



Vietnam: Law on Nationality

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VIETNAM:

LAW ON NATIONALITY

According to the Law on Nationality, passed by the National Assembly of the Socialist Republic of Vietnam in 1988,¹ a child whose parents are both citizens of Vietnam is a Vietnamese citizen by descent, regardless of where he or she is born. There is no indication of any requirement for the parents to apply for Vietnamese citizenship for their child and it therefore appears that such acquisition of Vietnamese nationality is automatic. There is also no indication of any age limit being involved.

Decree No. 104/1998/N§-CP dated December 31, 1998, containing detailed regulations and guidance for the implementation of the Nationality Law, was amended by Decree No. 55/2000/N§-CP dated October 11, 2000. The 2000 Decree amended and supplemented three articles of the 1998 Decree, *viz.*, those describing what procedures should be followed in dealing with applications to be granted Vietnamese citizenship, to re-acquire Vietnamese citizenship, or to renounce Vietnamese citizenship.²

As the person in question was born in the United States, and thus automatically acquired US citizenship at birth, the question would then arise as to whether he/she would have dual citizenship: Vietnamese citizenship by the law of Vietnam, and US citizenship by the law of the United States. Article 3 of the Law, on "Recognition of a single nationality for Vietnamese citizens", specifically states that the Socialist Republic of Vietnam recognizes Vietnamese citizens as having only one nationality: Vietnamese."³ Thus, as Vietnam does not recognize dual citizenship, it would not recognize the US citizenship of the person in question.

It was reported in 1997 that the Vietnamese government was considering revising the Nationality Law in order to make it possible for overseas Vietnamese to retain Vietnamese nationality even after they have acquired the nationality of the country in which they are living.⁴ However, no information could be found that would

¹ *Http://users.skynet.be/suffrage-universel/vndi.htm.*

² *Http://www.cpv.org.vn/documents/newdocuments/jan02_governmentaldecree.htm.*

³ *Supra*, note 1.

⁴ *Law on Nationality review likely to help overseas Vietnamese*, VIETNAM NEWS (AUGUST 16, 1997) retrieved from *http://users.skynet.be/suffrage-universel/vndi.htm.*

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indicate this revision had been approved or implemented. Thus, under the law of Vietnam, the person would be considered a Vietnamese citizen.

Article 9 of the Nationality Law, on “Relinquishing of Vietnamese nationality,” allows the voluntary renunciation of Vietnamese citizenship by persons not falling into certain categories such as those performing military service, those with unpaid taxes or other property obligations to the State, persons under prosecution for criminal offenses, or persons serving a prison sentence in Vietnam.⁵ However, in order to avail himself of this provision, the person would have to go to Vietnam and carry out the necessary procedures for voluntary renunciation of citizenship, as stipulated in the 2000 Government Decree mentioned above.

It would thus appear that under the law of Vietnam, until and unless the person has renounced his Vietnamese citizenship, he will still be considered a Vietnamese citizen.

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⁵ *Supra*, note 1.