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Vietnam: Citizenship

Introduction

This note deals with the topic of Vietnamese citizenship. The note is primarily based on information obtained during an interview with the Ministry of Justice in Hanoi in April 2023; hence the note does not include sources who could speak to any discrepancy between the law and its implementation.

Vietnamese citizenship

Vietnamese citizenship follows the principles of “citizenship by decent” meaning that a child acquires Vietnamese citizenship at birth if both his/her parents at the time of birth holds Vietnamese citizenship. It is irrelevant whether the child is born inside the territory of Vietnam or abroad. The citizenship is acquired at birth irrespectively of the birth registration.¹

A child can also acquire Vietnamese citizenship if only one of the parents is a Vietnamese citizen. This requires that the parents fill in a form in which they decide/consent in writing that they choose Vietnamese citizenship for the child. The citizenship is considered acquired at the time of the completion of the birth registration procedure.²

The parents’ written agreement of choosing the Vietnamese citizenship should be signed by both parents and handed in to the authority issuing the birth certificate, so that it can be filed on the birth registration dossier before a birth certificate and subsequently a passport can be issued.³ In case one of the parents is a foreigner, this has to be done at the district level People’s Committee Offices or at an embassy abroad if the child is born abroad.⁴ The birth certificate will hereafter bear in writing that the person holds Vietnamese citizenship (see below picture where the area for citizenship registration has been marked).⁵

¹ The law on Vietnamese nationality, November 2008; Vietnamese Ministry of Justice, Hanoi, April 2023; Ministry of Justice, 25 July 2018.

² The law on Vietnamese nationality, November 2008; Ministry of Justice, October 2019.

³ Ministry of Justice, October 2019.

⁴ Vietnamese Ministry of Justice, Hanoi, April 2023;

⁵ The law on Vietnamese nationality 2008; Vietnamese Ministry of Justice, April 2023.

UỶ BAN NHÂN DÂN CỘNG HÒA XÃ HỘI CHỦ NGHĨA VIỆT NAM Mẫu BTP/HT-2006-KS.1
 Xã/phường Độc lập - Tự do - Hạnh phúc Số:
 Huyện/quận Quyền số:
 Tỉnh/thành phố:
GIẤY KHAI SINH
 (BẢN CHÍNH)
 Họ và tên: Giới tính:
 Ngày, tháng, năm sinh:
 (ghi bằng chữ):
 Nơi sinh:
 Dân tộc: Quốc tịch:
 Quê quán:

Image 1: Top front of the 2016 Vietnamese birth certificate with red box indicating nationality (NIDC reference material).

If the child is born in Vietnam to a Vietnamese and a foreign parent, and the parents do not agree in writing on choosing Vietnamese citizenship for the child, the child will still acquire Vietnamese citizenship according to the law on nationality.⁶ Furthermore, according to the law, a child born inside or outside the territory of Vietnam to one parent being a Vietnamese citizen and the other a stateless person, will acquire Vietnamese citizenship. A child whose mother at the time of birth is a Vietnamese citizen and the father being unknown will also acquire Vietnamese citizenship at birth.⁷

It should be noted that the NIDC has not conducted investigation into how these rules are implemented.

Statelessness

Vietnam is not a party to the 1954 UN Convention relating to the Status of Stateless Persons or the 1961 Convention on the Reduction of Statelessness.⁸ However the 2008 law on nationality includes a number of articles and provisions that aim at limiting statelessness and which were not mentioned in previous citizenship laws from 1988 and 1998.⁹ These articles and provisions make it possible for children and stateless persons born or living permanently in the territory of Vietnam to acquire Vietnamese citizenship.¹⁰

⁶ The law on Vietnamese nationality, November 2008.

⁷ The law on Vietnamese nationality, November 2008; Vietnamese Ministry of Justice, Hanoi, April 2023.

⁸ Nguyen Lyra, September 2017.

⁹ Nguyen Lyra, September 2017.

¹⁰ Nguyen Lyra, September 2017.

A UNHCR report from 2018 concluded that 29,052 people reside permanently in Vietnam with undetermined nationality and 10,630 persons living in statelessness.¹¹

Retention, restoration or loss of Vietnamese citizenship

According to the Law on Vietnamese Nationality from 2008, Vietnamese citizenship may be lost on the grounds of renunciation, deprivation or by failing to correctly register for the retention of their citizenship. The latter specifically mentions overseas Vietnamese people, who according to the law, must register for retention of their citizenship within five years after the 2008 law's effective date in order to retain it.¹² However, important amendments to this law were effectuated by 26 June 2014.¹³ These amendments clarified that those with Vietnamese origin living permanently abroad would still have the possibility to retain their citizenship despite having failed to register it with the representative mission within the giving deadline.¹⁴ The demand for registering the citizenship within five years was moreover removed from the nationality law. The amendment likewise mentions that the Vietnamese representative missions are in charge of carrying out research, interviews and study of identity papers of applicants for Vietnamese citizenships before forwarding applications to both the Vietnamese Ministry of Public Security and the Vietnamese Ministry of Justice who will take the final decision on the cases.¹⁵

According to the Ministry of Justice, such applicants would receive a citizenship certificate together with a Vietnamese passport if they are determined as being Vietnamese citizens. The citizenship certificate is an A4 document without security elements but including picture and stamp and signature of the officer who is authorised to sign it.¹⁶ For Vietnamese citizens living permanently abroad such applications must be handled at the competent Vietnamese representation.¹⁷

¹¹ UNHCR, July 2018.

¹² The law on Vietnamese nationality, November 2008.

¹³ Nguyen Lyma, September 2017.

¹⁴ Nguyen Lyma, September 2017; Vietnam Law & Legal forum Magazine, July 2014.

¹⁵ Vietnam Law & Legal forum Magazine, July 2014; Decree NO 97/2014/-CP, October 2014.

¹⁶ Vietnamese Ministry of Justice, Hanoi, April 2023

¹⁷ Vietnamese Ministry of Justice, Hanoi, April 2023.

References

Oral source

Vietnamese Ministry of Justice - Agency for Civil Registration, Nationality and Attestation (April 2023): Interviewed in Hanoi, Vietnam.

Written sources

Ministry of Justice, Note Verbal No. 779/HTQTCT-QT, 25 July 2018.

Ministry of Justice, Note Verbal, Note Verbal No. 1091/HTQTCT-QT, 3. October 2019

Landinfo (9 November 2021): Vietnam: Pass og underlagsdokumenter, <https://landinfo.no/wp-content/uploads/2020/11/Temanotat-Vietnam-Pass-og-underlagsdokumenter-09112020.pdf>, retrieved 18 March 2021.

Law on Vietnamese nationality 24/2008/QH12 13.11.2008

Nguyen Lyma, Report on citizenship law: Vietnam, European University Institute, September 2017.

The Vietnamese Government; Decree No.: 97/2014/ND-CP, Oktober 2014; [Decree No. 97/2014/ND-CP dated October 17, 2014, amending Decree No. 78/2009ND-CP stipulating in detail and guiding the implementation of the Law on Vietnamese nationality - LawNet](#); retrieved 28 august 2023

Vietnam Law & Legal forum Magazine 28.10.2014, [Vietnamese citizenship registration further simplified \(vietnamlawmagazine.vn\)](#), retrieved 28 august 2023