

Translation Endorsed by the Law Committee of the National Assembly of the Lao PDR



LAO PEOPLE'S DEMOCRATIC REPUBLIC
PEACE INDEPENDENCE DEMOCRACY UNITY PROSPERITY

President's Office

No. 35/PO

DECREE
of the
PRESIDENT
of the
LAO PEOPLE'S DEMOCRATIC REPUBLIC

On the Promulgation of the Law on Lao Nationality

Pursuant to Chapter VI, Article 67, paragraph 1 of the Constitution of the Lao People's Democratic Republic, on the promulgation of the Constitution and of laws that have been adopted by the National Assembly;

Pursuant to Resolution No. 05/NA, dated 17 May 2004, of the National Assembly of the Lao People's Democratic Republic, on the adoption of the Law on Lao Nationality (amended version); [and]

Pursuant to Letter No. 17/SC, dated 25 May 2004, of the Standing Committee of the National Assembly.

**The President of the Lao People's Democratic Republic
Decrees That:**

- Article 1. The Law on Lao Nationality is hereby promulgated.
- Article 2. This decree shall enter into force on the date it is signed.

Vientiane, 15 June 2004

President of the Lao People's Democratic
Republic

[Seal and Signature]

Khamtay SIPHANDONE



LAO PEOPLE'S DEMOCRATIC REPUBLIC
PEACE INDEPENDENCE DEMOCRACY UNITY PROSPERITY

National Assembly

No. 05/NA
17 May 2004

LAW ON LAO NATIONALITY

Chapter 1 General Provisions

Article 1. Purpose

The Law on Lao Nationality defines principles and rules on the acquisition and forfeiture of Lao nationality with the aim of administering and monitoring the citizens effectively according to the laws and regulations, [in order] to improve the dignity of citizens and [their] responsibility to the nation, to educate and extend solidarity and [compassion] to the nation of the Lao people, [to encourage] good traditional practices, and to strengthen the relationship between the Lao People's Democratic Republic as the State and Lao citizens.

Article 2. Lao Nationality

Lao nationality is a political and legal relationship closely linking an individual to the Lao People's Democratic Republic[; such relationship] confers rights and obligations of citizenship upon the individual towards the Lao People's Democratic Republic, and confers rights and obligations upon the Lao People's Democratic Republic towards such citizen.

An individual holding Lao nationality is a Lao citizen.

Article 3. One Nationality Only

The Lao People's Democratic Republic does not authorize Lao citizens to hold several nationalities at the same time.¹

Article 4. Preservation of Lao Nationality

The marriage of a Lao citizen with or the divorce of a Lao citizen from individuals holding other nationalities or without nationality will not alter their Lao nationality.

¹ The translators are aware that this Article is arguably inconsistent with Article 15.

Acquisition or forfeiture of Lao nationality will not induce any change in the nationality of the other spouse.

Article 5. Protection of Lao Citizens Overseas

The Lao People's Democratic Republic administers and protects the legitimate rights and interests of Lao citizens residing overseas.

Article 6. Non-extradition of Lao Citizens

The Lao People's Democratic Republic shall not extradite its citizens to a foreign state.

Article 7. Foreign Individual, Alien and Apatrid

A "foreign individual"² is a person holding another nationality who enters the Lao People's Democratic Republic [either] temporarily or for a longer period in order to fulfill certain tasks and [who,] after completion of the tasks[,] may return to his³ home country. This kind of individual is under the management of the Ministry of Foreign Affairs and other concerned⁴ authorities.

An "alien"⁵ is an individual holding another nationality who enters to reside and live in the Lao People's Democratic Republic for a long period, who holds an alien identification card, and whose government still regards him as its citizen.

An "apatrid"⁶ is an individual residing in the territory of the Lao People's Democratic Republic who is not a Lao citizen and who is unable to certify his nationality.

Aliens and apatrids are under the administration of the Ministry of Security and concerned authorities.

"Foreign citizens"⁷ under this law include foreign individuals and aliens.

² The quotation marks have been added and are not in the original text.

³ The reader should note that the Lao language does not distinguish between genders in pronouns. In this translation, a reference to a gender is a reference to all genders, unless the context requires otherwise. The translators' decision to use the male gender was made in the interests of simplicity and consistency.

⁴ The word "concerned" is used in the sense of "relevant" or "tasked with responsibility over".

⁵ The quotation marks have been added and are not in the original text.

⁶ The quotation marks have been added and are not in the original text.

⁷ The quotation marks have been added and are not in the original text.

Article 8. Right to Request Naturalization to Other Nationalities

Lao citizens have the right to request naturalization to other nationalities but they must first relinquish their Lao nationality.

Relinquishment of Lao nationality is provided for in Article 18 of this law.

**Chapter 2
Acquisition of Lao Nationality**

Article 9. Basis for the Acquisition of Lao Nationality

Lao nationality is acquired from:

1. Birth;
2. Naturalization;
3. Re-acquisition of Lao nationality; [and]
4. Other bases as provided in Articles 11 to 14 of this law.

Article 10. Nationality of Children Whose Parents are Lao Citizens

Children born to parents both holding Lao citizenship will be considered Lao citizens without taking into consideration whether they were born inside or outside the territory of the Lao People's Democratic Republic.

Article 11. Nationality of Children Where One of the Parents is a Lao Citizen

If one of the parents is a Lao citizen, children will be considered Lao citizens by birth if:

1. They are born within the territory of the Lao People's Democratic Republic; [or]
2. They are born outside the territory of the Lao People's Democratic Republic, but both parents or one of the parents has at that time a permanent address in the territory of the Lao People's Democratic Republic.

In the event that children are born outside the territory of the Lao People's Democratic Republic and both parents have permanent addresses outside the territory of the Lao People's Democratic Republic, their nationality will be decided by their parents.

In the event that one of the parents is a Lao citizen and the other parent is an apatrid, the children will be considered Lao citizens by birth without taking their place of birth into consideration.

Article 12. Nationality of Children Born to Apatrid Parents

Children born in the territory of the Lao People's Democratic Republic to apatrid parents permanently residing in the Lao People's Democratic Republic and integrated into the Lao society and culture will acquire Lao citizenship if requested by their parents.

Article 13. Nationality of Children Whose Parents' Identity is Unknown

Children found in the territory of the Lao People's Democratic Republic and whose parents' identity is unknown will be considered Lao citizens.

In the event that, while such children are still under eighteen years of age, evidence [is found that] demonstrates that their parents are foreign citizens they will be considered foreign citizens from birth.⁸

Article 14. Acquisition of Lao Nationality by Foreign Citizens or Apatrids

Foreign citizens or apatrid individuals may acquire Lao nationality upon request if:

1. They are eighteen years of age or more when requesting Lao nationality;
2. They respect the Constitution and the laws of the Lao People's Democratic Republic;
3. They speak, read and write fluently in Lao;
4. They possess evidence of their social and cultural integration [and their] knowledge of and respect for Lao traditions;
5. They are in good health, and are not suffering from any serious infectious disease or drug addiction;
6. They have not been sentenced by any court to imprisonment;
7. They participate in the protection and development of the country;
8. They have not caused harm to the national interest;
9. They agree to relinquish their previous nationality (unless they have no nationality);
10. They have [established] continuous permanent residence in the Lao People's Democratic Republic for ten years before requesting Lao nationality, although the time limit may be reduced for individuals whose professional qualifications are at an expert level; [and]
11. They have professions and qualifications in certain areas and have a stable economic status.

⁸ For readability, the structure of this sentence has been modified.

Article 15. Acquisition of Lao Nationality by Individuals of Lao Race

Individuals who are of the Lao race may acquire Lao nationality upon their request [provided that they satisfy all] the conditions provided in Article 14 of this law, except for paragraph 9.

[The minimum period of residency] is five years for individuals who have acquired other nationalities, and three years for individuals who have no other nationality.

Article 16. Applications Relating to Lao Nationality

An application to acquire, relinquish or re-acquire Lao nationality within the Lao People's Democratic Republic shall be sent to the Ministry of Justice after being processed by each of the following organisations [in this order]:

1. village administration;
2. district or municipal administration;
3. provincial or city administration;
4. the National Assembly members in the constituency (for monitoring);⁹ and
5. the Ministry of Security.

When submitting an application relating to Lao nationality as provided above, the concerned individuals shall appear in person to attest to the truthfulness of the [matters set out in their application] documents: their historical background, their ability to speak, read and write the Lao language, their integration into Lao society and culture and other [facts about] such concerned individuals, as provided in Article 14 of this law.

For Laotians residing overseas who wish to relinquish Lao nationality, the application shall be sent to the Ministry of Justice after being processed by each of the following organisations [in this order]:

1. The embassy or consulate of the Lao People's Democratic Republic in that country;
2. The Ministry of Foreign Affairs; [and]
3. The Ministry of Security.

In the event that there is no Lao embassy in that country, the application shall be sent to the Ministry of Foreign Affairs of the Lao People's Democratic Republic.

⁹ The application to acquire, relinquish or re-acquire Lao Nationality is sent to the National Assembly member in the applicant's constituency for the sole purpose of monitoring activities of the constituency, and not for the purpose of deciding upon the application, which is addressed in the last paragraph of Article 16.

After receiving the application, the Ministry of Justice shall examine the application, and if any information is unclear, the Ministry shall request further information from concerned parties. If all requirements are fulfilled, the Ministry shall propose the disposition of the application to the government and forward it to the Standing Committee of the National Assembly for consideration.¹⁰

Chapter 3 **Forfeiture and Re-acquisition of Lao Nationality**

Article 17. Causes Leading to the Forfeiture of Lao Nationality

Lao nationality will be forfeited if:

1. Lao nationality is relinquished;
2. Lao nationality is withdrawn; [or]
3. [The concerned party] has migrated to another country.

An individual's forfeiture of nationality shall not change the nationality of the individual's husband or wife or children.

Article 18. Relinquishment of Lao Nationality

Lao citizens may relinquish Lao nationality with the authorization of the Standing Committee of the National Assembly of the Lao People's Democratic Republic.

The relinquishment of Lao nationality will not be authorized if:

1. The applicant has not fully discharged his duties as a citizen towards the State or society, such as tax and other obligations;
2. The applicant is an accused, a defendant or is being prosecuted in a people's court whose decision has not yet been executed; [or]
3. The relinquishment of Lao nationality is contrary to the interests or security of the Lao People's Democratic Republic.

Article 19. Withdrawal of Lao Nationality

An acquired Lao nationality may be withdrawn within a period of ten years from the day it is acquired if it is found that:

1. The acquisition of Lao nationality was in contravention of the laws; [or]
2. The concerned individual has dishonored his Lao citizenship, for instance by committing treason or causing damage to the nation.

¹⁰ The single Lao word translated as "consideration", when applied to the authorities, includes a connotation that the person considering a matter also has the authority to decide such matter.

The withdrawal of Lao nationality will not alter the nationality of the concerned individual's spouse or children.

Article 20. Residing in Other Countries

An individual shall forfeit Lao nationality [in the following circumstances:] he has resided in other countries for more than seven years without authorization; his authorization to reside overseas has expired and he is not under the administration of the embassy or consulate of the Lao People's Democratic Republic in those countries; or he has not maintained any legal connection with the Lao People's Democratic Republic for more than ten years.¹¹

Article 21. Re-acquisition of Lao Nationality

Individuals who have forfeited Lao nationality may re-acquire it if their requests are authorized by the Standing Committee of the National Assembly of the Lao People's Democratic Republic.

Applicants for the re-acquisition of Lao nationality must provide evidence of their former Lao nationality.

Individuals whose Lao nationality has been withdrawn shall not re-acquire Lao nationality.

**Chapter 4
Nationality of Children upon Alteration
of Their Parents' Nationality**

Article 22. Nationality of Children

If both parents acquire or relinquish Lao nationality, the nationality of their children of less than eighteen years of age will change to their parents' nationality, except if such children have married in accordance with the laws.

Article 23. Nationality of Children Where One Parent has Acquired Lao Nationality

If one parent acquires Lao nationality while the other parent holds another nationality, the children may acquire Lao nationality upon the request of the parent holding Lao nationality. Children who are Lao citizens, who are above fifteen years of age but less than eighteen years of age and married in accordance with the laws, may choose the nationality of [either] parent.

If one parent has acquired Lao nationality while the other parent is an apatriid, their children residing in the territory of the Lao People's Democratic Republic will be considered Lao citizens.

¹¹ For readability, the punctuation and structure of this sentence have been modified.

If one parent has acquired Lao nationality while the other parent is an apatrid, their children residing outside the territory of the Lao People's Democratic Republic may acquire Lao nationality upon the request of the parent holding Lao nationality.

Article 24. Nationality of Children Where One Parent has Relinquished Lao Nationality

If one parent has relinquished Lao nationality while the other parent has maintained Lao nationality, the children will maintain Lao nationality.

Article 25. Nationality of Adopted [Foreign] Children

Foreign¹² or apatrid children adopted by Lao citizens will be considered Lao citizens.

Foreign or apatrid children adopted by a married couple where one spouse is a Lao citizen and the other spouse is a foreign citizen or apatrid will be [deemed] to hold Lao nationality in accordance with the agreement of the adoptive parents.

Article 26. Nationality of Adopted Lao Children

Children holding Lao nationality and adopted by a married couple where one spouse is a Lao citizen and the other is a foreign citizen will maintain their Lao nationality. Such children may relinquish Lao nationality upon the request of the adoptive parents.

Children holding Lao nationality and adopted by apatrid persons or by a married couple where one [spouse] is a Lao citizen and the other [spouse] is an apatrid will maintain their Lao nationality.

**Chapter 5
Determination and Conferring
of Lao Nationality**

Article 27. Determination of Nationality

The attribution, withdrawal, relinquishment and re-acquisition of Lao nationality are decided by the Standing Committee of the National Assembly of the Lao People's Democratic Republic.

Approvals pertaining to Lao nationality shall be determined on a yearly basis [in accordance with each year's quota].

¹² The word "foreign", as used in this Article and applied to children, is used in its generic, non-technical sense and does not refer to the categories of foreign citizen, foreign individual or alien used in other parts of this law.

Article 28. Conferring Lao Nationality

Conferring Lao nationality shall be the mandate of the National Assembly committee at the concerned constituency, which shall organise the official event with the participation of representatives from local administrative authorities, the Lao Front for National Construction, and provincial or city mass organisations.

**Chapter 6
Final Provisions**

Article 29. Implementation

The National Assembly Standing Committee and the government of the Lao People's Democratic Republic shall implement this law.

Article 30. Effectiveness

This law enters into force on the date it is promulgated by a decree of the President of the Lao People's Democratic Republic.

This law shall replace the Law on Lao Nationality No. 06/90/SPA, dated 29 November 1990.

Regulations and provisions which contradict this law shall be null and void.

Vientiane, 17 May 2004
President of the National Assembly

[Seal and Signature]

Samane VIYAKETH