

THE PRESIDENT

THE SOCIALIST REPUBLIC OF VIETNAM
Independence - Freedom – Happiness

No. 18/2014/L-CTN

Hanoi, December 4, 2014

ORDER
On the promulgation of law¹

THE PRESIDENT OF
THE SOCIALIST REPUBLIC OF VIETNAM

Pursuant to Articles 88 and 91 of the Constitution of the Socialist Republic of Vietnam;

Pursuant to Article 91 of the Law on Organization of the National Assembly;

Pursuant to Article 57 of the Law on Promulgation of Legal Documents,

PROMULGATES:

The Law on Civil Status,

which was passed on November 20, 2014, by the XIIIth National Assembly of the Socialist Republic of Vietnam at its 8th session.-

President of
the Socialist Republic of Vietnam
TRUONG TAN SANG

¹ Công Báo Nos 1165-1166 (29/12/2014)

No. 60/2014/QH13

LAW

On Civil Status²

*Pursuant to the Constitution of the Socialist Republic of Vietnam;
The National Assembly promulgates the Law on Civil Status.*

Chapter I

GENERAL PROVISIONS

Article 1. Scope of regulation

1. This Law prescribes civil status; rights, obligations, principles, competence and procedures for civil status registration; civil status database and state management of civil status.

2. The competence and procedures for settling matters related to citizenship and adoption must comply with the Law on Vietnamese Citizenship and the Law on Adoption, unless otherwise provided by this Law.

Article 2. Civil status and civil status registration

1. Civil status means events prescribed in Article 3 of this Law, which determine the personal history of an individual from birth to death.

2. Civil status registration means a competent state agency certifying or recording in the civil status book civil status events of an individual, creating a legal basis for the State to protect lawful rights and interests of the individual and manage the population.

Article 3. Contents of civil status registration

1. Certifying in the civil status book the following civil status events:
a/ Birth;

² Công Báo Nos 1165-1166 (29/12/2014)



- b/ Marriage;
- c/ Guardianship;
- d/ Parent and child recognition;
- dd/ Civil status change and correction; ethnicity re-determination, civil status information addition;
- e/ Death.

2. Recording in the civil status book civil status changes of an individual according to a judgment or decision of a competent state agency:

- a/ Citizenship change;
- b/ Parent and child determination;
- c/ Gender re-assignment;
- d/ Adoption and adoption termination;
- dd/ Divorce, cancellation of illegal marriage, recognition of marriage;
- e/ Recognition of guardianship;
- g/ Declaration or cancellation of declaration of a person to be missing, dead or have civil act capacity lost or restricted.

3. Recording in the civil status book the events of birth; marriage; divorce; marriage cancellation; guardianship; parent or child recognition; parent or child determination; adoption; civil status change; and death of Vietnamese citizens already settled at competent foreign agencies.

4. Certifying or recording in the civil status book other civil status matters in accordance with law.

Article 4. Interpretation of terms

In this Law, the terms below shall be construed as follows:

1. Civil status registration agency is the People's Committee of a commune, ward or township (below referred to as commune-level People's Committee), the People's Committee of a rural district, urban district, town or provincial city or an equivalent administrative unit (below referred to as district-level People's Committee) or an overseas Vietnamese diplomatic mission or consular office (below referred to as representative mission).

2. Civil status database means a collection of civil status information of individuals already registered and stored in the civil status book and electronic civil status database.

3. Civil status book means a paper book made and kept at the civil status registration agency to certify or record civil status events specified in Article 3 of this Law.

4. Electronic civil status database means a sectoral database created on the basis of computerization of civil status registration work.

5. Civil status database-managing agency means the civil status registration agency, the Ministry of Justice, the Ministry of Foreign Affairs or another agency as assigned in accordance with law.

6. Birth certificate means a document granted by a competent state agency to an individual upon birth registration; a birth certificate contains basic personal information specified in Clause 1, Article 14 of this Law.

7. Marriage certificate means a document issued by a competent state agency to the male and female partners upon marriage registration; a marriage certificate contains basic information specified in Clause 2, Article 17 of this Law.

8. Native place of an individual shall be determined based on the native place of his/her father or mother as agreed upon by the father and mother or according to practices and written in the birth declaration form submitted upon birth registration.

9. Civil status extract means a document issued by a competent state agency proving a civil status event of an individual already registered at a civil status registration agency. The original civil status extract shall be issued immediately after a civil status event is registered. Copies of a civil status extract include copies of civil status extracts issued from the civil status database and certified copies of original civil status extracts.

10. Civil status change means a competent state agency registering changes in civil status information of an individual when there is a plausible reason in accordance with the civil law or changes in information about parents in the registered birth declaration contents in accordance with law.

11. Ethnicity re-determination means a competent state agency registering the ethnicity re-determination for an individual in accordance with the Civil Code.

12. Civil status correction means a competent state agency correcting civil status information of an individual when there is an error in the civil status registration.

13. Civil status supplementation means a competent state agency updating missing civil status information for a registered individual.

Article 5. Principles of civil status registration

1. Respect for and guarantee of personal rights of individuals.

2. All civil status events of an individual shall be registered in a full, prompt, truthful, objective and accurate manner; for cases ineligible for civil

status registration as prescribed by law, heads of civil status registration agencies shall issue written refusal replies clearly stating the reason.

3. Civil status matters for which no settlement time limit is prescribed by this Law shall be settled within the day; for dossiers received after 15:00 hours which cannot be settled immediately, results shall be given in the following working day.

4. Every civil status event shall be registered at only one competent civil status registration agency in accordance with this Law.

An individual may make civil status registration at the civil status registration agency in his/her registered place of permanent or temporary residence or the place where he/she is living. For an individual who does not register in his/her place of permanent residence, the district-level People's Committee, commune-level People's Committee or representative mission which has registered such individual's civil status shall notify the civil status registration to the commune-level People's Committee of the place where he/she permanently resides.

5. Once having been registered in the civil status book, every civil status event shall be fully and promptly updated in the electronic civil status database.

6. Contents of birth, marriage, divorce, death, civil status change, correction or supplementation, gender re-assignment and ethnicity re-determination of an individual in the civil status database are input information of the national population database.

7. Publicity and transparency shall be ensured in civil status registration procedures.

Article 6. Civil status registration right and obligation of individuals

1. Vietnamese citizens and stateless persons permanently residing in Vietnam have the civil status registration right and obligation.

This provision also applies to foreign citizens permanently residing in Vietnam, unless otherwise provided by a treaty to which Vietnam is a contracting party.

2. In case of marriage or parent or child recognition, the parties shall directly register it at the civil status registration agency.

For other matters of civil status registration or issue of civil status extract copies, requesters shall directly or authorize other persons to register. The Minister of Justice shall detail the authorization.

3. Minors and adults who have lost their civil act capacity may request civil status registration or issue of civil status extract copies through their at-law representatives.

Article 7. Competence to register civil status

1. Commune-level People's Committees shall make civil status registration in the following cases:

a/ Registering civil status events specified at Points a, b, c, d and e, Clause 1, Article 3 of this Law for Vietnamese citizens residing in the country;

b/ Registering civil status change and correction for persons under 14 full years; addition of civil status information for Vietnamese citizens residing in the country;

c/ Carrying out civil status matters specified in Clauses 2 and 4, Article 3 of this Law;

d/ Registering birth for children born in Vietnam with a parent being a Vietnamese citizen permanently residing in a border area and the other parent being a citizen of the bordering country permanently residing in the area bordering on Vietnam; marriage, recognition of parent or child between Vietnamese citizens permanently residing in border areas and citizens of bordering countries permanently residing in areas bordering on Vietnam; and death for foreigners permanently and stably residing in border areas of Vietnam.

2. District-level People's Committees shall make civil status registration in the following cases, except the cases specified at Point d, Clause 1 of this Article:

a/ Registering civil status events specified in Clause 1, Article 3 of this Law involving foreign elements;

b/ Registering civil status change and correction for Vietnamese citizens aged full 14 year or older residing in the country; and ethnicity re-determination;

c/ Carrying out civil status matters specified in Clause 3, Article 3 of this Law.

3. Representative missions shall register civil status matters specified in Article 3 of this Law for Vietnamese citizens residing abroad.

4. The Government shall stipulate birth, marriage, parent and child recognition and death registration procedures prescribed at Point d, Clause 1 of this Article.

Article 8. Assurance of the exercise and performance of the civil status registration right and obligation

1. The State shall adopt comprehensive policies and measures and create conditions for individuals to exercise and perform the civil status registration right and obligation.

2. The State shall ensure budget, physical foundations, human resources and investment in information technology development for civil status registration and management activities.

Article 9. Methods of making and receiving civil status registration requests

1. When requesting civil status registration or issue of civil status extract copies, individuals shall submit dossiers directly to the civil status registration agency or send them by post or via the online civil status registration system.

2. When carrying out procedures for civil status registration or issue of civil status extract copies from the civil status database, individuals shall produce papers proving their identity to the civil status registration agency. If sending dossiers by post, they shall send certified copies of these papers.

3. For civil status registration matters for which settlement time limits have been set, dossier recipients shall write receipts; for incomplete or invalid dossiers, they shall issue written guidance for civil status registrants to complete the dossiers. Such written guidance must clearly state types of papers to be added.

In case requesters submit dossiers to an improper civil status registration agency, dossier recipients shall guide them to submit dossiers to competent agencies.

Article 10. Consular legalization of foreign papers

Papers granted, notarized or certified by competent foreign agencies for civil status registration in Vietnam shall be consularly legalized in accordance with law, unless they are exempted under a treaty to which Vietnam is a contracting party.

Article 11. Civil status fees

1. Civil status fees shall be exempted in the following cases:

a/ Civil status registration for members of families that have rendered meritorious services to the revolution; members of poor households; persons with disabilities;

b/ Birth and death registration on time, guardianship and marriage of Vietnamese citizens residing in the country.

2. Individuals who request registration of civil status events other than those prescribed in Clause 1 of this Article or issue of civil status extract copies shall pay a fee.

The Ministry of Finance shall stipulate in detail the competence to collect, fee rates and the management and use of civil status fees.

Article 12. Prohibited acts

1. Individuals are prohibited from committing the following acts:

a/ Providing untruthful information and documents, forging or using forged papers or papers of other persons for civil status registration;

b/ Threatening, coercing or hindering the exercise and performance of the civil status registration right and obligation;

c/ Illegally intervening in civil status registration activities;

d/ Making false undertakings or witness statements for civil status registration;

dd/ Forging, modifying and falsifying contents of civil status papers or information in the civil status database;

e/ Giving bribes and promising material or spiritual benefits in order to obtain civil status registration;

g/ Abusing the civil status registration or shirking the civil status registration obligation for self-seeking purpose, enjoying the State's preferential policy or earning illicit profits in whatever forms;

h/ Persons competent to decide on civil status registration making civil status registration for themselves or their relatives under the Law on Marriage and Family;

i/ Unduly accessing, hacking and destroying information in the civil status database.

2. Civil status papers that are granted in cases of civil status registration in violation of Points a, d, dd, g and h, Clause 1 of this Article are all invalid and subject to revocation and cancellation.

3. Individuals who commit any act specified in Clause 1 of this Article shall, depending on the nature and seriousness of their acts, be administratively handled or examined for penal liability in accordance with law.

Cadres or civil servants who commit the provisions of Clause 1 of this Article shall, in addition to being handled as above, be disciplined in accordance with the law on cadres and civil servants.

Chapter II

CIVIL STATUS REGISTRATION AT COMMUNE-LEVEL PEOPLE'S COMMITTEES

Section 1

BIRTH REGISTRATION

Article 13. Competence to make birth registration

Commune-level People's Committees of the places of residence of fathers or mothers shall make birth registration.

Article 14. Birth registration contents

1. Birth registration contents include:

a/ Information of the person whose birth is registered: family name, middle name and first name; gender; birthdate; birthplace; native place; ethnicity; and citizenship;

b/ Information of the parents of the person whose birth is registered: full name, middle name and first name; year of birth; ethnicity; citizenship; and place of residence;

c/ The personal identification number of the person whose birth is registered.

2. The determination of citizenship, ethnicity and family name of a person whose birth is registered must comply with the law on Vietnamese nationality and civil law.

3. Contents of birth registration specified in Clause 1 of this Article are basic civil status information of individuals and shall be recorded in the civil status books and birth certificates and updated in the electronic civil status database and national population database. Dossiers and papers of individuals related to birth registration information must be consistent with their birth registration contents.

The Government shall stipulate the grant of personal identification numbers to persons whose birth is registered.

Article 15. Birth registration responsibility

1. Within 60 days after the birth of their child, the father or mother shall register the child's birth; if the parents are unable to register their child's birth, the grandfather or grandmother or another relative or the individual or organization that is nurturing the child shall register his/her birth.

2. Justice and civil status officers shall regularly examine and urge the birth registration for children in their localities within the prescribed time limit; in case of necessity, mobile birth registration may be made.

Article 16. Birth registration procedures

1. Birth registrants shall submit declarations made according to a set form and birth certification papers to the civil status registration agency. If having no birth certification paper, a document of a witness certifying the

birth shall be submitted; if there is no witness, there must be a written pledge of the birth; for birth registration for abandoned children, there must be a written record certifying the child's abandonment made by a competent agency; for birth registration for children born by surrogate mothers, there must be a document proving the surrogacy as prescribed by law.

2. Immediately after receiving full papers specified in Clause 1 of this Article, if seeing that the birth declaration is complete and proper, justice and civil status officers shall record birth registration contents under Clause 1, Article 14 of this Law in the civil status books and update them in the electronic civil status database and the national population database for getting personal identification numbers.

Justice and civil status officers and birth registrants shall together sign in the civil status books. Chairpersons of commune-level People's Committees shall grant birth certificates to birth registrants.

3. The Government shall stipulate in detail the birth registration for abandoned children and children whose parents have not yet been identified due to surrogacy; and the determination of native places for abandoned children and children with unidentified parents.

Section 2

MARRIAGE REGISTRATION

Article 17. Competence to register marriage and contents of marriage certificates

1. Commune-level People's Committees of the place of residence of either of the male and female partners shall make marriage registration.

2. A marriage certificate must contain the following information:

a/ Family name, middle name and first name; birthdate; ethnicity; citizenship; place of residence; information about personal identity papers of male and female partners;

b/ Date of marriage registration;

c/ Signatures or fingerprints of male and female partners and certification of the civil status registration agency.

Article 18. Marriage registration procedures

1. The male and female partners shall submit the marriage registration declaration, made according to a set form to the civil status registration agency and must be both present at the time of marriage registration.

2. Immediately after receiving complete papers specified in Clause 1 of this Article, if seeing that the marriage conditions are fully met in accordance with the Law on Marriage and Family, the justice and civil status officer shall

record the marriage in the civil status book and together with the male and female partners sign in the civil status book. The male and female partners shall both sign the marriage certificate; the justice and civil status officer shall report to the chairperson of the commune-level People's Committee to organize the handover of the marriage certificate to the couple.

In case of necessity to verify the marriage conditions of the male and female partners, the time limit for settlement is 5 working days.

Section 3

GUARDIANSHIP REGISTRATION

Article 19. Competence to register guardianship and guardianship termination

Commune-level People's Committees of places of residence of wards or guardians shall register guardianship.

Commune-level People's Committees that have registered guardianship shall register guardianship termination.

Article 20. Procedures for registering appointed guardians

1. Requesters for guardianship registration shall submit guardianship registration declarations, made according to a set form, and the guardian appointment document as prescribed by the Civil Code to the civil status registration agency.

2. Within 3 working days after receiving complete papers specified in Clause 1 of this Article, if seeing that the law-prescribed conditions are fully met, the justice and civil status officer shall record the guardianship registration in the civil status book and together with the guardianship registrant sign in the civil status book, and report to the chairperson of the commune-level People's Committee to issue an extract to the requester.

Article 21. Registration of natural guardians

1. Requesters for guardianship registration shall submit guardianship registration declarations, made according to a set form, and papers proving the natural guardian conditions as prescribed by the Civil Code to the civil status registration agency. In case there are more than one person eligible to act as natural guardian, a document on the agreement to appoint one person as natural guardian shall be additional submitted.

2. The order of registration of natural guardians must comply with Clause 2, Article 20 of this Law.

Article 22. Registration of guardianship termination

1. Requesters for guardianship termination registration shall submit guardianship termination registration declarations, made according to a set

form, and papers serving as the basis for guardianship termination as prescribed by the Civil Code to the civil status registration agency.

2. Within 2 working days after receiving complete papers specified in Clause 1 of this Article, if seeing that the conditions for guardianship termination are fully met in accordance with the Civil Code, the justice and civil status officer shall record the guardianship termination in the civil status book and together with the guardianship termination registrant sign in the civil status book, and report to the chairperson of the commune-level People's Committee to issue an extract to the requester.

Article 23. Registration of guardian change

In case of request for change of guardians in accordance with the Civil Code and there are other eligible persons wishing to act as guardians, parties shall carry out the procedures for registration of the previous guardianship termination and make new guardianship registration under the provisions of this Section.

Section 4

REGISTRATION OF PARENT AND CHILD RECOGNITION

Article 24. Competence to register parent and child recognition

Commune-level People's Committees of places of residence of recognizing or recognized parents or children shall register parent and child recognition.

Article 25. Procedures for registration of parent and child recognition

1. Requesters for registration of parent and child recognition shall submit declarations, made according to a set form, and evidence proving father and child or mother and child relationship to the civil status registration agency. All parties must be present upon registration of parent and child recognition.

2. Within 3 working days after receiving complete papers specified in Clause 1 of this Article, if seeing that the parent and child recognition is proper and there is no dispute, the justice and civil status officer shall record the registration of parent and child recognition in the civil status book and together with the parent and child recognition registrant sign in the civil status book, and report to the chairperson of the commune-level People's Committee to issue an extract to the requester.

In case of necessity to verify, the time limit may be prolonged for no more than 5 working days.

Section 5

REGISTRATION OF CIVIL STATUS CHANGE, CORRECTION AND SUPPLEMENTATION

Article 26. Scope of civil status change

1. Change of family name, middle name and first name of individuals in birth registration contents when there are grounds as prescribed by the civil law.

2. Change of information about parents in birth registration contents after being adopted as children in accordance with the Law on Adoption.

Article 27. Competence to register civil status change, correction and supplementation

Commune-level People's Committees of previous places of civil status registration or places of residence of individuals are competent to settle civil status change and correction for persons under 14 full years; and civil status supplementation for Vietnamese citizens residing in the country.

Article 28. Procedures for registration of civil status change and correction

1. Requesters for registration of civil status change or correction shall submit declarations, made according to a set form, and relevant papers to the civil status registration agency.

2. Within 3 working days after receiving complete papers specified in Clause 1 of this Article, if seeing that the civil status change or correction is proper and compliant with civil and relevant laws, the justice and civil status officer shall record such change or correction in the civil status book and together with the registration requester sign in the civil status book, and report to the chairperson of the commune-level People's Committee to issue an extract to the requester.

In case of civil status change or correction related to birth certificates or marriage certificates, the justice and civil status officer shall record the change or correction content in these certificates.

In case of necessity to verify, the time limit may be prolonged for no more than 3 working days.

3. In case of registering civil status change or correction not at previous places of civil status registration, commune-level People's Committees shall issue written notices together with civil status extract copies to People's Committees of previous places of civil status registration for recording in the civil status book.

In case the previous place of civil status registration is a representative mission, the commune-level People's Committee shall issue written notices together with civil status extract copies to the Ministry of Foreign Affairs for forwarding to the representative mission for recording in the civil status book.

Article 29. Procedures for civil status supplementation

1. Requesters for civil status supplementation shall submit declarations, made according to a set form, and relevant papers to the civil status registration agency.

2. Immediately after receiving complete papers specified in Clause 1 of this Article, if seeing that the civil status supplementation request is proper, the justice and civil status officer shall record the supplemented content in the relevant section in the civil status book and together with the requester sign in the civil status book, and report to the chairperson of the commune-level People's Committee to issue an extract to the requester.

In case of civil status supplementation to birth certificates or marriage certificates, the justice and civil status officer shall record the supplemented content in the relevant column and append a seal to the supplemented content.

Section 6

RECORDING IN THE CIVIL STATUS BOOK CIVIL STATUS CHANGES ACCORDING TO JUDGMENTS AND DECISIONS OF COMPETENT STATE AGENCIES

Article 30. Responsibility to notify civil status changes

1. Within 5 working days from the effective date of a judgment or decision related to civil status change of an individual as prescribed in Clause 2, Article 3 of this Law, the people's court or competent state agency shall issue a written notice enclosed with an extract of such judgment or decision to the People's Committee that has registered the civil status of such individual for recording in the civil status book; if the place of civil status registration is a representative mission, it shall send such notice to the Ministry of Foreign Affairs for forwarding to the representative mission for recording in the civil status book.

2. In case of citizenship change, notification shall be made in accordance with the law on citizenship.

Article 31. Procedures for recording in the civil status book civil status changes according to judgments and decisions of competent state agencies

Immediately after receiving notices prescribed in Article 30 of this Law, justice and civil status officers shall record in the civil status book changed contents according to judgments or decisions of people's courts or competent state agencies.

Section 7

DEATH REGISTRATION

Article 32. Competence to register death

Commune-level People's Committees of the last places of residence of deceased persons shall register their death. If the last place of residence of the deceased person cannot be identified, the commune-level People's Committee of the place where such person dies or his/her body is found shall register his/her death.

Article 33. Time limit and responsibility for death registration

1. Within 15 days after the date a person dies, his/her spouse, child, parent or another relative shall register his/her death; for a deceased person without any relative, a representative of a related agency, organization or person shall register his/her death.

2. Justice and civil status officers shall regularly examine and urge death declaration for deceased persons; in case no responsible person can be identified for death declaration, justice and civil status officers shall register death.

Article 34. Death registration procedures

1. Persons responsible for death registration shall submit declarations, made according to a set form, and death notices or other substitute papers to the civil status registration agency.

2. Immediately after receiving papers specified in Clause 1 of this Article, if seeing that the death declaration is proper, the justice and civil status officer shall record the death declaration contents in the civil status book and together with the death declarant sign in the civil status book and report to the chairperson of the commune-level People's Committee to issue an extract to the death declarant.

The justice and civil status officer shall close civil status information of the deceased person in the electronic civil status database.

Chapter III

CIVIL STATUS REGISTRATION AT DISTRICT-LEVEL PEOPLE'S COMMITTEES

Section 1

BIRTH REGISTRATION

Article 35. Competence to register birth

District-level People's Committees of places of residence of fathers or mothers shall register birth for children in the following cases:

1. Children born in Vietnam:

a/ Having a parent being a Vietnamese citizen and the other being a foreigner or a stateless person;

b/ Having a parent being a Vietnamese citizen residing in the country and the other being a Vietnamese citizen residing abroad;

c/ Having both parents being Vietnamese citizens residing abroad;

d/ Having both parents being foreigners or stateless persons.

2. Children born abroad with their birth not yet registered abroad and taken to reside in Vietnam:

a/ Having both parents being Vietnamese citizens;

b/ Having a parent being a Vietnamese citizen.

Article 36. Birth registration procedures

1. Birth registrants shall submit the papers specified in Clause 1, Article 16 of this Law to the civil status registration agency. In case either parent is or both parents are foreigner(s), a document on the agreement of the parents on the selection of citizenship for their child.

If the parents choose a foreign citizenship for their child, their agreement document must contain certification of a competent foreign state agency of which they are citizens.

2. Immediately after receiving the papers specified in Clause 1 of this Article, if seeing that the birth declaration information is complete and proper, the civil status officer shall record the birth declaration contents prescribed in Article 14 of this Law in the civil status book; for a child having a foreign citizenship, the civil status officer shall not record the content prescribed at Point c, Clause 1, Article 14 of this Law.

The civil status officer and birth registrant shall both sign in the civil status book. The district-level Justice Division shall report to the chairperson of the district-level People's Committee to grant a birth certificate to the person whose birth is registered.

3. The Government shall stipulate birth registration procedures for the cases prescribed in Clause 2, Article 35 of this Law.

Section 2

MARRIAGE REGISTRATION

Article 37. Competence to register marriage

1. District-level People's Committees of places of residence of Vietnamese citizens shall register marriages between Vietnamese citizens and foreigners; between Vietnamese citizens residing in the country and Vietnamese citizens residing abroad; between Vietnamese citizens residing abroad; and between Vietnamese citizens who also have foreign citizenship and Vietnamese citizens or foreigners.

2. In case a foreigner residing in Vietnam requests marriage registration in Vietnam, the district-level People's Committee of the place of residence of either partner shall register the marriage.

Article 38. Marriage registration procedures

1. The male and female partners submit a declaration, made according to a set form, and a written certification of a competent Vietnamese or foreign health organization stating that he/she does not suffer any mental or other diseases which deprive him/her of the ability to perceive and control his/her acts to the civil status registration agency.

Foreigners and Vietnamese citizens residing abroad shall additionally submit papers proving their marital status and copies of their passports or valid passport substitute papers.

2. Within 15 days after receiving complete papers specified in Clause 1 of this Article, civil status officers shall verify; if seeing that the law-prescribed marriage conditions are fully met, the district-level Justice Division shall report to the chairperson of the district-level People's Committee for settlement.

3. Upon marriage registration, both male and female partners must be present at the head office of the People's Committee, the civil status officer shall ask for opinions of the male and female partners. If seeing that they voluntarily marry each other, the civil status officer shall record the marriage in the civil status book and together with the male and female partners sign in the civil status book. The male and female partners shall both sign in the marriage certificate.

The chairperson of the district-level People's Committee shall hand the marriage certificate to the couple.

4. The Government shall stipulate additional papers in marriage registration dossiers, interview to verify the marriage purpose when settling marriage registration requests; procedures to grant marital status certificates to Vietnamese citizens for marrying foreigners at competent foreign agencies overseas in order to guarantee lawful rights and interests of parties.

Section 3

GUARDIANSHIP REGISTRATION

Article 39. Competence to register guardianship and guardianship termination

District-level People's Committees of places of residence of wards or guardians shall register guardianship between Vietnamese citizens and foreigners together residing in Vietnam.

District-level People's Committees of places of guardianship registration shall register guardianship termination.

Article 40. Procedures for registration of appointed guardians

1. Requesters for guardianship registration shall submit declarations, made according to a set form, and the guardian appointment document as prescribed in the Civil Code to the civil status registration agency.

2. Within 5 working days after receiving complete papers specified in Clause 1 of this Article, the civil status officer shall verify and, if seeing that the law-prescribed conditions are fully met, shall record the guardianship registration in the civil status book and together with the guardianship registrant sign in the civil status book. The district-level Justice Division shall report to the chairperson of the district-level People's Committee to issue an extract to the requester.

Article 41. Registration of natural guardianship

The procedures for registration of natural guardianship between Vietnamese citizens and foreigners together residing in Vietnam must comply with Article 21 of this Law.

Article 42. Procedures for guardianship termination or change registration

The procedures for guardianship termination or change registration between Vietnamese citizens and foreigners must comply with Articles 22 and 23 of this Law.

Section 4

REGISTRATION OF PARENT AND CHILD RECOGNITION

Article 43. Competence to register parent and child recognition

District-level People's Committees of places of residence of persons recognized as parents or children shall register the parent and child recognition between Vietnamese citizens and foreigners; between Vietnamese citizens residing in the country and Vietnamese citizens residing abroad; between Vietnamese citizens residing abroad; between Vietnamese citizens also having a foreign citizenship and Vietnamese citizens or foreigners; and between foreigners either or both of whom permanently residing in Vietnam.

Article 44. Procedures for registration of parent and child recognition

1. Requesters for parent and child recognition registration shall submit declarations, made according to a set form, and papers and items or other evidence to prove the parent and child relationship to the civil status registration agency. In case of registering the parent and child recognition between Vietnamese citizens and foreigners or between foreigners, foreigners

shall additionally submit copies of their passports or valid passport substitute papers to prove their personal identity.

2. Within 15 days after receiving complete papers specified in Clause 1 of this Article, the civil status officer shall verify and post the parent and child recognition at the head office of the district-level People's Committee for 7 consecutive days, and at the same time send a written request to the commune-level People's Committee of the place of permanent residence of the person recognized as parent or child to post for 7 consecutive days at its head office.

3. The district-level Justice Division shall report to and propose the chairperson of the district-level People's Committee the registration of parent and child recognition; if seeing that the prescribed conditions are fully met, the chairperson of the district-level People's Committee shall settle.

4. Upon registration of the parent and child recognition, the parties concerned must be present; the civil status officer shall record the registration in the civil status book and together with the parties sign in the civil status book. The chairperson of the district-level People's Committee shall issue an extract to the parties.

Section 5

REGISTRATION OF CIVIL STATUS CHANGE, CORRECTION AND SUPPLEMENTATION, ETHNICITY RE-DETERMINATION

Article 45. Scope of civil status change

The scope of civil status change must comply with Article 26 of this Law.

Article 46. Competence to register civil status change, correction and supplementation and ethnicity re-determination

1. District-level People's Committees of previous places of civil status registration or places of residence of foreigners are competent to settle civil status correction and supplementation for foreigners who have registered civil status at competent Vietnamese agencies.

2. District-level People's Committees of previous places of civil status registration of overseas Vietnamese are competent to settle civil status change, correction and supplementation and ethnicity re-determination.

3. District-level People's Committees of previous places of civil status registration or places of residence of individuals are competent to settle civil status change and correction for Vietnamese citizens of full 14 years or older residing in the country, and ethnicity re-determination.

Article 47. Procedures for registering civil status change, correction and supplementation and ethnicity re-determination

1. The procedures for registering civil status change and correction must comply with Article 28 of this Law. In case of request for ethnicity re-determination, there must be proving papers as prescribed by law; the order must comply with Article 28 of this Law.

2. The procedures for requesting addition of civil status information must comply with Article 29 of this Law.

Section 6

RECORDING IN THE CIVIL STATUS BOOK CIVIL STATUS MATTERS OF VIETNAMESE CITIZENS WHICH HAVE BEEN SETTLED AT COMPETENT FOREIGN AGENCIES

Article 48. Competence to record in the civil status book civil status matters of Vietnamese citizens that have been settled at competent foreign agencies

1. District-level People's Committees of places of residences of Vietnamese citizens shall record in the civil status book the birth registration; marriage; guardianship; parent and child recognition; parent and child identification; adoption; and civil status change already settled at competent foreign agencies.

2. District-level People's Committees of previous places of marriage registration or marriage registration noting shall record in the civil status book the divorce and marriage cancellation of individuals already effected abroad.

3. District-level People's Committees of places of residence of persons responsible for death declaration prescribed in Clause 1, Article 33 of this Law shall record in the civil status book the death declaration already settled at competent foreign agencies.

Article 49. Procedures for recording in the civil status book the birth registration; guardianship; parent and child recognition; parent and child identification; adoption; civil status change; and death declaration

1. Requesters for recording in the civil status book the birth declaration; guardianship; parent and child recognition; parent and child identification; adoption; civil status change; or death declaration shall submit declarations, made according to set forms, and certified copies of papers proving that such matter has been settled at a foreign competent agency to the civil status registration agency.

2. After receiving complete papers as specified in Clause 1 of this Article, the civil status officer shall check them and, if seeing that the request is proper, record the matter in the civil status book. The district-level Justice Division shall report to the chairperson of the district-level People's Committee to issue an extract to the requester.

In case of necessity to verify, the time limit for settlement is 3 working days.

Article 50. Procedures for recording in the civil status book marriage, divorce and marriage cancellation

1. Requesters for recording in the civil status book the marriage, divorce or marriage cancellation shall submit declarations, made according to set forms, and certified copies of papers proving that such matter has been settled at a foreign competent agency to the civil status registration agency.

2. Within 12 days after receiving complete and valid dossiers as prescribed in Clause 1 of this Article and if seeing that the law-prescribed conditions are fully met, the civil status officer shall record the matter in the civil status book. The district-level Justice Division shall report to the chairperson of the district-level People's Committee to issue an extract to the requester.

3. The Government shall stipulate in detail the order, procedures and time for coordination among agencies in implementing this Article.

Section 7

DEATH REGISTRATION

Article 51. Competence to register death

1. District-level People's Committees of last places of residence of deceased persons shall register death for foreigners or Vietnamese citizens residing abroad who die in Vietnam.

2. In case it is impossible to identify the last place of residence of a deceased person as prescribed in Clause 1 of this Article, the district-level People's Committees of the place where such person dies or his/her body is found shall register his/her death.

Article 52. Death registration procedures

1. Death registrants shall submit declarations, made according to a set form, and the death notice or a death notice substitute paper to the civil status registration agency.

2. Immediately upon receiving complete papers specified in Clause 1 of this Article, if seeing that the death declaration is proper, the civil status officer shall record it in the civil status book and together with the death registrant sign in the civil status book. The district-level Justice Division shall report to the chairperson of the district-level People's Committee to issue an extract to the death registrant.

In case of necessity to verify, the settlement time limit is 3 working days.

3. After death registration, the district-level People's Committee shall issue a written notice enclosed with the civil status extract to the Ministry of Foreign Affairs for notification to the competent agency of the country of which the deceased person is a citizen.

If the deceased person is a Vietnamese citizen residing abroad, the civil status officer shall close his/her information in the electronic civil status database.

Chapter IV

CIVIL STATUS REGISTRATION AT REPRESENTATIVE MISSIONS

Article 53. Civil status registration for Vietnamese citizens residing abroad

1. Representative missions shall register civil status matters prescribed in Article 3 of this Law for Vietnamese citizens residing abroad, if seeing that such registration is not against the law of the host country and treaties to which Vietnam is a contracting party.

2. Pursuant to this Law, the Ministry of Foreign Affairs shall coordinate with the Ministry of Justice in providing guidance on the competence and procedures for civil status registration and the grant of civil status extract copies to Vietnamese citizens residing abroad at representative missions.

Article 54. Civil status officers at representative missions

1. Representative missions shall appoint diplomats or consuls to perform civil status registration for Vietnamese citizens residing abroad.

2. Diplomats and consuls performing civil status jobs shall, in addition to satisfying the conditions and criteria for diplomats and consuls, be trained in civil status work before performing civil status registration tasks.

Article 55. Making of civil status books at the Ministry of Foreign Affairs

The Ministry of Foreign Affairs shall make civil status books to record and update fully and manage uniformly civil status information of Vietnamese citizens residing abroad who have registered with representative missions and issue civil status extract copies.

Article 56. Reporting responsibility of representative missions

After registering civil status for Vietnamese citizens residing abroad, representative missions shall send written reports enclosed with civil status extract copies to the Ministry of Foreign Affairs for recording in civil status books and updating in the electronic civil status database.

Chapter V

CIVIL STATUS DATABASE, ISSUE OF CIVIL STATUS EXTRACTS

Section 1

CIVIL STATUS DATABASE

Article 57. Civil status database

1. The civil status database is a national asset storing all civil status information of every individual, serving as a basis for protecting lawful rights and interests of individuals, and serving the information reference, management, and policymaking for national socio-economic development.

2. The civil status database includes civil status books and electronic civil status database for use as a basis for the issue of civil status extract copies.

Article 58. Civil status books

1. The civil status book serves as a legal basis for making, upgrading and adjusting civil status information of individuals in the electronic civil status database.

Each type of civil status matter shall be recorded in one book with its pages appended with an overlapping seal on the edges of every two pages. Civil status books shall be preserved permanently in accordance with law.

2. The closing of a civil status book shall be made in the last day of a year. When closing a civil status book, the total number of pages and total number of civil status events already registered shall be clearly written; the head of the civil status registration agency shall sign and a seal shall be appended.

Papers and articles or other evidences submitted upon civil status registration shall be archived and preserved in accordance with the law on archives.

3. The civil status registration agency shall archive and preserve civil status books, papers, articles or other evidences related to civil status registration.

Article 59. Electronic civil status database

1. The electronic civil status database is created to store, update, manage and search civil status information, and serve online civil status registration requirements; and shall be connected to provide and exchange basic civil status information of individuals for the national population database.

2. The Government shall stipulate the coordination among ministries and ministerial-level agencies and responsibilities of People's Committees of all levels in the management and use of the electronic civil status database; procedures and order for online civil status registration; the connection,

provision and exchange of information between the electronic civil status database and national population database.

Article 60. Update and adjustment of personal civil status information in the electronic civil status database

1. Civil status events of individuals, immediately after being registered in the civil status book, shall be promptly, fully and accurately updated in the electronic civil status database. Civil status registration agencies shall take responsibility for all civil status information updated in the electronic civil status database.

2. In case information in the electronic civil status database or national population database is different from information in civil status books, it shall be adjusted to match civil status books.

Article 61. Principles of management and exploitation of the civil status database

1. The civil status database shall be managed and kept confidential and secure and only competent agencies, organizations and persons may access and exploit it in accordance with law.

2. The civil status database-managing agency shall keep confidential personal information in the civil status database.

Section 2

ISSUE OF CIVIL STATUS EXTRACTS

Article 62. Issue of original civil status extracts upon civil status registration

1. When making civil status registration, the civil status registration agency shall grant 1 original civil status extract to the civil status registration requester, except the registration of birth and marriage.

2. Copies of an original civil status extract may be certified.

Article 63. Issue of civil status extract copies on registered civil status events

Individuals, regardless of their places of residence, have the right to request the civil status database-managing agency to issue civil status extract copies on their registered civil status events.

Article 64. Procedures for issue of civil status extract copies

1. Requesters for issue of civil status extract copies may directly or through representatives send declarations, made according to a set form, to the civil status database-managing agency.

In case a competent agency or organization requests issue of a civil status extract copy of an individual, it shall send a written request clearly stating the reason to the civil status database-managing agency.

2. Immediately after receiving a request, if seeing that the prescribed conditions are fully met, the civil status database-managing agency shall issue a civil status extract copy to the requester.

Chapter VI

STATE MANAGEMENT RESPONSIBILITIES FOR CIVIL STATUS, CIVIL STATUS OFFICERS

Section 1

STATE MANAGEMENT RESPONSIBILITIES FOR CIVIL STATUS

Article 65. Responsibilities of the Government

1. The Government shall perform the unified state management of civil status. The Ministry of Justice shall assist the Government in performing the state management of civil status.

2. Contents of state management of civil status include:

a/ To promulgate or submit to competent agencies for promulgation legal documents on civil status registration and management; to organize the implementation of the law on civil status;

b/ To apply information technology in civil status registration and management; to build and manage the electronic civil status database;

c/ To inspect, examine, settle complaints and denunciations, and handle violations of the law on civil status registration and management;

d/ To make civil status statistics;

dd/ To implement international cooperation on civil status.

Article 66. Responsibilities of the Ministry of Justice

The Ministry of Justice shall perform the state management of civil status, having the following tasks and powers:

1. To prescribe, guide, direct and train in civil status registration and management for civil status officers in the country;

2. To issue, and instruct the use and management of, civil status books, birth certificates, marriage certificates, civil status extracts and other civil status forms; to specify conditions and order for birth and marriage registration and **mobile death registration**;

3. To create and uniformly manage the electronic civil status database; to guide and direct localities in the management and use of civil status

registration and management software, the electronic civil status database, provision of basic civil status information of individuals to the national population database;

4. To annually review the situation, analyze, assess and make statistics on civil status and report to the Government.

Article 67. Responsibilities of the Ministry of Foreign Affairs

1. The Ministry of Foreign Affairs shall coordinate with the Ministry of Justice in performing the state management of civil status at representative missions, having the following tasks and powers:

a/ To prescribe, guide, direct, examine and inspect civil status registration and management at representative missions;

b/ To organize civil status training for diplomats and consuls;

c/ To make civil status books to manage civil status information of Vietnamese citizens already registered at representative missions;

d/ To update and exploit the electronic civil status database and issue civil status extract copies under regulations;

dd/ To summarize the civil status situation and make civil status statistics of representative missions and send such to the Ministry of Justice under regulations of the Government.

2. Representative missions shall perform the state management of civil status of Vietnamese citizens residing abroad, having the following tasks and powers:

a/ To make civil status registration for Vietnamese citizens residing abroad in accordance with the laws on civil status and consular work and relevant treaties;

b/ To assign diplomats and consuls to perform civil status registration and management tasks at representative missions;

c/ To manage and use civil status books and forms under regulations;

d/ To manage, update and exploit the electronic civil status database and issue civil status extract copies under regulations;

dd/ To report civil status registration contents to the Ministry of Foreign Affairs for updating in the civil status database;

e/ To summarize the civil status situation and make civil status statistics for reporting to the Ministry of Foreign Affairs under regulations;

g/ To archive papers, articles and other evidences related to civil status registration;

h/ To settle complaints and denunciations and handle violations related to civil status according to competence.

Diplomats and consuls performing civil status work shall assist representative missions in performing the tasks and powers specified at Points a, c, d, dd, e and g, Clause 2 of this Article.

Article 68. Responsibilities of the Ministry of Public Security

The Ministry of Public Security shall assume the prime responsibility for, and coordinate with the Ministry of Justice, Ministry of Foreign Affairs and related ministries and sectors in, performing the following tasks and powers:

1. To ensure connection between the national population database and electronic civil status database in accordance with law;
2. To ensure security and safety for information in the electronic civil status database;
3. To perform other tasks related to civil status work.

Article 69. Responsibilities of People's Committees of provinces and centrally run cities

1. People's Committees of provinces and centrally run cities (below referred to as provincial-level People's Committees) shall perform the state management of civil status in localities, having the following tasks and powers:

- a/ To guide and direct the organization of civil status registration and management;
- b/ To organize public dissemination of the law on civil status;
- c/ Pursuant to the Government's regulations, to decide on the assignment of civil status officers at district and commune levels; to ensure physical foundations to serve civil status registration and management activities;
- d/ To manage, update and exploit the electronic civil status database under regulations;
- dd/ To inspect, examine, settle complaints and denunciations, and handle violations of the law on civil status according to competence;
- e/ To revoke and cancel civil status papers granted by district-level People's Committees in violation of this Law, except cases of illegal marriage;
- g/ To periodically organize civil status work training for civil status officers;

h/ To summarize the civil status situation and make civil status statistics for reporting to the Ministry of Justice under regulations.

2. Provincial Justice Departments shall assist provincial-level People's Committees in performing the tasks and powers specified at Points a, b, d, dd, g and h, Clause 1 of this Article.

3. Chairpersons of provincial-level People's Committees shall take responsibility for civil status registration and management work and violations in this work due to lax management.

Article 70. Responsibilities of district-level People's Committees

1. District-level People's Committees shall perform the state management of civil status in localities, having the following tasks and powers:

a/ To perform civil status registration in accordance with this Law;

b/ To direct and examine the civil status registration and management at commune-level People's Committees;

c/ To organize public dissemination of the law on civil status;

d/ To manage and use civil status books and forms under regulations;

dd/ Pursuant to provincial-level People's Committees' regulations, to assign civil status officers;

e/ To manage, update and exploit the electronic civil status database and issue civil status extract copies under regulations;

g/ To inspect, examine, settle complaints and denunciations, and handle violations of the law on civil status according to competence;

h/ To revoke and cancel civil status papers granted by commune-level People's Committees in violation of this Law, except cases of illegal marriage;

i/ To summarize the civil status situation and make civil status statistics for reporting to provincial-level People's Committees under the Government's regulations;

k/ To archive civil status books and civil status registration dossiers.

2. District-level Justice Divisions shall assist district-level People's Committees in performing the tasks and powers specified at Points a, b, c, d, e, g, i and k, Clause 1 of this Article.

3. For district-level administrative units that have no commune-level administrative units shall, in addition to performing the tasks and powers of civil status registration and management of district-level People's Committees, also perform the tasks and powers of civil status registration and

management of commune-level People's Committees prescribed in Article 71 of this Law.

4. Chairpersons of district-level People's Committees shall take responsibility for civil status registration and management work and violations in this work due to lax management.

Article 71. Responsibilities of commune-level People's Committees

1. Commune-level People's Committees shall perform the state management of civil status in localities, having the following tasks and powers:

a/ To perform civil status registration in accordance with this Law;

b/ Pursuant to superior-level People's Committees' regulations, to assign justice and civil status officers to perform civil status registration;

c/ To organize public dissemination of the law on civil status;

d/ To manage and use civil status books and forms under regulations.

dd/ To manage, update and exploit the electronic civil status database and issue civil status extract copies under regulations;

e/ To summarize the civil status situation and make civil status statistics for reporting to district-level People's Committees under the Government's regulations;

g/ To archive civil status books and civil status registration dossiers.

h/ To settle complaints and denunciations and handle violations related to civil status according to competence.

2. Chairpersons of commune-level People's Committees shall regularly direct and urge the birth and death declaration; take responsibility for civil status registration and management work and violations in this work due to lax management.

Justice and civil status officers shall assist commune-level People's Committees in performing the tasks and powers specified at Points a, c, d, dd, e and g, Clause 1 of this Article.

Section 2

CIVIL STATUS OFFICERS

Article 72. Civil status officers

1. Civil status officers include justice and civil status officers at commune level; civil status officers in district-level Justice Divisions of district-level People's Committees; and diplomats and consuls performing civil status work in representative missions.

2. Commune-level justice and civil status officers must meet the following criteria:

a/ Possessing an intermediate or higher degree in law and having been trained in civil status work;

b/ Possessing a legible handwriting and computer skills suitable to their job requirements.

Based on practical conditions of geographical area, population and justice and civil status workload in localities, the Government shall stipulate the assignment of justice and civil status officers on a full-time basis.

3. Civil status officers in district-level Justice Divisions must possess a university or higher degree in law and have been trained in civil status work.

4. Diplomats and consuls performing civil status work in representative missions must have been trained in civil status work.

Article 73. Tasks and powers of civil status officers

1. In the field of civil status, commune-level justice and civil status officers have the following tasks and powers:

a/ To comply with this Law and other relevant laws concerning civil status;

b/ To take responsibility before commune-level People's Committees and law for civil status registration;

c/ To disseminate, and mobilize people to observe, the law on civil status;

d/ To assist commune-level People's Committees in performing civil status registration in a prompt, accurate, objective and truthful manner; fully update registered civil status events in the electronic civil status database;

dd/ To take the initiative in examination and review work to promptly register births and deaths arising in localities.

For scattered residential areas with difficult access and far away from the head offices of commune-level People's Committees, justice and civil status officers shall report to commune-level People's Committees for permission to organize mobile registration for births, marriages and deaths.

e/ To regularly update themselves with legal knowledge to raise their civil status registration capacity and skills; to participate in professional training courses held by People's Committees or superior-level justice agencies;

g/ To take the initiative in reporting to and proposing the People's Committees of the same level to coordinate with agencies and organizations

in checking and verifying civil status information; to request agencies, organizations and individuals to provide information for civil status registration verification; to coordinate with public security offices of the same level in providing basic civil status information of individuals for the national population database.

2. The provisions of Clause 1 of this Article also apply to civil status officers in district-level Justice Divisions and diplomats and consuls performing civil status work in representative missions according to their tasks and powers.

Article 74. Prohibited acts of civil status officers

1. Being authoritarian, harassing, delaying, causing difficulties and troubles, or receiving bribes when performing civil status registration and management.

2. Collecting civil status fees higher than prescribed rates or imposing charges for civil status registration.

3. Imposing formalities and papers and prolonging the time for civil status registration in violation of this Law.

4. Erasing, altering or tampering with information contents in the civil status database.

5. Registering or granting papers related to civil status in violation of this Law.

6. Revealing personal information known through civil status registration.

7. Civil status officers who commit prohibited acts specified in this Article shall, depending on the nature and seriousness of their violations, be disciplined or examined for penal liability in accordance with law.

Chapter VII

IMPLEMENTATION PROVISIONS

Article 75. Validity of civil status books made and civil status papers granted before this Law takes effect

1. Civil status books that have been archived before the effective date of this Law remain valid for use as grounds for proving civil status events of individuals, reference, issue of civil status extract copies and grant of marital status certificates.

2. Civil status papers already granted to individuals in accordance with the civil status law before the effective date of this Law continue to be valid.

Article 76. Transitional provisions

1. Civil status registration dossiers received before the effective date of this Law which have not yet been settled continue to be settled in accordance with the civil status law effective at the time of receipt thereof.

2. The Government shall stipulate in detail the re-registration of birth, death and marriage already registered before the effective date of this Law.

3. The Government shall direct the review of, retraining in civil status work, and consolidation of the contingent of civil status officers to ensure performance of the tasks and powers assigned in the Law; stipulate birth and marriage registration procedures; the grant of marital status certificates to Vietnamese citizens; the compilation, management and use of civil status books in the transitional period pending the complete creation of the national population database, which shall be uniformly implemented nationwide no later than January 1, 2020, in accordance with this Law.

Article 77. Effect

1. This Law³ takes effect on January 1, 2016.

2. The Government and competent agencies shall detail the articles and clauses as assigned in the Law.

This Law was passed on November 20, 2014, by the XIIIth National Assembly of the Socialist Republic of Vietnam at its 8th session.-

Chairman of the National Assembly
NGUYEN SINH HUNG

³ This English translation has been done with the support of LawSoft Corp  <http://thuvienphapluat.vn>