matters related to citizens, shall be entitled to request citizens to produce the people's identity cards before settling things.

2. Officers and men of the people's police and commune para-policemen, while on duty, shall be entitled to examine and inspect the people's identity cards of citizens at public places or geographical areas under their respective management.

Article 10.- Withdrawal and temporary seizure of people's identity cards

1. The people's identity card shall be withdrawn in the following cases where:

a/ The Vietnamese nationality is deprived of or relinquished;

b/ The card holder leaves the country for residence oversea.

2. The people's identity card shall be temporarily seized in the following cases where:

a/ The card holder commits administrative violations for which, as prescribed by law, his/her people's identity card must be temporarily seized;

b/ The card holder is held in custody, imprisoned or being sent to reformatory, educational institution or medical establishment.

A citizen shall take back his/her people's identity card after serving the decision on handling of administrative violations, the custody duration expires, completing the prison term or after serving the decision on his/her confinement to reformatory, educational institution or medical establishment.

Article 11.- Competence to withdraw and temporarily hold the people's identity card

1. The police office of the locality where the procedures for granting, changing, re-granting people's identity cards are carried out shall have competence to withdraw people's identity cards with regard to cases mentioned in Points a and b of Clause 1, Article 10 of this Decree.

2. The persons who have competence to handle administrative violations under the Ordinance on Handling of Administrative Violations shall have the right to temporarily hold the people's identity cards with regard to cases defined in Point a, Clause 2, Article 10 of this Decree.

The police offices of the urban districts, rural districts, provincial capitals and towns where citizens register their permanent residence, the agencies enforcing the custody orders, the agencies enforcing the imprisonment sentences and the agencies enforcing the decisions to send citizens to reformatories, educational institutions and medical establishments shall have the competence to hold the people's identity cards of citizens mentioned in Point b, Clause 2, Article 10 of this Decree.

Article 12.- Complaints and denunciations

Citizens and organizations shall be entitled to complain against and denounce individuals and/or organizations that have violated law provisions on granting, management and use of the people's identity cards

Competent agencies and individuals, when receiving complaints and denunciations, shall have to settle them according the legislation on complaints and denunciations.

Article 13.- Commendation and handling of violations

1. Organizations or individuals having achievements in the implementation of the Decree on the people's identity card shall be commended according to the common regime of the State.
2. Police officers and men who are engaged in the granting and management of the people's identity cards and commit acts of violation in the granting and management of the people's identity cards shall, depending on the nature and seriousness of their violations, be disciplined or examined for penal liability.
3. Any persons who commit acts of violating the regulations on granting and using the people's identity cards shall, depending on the nature and seriousness of the violations, be administratively sanctioned or examined for penal liability.

Article 14.- Implementation organization

This Decree shall take effect from May 1st, 1999 and replace Decision No. 143-CP of August 9, 1976 of the Government Council.

The Minister of Public Security shall have to organize the implementation thereof, guide the procedures for granting the people's identity cards and changing the identity cards being in use under Decision No. 143-CP of August 9, 1976 and inspect the implementation of this Decree.

The Ministry of Finance shall coordinate with the Ministry of Public Security in unifying the plan for the trial production of the people's identity cards and guide the collection, payment, management and use of fees for the first granting, changing and re-granting of people's identity cards.

The ministers, the heads of the ministerial-level agencies, the heads of the agencies attached to the Government, the presidents of the People's Committees of the provinces and centrally-run cities shall have to implement this Decree.

On behalf of the Government

Prime Minister

PHAN VAN KHAI

