

LEGAL REGULATIONS

GOVERNMENT

GOVERNMENT

SOCIALIST REPUBLIC OF VIETNAM

Independence - Freedom - Happiness

No. 123/2015/NĐ-CP

Hanoi, November 15, 2015

DECREE

Detailed Regulations on Certain Provisions and Measures for the Implementation of the Law on Civil Status

*Pursuant to the Law on Government Organization dated December 25, 2001; Pursuant to the Law on Civil Status dated November 20, 2014; Pursuant to the Law on Marriage and Family dated June 19, 2014; At the proposal of the Minister of Justice,
The Government hereby issues a Decree detailing certain provisions and implementing measures of the Household Registration Law.*

CHAPTER I GENERAL PROVISIONS

Article 1. Scope of Application

This Decree details certain provisions of the Household Registration Law regarding birth registration, marriage registration, management, and use of the Household Registration Book during the transitional period when the Electronic Household Registration Database and the National Population Database have not yet been uniformly implemented nationwide (hereinafter referred to as the transitional period); birth registration for abandoned children, children whose parents are unknown, and children born through surrogacy; birth registration, marriage registration, acknowledgment of paternity/maternity, and death registration in border areas; issuance of marriage status certificates; birth registration for children born abroad who have not been registered for residence in Vietnam; marriage registration involving foreign elements at district-level People's Committees; recording in the Family Register the marriage, divorce, or annulment of marriage of Vietnamese citizens that have been resolved by foreign competent authorities; re-registration of birth, marriage, and death; the arrangement of judicial and family affairs officials to perform specialized family affairs work and certain measures to implement the Law on Family Affairs.

Article 2. Regulations on presenting and submitting documents when registering civil status and issuing civil status extracts

1. Applicants for civil registration and issuance of civil status records shall present the original of one of the following documents: passport, national identity card, citizen ID card, or other documents bearing a photograph and personal information issued by a competent authority and still valid for use (hereinafter referred to as identification documents) to prove their identity.

During the transition period, applicants 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 specified in Clause 1, Article 16 of the Household Registration Law; To register a death, the applicant must submit the original death certificate or a document replacing the death certificate as specified in Clause 1, Article 34 of the Law on Civil Status and Clause 2, Article 4 of this Decree. To register a marriage, the applicant must submit the original certificate of marital status as specified 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 notarized or certified by the translator in accordance with the law.

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

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

Article 3. Method of submitting and receiving civil status registration files

1. Applicants for marriage registration, recognition of father, mother, child, or re-registration of marriage shall submit their documents directly to the civil registration authority; applicants for other civil registration matters may submit their documents directly to the civil registration authority, send their documents via the postal system, or submit their documents through the online civil registration system.

Only one (01) set of civil registration documents is required.

2. The person receiving the documents 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 documents are incomplete, the applicant will be instructed to supplement them. If the documents are complete and valid, the person receiving the documents will write a receipt, clearly stating the date and time of the results.

In cases where the applicant submits documents that are copies issued from the original register or certified copies of the original, the receiving officer shall not request the original; if the applicant only submits a photocopy and presents the original, the receiving officer shall check and compare the photocopy with the original and sign the photocopy to confirm that the contents of the document have been compared.

In cases where the law requires the submission of documents, the person receiving the documents shall not be required to submit additional copies or photocopies of the documents presented.

3. In cases where the applicant sends the documents via the postal system or wishes to receive the results via the postal system, they must pay the civil registration fee, the fee for issuing a copy of the civil registry extract if they are not exempt from the fee, and the cost of returning the results via the postal system. The person receiving the documents shall clearly indicate the method of returning the results in the receipt.

Results shall be delivered via the postal system for requests to record in the Civil Registry Book civil status matters resolved by the competent authorities of foreign countries, including birth registration; marriage; guardianship; recognition of father, mother, child; determination of father, mother, child; adoption; change of civil status; death registration; divorce; annulment of illegal marriages; and requests for copies of civil status records as stipulated in Article 63 of the Civil Status Law.

4. For civil registration matters that require verification in accordance with the provisions of the Civil Registration Law and this Decree, the time taken to send the request and the time taken to respond to the results shall not be counted toward the time limit for resolving the specific civil registration matter.

Article 4. Determination of the content of birth and death registration

1. The content of birth registration is determined in accordance with Clause 1, Article 14 of the Civil Status Law and the following provisions:

a) The surname, middle name, given name, and ethnicity of the child shall be determined by agreement between the father and mother in accordance with the provisions of civil law and shall be indicated in the birth registration form; in cases where the father and mother do not have an agreement or cannot reach an agreement, the determination shall be made according to custom;

b) The nationality of the child is determined in accordance with the provisions of the law on nationality;

c) The personal identification number of a person registered at birth is issued upon birth registration. The procedure for issuing personal identification numbers is carried out in accordance with the provisions of the Law on Citizen Identification and the Decree detailing the implementation of the Law on Citizen Identification, on the basis of ensuring consistency with the Law on Household Registration 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 the documents replacing the birth certificate as specified in Clause 1, Article 16 of the Law on Household Registration.

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 cases where the child is 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 registered is determined in accordance with the provisions of Clause 8, Article 4 of the Law on Civil Status.

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

The content of the death registration is determined based on the death certificate or documents replacing the death certificate issued by the following competent authorities:

a) For persons who died at a medical facility, the head of the medical facility issues the death certificate;

b) For persons who died as a result of capital punishment, the Chair of the Capital Punishment Council shall issue a confirmation of capital punishment in lieu of a death certificate;

c) For persons declared dead by a court, the effective judgment or decision of the court replaces the death certificate;

d) For persons who die on a means of transportation, die in an accident, are killed, die suddenly, or die under suspicious circumstances, a confirmation document from the police or the results of an examination by the forensic examination agency shall replace the Death Certificate;

d) For persons who die in circumstances not specified in points a, b, c, and d of this section, 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. Health facilities, after issuing birth certificates, death certificates, and documents replacing death certificates as specified in Clause 2, Article 4 of this Decree, shall be responsible for reporting birth and death data to the competent civil registration authorities in accordance with the provisions of the Civil Registration Law for timely, complete, and accurate statistics as prescribed by law.

2. The Ministry of Health shall instruct medical facilities to issue birth certificates, death certificates, and provide birth and death statistics to the competent civil registry authorities in accordance with the provisions of Clause 1 of this Article.

Article 6. Legal validity of birth certificates

1. The Birth Certificate is the original civil status document of an individual.

2. All personal files and documents containing information on the individual's surname, middle name, given name; date, month, and year of birth; gender; ethnicity; nationality; place of origin; and parental and filial relationships must be consistent with that person's Birth Certificate.

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

Article 7. Conditions for changing or correcting civil status

1. Changing the surname, middle name, or given name of a person under 18 years of age in accordance with Clause 1, Article 26 of the Household Registration Law requires the consent of the person's father and mother, which must be clearly stated in the application form; for persons aged 9 years or older, the consent of the person is also required.

2. Correction of civil status records as stipulated in the Civil Status Law is the act of amending personal information in the Civil Status Register or in the original civil status documents and may only be carried out when there is sufficient evidence to determine that there has been an error due to the fault of the civil status official or the person requesting the civil status registration.

Article 8. Recruitment, placement, and training of civil servants performing civil registration duties

1. From January 1, 2016, competent authorities shall only assign and recruit new personnel who meet the criteria specified in the Civil Status Law to perform civil status work.

2. Based on the number of commune-level officials and civil servants specified by the Government, the People's Committee of provinces and centrally-run cities (hereinafter referred to as provincial-level People's Committees) shall prioritize assigning judicial-civil registration civil servants to perform full-time civil registration work in communes, wards, and towns that are Type 1 and Type 2 commune-level administrative units with large populations and a high volume of civil registration work.

3. The Ministry of Justice shall develop a civil registration professional training program and prescribe the issuance of civil registration professional training certificates for civil servants performing civil registration work.

The provincial People's Committee shall develop and implement a training plan for civil registration officials working in the locality.

Chapter II
REGISTRATION, MANAGEMENT, AND USE OF CIVIL
REGISTRATION 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 specified in Clause 1, Article 16 of the Household Registration Law when registering a birth at the People's Committee of the commune, ward, or town (hereinafter referred to as the commune-level People's Committee) or the documents specified in

Article 36, Clause 1 of the Civil Status Law when registering a birth at the district, ward, town, or provincial city People's Committee (hereinafter referred to as the district-level People's Committee).

2. The applicant for birth registration shall present the documents specified 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 for marriage

The applicant for marriage registration must present the documents specified in Clause 1, Article 2 of this Decree, submit the documents specified in Clause 1, Article 18 of the Law on Household Registration when registering for marriage at the commune-level People's Committee or the documents specified in Clause 1, Article 38 of the Law on Household Registration when registering for marriage at the district-level People's Committee and submit the original Marriage Status Confirmation Certificate as follows:

1. In cases of marriage registration at the commune-level People's Committee where the person requesting marriage registration is not a permanent resident of the commune, ward, or town where the marriage is registered, they must submit a Marriage Status Certificate issued by the competent commune-level People's Committee as prescribed in Articles 21, 22, and 23 of this Decree.

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

2. In cases where the person requesting marriage registration is working, studying, or engaged in temporary labor abroad, they must submit a Certificate of Marital Status issued by the diplomatic mission or consular office of Vietnam abroad (hereinafter referred to as the Representative Office).

Section 2

MANAGEMENT AND USE OF THE FAMILY REGISTER

Article 11. Establishment and Locking of Household Registration Books

1. The Household Register shall be established as one volume for each type of household registration matter.

2. The civil status registration agency shall use the civil status register to record civil status matters registered from January 1 to December 31 of the year.

Annual civil status statistics are calculated from January 1 to December 31 of that year.

3. Before January 5 of the following year, civil servants working in civil registration must close the Civil Registry Book; compile complete and accurate statistics and record the total number of civil registration cases registered in the previous year on the page adjacent to the last registration page of the year; sign, clearly stating their full name and title; report to the head of the civil registration agency for signature and seal confirmation.

Article 12. Storage of the Civil Registry Book

1. After closing the Civil Registry Book, within 15 working days from the date of closing the Civil Registry Book, the civil registry agency shall certify one copy of the Civil Registry Book to be transferred to the immediate superior civil registry management agency; for representative agencies, it shall be sent centrally to the Ministry of Foreign Affairs.

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

3. The civil registry book is national property and shall be permanently stored in accordance with the law on storage.

4. The agency storing the Family Register is responsible for preserving, exploiting, and using the Family Register in accordance with the provisions of the law; implementing safety measures against fire, explosion, storms, floods, moisture, and termites.

Article 13. Recording changes and corrections to civil status in the civil status register

1. Immediately upon receiving the notification accompanied by a copy of the civil status record extract as stipulated in Clause 3, Article 28 of the Civil Status Law, the civil status officer shall, based on the copy of the extract, fully record the changes and corrections in the Civil Status Register, including: Number, date, month, year; the name of the issuing authority; the surname and name of the person who signed the family register extract; and report to the head of the family registration authority for signature and seal confirmation.

In cases where the Family Register has been certified for transfer in accordance with Clause 1, Article 12 of this Decree, the civil servant in charge of family registration must report in writing, accompanied by a photocopy of the family register extract, to the higher-level family registration management agency to record the changes and corrections in the corresponding copy of the Family Register. The agency receiving the copy of the Family Register shall be responsible for recording the changes and corrections in the corresponding copy of the Family Register; the head of the agency shall sign and affix the seal to confirm the recorded content.

2. The head of the civil registration and management agency who receives the notification document but fails to record it in the civil registry or fails to notify and send a copy of the civil registry extract as prescribed in Clause 3, Article 28 of the Civil Registry Law shall be liable for the consequences of mismanaging, exploiting, or misusing civil registry information in accordance with the law.

Chapter III**REGISTRATION OF CIVIL STATUS AT THE COMMUNE-LEVEL
PEOPLE'S COMMITTEE****Section 1****REGISTRATION OF BIRTHS IN CERTAIN SPECIAL CASES****Article 14. Birth registration for abandoned children**

1. The person who discovers an abandoned child is responsible for protecting the child and immediately notifying

to the People's Committee or the police at the commune level where the child was abandoned. In cases where the child is abandoned at a medical facility, the head of the medical facility is responsible for reporting it.

Upon receiving the notification, the Chairman of the commune-level People's Committee or the Chief of the commune-level police shall be responsible for organizing the preparation of a report on the abandoned child; the commune-level People's Committee shall be responsible for handing over the child 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; the child's property or other belongings, if any; and the name, identity 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 discovered the abandoned child, and any witnesses (if any), and stamped with the seal of the agency that prepared it.

The report shall be prepared in two copies, one to be kept by the issuing agency and one to be given to the individual or organization temporarily caring for the child.

2. After preparing the report as prescribed in Clause 1 of this Article, the commune-level People's Committee shall post a notice at the headquarters of the People's Committee 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 commune-level People's Committee shall notify the individual or organization temporarily caring for the child to proceed with registering the child's birth. The individual or organization temporarily caring for the child shall be responsible for registering the child's birth. The birth registration procedure is carried out in accordance with the provisions of Clause 2, Article 16 of the Household Registration Law.

The surname, middle name, and given name of the child shall be determined in accordance with civil law regulations. If there is no basis for determining the child's date, month, and year of birth and place of birth, the date and month the child was found abandoned shall be considered the date and month of birth; the child's physical condition shall be used to determine the year of birth; the place of birth shall be the place where the child was found abandoned; the place of origin shall be determined according to the place of birth; and the child's nationality shall be Vietnamese. The sections regarding the child's father, mother, and ethnicity in the Birth Certificate and Household Register shall be left blank; the Household Register shall clearly state "Abandoned Child."

Article 15. Birth registration for children whose parents are unknown

1. The commune-level People's Committee where the child resides is responsible for registering the birth of a child whose father and mother are unknown.

2. If the father cannot be identified, when registering the birth, the child's surname, ethnicity, place of origin, and nationality shall be determined according to the mother's surname, ethnicity, place of origin, and nationality; the section on the father in the Family Register and the child's Birth Certificate shall be left blank.

3. If, at the time of birth registration, the father requests to acknowledge the child in accordance with Clause 1, Article 25 of the Household Registration Law, the People's Committee shall combine the acknowledgment of the child with the birth registration; the content of the birth registration shall be determined in accordance with Clause 1, Article 4 of this Decree.

4. In cases where the mother of the child has not been identified and the father requests to acknowledge paternity when registering the birth, the matter shall be resolved in accordance with the provisions of Clause 3 of this Article; the section on the mother in the Family Register and the child's Birth Certificate shall be left blank.

5. The birth registration procedure for children who are not abandoned and whose father and mother have not been identified shall be carried out in accordance with the provisions of Clause 3, Article 14 of this Decree; the household register shall clearly state "Child whose father and mother have not been identified."

Article 16. Birth registration for children born through surrogacy

1. The person requesting birth registration shall submit the documents specified in Clause 1, Article 16 of the Household Registration Law and a confirmation document from the medical facility that performed the assisted reproductive technology for surrogacy. The section on the child's father and mother shall be determined according to the couple who requested surrogacy.

2. The birth registration procedure shall be carried out in accordance with Clause 2, Article 16 of the Household Registration Law; the content of the birth registration shall be determined in accordance with Clause 1, Article 4 of this Decree.

Section 2

REGISTRATION OF CIVIL STATUS IN BORDER AREAS

Article 17. Birth registration

1. The People's Committee of a commune in a border area shall register 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 shall present the documents specified in Clause 1

Article 2 of this Decree and submit the following documents:

- a) Documents as specified in Clause 1, Article 16 of the Household Registration Law;
- b) A written agreement between the father and mother on choosing the nationality for the child in accordance with the regulations.
as stipulated in Clause 1, Article 36 of the Law on Civil Status;
- c) Copies of documents proving identity and proof of permanent residence in the border area of a neighboring country.

3. The birth registration procedure shall be carried out in accordance with Clause 2, Article 16 of the Civil Status Law; the content of birth registration shall be determined in accordance with Clause 1, Article 4 of this Decree.

Article 18. Marriage registration

1. The People's Committee of a commune in a 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 Vietnamese border commune where the Vietnamese citizen resides.

2. The person requesting marriage registration shall present the documents specified in Clause 1, Article 2 of this Decree; directly submit the application to the People's Committee of the commune. The marriage registration application shall include the following documents:

- a) A marriage registration form in the prescribed format; both the man and woman may use one joint form;
- b) Documents issued by the competent authority of the 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;
- c) Copies of documents proving the identity and place of residence in the border area of the citizen of the neighboring country.

3. Within 3 working days from the date of receiving the complete and valid application, the judicial and civil registration officer shall check and verify the application and report to the Chairman of the People's Committee for a decision. If verification is necessary, the processing time shall not exceed 8 working days.

If both parties meet the conditions for marriage under the Law on Marriage and Family, the Chairman of the People's Committee of the commune shall sign the Marriage Certificate, the judicial and civil registration officer shall record the marriage in the Civil Registry, and both parties shall sign and clearly write their full names in the Civil Registry and the Marriage Certificate; each spouse shall be issued one original copy of the Marriage Certificate.

Article 19. Registration of recognition of father, mother, and child

1. The People's Committee of communes in border areas shall register the recognition of fathers, mothers, and children of Vietnamese citizens residing in those communes with citizens of neighboring countries residing in administrative units equivalent to communes in Vietnam, adjacent to Vietnamese communes in border areas where Vietnamese citizens reside.

2. The person requesting registration of recognition of parentage shall present the documents specified in Clause 1, Article 2 of this Decree and directly submit the dossier to the commune People's Committee; the dossier for registration of recognition of parentage shall include the following documents:

- a) Declaration of father, mother, and child according to the prescribed form;
- b) Documents and materials proving the father-child or mother-child relationship;
- c) Copies of documents proving identity and proof of permanent residence in the border area of a neighboring country's citizen.

3. Within 07 working days from the date of receiving a complete and valid dossier, the judicial and civil status officer shall examine the dossier, post the acknowledgment of father, mother, and child at the headquarters of the People's Committee, and report to the Chairman of the Commune People's Committee for a decision. In case of verification, the time limit for resolution shall not exceed 12 working days.

If the recognition of father, mother, or child is found to be correct and there is no dispute, the judicial and civil registration officer shall record the content in the Civil Registry Book, have the applicant sign and clearly write their full name in the Civil Registry Book; the Chairman of the Commune People's Committee shall sign and issue one original copy of the civil registry extract to each party.

Article 20. Death Registration

1. The commune People's Committee in border areas shall register the death of a foreigner residing in that commune.

2. The person requesting death registration shall submit a death registration form in accordance with the prescribed format, the original death certificate or 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 valid, the judicial officer in charge of civil registration shall record it in the Civil Registry Book, have the applicant sign it, and clearly record their full name in the Civil Registry Book; report to the Chairman of the Commune People's Committee for signing and issuing the original extract of the civil registry to the applicant.

In cases requiring verification, the processing time shall not exceed 03 working days.

4. After registering the death, the Commune People's Committee shall issue a written notice accompanied by a copy of the civil status record extract and send it to the Ministry of Foreign Affairs to notify the competent authority of the country of which the deceased was a national.

Section 3

ISSUANCE OF MARITAL STATUS CERTIFICATE

Article 21. Authority to issue Marriage Status Certificates

1. The People's Committee at the commune level, where the Vietnamese citizen has their permanent residence, shall issue the Marriage Status Certificate.

In cases where a Vietnamese citizen does not have a permanent residence but has registered for temporary residence in accordance with the law on residence, the People's Committee at the commune level where the person has registered for temporary residence shall issue the Marriage Status Certificate.

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

Article 22. Procedures for issuing a Certificate of Marital Status

1. The applicant for confirmation of marital status shall submit a completed application form in the prescribed format. In cases where confirmation of marital status is requested for the purpose of marriage, the applicant must meet all the conditions for marriage as prescribed by the Law on Marriage and Family.

2. In cases where the applicant for confirmation of marital status is divorced or widowed, they must present or submit valid documents to prove this; if the case falls under Clause 2, Article 37 of this Decree, they must submit a certified copy of the relevant civil status record.

3. Within 3 working days from the date of receiving the complete and valid documents, the judicial and civil status officer shall verify the marital status of the applicant. If the applicant meets the conditions and the issuance of the Marriage Status Certificate is in accordance with the law, the judicial and civil status official shall submit it to the Chairman of the People's Committee for signing and issuing one Marriage Status Certificate to the applicant. The content of the Marriage Status Certificate must accurately state the marital status of the applicant and the purpose of using the Marriage Status Certificate.

4. In cases where the applicant for confirmation of marital status has previously registered permanent residence in multiple locations, that person is responsible for proving their marital status. If the person cannot prove their marital status, the judicial and civil registration officer shall report to the Chairman of the Commune People's Committee with a written request for the Commune People's Committee where the person has previously registered their permanent residence to conduct an inspection and verification of the person's marital status.

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

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

6. In cases where an individual requests a reissued Certificate of Marital Status for other purposes or because the Certificate of Marital Status has expired in accordance with the provisions of Article 23 of this Decree, the previously issued Certificate of Marital Status must be surrendered.

Article 23. Validity of the Marriage Status Certificate

1. The marriage status certificate is valid for 6 months from the date of issue.

2. The marriage status certificate is used for marriage at a competent authority in Vietnam, marriage at a competent authority abroad, or for other purposes.

3. The Marriage Status Certificate is invalid when used for purposes other than those stated in the Certificate.

Section 4

RE-REGISTRATION OF BIRTH, MARRIAGE, AND DEATH

Article 24. Conditions for re-registering birth, marriage, and death

1. Births, marriages, and deaths that were registered with the competent authorities of Vietnam before January 1, 2016, but for which the family register and original family documents have been lost, may be re-registered.

2. The person requesting re-registration of birth, marriage, or death is responsible for submitting all copies of documents and materials related to the re-registration.

3. Re-registration of birth or marriage certificates will only be processed if the applicant is alive at the time the application is received.

Article 25. Authority to re-register birth, marriage, and death

1. The commune-level People's Committee where the birth or marriage was previously registered, or the commune-level People's Committee where the applicant resides, shall re-register the birth or marriage.

2. The commune-level People's Committee where the death was previously registered shall re-register the death.

Article 26. Procedures for re-registering birth

1. The re-registration of birth application dossier includes the following documents:

a) A form filled out according to the prescribed format, including a statement by the applicant confirming that they have registered their birth but do not retain the original birth certificate;

b) A complete copy of the applicant's files and documents or other files, documents, and materials containing information related to the applicant's birth details;

c) If the applicant for re-registration of birth is a cadre, civil servant, public employee, or member of the armed forces, in addition to the documents specified in Points a and b of this Clause, there must be a written confirmation from the head of the agency or unit that the birth details of that person include their surname, middle name, given name; gender; date, month, and year of birth; ethnicity; nationality; place of origin; and parent-child relationship, consistent with the records managed by the agency or unit.

2. Within 5 working days from the date of receiving the documents, the judicial and civil status officer shall check and verify the documents. If the re-registration of birth is in accordance with the law, the judicial and civil status officer shall re-register the birth in accordance with the procedure specified in Clause 2, Article 16 of the Law on Civil Status.

If the re-registration of birth is carried out at the commune-level People's Committee that is not the place where the birth was previously registered, the judicial and civil status officer shall report to the Chairman of the People's Committee with a written request for the People's Committee where the birth was previously registered to check and verify the retention of the civil status register in the locality.

Within five working days from the date of receipt of the written request, the People's Committee where the birth was previously registered shall conduct an inspection and verification and respond in writing regarding whether or not the family register is still retained.

3. Within three working days from the date of receiving the verification results confirming that the civil registry book is no longer retained at the place where the birth was originally registered, if the documents are complete, accurate, and in compliance with legal regulations, the judicial and civil registry official shall re-register the birth as stipulated in Clause 2, Article 16 of the Civil Registry Law.

4. If the applicant has a valid copy of the previous birth certificate, the content of the birth registration shall be recorded according to the content of the copy of the birth certificate; the information about the father and mother shall be recorded at the time of re-registration of the birth.

5. If the applicant does not have a copy of the birth certificate but their personal files and documents are consistent with the birth information, the re-registration shall be based on that information. If the files and documents are inconsistent regarding the birth information, the birth information shall be determined based on the files and documents officially and validly issued by the competent state agency for the first time; specifically, for officials, civil servants, public employees, and persons working in the armed forces, the birth information shall be determined based on the document of the head of the agency or unit specified in Point c, Clause 1 of this Article.

6. The Ministry of Justice shall provide detailed guidance on the documents and materials required as the basis for re-registering birth in accordance with this Article.

Article 27. Procedures for re-registering marriage

1. The documents required for re-registering a marriage include the following:

- a) A completed application form;
- b) A copy of the previous marriage certificate. If a copy of the marriage certificate is not available, submit a copy of the personal documents containing information related to the marriage registration.

2. Within 5 working days from the date of receiving the documents, the judicial and civil status officer shall check and verify the documents. If the re-registration of marriage documents are complete, accurate, and in compliance with the law, the judicial and civil status officer shall re-register the marriage in accordance with the procedure specified in Clause 2, Article 18 of the Law on Civil Status.

If the re-registration of marriage is carried out at the commune-level People's Committee that is not the place where the marriage was previously registered, the judicial and civil status officer shall report to the Chairman of the People's Committee with a written request for the People's Committee where the marriage was previously registered to check and verify the retention of the civil status register in the locality.

Within 5 working days from the date of receiving the written request, the People's Committee where the marriage was previously registered shall conduct an inspection and verification and respond in writing regarding whether or not the civil status register is still kept.

3. Within 3 working days from the date of receiving the verification result that the household register is no longer kept at the place where the marriage was previously registered, if the file is complete, accurate, and in compliance with the law, the judicial and household registration officer shall re-register the marriage as prescribed in Clause 2 of this Article.

4. The marriage relationship is recognized from the date of the previous marriage registration and is clearly stated in the Marriage Certificate and Family Register. If the date and month of the previous marriage registration cannot be determined, the marriage relationship is recognized from January 1 of the year of the previous marriage registration.

Article 28. Procedures for re-registering a death

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

- a) A completed application form in the prescribed format;
- b) A copy of the previous death certificate issued in accordance with regulations. If there is no valid copy of the death certificate, submit a copy of the relevant documents proving the death.

2. Within 5 working days from the date of receiving the dossier, the judicial and civil status officer shall review the dossier. If the information is found to be complete and accurate, and the re-registration of death is in accordance with the law, a report shall be submitted to the Chairman of the Commune People's Committee for signing and issuing an extract from the civil registry to the person making the request; the re-registration of death shall be recorded in the Civil Registry Book, and the person requesting the death registration shall sign and clearly write their full name in the Civil Registry Book.

In cases requiring verification, the processing period shall not exceed 10 working days.

Chapter IV

REGISTERING FOR A FAMILY REGISTRATION BOOK AT THE DISTRICT PEOPLE'S COMMITTEE

Section 1

REGISTRATION OF BIRTH AND MARRIAGE

Article 29. Birth registration for children born abroad residing in Vietnam

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

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

- a) A completed application form;
- b) Birth certificate or other documents issued by a competent foreign authority confirming that the child was born abroad and the mother-child relationship, if any;

c) Agreement between the parents on the child's nationality in accordance with Clause 1, Article 36 of the Law on Civil Status in cases where the child has a Vietnamese citizen as a parent and the other parent is a foreign citizen.

3. In cases where the documents specified in Point b, Clause 2 of this Article are not available, the birth registration for the child shall be carried out in accordance with the procedures specified in Clause 5, Article 15 of this Decree.

4. On the day the request is received, the Justice Department shall review the dossier. If the dossier is complete, accurate, and in compliance with the law, the registration shall be carried out in accordance with the procedures specified in Clause 2, Article 36 of the Civil Status Law. The content of the birth registration shall be determined in accordance with the provisions of Clause 1, Article 4 of this Decree.

Article 30. Marriage Registration File

1. The marriage registration dossier shall be prepared in accordance with the provisions of Clause 1, Article 38 of the Household Registration Law and the following provisions:

a) Both the man and woman may jointly complete a Marriage Registration Form;

b) Documents proving the marital status of a foreigner are papers issued by a competent foreign authority that are still valid and confirm that the person is currently unmarried; if the foreign country does not issue a confirmation of marital status, it shall be replaced by documents issued by a competent foreign authority confirming that the person is eligible to marry under the laws of that country.

If the document proving the marital status of a foreigner does not specify a period of validity, this document and the confirmation letter from a medical organization as prescribed in Clause 1, Article 38 of the Law on Household Registration shall only be valid for 6 months from the date of issue.

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

3. In addition to the documents specified in Clause 1 of this Article, if the marrying party is a Vietnamese citizen who has divorced or annulled their marriage at a competent foreign authority, they must also submit a certified copy of the civil status record of the divorce or annulment as specified in Clause 2, Article 36 of this Decree; if the person is a civil servant, public employee, or member of the armed forces, they must submit a document from the 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 procedure for marriage registration shall be carried out in accordance with the provisions of Clauses 2, 3, and 4.

Article 38 of the Civil Status Law and the following provisions:

1. Within 10 working days from the date of receiving a complete and valid application, the Justice Department shall examine and review the application and verify it if necessary. The head of the Justice Department shall be responsible for the results of the review and the Justice Department's recommendations in resolving the marriage registration application.

2. If the documents are valid, the parties meet the conditions for marriage under the Law on Marriage and Family, and do not fall under the cases of refusal of marriage registration specified in Article 33 of this Decree, the Justice Department shall report to the Chairman of the district-level People's Committee to sign two original copies of the Marriage Certificate.

3. Based on specific circumstances, when necessary, the Ministry of Justice shall report to the Prime Minister to stipulate additional interview procedures when processing marriage registration requests to ensure the legitimate rights and interests of the parties and the effectiveness of state management.

Article 32. Organization of Marriage Certificate Issuance

1. Within three working days from the date the Chairman of the District People's Committee signs the Marriage Certificate, the Justice Office shall organize the issuance of the Marriage Certificate to the two parties.

2. The issuance and receipt of the Marriage Certificate shall be carried out in accordance with the provisions of Clause 3, Article 38 of the Household Registration Law.

The Marriage Certificate shall be valid from the date it is recorded in the register and delivered to the parties in accordance with the provisions of this Clause.

3. If one or both parties are unable to be present to receive the Marriage Certificate, upon their written request, the Justice Office shall extend the time for delivery of 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, the man and woman do not come to receive the Marriage Certificate, the Justice Office shall report to the Chairman of the district-level People's Committee to cancel the signed Marriage Certificate.

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

Article 33. Refusal to register a marriage

1. Marriage registration will be refused if one or both parties violate prohibitions or do not meet the conditions for marriage as stipulated by the Law on Marriage and Family of Vietnam.

2. In cases where the district-level People's Committee refuses to register the marriage, the Department of Justice shall notify both parties in writing, clearly stating the reasons.

Section 2

RECORDING MARRIAGES OF VIETNAMESE CITIZENS RESOLVED ABROAD

Article 34. Conditions for recording the marriage of Vietnamese citizens that have been resolved by the competent authorities of a foreign country abroad

1. Marriages between Vietnamese citizens or between a Vietnamese citizen and a foreign national that have been solemnized by a competent foreign authority abroad shall be recorded in the Family Register if, at the time of marriage, the parties meet all the conditions for marriage and do not violate any prohibitions under the Law on Marriage and Family of Vietnam.

2. If, at the time of registration with the competent foreign authority, the marriage did not meet the conditions for marriage but did not violate any prohibitions under the Law on Marriage and Family, but at the time of requesting the marriage to be recorded in the Family Register, the consequences have been remedied or the marriage is recorded to protect the rights and interests of Vietnamese citizens and children, the marriage shall also be recorded in the Family Register.

Article 35. Procedure for registering a marriage

1. The marriage registration dossier shall be submitted by one of the parties to the marriage to the competent authority as prescribed in Clause 1, Article 48 of the Law on Household Registration, and shall include the following documents:

- a) A completed application form in the prescribed format;
- b) A copy of the marriage certificate issued by the competent authority of a foreign country;
- c) In addition to the documents specified in points a and b of this Clause, if the application is sent through the postal system, copies of the documents of both the man and woman specified in Clause 1, Article 2 of this Decree must also be submitted; If the Vietnamese citizen has divorced or annulled the marriage at a competent foreign authority, they must submit an extract from the civil registry regarding the divorce or annulment of the marriage as specified in Clause 2, Article 37 of this Decree.

2. The deadline for recording the marriage in the Family Register is 5 working days from the date the Department of Justice receives the application.

In cases requiring verification, the processing time shall not exceed 10 working days.

3. The procedure for recording marriages in the Family Register is carried out in accordance with the provisions of Clause 2, Article 50 of the Family Register Law and the following provisions:

a) If the request for recording the marriage in the Family Register is found to meet the conditions specified 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 to sign and issue the original extract of the family register to the applicant.

b) If the request to record the marriage in the Family Register 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 record a marriage in the register

1. A request to record a marriage in the register shall 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) A Vietnamese citizen marries a foreigner at a diplomatic mission or consular office of a foreign country in Vietnam.

2. In cases where the district-level People's Committee refuses to record the marriage in the household register, the Justice Department shall notify the applicant in writing, clearly stating the reasons.

Section 3**RECORD DIVORCE AND ANNULMENT IN THE FAMILY REGISTRY
RESOLVED ABROAD****Article 37. Recording divorce and annulment of marriage in the Family Register**

1. Judgments, decisions on divorce, annulment of marriage, divorce settlement documents that have taken legal effect, 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 Family Register.

2. Vietnamese citizens who have divorced or annulled their marriage abroad, then returned to Vietnam for permanent residence or to register a new marriage with a competent Vietnamese authority, must record the divorce or annulment resolved abroad in the Family Register (hereinafter referred to as divorce annotation). In cases of multiple divorces or annulments, only the most recent divorce annotation shall be processed.

3. Based on the official information received, the Ministry of Justice shall publish on its electronic portal a list of judgments and decisions on divorce and annulment of marriage of Vietnamese citizens resolved by foreign competent authorities in cases where there is a request for enforcement in Vietnam or a request for non-recognition in Vietnam.

Article 38. Jurisdiction for divorce registration

The authority to record divorce is determined in accordance with the provisions of Clause 2, Article 48 of the Household Registration Law and the following provisions:

1. The district-level People's Committee where the marriage was registered or where the marriage was previously recorded in the Civil Registry shall record the divorce.

If the marriage or the recording of the marriage was previously performed at the Department of Justice, the divorce shall be recorded by the district-level People's Committee where the Vietnamese citizen resides.

In cases where the previous marriage was registered at the commune-level People's Committee, the divorce annotation shall be made by the district-level People's Committee above.

In cases where Vietnamese citizens are not permanently residing in Vietnam, the divorce annotation shall be performed by the district-level People's Committee where the Vietnamese citizen resided before leaving the country.

2. Vietnamese citizens returning from abroad to reside permanently in Vietnam who request divorce registration, where the previous marriage was registered at a representative agency or a competent foreign agency, shall have their divorce registered by the district-level People's Committee where the Vietnamese citizen resides.

3. Vietnamese citizens residing abroad who request a divorce annotation to remarry, where the previous marriage was registered at a representative office or a competent foreign authority, shall have the divorce annotation performed by the district-level People's Committee where the new marriage application is received.

Article 39. Divorce Registration Procedures

1. The divorce registration file shall include the following documents:

- a) A completed application form;
- b) A copy of the divorce decree that has taken legal effect.

2. The divorce registration procedure is carried out in accordance with the provisions of Clause 2, Article 50 of the Civil Status Law and the following provisions:

a) Within 05 working days from the date of receiving a complete and valid dossier as prescribed in Clause 1 of this Article, the civil status officer of the Justice Department shall examine the dossier. If the divorce registration does not violate the provisions of Clause 1, Article 37 or does not fall under the cases to be posted on the electronic information portal of the Ministry of Justice as prescribed in Clause 3, 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-level People's Committee to sign and issue the original extract of the civil status record to the applicant.

In cases requiring verification, 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 published on the Ministry of Justice's electronic information 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-level People's Committee to refuse the request;

c) If the previous marriage was registered with the commune-level People's Committee or the Department of Justice, after recording the divorce, the Justice Department shall send a notice along with a copy of the family register extract to the commune-level People's Committee or the Department of Justice for further recording in the Family Register; if it was registered with a representative agency, it shall be sent to the Ministry of Foreign Affairs to notify the representative agency to record it in the Family Register.

Section 4
RE-REGISTRATION OF BIRTH, MARRIAGE, AND DEATH

Article 40. Conditions for re-registering birth, marriage, and death

1. The birth, marriage, or death of a Vietnamese citizen residing abroad or of a foreigner who was registered with a competent Vietnamese authority before January 1, 2016, but whose Family Register and original family documents have been lost, may be re-registered.

2. Re-registration of birth and marriage certificates may only be conducted if the applicant is alive at the time of the re-registration request.

Article 41. Competent authority for re-registration of birth, marriage, and death

1. The district-level People's Committee where the birth, marriage, or death was originally registered, shall conduct the re-registration of birth, marriage, or death.

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

3. In cases where birth, marriage, or death certificates were previously registered with the provincial People's Committee or the Department of Justice, the re-registration of birth, marriage, or death certificates shall be carried out by the district-level People's Committee where the applicant resides; if the applicant does not reside in Vietnam, it shall be carried out by the district-level People's Committee where the Department of Justice currently has its headquarters.

Article 42. Procedures for re-registering birth, marriage, and death

The procedures for re-registering birth, marriage, and death certificates shall be carried out in accordance with the provisions of Articles 26, 27, and 28 of this Decree.

**CHAPTER V
IMPLEMENTATION PROVISIONS****Article 43. Responsibilities for Implementation**

1. The Chairman of the Provincial People's Committee shall be responsible for directing the implementation of tasks in accordance with the Law on Household Registration and this Decree, and shall take the following measures to ensure the effectiveness of household registration and management in the locality:

a) Develop plans, organize training and capacity building, and assign civil servants to perform civil registration duties at the district and commune levels in accordance with the provisions of the Civil Registration Law and this Decree;

b) Allocate funds and material resources to meet the requirements of civil registration and management at the local level;

c) Conduct inspections, investigations, resolve complaints and denunciations, and handle violations of civil status laws within their authority.

2. The chairpersons of district-level and commune-level People's Committees shall be responsible for directing the implementation of tasks in accordance with the provisions of the Law on Civil Status and this Decree, and shall implement the following measures to ensure the effective registration and management of civil status in their localities:

a) Direct civil servants working in civil registration to register civil status events occurring in the area fully, promptly, and in accordance with the law; notify civil registration and update civil status events in accordance with the provisions of the Civil Registration Law;

b) Direct local agencies, departments, and sectors to closely coordinate with judicial and civil registration officials in urging and reviewing unregistered births and deaths in the locality, and to develop solutions to overcome difficulties and ensure the people's right to civil registration;

c) Based on actual circumstances, develop plans to allocate resources and funds and direct mobile civil registration work in the locality in accordance with the guidance of the Ministry of Justice.

3. The Chairpersons of People's Committees at all levels shall be responsible for the recruitment and assignment of civil servants to perform civil registration duties in violation of the provisions of the Civil Registration Law and this Decree.

Article 44. Transitional Provisions

1. Applications for civil registration received by the civil registration authority before January 1, 2016, that have not yet been resolved shall continue to be resolved in accordance with the provisions of Decree No. 158/2005/ND-CP dated December 27, 2005, of the Government on civil status registration and management, and Decree No. 126/2014/ND-CP dated December 31, 2014, of the Government detailing certain provisions and measures for the implementation of the Law on Marriage and Family.

2. For cases where a man and woman have been living together as husband and wife before January 3, 1987, but have not registered their marriage, they are encouraged and provided with conditions to register their marriage. The marital relationship is recognized from the date the parties establish a cohabitation relationship as husband and wife. The authority and procedures for marriage registration are carried out in accordance with the provisions of Articles 17 and 18 of the Household Registration Law.

Article 45. Effective date

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

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

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

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

c) Articles 1 and 3 of Decree No. 06/2012/ND-CP dated February 2, 2012, of the Government amending and supplementing a number of articles of the Decrees on civil status, marriage and family, and authentication;

d) Articles 3, 5, and 44 of Decree No. 24/2013/ND-CP dated March 28, 2013, of the Government detailing the implementation of the Law on Marriage and Family regarding marriage and family relations involving foreign elements;

d) Sections 1 to 6 of Chapter III, including Articles 19 to 50 and Point a of Clause 1 of Article 63 of Decree No. 126/2014/ND-CP dated December 31, 2014, of the Government detailing a number of articles and measures for the implementation of the Law on Marriage and Family.

3. Amend Paragraph 2 of Article 63 of Decree No. 126/2014/ND-CP dated December 31, 2014 of the Government detailing a number of articles and measures for implementing the Law on Marriage and Family as follows:

“2. The Department of Justice shall assist the provincial People’s Committee in exercising state management over marriage and family matters involving foreign elements at the local level, and shall perform specific tasks and exercise specific powers as prescribed in this Decree.”

4. Ministers, heads of ministerial-level agencies, heads of agencies under the Government, chairpersons of People's Committees at all levels, and relevant organizations and individuals shall be responsible for implementing this Decree.

**TM. GOVERNMENT
PRIME MINISTER**

Nguyen Tan Dung