



RESPONSES TO INFORMATION REQUESTS (RIRs)

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10 February 2004

VNM41977.E

Vietnam: Whether a person who was born in Vietnam to Chinese parents, and who left the country as an adult and remained outside of Vietnam for over 30 years, is entitled to Vietnamese nationality; whether this person would be able to bring his or her spouse, who does not have Vietnamese nationality, to Vietnam
Research Directorate, Immigration and Refugee Board, Ottawa

The Embassy of the Socialist Republic of Vietnam, in Ottawa, was unable to provide information on whether a person who was born in Vietnam to Chinese parents, and who left the country as an adult and remained outside of Vietnam for over 30 years, is entitled to Vietnamese nationality, or whether this person would be able to bring his or her spouse, who does not have Vietnamese nationality, to Vietnam.

According to an official translation of the Law on Vietnamese Nationality, enacted in January 1999, the government "creates conditions for all children born on the Vietnamese territory to have nationality" (Viet Nam Jan. 1999, Art. 8). Article 1 of the Law acknowledges "members of all ethnic groups are equal in their right to have ... Vietnamese nationality" (ibid., Art. 1). Moreover, while Vietnam does not recognize dual nationality (ibid., Art. 3), Article 6 stipulates that it is the state's responsibility to "create favourable conditions" for individuals who have lost their nationality to regain it (ibid., Art. 6). A person may prove their Vietnamese nationality by providing the following papers:

1. A certificate of Vietnamese nationality; a decision on naturalization in Vietnam, a decision on Vietnamese nationality restoration, a Vietnamese identity card or passport;
2. His/her birth certificate enclosed with papers proving the Vietnamese nationality of his/her parents, in case of the absence of the papers defined in Point 1 of this Article;
3. Other papers prescribed by the Government (ibid., Art. 11).

Regarding whether a person who left Vietnam would be able to bring her non-citizen spouse to Vietnam to live, the Ordinance on Entry, Exit and Residence of Foreigners in Vietnam stipulates that a person who is living temporarily in Vietnam may apply for permanent residency if they are a "spouse, child or parent of a Vietnamese citizen permanently residing in Vietnam" (ibid. 28 Apr. 2000, Ch. 3, Art. 13). The Ordinance also states that applications for permanent residency in Vietnam should be filed at an office responsible for entry and exit under the Ministry of Police (ibid.).

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim to refugee status or asylum. Please find below the list of additional sources consulted in researching this Information Request.

References

Laws Vietnam. 28 April 2000. Ordinance on Entry, Exit and Residence of Foreigners in Vietnam. "Chapter 3: Residence." (Laws Viet Nam) <<http://www.vitinfo.com/vnlaws/English/chitiet.cfm?>

CatID=32&DocID=118&PartNum=0&ChapterNum=3> [Accessed 26 Jan. 2004]

_____. January 1999. Law No. 07/1998/QH10 on Vietnamese Nationality of 20 May 1998. Official translation published in the Official Gazette No. 21 on 31 July 1998. (UHNHCR Legal Information Database) <<http://www.unhcr.ch>> [Accessed 26 Jan. 2004]

Additional Sources Consulted

IRB Databases

Unsuccessful attempts to obtain information from the Embassy of the Republic of Vietnam.

Internet sites, including:

Laws Viet Nam

Ministry of Foreign Affairs, Vietnam

UNHCR

Vietnamese Citizenship Act of 28 June 1988

World Law


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