

THE ROYAL CODE

WE

នស/រកម/0618/008

**PREAH KARUNA PREAH BAT SAMDACH PREAH BAROMNEATH NORODOM SIHAMONY SAMAN
BHUMICHAT SASANA RAKKHATA KHATTIYA KHMERARATRAT PUTTHINTRA MOHAKSAT
KHEMAREACHEANA SAMUHOBHAS KAMPUCHEA EKAREACHARATH BUREANASANTI
SUBHEAMAGALA SIRIVIBUNLA KHMERA SRI BIREAT PREAH CHAO KRUNG KAMPUCHEA
DHIBODI**

-Having seen the Constitution of the Kingdom of Cambodia;

-Having seen the Royal Decree No. នស/រកត/0913/903 dated 24 September 2013 on the Appointment of the Royal Government of Cambodia;

-Having seen the Royal Code No. 02/នស/94 dated 20 July 1994 promulgating the Law on the Organization and Functioning of the Council of Ministers;

-Having seen the Royal Code No. នស/រកម/0196/08 dated 24 January 1996 promulgating the Law on the Establishment of the Ministry of Interior;

-Having seen the notification made by Samdech Akka Moha Sena Padei Techo Hun Sen, Prime Minister of the Kingdom of Cambodia;

PROMULGATING

The Law on Nationality which was adopted by the National Assembly on 31 May 2018 during the 10th Session of the Fifth Legislature, and thoroughly examined by the Senate on 11th June 2018 during the 01st Plenary Session of the Forth Legislature, and which covers as follows:

CHAPTER 1

GENERAL PROVISIONS

ARTICLE 1-

The Law is aimed at ensuring the exercise of the jurisdictional procedures of the Kingdom of Cambodia for a person to determine the eligibility and the renouncer of Khmer nationality for those living in Cambodia or abroad and fulfilling the conditions required by the law.

ARTICLE 2-

The law determines:

- Obtaining Khmer nationality/citizenship by having been born in the Kingdom of Cambodia;
- Obtaining Khmer nationality/citizenship by legal child adoption;
- Obtaining Khmer nationality/citizenship by marriage;
- Obtaining Khmer nationality/citizenship by naturalization;
- Loss of Khmer nationality/citizenship;

ARTICLE 3-

The law covers a person having born or been living in the Kingdom of Cambodia or abroad.

ARTICLE 4-

Key terminology used in the law is defined as follows:

1-Khmer Nationality refers to legal and political relations linking a person to the Kingdom of Cambodia;

2-Demand for Khmer nationality/citizenship refers to rights to demand Khmer nationality/citizenship made by legal marriage between a foreigner and a Khmer citizen.

3-Naturalization refers to Khmer nationality/citizenship granted following the case of demand for it by a foreigner, based on the conditions of residence, investment, donation in cash, special merit or achievement for the interest of the Kingdom of Cambodia;

CHAPTER 2

COMPETENT AUTHORITY

ARTICLE 5-

The Ministry of Interior shall be competent to exercise the Law on Nationality.

CHAPTER 3

GENERAL PRINCIPLES

ARTICLE 6-

- Any person who has Khmer nationality/citizenship, is a Khmer citizen.
- Only Khmer citizen shall be eligible to hold Khmer ID and passport.

ARTICLE 7-

Khmer citizen shall not be deprived of nationality, exiled or extradited to any foreign country, unless upon 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/CITIZENSHIP BY BIRTH AND BY LEGAL CHILD ADOPTION

SECTION 1

NATIONALITY/CITIZENSHIP BY BIRTH

ARTICLE 9-

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 child who is not recognized by the mother and father (parents), when upon the court passed a judgment 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:

- 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

NATIONALITY/CITIZENSHIP BY LEGAL CHILD ADOPTION

ARTICLE 10-

A foreign child, who is legally adopted by Khmer spouses, shall be granted Khmer nationality/citizenship when the adoption procedures are made in compliance with the law in force.

CHAPTER 5

KHMER NATIONALITY/CITIZENSHIP BY MARRIAGE

ARTICLE 11-

A foreign man or woman who gets 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, and at least live for the whole 12 months in the Kingdom of Cambodia.

Shall be eligible to demand for Khmer nationality/citizenship as a whole family for a foreign parent, mother or father, who has under aged child/children.

ARTICLE 12-

A foreigner, who may demand for Khmer nationality/citizenship by marriage, shall fulfilling the following conditions:

- 1- Shall have good behavior and social moral conduct;
- 2- Never been charged with felony or misdemeanor offenses;

- 3-Having been residing in Cambodia once applying for Khmer nationality/citizenship 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 applying for Khmer nationality/citizenship by marriage shall be eligible to have his/her name changed to Khmer. In such case, he/shall specify such name in writing in his/her application for naturalization.

ARTICLE 14-

In case where the Khmer nationality/citizenship application is rejected by the competent authority, the applicant shall be eligible to file a complaint against such rejection.

ARTICLE 15-

Khmer nationality/citizenship demand formality and procedure and the complaint procedures shall be determined by the Sub Decree.

Khmer naturalization granting upon Khmer nationality/citizenship demand shall be decided by the Royal Decree.

ARTICLE 16-

Any person granted Khmer nationality/citizenship by marriage, shall take oath before the Supreme Court.

The substance of this above-said oath shall be provided for in the Sub-decree.

ARTICLE 17-

Khmer citizen shall not lose their Khmer nationality/ citizenship because of their marriage with foreigner.

CHAPTER 6

NATURALIZATION

ARTICLE 18-

A Foreigner may apply for Khmer nationality/citizenship 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-Shall have good behavior and social moral conduct;
- 2-Never been charged with felony or misdemeanor offenses;
- 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 is issued under the framework of the Law on Immigration for foreign immigrant;
- 4-Shall have a residence in the Kingdom of Cambodia and a residence card for foreigner said in Articles 21 and 22 of the 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 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 21-

A foreigner having had received a letter of legitimate authorization for investment from the competent authorities and having spent the actual investment capital in the Kingdom of Cambodia, shall apply for Khmer nationality/citizenship through naturalization if the foreigner has fulfilled the conditions said in Points 1,2,4,5,6 and Article 19 of the law, and have lived lawfully in the Kingdom of Cambodia for at least the whole 12 (Twelve) months.

The amount, the prioritized sector and the type of the investment project and other conditions shall be determined by the Sub Decree.

ARTICLE 22-

A foreigner who has made a donation in cash to the national budget for the interest of developing social economy and for humanitarian sector in 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 Points 1,2,4, and 6 of Article 19 of the law and live legally for at least 6 (Six) months in the Kingdom of Cambodia.

The donation amount for the national budget and the humanitarian field shall be determined by the Sub Decree.

ARTICLE 23-

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

ARTICLE 24-

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.

ARTICLE 25-

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 26-

A formality and procedure for the demand of Khmer nationality/citizenship through naturalization shall be determined by the Sub-decree.

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

ARTICLE 27-

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

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

CHAPTER 7

LOSS OF 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 got another nationality.

Khmer citizen, who is mother or father having under aged child/children, shall be allowed, without coercion, to renounce Khmer nationality in term as a family as a whole.

ARTICLE 29-

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

The Khmer nationality/citizen renunciation approval shall be decided by the Royal Decree.

CHAPTER 8

PENALTY

ARTICLE 30-

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.

Any official or government agent or any person, who 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 the first paragraph of the law.

ARTICLE 31-

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

Acts of scratching, erasing, rewriting over or falsifying the information in the identity card of Khmer nationality or passport of the Kingdom of Cambodia shall be deemed as fakes.

ARTICLE 32-

Any person using fake identity card of Khmer nationality or passport of the Kingdom of Cambodia shall be punished to imprisonment term from 02 (Two) to 05 (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 the accomplice shall face criminal punishment for the offences said in Articles 30, 31 and 32 of the law, in compliance with the conditions set forth in the Criminal Code.

ARTICLE 34-

Any person committing offences set forth in Articles 30, 31 and 32 of the law, shall face additional punishment as said in Article 54 (Additional Penalties) of the Criminal Code.

ARTICLE 35-

Any legal entity shall be held accountable for criminal charges said in Article 42 (Criminal Responsibility of a Legal Entity) of the Criminal Code for the offenses written in Articles 30, 31, and 32 of the law.

The legal entity shall be fined from 10,000,000 (Ten Million Riels) to 100,000,000 (One Hundred Million Riels) and shall face additional penalties as said in Article 168 (Additional Penalties Applicable to Legal Entities) of the Criminal Code.

**CHAPTER 9
INTER-PROVISION**

ARTICLE 36-

Legal documents related the exercise of the Law on Nationality promulgated by the Royal Code No. នស/វក្ក/1096/30 dated 09 October 1996 shall be applicable until being replaced by a new legal instrument in accordance with the law.

**CHAPTER 10
FINAL PROVISION**

ARTICLE 37-

The Law on Nationality promulgated by the Royal Code No. នស/វក្ក/១០៩៦/30 dated 09 October 1996 shall be nullified and replaced by the law.

ARTICLE 38-

The law is urgently announced.

The Royal Palace 21 June 2018

[Royal Signature and Seal]

Having forwarded to His Majesty the King
For his royal signature
Prime Minister
Signature

Samdech Akka Moha Sena Pdei Techo Hun Sen

Having forwarded to Samdech Prime Minister
Deputy Prime Minister, Minister of Interior
Signature

Samdech Kralahoam Sar Kheng