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DECREE

Detailing a number of articles and measures for implementation of the Law on Marriage and Family

Pursuant to the December 25, 2001 Law on Organization of the Government;

Pursuant to the June 19, 2014 Law on Marriage and Family;

At the proposal of the Minister of Justice,

The Government promulgates the Decree detailing a number of articles and measures for implementation of the Law on Marriage and Family.

Chapter I

SCOPE OF REGULATION AND APPLICATION OF MARRIAGE AND FAMILY PRACTICES

Article 1. Scope of regulation

This Decree prescribes in detail the application of marriage and family practices, the matrimonial property regime, settlement of marriage and family matters involving foreign elements and a number of measures to implement the Law on Marriage and Family.

Article 2. Principles of application of practices

1. Applicable practices must be rules of conduct compliant with Clause 4, Article 3 of the Law on Marriage and Family.

2. The application of practices must satisfy the conditions prescribed in Article 7 of the Law on Marriage and Family.

3. Involved parties' agreement on applicable practices shall be respected.

Article 3. Agreement on applicable practices

1. The provision of Clause 1, Article 7 of the Law on Marriage and Family that involved parties have no agreement shall be construed as involved parties neither reach agreement on application of practices nor reach other agreements on the case or matter to be settled.

2. In case involved parties reach agreement on applicable practices, the settlement of the case or matter must comply with such agreement. In case

involved parties reach no agreement, the settlement must comply with Article 4 of this Decree.

Article 4. Settlement of marriage and family cases and matters applying practices

1. For settlement of a marriage and family case or matter applying practices, conciliation shall be conducted in accordance with the law on grassroots conciliation. Prestigious persons in the community or religious dignitaries shall be encouraged to participate in the conciliation.

2. In case the conciliation fails or the marriage and family case or matter applying practices falls outside the scope of grassroots conciliation, a court shall settle that case or matter in accordance with the law on civil procedure.

Article 5. Advocacy and mobilization for application of practices

1. Related ministries and sectors and People's Committees at all levels shall coordinate with the Vietnam Fatherland Front in working out and implementing the following policies and measures:

a/ To create conditions for the people to implement the law on marriage and family; to uphold fine traditions and practices which show the identity of each ethnic group, to eliminate backward marriage and family practices;

b/ To increase public information on the law on marriage and family; to mobilize the people to uphold fine traditions and practices and eliminate backward marriage and family practices;

c/ To educate young generations about preserving and developing the language and script, and promote the cultural values of fine practices, of each ethnic group.

2. Backward marriage and family practice means a practice which contravenes the fundamental principles of the marriage and family regime prescribed in Article 2 of the Law on Marriage and Family or violates Clause 2, Article 5 of the Law on Marriage and Family.

Promulgated together with this Decree is the list of backward marriage and family practices which should be eliminated through mobilization or banned from application.

Article 6. Responsibility for making lists of applicable practices

1. Within 3 years after the effective date of this Decree, provincial-level People's Committees shall make and submit to provincial-level People's Councils lists of marriage and family practices applicable in their localities.

2. On the basis of the practical application of marriage and family practices in their localities, provincial-level People's Committees shall propose provincial-level People's Councils to modify and supplement the promulgated lists of practices.

Chapter II
MATRIMONIAL PROPERTY REGIME
Section 1
GENERAL PROVISIONS

Article 7. Application of the statutory matrimonial property regime

The statutory matrimonial property regime must apply when husband and wife do not choose to apply a matrimonial property regime as agreed or their agreement on the matrimonial property regime is declared invalid by a court in accordance with Article 50 of the Law on Marriage and Family.

Article 8. Third parties not acting in good faith when establishing and making transactions with a spouse related to bank account, securities account and other movable assets for which ownership registration is not required by law

A third party that establishes and makes transactions with a spouse related to bank account, securities account or other movable assets for which ownership registration is not required by law shall be regarded as not acting in good faith in the following cases:

1. He/she/it has been provided with information by a spouse in accordance with Article 16 of this Decree but still establishes and makes transactions against such information.
2. The husband and wife have made public in accordance with relevant laws their agreement on possession, use and disposition of property and a third party has known or must know this agreement but still establishes and makes transactions against such agreement.

Section 2
STATUTORY MATRIMONIAL PROPERTY REGIME

Article 9. Other lawful incomes of husband and wife in the marriage period

1. Bonuses, lottery prizes and allowances, except the case prescribed in Clause 3, Article 11 of this Decree.
2. Property a spouse has the right to establish ownership in accordance with the Civil Code for objects which are ownerless, buried, hidden, sunk, dropped on the ground or left over out of inadvertence, stray cattle or poultry and raised aquatic animals.
3. Other lawful incomes as prescribed by law.

Article 10. Yields and profits from separate property of husband and wife

1. Yields from separate property of a spouse means natural produces he/she gains from his/her separate property.
2. Profits from separate property of a spouse means the profits he/she earns from the exploitation of his/her separate property.

Article 11. Other separate property of husband and wife prescribed by law

1. The economic right to intellectual property objects as prescribed by the law on intellectual property.

2. Property under the separate ownership of a spouse according to the judgment or decision of a court or another competent agency.

3. Allowance or incentives receivable by a spouse as prescribed by the law on preferential treatment toward persons with meritorious services to the revolution; other property rights associated with the personal identification of a spouse.

Article 12. Registration of common property of husband and wife

1. Common property of husband and wife subject to registration under Article 34 of the Law on Marriage and Family includes land use rights and other property for which use or ownership registration is required by law.

2. For common property of husband and wife which has been registered under the name of a spouse, the other spouse is entitled to request a competent agency to grant a new certificate of ownership or land use rights in which both spouses are named.

3. In case common property is divided in the marriage period and both spouses are named in the certificate of ownership or land use rights, the spouse who receives the divided property in kind is entitled to request the property registration agency to re-grant a certificate of ownership or land use rights on the basis of the spouses' written agreement or the court decision on division of common property.

Article 13. Possession, use and disposition of common property of husband and wife

1. The possession, use and disposition of common property shall be agreed by husband and wife. In case a spouse establishes and makes transactions related to common property to meet the family's essential needs, such shall be regarded as having been agreed by the other spouse, except the case prescribed in Clause 2, Article 35 of the Law on Marriage and Family.

2. When a spouse disposes of common property in violation of Clause 2, Article 35 of the Law on Marriage and Family, the other spouse may request a court to declare such transaction invalid and settle legal consequences of the invalid transaction.

Article 14. Consequences of division of common property in the marriage period

1. The division of common property in the marriage period shall not lead to termination of the statutory matrimonial property regime.

2. From the time the division of common property takes effect, the divided property and yields and profits from such property and yields and profits from other separate property of a spouse must be the separate property of that spouse, unless otherwise agreed by husband and wife.

3. From the time the division of common property takes effect, property gained from the exploitation of separate property of a spouse which cannot be determined as income from labor or production and business activities of a spouse or as yields or profits from such separate property must be under the joint ownership of husband and wife.

Section 3

AGREED MATRIMONIAL PROPERTY REGIME

Article 15. Determination of property of husband and wife under agreement

1. When choosing to apply the agreed matrimonial property regime, husband and wife may reach agreement on determination of property as follows:

a/ Matrimonial property includes common property and separate property of husband and wife;

b/ Husband and wife have no separate property and all property a spouse has before marriage or during the marriage period is common property;

c/ Husband and wife have no common property and all property a spouse has before marriage and during the marriage period is separate property of that spouse; or

d/ Property is determined as otherwise agreed by husband and wife.

2. The agreement on matrimonial property must comply with Articles 29, 30, 31 and 32 of the Law on Marriage and Family. If such agreement violates those provisions, persons with related rights and interests may request a court to declare it invalid in accordance with Article 50 of the Law on Marriage and Family.

Article 16. Provision of information on the agreed matrimonial property regime in transactions with third parties

In case of applying the agreed matrimonial property regime, when establishing and making a transaction, a spouse shall provide a third party with relevant information. If a spouse fails to perform this obligation, the third party shall be regarded as acting in good faith and have his/her/its interests protected in accordance with the Civil Code.

Article 17. Modification and supplementation of contents of the matrimonial property regime

1. In case of applying the agreed matrimonial property regime, during the marriage period, husband and wife may reach agreement to modify and

supplement some or all contents of that property regime or apply the statutory matrimonial property regime.

2. The agreement modifying and supplementing the matrimonial property regime shall be notarized or certified in accordance with law.

Article 18. Consequences of modification and supplementation of contents of the matrimonial property regime

1. The agreement modifying and supplementing contents of the matrimonial property regime shall take effect on the date it is notarized or certified. A spouse shall provide a third party with relevant information in accordance with Article 16 of this Decree.

2. Property rights and obligations arising before the time of modifying and supplementing the matrimonial property regime must remain legally valid, unless otherwise agreed by involved parties.

Chapter III

MARRIAGE AND FAMILY RELATIONS INVOLVING FOREIGN ELEMENTS

Section 1

MARRIAGE REGISTRATION

Article 19. Competence to register marriages

1. Provincial-level People's Committees of localities where Vietnamese citizens register their permanent residence shall register marriages between Vietnamese citizens and foreigners and between Vietnamese citizens at least one of whom resides abroad.

For Vietnamese citizens who register temporary residence but not permanent residence in accordance with the residence law, provincial-level People's Committees of localities where Vietnamese citizens register temporary residence shall register their marriages.

2. In case two foreigners request marriage registration in Vietnam, the provincial-level People's Committee of the locality where one of them registers permanent residence shall register their marriage. If both do not register permanent residence in Vietnam, the provincial-level People's Committee of the locality where one of them registers temporary residence shall register their marriage.

3. Vietnamese diplomatic missions, consular representative missions and other agencies authorized to perform the consular function abroad (below referred to as representative missions) shall register marriages between Vietnamese citizens and foreigners if such registration does not contravene the laws of host countries.

Representative missions shall register marriages between Vietnamese citizens residing abroad if so requested.

Article 20. Marriage registration dossiers

1. A marriage registration dossier shall be made in 1 set, comprising the following papers:

a/ Marriage registration declarations of both spouses, made according the prescribed form;

b/ Certificate of marital status or marriage registration declaration containing certification of the marital status of the Vietnamese citizen granted within 6 months counting to the date of dossier receipt; document proving the marital status of the foreigner issued within 6 months counting to the date of dossier receipt by a competent agency of the country of citizenship of that person, which certifies that this person is currently unmarried. In case a foreign law does not prescribe the grant of the marital status certificate, this certificate shall be replaced with a certification of oath taken by that person that he/she is currently unmarried in accordance with the law of that country;

c/ Certification issued within 6 months counting to the date of dossier receipt by a competent Vietnamese or foreign health organization that this person suffers no mental disease or another disease that deprives him/her of the capacity to perceive and control his/her acts;

d/ Certification of recording in the civil status book of the divorce already settled abroad as prescribed by Vietnamese law, for a Vietnamese citizen who has divorced at a competent foreign agency or a foreigner who has divorced a Vietnamese citizen at a competent foreign agency;

dd/ Copy of the household registration book or temporary residence book (for resident Vietnamese citizens), permanent or temporary residence card or temporary residence certificate (for foreigners permanently or temporarily residing in Vietnam).

2. In addition to the papers mentioned in Clause 1 of this Article, on a case-by-case basis, a partner shall submit the following papers as appropriate:

a/ A Vietnamese citizen who serves in the armed forces or whose work is directly related to state secrets shall submit a written confirmation by the central- or provincial-level line management agency or organization that this person's marriage to a foreigner does not affect the protection of state secrets or does not contravene regulations of that sector;

b/ A Vietnamese citizen who concurrently holds a foreign citizenship shall submit a document proving his/her marital status issued by a competent foreign agency;

c/ A non-resident foreigner in Vietnam shall submit a written certification that he/she is eligible to get married issued by a competent agency of the country of his/her citizenship, unless the law of that country does not prescribe the grant of such certification.

Article 21. Procedures for submission and receipt of dossiers

1. A marriage registration dossier shall be submitted directly by either partner at the provincial-level Justice Department, for marriage registration in Vietnam, or at the representative mission, for marriage registration at the representative mission.

2. The officer receiving a dossier shall check papers in that dossier and, if the dossier is complete and valid, write a dossier receipt which specifies the dates of interview and result notification.

If the dossier is incomplete or invalid, this officer shall guide the male and female partners to supplement and complete the dossier. This guidance shall be made in writing, specifying all papers to be supplemented and completed, and must contain the signature and full name of the dossier-receiving officer and be given to the applicant.

In case a person submits a dossier to an improper agency as prescribed in Clause 1, Article 19 of this Decree, the dossier-receiving officer shall guide the former in submitting the dossier to a competent agency.

3. The dossier receipt procedures prescribed in Clause 2 of this Article must also apply to receipt of parent or child recognition registration dossiers, grant of marital status certificates, marriage recognition, recording of parent and child recognition in the civil status book, recording of divorce in the civil status book, cancellation of unlawful marriage already settled abroad in accordance with this Decree, except the recording of interview date.

Article 22. Time limit for settlement of marriage registration

1. The time limit for settlement of marriage registration in Vietnam is 25 days, counting from the date the provincial-level Justice Department receives a complete and valid dossier and a fee.

In case the provincial-level Justice Department requests verification by the public security agency under Clause 2, Article 23 of this Decree, this time limit may be extended for another 10 days at most.

2. The time limit for settlement of marriage registration at a representative mission is 20 days, counting from the date the representative mission receives a complete and valid dossier and a fee.

In case the representative mission requests verification by a domestic agency under Clause 2, Article 25 of this Decree, this time limit may be extended for another 35 days at most.

Article 23. Order of settlement of marriage registration in Vietnam

1. Within 15 days after receiving a dossier, the provincial-level Justice Department shall:

a/ Directly interview both partners at its office to check and clarify their personal identifications, voluntariness and purpose of their marriage and their understanding about the family and personal circumstances of each other; understanding about the language, customs, practices, culture and marriage and family law of each country. In case an interpreter is needed for the interview, the provincial-level Justice Department shall appoint an interpreter;

The interview result shall be recorded in writing. The interviewer shall state his/her proposal in and sign the interview document. The interpreter (if any) shall undertake that he/she has accurately interpreted the interview contents and sign the interview document;

b/ If the interview result shows that the partners have not understood the circumstances of each other, the provincial-level Justice Department shall make an appointment for another interview. The subsequent interview shall be conducted within 30 days from the date of the first interview;

c/ Study and verify the marriage registration dossier. In case there is any doubt or a complaint or denunciation that the marriage is arranged through brokerage for profit-seeking purpose, or is sham or made use of for human trafficking, labor exploitation, sexual abuse or for other self-seeking purposes, or when finding it necessary to clarify personal identification details of a partner or papers in the marriage registration dossier, the provincial-level Justice Department shall conduct verification.

2. When considering that matters to be verified fall under the function of the public security agency, the provincial-level Justice Department shall send a written request together with a copy of the marriage registration dossier to the provincial-level public security agency for verification of those matters.

Within 7 working days after receiving a written request from the provincial-level Justice Department, the public security agency shall verify the requested matters and issue a written reply to the former.

Past the time limit for verification prescribed in this Article, if the public security agency fails to issue a written reply, the provincial-level Justice Department shall still complete the dossier stating the matters requested for verification by the public security agency and proposing the chairperson of the provincial-level People's Committee to consider and make decision.

3. After interviewing the partners and studying and verifying the marriage registration dossier and opinions of the public security agency (if any), the provincial-level Justice Department shall send a report on the result together with the marriage registration dossier and propose the settlement of marriage registration to the provincial-level People's Committee for decision.

Within 5 working days after receiving a written proposal from the provincial-level Justice Department together with the marriage registration dossier, if finding the partners fully satisfy the marriage conditions and do not fall

into the cases of refusal of marriage registration prescribed in Article 26 of this Decree, the chairperson of the provincial-level People's Committee shall sign a marriage certificate and return the dossier to the provincial-level Justice Department for organization of a marriage registration ceremony.

In case of refusing marriage registration, the provincial-level People's Committee shall send a document clearly stating the reason to the provincial-level Justice Department for notification to the couple.

4. For marriages between Vietnamese citizens residing abroad or between foreigners residing in Vietnam, the interview prescribed in Clause 1 of this Article is not required.

Article 24. Marriage registration ceremony in Vietnam

1. Within 5 working days after the chairperson of the provincial-level People's Committee signs a marriage certificate, the provincial-level Justice Department shall hold a marriage registration ceremony.

2. The marriage registration ceremony shall be held officially at the office of the provincial-level Justice Department.

Both partners must be present at the marriage registration ceremony. A representative of the provincial-level Justice Department shall conduct the ceremony and ask the partners to affirm their voluntariness of marriage. If the partners agree to get married, the provincial-level Justice Department representative shall record their marriage in the marriage registration book, request the partners to sign the marriage certificate and marriage registration book and give each partner one original marriage certificate.

3. A marriage certificate becomes valid on the date of holding the marriage registration ceremony in accordance with Clause 2 of this Article.

The provincial-level Justice Department shall grant copies of the marriage certificate from the marriage registration book when so requested.

4. In case the partners request to extend the time for holding the marriage registration ceremony prescribed in Clause 1 of this Article for a plausible reason, the date of holding the marriage registration ceremony may be extended for another 90 days at most from the date the chairperson of the provincial-level People's Committee signs the marriage certificate. Past 90 days, if the partners fail to come for the marriage registration ceremony, the provincial-level Justice Department shall report to the chairperson of the provincial-level People's Committee on non-organization of the marriage registration ceremony and the marriage certificate shall be kept in the dossier.

In case the partners still wish to get married, they shall carry out marriage registration procedures again.

Article 25. Order of marriage registration at representative missions

1. Within 15 days after receiving a complete and valid dossier and a fee, a representative mission shall:

a/ Directly interview both partners at its office according to the order and procedures prescribed at Points a and b, Clause 1, Article 23 of this Decree;

b/ Study and verify the marriage registration dossier. In case there is any doubt or a complaint or denunciation that the marriage is arranged through brokerage for profit-seeking purpose, or is sham or made use of for human trafficking, labor exploitation, sexual abuse or for other self-seeking purposes, or when finding it necessary to clarify personal identification details of a partner or papers in the marriage registration dossier, the representative mission shall conduct verification;

c/ If finding the partners fully satisfy the marriage conditions and do not fall into the cases of refusal of marriage registration prescribed in Article 26 of this Decree, the head of the representative mission shall sign a marriage certificate.

In case of refusing marriage registration, the representative mission shall send a notice clearly stating the reason for refusal to the couple.

2. When finding that matters to be verified fall under the function of concerned agencies at home, the representative mission shall send the Ministry of Foreign Affairs a document clearly stating matters to be verified for the latter to request concerned agencies to make verification according to their specialized functions.

Within 10 working days after receiving a written request from the Ministry of Foreign Affairs, concerned domestic agencies shall verify the requested matters and issue a written reply to the Ministry of Foreign Affairs for forwarding to the representative mission.

3. The marriage registration ceremony shall be held within 5 working days after the representative mission head signs a marriage certificate.

The marriage registration ceremony shall be held officially at the office of the representative mission. Both partners must be present at the marriage registration ceremony. A representative of the representative mission shall conduct the ceremony and ask the partners to affirm their voluntariness of marriage. If the partners agree to get married, the representative of the representative mission shall record their marriage in the marriage registration book, request the partners to sign the marriage certificate and marriage registration book and give each partner one original marriage certificate.

4. A marriage certificate becomes valid on the date of holding the marriage registration ceremony in accordance with Clause 3 of this Article. The representative mission shall grant copies of the marriage certificate from the marriage registration book when so requested.

5. In case the partners request to extend the time for holding the marriage registration ceremony prescribed in Clause 3 of this Article for a plausible reason, the date of holding the marriage registration ceremony may be extended for another 90 days at most from the date the head of the representative mission signs the marriage certificate.

Past this time limit, if the partners fail to come for the marriage registration ceremony, the marriage certificate will become invalid. The representative mission shall keep the marriage certificate in the dossier.

In case the partners still wish to get married, they shall carry out marriage registration procedures again.

Article 26. Refusal of marriage registration

1. An agency competent to make marriage registration shall refuse to register a marriage when:

a/ A partner or both partners is/are ineligible to get married under the Law on Marriage and Family of Vietnam;

b/ The foreign partner is ineligible to get married under the law of the country of his/her citizenship;

c/ A partner fails to provide a complete dossier according to Article 20 of this Decree.

2. Marriage registration shall be refused when the result of interview, appraisal or verification shows that the marriage is arranged through brokerage for profit-seeking purpose; is sham not for the purpose of building a well off, equal, progressive, happy and sustainable family; or is made use of for human trafficking, labor exploitation, sexual abuse or for other self-seeking purposes.

Section 2

GRANT OF MARITAL STATUS CERTIFICATES TO RESIDENT VIETNAMESE CITIZENS FOR REGISTRATION OF MARRIAGE WITH FOREIGNERS AT COMPETENT FOREIGN AGENCIES ABROAD

Article 27. Competence to grant marital status certificates

The commune-level People's Committee of the locality where a Vietnamese citizen registers permanent residence shall grant a marital status certificate to that person for registration of marriage with a foreigner at a competent foreign agency abroad.

In case a Vietnamese citizen registers temporary residence but not permanent residence in accordance with the residence law, the commune-level People's Committee of the locality where that person registers temporary residence shall grant the marital status certificate.

Article 28. Procedures for grant of marital status certificates

1. A dossier for grant of a marital status certificate shall be made in 1 set, comprising the following papers:

a/ Declaration for grant of a marital status certificate made according to a prescribed form;

b/ A copy of one of the personal identification papers such as identity card, passport or another valid substitute paper;

c/ A copy of the residence registration book or temporary residence book of the applicant.

A Vietnamese citizen who has divorced at a competent foreign agency shall submit a written certification of recording in the civil status book of the divorce already settled abroad as prescribed by Vietnamese law.

2. The applicant shall submit the dossier for grant of a marital status certificate directly at a competent commune-level People's Committee.

3. Within 2 working days after receiving a complete and valid dossier and a fee, the commune-level People's Committee shall examine personal identifications and the marital status of the applicant; and send to the provincial-level Justice Department a report on examination results, clearly stating matters to be consulted, together with a photocopied dossier.

4. Within 10 working days after receiving a written request of the commune-level People's Committee together with the dossier, the provincial-level Justice Department shall:

a/ Appraise the validity and completeness of the dossier for grant of a marital status certificate. When finding it necessary to clarify the personal identification details, marital status, marriage conditions and purpose of the applicant for a marital status certificate, the provincial-level Justice Department shall make verification;

b/ Request the Vietnamese citizen to be present at the office of the provincial-level Justice Department for an interview to clarify his/her voluntariness and purpose of their marriage, his/her understanding about the family and personal circumstances of the foreign partner; about the language, customs, practices, culture and marriage and family law of the country or territory where the foreigner resides;

c/ Request the foreign partner to come to Vietnam for an interview if the appraisal, verification or interview result shows that the Vietnamese citizen does not understand the family and personal circumstances of the foreigner; or the language, customs, practices, culture and marriage and family law of the country or territory where the foreigner resides or the Vietnamese citizen said he/she will not be present at the competent foreign agency abroad for marriage registration;

In case an interpreter is needed for the interview, the provincial-level Justice Department shall appoint an interpreter.

The interview result shall be recorded in writing. The interviewer shall state his/her proposal in and sign the interview document. The interpreter (if any) shall undertake that he/she has accurately interpreted the interview contents and sign the interview document.

Based on appraisal, verification and interview results, the provincial-level Justice Department shall issue a written reply to the commune-level People's Committee for grant of a marital status certificate to the applicant.

In case of refusal, the provincial-level Justice Department shall issue a written reply clearly stating the reason to the commune-level People's Committee for notification to the applicant.

5. Within 2 working days after receiving a written reply from the provincial-level Justice Department, the commune-level People's Committee shall sign a marital status certificate or issue a written reply clearly stating the reason for refusal to grant a marital status certificate to the applicant.

Article 29. Refusal to grant marital status certificates to resident Vietnamese citizens for marriage with foreigners at competent foreign agencies

A request for grant of a marital status certificate of a resident Vietnamese citizen for marriage with a foreigner at a competent foreign agency shall be refused when:

1. The Vietnamese citizen requests grant of a marital status certificate for marriage with the foreigner at a foreign diplomatic mission or consular representative mission in Vietnam;

2. The examination and verification result shows that the marital status of the Vietnamese citizen is inconsistent with the declaration in the dossier; the partners are ineligible to get married under the Law on Marriage and Family of Vietnam;

3. The interview result shows that the partners have not understood the family and personal circumstances of each other or the language, customs, practices, culture and law on marriage and family of each country; or

4. The marriage is arranged through brokerage for profit-seeking purpose; is sham not for the purpose of building a well off, equal, progressive, happy and sustainable family; or is made use of for human trafficking, labor exploitation, sexual abuse or for other self-seeking purposes.

Section 3

REGISTRATION OF PARENT AND CHILD RECOGNITION

Article 30. Conditions for parent or child recognition

1. The parent or child recognition between a Vietnamese citizen and a foreigner, between Vietnamese citizens at least one of whom resides abroad, or between foreigners at least one of whom permanently resides in Vietnam under

this Decree may be made only when both parties are alive at the time of dossier submission and the parent or child recognition is voluntary and dispute-free.

In case one or both parties is/are no longer alive at the time of dossier submission or there is a dispute over the identification of parent or child, the case shall be settled by a court.

2. Recognition of a child who is a minor shall be agreed by his/her mother or father except when the mother or father has died, is missing or has lost her/his civil act capacity. Recognition of a child who is full 9 years old or older is subject to his/her consent.

3. Recognition of a parent of an adult child is not subject to the consent of the other parent.

4. For recognition of a parent of a minor child, the other parent of this child shall carry out the procedures for him/her. For recognition of a parent of a minor child whose other parent has died, is missing or has lost her/his civil act capacity, the guardian of this child shall carry out parent recognition procedures for him/her.

Article 31. Competence to register parent and child recognition

1. The provincial-level Justice Department of the locality where the recognized parent or child registers permanent residence shall recognize and register the parent or child recognition.

In case the recognized parent or child is a Vietnamese citizen who registers temporary residence but not permanent residence in accordance with the residence law, the provincial-level Justice Department of the locality where that person registers temporary residence shall recognize and register the parent or child recognition.

2. The representative mission in the host country shall recognize and register a foreigner's recognition of a Vietnamese citizen as his/her parent or child if such registration does not contravene the law of the host country.

For parent or child recognition between two Vietnamese citizens residing abroad, the representative mission in the country of residence of one of the parties shall recognize and register their parent or child recognition.

Article 32. Parent or child recognition dossiers

1. A parent or child recognition dossier shall be made in 1 set, comprising the following papers:

a/ Declaration for parent or child recognition registration, made according to a prescribed form;

b/ A copy of one of the personal identification papers such as identity card or passport (for resident Vietnamese citizens), passport or substitute paper such

as laissez-passer or residence card (for foreigners and Vietnamese citizens residing abroad);

c/ A copy of the birth certificate of the recognized child, for child recognition; or of the recognizing child, for parent recognition;

d/ Papers or other evidences proving the parent-child relation;

dd/ A copy of the residence registration book or temporary residence book (for resident Vietnamese citizens), copy of the temporary residence card (for resident foreigners in Vietnam) of the recognized parent or child.

2. A parent or child recognition dossier shall be submitted directly by the applicant at a competent agency prescribed in Article 31 of this Decree.

Article 33. Time limit for settlement of parent or child recognition

The time limit for the settlement of parent or child recognition is 25 days from the date the provincial-level Justice Department or representative mission receives a complete and valid dossier and a fee.

In case verification is needed under Clause 3, Article 34 or at Point a, Clause 1, Article 35 of this Decree, the above time limit may be extended for another 10 working days at most.

Article 34. Order of settlement of parent or child recognition in Vietnam

1. After receiving a complete and valid dossier and a fee, the provincial-level Justice Department shall study and appraise the dossier, post up the parent or child recognition at its office for 7 working days and concurrently request in writing the commune-level People's Committee of the locality where the recognized parent or child permanently resides to post up such recognition.

2. After receiving the provincial-level Justice Department's written request, the commune-level People's Committee shall post up the parent or child recognition at its office for 7 working days. If there is a complaint or denunciation about such recognition, the commune-level People's Committee shall promptly send a report thereon to the provincial-level Justice Department.

3. In case there is any doubt or a complaint or denunciation about the parent or child recognition or when clarification of the personal identification details of the involved parties or papers in the dossier is needed, the provincial-level Justice Department shall conduct verification.

4. Based on the appraisal and verification, if finding that the involved parties are eligible for parent or child recognition, the provincial-level Justice Department director shall sign a decision to recognize the parent or child recognition.

In case of refusing parent or child recognition, the provincial-level Justice Department shall send a notice clearly stating the reason to the applicant.

5. Within 5 working days after the provincial-level Justice Department director signs a decision to recognize the parent or child recognition, unless otherwise requested by the involved parties for a plausible reason, the provincial-level Justice Department shall record in the parent and child recognition registration book and hand over the decision to recognize the parent or child recognition to the involved parties. The recognizer and recognizee must be present to receive the decision.

Article 35. Order of settlement of parent or child recognition at representative missions

1. Within 20 days after receiving a complete and valid dossier and a fee, a representative mission shall:

a/ Study and appraise the parent or child recognition dossier; and conduct verification in case there is any doubt or a complaint or denunciation about the parent or child recognition or when clarification of the personal identification details of the involved parties or papers in the dossier is needed;

b/ If finding that the involved parties are eligible for parent or child recognition, the head of the representative mission shall sign a decision to recognize the parent or child recognition.

In case of refusing parent or child recognition, the representative mission shall send a notice clearly stating the reason to the applicant.

2. Within 5 working days after the head of a representative mission signs a decision to recognize the parent or child recognition, unless otherwise requested by the involved parties for a plausible reason, the representative mission shall record in the parent and child recognition registration book and hand over the decision to recognize the parent or child recognition to the involved parties. The recognizer and recognizee must be present to receive the decision.

Section 4

RECOGNITION OF MARRIAGE, RECORDING IN THE CIVIL STATUS BOOK OF VIETNAMESE CITIZENS' PARENT OR CHILD RECOGNITION ALREADY SETTLED AT COMPETENT FOREIGN AGENCIES

Article 36. Conditions for and forms of recognition of Vietnamese citizens' marriage already settled at competent foreign agencies abroad

1. The marriage between Vietnamese citizens or between a Vietnamese citizen and a foreign which has been settled at a competent foreign agency abroad shall be recognized in Vietnam when it satisfies the following conditions:

a/ The marriage complies with the foreign law;

b/ At the time of getting married, the partners satisfy the marriage conditions prescribed by the Law on Marriage and Family of Vietnam;

In case the marriage conditions are violated under Vietnamese law but at the time of requesting marriage recognition, the consequences of such violation have been remedied or the marriage recognition is favorable in protecting the interests of women and children, such marriage shall be recognized in Vietnam.

2. The marriage recognition prescribed in Clause 1 of this Article shall be recorded in the marriage registration book according to the procedures prescribed in Article 38 of this Decree.

Article 37. Competence to record marriages in the marriage registration book and record in the civil status book Vietnamese citizens' parent or child recognition already settled at competent foreign agencies

1. The provincial-level Justice Department of the locality where a Vietnamese citizen registers permanent residence shall record in the marriage registration book this citizen's marriage already settled at a competent foreign agency abroad (below referred to as book recording of marriage) or record in the civil status book this person's parent or child recognition already settled at a competent foreign agency (below referred to as book recording of parent or child recognition). In case the Vietnamese citizen has registered temporary residence but not permanent residence in accordance with the residence law, the provincial-level Justice Department of the locality where the citizen registers temporary residence shall make the recording.

2. The representative mission shall record in the book marriage and parent or child recognition of Vietnamese citizens residing in the host country.

Article 38. Dossiers, order and procedures for book recording of marriage

1. A dossier for recording of a marriage shall be made in 1 set, comprising the following papers:

a/ Declaration for book recording of a marriage, made according to a prescribed form;

b/ A copy of the marriage certificate issued by a competent foreign agency;

c/ A copy of one of the personal identification papers such as identity card, passport or valid substitute paper;

d/ A copy of the residence registration book or temporary residence book of the applicant.

For recognition of a marriage between a Vietnamese citizen and a foreigner either of whom has divorced a Vietnamese citizen at a competent foreign agency, a written certification of recording in the civil status book of the divorce already settled abroad as prescribed by Vietnamese law is required.

2. The dossier for book recording of a marriage shall be submitted directly by either partner at a competent agency prescribed in Article 37 of this Decree.

3. The time limit for settlement of the book recording of a marriage is 5 working days from the date the provincial-level Justice Department or representative mission receives a complete and valid dossier and a fee. When verification is needed, this time limit may be extended for another 5 working days at most.

In case of refusing book recording of a marriage, the provincial-level Justice Department or representative mission shall issue a written reply clearly stating the reason to the applicant.

4. After recording a marriage in the book, the provincial-level Justice Department director or head of the representative mission shall sign and grant the applicant a certificate of recording in the civil status book of the marriage already registered at the competent foreign agency, made according to a prescribed form.

Article 39. Refusal of book recording of marriage

A request for book recording of a marriage shall be refused when:

1. The marriage fails to satisfy the conditions prescribed in Clause 1, Article 36 of this Decree.

2. Tampered, modified or erased papers are used to carry out the procedures for grant of the marital status certificate, marriage or book recording of the marriage.

3. The commune-level People's Committee fails to consult the provincial-level Justice Department before granting a marital status certificate to the citizen according to Article 28 of this Decree and the Vietnamese citizen is ineligible to get married at the time of request for grant of the marital status certificate or the marital status of the Vietnamese citizen has been certified improperly.

Article 40. Dossiers, order and procedures for book recording of parent or child recognition

1. A dossier for book recording of parent or child recognition shall be made in 1 set, comprising the following papers:

a/ Declaration for book recording of parent or child recognition, made according to a prescribed form;

b/ A copy of a competent foreign agency's paper on endorsement of the parent or child recognition;

c/ A copy of the paper proving the personal identification of the applicant such as identity card, passport or valid substitute paper;

d/ A copy of the household registration book or temporary residence book of the applicant.

2. The applicant shall submit the dossier of book recording of parent or child recognition directly at a competent agency prescribed in Article 37 of this Decree.

3. Within 5 working days after receiving a complete and valid dossier and a fee, the provincial-level Justice Department or representative mission shall appraise the dossier. In case verification is needed, this time limit may be extended for another 5 working days at most.

If finding that the dossier is complete and valid, the provincial-level Justice Department director or the head of the representative mission shall sign and grant the applicant a certificate of book recording of the parent or child recognition already registered at the competent foreign agency, made according to a prescribed form.

Section 5

RECORDING IN THE CIVIL STATUS BOOK OF DIVORCE AND CANCELLATION OF ILLEGAL MARRIAGE ALREADY SETTLED ABROAD

Article 41. Conditions for recording in the civil status book of divorce already settled abroad

Divorce judgments, decisions or agreements or other divorce recognition papers issued by competent foreign agencies do not require enforcement in Vietnam or have no application for non-recognition in Vietnam.

Article 42. Competence to record in the civil status book divorce already settled abroad

1. The provincial-level Justice Department of the locality within which the marriage of an applicant has been registered or recorded in the book shall record in the civil status book this person's divorce already settled abroad.

Based on the applicant's declaration for recording in the civil status book of the divorce already settled abroad and the filed civil status book, the provincial-level Justice Department shall identify the locality where the marriage was previously registered or recorded in the book.

2. In case a Vietnamese citizen from abroad who resides permanently in Vietnam requests recording of his/her divorce in the civil status book and his/her marriage has been registered at a representative mission or a competent foreign agency, such recording shall be made at the provincial-level Justice Department of the locality where this citizen permanently resides.

3. In case a Vietnamese citizen who is currently residing abroad requests recording in the civil status book his/her divorce and his/her marriage has been registered at a representative mission or a competent foreign agency but has not been recorded in the book at a competent Vietnamese agency, such recording shall be made at the provincial-level Justice Department of the locality where this citizen resides before leaving the country if this recording is not for the purpose of marriage.

In case the recording of a divorce in the civil status book is for the purpose of marriage, the provincial-level Justice Department of the locality where the applicant submits the marriage registration dossier is competent to record the divorce in the civil status book.

Article 43. Cases subject to recording in the civil status book of divorce already settled abroad

1. The following cases are subject to recording in the civil status book of divorce already settled abroad:

a/ A Vietnamese citizen who gets divorced abroad returns to permanently reside in Vietnam and requests the grant of a marital status certificate or carries out marriage procedures;

b/ A Vietnamese citizen residing abroad who gets divorced abroad requests marriage at a competent Vietnamese agency;

c/ A foreigner who divorces a Vietnamese citizen abroad requests marriage in Vietnam;

d/ A person who registers his/her marriage or has it recorded at a competent Vietnamese agency and later gets divorced abroad requests civil status registration at a competent Vietnamese agency.

2. The civil status registration agency shall settle other cases of request for recording in the civil status book of divorce already settled abroad.

3. For a person who gets divorced many times, only the last divorce shall be recorded in the civil status book.

Article 44. Dossiers for recording in the civil status book of divorce already settled abroad

1. A dossier for recording in the civil status book of a divorce already settled abroad must comprise:

a/ Declaration for recording in the civil status book of a divorce already settled abroad, made according to a prescribed form;

b/ A copy of a foreign court's effective divorce judgment or decision; a copy of the divorce agreement whose effect has been recognized by a foreign court or another competent foreign agency; copies of other divorce endorsement papers issued by competent foreign agencies;

c/ A copy of the identity card, passport or another valid substitute paper proving the personal identification of the applicant;

d/ A copy of the paper proving the competence to record divorce in the civil status book.

2. The above dossier shall be made in 2 sets and sent by post or submitted directly to the competent provincial-level Justice Department.

The applicant for recording of a divorce in the civil status book may authorize another person to carry out the recording procedures. A paper of authorization shall be made and legally notarized or certified, but is not required if the authorized person is the grandparent, parent, spouse, natural child or sibling of the authorizing person.

Article 45. Order and procedures for recording in the civil status book of divorce already settled abroad

1. Within 3 working days after receiving a complete and valid dossier and a fee, the provincial-level Justice Department shall send a written request to the Ministry of Justice for opinion about conditions for recording of the divorce in the civil status book together with one set of dossier.

2. Within 7 working days after receiving the provincial-level Justice Department's written request for opinion, the Ministry of Justice shall consider and appraise the dossier and conditions for recording of the divorce in the civil status book.

If finding that the divorce judgment, decision or written agreement satisfies the conditions prescribed in Article 41 of this Decree and the competence to record divorce in the civil status book is proper, the Ministry of Justice shall send its written approval to the provincial-level Justice Department for recording of the divorce in the civil status book in accordance with this Decree.

If the request for recording of a divorce in the civil status book is ineligible or improper, the Ministry of Justice shall return the dossier to the provincial-level Justice Department and issue a written reply clearly stating the reason.

3. Within 3 working days after receiving the Ministry of Justice's written approval, the provincial-level Justice Department shall record in the civil status book the divorce already settled abroad and grant the applicant a written certification of such recording, made according to a prescribed form. In case the recording of the divorce in the civil status book is ineligible or outside its competence, the provincial-level Justice Department shall issue a written reply and return the dossier to the applicant without repaying the fee.

Article 46. Way of recording in the civil status book of divorce already settled abroad

1. A divorce already settled abroad shall be recorded in the civil status book as follows:

The divorce shall be recorded in the note column of the previous marriage registration book, clearly writing the form, serial number and legally effective date of the divorce document; name of the foreign court or another competent foreign agency recognizing the divorce; serial number and date of the written approval of the Ministry of Justice.

For an applicant who previously registered his/her marriage at a district- or commune-level People's Committee, after recording his/her divorce in the civil status book, the provincial-level Justice Department shall send a notice to such district- or commune-level People's Committee for further recording in the marriage registration book in accordance with the law on civil status.

In case the applicant previously requested marriage registration at a representative mission, the notice shall be sent to the Ministry of Foreign Affairs for recording in the marriage registration book filed at the Ministry of Foreign Affairs (if the marriage registration book was forwarded for file) and for further notification to the above representative mission for book recording.

2. In case an applicant requests recording of a divorce in the civil status book and the marriage was previously registered at a competent foreign agency and such marriage has not been recorded in the marriage registration book, the provincial-level Justice Department shall record both the marriage and divorce in the marriage registration book used at the provincial-level Justice Department.

In case the applicant has registered his/her marriage at a competent Vietnamese agency but the marriage registration book is no longer kept, the recording of his/her divorce in the civil status book must also comply with this Clause.

Article 47. Recording in the civil status book of cancellation of illegal marriage already settled abroad

The recording in the civil status book of the cancellation of an illegal marriage already settled abroad shall be conducted according to the provisions on recording in the civil status book of divorce already settled abroad.

Section 6

REGISTRATION OF FOREIGN-INVOLVED MARRIAGE AND PARENT AND CHILD RECOGNITION IN BORDER AREAS

Article 48. Competence to register marriage and parent and child recognition

Commune-level People's Committees of border areas shall register marriage and parent or child recognition between Vietnamese citizens residing in border areas and citizens of neighboring countries who reside in areas bordering on Vietnam in accordance with this Decree.

Article 49. Order and procedures for marriage registration

1. A marriage registration dossier shall be made in 1 set, comprising the following papers of each party:

a/ Marriage registration declaration, made according to a prescribed form;

b/ Marital status certificate or marriage registration declaration containing certification of marital status, for Vietnamese citizens; the papers proving the marital status of the citizen of the neighboring country issued by a competent

agency of that country within 6 months counting to the date of dossier receipt, certifying that this person is currently unmarried.

For a Vietnamese citizen who has divorced at a competent foreign agency or a foreigner who has divorced a Vietnamese citizen at a competent foreign agency, a written certification of recording in the civil status of such divorce already settled abroad under this Decree is required.

2. Either partner shall submit the marriage registration dossier directly at the commune-level People's Committee which registers the marriage.

3. The applicant shall produce the following papers:

a/ The identity card of border inhabitant, for Vietnamese citizens; or a paper proving his/her permanent residence in a border area together with other personal identification papers for examination, for those having no identity card of border inhabitant;

b/ The personal identification paper or another paper proving his/her permanent residence in an area bordering on Vietnam issued by a competent agency of the neighboring country, for citizens of neighboring countries.

4. Within 15 days after receiving a complete and valid dossier, the commune-level People's Committee shall appraise the dossier and then send a written request for opinion to the provincial-level Justice Department together with a photocopied dossier set.

5. Within 5 working days after receiving a written request from the commune-level People's Committee, the provincial-level Justice Department shall consider the dossier and issue a written reply to the commune-level People's Committee.

6. Within 7 working days after receiving the provincial-level Justice Department's written approval, the commune-level People's Committee shall register the marriage as for marriages between Vietnamese citizens in accordance with the law on civil status registration.

7. In case of refusing marriage registration, the provincial-level Justice Department shall send a notice clearly stating the reason to the commune-level People's Committee for notification to the applicant.

The refusal of marriage registration must comply with Article 26 of this Decree.

Article 50. Order and procedures for registration of parent or child recognition

1. A registration dossier of parent or child recognition shall be made in 1 set, comprising:

a/ Declaration for parent or child recognition, made according to a prescribed form;

b/ Papers or other evidences proving the parent-child relation.

2. The applicant shall submit the registration dossier of parent or child recognition directly at the commune-level People's Committee which registers the parent or child recognition and shall produce the papers specified in Clause 3, Article 49 of this Decree for examination.

3. Within 15 days after receiving a complete and valid dossier, the commune-level People's Committee shall appraise the dossier and post up at its office the parent or child recognition for 7 working days. Past this time, the commune-level People's Committee shall send a written request for opinion to the provincial-level Justice Department together with a photocopied dossier set.

4. Within 5 working days after receiving a written request for opinion from the commune-level People's Committee, the provincial-level Justice Department shall consider the parent or child recognition dossier and issue a written reply to the commune-level People's Committee.

5. Within 7 working days after receiving the provincial-level Justice Department's written approval, the commune-level People's Committee shall register the parent or child recognition as for parent and child recognition between Vietnamese citizens under the law on civil status registration.

6. In case of refusing parent or child recognition, the provincial-level Justice Department shall send a notice clearly stating the reason to the commune-level People's Committee for notification to the applicant.

Section 7

ORGANIZATION AND OPERATION OF FOREIGN-INVOLVED MARRIAGE AND FAMILY COUNSELING AND SUPPORT

Article 51. Centers for foreign-involved marriage and family counseling and support

The center for foreign-involved marriage and family counseling and support (below referred to as center) is a non-business unit under the Central Vietnam Women's Union or the Women's Union of a province or centrally run city (below referred to as Women's Union).

Article 52. Principles of foreign-involved marriage and family counseling and support

1. Activities of a center must adhere to the principle of non profit, contribution to making healthy foreign-involved marriage and family relations and conformity with the fundamental principles of Vietnam's marriage and family regime and national fine customs and practices.

2. The marriage partners are entitled to foreign-involved marriage and family counseling and support regardless of their nationality or place of residence.

3. Taking advantage of foreign-involved marriage and family counseling and support for human trafficking, labor exploitation, sexual abuse or other profit-seeking purposes is prohibited.

Article 53. Conditions for establishment of a center

The Women's Union shall decide to establish a center if fully satisfying the following conditions:

1. To have an operation regulation ensuring the principles prescribed in Article 52 of this Decree approved by the Women's Union.

2. To have locations, equipment and human resources to ensure the center's activities.

3. The expected head of the center has no criminal record.

Article 54. Procedures for operation registration of centers, re-grant of operation registration certificates of centers

1. After receiving the establishment decision, a center shall register its operation with the provincial-level Justice Department of the locality where it is based.

2. The operation registration dossier of a center shall be made in 1 set comprising:

a/ Declaration for operation registration made according to a prescribed form;

b/ A copy of the establishment decision of the center;

c/ The paper proving the location of the office of the center;

d/ The judicial record card of the expected head of the center, which has been issued within 3 months counting to the date of dossier receipt;

dd/ A copy of the operation regulation prescribed in Clause 1, Article 53 of this Decree.

3. Within 5 working days after receiving a complete and valid dossier, the provincial-level Justice Department shall grant an operation registration certificate made according to a prescribed form to a center. In case of refusal, it shall send a notice clearly stating the reason to a center.

4. A center's operation registration certificate may be re-granted if it is lost or unusably damaged.

Article 55. Powers and obligations of centers

1. A center has the following powers:

a/ To counsel Vietnamese citizens about matters related to foreign-involved marriage and family under the guidance of the Women's Union;

b/ To counsel and train Vietnamese citizens in languages, cultures, customs and habits, and the marriage and family and immigration laws of the countries of persons whom they expect to marry;

c/ To counsel and assist foreigners in learning about the language, culture, customs and habits, and the marriage and family law of Vietnam;

d/ To assist marriage partners in understanding the personal and family circumstances of their partners and other related matters as requested by the partners;

dd/ To grant certificates to Vietnamese citizens who have received counseling and training under Points a and b, Clause 1 of this Article when so requested;

e/ To assist the marriage partners in completing marriage registration dossiers in accordance with law when so requested;

g/ To provide matchmaking for Vietnamese citizens or foreigners wishing to find foreign or Vietnamese partners for marriage;

h/ To cooperate with foreign marriage counseling and support organizations set up under that country's law in settling matters related to marriage and family between Vietnamese citizens and foreigners;

i/ To receive remuneration to cover operation expenses and payments for other reasonable actual expenses in accordance with law, ensuring the non-profit principle;

k/ To change the contents of its operation registration certificate under Article 56 of this Decree.

2. A center has the following obligations:

a/ To operate in compliance with its operation registration certificate;

b/ To counsel and assist all requesters regardless of their nationality and place of residence; to grant certificates to requesters after providing counseling and support;

c/ To publicly announce remuneration levels under regulations;

d/ To keep confidential personal information and materials, and personal and family secrets of parties in accordance with law;

dd/ To biannually and annually report on its operation, to send financial statements on its incomes and expenditures related to foreign-involved marriage and family counseling and support activities to the Women's Union and provincial-level Justice Department with which it registers operation; to irregularly report and provide documents on or explain about matters related to its operation when so requested by competent state agencies;

e/ To submit to the inspection and management by the Women's Union;

g/ To submit to the inspection and examination by the Central Vietnam Women's Union, the Ministry of Justice, the provincial-level Justice Department with which it registers operation, and by other competent agencies in accordance with law;

h/ Other obligations as prescribed by law.

Article 56. Change of contents of operation registration certificates of centers

1. A center wishing to change its name or office address shall send a written request for recording of such change together with its operation registration certificate to the provincial-level Justice Department with which it registers operation.

Within 3 working days after receiving a written request for recording of a change, the provincial-level Justice Department shall certify such change in the operation registration certificate of the requesting center.

2. For change of the head or operation contents of a center, the Women's Union shall send to the provincial-level Justice Department with which the center registers operation a written request clearly stating the purpose, contents and reason for such change, together with the center's operation registration certificate. For change of the center head, the judicial record card of the replacing head issued within 3 months counting to the date of dossier receipt is required.

Within 5 working days after receiving a complete and valid dossier, the provincial-level Justice Department shall certify the change in the operation registration certificate. In case of refusal, it shall send a notice clearly stating the reason to the Women's Union.

Article 57. Termination of operation of centers

1. A center shall terminate its operation when:

a/ The Women's Union decides to dissolve the center;

b/ The center is deprived of the right to use its operation registration certificate under the decision of a competent state agency.

2. In case of operation termination under Point a, Clause 1 of this Article, the Women's Union shall send a notice of such termination to the provincial-level Justice Department with which the center registers operation at least 30 days before the center terminates its operation. The center shall return its operation registration certificate to the provincial-level Justice Department with which it registers operation.

3. In case of operation termination under Point b, Clause 1 of this Article, the provincial-level Justice Department or another competent agency shall send the decision to deprive the right to use the operation registration certificate to the

Women's Union at least 30 days before the date the center is forced to terminate its operation.

4. Before the date of operation termination, the center shall pay its debts (if any) to related organizations and persons and settle matters related to its operation termination; and send a report to the Women's Union and the provincial-level Justice Department with which its registers operation.

Section 8

STATE MANAGEMENT OF FOREIGN-INVOLVED MARRIAGE AND FAMILY

Article 58. Tasks and powers of the Ministry of Justice

The Ministry of Justice shall take responsibility before the Government for the uniform state management of foreign-involved marriage and family nationwide, having the following tasks and powers:

1. To elaborate and propose competent state agencies to promulgate or promulgate according to its competence legal documents on foreign-involved marriage and family.

2. To guide provincial-level People's Committees and coordinate with the Ministry of Foreign Affairs in directing and guiding representative missions in implementing the law on marriage and family involving foreign elements; and disseminating and educating about the law on marriage and family involving foreign elements and settling in accordance with law foreign-involved marriage and law matters .

3. To uniformly issue civil status registration books and forms prescribed in this Decree.

4. To inspect and examine the implementation of the law on marriage and family involving foreign elements; to settle complaints and denunciations in accordance with law; to handle administrative violations of regulations on foreign-involved marriage and family in accordance with law.

5. To make statistics on marriage registration; and parent and child recognition; to grant marital status certificates; to record marriages and parent and child; to record divorces or the cancellation of illegal marriages in civil status books under this Decree.

6. To carry out international cooperation in the field of foreign-involved marriage and family in accordance with law.

Article 59. Tasks and powers of the Ministry of Foreign Affairs

The Ministry of Foreign Affairs shall perform the state management of foreign-involved marriage and family in accordance with law, having the following tasks and powers:

1. To direct representative missions in implementing the law on foreign-involved marriage and family and in civil status registration operations; to take measures to protect the lawful rights and interests of overseas Vietnamese in marriage and family relations in accordance with the laws of host countries and treaties to which Vietnam is a contracting party.

2. To direct representative missions in making statistics and annually reporting on marriage registration; parent and child recognition; recording of marriages and parent and child recognition falling under their competence as prescribed by this Decree.

To summarize statistics and annually report on marriage registration; parent and child recognition; recording of marriages and parent and child recognition falling under the competence of representative missions for sending to the Ministry of Justice.

3. To update and provide basic information on the laws, cultures, customs and habits of host countries as a basis for guiding public information and counseling work at home.

4. To inspect and examine representative missions in the implementation of the law on marriage and family involving foreign elements; to settle complaints and denunciations in accordance with law; to handle in accordance with law administrative violations of regulations on marriage and family involving foreign elements.

5. To settle according to its competence external-relation matters arising in the implementation of treaties on marriage and family to which Vietnam is a contracting party.

6. To issue copies of marriage certificates and decisions on recognition of parent or child recognition in accordance with law.

7. Other tasks and powers as prescribed by law.

Article 60. Tasks and powers of representative missions

1. Representative missions shall perform the state management of marriage and family and have the following tasks and powers:

a/ To register marriages and parent and child recognition; to record in books marriages and parent and child recognition in accordance with the laws of host countries and treaties to which Vietnam is a contracting party;

b/ To make statistics and biannually and annually report to the Ministry of Foreign Affairs on marriage registration and parent and child recognition; and recording of marriages and parent and child recognition falling under their competence as prescribed by this Decree;

c/ To update basic information on the laws, cultures, customs and habits of host countries and report to the Ministry of Foreign Affairs;

d/ To settle complaints and denunciations and handle administrative violations related to the settlement of civil status matters in accordance with law;

dd/ Other tasks and powers as prescribed by law.

2. Diplomatic and consular public employees in charge of civil status affairs shall assist representative missions in performing the tasks and powers specified in Clause 1 of this Article, except the settlement of denunciations prescribed at Point d, Clause 1 of this Article.

Article 61. Tasks and powers of the Ministry of Public Security

The Ministry of Public Security shall perform the state management of foreign-involved marriage and family in accordance with law, having the following tasks and powers:

1. To direct and guide provincial-level public security offices in assuming the prime responsibility for, and coordinating with provincial-level Justice Departments in, verifying according to their specialized functions matters required in marriage registration dossiers under this Decree; to promptly issue passports and facilitate the exit from Vietnam of Vietnamese citizens having registered marriages or being recognized as parents or children when so requested.

2. To direct and take measures to prevent and fight matchmaking activities and taking advantage of marriage or parent or child recognition for self-seeking purposes, human trafficking, labor exploitation, sexual abuse and other acts violating the law on marriage and family involving foreign elements.

3. To inspect and examine the implementation of the law on marriage and family involving foreign elements in accordance with law.

4. Other tasks and powers as prescribed by law.

Article 62. Tasks of ministries, ministerial-level agencies and government-attached agencies

Ministries, ministerial-level agencies and government-attached agencies shall, within the ambit of their respective functions, tasks and powers, coordinate with the Ministry of Justice in performing the state management of foreign-involved marriage and family.

Article 63. Tasks and powers of provincial-level People's Committees

1. Provincial-level People's Committees shall perform the state management of foreign-involved marriage and family in their localities, having the following tasks and powers:

a/ To register foreign-involved marriages under this Decree;

b/ To disseminate and educate about the law on marriage and family involving foreign elements;

c/ To make statistics and biannually and annually report to the Ministry of Justice on marriage registration and parent and child recognition; recording of marriages and parent and child recognition under this Decree; and the implementation of the law on marriage and family involving foreign elements in their localities;

d/ To assure necessary conditions for provincial-level Women's Unions to establish centers; to create conditions for centers to operate effectively; to manage activities of centers in their localities;

dd/ To inspect and examine the implementation of the law on marriage and family involving foreign elements in their localities; to settle complaints and denunciations and handle administrative violations of regulations on marriage and family involving foreign elements in accordance with law;

e/ Other tasks and powers as prescribed by law.

2. Provincial-level Justice Departments shall assist provincial-level People's Committees in performing the state management of foreign-involved marriage and family in their localities; register parent and child recognition; record in books marriages and parent and child recognition; and perform specific tasks and powers prescribed in this Decree.

Article 64. Responsibilities of the Central Vietnam Women's Union in foreign-involved marriage and family

1. The Central Vietnam Women's Union shall coordinate with the Ministry of Justice, ministries, ministerial-level agencies, government-attached agencies and provincial-level People's Committees in carrying out activities of foreign-involved marriage and family in accordance with law.

2. The Central Vietnam Women's Union shall:

a/ Establish centers in accordance with this Decree and manage their activities;

b/ Direct and guide provincial-level Women's Unions in establishing centers and managing their activities;

c/ Direct and guide the organization and activities of centers;

d/ Coordinate with the Ministry of Justice in examining and inspecting the organization and activities of centers.

Chapter IV **IMPLEMENTATION PROVISIONS**

Article 65. Effect

1. This Decree takes effect on February 15, 2015.

2. To annul the Government's Decree No. 70/2001/ND-CP of October 3, 2001, detailing a number of articles of the Law on Marriage and Family; Decree

No. 32/2002/ND-CP of March 27, 2002, prescribing the application of the Law on marriage and family to ethnic minority people; Article 2 of Decree No. 06/2012/ND-CP of February 2, 2012, amending and supplementing a number of articles of the decrees on civil status, marriage and family and certification, and Decree No. 24/2013/ND-CP of March 28, 2013, detailing a number of articles of the Law on Marriage and Family regarding marriage and family relations involving foreign elements, except regulations on consular legalization, certification of translators' signatures and copies, papers for stateless persons, persons with multiple foreign nationalities, Vietnamese citizens residing abroad and fees, cease to be effective on the effective date of the Decree detailing the Law on Civil Status.

Article 66. Transitional provisions

Dossiers of request for marriage registration; parent or child recognition, grant of marital status certificates to Vietnamese citizens residing in the country to be used for registration of marriage with foreigners at competent foreign agencies overseas, recording of marriages or parent or child recognition settled overseas by competent foreign agencies and received by competent Vietnamese agencies before the effective date of this Decree shall be settled under Decree No. 24/2013/ND-CP of March 28, 2013, detailing a number of articles of the Law on Marriage and Family regarding marriage and family relations involving foreign elements.

Article 67. Implementation responsibility

Ministers, heads of ministerial-level agencies, heads of government-attached agencies, chairpersons of all-level People's Committees and related organizations and persons shall implement this Decree.

On behalf of the Government

Prime Minister

NGUYEN TAN DUNG

Appendix

LIST OF BACKWARD MARRIAGE AND FAMILY PRACTICES WHICH SHOULD BE ELIMINATED THROUGH MOBILIZATION OR ARE BANNED FROM APPLICATION

(To the Government's Decree No. 126/2014/ND-CP of December 31, 2014)

I. BACKWARD MARRIAGE AND FAMILY PRACTICES WHICH SHOULD BE ELIMINATED THROUGH MOBILIZATION

1. Getting married before the ages prescribed by the Law on Marriage and Family.

2. Marriage registration is not carried out by competent state agencies.

3. Forcing marriages due to physiognomy and astronomy reading and superstition; obstructing marriages due to ethnic and religious differences.

4. Prohibiting marriages between relatives of the fourth generation on.

5. Forcing the son-in-law to stay matrilocally to work for his parents-in-law after the marriage if his family has no money for wedding and no wedding presents.

6. The family ties are patriarchal or matriarchal, failing to ensure the equality between wife and husband as well as between girls and boys.

a/ Patriarchy:

Upon the divorce, if at the wife's request, the wife's family must return to the husband's family all the wedding presents and other costs; if at the husband's request, the wife's family must still return to the husband's family half of the wedding presents. After the divorce, if the woman remarries, she is not allowed to enjoy and take any property with her. After the divorce, the children must live with their father.

When the husband dies, the widow is not entitled to the heritage left behind by the husbands. If the widow remarries, she is not allowed to enjoy and take any property with her.

When the father dies, only sons are entitled to the heritage left behind by the late father.

b/ Matriarchy:

The children are forced to bear their mother's family name.

When the wife dies, the widower is not allowed to enjoy the heritage left behind by his late wife and to take his personal property home.

When the mother dies, only daughters are entitled to enjoy the heritage left behind by their late mother.

After his matrilocality, if the son-in-law is denied the marriage or after the betrothal ceremony and the wedding offerings being accepted, the son-in-law is denied the marriage, he will not be compensated therefor.

7. Rejecting marriages between people of different ethnic groups or between people of different religions.

II. BACKWARD MARRIAGE AND FAMILY PRACTICES WHICH MUST BE BANNED FROM APPLICATION

1. Polygamy.

2. Marriage between people of the same direct line of descent, between relatives within three generations.

3. The customs of catching wives in order to coerce women into marriage.

4. Asking for high wedding presents of commercial nature (asking for silver, cash, dowries, buffaloes, cows, gongs... as wedding offerings).

5. The levirate marriage customs: When the husband dies, the widow is forced to marry his elder or younger brother-in-law; when the wife dies, the widower is forced to marry her elder or younger sister-in-law.

6. Forcing the widow or widower, who remarries, to repay the wedding money to the family of her ex-husband or his ex-wife.

7. Reclaiming property and imposing fines when the wife or husband divorces her husband or his wife.-