

LAW ON NATIONALITY

*This law was adopted by the National Assembly on August 20, 1996,
during its extraordinary session of its first legislature.*

CHAPTER I: GENERAL PROVISIONS

ARTICLE 1:

The objective of this law is to determine the Khmer nationality/citizenship for those persons who fulfil the conditions under this law and who are living on the territory of the Kingdom of Cambodia or abroad.

ARTICLE 2: A person of Khmer nationality/citizenship is a Khmer citizen. Khmer citizen shall not be deprived of nationality, exiled or extradited to any foreign country, unless there is a mutual agreement.

ARTICLE 3:

Khmer citizens who are living in foreign countries shall:

1. Be protected by the State through all diplomatic means.
2. Not lose their nationality automatically.

CHAPTER II: KHMER NATIONALITY/CITIZENSHIP BY BIRTH

ARTICLE 4:

1. Shall obtain Khmer nationality/citizenship regardless of the place of birth:

Any legitimate child who is born from a mother or father who has Khmer nationality/citizenship,
or

Any illegitimate child who is born from and recognized by mother or father who has Khmer nationality, or

Any child who is not recognized by a mother and father (parents), when the court passed a judgment stating that such child was really born from a mother or father who has Khmer nationality/citizenship.

2. Shall obtain Khmer nationality/citizenship by being born in Cambodia:

Any child who was born from a foreign mother and father (parents) who were born and living legally in Cambodia.

Any child who was born from an unknown mother or father (a parent) and a newly born child who is found in Cambodia, shall be considered as having been born also in Cambodia.

CHAPTER III: KHMER NATIONALITY/CITIZENSHIP BY MARRIAGE

ARTICLE 5:

A foreign man or woman who got married with a Khmer wife or husband, may demand for Khmer nationality/citizenship, if upon such man or women has been living together for a period of three (3) years, after the registration of a marriage certificate.

Formalities and procedures for a request of Khmer nationality/citizenship shall be determined by Sub-decree.

The grant of Khmer nationality/citizenship following a request shall be decided by Royal-decree.

ARTICLE 6:

Khmer citizens do not lose Khmer nationality/citizenship because of their marriage with foreigners.

CHAPTER IV: NATURALIZATION

ARTICLE 7:

Foreigners may apply for Khmer nationality citizenship by naturalization.

Naturalization is not a right of the applicant, but only a privilege of the Kingdom of Cambodia. In any event, such application may be rejected by discretionary power.

ARTICLE 8:

Foreigners who may apply for naturalization shall fulfil the following conditions:

1. Shall have a paper certifying that he/she has good behaviour and moral conduct issued by the chief of the commune (Khum) or district (Sangkat) of his/her own residence.
2. Shall have a letter of certification of past criminal records which stated that he/she had never been previously convicted of any criminal offense.
3. Shall have a document certifying that such person has his/her residence in the Kingdom of Cambodia and been living continuously for seven (7) years from the date of reception of the residence card which was issued under the framework of the Law on Immigration.
4. Shall have residence in the Kingdom of Cambodia when applying for naturalization.
5. Shall be able to speak Khmer, know Khmer scripts and has some knowledge of Khmer history and prove evidence clearly that he/she can live in harmony in Khmer society as well as can accept good Khmer customs and traditions.
6. Shall have his/her mentality and physical aptitude that will neither cause danger nor burden to the nation.

ARTICLE 9:

For any foreigner who was born in the Kingdom of Cambodia, the 7 years period of continuously residency as stated in the sub-para 3 of article 8 of this law shall instead be decreased to 3 years.

ARTICLE 10:

For any foreigner who had received a letter of authorization for investment from the Cambodian Development Council (CDC) and who had implemented concretely actual project costing an initial capital of from 1,250,000,000 riels and up, the period of residence as stated in the sub-para 3 of article 8 of this law shall be exempted.

ARTICLE 11:

For any foreigner who has no letter of authorization for investment from the Cambodian Development Council (CDC), but who had received authorization for investment legally from the Royal Government and who had spent initial capital of from 1,250,000,000 riels and up, the period of residence as stated in the sub-para 3 of article 8 of this law shall be exempted.

ARTICLE 12:

Any foreigner who has made a donation in cash, to the national budget of from 1,000,000,000 riels or more, for the interest of restoration and building of economy of the Kingdom of Cambodia, such foreigner may file an application for Khmer nationality, in the event he/she has fulfilled the conditions as stated in the sub-paragraphs 1, 2, 5 and 6 of article 8 of this law.

ARTICLE 13:

A foreigner who has shown evidence that he/she had offered any special merit or achievement or the interest of the Kingdom of Cambodia may file an application for Khmer nationality without any need to fulfil the conditions as stated in the sub-para 3 of article 8 of this law.

ARTICLE 14:

A foreigner who has spouse or child/children of under 18 years of age and who also intend(s) to apply for Khmer nationality/citizenship may apply or naturalization as a family as a whole.

A family consists of a husband, wife and child/children of under 18 years old.

ARTICLE 15:

A foreigner may apply to change to a Khmer name. In such a case, he/she shall specify such name in writing in his/her application or naturalization.

ARTICLE 16:

Naturalization which is granted to any person shall be decided by Royal-Decree.

The formality and procedure for the application for naturalization, shall be determined Sub-decree.

ARTICLE 17:

Those who got authorization to have Khmer nationality/citizenship shall take an oath before the Supreme Court.

The substance of this above oath shall be provided in a Sub-decree.

CHAPTER V: LOSS OF KHMER NATIONALITY/CITIZENSHIP

ARTICLE 18:

Any person who has Khmer nationality/citizenship and who is at least 18 years old may request without coercion to renounce Khmer nationality, if such person has got another nationality.

Procedure and conditions for requesting the renunciation of nationality shall be determined by Sub-decree.

CHAPTER VI: PENALTIES

ARTICLE 19:

Only those person of Khmer nationality/citizenship may have right to receive and hold identity cards of Khmer nationality and passports of the Kingdom of Cambodia.

ARTICLE 20:

Any foreigner who holds or uses identity card of Khmer nationality or passport of the Kingdom of Cambodia shall be punished to imprisonment from five (5) years to ten (10) years.

ARTICLE 21:

Any person who fakes, scratches to erase, rewrite over or lends to someone or write a falsified name on the identity card of Khmer nationality or passport of the Kingdom of Cambodia or who uses these documents shall be punished to imprisonment from five (5) to ten (10) years.

ARTICLE 22:

Any official or government agent or any person who conspires, helps dissimulating or provides identity card of Khmer nationality or passport to any person who has no Khmer nationality citizenship shall be subject to the same punishment term as the case of a person holding illegally the identity card of Khmer nationality or passport as stated in the articles 21 and 22 of this law.

CHAPTER VII: FINAL PROVISION

ARTICLE 23:

Any provisions contrary to this law shall be hereby repealed.

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