

<b>GOVERNMENT</b> -----	<b>SOCIALIST REPUBLIC OF VIETNAM</b> <b>Independence - Freedom - Happiness</b> -----
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## DECREE

### DETAILED REGULATIONS ON CERTAIN ARTICLES AND IMPLEMENTATION MEASURES OF THE LAW ON CIVIL REGISTRATION

*Based on the Law on Organization of the Government dated December 25, 2001;*

*Based on the Law on Civil Status dated November 20, 2014;*

*Based on the Law on Marriage and Family dated June 19, 2014;*

*At the suggestion of the Minister of Justice,*

*The government has issued a Decree detailing certain provisions and measures for the implementation of the Law on Civil Registration .*

## Chapter I

### GENERAL REGULATIONS

#### **Article 1. Scope of application**

This Decree provides detailed regulations on several articles of the Law on Civil Status regarding the registration of births and marriages, the management and use of civil status registers during the period when the electronic civil status database and the national population database are not yet uniformly operational nationwide (hereinafter referred to as the transitional period); registration of births for abandoned children, children whose parents are unknown, and children born through surrogacy; registration of births, marriages, recognition of parentage, and death registrations in border areas; issuance of certificates of marital status; registration of births for children born abroad who have not yet been registered and are residing in Vietnam; registration of marriages involving foreign elements at the

district-level People's Committee; recording in the civil status registers the marriages, divorces, and annulments of marriages of Vietnamese citizens that have been resolved by competent foreign authorities; re-registration of births, marriages, and deaths; The arrangement of judicial and civil registry officials to work full-time in civil registry affairs and some measures for implementing the Law on Civil Registry .

**Article 2. Regulations on the presentation and submission of documents when registering civil status and issuing copies of civil status extracts.**

1. Individuals requesting civil registration or copies of civil registration extracts must present the original of one of the following documents: passport, identity card, citizen identification card, or other document containing a photograph and personal information issued by a competent authority and still valid (hereinafter referred to as personal identification documents) to prove their identity.

During the transitional period, those applying for civil registration must present documents proving their place of residence.

2. The person requesting birth registration must submit the original Birth Certificate or documents replacing the Birth Certificate as prescribed in Clause 1, Article 16 of the Law on Civil Status ; for death registration, the person must submit the original Death Notice or documents replacing the Death Notice as prescribed in Clause 1, Article 34 of the Law on Civil Status and Clause 2, Article 4 of this Decree ; for marriage registration, the person must submit the original Certificate of Marital Status as prescribed in Section 3, Chapter III of this Decree .

3. Documents in foreign languages used for civil registration in Vietnam must be translated into Vietnamese and the translation must be notarized or the translator's signature certified in accordance with the law.

4. Documents issued, certified, or authenticated by competent authorities of countries sharing a border with Vietnam (hereinafter referred to as neighboring countries) for use in civil registration as prescribed in Point d, Clause 1, Article 7 of the Law on Civil Registration are exempt from consular legalization; they must be translated into Vietnamese and accompanied by a commitment from the translator guaranteeing the accuracy of the translation.

5. Copies of documents in the civil registration file must be copies issued from the original register or certified from the original document in accordance with the law; if the applicant submits an uncertified copy, they must present the original document for verification.

### **Article 3. Procedures for submitting and receiving civil registration documents**

1. Individuals requesting marriage registration, paternity/maternity/child relationship registration, or re-registration of marriage must submit their applications directly to the civil registration office; individuals requesting registration of other civil status matters may submit their applications directly to the civil registration office, send them via postal service, or submit them through the online civil registration system.

The civil registration file only needs to be prepared in one (01) set.

2. The person receiving the application is responsible for checking the documents to verify the information in the application form and the validity of the documents submitted by the applicant; if the application is incomplete, they will guide the applicant to supplement and complete it. If the application is complete and valid, the person receiving the application will issue an acknowledgment slip, clearly stating the date and time for receiving the results.

If the applicant submits a copy issued from the original register or a certified copy of the original document, the person receiving the application is not allowed to request the original; if the applicant only submits a photocopy and presents the original, the person receiving the application shall check and compare the photocopy with the original and sign the photocopy to confirm that the contents of the document have been verified.

In cases where the law specifies required documents, the person receiving the application is not permitted to request additional copies or photocopies of those documents.

3. If the applicant submits the application via postal service or wishes to receive the results via postal service, they must pay the civil registration fee, the fee for issuing a copy of the civil registration extract (if not exempt from fees), and the cost of

receiving the results via postal service. The person receiving the application must clearly state the method of receiving the results in the receipt.

Results are delivered via postal system for requests to register civil status matters resolved by competent authorities of foreign countries, including birth registration; marriage registration; guardianship registration; recognition of parentage; determination of parentage; adoption registration; changes to civil status registration; death registration; divorce registration; annulment of illegal marriage; and requests for copies of civil status extracts as stipulated in Article 63 of the Law on Civil Status .

4. For civil registration matters requiring verification in accordance with the Law on Civil Registration and this Decree, the time taken to send the request and the time taken to provide the results shall not be included in the specific time limit for resolving the civil registration matter.

#### **Article 4. Determining the content of birth and death registration**

1. The content of the birth certificate is determined according to the provisions of Clause 1, Article 14 of the Law on Civil Status and the following regulations:

- a) The child's surname, middle name, given name, and ethnicity are determined by agreement between the parents in accordance with civil law and are reflected in the Birth Registration Form; if the parents do not agree or cannot reach an agreement, then it is determined according to custom;
- b) The nationality of a child is determined according to the provisions of the law on nationality;
- c) The personal identification number of the person whose birth is being registered is issued upon birth registration. The procedure for issuing the personal identification number is carried out in accordance with the Law on Citizen Identification and the Decree detailing the implementation of the Law on Citizen Identification , ensuring consistency with the Law on Civil Status and this Decree;
- d) The date of birth is determined according to the Gregorian calendar. The place of birth and gender of the child are determined according to the birth certificate issued

by a competent medical facility; in the absence of a birth certificate, they are determined according to documents replacing the birth certificate as prescribed in Clause 1, Article 16 of the Law on Civil Status .

For children born in a medical facility, the place of birth must clearly state the name of the medical facility and the name of the commune, district, and province where the medical facility is located; in the case of children born outside a medical facility, the name of the commune, district, and province where the child was born must be clearly stated.

d) The place of origin of the person whose birth is being registered is determined according to the provisions of Clause 8, Article 4 of the Law on Civil Status.

2. When registering a death in accordance with the Law on Civil Status , the death certificate must include the following information: Surname, middle name, given name, and year of birth of the deceased; the personal identification number of the deceased, if any; place of death; cause of death; time, day, month, and year of death according to the Gregorian calendar; and nationality if the deceased was a foreigner.

The details of the death registration are determined according to the Death Certificate or other documents issued by the following competent authorities:

a) For deaths occurring at medical facilities, the head of the medical facility issues the death certificate;

b) For those who die as a result of execution, the Chairman of the Death Penalty Execution Council shall issue a certificate confirming the execution of the death penalty instead of a death certificate.

c) For a person declared dead by a court, the effective judgment or decision of the court shall replace the death certificate;

d) For deaths occurring on transportation, due to accidents, murder, sudden death, or death under suspicious circumstances, a confirmation document from the police or the results of a forensic examination by the Forensic Examination Agency shall replace the Death Certificate;

d) For deaths not falling under any of the cases specified in Points a, b, c, and d of this Clause, the People's Committee of the commune where the person died is responsible for issuing the Death Certificate.

**Article 5. Issuance of Birth Certificates, Death Certificates and provision of birth and death statistics.**

1. After issuing birth certificates and death certificates, medical facilities and competent authorities issuing documents replacing death certificates as stipulated in Clause 2, Article 4 of this Decree are responsible for notifying birth and death data to the competent civil registration agency in accordance with the Law on Civil Registration for timely, complete, and accurate statistical purposes as prescribed by law.

2. The Ministry of Health shall instruct medical facilities to issue birth certificates and death certificates and provide birth and death statistics to the competent civil registration agency as prescribed in Clause 1 of this Article.

**Article 6. Legal validity of the Birth Certificate**

1. A birth certificate is the original civil registration document of an individual.

2. All personal records and documents containing information about an individual's surname, middle name, given name; date of birth; gender; ethnicity; nationality; place of birth; and parent-child relationship must be consistent with that person's birth certificate.

3. In cases where the content in personal records and documents differs from the content in the person's birth certificate, the head of the agency or organization managing the records or issuing the documents is responsible for adjusting the records and documents to match the content in the birth certificate.

**Article 7. Conditions for changing or correcting civil registration records**

1. Changes to the surname, middle name, and given name of persons under 18 years of age, as stipulated in Clause 1, Article 26 of the Law on Civil Status, require the consent of their parents, clearly stated in the Declaration Form; for persons aged 9 years and older, the consent of the person must also be obtained.

2. Correction of civil registration records as stipulated in the Law on Civil Registration is the process of amending personal information in the Civil Registration Book or in the original civil registration documents, and can only be carried out when there is sufficient evidence to determine that there is an error due to the fault of the civil registration official or the person requesting civil registration.

**Article 8. Recruitment, placement, and training of civil servants working in civil registration.**

1. From January 1, 2016, competent authorities may only assign or recruit individuals who meet the qualifications stipulated in the Law on Civil Registration to work in civil registration.

2. Based on the number of commune-level officials and civil servants stipulated by the Government, the People's Committee of the province or centrally-administered city (hereinafter referred to as the Provincial People's Committee) shall prioritize the allocation of judicial and civil registration officials to work full-time in civil registration in communes, wards, and towns that are Type 1 and Type 2 administrative units with large populations and a high volume of civil registration work.

3. The Ministry of Justice shall develop a training program for civil registration professionals and regulate the issuance of civil registration professional training certificates to civil servants working in civil registration.

Provincial People's Committees shall develop and implement plans for professional training in civil registration for civil servants working in civil registration at the local level.

## **Chapter II**

### **REGISTRATION OF CIVIL STATUS, MANAGEMENT AND USE OF CIVIL STATUS BOOKS DURING THE TRANSITION PERIOD**

#### **Section 1. DOCUMENTS TO BE SUBMITTED AND PRESENTED**

##### **Article 9. Documents to be submitted and presented when registering a birth.**

1. The person requesting birth registration shall submit the documents as prescribed in Clause 1, Article 16 of the Law on Civil Status when registering a birth at the People's Committee of the commune, ward, or town (hereinafter referred to as the People's Committee at the commune level) or the documents as prescribed in Clause 1, Article 36 of the Law on Civil Status when registering a birth at the People's Committee of the district, county, town, or city under the province (hereinafter referred to as the People's Committee at the district level).
2. The person requesting birth registration must present the documents as prescribed in Clause 1, Article 2 of this Decree.

If the child's parents are married, they must also present their marriage certificate.

##### **Article 10. Documents to be submitted and presented when registering a marriage.**

The person requesting marriage registration must present the documents as prescribed in Clause 1, Article 2 of this Decree , submit the documents as prescribed in Clause 1, Article 18 of the Law on Civil Status when registering marriage at the commune-level People's Committee or the documents as prescribed in Clause 1, Article 38 of the Law on Civil Status when registering marriage at the district-level People's Committee, and submit the original Certificate of Marital Status as prescribed below:

1. In cases where marriage registration takes place at the People's Committee of the commune, and the person requesting marriage registration does not reside permanently in the commune, ward, or town where the marriage is registered, they must submit a Certificate of Marital Status issued by the competent People's

Committee of the commune in accordance with the provisions of Articles 21, 22, and 23 of this Decree .

In cases where marriage registration takes place at the district-level People's Committee, the person requesting marriage registration who is residing in the country must submit a Certificate of Marital Status issued by the competent commune-level People's Committee in accordance with Articles 21 , 22, and 23 of this Decree .

2. In cases where the person requesting marriage registration is working, studying, or temporarily residing abroad, they must submit a Certificate of Marital Status issued by a Vietnamese diplomatic mission or consular mission abroad (hereinafter referred to as the Mission).

## **Section 2. MANAGEMENT AND USE OF CIVIL REGISTRATION BOOKS**

### **Article 11. Establishing and closing the Civil Registry Book**

1. The civil registry book is compiled into one volume for each type of civil registration event.

2. The civil registration office uses the civil registration book to record civil registration events that are registered from January 1st to December 31st of the year. Annual civil registration statistics cover the period from January 1st to December 31st of that year.

3. Before January 5th of the following year, civil registry officials must close the Civil Registry Book; compile a complete and accurate statistical record of the total number of civil registrations registered in the previous year on the page immediately following the last registration page of the year; sign, clearly state their full name and title; and report to the Head of the Civil Registry Office for signature and seal confirmation.

### **Article 12. Archiving of Civil Registry Books**

1. After closing the Civil Registry Book, within 15 working days from the date of closing, the civil registration agency shall certify one copy of the Civil Registry Book for archiving at the directly superior civil registration management agency; for

diplomatic missions, the copies shall be sent centrally to the Ministry of Foreign Affairs.

2. Upon receiving copies of the Civil Registry Book being transferred, the receiving agency must inspect each Civil Registry Book, prepare a handover report clearly stating the condition and registration data of each book.

3. Civil registry records are national assets, to be stored permanently in accordance with the law on archiving.

4. The agency responsible for maintaining the Civil Registry Book shall be responsible for preserving, accessing, and using the Civil Registry Book in accordance with the provisions of the law; and implementing safety measures to prevent fire, explosions, floods, dampness, and insect infestation.

### **Article 13. Recording changes and corrections to civil registration records in the Civil Registry Book.**

1. Immediately after receiving the notification accompanied by a copy of the civil registry extract as prescribed in Clause 3, Article 28 of the Law on Civil Registry , the civil registry officer shall, based on the copy of the extract, fully record the changes and corrections in the Civil Registry Book, including: Number, date, month, year; name of the issuing agency; full name of the person signing the civil registry extract; and report to the Head of the civil registry agency for signature and seal confirmation.

In cases where the civil registry book has been certified and transferred for archiving as prescribed in Clause 1, Article 12 of this Decree , the civil registry officer must report in writing, accompanied by a copy of the civil registry extract, to the superior civil registry management agency to record the changes and corrections in the corresponding copy of the civil registry book. The agency receiving the copy of the civil registry book is responsible for recording the changes and corrections in the corresponding copy of the civil registry book; the head of the agency signs and stamps to confirm the recorded content.

2. The head of the civil registration and management agency who receives a notification but fails to record it in the Civil Registration Book, or who is responsible

for notifying but fails to do so and send a copy of the civil registration extract as prescribed in Clause 3, Article 28 of the Law on Civil Registration, shall be held responsible for the consequences of the inaccurate management, exploitation, and use of civil registration information as prescribed by law.

### **Chapter III**

#### **REGISTER CIVIL STATUS AT THE COMMUNE-LEVEL PEOPLE'S COMMITTEE**

##### **Section 1. BIRTH REGISTRATION IN CERTAIN SPECIAL CASES**

###### **Article 14. Registration of birth for abandoned children**

1. Anyone who finds an abandoned child has the responsibility to protect the child and immediately notify the People's Committee or the commune-level police where the child was abandoned. If the child is abandoned at a medical facility, the head of the medical facility is responsible for notifying.

Immediately upon receiving the notification, the Chairman of the People's Committee of the commune or the Head of the commune's police force is responsible for organizing the drafting of a report on the abandoned child; the People's Committee of the commune is responsible for handing the child over to an individual or organization for temporary care in accordance with the law.

The report must clearly state the time and place where the abandoned child was found; identifying characteristics such as gender, physical condition, and health status; any belongings or other items belonging to the child, if any; and the full name, identification documents, and place of residence of the person who found the abandoned child. The report must be signed by the person who prepared it, the person who found the abandoned child, and any witnesses (if applicable), and stamped with the seal of the agency that prepared it.

The record is made in two copies, one copy is kept at the agency that prepared it, and the other copy is given to the individual or organization temporarily caring for the child.

2. After drawing up a report as prescribed in Clause 1 of this Article, the People's Committee of the commune shall post a notice at the People's Committee headquarters for 7 consecutive days regarding the abandoned child.

3. After the posting period expires, if there is no information about the child's biological parents, the People's Committee of the commune shall notify the individual or organization temporarily caring for the child to proceed with the birth registration. The individual or organization temporarily caring for the child is responsible for registering the child's birth. The birth registration procedure shall be carried out in accordance with the provisions of Clause 2, Article 16 of the Law on Civil Status .

The child's surname, middle name, and given name are determined according to civil law regulations. If there is no basis to determine the child's date of birth and place of birth, the date the child was found abandoned is taken as the date of birth; the year of birth is determined based on the child's physical condition; the place of birth is the place where the child was found abandoned; the place of origin is determined by the place of birth; and the child's nationality is Vietnamese. The sections regarding the child's father, mother, and ethnicity in the birth certificate and civil registry are left blank; the civil registry clearly states "Abandoned child".

#### **Article 15. Registration of birth for children whose parents are unknown.**

1. The People's Committee of the commune where the child resides is responsible for registering the birth of a child whose parents are unknown.

2. In cases where the father is unknown, when registering the birth, the child's surname, ethnicity, place of origin, and nationality will be determined according to the mother's surname, ethnicity, place of origin, and nationality; the section regarding the father in the birth register and birth certificate will be left blank.

3. If, at the time of birth registration, the father requests the procedure for acknowledging paternity as prescribed in Clause 1, Article 25 of the Law on Civil Status , the People's Committee shall simultaneously handle the acknowledgment of paternity and birth registration; the content of the birth registration shall be determined according to the provisions of Clause 1, Article 4 of this Decree.

4. In cases where the mother of the child is unknown, and the father requests to acknowledge paternity during the birth registration process, the matter shall be resolved according to the provisions of Clause 3 of this Article; the section regarding the mother in the birth register and the child's birth certificate shall be left blank.

5. The procedure for registering the birth of a child who is not abandoned and whose parents are unidentified shall be carried out as prescribed in Clause 3, Article 14 of this Decree ; the birth register shall clearly state "Child whose parents are unidentified".

#### **Article 16. Registration of birth for children born through surrogacy.**

1. The person requesting birth registration must submit the documents as prescribed in Clause 1, Article 16 of the Law on Civil Status and a confirmation document from the medical facility that performed the assisted reproductive technology for the surrogate pregnancy. The information regarding the child's father and mother is determined according to the couple who requested the surrogacy.

2. The procedure for registering a birth is carried out in accordance with the provisions of Clause 2, Article 16 of the Law on Civil Status ; the content of the birth registration is determined in accordance with the provisions of Clause 1, Article 4 of this Decree .

### **Section 2. REGISTRATION OF CIVIL STATUS IN BORDER AREAS**

#### **Article 17. Registration of Birth**

1. The People's Committee of the commune in the border area registers the birth of a child born in Vietnam whose father or mother is a Vietnamese citizen residing in that commune, and whose mother or father is a citizen of a neighboring country residing in an administrative unit equivalent to a commune in Vietnam adjacent to the commune in the border area of Vietnam where the Vietnamese citizen resides.

2. The person requesting birth registration must present the documents as prescribed in Clause 1, Article 2 of this Decree and submit the following documents:

a) Documents as prescribed in Clause 1, Article 16 of the Law on Civil Status ;

- b) Written agreement between parents regarding the choice of nationality for their child as stipulated in Clause 1, Article 36 of the Law on Civil Status ;
  - c) Copies of documents proving identity and permanent residence in the border area of citizens of neighboring countries.
3. The procedure for registering a birth is carried out in accordance with the provisions of Clause 2, Article 16 of the Law on Civil Status ; the content of the birth registration is determined in accordance with the provisions of Clause 1, Article 4 of this Decree .

### **Article 18. Marriage Registration**

1. The People's Committee of the commune in the border area shall register marriages between Vietnamese citizens residing in that commune and citizens of a neighboring country residing in an administrative unit equivalent to a commune in Vietnam adjacent to the commune in the border area of Vietnam where the Vietnamese citizen resides.
2. The person requesting marriage registration must present the documents as prescribed in Clause 1, Article 2 of this Decree ; and submit the application directly to the People's Committee of the commune. The marriage registration application includes the following documents:
- a) Marriage registration form according to the prescribed mẫu; both the male and female parties may use one joint form;
  - b) Documents issued by competent authorities of a neighboring country no more than 6 months prior to the date of receipt of the application confirming that the current citizen of the neighboring country is unmarried or not in a marital relationship;
  - c) Copies of documents proving identity and permanent residence in the border area of citizens of neighboring countries.
3. Within 3 working days from the date of receiving complete and valid documents, the civil registry official shall examine and verify the documents and report to the

Chairman of the People's Committee for a decision. If verification is required, the processing time shall not exceed 8 working days.

If both the man and woman meet the marriage requirements as stipulated in the Law on Marriage and Family , the Chairman of the People's Committee of the commune signs the Marriage Certificate, the civil registry official records the marriage in the Civil Registry Book, and both the man and woman sign and clearly state their full names in the Civil Registry Book and the Marriage Certificate; each spouse is issued one original copy of the Marriage Certificate.

### **Article 19. Registration of paternity, maternity, and filiation**

1. The People's Committee of the commune in the border area shall register the recognition of parent-child relationships between Vietnamese citizens residing in that commune and citizens of a neighboring country residing in an administrative unit equivalent to a commune in Vietnam, adjacent to the commune in the border area of Vietnam where the Vietnamese citizen resides.

2. The person requesting registration of parent-child relationship must present the documents as prescribed in Clause 1, Article 2 of this Decree and submit the application directly to the People's Committee of the commune; the application for registration of parent-child relationship includes the following documents:

- a) Declaration form acknowledging paternity, maternity, or filiation, in the prescribed format;
- b) Documents proving the father-child or mother-child relationship;
- c) Copies of documents proving identity and permanent residence in the border area of citizens of neighboring countries.

3. Within 7 working days from the date of receiving complete and valid documents, the civil registry official shall examine the documents, post the acknowledgment of parentage at the People's Committee office, and report to the Chairman of the People's Committee of the commune for a decision. In cases requiring verification, the processing time shall not exceed 12 working days.

If the recognition of parentage is deemed correct and there is no dispute, the civil registry official records the details in the Civil Registry Book, and both the applicant and the official sign and clearly write their full names in the Civil Registry Book; the Chairman of the People's Committee of the commune signs and issues one original copy of the civil registry extract to each party.

### **Article 20. Registration of Death**

1. The People's Committee of the commune in the border area is responsible for registering the death of a foreigner residing in that commune.
2. The person requesting the death registration shall submit the Death Registration Declaration form as prescribed, the original Death Certificate or other documents replacing the Death Certificate issued in accordance with Clause 2, Article 4 of this Decree .
3. Immediately after receiving the application, if the death registration is deemed correct, the civil registry official shall record it in the Civil Registry Book, and both the applicant and the civil registry official shall sign and clearly write their full names in the Civil Registry Book; then report to the Chairman of the People's Committee of the commune to sign and issue the original copy of the civil registry extract to the applicant.

If verification is required, the processing time shall not exceed 3 working days.

4. After registering the death, the People's Committee of the commune shall send a written notification, along with a copy of the civil registry extract, to the Ministry of Foreign Affairs to inform the competent authority of the country of which the deceased was a citizen.

### **Section 3. Issuance of Certificates of Marital Status**

#### **Article 21. Authority to issue Certificates of Marital Status**

1. The People's Committee of the commune where a Vietnamese citizen resides is responsible for issuing the Certificate of Marital Status.

In cases where a Vietnamese citizen does not have a permanent residence but has registered a temporary residence in accordance with the law on residence, the

People's Committee of the commune where the person is registered for temporary residence shall issue a Certificate of Marital Status.

2. The provisions of Clause 1 of this Article also apply to the issuance of Certificates of Marital Status to foreign citizens and stateless persons residing in Vietnam, if requested.

## **Article 22. Procedures for issuing Certificates of Marital Status**

1. The person requesting confirmation of marital status must submit a declaration form as prescribed. If the request for confirmation of marital status is for the purpose of marriage, the applicant must meet all the marriage requirements as stipulated in the Law on Marriage and Family .

2. In cases where the person requesting confirmation of marital status is married but has divorced or their spouse has died, they must present or submit valid documents to prove this; if the case falls under the provisions of Clause 2, Article 37 of this Decree , they must submit a copy of the corresponding civil registry extract.

3. Within 3 working days from the date of receiving a complete and valid application, the civil registry official shall check and verify the marital status of the applicant. If the applicant meets the requirements and the issuance of the Certificate of Marital Status is in accordance with the law, the civil registry official shall submit it to the Chairman of the People's Committee for signing and issuance of one copy of the Certificate of Marital Status to the applicant. The content of the Certificate of Marital Status must accurately reflect the marital status of the applicant and the purpose for which the Certificate of Marital Status is being used.

4. In cases where the person requesting confirmation of marital status has previously registered their permanent residence in multiple locations, that person is responsible for proving their marital status. If the person fails to provide proof, the civil registry official shall report to the Chairman of the People's Committee of the commune, who will then request the People's Committee of the commune where the person previously registered their permanent residence to conduct an investigation and verification of the person's marital status.

Within three working days of receiving the request, the People's Committee of the commune is required to conduct an inspection and verification and provide a written response to the requesting People's Committee regarding the marital status of the person during their period of residence in the locality.

5. On the same day of receiving the reply, if sufficient grounds are found, the People's Committee of the commune shall issue a Certificate of Marital Status to the applicant in accordance with Clause 3 of this Article.

6. In cases where an individual requests a reissue of the Certificate of Marital Status for a different purpose or because the previously issued Certificate of Marital Status has expired as stipulated in Article 23 of this Decree , the previously issued Certificate of Marital Status must be returned.

#### **Article 23. Validity of the Certificate of Marital Status**

1. The certificate of marital status is valid for 6 months from the date of issuance.
2. A certificate of marital status can be used for marriage at a competent authority in Vietnam, for marriage at a competent authority in a foreign country abroad, or for other purposes.
3. The certificate of marital status is invalid if used for purposes other than those stated in the certificate.

#### **Section 4. RE-REGISTRATION OF BIRTH, MARRIAGE, AND DEATH CERTIFICATES**

##### **Article 24. Conditions for re-registration of birth, marriage, and death.**

1. Births, marriages, and deaths that were registered with competent authorities in Vietnam before January 1, 2016, but where both the civil registry book and the original civil registration documents have been lost, may be re-registered.
2. Individuals requesting re-registration of birth, marriage, or death certificates are responsible for submitting complete copies of documents and materials containing relevant information for the re-registration.
3. Re-registration of birth and marriage certificates can only be carried out if the person requesting registration is alive at the time the application is received.

## **Article 25. Authority to re-register births, marriages, and deaths.**

1. The People's Committee of the commune where the birth or marriage was previously registered, or the People's Committee of the commune where the applicant resides, shall carry out the re-registration of birth or marriage.
2. The People's Committee of the commune where the death was previously registered shall re-register the death.

## **Article 26. Procedures for re-registering birth certificates**

1. The documents required for re-registration of birth include the following:
  - a) A declaration form in the prescribed format, including a sworn statement from the applicant that they have registered their birth but do not possess the original birth certificate;
  - b) Copies of all records and documents of the applicant, or other records, documents, and materials containing information related to the applicant's birth registration;
  - c) In cases where the person requesting re-registration of birth is an official, civil servant, or employee working in the armed forces, in addition to the documents specified in Points a and b of this Clause, they must have a written confirmation from the head of their agency or unit stating that the birth information of that person, including surname, middle name, given name; gender; date of birth; ethnicity; nationality; place of origin; and parent-child relationship, is consistent with the records managed by their agency or unit.
2. Within 05 working days from the date of receiving the application, the civil registry official shall check and verify the application. If the re-registration of birth is in accordance with the law, the civil registry official shall proceed with the re-registration of birth as prescribed in Clause 2, Article 16 of the Law on Civil Registry .  
If the re-registration of birth is carried out at a commune-level People's Committee other than the one where the birth was previously registered, the civil registry official shall report to the Chairman of the People's Committee, who will then request the

People's Committee of the place where the birth was previously registered to check and verify the retention of the civil registry records in that locality.

Within 05 working days from the date of receiving the request, the People's Committee of the locality where the birth was previously registered shall conduct an inspection and verification and provide a written response regarding whether or not the birth register is still available.

3. Within 3 working days from the date of receiving the verification results confirming that the birth registration record is no longer available at the place where the birth was registered, if the dossier is complete, accurate, and in accordance with the law, the civil registry official shall re-register the birth as prescribed in Clause 2, Article 16 of the Law on Civil Registry .

4. If the applicant has a copy of a previously issued birth certificate that was validly issued, the birth registration information will be recorded according to the content of the copy of the birth certificate; the information about the father and mother will be recorded according to the time of re-registration of the birth.

5. In cases where the applicant does not have a copy of the birth certificate but their personal records and documents are consistent regarding the birth information, the registration shall be re-registered according to that information. If the records and documents are inconsistent regarding the birth information, the birth information shall be determined according to the first officially valid document issued by a competent state agency; however, for officials, civil servants, public employees, and those working in the armed forces, the birth information shall be determined according to the document issued by the head of the agency or unit as stipulated in Point c, Clause 1 of this Article.

6. The Ministry of Justice shall provide detailed guidance on the documents and papers that serve as the basis for re-registering a birth certificate as stipulated in this Article.

## **Article 27. Procedures for re-registering marriage**

1. The documents required for re-registration of marriage include the following:

a) Declaration form as prescribed;

b) A copy of the previously issued marriage certificate. If a copy of the marriage certificate is unavailable, submit copies of personal documents containing information related to the marriage registration.

2. Within 05 working days from the date of receiving the application, the civil registry official shall check and verify the application. If the application for re-registration of marriage is found to be complete, accurate, and in accordance with the law, the civil registry official shall proceed with the re-registration of marriage as prescribed in Clause 2, Article 18 of the Law on Civil Registry .

If the re-registration of marriage is carried out at a commune-level People's Committee other than the one where the marriage was originally registered, the civil registry official shall report to the Chairman of the People's Committee, who will then request the People's Committee of the place where the marriage was originally registered to check and verify the retention of the civil registry records in that locality.

Within 05 working days from the date of receiving the request, the People's Committee of the locality where the marriage was previously registered shall conduct an inspection and verification and provide a written response regarding whether or not the marriage registration record is still available.

3. Within 3 working days from the date of receiving the verification results confirming that the marriage registration record is no longer available at the place where the marriage was registered, if the dossier is complete, accurate, and in accordance with the law, the civil registry official shall re-register the marriage as prescribed in Clause 2 of this Article.

4. The marital relationship is recognized from the date of the previous marriage registration, as clearly stated in the Marriage Certificate and the Civil Registry. If the date of the previous marriage registration cannot be determined, the marital relationship is recognized from January 1st of the year of the previous marriage registration.

#### **Article 28. Procedures for re-registering a death certificate**

1. The application for re-registration of a death certificate includes the following documents:

a) Declaration form as prescribed;

(b) A copy of the previously issued and valid death certificate. If a valid copy of the death certificate is not available, submit copies of relevant documents proving the death.

2. Within 05 working days from the date of receiving the application, the civil registry official shall examine the application. If the information is found to be complete and accurate, and the re-registration of the death is in accordance with the law, the official shall report to the Chairman of the People's Committee of the commune to sign and issue the original civil registry extract to the applicant; record the re-registration of the death in the Civil Registry Book, and both the official and the applicant shall sign and clearly state their full names in the Civil Registry Book.

If verification is required, the processing time shall not exceed 10 working days.

## **Chapter IV**

### **REGISTER CIVIL STATUS AT THE DISTRICT-LEVEL PEOPLE'S COMMITTEE**

#### **Section 1. REGISTRATION OF BIRTH AND MARRIAGE**

##### **Article 29. Registration of birth for children born abroad and residing in Vietnam.**

1. The People's Committee of the district where a child whose father or mother, or both parents, are Vietnamese citizens resides shall register the birth of children born abroad who have not yet been registered.

2. The person requesting birth registration must present documents proving the child's residence in Vietnam and submit the following documents:

a) Declaration form as prescribed;

b) A birth certificate or other document issued by a competent foreign authority confirming that the child was born abroad and the mother-child relationship, if any;

c) A written agreement between the parents choosing the nationality of their child, as stipulated in Clause 1, Article 36 of the Law on Civil Status, in cases where one parent is a Vietnamese citizen and the other is a foreign citizen.

3. In cases where the documents specified in Point b, Clause 2 of this Article are unavailable, the child's birth registration shall be carried out according to the procedures stipulated in Clause 5, Article 15 of this Decree .

4. On the same day the request is received, the Department of Justice will examine the file. If the file is found to be complete, accurate, and in accordance with the law, registration will be carried out according to the procedures stipulated in Clause 2, Article 36 of the Law on Civil Status . The content of the birth registration will be determined according to the provisions of Clause 1, Article 4 of this Decree .

### **Article 30. Marriage registration documents**

1. Marriage registration documents are prepared in accordance with Clause 1, Article 38 of the Law on Civil Status and the following regulations:

a) Both the man and woman can fill out a single Marriage Registration Form;

b) Documents proving the marital status of a foreigner must be a valid document issued by a competent foreign authority confirming that the person is currently unmarried; if the foreign country does not issue a certificate of marital status, it must be replaced by a document issued by a competent foreign authority confirming that the person meets the requirements for marriage according to the laws of that country.

If the foreigner's marital status certificate does not specify an expiration date, then this certificate and the certificate from a health organization as stipulated in Clause 1, Article 38 of the Law on Civil Status are only valid for 6 months from the date of issuance.

2. In cases where a foreigner does not have a passport to present as prescribed in Clause 1, Article 2 of this Decree , they may present an international travel document or a residence card.

3. In addition to the documents specified in Clause 1 of this Article, if one party to the marriage is a Vietnamese citizen who has divorced or had their marriage annulled by a competent foreign authority, they must also submit a copy of the civil registry extract recording the divorce or annulment of the marriage as prescribed in Clause 2, Article 36 of this Decree ; if they are a civil servant, public employee, or serving in the armed forces, they must submit a document from their managing agency or unit confirming that their marriage to a foreigner does not violate the regulations of that sector.

### **Article 31. Marriage registration procedure**

The marriage registration procedure is carried out in accordance with Clauses 2, 3 and 4 of Article 38 of the Law on Civil Status and the following regulations:

1. Within 10 working days from the date of receiving a complete and valid application, the Department of Justice shall review, verify, and investigate the application if necessary. The Head of the Department of Justice shall be responsible for the results of the verification and the Department's recommendations in resolving the marriage registration application.
2. If the application is valid, and the parties meet the eligibility requirements for marriage as stipulated in the Law on Marriage and Family , and do not fall under any of the cases for refusal of marriage registration as prescribed in Article 33 of this Decree , the Department of Justice shall report to the Chairman of the District People's Committee to sign two original copies of the Marriage Certificate.
3. Based on the specific circumstances, when necessary, the Ministry of Justice shall report to the Prime Minister to stipulate additional procedures for interviewing when processing marriage registration requests in order to ensure the legitimate rights and interests of the parties and the effectiveness of State management.

### **Article 32. Organization of the issuance of marriage certificates**

1. Within 3 working days from the date the Chairman of the District People's Committee signs the Marriage Certificate, the Department of Justice shall organize the handover of the Marriage Certificate to the man and woman.

2. The issuance and receipt of marriage certificates shall be carried out in accordance with the provisions of Clause 3, Article 38 of the Law on Civil Status .

The marriage certificate is valid from the date it is registered and handed over to the parties as stipulated in this Clause.

3. If one or both parties (male or female) are unable to be present to receive the Marriage Certificate, upon their written request, the Department of Justice shall extend the time for issuing the Marriage Certificate, but not exceeding 60 days from the date the Chairman of the District People's Committee signs the Marriage Certificate. If, after 60 days, both parties do not come to receive the Marriage Certificate, the Department of Justice shall report to the Chairman of the District People's Committee to cancel the signed Marriage Certificate.

If the man and woman still wish to marry each other later, they must go through the marriage registration process from the beginning.

### **Article 33. Refusal to register a marriage**

1. Marriage registration will be refused if one or both parties violate a prohibition or do not meet the eligibility requirements for marriage as stipulated in the Vietnamese Law on Marriage and Family .

2. In cases where the District People's Committee refuses to register the marriage, the Department of Justice shall notify both the man and the woman in writing, clearly stating the reasons.

## **Section 2. RECORDING IN THE CIVIL REGISTRATION BOOK THE MARRIAGE OF VIETNAMESE CITIZENS RESOLVED ABROAD**

### **Article 34. Conditions for recording in the Civil Registry the marriage of Vietnamese citizens that has been settled by a competent foreign authority abroad.**

1. Marriages between Vietnamese citizens or between Vietnamese citizens and foreigners that have been processed by competent foreign authorities abroad shall be recorded in the Civil Registry if, at the time of marriage, the parties meet the

conditions for marriage and do not violate any prohibitions as stipulated in the Vietnamese Law on Marriage and Family .

2. If, at the time of registration at a competent foreign authority, the marriage did not meet the conditions for marriage, but did not violate any prohibitions stipulated in the Law on Marriage and Family , and at the time of requesting registration in the Civil Registry, the consequences have been rectified or the registration is intended to protect the rights of Vietnamese citizens and children, then the marriage shall also be registered in the Civil Registry.

**Article 35. Procedures for registering a marriage.**

1. The marriage registration file, submitted by one of the two parties to the marriage to the competent authority as prescribed in Clause 1, Article 48 of the Law on Civil Status , includes the following documents:

a) Declaration form as prescribed;

b) A copy of the marriage certificate issued by a competent authority of a foreign country;

c) In addition to the documents specified in Points a and b of this Clause, if submitting the application via postal system, copies of the documents of both the male and female parties as stipulated in Clause 1, Article 2 of this Decree must also be submitted ; if the applicant is a Vietnamese citizen who has divorced or had their marriage annulled by a competent foreign authority, they must submit an extract confirming the registration of the divorce or annulment in the Civil Registry as stipulated in Clause 2, Article 37 of this Decree .

2. The time limit for registering the marriage in the Civil Registry is 05 working days, counting from the date the Department of Justice receives the application.

If verification is required, the processing time shall not exceed 10 working days.

3. The procedure for registering a marriage in the Civil Registry is carried out in accordance with the provisions of Clause 2, Article 50 of the Law on Civil Registry and the following regulations:

a) If the request to register the marriage in the Civil Registry meets the requirements stipulated in Article 34 of the Decree, the Head of the Justice Department shall record it in the register and report to the Chairman of the District People's Committee for signing and issuing the original copy of the civil registry extract to the applicant.

b) If the request to register the marriage in the Civil Registry falls under one of the cases specified in Clause 1, Article 36 of this Decree , the Head of the Justice Department shall report to the Chairman of the District People's Committee to refuse the request.

**Article 36. Refusal to register a marriage.**

1. The request to register the marriage will be refused if it falls under any of the following cases:

a) The marriage violates the prohibitions stipulated in the Law on Marriage and Family .

b) Vietnamese citizens marrying foreigners at foreign diplomatic missions or consular offices in Vietnam.

2. In cases where the District People's Committee refuses to register the marriage in the Civil Registry, the Department of Justice shall notify the applicant in writing, clearly stating the reasons.

**Section 3. RECORDING IN THE CIVIL REGISTRATION BOOKS OF DIVORCE AND ANNULMENT OF MARRIAGE RESOLVED ABROAD**

**Article 37. Recording divorce and annulment of marriage in the Civil Registry.**

1. Judgments, decisions on divorce, annulment of marriage, divorce agreements that have become legally effective, or other documents recognizing divorce issued by competent authorities of foreign countries (hereinafter referred to as divorce documents) that do not violate the provisions of the Law on Marriage and Family shall be recorded in the Civil Registry.

2. Vietnamese citizens who have divorced or had their marriage annulled abroad, and subsequently return to Vietnam to reside permanently or register a new marriage at

a competent Vietnamese authority, must have the divorce or annulment of marriage resolved abroad recorded in the Civil Registry (hereinafter referred to as divorce annotation). In cases of multiple divorces or annulments, only the most recent divorce annotation should be made.

3. Based on official information received, the Ministry of Justice publishes on its electronic portal a list of divorce and annulment judgments and decisions of Vietnamese citizens resolved by competent foreign authorities that fall under cases where enforcement is requested in Vietnam or where non-recognition is requested in Vietnam.

### **Article 38. Authority to record divorce**

The authority to register a divorce is determined according to the provisions of Clause 2, Article 48 of the Law on Civil Status and the following regulations:

1. The People's Committee of the district where the marriage was registered or recorded in the Civil Registry shall make the divorce annotation.

If the marriage registration or the registration of the marriage was previously carried out at the Department of Justice, then the registration of the divorce shall be carried out by the People's Committee of the district where the Vietnamese citizen resides.

If the marriage was previously registered at the commune-level People's Committee, the divorce registration will be carried out by the higher-level district-level People's Committee.

In cases where a Vietnamese citizen is not a permanent resident of Vietnam, the registration of the divorce is carried out by the People's Committee of the district where the Vietnamese citizen resided before leaving the country.

2. Vietnamese citizens returning from abroad to reside permanently in Vietnam who request the registration of their divorce, and whose previous marriage was registered at a diplomatic mission or competent authority abroad, shall have their divorce registered by the People's Committee of the district where the Vietnamese citizen resides.

3. For Vietnamese citizens residing abroad who request a divorce annotation in order to remarry, where the previous marriage was registered at a diplomatic mission or competent authority in a foreign country, the divorce annotation shall be carried out by the People's Committee of the district where the new marriage application is received.

### **Article 39. Procedures for recording divorce**

1. The divorce registration file includes the following documents:

- a) Declaration form as prescribed;
- b) A copy of the legally valid divorce decree.

2. The procedure for registering a divorce is carried out in accordance with Clause 2, Article 50 of the Law on Civil Status and the following regulations:

a) Within 05 working days from the date of receiving all valid documents as prescribed in Clause 1 of this Article, the civil registry officer of the Justice Department shall examine the documents. If the divorce annotation does not violate the provisions of Clause 1 of Article 37 or does not fall under the cases to be published on the Ministry of Justice's electronic portal as prescribed in Clause 3 of Article 37 of this Decree, the Head of the Justice Department shall record it in the register and report to the Chairman of the District People's Committee to sign and issue the original civil registry extract to the applicant.

If verification is required, the processing time shall not exceed 10 working days.

b) If the request for divorce registration violates the provisions of Clause 1, Article 37, or falls under the cases to be published on the Ministry of Justice's electronic portal as stipulated in Clause 3, Article 37 of this Decree, the Head of the Justice Department shall report to the Chairman of the District People's Committee to refuse the request.

c) If the previous marriage was registered at the People's Committee of the commune or the Department of Justice, after the divorce is recorded, the Department of Justice will send a notification along with a copy of the civil registry extract to the People's Committee of the commune or the Department of Justice for

further recording in the Civil Registry; if it was registered at a diplomatic mission, it will be sent to the Ministry of Foreign Affairs to notify the diplomatic mission to further record in the Civil Registry.

#### **Section 4. RE-REGISTRATION OF BIRTH, MARRIAGE, AND DEATH CERTIFICATES**

##### **Article 40. Conditions for re-registration of birth, marriage, and death.**

1. Birth, marriage, and death registrations of Vietnamese citizens residing abroad or of foreigners that were registered with competent Vietnamese authorities before January 1, 2016, but where both the civil registry book and the original civil registration documents have been lost, may be re-registered.

2. Re-registration of birth and marriage certificates can only be carried out if the person requesting the re-registration is still alive at the time of the request.

##### **Article 41. Authority to re-register births, marriages, and deaths.**

1. The People's Committee at the district level, where the birth, marriage, or death was previously registered, shall carry out the re-registration of birth, marriage, and death.

2. In cases where birth, marriage, or death certificates were previously registered at the commune-level People's Committee, the re-registration of birth, marriage, or death certificates shall be carried out by the higher-level district-level People's Committee.

3. In cases where birth, marriage, or death registrations were previously registered at the Provincial People's Committee or the Department of Justice, the re-registration of birth, marriage, or death registrations shall be carried out by the District People's Committee where the applicant resides; if the applicant does not reside in Vietnam, it shall be carried out by the District People's Committee where the Department of Justice is currently located.

##### **Article 42. Procedures for re-registering births, marriages, and deaths.**

The procedures for re-registering births, marriages, and deaths are carried out similarly to the provisions in Articles 26, 27, and 28 of this Decree .

## Chapter V

### ENFORCEMENT CLAUSES

#### **Article 43. Responsibility for Implementation**

1. The Chairman of the Provincial People's Committee is responsible for directing the implementation of tasks as prescribed by the Law on Civil Status and this Decree, and for implementing the following measures to ensure the effectiveness of civil status registration and management in the province:

- a) Develop plans, organize training and professional development, and assign civil servants to work on civil registration at the district and commune levels in accordance with the Law on Civil Registration and this Decree;
- b) Allocate funds and facilities to meet the requirements of civil registration and management at the local level;
- c) Organize inspections, examinations, handle complaints and denunciations, and address violations of the law on civil registration within its jurisdiction.

3. The Chairpersons of the People's Committees at the district and commune levels are responsible for directing the implementation of tasks as prescribed by the Law on Civil Status and this Decree, and for implementing the following measures to ensure the effectiveness of civil status registration and management in their respective areas:

- a) Direct civil servants working in civil registration to register all civil registration events occurring in the area fully, promptly, and in accordance with the law; implement notification of civil registration and update of civil registration events as prescribed by the Law on Civil Registration ;
- b) Direct local agencies, departments, and branches to closely coordinate with judicial and civil registration officials in urging and reviewing unregistered births and deaths in their areas, and to find solutions to overcome difficulties and ensure the right of citizens to register their civil status.

c) Based on the actual situation, plan the allocation of resources and funding and direct the mobile civil registration work in the locality according to the guidance of the Ministry of Justice.

3. The Chairpersons of the People's Committees at all levels are responsible for the recruitment and placement of civil servants working in civil registration in violation of the Law on Civil Registration and this Decree.

#### **Article 44. Transitional provisions**

1. Applications for civil registration received by the civil registration agency before January 1, 2016, that have not yet been processed will continue to be processed according to the provisions of Government Decree No. 158/2005/ND-CP dated December 27, 2005, on civil registration and management, and Government Decree No. 126/2014/ND-CP dated December 31, 2014, detailing some articles and measures for the implementation of the Law on Marriage and Family .

2. For cases where men and women lived together as husband and wife before January 3, 1987, but had not registered their marriage, they are encouraged and facilitated to register their marriage. The marital relationship is recognized from the date the parties established their cohabitation as husband and wife. The authority and procedures for marriage registration are carried out according to the provisions of Articles 17 and 18 of the Law on Civil Status .

#### **Article 45. Effective Date**

1. This Decree shall take effect from January 1, 2016.

2. The following legal documents and provisions are hereby repealed:

a) Government Decree No. 77/2001/ND-CP dated October 22, 2001, providing detailed regulations on marriage registration in accordance with Resolution No. 35/2000/QH10 of the National Assembly on the implementation of the Law on Marriage and Family ;

b) Government Decree No. 158/2005/ND-CP dated December 27, 2005, on registration and management of civil status;

- c) Articles 1 and 3 of Government Decree No. 06/2012/ND-CP dated February 2, 2012, amending and supplementing a number of articles of the Decrees on civil registration, marriage and family, and authentication;
- d) Articles 3, 5 and 44 of Government Decree No. 24/2013/ND-CP dated March 28, 2013, detailing the implementation of the Law on Marriage and Family regarding marriage and family relations with foreign elements;
- d) From Section 1 to Section 6 of Chapter III, including Articles 19 to 50 and Point a, Clause 1, Article 63 of Government Decree No. 126/2014/ND-CP dated December 31, 2014, detailing some articles and measures for the implementation of the Law on Marriage and Family .

3. Clause 2 of Article 63 of Government Decree No. 126/2014/ND-CP dated December 31, 2014, detailing some provisions and measures for the implementation of the Law on Marriage and Family, is amended as follows:

2. The Department of Justice assists the People's Committee of the province in the implementation of state management of marriage and family matters involving foreign elements in the locality, performing specific tasks and powers as prescribed in this Decree.

4. Ministers, heads of ministerial-level agencies, heads of government agencies, chairpersons of People's Committees at all levels, and relevant organizations and individuals are responsible for implementing this Decree.

<p><b>Recipients:</b></p> <ul style="list-style-type: none"> <li>- Central Party Secretariat;</li> <li>- Prime Minister, Deputy Prime Ministers;</li> <li>- Ministries, ministerial-level agencies, government agencies; -</li> <li>People's Councils, People's Committees of provinces and centrally-administered cities;</li> <li>- Central Office and Party Committees; -</li> </ul>	<p style="text-align: right;"><b>On behalf of the Government</b></p> <p style="text-align: right;"><b>Nguyen Tan</b></p>
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<p>Office of the General Secretary; - Office of the President; - National Assembly's Ethnic Council and Committees; - National Assembly Office; - Supreme People's Court; - Supreme People's Procuracy State Audit Office; - National Financial Supervisory Commission; - Social Policy Bank; - Vietnam Development Bank - Central Committee of the Vietnam Fatherland Front; - Central agencies of mass organizations - Government Office: Minister, Deputy Ministers, Prime Minister's Assistants, Director General of the Government Portal, Departments, Bureaus, affiliated units, Government Gazette; - Archives: Secretariat, Legal Affairs (3b).KN</p>	
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