

DECREE No. 55/2000/ND-CP OF OCTOBER 11, 2000 AMENDING A NUMBER OF ARTICLES OF THE GOVERNMENT'S DECREE No. 104/1998/ND-CP OF DECEMBER 31ST, 1998 WHICH DETAILS AND GUIDES THE IMPLEMENTATION OF THE LAW ON VIETNAMESE NATIONALITY

THE GOVERNMENT

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

Pursuant to the Law on Vietnamese Nationality of May 20, 1998;

At the proposal of the Minister of Justice,

DECREES:

Article 1.- To amend a number of articles of the Government's Decree No. 104/1998/ND-CP of December 31st, 1998 detailing and guiding the implementation of the Law on Vietnamese Nationality as follows:

1. Article 12 shall be amended and supplemented as follows:

“Article 12.- The procedures and order for settlement at the central level

1. Within 30 days after receiving a written request of a provincial-level People's Committee or a Vietnamese diplomatic mission or consulate, the Ministry of Justice shall have to re-examine the dossier, and if finding that the dossier is complete and the applicant is fully qualified for naturalization in Vietnam as prescribed by law, it shall notify the provincial-level People's Committee or the Vietnamese diplomatic mission or consulate of the completion of the dossier applying for naturalization in Vietnam by the applicant. The provincial-level People's Committee or the Vietnamese diplomatic mission or consulate shall grant the naturalization applicant a paper certifying the dossier completion so that the latter can fill in the procedures for relinquishment of his/her foreign nationality. In special cases where persons applying for naturalization in Vietnam wish to retain their foreign nationality(ies) under the provisions in Clause 3, Article 20 of the Law on Vietnamese Nationality, the Minister of Justice shall, under the Prime Minister's authorization, sign reports to the State President for consideration and decision, which must clearly state the naturalization applicants' requests to retain their nationality(ies), and be enclosed with one set of their dossiers of application for naturalization in Vietnam.

In cases where it deems that the dossier is incomplete or contains matters that need to be clarified, the Ministry of Justice shall request in writing the provincial-level People's Committee or, through the Ministry for Foreign Affairs, the Vietnamese diplomatic mission or consulate to complete the dossier or make the additional verification. For the dossier, sent by the Vietnamese diplomatic mission or consulate, that contains matters to be verified by a domestic specialized body, the Ministry of Justice shall directly request in writing such verification. For such cases, the above-said time limit shall be 75 days.

2. Within 30 days after receiving the Justice Ministry's request as prescribed in Clause 1 of this Article, the provincial-level People's Committee, the Vietnamese diplomatic mission or consulate or the domestic specialized body shall have to complete the dossier or clarify the requested matters and reply in writing the Ministry of Justice.

3. Within 07 days after receiving the certificate of relinquishment of foreign nationality of the applicant, the Ministry of Justice shall complete the dossier; the Minister of Justice shall, under the Prime Minister's authorization, sign a report to the State President for consideration

and decision, which is enclosed with 01 set of the applicant's dossier applying for naturalization in Vietnam.

If the applicant is naturalized in Vietnam, the State President's decision shall write his/her Vietnamese name".

2. Article 16 shall be amended and supplemented as follows:

"Article 16.- The procedures and order for settlement at the central level

1. Within 30 days after receiving the written request of a provincial-level People's Committee or a Vietnamese diplomatic mission or consulate, the Ministry of Justice shall have to re-examine the dossier, and if finding that the dossier is complete and the applicant is fully qualified for Vietnamese nationality restoration as prescribed by law, the Minister of Justice shall, under the Prime Minister's authorization, sign a report to the State President for consideration and decision, which is enclosed with 01 set of the applicant's dossier of application for Vietnamese nationality restoration.

If the applicant's Vietnamese nationality restoration is permitted, the State President's decision shall write the applicant's Vietnamese name.

In cases where it deems that the dossier is incomplete or contains matters that need to be clarified, the Ministry of Justice shall request in writing the provincial-level People's Committee or, through the Ministry for Foreign Affairs, the Vietnamese diplomatic mission or consulate to complete the dossier or make the additional verification. For the dossier, sent by the Vietnamese diplomatic mission or consular office, that contains matters to be verified by a domestic specialized body, the Ministry of Justice shall directly request in writing such verification. For such cases, the above-said time limit shall be 60 days.

2. Within 15 days after receiving the Justice Ministry's request as prescribed in Clause 1 of this Article, the provincial-level People's Committee, the Vietnamese diplomatic mission or consulate or the domestic specialized body shall have to complete the dossier or clarify the requested matters and reply in writing the Ministry of Justice".

3. Article 24 shall be amended and supplemented as follows:

"Article 24.- The procedures and order for settlement at the central level

1. Within 30 days after receiving the written request of a provincial-level People's Committee or a Vietnamese diplomatic mission or consulate, the Ministry of Justice shall have to re-examine the dossier, and if finding that the dossier is complete and the applicant is fully qualified for Vietnamese nationality relinquishment as prescribed by law, the Minister of Justice shall, under the Prime Minister's authorization, sign a report to the State President for consideration and decision, which is enclosed with 01 set of the applicant's dossier of application for Vietnamese nationality relinquishment.

In cases where it deems that the dossier is incomplete or contains matters that need to be clarified, the Ministry of Justice shall request in writing the provincial-level People's Committee or, through the Ministry for Foreign Affairs, the Vietnamese diplomatic mission or consulate to complete the dossier or make the additional verification. For the dossier, sent by the Vietnamese diplomatic mission or consular office, that contains matters to be verified by the domestic specialized body, the Ministry of Justice shall directly request in writing such verification. For such cases, the above-said time limit shall be 60 days.

2. Within 15 days after receiving the Justice Ministry's request as prescribed in Clause 1 of this Article, the provincial-level People's Committee, the Vietnamese diplomatic mission or

consulate or the domestic specialized body shall have to complete the dossier or clarify the requested matters and reply in writing the Ministry of Justice”.

Article 2.-

1. This Decree takes effect 15 days after its signing.
2. The ministers, the heads of the ministerial-level agencies, the heads of the agencies attached to the Government and 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