

Section 4

NATIONALITY AND IMMIGRATION

1. *Law on Nationality (1996)*.....285-292
2. *Law on Immigration (1994)*.....293-303

LAW

ON

NATIONALITY

***** THIS LAW WAS PASSED BY THE NATIONAL ASSEMBLY, ON 20 AUGUST 1996, DURING ITS EXTRA-ORDINARY SESSION OF ITS 1st LEGISLATURE, AND WAS PROMULGATED BY HIS MAJESTY THE KING, BY THE ROYAL-KRAM (law) N° NS/ROY.KR/1096/30, DATED 09-10- 1996.

ROYAL KRAM (law)

NS/ ROY-KR/1096/30

WE

PREAH BAT SAMDECH PREAH NORODOM SIHANOUK VARMAN,
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KING OF THE KINGDOM OF CAMBODIA.

- Having seen the Constitution of the Kingdom of Cambodia,
- Having seen the Royal-decree, dated 24 September 1993, on the appointment of the 1st and 2nd Prime Ministers,
- Having seen the Royal-decree, dated 01 November 1994, on the Appointment of the Royal Government of Cambodia,
- Having seen the Royal-kram n° 02 NS-94, dated 20 July 1994 on the Organization and Functioning of the Council of Ministers,
- Having seen the Royal-decree n° NS-Roy-Décr-1094.90, dated 24 October 1994, on the Modification of Composition in the Royal government of Cambodia,
- Having seen the Royal-kram n° NS-Roy-KR-0196-08, dated 24 January 1996, on the Establishment of the Ministry of Interior,
- Following the proposals of their Samdechs the 2 Prime Ministers and the Co-Ministers of Interior.

PROMULGATE:

The Law on Nationality which was adopted by the National Assembly on 20 August 1996, during the Extra-Ordinary Session of its 1st Legislature, which has its full substance as follows:

LAW
ON
NATIONALITY

CHAPTER I

GENERAL PROVISIONS

Article 1 :

This law has an objective 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:

Any person who has khmer nationality/citizenship, is a khmer citizen.

Khmer citizen shall not be deprived of nationality, exiled or extradited to any foreign country, unless upon there is 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 for:

- any legitimate child who is born from a parent (a mother or father) who has khmer nationality/ citizenship ,
or

- any illegitimate child who is born from and recognized by a parent (a mother or father) who has khmer nationality, or

- any child who is not recognized by the mother and father (parents), when upon the court passed a judgement stating that such child was really born from a parent (a mother or father) who has khmer nationality/citizenship, or

2- shall obtain khmer nationality/citizenship, by having been born in the Kingdom of Cambodia:

a- any child who is born from a foreign mother and father (parents) who were born and living legally in the Kingdom of Cambodia.

b- any child who is born from an unknown mother or father (a parent) and a newly born child who is found in the Kingdom of Cambodia, shall also be considered as having been born in the Kingdom of 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 only if upon such man or women have been living together for a period of three (3) years, after registration of a marriage certificate:

A formality and procedure for the demand of khmer nationality/citizenship, shall be determined by Sub-decree.

The grant of khmer nationality/citizenship following the case of demand for it, shall be decided by Royal-decree.

Article 6:

Khmer citizens shall not lose their khmer nationality/citizenship because of they got married with foreigners.

CHAPTER IV

NATURALIZATION

Article 7:

Foreigners may apply for khmer nationality/citizenship through naturalization.

Naturalization is not a right of the applicant, but only a favour of the Kingdom of Cambodia. In any case, such

application may also be rejected by a discretionary power.

Article 8:

A foreigner 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 quarter (Sangkat) of his/her own residence.
- 2- shall have a letter of certification of the past criminal record which stated that he/she had never been convicted for any criminal offence before.
- 3- shall have a paper certifying that such person has his/her residence in the Kingdom of Cambodia and who has been living continuously for seven (7) years from the date of reception of a residence card which was issued under framework of the Law on Immigration.
- 4- shall have residence in the Kingdom of Cambodia at the time when he/she is applying for naturalization.
- 5- shall be able to speak khmer, know khmer scripts and has some knowledges of khmer history, and prove clear evidence that he/she can live in harmony in khmer society as well as can get used to good khmer custom and tradition.
- 6- shall have his/her mentality and physical aptitude which will cause neither danger nor burden to the nation.

Article 9:

For any foreigner who is born in the Kingdom of Cambodia, the 7 years period of continuously living as stated in the sub-para 3 of the 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 the actual project cost by spending an initial capital of from 1,250,000,000 riels and up, the period of living as stated in the sub-para. 3 of the 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 legitimately from the Royal Government and who had spent initial capital of from 1,250,000,000 riels and up, the period of living as stated in the sub-para 3 of the 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 rebuilding of economy of the Kingdom of Cambodia, may have right to file an application for khmer nationality, in case when upon he/she has fulfilled the conditions as stated in the sub-paragraphs 1, 2, 5 and 6 of the article 8 of this law.

Article 13:

A foreigner who has shown evidence that he/she had offered any special merit or achievement for the interest of the Kingdom of Cambodia, may file an application for khmer nationality and with no need to fulfil the conditions as stated in the sub-para.3 of the article 8 of this law.

Article 14:

A foreigner who has a spouse or child/children of under 18 years of age, who also intend(s) to apply for khmer nationality/ citizenship, may file an application for naturalization in term 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 case, he/she shall specify such name in writing in his/her application for naturalization.

Article 16:

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

The formality and procedure for applying for naturalization, shall be determined by a Sub-decree.

Article 17:

Those who got authorization to acquire khmer nationality, shall take an oath before the Supreme Court.

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

CHAPTER 5

LOSS OF KHMER NATIONALITY

Article 18:

Any person who has khmer nationality and who is at least 18 years old, may request without coercion to renounce his/her khmer nationality, if upon such person has got another

nationality.

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

CHAPTER 6

PENALTIES

Article 19 :

Only those persons of khmer nationality, 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 passports of the Kingdom of Cambodia, shall be punished to imprisonment from 5 (five) years to 10 (ten) 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 5 (five) to 10 (ten) 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 of the case of a person who is illegally holding the identity card of khmer nationality or passport as stated in the article 20 and 21 of this law.

CHAPTER 7

FINAL PROVISIONS

Article 23:

Any provisions which is contrary to this law, shall be hereby repealed./.

Made in the Royal Capilat City of Phnom Penh,
on 09 October 1997.

Signed by HM. the King NORODOM SIHANOUK.

This is to be submitted for the signature
of HM. the King .
1st PRIME MINISTER, 2nd PRIME MINISTER

Signed by:
NORODOM RANARIDTH,

HUN SEN.

This is to be submitted for the
knowledges of their Samdechs the
1st and 2nd Prime Ministers,
THE CO-MINISTERS OF INTERIOR,

Signed by:
YOU HOC KRY, SAR KHEMG.