

**HO CHI MINH NATIONAL ACADEMY OF POLITICS**

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**IMPROVING LAW ON STATELESS PERSONS  
IN VIETNAM**

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## INTRODUCTION

### 1. Reason for Choosing the Topic

Nationality holds significant importance for each individual, as it reflects a strong and enduring bond between the state and the individual. It serves as the legal foundation for the establishment of the fundamental rights and obligations of citizens. This means that stateless persons are significantly limited in terms of their legal status compared to citizens of the host country and foreign nationals on the territory of the country where they reside, as they do not have any political-legal affiliation with any nation. The rights of stateless persons are protected solely by international law and national law, with mechanisms of mutual oversight based on the principles of responsibility and obligation in fulfilling international commitments. This protection depends on the policies and practical development of each country.

Statelessness is not only an issue for a single country; it is a global issue. According to the incomplete statistics of the United Nations High Commissioner for Refugees (UNHCR), there are currently approximately 4.4 million stateless persons or individuals with undefined nationality. Among them, about 40% of stateless persons live in the Asia-Pacific region, with Southeast Asia being the area with the largest number of stateless individuals, exemplified by the Rohingya people in Myanmar (approximately over 1 million people). UNHCR also reported large stateless populations in Malaysia (108,332 people), Thailand (475,009 people), Cambodia (57,444 people), and Brunei (20,863 people) [157].

In Vietnam, according to statistics from Ministry of Justice, as of December 31, 2023, it is estimated that there are approximately 31,117 stateless persons or individuals with undefined nationality residing on the territory [5]. The majority of these stateless individuals reside primarily in the provinces bordering Laos,

Cambodia, and China. After many years of stable residence, they have integrated into the social life of Vietnamese community. However, not being Vietnamese citizens or citizens of any foreign country has deprived them of the opportunity to secure stable employment in government agencies and organizations. Their children face difficulties in accessing education, and they themselves are excluded from participating in any political activities such as voting or running for office. Although over the years, Ministry of Justice of Vietnam has organized several rounds of nationality grants for stateless persons residing in the country, the number of such individuals remains significant and is trending upward.

In recent years, our Party and State have also placed special emphasis on the development and improvement of the legal system to create favorable conditions for stateless persons, aiming to reduce and eventually eliminate the issue of statelessness in Vietnam. This is not only reflected in the content of Constitution, legal documents, and statutory instruments such as Law on Vietnamese Nationality, Law on Immigration, Transit, and Residence of Foreigners in Vietnam, Law on Residence, Law on Identification Cards, but also in the updating of new provisions to align with practical requirements and the trends of international law. The current legal provisions regarding stateless persons have notable advantages, such as being in line with the Party and State's policies, containing many provisions that are compatible with international law, and including practical regulations. The efforts of Party and State have created opportunities for 4,571 stateless individuals to acquire Vietnamese nationality.

However, in reality, the issue of stateless persons has not been thoroughly resolved. On the contrary, it has shown an increasing trend (before 2009, the number of stateless persons in Vietnam was around 26,000, and by the end of 2023, it had risen to 31,117). This indicates that provisions in national law can only

reduce the number of stateless persons at a specific point in time, but do not offer a long-term solution. They have not yet met the practical requirements, as the situation of stateless persons continues to grow more complex. The legal provisions regarding stateless persons have yet to fully ensure comprehensiveness, particularly lacking regulations for vulnerable groups such as the elderly, children, and provisions concerning the legal status of stateless persons. Many provisions still lack consistency and coherence, such as those related to permanent residence, temporary residence, and the inconsistent interpretation of terms like foreign nationals, foreign citizens, and stateless persons. This has led to omission of stateless individuals in certain legal documents. Some provisions still lack feasibility, particularly those regarding the conditions for granting nationality to stateless persons. This limitation is clearly reflected in the implementation of Articles 22 and 17 of the 2008 Law on Vietnamese Nationality (amended and supplemented in 2014), which have not fully resolved the issue of stateless persons on Vietnamese territory. These limitations highlight the need to improve the legal system concerning this group of people in order to define the legal status of stateless persons, ensure their rights, reduce, and eventually eliminate this issue in Vietnam. Specifically, it is crucial to establish a legal foundation for competent authorities to effectively manage this group.

From a theoretical perspective, although there have been several scientific works on stateless persons, these works have been limited to the level of master's theses, scientific articles, basic research topics, and scientific seminars. The main focus of these studies has been on a general examination of the theoretical and practical aspects of stateless persons currently residing in various countries (including Vietnam). At the same time, the authors have proposed and developed several feasible solutions for improving legal framework as well as

ensuring the implementation of human rights and the rights of foreign nationals in accordance with bilateral and multilateral international agreements to which Vietnam is a member. Currently, there is no specialized study that systematically and comprehensively examines the theoretical issues as well as the legal status of stateless persons and provide solutions to contribute to the improvement of legal provisions directly related to stateless persons. Therefore, the doctoral candidate has chosen the topic "**Improving Law on Stateless Persons in Vietnam**" to study in the dissertation, with the aim of addressing both theoretical and practical issues in improving law regarding stateless persons, and ultimately resolving this situation in Vietnam.

## **2. Research Objectives and Tasks**

### ***2.1. Research Objectives***

Based on the analysis and clarification of the theoretical foundations, legal basis, international experiences, and the practical legal framework in Vietnam regarding stateless persons, the dissertation proposes viewpoints and solutions for improving law on stateless persons in Vietnam today, contributing to reducing and eventually eliminating this issue in the country.

### ***2.2. Research Tasks***

- Conduct a comprehensive review of scientific works related to stateless persons and law on stateless persons
- Clarify concept of law on stateless persons, concept of improving law on stateless persons; elucidate characteristics, roles, and content of law on stateless persons; study criteria for determining level of completeness of law on stateless persons. The dissertation studies international law, laws of several countries around the world regarding stateless persons, and draws valuable references for Vietnam.
- Study, analyze, and evaluate the current state of Vietnamese law regarding stateless persons, identifying the strengths to be

promoted and the weaknesses to be addressed, and clarifying the underlying causes

- Study and propose specific viewpoints and solutions to improve law on stateless persons.

### **3. Object and Scope of Research**

#### ***3.1. Research object***

The dissertation focuses on studying the theoretical and practical issues of law on stateless persons currently residing in Vietnam from the perspective of theory and history of state and law.

#### ***3.2. Research Scope***

- Spatial Scope: The dissertation examines and evaluates Vietnamese law concerning stateless persons, including the study of international law and the laws of several countries in this field for comparison and contrast.

- Time Scope: The dissertation focuses on studying law on stateless persons in Vietnam from 2008 to 2024, as well as issues related to law on stateless persons worldwide from 1954 (the UN Convention on Status of Stateless Persons, 1954) to present. In addition, the dissertation surveys Vietnamese law on stateless persons from 1945 to highlight its historical development and compare with the current legal framework.

- Content Scope: Based on provisions of the 1954 UN Convention on Status of Stateless Persons, the 1961 Convention on Reduction of Statelessness, and relevant regulations in Vietnamese law, the dissertation focuses on provisions concerning regulations on legal status of stateless persons and regulations aimed at reducing the current situation of statelessness.

### **4. Theoretical basis and research methods**

#### ***4.1. Theoretical basis***

The dissertation is based on applying the views of Marxism-Leninism and Ho Chi Minh's ideology on the state and law;

international treaties on human rights in general and stateless persons in particular; as well as documents and resolutions of Communist Party of Vietnam related to improving the law in general and the law on stateless persons in particular.

#### ***4.2. Research methods***

##### *- On methodology*

The dissertation is based on the dialectical materialist method and the historical materialist method of Marxism-Leninism and Ho Chi Minh's ideology.

##### *- Specific methods*

Documentary research method, Synthesis and analysis method, Statistical method, Comparative method, Historical method.

### **5. Theoretical and Practical Significance of the Dissertation**

#### ***5.1. Theoretical Significance***

The dissertation contributes to enriching the theoretical issues of law on stateless persons. The research results and proposals of the dissertation contribute to improving legal provisions regarding stateless persons, enhancing their status, and helping to reduce this situation in Vietnam in the current period.

#### ***5.2. Practical Significance***

The dissertation provides valuable and reliable knowledge, helping interested parties gain a comprehensive view of law on stateless persons, thereby contributing legal foundations for the implementation of laws concerning stateless persons in Vietnam today.

The research results of the dissertation are valuable references for research and teaching at legal education institutions.

### **6. Structure of the Dissertation**

In addition to the introduction, conclusion, reference, and appendices, the dissertation consists of 4 chapters and 11 sections.



## CHAPTER 1 OVERVIEW OF RESEARCH RELATED TO THE DISSERTATION

### 1.1. Overview of Research Works Related to the Dissertation

#### 1.1.1. Research Works on the Legal Status of Stateless Persons

##### *1.1.1.1. Domestic research works*

Including textbooks on the theoretical study of stateless persons and the protection of their rights, as well as some monographs and reference books related to human rights and the legal status of foreign nationals in general, through which the legal status of stateless persons is addressed. Specifically: ***The textbook on human rights theory and law*** by Faculty of Law, Vietnam National University (now University of Law, Vietnam National University), published by National Political Publishing House in 2009 [49]; The "***Textbook on Human Rights***" by author Vo Khanh Vinh, published by Social Science Publishing House in 2005; The book "***Protection of Human Rights in Vietnamese Criminal Law and Criminal Procedure Law***" by author Tran Quang Tiep, published by National Political Publishing House in 2004; The book "***Comments and General Recommendations of the United Nations Treaty Committees on Human Rights***" by Institute for Human Rights Research, published in 2007; The book "***Human Rights in International Law and Vietnamese Law***" by Ho Chi Minh City University of Law, published in 2014...

##### *1.1.1.2. Foreign research works*

Including research works on the legal status of stateless persons under international law and studies on the legal status of stateless persons in the laws of various countries around the world

Specifically: The book “*Nationality and Statelessness under International law*”, by authors Alice Edwards and Laura Van Waws, published by Human Rights Quarterly, in 2015; Special Topic “*The human rights of statelessness persons*” by authors David Weissbrodt & Clay Colins, published by The John Hopkins University press, in 2006; the book “*The status statelessness 60 years on*”) by the author Volker Turn, published by FMR 46, in 2014; the book “*Non – citizen Right in ASEAN*” discusses the rights of stateless persons in Southeast Asian countries by author Pranoto Islanca, published by Social & Legal Studies Publishing House in 2018...

## **1.1.2. Studies on Management of Stateless Persons and Resolution of Statelessness**

### ***1.1.2.1. Domestic research works***

The works include those on residency management, labor management for stateless persons, and works on the accession to international conventions on stateless persons. Specifically:

The book "**The Right to Freedom of Residence for Citizens in the Current Period**" by authors Cao Vu Minh and Nguyen Thi Thien Tri, published in 2014; The article "**Ensuring the Rights of Foreigners When Facing the Penalty of Deportation**" published in the Legal Science Journal, Issue 8, November 2017; The Ministry-level scientific and technological project "**Improving Law on the Management of Immigration, Residency, and Labor Activities of Foreigners in Vietnam**"; The seminar titled "*International and Vietnamese Law on Stateless Persons and situation of Stateless Persons in the Border Areas of Vietnam*" (2013), The seminar titled "*Assessment of Research Results and Review of Legal Provisions on Stateless Persons and the Feasibility of Vietnam's Accession to the 1954 Convention Relating to regulations on Stateless Persons*" (2014); The international seminar titled "Experiences on the Right to Nationality and Preventing Statelessness" in September 2017;

The international seminar titled "*Consultation on Feasibility of Acceding to the 1961 Convention on Reduction of Statelessness*" in December 2021...

### ***1.1.2.2. Foreign research works***

Including research works on addressing the issue of stateless persons in certain regions and countries around the world. Specifically: Doctoral thesis "*Addressing the anomaly of statelessness in Europe: An EU law and human rights perspective*" by the author Katalin Berényi, in 2018; the research work "*Statelessness and Nationality: The Case of Non-Citizens in Latvia*" by the author Maria Hellborg, in 2015; the research work "*Über Staatenlosigkeit, undokumentierte Migration und die Permanenz der Grenze*" by the author Julia Schulze Wessel (Germany), in 2012, Published in the journal *Zeitschrift für Politische Theorie*, Heft 2/2012...

## **1.2. A general assessment of research situation related to the topic and the issues to be further explored in the dissertation**

### **1.2.1. A general assessment of research situation related to the topic**

#### *First, regarding the research content*

The research works cover a relatively diverse range of topics on stateless persons. However, concerning the legal aspects of stateless persons and the improvement of laws on stateless persons in Vietnam, these works have not yet addressed the issues in a specific and in-depth manner.

#### *Second, regarding the scope of research*

The studies have explored the theoretical aspects of human rights, situation of legal application regarding human rights, and specifically addressed stateless persons. However, no research has delved deeply and comprehensively into the issue of stateless persons and Vietnamese law concerning stateless persons.

*Third, regarding the research timeline*

The practical analysis of existing research shows that most works on stateless persons in general, and on stateless persons in Vietnam in particular, were produced relatively long ago. The statistical data in these studies are also outdated and have not been updated. Moreover, the number of studies remains limited, indicating that the issue of stateless persons has not received adequate attention or been properly assessed in Vietnam.

**1.2.2. Issues for further research in the dissertation**

*First*, conduct comprehensive and in-depth research on the theoretical issues related to stateless persons.

*Second*, research and clarify the legal provisions of international law and laws of several countries to draw lessons for improving laws on stateless persons in Vietnam.

*Third*, conduct a comprehensive and thorough study of the current legal situation regarding stateless persons in Vietnam, and from there, evaluate strengths and limitations of law on stateless persons.

*Fourth*, propose solutions to improve law on stateless persons in Vietnam today.

**1.3. Research hypothesis and research questions**

**1.3.1. Research hypothesis**

The law on stateless persons was established in Vietnam after the August Revolution of 1945. However, it was only in the modern era that this issue began to receive more attention and development. The law on stateless persons is regulated in the Constitution, legal documents, and Statutory Instrument, and it is also the result of the process of incorporating international human rights treaties to which Vietnam is a member. However, law on stateless persons in Vietnam still lacks comprehensiveness and has not been fully integrated, cohesive, or consistent. The implementation of law on stateless persons has not been truly effective and lacks feasibility. To address these issues, specific directions are needed, along with the

implementation of synchronized measures to improve the legal system concerning stateless persons, ensuring the full realization of human rights for this group in Vietnam.

### **1.3.2. Research questions**

(1) What are the current studies on stateless persons in Vietnam, and what issues do they focus on? Which issues have been resolved and need to be inherited and developed, and which issues need to be further studied?

(2) What theoretical basis should be used to improve law on stateless persons in Vietnam??

(3) What is the current legal status of stateless persons in Vietnam? What are the achievements and shortcomings, as well as the causes of this situation?

(4) What are the current solutions to improve law on stateless persons in Vietnam?

## **CHAPTER 2 THEORETICAL BASIS FOR IMPROVING LAW ON STATELESS PERSONS**

### **2.1. Concept, Characteristics, Content, and Role of Law on Stateless Persons**

#### **2.1.1. The Concept of Law on Stateless Persons**

The law on stateless persons is a system of statutory instrument issued or recognized by competent authorities to regulate the legal status of stateless persons, as well as measures to protect and limit statelessness.

#### **2.1.2. Characteristics of the Law on Stateless Persons**

- The law on stateless persons is closely linked to the development of society and the fulfillment of the state's obligations in ensuring human rights.

- The provisions on stateless persons in international law are comprehensive and systematic.

- The subjects regulated by law on stateless persons are of a unique nature.

### **2.1.3. Content of Law on Stateless Persons**

- Provisions on the legal status of stateless persons.

- Provisions on measures to reduce statelessness.

### **2.1.4. Role of Law on Stateless Persons**

- Institutionalizes the national policies and strategies regarding stateless persons.

- Serves as a means and tool to protect and limit the situation of stateless persons.

- Provides the legal foundation for competent authorities in management of stateless persons.

- As the legal basis for stateless persons to exercise their rights and fulfill their obligations.

## **2.2. Concept of Improving the Law and Criteria for Assessing the Level of Improvement of Law on Stateless Persons**

### **2.2.1. Concept**

Improving law on stateless persons is the activity of competent state authorities aimed at eliminating, amending, and supplementing the provisions of existing laws; issuing statutory instrument to effectively regulate the relationships arising in the process of organizing and implementing the rights and obligations of stateless persons, and proposing measures to reduce statelessness.

### **2.2.2. Criteria for Assessing the Level of Improvement of Law on Stateless Persons**

Including the following criteria: the relevance of the content, comprehensiveness, consistency and coherence, feasibility, and criteria related to legislative drafting techniques.

Within the scope of the dissertation, the researcher focuses on the

content criteria, analyzing, evaluating, and clarifying the current legal situation regarding stateless persons in Vietnam based on these criteria. From this, the researcher will propose recommendations and solutions to ensure the provisions in the law on stateless persons.

### **2.3. Factors Affecting the Level of Improvement of Law on Stateless Persons**

The dissertation analyzes six factors affecting the level of improvement of law on stateless persons, specifically: the political factor, the legal awareness of competent authorities and stateless persons in Vietnam, the socio-economic factor, the cultural, historical, and traditional factors, the factor of supervision and social feedback, and the requirements for international integration.

### **2.4. International Law, Laws of Some Countries on Stateless Persons, and the Reference Values for Vietnam**

#### **2.4.1. International Law on Stateless Persons**

International law on stateless persons focuses on two international conventions directly addressing this issue: the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness. Accordingly, international law on stateless persons focuses on two main aspects: provisions regarding the legal status of stateless persons and provisions on measures to reduce statelessness.

#### **2.4.2. The Laws of Some Countries on Stateless Persons**

Currently, around 100 countries and territories have joined the 1954 Convention and the 1961 Convention on Stateless Persons. The laws regarding stateless persons in these countries also have distinct features compared to the laws of countries that are not signatories to the Conventions. Based on this, the dissertation conducts a survey of laws of two groups of countries: those that are signatories to both Conventions (France, Germany, Philippines) and

those that have not joined the two Conventions (China, Russia, Thailand)

### **2.4.3. Reference Values in Improving Law on Stateless Persons in Vietnam**

First, the reference values in regulating legal status of stateless persons:

Regulations on the right to continue residence for stateless persons who have left the country for objective reasons ...

Second, provisions on measures to limit statelessness, specifically:

- Measures to prevent the occurrence of statelessness for children born stateless.
- Provisions on nationality acquisition for stateless persons living within the territory.
- Provisions on the classification of stateless persons and persons whose nationality cannot be determined.
- Provisions on issuing identity documents for stateless persons.

## **CHAPTER 3 THE CURRENT SITUATION OF VIETNAMESE LAW ON STATELESS PERSONS**

### **3.1. Overview of the Development of Law on Stateless Persons in Vietnam**

#### **3.1.1. The Period from 1945 to 1975**

This period marks the establishment of Democratic Republic of Vietnam, which paid significant attention to the issue of enacting legal provisions on Vietnamese nationality, with the issuance of Decree No. 53/SL on October 20, 1945. Decree No. 53/SL introduced basic provisions related to nationality. Although it did not directly address the issue of stateless persons, it laid the first foundation for



determining the nationality of an individual and developing Vietnam's nationality regulations in the future..

### **3.1.2. The Period from 1975 to 2008**

After the reunification of the country, changes in the economy, politics, and society, particularly the impact of the influx of refugees fleeing the political upheaval in Cambodia to Vietnam. This period marks a milestone with the introduction of the first law specifically and directly regulating nationality, which served as a codification of Vietnam's regulations on nationality and stateless persons: the 1988 Nationality Law, followed by the 1998 Nationality Law.

### **3.1.3. The Period from 2008 to the Present**

This period marks a milestone with the introduction of the 2008 Nationality Law, which included many new provisions compared to the 1998 Nationality Law. In particular, alongside changes concerning nationality and stateless persons, the regulations aimed at reducing statelessness received special emphasis. It can be said that, in the current period, the regulations of Vietnamese law on stateless persons have established a legal foundation for stateless individuals to exercise their basic human rights, protect them, and serve as the basis for competent state authorities to perform their roles in managing and addressing issues related to stateless persons

## **3.2. The Content of Vietnamese Law on Stateless Persons**

### **3.2.1. The Current Legal Framework on Stateless Persons**

- Group of Provisions on the Legal Status of Stateless Persons:

Regarding the rights of stateless persons, these include: the right to acquire Vietnamese nationality, the right to reside, the right to determine origin and personal documentation for individuals of Vietnamese descent, the right to work in certain sectors, the right to access healthcare and participate in health insurance.

Regarding the obligations of stateless persons: they must comply with the Constitution and the laws of Vietnam.

- The group of provisions aimed at reducing statelessness includes: limiting statelessness through the principle of nationality, limiting it through the provision on the acquisition of Vietnamese nationality by stateless persons, through regulations on the right to nationality for children, through special provisions for persons whose nationality is undetermined and those of Vietnamese descent, and through regulations addressing nationality issues for individuals who have renounced Vietnamese nationality.

### **3.2.2. Advantages of Vietnam's laws on stateless persons and their causes**

Firstly, the achievements include: Vietnam's laws on stateless persons align with the Party and State's perspectives on the issue, are compatible with international legal standards, address fundamental issues regarding stateless persons, and have clarified the responsibilities of competent authorities in managing this group.

Secondly, the causes of these achievements include: This area of law receives significant attention from the Party and State. As a global issue, it has certain influences on how this matter is addressed in Vietnam. Additionally, the relatively well-established international legal framework and the experiences of other countries regarding stateless persons have provided valuable lessons for Vietnam.

### **3.2.3. Limitations of Vietnam's laws on stateless persons and their causes**

Firstly, limitations of the laws on stateless persons include:

- Legal framework on stateless persons in Vietnam lacks comprehensiveness. This limitation is evident in the absence of specific regulations addressing vulnerable groups of stateless persons, such as the elderly and children, as well as the lack of provisions on the legal status of stateless persons.

- Laws on stateless persons in Vietnam still contain inconsistencies and lack coherence. These shortcomings are reflected

in regulations on permanent and temporary residence and inconsistencies in defining terms such as foreigners, foreign citizens, and stateless persons. As a result, some legal provisions overlook stateless persons as a specific group.

- Laws on stateless persons also lack specificity, consistency, and practicality, particularly regarding the conditions for granting nationality to stateless persons.

Secondly, causes of the limitations include::

Subjective causes: These stem from the limited awareness of the competent authorities and the stateless persons themselves about this group.

Objective causes: (1) The complexities surrounding stateless persons in Vietnam today. (2) Historical, economic, and social factors. (3) The lack of international integration within Vietnam's laws on stateless persons.

## **CHAPTER 4**

### **PERSPECTIVES AND SOLUTIONS TO IMPROVE THE LAW ON STATELESS PERSONS IN VIETNAM**

#### **4.1. Perspectives on improving laws regarding stateless persons in Vietnam**

The dissertation presents six perspectives for improving laws related to stateless persons:

- Enhancing legislation based on the Party's guidelines, policies, and approaches regarding human rights in general;
- Ensuring the comprehensiveness, consistency, and synchronization of the entire legal system;
- Guaranteeing scientific, specific, clear, and practical provisions that align with Vietnam's conditions and circumstances while conforming to international law;

- Prioritizing the improvement of mechanisms for drafting and amending legislation;

- Refining laws to create favorable conditions for stateless persons to live and work on Vietnamese territory.

## **4.2. Solutions for improving vietnam's laws on stateless persons**

### **4.2.1. Solutions to improve the content of laws on stateless persons**

- Establish criteria and content for categorizing stateless persons in the national legal system.

Currently, Vietnamese law only addresses stateless persons and individuals of Vietnamese origin, as well as procedures for identifying these groups. It is essential to establish criteria for classifying other groups of stateless persons, including those stateless due to marriage, conflicts of laws, undetermined nationality, or lack of identity documents. This categorization would facilitate appropriate management measures.

- Enhance legal provisions on stateless persons in the Constitution and relevant laws

Fundamental issues concerning stateless persons, such as their legal status and naturalization procedures, should be explicitly stipulated in a separate section within the Law on Nationality. This would ensure that state management responsibilities are carried out seriously and comprehensively.

- Enhance legal provisions on stateless persons in specialized legal documents:

Firstly, introduce specific regulations for determining Vietnamese nationality. Specifically: propose separating the birth registration and nationality determination processes for children into independent stages, amend regulations on agreements regarding nationality choice for children, expand provisions on nationality

entitlement for children whose parents are stateless but reside in Vietnam, revise Article 22 of the current Law on Nationality to align with new circumstances.

Secondly, improve residency laws for stateless persons. Specifically: enhance temporary residency laws for stateless individuals by facilitating the registration of temporary residency with competent authorities in Vietnam for those without established nationality or identity documents who have not violated the law; refine permanent residency laws for stateless persons to ensure they are recognized as individuals with permanent residence within Vietnamese territory.

- Improve labor and social security laws for stateless persons.

Regarding labor laws, amend the definition of “foreign workers” to state: “*Foreign workers in Vietnam are individuals with foreign nationality and stateless persons*”, and revise regulations on the issuance of work permits for foreign workers...

Regarding social security, expand the provisions to recognize them as general human rights instead of limiting them to “citizens”, as is currently stipulated in the law.

- Improve legislation on the protection of stateless children. Amend and supplement Article 10, Clause 1 of the Law on Children to include stateless children as a group of children in especially difficult circumstances.

- Improve legal provisions related to handling violations by stateless persons, specifically regulations on administrative sanctions and deportation measures.

- Consider issuing personal identification numbers or specific documents to stateless persons in Vietnam

Efforts should be made to simplify the process of issuing identity certificates to individuals of Vietnamese origin and personal identification numbers to other long-term stateless residents in

Vietnam. This measure would facilitate management by competent state agencies and establish a stronger legal and administrative link between these individuals and the state.

#### **4.2.2. Solutions to enhance the capacity of institutions for lawmaking and law enforcement regarding stateless persons**

- Focus on the statistical and administrative management of stateless persons who have renounced their nationality, contributing to the practicality and enforceability of laws concerning stateless persons.

Issue standardized forms and provide detailed guidelines for implementation to ensure the accurate collection of data, serving as a basis for policy planning to address statelessness. For individuals who have renounced Vietnamese nationality to acquire foreign nationality, it is also necessary to manage the numbers effectively.

On a quarterly basis, the People's Committees of communes, wards, and towns (especially in border areas) should conduct comprehensive statistics on demographic changes within their jurisdictions, with a particular focus on changes concerning stateless persons, individuals with undetermined nationality, and those who have lost their identification documents.

- Strengthen the organizational structure of management agencies and enhance the awareness and expertise of officials, ensuring timely attention, direction, and reorganization.

Organize courses and training sessions on issues related to stateless persons, as well as workshops on newly issued legal documents concerning stateless individuals. Enhance the frequency of seminars and conferences with international experts to exchange and learn from international experiences and the practices of other countries in developing and improving laws related to stateless persons.

Training and capacity-building activities for judicial officers should be conducted regularly. Training methods should be updated

to include more group work and practical exercises, enabling participants to gain experience and apply their skills flexibly when dealing with real-world situations.

- Establish a focal unit or agency to assist stateless persons

It is proposed to establish an independent unit within the state legal aid centers dedicated to providing legal assistance to stateless persons. The formation of this unit should be prioritized in major cities with a high concentration of foreign nationals, such as Hanoi and Ho Chi Minh City, as well as border areas adjacent to China, Laos, and Cambodia – regions where many stateless individuals reside. This agency would be responsible for providing comprehensive support to stateless persons and acting as a bridge between them and competent state authorities. It would facilitate their access to individual rights, thereby bringing them closer to opportunities for acquiring nationality and achieving stable living conditions. This, in turn, would contribute to maintaining social stability and improving the quality of life within Vietnam's territory.

#### **4.2.3. Solutions for strengthening international treaties internalization and accession to international treaties**

- Improve regulations on international cooperation concerning stateless persons.

The provisions of nationality law also need to be reasonably adjusted to ensure the national dignity of the country, enhance the status of Vietnamese citizens, and at the same time avoid conflicts or contradictions with the principles and standards of international law.

- Continue studying the possibility of acceding to international human rights conventions

Researching the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness aligns with Vietnam's foreign policy and trend of international integration in the coming period.

Based on an analysis of the opportunities and challenges associated with Vietnam's accession to these international conventions on stateless persons, the dissertation proposes that Vietnam temporarily refrain from acceding to these conventions. However, relevant authorities, particularly the Ministry of Justice, should continue to study the feasibility of accession in the future when foundational conditions in areas such as politics, national defense and security, and socio-economic development are adequately ensured.

#### **4.2.4. Raising awareness among agencies, organizations, and individuals about stateless persons.**

*First*, enhance the legal awareness of entities involved in lawmaking and law enforcement. In the coming period, competent authorities should carry out activities to disseminate, popularize, and educate the law among officials engaged in practical work. Specifically, in areas with a high concentration of informal migrants, it is essential to assign dedicated personnel and reduce the number of officials holding multiple roles.

*Second*, enhance the legal awareness of stateless persons to help them understand the regulations concerning their rights and obligations. It is necessary to strengthen activities that disseminate, popularize, and educate the law to these individuals. The content and methods of legal education should be appropriate, combining education with encouragement for citizens, especially stateless persons, to comply with Vietnamese law. Efforts should focus on key and practical aspects to help individuals grasp basic knowledge about the purpose, conditions, procedures, and legal relationships involved in registration processes.



## CONCLUSION

Law on stateless persons constitutes a system of regulations governing the rights, obligations, and legal status of stateless persons as stipulated in international treaties and national legislation.

Improvement of laws concerning stateless persons is a necessary and urgent matter, requiring adherence to the following principles: 1) It must align with the institutionalization of the Party and State's guidelines and policies. 2) It must be promulgated comprehensively, promptly, and with high quality. 3) It must serve as a robust legal foundation for the scientific and effective organization and exercise of state authority. 4) It must act as a reasonable and effective tool to address the reciprocal relationship between the State and individuals. 5) It must comply with international law.

To elucidate the regulations concerning stateless persons, the dissertation analyzes issues related to human rights and the protection of human rights in general under international law. For stateless persons, the international community has established two key Conventions, namely the 1954 Convention and the 1961 Convention, which clarify the rights of stateless persons and propose recommendations and solutions to safeguard their rights while contributing to the reduction of statelessness worldwide.

Vietnam, like other countries worldwide, places significant emphasis on ensuring the rights of stateless persons residing within its territory. The nation has enacted nationality laws tailored to the circumstances of each historical period, such as the 1988 Nationality Law, the 1998 Nationality Law, and the 2008 Nationality Law (amended and supplemented in 2014)..., to recognize the right of every individual to acquire nationality.

It can be said that improving the legal framework for stateless persons is an objective requirement arising from practical

shortcomings. In recent years, as the situation of stateless persons has become increasingly complex, impacting human rights protection and national security and order, Vietnam has issued numerous legal provisions, both directly and indirectly, to regulate this group. These legal foundations serve as the basis for addressing issues related to stateless persons. However, alongside the achievements, the legal framework concerning stateless persons still has several limitations. Specific provisions on statelessness and the management of stateless persons remain insufficient, inconsistent, and, in some cases, impractical.

Based on the assessment of the current situation in Chapter 3, Chapter 4 of the dissertation elaborates on perspectives and orientations for improving the legal framework on stateless persons. Through this analysis, it proposes appropriate solutions to enhance the laws governing this field.

**LIST OF SCIENTIFIC WORKS BY THE AUTHOR RELATED  
TO THE DISSERTATION TOPIC THAT HAVE BEEN  
PUBLISHED**

1. Ho Hoang Giang (2023), “Challenges and Difficulties for Vietnam in Acceding to United Nations Conventions on Stateless Persons: Contributions to Preventing Crimes Committed by Stateless Individuals,” International Scientific Conference “*International Cooperation Issues in Crime Prevention in the Current Period*”, organized by Moscow State University under the Ministry of Internal Affairs of the Russian Federation, pp. 83-86.

2. Ho Hoang Giang (2023), “Rights of Stateless Persons in International Law and Challenges for Vietnam's Legal Framework”, *State Management Journal*, No. 335 (12/2023), pp. 53-57.

3. Ho Hoang Giang (2024), “Laws of Selected Countries on Stateless Persons – Reference Values for Vietnam”, *State Management Journal*, No. 336 (1/2024), pp. 127-130.

4. Ho Hoang Giang (2024), “Enhancing Vietnam's Legal Framework on Stateless Persons at Present”, *Vietnam Social Sciences Journal*, No. 6 (198)-2024, pp. 79-85.