

**ROYAL KRAM**

NS/RKT/0618/008

**We**

**Preahkaruna Preah Bat Samdech Boramniet NORODOM SIHAMONI  
Samanphum Cheatsasna Rakhatkhatya Khemrarotheas  
Puthinthreathoreamohaksat Khemareachnea Samohorpheas  
Kampuchak Eakreachroath Boranaksante Sopheakmonglea  
Sereivibolea Khemarasreypireas Preah Chao Krong Kampuchea Thipdey**

- Having seen the Constitution of the Kingdom of Cambodia;
- Having seen Royal Decree No. NS/RKT/0913/903 dated 24 September 2013, on the Appointment of the Royal Government of the Kingdom of Cambodia;
- Having seen Royal Kram No. 02/NS/94 dated 20 July 1994 promulgating the Law on the Organization and Functioning of the Council of Ministers;
- Having seen Royal Kram No. NS/RKM/0196/08 dated 24 January 1996 promulgating the Law on the Establishment of the Ministry of Interior;
- Pursuant to the proposal of Samdech Akka Moha Sena Padei Techo HUN SEN, Prime Minister of the Kingdom of Cambodia.

**HEREBY PROMULGATES**

The Law on Nationality enacted by the National Assembly on 31 May 2018 at the National Assembly 10<sup>th</sup> Session, 5<sup>th</sup> Legislature and entirely approved by the Senate on its form and legal concepts on 11 June 2018 at its 1<sup>st</sup> Plenary Session of the 4<sup>th</sup> Legislature with full substance below:

**Law**

**On**

**Nationality**

## **Chapter 1**

### **General Provisions**

#### **Article 1:**

This law aims to ensure the enforcement of jurisdiction of the Kingdom of Cambodia on physical persons in order to determine the rights to obtain and to renounce Khmer nationality for those who have fulfilled the conditions under this law and who are living on the territory of the Kingdom of Cambodia or abroad.

#### **Article 2:**

This law has its objective to determine how to:

- obtain Khmer nationality by birth;
- obtain Khmer nationality by full adoption;
- obtain Khmer nationality by marriage;
- obtain Khmer nationality by naturalization
- Loss of Khmer nationality.

#### **Article 3:**

This law has its scope of application to all physical persons who were born or living on the territory of the Kingdom of Cambodia or abroad.

#### **Article 4:**

Key terms used in this law, shall have definitions as follows:

1. Khmer nationality refers to legal and political bonds that attach physical persons to the Kingdom of Cambodia;
2. Demand for Khmer nationality refers to right to apply for Khmer nationality by a legitimate bond of marriage between a foreigner and a Khmer citizen;
3. Naturalization refers to the grant of Khmer nationality following the case of demand for it by a foreigner based on the conditions that he/she has been living, investing, donating cash and has offered any special merits or achievements.

## **Chapter 2**

### **Competent Institutions**

#### **Article 5:**

The Ministry of Interior shall have competence to take the lead to enforce the Law on Nationality.

## **Chapter 3 General Principles**

### **Article 6:**

A person of Khmer nationality is a Khmer citizen.

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

### **Article 7:**

Khmer citizen shall not be deprived of nationality, exiled or extradited to any foreign country, unless there is a mutual agreement.

### **Article 8:**

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 4**

### **Khmer Nationality by Birth and Khmer Nationality by Full Adoption**

#### **Section 1**

#### **Khmer Nationality by Birth**

### **Article 9:**

1. Shall obtain Khmer nationality regardless of the place of birth for:
  - Any child who was born from a mother or a 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.
2. Shall obtain Khmer nationality by having been born in the Kingdom of Cambodia:
  - Any child who is born from a foreign mother and father (parents) who were born and living legally in the Kingdom of Cambodia.
  - 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.

## **Section 2**

### **Khmer Nationality by Full Adoption**

#### **Article 10:**

A foreigner's child, who is fully adopted by Khmer spouse, shall obtain Khmer nationality, when full adoption was established according to the applicable law.

## **Chapter 5**

### **Khmer Nationality by Marriage**

#### **Article 11:**

A foreign man or woman who got married with a Khmer wife or husband may demand for Khmer nationality only if upon such man or women have been living together for a period of three (3) years, after registration of a marriage certificate and has been residing at least 12 (twelve) months fully in the Kingdom of Cambodia.

Shall be authorized to demand for Khmer nationality in term as a family as a whole of a Khmer citizen who is a mother or a father who has a minor child.

#### **Article 12:**

A foreigner, who may demand for Khmer nationality by marriage, must fulfill the following conditions:

- 1- has good behavior and moral conduct;
- 2- had never been convicted for any misdemeanor or felony offence before;
- 3- has his/her residence in the Kingdom of Cambodia, during the time of applying for Khmer nationality by marriage;
- 4- shall be able to speak Khmer, know Khmer scripts and has some knowledge of Khmer history,
- 5- shall have his/her mentality and physical attitude, which will cause neither danger nor burden to the nation.

#### **Article 13:**

A foreigner, who demands for Khmer nationality by marriage, may apply to change to a Khmer name. In such case, he/she shall specify such a new name in writing in his/her application for Khmer nationality.

#### **Article 14:**

In case when upon the competent authorities reject the demand of Khmer nationality,

the concerned person may have right to file objection complaint(s).

**Article 15:**

A formality and procedure for the demand of Khmer nationality as well as procedure for filing objection complaint(s), shall be determined by Sub-decree.

The grant of Khmer nationality following the case of demand for it shall be decided by Royal-decree.

**Article 16:**

Those who got authorization to obtain Khmer nationality by marriage shall take an oath before the Supreme Court.

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

**Article 17:**

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

## **Chapter 6**

### **Naturalization**

**Article 18:**

Foreigners may apply for Khmer nationality through naturalization.

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

**Article 19:**

A foreigner, who may apply for naturalization, shall fulfill the following conditions:

- 1- has good behavior and moral conduct;
- 2- had never been convicted for any misdemeanor or felony offence before.
- 3- Has his/her residence in the Kingdom of Cambodia and who has been living consecutively for seven (7) years from the date of reception of a resident card which was issued under the framework of the Law on Immigration for immigrant aliens.
- 4- Shall have residence in the Kingdom of Cambodia and have a resident card which was issued under the framework of the Law on Immigration for the immigrant aliens as determined in Article 21 and Article 22 of this law.
- 5- Shall be able to speak Khmer, know Khmer scripts and has some knowledge 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 attitude, which will cause neither danger nor burden to the nation.

**Article 20:**

For any immigrant aliens who is born in the Kingdom of Cambodia, the 7 (seven) years period of continuously living as stated in the Sub-para.3 of the Article 19 of this law, shall instead be decreased to 3 (three) years.

**Article 21:**

For any foreigner who had received a letter of authorization for investment from the competent institutions and who had implemented concretely the actual project cost by spending in the Kingdom of Cambodia, he/she may apply for Khmer nationality through naturalization, in case when upon he/she had fulfilled the conditions as stated in the sub-para. 1, 2, 4, 5 and 6 of Article 19 of this law and has been legally residing at least 12 (twelve) months fully in the Kingdom of Cambodia.

The amount of cash, priority areas and types of investment projects as well as other conditions shall be determined by Sub-decree.

**Article 22:**

Any foreigner who has made a donation in cash to the national budget for the interest of socio-economic development or humanitarian sector 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, 4 and 6 of Article 19 of this law and has been legally residing at least 6 (six) months fully in the Kingdom of Cambodia.

The amount of donation in cash to the national budget or humanitarian sector shall be determined by Sub-decree.

**Article 23:**

A foreigner who has shown evidence that he/she had offered any special merit or achievement for the interest of the Kingdom of Cambodia and has been recognized by the Royal Government of the Kingdom of Cambodia, may file an application for Khmer nationality through naturalization, in case when upon he/she has fulfilled the conditions as stated in the sub-paragraphs 1, 2 and 6 of Article 19 of this law.

**Article 24:**

A foreigner who has a spouse or a minor child, who intend(s) to apply for Khmer nationality by naturalization, may do so in term as a family as a whole.

### **Article 25**

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

### **Article 26:**

A formality and procedure for demand of Khmer nationality through naturalization shall be determined by Royal-decree.

The grant of Khmer nationality following the case of demand for it shall be decided by Royal-decree.

### **Article 27:**

Any person who is authorized to obtain Khmer nationality through naturalization, shall take an oath before the Supreme Court.

The substance of this above oath shall be determined by Sub-decree.

## **Chapter 7**

### **Loss of Khmer Nationality**

### **Article 28:**

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 obtained another nationality.

It is authorized to renounce Khmer nationality in term as a family as a whole, of a parent (a mother or father) who has a minor child.

### **Article 29:**

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

The authorization for renouncing Khmer nationality shall be determined by a Royal Decree.

## **Chapter 8**

### **Penalty Provisions**

### **Article 30:**

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



Any civil servant official/agent or person who produces identity card or passport of the Kingdom of Cambodia, for a non-Khmer citizen, shall receive the same punishment as stated in Paragraph 1 above of this Article.

**Article 31:**

Any person who fakes identity cards of Khmer nationality or passport of the Kingdom of Cambodia shall be punishable to imprisonment from 5 (five) to 10 (ten) years.

Shall be regarded as faking, any act of scratching, erasing, rewriting over or falsifying information on the identity cards of Khmer nationality or passport of the Kingdom of Cambodia.

**Article 32:**

Any person, who uses fake identity card of Khmer nationality or passport of the Kingdom of Cambodia, shall be punishable to imprisonment from 2 (two) to 5 (five) years and shall be fined from 4,000,000 (four) million riels to 10,000,000 (ten) million riels.

**Article 33:**

The mastermind and accomplice shall be criminally responsible for the offences committed under Articles 30, 31 and 32 of this law, according to the provisions of Criminal Code.

**Article 34:**

With regard to physical persons who committed offences as stated in Articles 30, 31 and 32 of this law, the court may pronounce one or more additional penalties as provided for in Article 54 (Circumstances under which additional penalties may be pronounced) of Criminal Code.

**Article 35:**

A legal entity may be held criminally responsible as stated in Article 42 (Criminal responsibility of legal entities) of Criminal Code for offences committed under Articles 30, 31 and 32 of this law.

A legal entity may be fined from 10,000,000 (ten) million riels to 100,000,000 (one hundred) million riels and one or more additional penalties as stated in Article 168 (Additional penalties applicable to legal entities) of Criminal Code.

## **Chapter 9**

### **Transitional Provisions**

#### **Article 36:**

All statutory instruments relating to the application of Law on Nationality promulgated by Royal Kram NS/RKM/1096/30, dated 09 October 1996, shall remain in effect until and unless be replaced by new statutory instruments, according to the provisions of this law.

## **Chapter 10**

### **Final Provisions**

#### **Article 37:**

Law on Nationality promulgated by Royal Kram NS/RKM/1096/30, dated 09 October 1996, shall be hereby repealed and replaced by this law.

#### **Article 38:**

This law shall be declared as urgent.

Done at the Royal Palace, 21 June 2018

**Royal Signature and Stamp**

**Norodom Sihanomi**

**PRL. 1806-649**

**Having informed to His Majesty the King**

**For Royal Signature**

**Prime Minister**

**Signature**

**Samdech Akka Moha Sena Padei Techo HUN SEN**

Having informed to

Samdech Akka Moha Sena Padei Techo Prime Minister

**Deputy Prime Minister, Minister of Interior**

**Signature**

**Samdech Krolahom Sar Kheng**

No. 661 S.N

**The copy is valued for publication**

Phnom Penh, 22 June 2018

**Secretary-General of the Royal Government**

**Signature and Seal**

**Say Sokha**