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THE SOCIALIST REPUBLIC OF VIETNAM

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Hanoi, November 15, 2015

## DECREE

### ON GUIDELINES FOR 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 request of the Minister of Justice,*

*The Government promulgates a Decree on guidelines for law on civil status.*

#### **Chapter I**

### **GENERAL PROVISIONS**

#### **Article 1. Scope**

This Decree provides guidelines for the Law on Civil Status in terms of registration of birth, marriage, management and use of vital records in the stage that database of electronic civil status and national database of inhabitants has not been commenced nationwide (hereinafter referred to as transitional stage); birth registration for abandoned children, children whose parents have not yet been identified, children born from surrogacy; registration of birth, marriage, recognition of parent-child relationship, registration of death at border areas; issuance of certificates of marital status; birth registration for children who were born overseas without birth registration and reside in Vietnam; marriage registration with foreign elements at the People's Committees of districts; document in vital records marriage, divorce, marriage annulment of Vietnamese citizens that have been processed at competent authorities overseas, re-registration of birth, marriage, death; placement of justice and civil status public employees in charge of full time job and measures for implementing the Law on civil status.

#### **Article 2. Regulations on presentation/submission of applications for civil status registration, issuance of copies of civil status documents**

1. An applicant for civil status registration or issuance of copies of civil status documents shall present the original of one of the following documents: passport, ID card, or another document containing photo and personal information that has been issued by a competent authority and remaining valid (hereinafter referred to as identity paper) for the identity verification purpose.

In the transitional stage, the applicant for civil status registration shall present documents proving his/her place of residence.

2. An applicant for birth registration shall submit the original of certificate of live birth or an equivalent document as prescribed in Clause 1 Article 16 of the Law on civil status; an applicant for death registration shall submit the original of death notice or an equivalent document as prescribed in Clause 1 Article 34 of the Law on civil status and Clause 2 Article 4 hereof; an applicant for marriage registration shall submit the original of certificate of marital status as prescribed Section 3 Chapter III hereof.

3. Any document written in foreign language to be used for civil status registration in Vietnam shall be translated to Vietnamese; the translation shall be notarized or the translator's signature shall be certified as prescribed by law.

4. Any document issued or certified by the competent authority of a neighbor country of Vietnam (hereinafter referred to as neighbor country) to be used for civil status registration as prescribed in Point d Clause 1 Article 7 of the Law on civil status shall be exempt from consular legalization. It shall be translated to Vietnamese with the translator's commitment to the correct contents.

5. Any copy in the application for civil status registration is a copy issued from the master register or certified from the original as prescribed by law; if an applicant submits a non-certified copy, he/she must present the original for collation.

### **Article 3. Submission and receipt of application for civil status registration**

1. An applicant for marriage registration, recognition of parent-child relationship, or marriage re-registration may submit a relevant application at the Registry of civil status (hereinafter referred to as Registry) in person; an applicant for other civil status affairs may submit a relevant application to the Registry in person, by pose or online.

The application for civil status registration shall be made in 1 copy.

2. The receiving person shall verify if documents are appropriate to the application form and they are all valid; in case of insufficient application, the applicant is required complete the application. In case of sufficient and satisfactory application, the receiving person shall make a receipt note specifying an appointment to give processing results.

If the applicant submits copies issued from the master register or certified from originals, the receiving person may not require the presentation of the originals; if the applicant submits copies and present their originals, the receiving person shall collate them and bear signatures in the copies to certify that these documents have been collated.

If specific documents to be presented are prescribed by law, the receiving person may not require any other copies of these documents.

3. If an applicant who submits an application by post and wishes to receive processing results by post and is not exempt from fees and charges for giving processing results by post, he/she shall also pay an amount of civil status registration charge or civil status copy issuance charge. The receiving person shall specify the method of giving processing results in the receipt note.

The method of giving processing results by post shall apply to applications for recording civil status affairs that are processed by foreign competent authorities, including birth registration; marriage; guardianship; recognition of parent-child relationship; identification of parent-child relationship; adoption; civil status change; death registration; divorce; unlawful marriage annulment; and applications for issuance of civil status copies as prescribed in Article 63 of the Law on civil status.

4. If an application for civil status registration is subject to verification as prescribed in the Law on civil status and this Decree, the time for submitting the application and receiving processing results shall not be included in the time limit for processing such application.

#### **Article 4. Birth registration and death registration contents**

1. Birth registration contents shall being determined as prescribed in Clause 1 Article 14 of the Law on civil status the following regulations:

a) The child's full name; race shall be determined subject to agreement of the parents as prescribed in civil law and specified in the application form for birth registration; if the parents do not or fail to reach an agreement, common practice shall prevail;

b) The child's nationality shall be determined as prescribed in law on nationality;

c) The personal identification number of the person whose birth is registered shall be issued upon the birth registration. Procedures for issuance of personal identification numbers shall be consistent with the Law on identification numbers and the Decree on guidelines for the Law on identification numbers, in accordance with the Law on civil status and this Decree;

d) Date of birth shall be determined according to solar calendar. The child's place of birth, sex shall be determined according to the certificate of live birth issued by a competent health facility; in case of absence from a certificate of live birth, the equivalent document shall be determined as prescribed in Clause 1 Article 16 of the Law on civil status.

If a child was born at a health facility, the health facility's name and name of the administrative division of commune/district/province where the health facility is located shall be specified in the place of birth. If a child is born outside a health facility, the name of the administrative division of commune/district/province where the child was born.

dd) Native place of the person whose birth is registered shall be determined as prescribed in Clause 8 Article 4 of the Law on civil status.

2. Essential contents of an application for death registration as prescribed the Law on civil status: The deceased's full name, year of birth, personal identification number (if any); place of death; cause of death; date and time of death by solar calendar; and nationality (if the deceased is a foreigner).

Death registration contents shall be determined according to the death notice or equivalent document issued by the following competent authority:

a) If a person dies at a health facility, the head of health facility shall issue a death notice;

b) If a person dies as a result of enforcement of a death sentence, the President of the Board of death sentence shall issue a document certifying the enforcement of death sentence instead of a death notice;

c) If a person is given a declaration of presumed death by a court, the effective judgment/decision shall replace a death notice;

d) If a person dies in a vehicle, dies from accident, is killed, dies suddenly or dies with doubt, a document certifying the death issued by a police authority or findings of forensic examination agency shall replace a death notice;

dd) If a person dies from another cause other than those prescribed in Points a, b, c, and d of this Clause, the People's Committee of commune where he/she dies shall issue a death notice.

### **Article 5. Issuance of certificate of live birth, death notice and provision of birth and death statistics**

1. A health facility, upon issuance of a certificate of live birth or a death notice and a competent authority, upon issuance of a document equivalent to death certificate prescribed in Clause 2 Article 4 of this Decree shall give a notice of birth and death statistics to the competent Registry as prescribed in the Law on civil status for prompt, sufficient, and accurate statistics as prescribed by law.

2. The Ministry of Health shall provide health facilities with guidelines for issuance of certificates of live birth and death notices, and provision of birth and death statistics to the competent Registry as prescribed in Clause 1 hereof.

### **Article 6. Validity of birth certificate**

1. Birth certificate is an original document on civil status of an individual.

2. All documents of an individual containing full name, date of birth, race, nationality, native place, parent-child relationship shall be consistent with his/her birth certificate.

3. If an individual's document contains information different from his/her birth certificate, the head of agency that has managed or issued such document shall make appropriate amendments in accordance with the birth certificate.

### **Article 7. Conditions for changes and correction of civil status affairs**

1. An application for change of full name of a person less than 18 years of age prescribed in Clause 1 Article 26 of the Law on civil status shall be subject to his/her parents' consent which is specified in such application. An application for change of full name of a person aged 9 or older shall also be subject to his/her consent.

2. Civil status correction prescribed in the Law on civil status means correction of personal information in vital records or originals of civil status documents which have been carried out only when there are substantial grounds to prove presence of mistakes at the civil status official's faults or at the applicant's faults.

## **Article 8. Recruitment, placement, and training for civil status officials**

1. From January 1, 2016, the competent person may solely recruit new civil status officials that meet standards as prescribed in the Law on civil status.

2. According to the statutory number of officials, public employees of commune prescribed by the Government, each People's Committee of province or central-affiliated city (hereinafter referred to as People's Committee of province) shall, upon placement of civil status officials, give priority to full-time civil status officials in communes, wards and towns which are commune-level administrative divisions class 1, class 2, populated and have a great number of civil status affairs.

3. The Ministry of Justice shall formulate a training program for civil status affairs and regulate issuance of certificates of training in civil status affairs to civil status officials.

Each People's Committee of province shall formulate and implement the plan for training in civil status affairs provided for civil status officials in the province.

## **Chapter II**

### **CIVIL STATUS REGISTRATION, MANAGEMENT AND USE OF VITAL RECORDS IN TRANSITIONAL STAGE**

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

#### **Article 9. Documents to be submitted and presented upon birth registration**

1. An applicant for birth registration at the People's Committee of commune, ward, or town (hereinafter referred to as commune) shall submit documents as prescribed in Clause 1 Article 16 of the Law on civil status; and an applicant for birth registration at the People's Committee of suburban district, urban district, district-level town, provincial-affiliated city (hereinafter referred to as district) shall submit documents as prescribed in Clause 1 Article 36 of the Law on civil status.

2. The applicant for birth registration shall present documents as prescribed in Clause 1 Article 2 hereof.

If the child's parents have their marriage registered, the marriage license shall also be presented.

#### **Article 10. Documents to be submitted and presented upon marriage registration**

An applicant for marriage registration at the People's Committee of commune shall submit documents as prescribed in Clause 1 Article 2 of this Decree, Clause 1 Article 18 of the Law on civil status; and an applicant for marriage registration at the People's Committee of district shall submit documents as prescribed in Clause 1 Article 38 of the Law on civil status and submit the original of certificate of marital status as prescribed as follows:

1. If the person applies for marriage registration at a People's Committee of commune other than his/her permanent residence commune, he/she must submit a certificate of marital status issued by the competent People's Committee of commune as prescribed in Articles 21, 22, and 23 of this Decree.

In case of application for marriage registration at a People's Committee of district, the applicant for marriage registration living in Vietnam must submit a certificate of marital status issued by the competent People's Committee of commune as prescribed in Articles 21, 22, and 23 of this Decree.

2. If the applicant for marriage registration has been going on business, studying, working under guest worker program abroad, he/she must submit a certificate of marital status issued by the Vietnamese diplomatic missions, or consular agents overseas (hereinafter referred to as representative body).

## **Section 2. MANAGEMENT AND USE OF VITAL RECORDS**

### **Article 11. Making and closing vital records**

1. Vital records shall be made in 1 book according to each type of civil status affairs.

2. The Registry shall document civil status affairs that are registered from January 1 to December 31 inclusive of a year to vital records

Annual vital statistics shall begin from January 1 to December 31 inclusive of a year.

3. Before January 5 of the succeeding year, the civil status official shall close the vital records; release statistics sufficiently and accurately and record total number of civil status affairs that were registered in the preceding year to the page adjacent to the final registration page of the year; and then bear signature, position, and send it to the Registry's head for bearing signature and seal.

### **Article 12. Archiving vital records**

1. Within 15 working days from the date on which vital records are closed, the Registry or the representative body shall authenticate 1 copy of vital records and send it to the superior Registry or the Ministry of Foreign Affairs respectively.

2. When receiving the copy of vital records, the receiving authority shall check each book of vital records, make transfer note specifying the state and figures of each book.

3. Vital records are national assets and permanently archived as prescribed in law on archives.

4. The agency that archives vital records is responsible for preserve and use of vital records in accordance with regulations of law; adopt safety measures, measures against fire, explosion, flood, moistness, and termites.

### **Article 13. Documenting civil status changes and correction in vital records**

1. As soon as practicable after receiving a such notice enclosed with a copy of civil status affairs as prescribed in Clause 3 Article 28 of the Law on civil status, the civil status official shall document sufficient changes or correction to the vital records according to the above copy, including: number, date, issuing authority; full name of the signer of copy; a report bearing signature and seal of the Registry's head.

If vital records have been authenticated and sent as prescribed in Clause 1 Article 12 of this Decree, the civil status official shall send a report enclosed with a copy of vital records to the superior

Registry for documenting relevant changes or correction to the respective vital records. The receiving authority shall document such changes or correction to the respective vital records which bear signature and seal of the Registry's head.

2. Any Registry's head who has received a notice fails to make documenting to the vital records or who is responsible for giving notice fails to give such notice and send a copy of vital records as prescribed in Clause 3 Article 28 of the Law on civil status shall take responsibility for discrepancy in management and use vital records as prescribed by law.

### **Chapter III**

## **CIVIL STATUS REGISTRATION AT PEOPLE'S COMMITTEE OF COMMUNE**

### **Section 1. BIRTH REGISTRATION IN SPECIAL CIRCUMSTANCES**

#### **Article 14. Birth registration for abandoned children**

1. Any person who detects an abandoned child shall protect the child and immediately notify the People's Committee or police authority of the commune where such child is abandoned. If a child is abandoned at a health facility, the health facility's head shall be responsible for giving notice.

As soon as practicable after receiving such notice, the President of People's Committee of commune or chief police of commune shall make a report on the abandonment; and then the People's Committee of commune shall give the child to an individual or organization in charge of temporary rearing as prescribed by law.

The report shall specify the time when and place where an abandoned child is found; his/her identity namely sex, body condition, health condition; his/her assets or objects, if any; full name, identification card, place of residence of the finder. The report shall bear signatures of the person making the report, the finder, the witness (if any) and the seal of the authority from which the report is made.

The report shall be made in two copies; one copy shall be archived at the authority from which it is made, and the other shall be sent to the individual or organization in charge of temporary rearing.

2. After making the report as prescribed in Clause 1 of this Article, the People's Committee of commune shall post up a notice of abandonment publicly at its headquarters within 7 consecutive days.

3. Upon expiration of posting time limit, if the parents' child has still been unidentified, the People's Committee of commune shall notify the individual or organization in charge of temporary rearing of birth registration for the child. The individual or organization in charge of temporary rearing shall apply for birth registration for the child. Procedures for birth registration shall be consistent with Clause 2 Article 16 of the Law on civil status.

The child's full name shall be determined as prescribed by civil law. If there are not substantial grounds for determine the child's date of birth or place of birth, the date on which he/she is found abandoned shall be considered as the day and month of birth; the year of birth shall be determined according to the child's body condition; place of birth is where the child is found abandoned; native place is determined according to place of birth; and nationality is Vietnamese. The section of child's

parents and race in the birth certificate and vital records shall be left blank and the phrase “abandoned child” shall be specified in the vital records.

#### **Article 15. Birth registration for children with unidentified parents**

1. The People’s Committee of commune where the child resides shall apply for birth registration for the child with unidentified parents.

2. If a child’s father is unidentified, the family name, race, native place, nationality of the child in the application for birth registration shall be determined according to respective information of his/her mother; the child’s father section in vital records and birth certificate shall be left blank.

3. If the father, at the time of application for birth registration, applies for recognition of father-child relationship as prescribed in Clause 1 Article 25 of the Law on civil status, the People’s Committee shall both process the recognition and birth registration; birth registration contents shall be determined as prescribed in Clause 1 Article 4 of this Decree.

4. In case of a child whose mother is unidentified, if his/her child applies for both birth registration and recognition of parent-child relationship, Clause 3 of this Article shall apply; the child’s mother section in the vital records and birth certificate shall be left blank.

5. Procedures for birth registration for children with unidentified parents other than those who are abandoned shall be consistent with Clause 3 Article 14 hereof; the phrase “children with unidentified parents” shall be specified in the vital records.

#### **Article 16. Birth registration for children born from surrogacy cases**

1. An applicant for birth registration shall submit documents as prescribed in Clause 1 Article 16 of the Law on civil status and a certification issued by the health facility that conducts assisted reproductive technology in surrogacy procedures. The child’s parents sections shall be filled out according to the information of intended parents.

2. Procedures for birth registration shall be consistent with Clause 2 Article 16 of the Law on civil status; contents of birth registration shall be consistent with Clause 1 Article 4 hereof.

### **Section 2. CIVIL STATUS REGISTRATION AT BORDER AREAS**

#### **Article 17. Birth registration**

1. The People’s Committee of commune in border areas shall grant birth registration for a child who was born in Vietnam and while a parent is a Vietnamese citizen permanently residing in such commune, the other parent is a citizen of a neighbor country at the administrative division which is equivalent to commune level in Vietnam and contiguous to the commune in border area of Vietnam where the Vietnamese parent resides.

2. The applicant for birth registration shall present documents as prescribed in Clause 1 Article 2 hereof and submit the following documents:

a) Documents prescribed in Clause 1 Article 16 of the Law on civil status;



b) A written agreement reached by parents on child's nationality as prescribed in Clause 1 Article 36 of the Law on civil status;

c) Copies of documents proving identity and permanent residence in the border area of the parent being citizen of neighbor country.

3. Procedures for birth registration shall be consistent with Clause 2 Article 16 of the Law on civil status; contents of birth registration shall be consistent with Clause 1 Article 4 hereof.

### **Article 18. Marriage registration**

1. The People's Committee of commune in border areas shall grant marriage registration for a couple that a partner is a Vietnamese citizen permanently residing in such commune and the other partner is a citizen of a neighbor country at the administrative division which is equivalent to commune level in Vietnam and contiguous to the commune in border area of Vietnam where the Vietnamese citizen resides.

2. Applicants for marriage registration shall present documents as prescribed in Clause 1 Article 2 hereof; or submit an application at the People's Committee of commune in person. The application for marriage registration shall include:

a) Application forms for marriage registration using the form as prescribed; the two partners may fill out a single application form;

b) Documents issued by competent authorities of the neighbor country within 6 months until the date of receipt which prove that the partner being citizen of neighbor country is being single;

c) Copies of documents proving identity and permanent residence in the border area of the partner being citizen in neighbor country.

3. Within 3 working days from the date on which a satisfactory application is received, the civil status official shall verify such application send it to the President of People's Committee for decision. In case of necessity to verify, the processing time limit is 8 working days.

If both partners are eligible for marriage as prescribed in the Law on marriage and family, the President of People's Committee of commune shall sign the marriage license, the civil status official shall then document such marriage to the vital records, and both partners shall bear their signatures and full names in the vital records and the marriage license; each spouse shall be issued with one original of the marriage license.

### **Article 19. Registration for recognition of parent-child relationship**

1. The People's Committee of commune in border areas shall grant registration for recognition of parent-child relationship to a couple that a parent is a Vietnamese citizen permanently residing in such commune and the other parent is a citizen of a neighbor country at the administrative division which is equivalent to commune level in Vietnam and contiguous to the commune in border area of Vietnam where the Vietnamese citizen resides.

2. Applicants for recognition of parent-child relationship shall present documents as prescribed in Clause 1 Article 2 hereof; or submit an application at the People's Committee of commune in person. The application for recognition of parent-child relationship shall include:

a) An application form for recognition of parent-child relationship using the form as prescribed;

b) Documentary evidence for father-child relationship or mother-child relationship;

c) Copies of documents proving identity and permanent residence in the border area of the parent being citizen in neighbor country.

3. Within 7 working days from the date on which a satisfactory application is received, the civil status official shall verify such application and post up the recognition of parent-child relationship at the People's Committee of commune and send it to the President of People's Committee for decision. In case of necessity to verify, the processing time limit is 12 working days.

If the recognition of parent-child relationship is considered justifiable and involves no dispute, the civil status official shall document such recognition to the vital records, and the applicant shall bear signature and full name in the vital records; the President of People's Committee of commune shall then issue each parent with one original copy from the vital records.

#### **Article 20. Death registration**

1. The People's Committee of commune in border area shall grant death registration to the deceased being a foreigner residing in such commune.

2. The applicant for death registration shall submit an application form for death registration using the form as prescribed, an original of death notice or an equivalent document which is issued as prescribed in Clause 2 Article 4 of this Decree.

3. As soon as practicable after receiving such application, if the death registration is considered justifiable, the civil status official shall document it to the vital records, and the applicant shall bear signature and full name in the vital records; the President of People's Committee of commune shall then issue each parent with one original copy from the vital records.

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

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

### **Section 3. ISSUANCE OF CERTIFICATE OF MARITAL STATUS**

#### **Article 21. The power to issue certificates of marital status**

1. The People's Committee of commune where a Vietnamese citizen permanently resides shall issue him/her with a certificate of marital status.

If the Vietnamese citizen has no permanent residence but has a temporary residence registered as prescribed in law on residence, the People's Committee of commune where he/she has registered temporary residence shall issue him/her with a certificate of marital status.

2. Clause 1 of this Article also apply in case of issuance of certificate of marital status to a foreigner or a stateless person residing in Vietnam upon his/her request.

#### **Article 22. Procedures for issuing certificates of marital status**

1. An applicant for certificate of marital status shall submit an application form using the form as prescribed. If the application for certificate of marital status is submitted for marriage purpose, the applicant shall satisfy all conditions for marriage as prescribed in the Law on marriage and family.

2. If the applicant for certificate of marital status had been married but he/she obtained divorce then or his/her spouse died, he/she must present or submit valid documents proving such status; in case of the circumstance prescribed in Clause 2 Article 37 of this Decree, a respective copy of vital records is required.

3. Within 3 working days from the date on which the satisfactory application is received, the civil status official shall verify the applicant's marital status. If the applicant meets all conditions and the issuance of certificate of marital status is consistent with regulations of law, the civil status official shall request the President of People's Committee to issue one certificate of marital status to the applicant. Contents of certificate of marital status shall be consistent with the applicant's current marital status and purpose of the certificate of marital status.

4. If the applicant for certificate of marital status has registered permanent residence in multiple places, he/she must prove his/her marital status. If the applicant fails to produce such evidence, the civil status official shall report it to the President of People's Committee of commune; the President shall then request People's Committees of communes where the applicant had registered permanent residence in writing to verify the marital status.

Within 3 working days from the date on which the written request is received, the requested People's Committee of commune shall verify and respond in writing to the requesting People's Committee of commune in terms of the applicant's marital status during his/her residence in the commune.

5. As soon as practicable after receiving such response, if there are substantial grounds, the People's Committee of commune shall issue a certificate of marital status to the applicant as prescribed in Clause 3 of this Article.

6. If a person applies for reissuance of a certificate of marital status for other purposes or due to expiration of the certificate of marital status as prescribed in Article 23 of this Decree, the certificate of marital status that was issued must be returned.

#### **Article 23. Validity of certificate of marital status**

1. A certificate of marital status shall remain valid in 6 months from the date of issue.

2. The certificate of marital status shall be used for the purpose of marriage at a competent authority in Vietnam, or at a competent authority overseas or for other purposes.

3. The certificate of marital status shall be invalid if being used for a purpose other than those specified in the certificate.

#### **Section 4. BIRTH, MARRIAGE OR DEATH RE-REGISTRATION**

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

1. Any birth, marriage, or death registration that has been granted at the competent authority of Vietnam before January 1, 2016 but the vital records or originals copies from vital records are lost shall be eligible for re-registration.

2. An applicant for birth, marriage, or death re-registration shall submit sufficient copies of relevant documents.

3. The birth or marriage re-registration is only granted if the applicants are still alive at the time of receiving application.

##### **Article 25. The power to grant birth, marriage or death re-registration**

1. The People's Committee of commune which granted the former birth or marriage registration or the People's Committee of commune where the applicant permanently resides shall grant the birth or marriage re-registration.

2. The People's Committee of commune which granted the former death registration shall grant the death re-registration.

##### **Article 26. Birth re-registration procedures**

1. An application for birth re-registration shall include:

a) An application form as prescribed, specifying the assurance that the applicant has received birth registration but he/she fails to keep the original of the birth certificate;

b) Copies of all documents of the applicant, or other documents containing information in connection with the birth registration;

c) If the applicant for birth re-registration is an official/public employee, or an armed force official, apart from documents prescribed in Point a and Point b of this Clause, he/she is required a document issued by the authority's head to certify that details of full name, sex, date of birth, race, nationality, native place, father-child relationship, mother-child relationship are consistent with the records under the authority's management.

2. Within 5 working days from the date on which the application is received, the civil status official shall verify it. If the birth re-registration is consistent with regulations of law, the civil status official shall grant the birth re-registration as prescribed in Clause 2 Article 16 of the Law on civil status.

If the application for birth re-registration is submitted at the People's Committee of a commune other than the commune which has granted the former birth registration, the civil status official shall request the President of People's Committee to request such the People's Committee to verify if respective vital records are being kept.

Within 5 working days, from the date on which the request is received, the People's Committee which has granted the former birth registration shall verify and respond in writing that if the vital records are being kept.

3. Within 3 working days from the date on which verification results that the vital records are no longer kept in the commune where the birth registration has been granted are received and the application is considered satisfactory and consistent with regulations of law, the civil status official shall grant the birth re-registration as prescribed in Clause 2 Article 16 of the Law on civil status.

4. If the applicant still obtains a valid copy of the former birth certificate, the birth registration section in the certificated shall be filled out according to such copy, and the child's parent section shall be filled out according to reality at the time of birth re-registration.

5. If the applicant does not obtain a copy of the former birth certificate, but his/her personal documents are consistent with birth registration contents, they shall prevail. If the applicant's documents are not consistent with the birth registration contents, those in the document that has been issued by the competent authority firstly shall prevail; birth registration contents of an official/public employee or armed force official shall be determined according to the document issued by the authority's head as prescribed in Point c Clause 1 of this Article.

6. The Ministry of Justice shall provide guidelines for documents as the basis for birth re-registration as prescribed in this Article.

#### **Article 27. Marriage re-registration procedures**

1. An application for marriage re-registration shall include:

a) An application form as prescribed;

b) A copy of the former marriage license. In case of absence from the copy of marriage license, a copy of the personal document relating to the marriage registration contents is also permitted.

2. Within 5 working days from the date on which the application is received, the civil status official shall verify it. If the marriage re-registration is sufficient, accurate, and consistent with regulations of law, the civil status official shall grant the marriage re-registration as prescribed in Clause 2 Article 18 of the Law on civil status.

If the application for marriage re-registration is submitted at the People's Committee of a commune other than the commune which has granted the former marriage registration, the civil status official shall request the President of People's Committee to request such the People's Committee to verify the respective vital records.

Within 5 working days, from the date on which the request is received, the People's Committee which has granted the former marriage registration shall verify and respond in writing that the vital records are whether kept.

3. Within 3 working days from the date on which verification results that the vital records are no longer kept in the commune where the marriage registration has been granted are received and the application is considered satisfactory and consistent with regulations of law, the civil status official shall grant the marriage re-registration as prescribed in Clause 2 of this Article 16.

4. The marriage relationship shall be recognized from the date on which the former marriage registration was granted which is specified in the marriage license and vital records. If the day and month of former marriage registration is not identified, the marriage relationship shall be recognized from January 1, of the year of former marriage registration.

#### **Article 28. Death re-registration procedures**

1. An application for death re-registration shall include:

a) An application form as prescribed;

b) A valid copy of the former death certificate. In case of absence from the copy of death certificate, a copy of the personal document relating to the death event contents is also permitted.

2. Within 5 working days from the date on which the application is received, the civil status official shall verify it. If the death re-registration is sufficient, accurate, and consistent with regulations of law, the civil status official shall request the President of People's Committee to grant an original of death certificate from the vital records, document the death re-registration to the vital records; and then the civil status official and the applicant shall bear signatures and full names in the records.

In case of necessity to verify, the processing time limit is 10 working days.

#### **Chapter IV**

### **CIVIL STATUS REGISTRATION AT PEOPLE'S COMMITTEES OF DISTRICTS**

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

#### **Article 29. Birth registration for children born abroad and taken to reside in Vietnam**

1. If a child whose parents either is or parents both are Vietnamese citizen(s) was born abroad but has not have birth registered and taken to reside in Vietnam, the People's Committee of district where he/she resides shall consider granting him/her the birth registration.

2. An applicant for birth registration shall present documents proving the child's residence in Vietnam and submit the following:

a) An application form as prescribed;

b) A certificate of live birth or an equivalent document issued by the foreign competent authority certifying that the child was born abroad and mother-child relationship (if any);

c) An agreement on selection of child's nationality prescribed in Clause 1 Article 35 of the Law on civil status in case where one child's parent is a Vietnamese citizen and the other is a foreign citizen.

3. In case of absence from the document prescribed in Point b Clause 2 of this Article, the procedures for birth registration shall be consistent with Clause 5 Article 15 of this Decree.

4. As soon as practicable after receiving the application, the Committee Division of Justice shall verify it. In case of sufficient, accurate and consistent with regulations of law, the birth registration shall be granted in accordance with procedures as prescribed in Clause 2 Article 36 of the Law on civil status. Birth registration contents shall being determined as prescribed in Clause 1 Article 4 of this Decree.

### **Article 30. Application for marriage registration**

1. An application for marriage registration shall be made as prescribed in Clause 1 Article 38 of the Law on civil status as follows:

a) The both partners may fill out in one single application form for marriage registration;

b) A document certifying marital status of a foreigner is a document which is issued by a foreign competent authority, remains valid, and certifies that the holder is being single. If the foreign country does not issue a document certifying marital status, an equivalent document issued by the foreign competent authority certifying the holder's eligibility for marriage as prescribed in law of such country is required.

If the document certifying marital status of a foreigner has an indefinite term, such document and the certificate issued by the health facility as prescribed in Clause 1 Article 38 of the Law on civil status shall only remain valid in 6 months from the date of issue.

2. If the foreigner has no passport for presentation as prescribed in Clause 1 Article 2 of this Decree, he/she may present an international travel paper or a residence card.

3. Apart from the documents prescribed in Clause 1 of this Article, if the partner being Vietnamese citizen obtained divorce or granted marriage annulment at a the foreign competent authority, he/she shall also submit a copy of vital records about such divorce or marriage annulment as prescribed in Clause 2 Article 36 of this Decree; or if the partner being Vietnamese citizen is an official/public employee or an armed force official, he/she shall also submit a document issued by the authority certifying that his/her marriage to the foreigner is conformable with regulations of such sector.

### **Article 31. Marriage registration procedures**

Procedures for marriage registration shall be consistent with Clauses 2, 3, and 4 Article 38 of the Law on civil status and the following:

1. Within 10 working days from the date on which the satisfactory application is received, Committee Division of Justice shall assess it and carry out verification deemed necessary. Chief of Committee Division of Justice shall be answerable to the assessment results and any request of Committee Division of Justice in the processing of application for marriage registration.

2. If the application is considered satisfactory, and both partners meet conditions for marriage as prescribed in the Law on marriage and family and are not subject to refusal cases prescribed in Article 33 of this Decree, Committee Division of Justice shall request the President of People's Committee of district to sign 2 originals of marriage licenses.

3. Subject to particular situations, whenever necessary, the Ministry of Justice shall request the Prime Minister to provide additional regulations on inquiry procedures included when the application

for marriage registration is processed so as to protect lawful rights and interests of the partners and ensure the effective state management.

### **Article 32. Granting marriage licenses**

1. Within 3 working days from the date on which the President of People's Committee of district signs marriage licenses, Committee Division of Justice shall grant marriage licenses to the partners in person.

2. The granting marriage licenses shall be consistent with Clause 3 Article 38 of the Law on civil status.

Marriage licenses shall be valid from the date on which they are documented in the vital records and granted to the partners as prescribed in this Clause.

3. If either or both partner(s) cannot present to receive marriage license(s), Committee Division of Justice shall, upon their request in writing, give an extension of granting period providing not exceeding 60 days, from the date on which the President of People's Committee of district signs marriage licenses. Upon expiration of such 60-day period, if both partners fail to present and receive marriage licenses, Committee Division of Justice shall request the President of People's Committee of district to cancel the signed marriage licenses.

If the partners still wish to get married thereafter, they shall follow the procedures for marriage registration from the beginning.

### **Article 33. Marriage registration refusal**

1. The marriage registration shall be refused if either or both partner(s) commit(s) violations or does/do not meet conditions for marriage as prescribed in the Law on marriage and family of Vietnam.

2. If the application for marriage registration is refused, Committee Division of Justice shall provide them with explanation in writing.

## **Section 2. DOCUMENTING IN VITAL RECORDS MARRIAGE OF VIETNAMESE CITIZENS SETTLED AT FOREIGN COMPETENT AUTHORITIES**

### **Article 34. Conditions for documenting in vital records the marriage of Vietnamese citizens that have been settled at foreign competent authorities**

1. The marriage between Vietnamese citizens or a Vietnamese citizen and a foreigner that has been settled at a foreign competent authority shall be permitted to be documented in the vital records provided that both partners, at the time of marriage, meet all conditions for marriage and do not commit violations against the Law on marriage and family of Vietnam.

2. If the partners, at the time of marriage registration at the foreign competent authority do not meet conditions for marriage but do not commit any violation against the Law on marriage and family, and consequences has been remedied or the marriage record is made for the purpose of protecting interests of Vietnamese citizen and children, at the time of requesting documenting in vital records, the marriage will be permitted to be documented in the vital records.



### **Article 35. Procedures for marriage record**

1. An application for marriage record shall be submitted by either one partner at the competent authority as prescribed in Clause 1 Article 48 of the Law on civil status, including:

a) An application form as prescribed;

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

c) Apart from documents prescribed in Points a and b of this Clause, if the application is submitted by post, copies of documents prescribed in Clause 1 Article 2 of this Decree are also require; if the partner being Vietnamese citizen obtained divorce or marriage annulment at the foreign competent authority, a copy of record of such divorce or marriage annulment prescribed in Clause 2 Article 37 of this Decree is also required.

2. Time limit for marriage record is 5 working days, from the date on which Committee Division of Justice receives the application.

In case of necessity to verify, the processing time limit is 10 working days.

3. Procedures for marriage record shall be consistent with Clause 2 Article 50 of the Law on civil status and the following:

a) If the application is considered satisfactory as prescribed in Article 34 of this Decree, Chief of Committee Division of Justice shall document the marriage in the vital records and request the President of People's Committee of district to sign the original copy from the vital records to the applicant.

b) If the application is considered unsatisfactory as prescribed in Clause 1 Article 36 of this Decree, Chief of Committee Division of Justice shall request the President of People's Committee of district to refuse it.

### **Article 36. Refusal to marriage record**

1. An application for marriage record shall be refused in any of the following cases:

a) The marriage infringes the Law on marriage and family.

b) The Vietnamese citizen gets married to a foreigner at a foreign diplomatic missions or consular agent in Vietnam.

2. If the application for marriage registration is refused, Committee Division of Justice shall provide the applicant with explanation in writing.

### **Section 3. DOCUMENTING IN VITAL RECORDS DIVORCE OR MARRIAGE ANNULMENT SETTLED AT COMPETENT FOREIGN AUTHORITIES**

### **Article 37. Procedures for documenting in the vital records divorce and marriage annulment**

1. Any divorce or marriage annulment judgment and decision, any divorce agreement that is legally effective or another document recognizing the divorce issued by a foreign competent authority (hereinafter referred to as divorce paper) without any violation against the Law on marriage and family shall be permitted to be documented in the vital records.

2. A Vietnamese citizen who obtained divorce or marriage annulment abroad and then return Vietnam to permanently reside or apply for new marriage registration at the competent authority in Vietnam shall apply for documenting such divorce or marriage annulment that has been settled abroad in the vital records (hereinafter referred to as divorce record). In case of multiple divorces of marriage annulments, only the latest divorce record is required.

3. According to the official information, the Ministry of Justice shall post on its website a list of divorce and marriage annulment judgments and decisions of Vietnamese citizens that have been settled by foreign competent authorities with applications for enforcement in Vietnam or non-recognition in Vietnam.

### **Article 38. The power to documenting divorce record**

The power to document divorce record shall be determined as prescribed in Clause 2 Article 48 of the Law on civil status and the following:

1. The People's Committee of district which granted the marriage registration or documented former marriage in the vital records shall document the divorce record.

If the former marriage or marriage record is made at Services of Justice, the marriage record shall be documented by the People's Committee of district where the Vietnamese citizen resides.

If the former marriage is made the People's Committee of commune, the divorce record shall be documented by the superior People's Committee of district.

If the Vietnamese citizen does not permanently reside in Vietnam, the divorce record shall be made by the People's Committee of district where he/she resided before leaving Vietnam's territory.

2. If an overseas Vietnamese returning to Vietnam for permanent residence applies for divorce record and his/her former marriage registration was granted at a representative body or a foreign competent authority, the divorce record shall be made by the People's Committee of district where he/she permanently resides.

3. If an overseas Vietnamese applies for divorce record for new marriage and his/her former marriage registration was granted at a representative body or a foreign competent authority, the divorce record shall be made by the People's Committee of district which receives the application for new marriage registration.

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

1. An application for divorce record shall include:

a) An application form as prescribed;

b) A copy of divorce paper legally effective.

2. Procedures for divorce record shall be consistent with Clause 2 Article 50 of the Law on civil status and the following:

a) Within 5 working days, from the date on which the satisfactory application is received as prescribed in Clause 1 of this Article, the civil status official of Committee Division of Justice shall verify the application. If the divorce record does not infringe regulation in Clause 1 of Article 37 or is not permitted to be posted on the Ministry of Justice's website as prescribed in Clause 3 Article 37 of this Decree, Chief of Committee Division of Justice shall document such divorce record and request the President of People's Committee of district to issue an original copy to the applicant.

In case of necessity to verify, the processing time limit is 10 working days.

b) If the divorce record infringes regulation in Clause 1 of Article 37 or is permitted to be posted on the Ministry of Justice's website as prescribed in Clause 3 Article 37 of this Decree, Chief of Committee Division of Justice shall request the President of People's Committee of district to refuse such application.

c) If the former marriage was registered at the People's Committee of commune or Service of Justice, Committee Division of Justice shall, after documenting the divorce record, give a notice enclosed with the copy of vital records to the People's Committee of commune or Service of Justice for further documenting in the relevant vital records. If the former marriage was registered at a representative body, a copy of vital records shall be sent to the Ministry of Foreign Affairs, and Ministry of Foreign Affairs shall then forward it to representative body for further documenting in the relevant vital records.

#### **Section 4. BIRTH, MARRIAGE OR DEATH RE-REGISTRATION**

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

1. Any birth, marriage, or death registration of an overseas Vietnamese or a foreigner that has been granted at the competent authority of Vietnam before January 1, 2016 but the vital records or original copies from the vital records are lost shall be eligible for re-registration.

2. The birth or marriage re-registration is only granted if the applicants are still alive at the time of receiving application.

##### **Article 41. The power to grant birth, marriage or death re-registration**

1. The People's Committee of district which granted former birth, marriage or death registration shall the power to grant birth, marriage or death re-registration.

2. If the former birth, marriage or death registration was granted by the People's Committee of commune, the birth, marriage or death re-registration shall be granted by the superior People's Committee of district.

3. If the former birth, marriage or death registration was granted by the People's Committee of province or Service of Justice, the birth, marriage or death re-registration shall be granted by the People's Committee of district where the applicant resides; if such applicant does not reside in Vietnam, the birth, marriage or death re-registration shall be granted by the People's Committee of district where Service of Justice is headquartered.

## **Article 42. Procedures for birth, marriage or death re-registration**

Procedures for birth, marriage or death re-registration shall be conducted in accordance with Articles 26, 27, and 28 of this Decree.

## **Chapter V**

### **IMPLEMENTATION**

## **Article 43. Implementation**

1. Each President of People's Committee of province shall direct performance of tasks prescribed in the Law on civil status and this Decree, and adopt the following measures to ensure the effectiveness in registration and management of civil status affairs in the province:

a) Formulate plans, training programs, placement of civil status officials in districts and communes as prescribed in the Law on civil status and this Decree;

b) Allocate funding and facilities in conformity with requirements of the registration and management of civil status affairs in the provinces;

c) To inspect, examine, settle claims and denunciations, and handle violations against the law on civil status within his/her competence.

3. Each President of People's Committee of district/commune shall direct performance of tasks prescribed in the Law on civil status and this Decree, and adopt the following measures to ensure the effectiveness in registration and management of civil status affairs in the district/commune:

a) Direct civil status officials to register civil status events in the district/commune sufficiently, promptly, and consistent with regulations of law; give notices of civil status registration and update civil status events as prescribed in the Law on civil status;

b) Direct agencies in district/commune to closely cooperate with civil status official in expediting and reviewing birth or death cases that have been registered in the district/commune, offer solutions for eliminating difficulties and ensure the people's right to apply for civil status registration.

c) Plan arrangement of resources, funding and direct mobile civil status registration in the district/commune, subject to reality, in accordance with guidelines of the Ministry of Justice.

3. Presidents of People's Committees shall be answerable to the recruitment and placement of civil status officials not in accordance with the Law on civil status and this Decree.

## **Article 44. Transitional provisions**

1. Any application for civil status registration that had been received before January 1, 2016 by a Registry but has not been settled as prescribed in the Government's Decree No. 158/2005/ND-CP dated December 27, 2005 on registration and management of civil status affairs and the Government's Decree No. 126/2014/ND-CP dated December 31, 2014 on guidelines for regulations and enforcement measures of the Law on marriage and family.

2. Any couple cohabiting before January 3, 1987 that has not applied for marriage registration are encouraged and enabled to apply for marriage registration. Their marriage relationship shall be recognized from the date on which the couple has established the cohabitation. The power to and procedures for marriage registration shall be consistent with Articles 17 and 18 of the Law on civil status.

#### **Article 45. Entry in force**

1. This Decree comes into force from January 1, 2016.

2. The following legislative documents, Articles and Clauses shall be annulled:

a) The Government's Decree No. 77/2001/ND-CP dated October 22, 2001 on guidelines for marriage registration in accordance with Resolution No. 35/2000/QH10 of the National Assembly on implementation of the Law on marriage and family;

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

c) Article 1 and Article 3 of the Government's Decree No. 06/2012/ND-CP dated February 2, 2012 on amendments to Decrees on civil status, marriage and family, and authenticity;

d) Articles 3, 5, and 44 of the Government's Decree No. 24/2013/ND-CP dated March 28, 2013 on guidelines for the Law on marriage and family in terms of marriage and family relationship involving foreign elements;

dd) Sections 1 through 6 of Chapter III, including Articles 19 through 50 and Point a Clause 63 of the Government's Decree No. 126/2014/ND-CP dated December 31, 2014 on guidelines for regulations and implementation measures of the Law on marriage and family.

3. Clause 2 Article 63 of the Government's Decree No. 126/2014/ND-CP dated December 31, 2014 on guidelines for regulations and implementation measures of the Law on marriage and family shall be amended as follows:

“2. Sở Tư pháp giúp Ủy ban nhân dân cấp tỉnh trong việc thực hiện quản lý nhà nước về hôn nhân và gia đình có yếu tố nước ngoài tại địa phương, thực hiện nhiệm vụ và quyền hạn cụ thể theo quy định của Nghị định này”. (“Each Service of Justice shall enable the People's Committee of province to perform roles of regulatory agency in marriage and family involving foreign elements in the province, and perform specific duties and entitlements as prescribed in this Decree”.

4. Ministers, Heads of ministerial-level agencies, Heads of Governmental agencies, Presidents of People's Committees and relevant organizations and individuals shall implement this Decree./.

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**ON BEHALF OF THE GOVERNMENT  
PRIME MINISTER**

**Nguyen Tan Dung**