

NEWSLETTER

**Handbook on Vietnam - Korea Marriage
Registration & Legal Risk Identification**

September 2026

<https://hankuklawfirm.com/en/>

0942 339 063

MARRIAGE ELIGIBILITY CONDITIONS

Principle of compliance with the laws of both countries:

Each party must comply with the laws of their respective country. When registering the marriage in Vietnam, the Korean citizen must additionally satisfy the conditions required under Vietnamese law.

Vietnamese Law

- Male aged 20 or older; female aged 18 or older.
- Fully voluntary consent of both parties.
- No loss of civil act capacity.
- Not falling under prohibited cases (forced marriage, sham marriage, consanguinity).
- Same-sex marriage is not yet recognized by the State.

Requirements for Korean Citizens

- Must satisfy all marriage eligibility requirements under the laws of the Republic of Korea.
- Must possess a valid Certificate of Marital Status issued by the competent authorities of the Republic of Korea.



REQUIRED DOCUMENTS

Accurate document preparation accounts for 80% of processing speed. Foreign documents must strictly undergo consular legalization and notarized translation.

01

Joint Application Form

- Marriage Registration Form (both parties may use the same template).
- Sign directly in the presence of the civil status officer.

03

Marital Status

- Certificate of Marital Status (issued within the last 6 months).
- Extract of Divorce Note (if previously divorced overseas).

02

Identity Documents

- Passport / Citizen ID / Residence Card (for foreign nationals).
- Certified copy along with the original for verification.

04

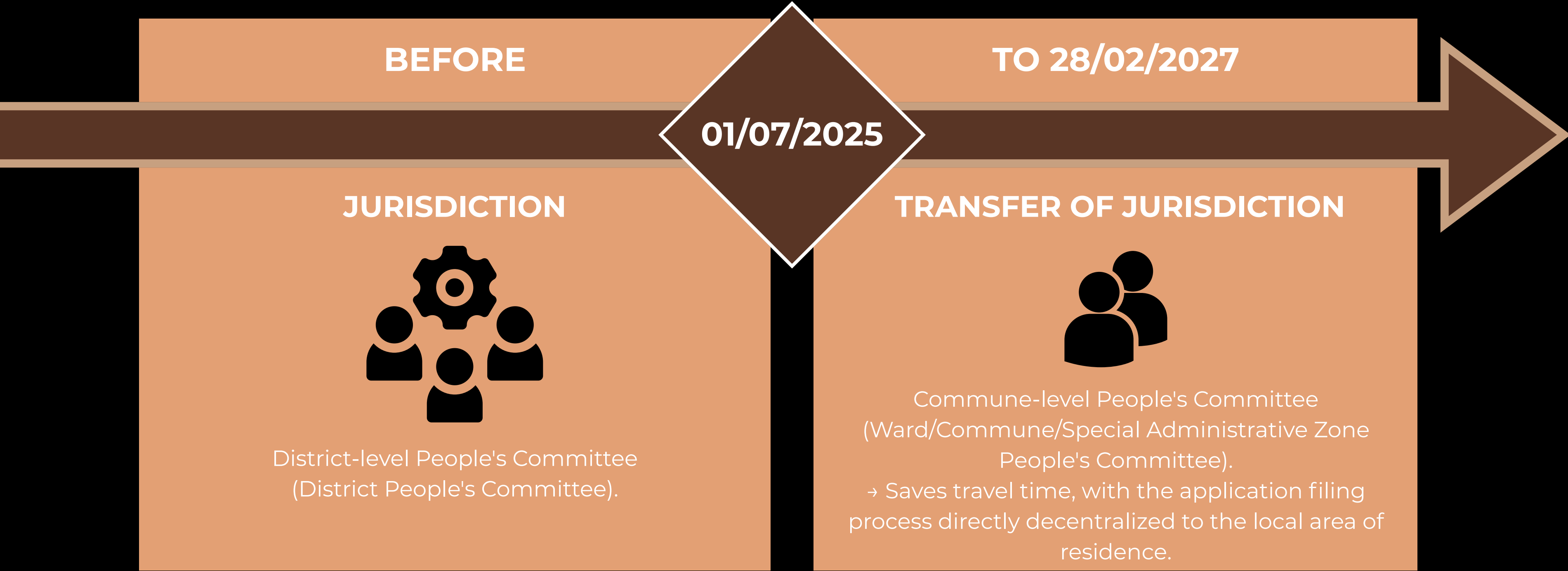
Mental Health Certificate

- Medical certificate issued by a competent medical organization (in Vietnam or abroad).
- Free from mental illness causing loss of cognitive ability and behavioral control.



CHANGES UNDER DECREE NO. 120/2025/ND-CP

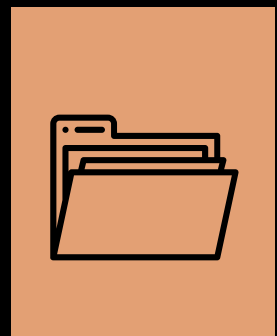
To simplify administrative procedures, the authority to process marriage registrations involving foreign elements shall be transferred from the District level down to the Ward/Commune level.





IMPLEMENTATION PROCESS

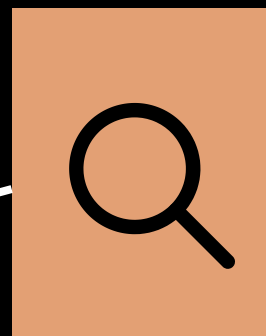
The processing procedure has been significantly streamlined under the new regulations, requiring the mandatory presence of both parties in the final step.



1. Application Submission

- Submit directly at the One-Stop Shop Division or online via the Public Service Portal.
- Receipt and check for validity.

5 - 10 days



2. Verification

- The Justice - Civil Status Agency verifies the application.
- Default: 05 business days.
- If further verification is required: Extended by no more than 10 days.

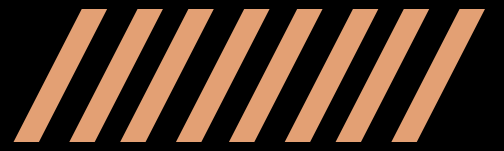


3. Issuance of Certificate

- Mandatory presence of both parties (male and female).
- Jointly sign the Civil Status Book and the Marriage Certificate.
- The Chairman of the People's Committee issues the Marriage Registration Certificate.

5 days

PROPERTY OWNERSHIP REGIME



Vietnamese law allows spouses to freely choose 1 of 2 property regimes. This decision directly impacts the cross-border disposition of assets in the future.



STATUTORY PROPERTY REGIME

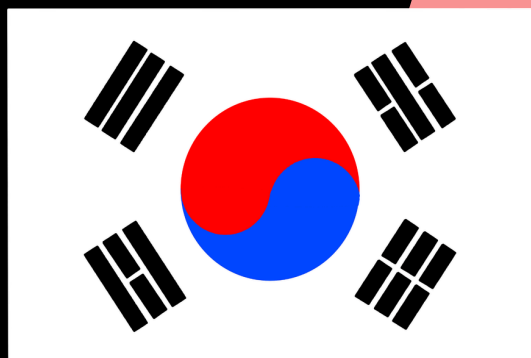
- **Principle:** Assets generated during marriage are marital property (including income and land use rights acquired after marriage).
- **Rights:** Equality in possession, use, and disposition.
- **Obligations:** Joint liabilities for transactions satisfying essential family needs.



AGREED PROPERTY REGIME

- **Principle:** Both parties freely dispose of joint/separate property in accordance with their personal intent.
- **Mandatory Condition:** Must be established in writing and notarized or certified **BEFORE** marriage registration.
- **Recommendation:** Especially crucial for couples possessing substantial assets or operating independent businesses.

DIVISION OF REAL ESTATE



Real estate registered under a Vietnamese citizen's name risks being refused for division by foreign courts due to conflicts of jurisdiction.



Foreign divorce judgments issued by Korean courts must be officially recorded in the Vietnamese Civil Status Book (Ghi chú ly hôn) to take effect regarding the disposition of assets in Vietnam.



Real estate in Korea is governed by Korean law.



If an asset is registered under only one spouse's name abroad, proving "financial/non-financial contributions" (to divide it as marital property) from the other country is extremely complex and difficult.





NATIONALITY SELECTION FOR CHILDREN



A child born to a parent who is a Vietnamese citizen shall not automatically acquire Vietnamese nationality without a written agreement between both parents.



ACQUISITION OF VIETNAMESE NATIONALITY FOR CHILDREN

CONDITION

Requires a "Written Agreement on Choice of Nationality" signed by both parents at the time of birth registration.

NOTE

Even if born abroad, a child can still undergo birth registration and acquire Vietnamese nationality at the District/Commune-level People's Committee upon returning to reside in Vietnam.



CHANGE OF NATIONALITY OF THE SPOUSE

NATURALIZATION

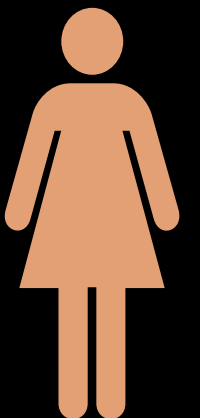
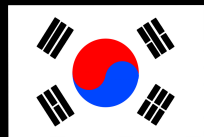
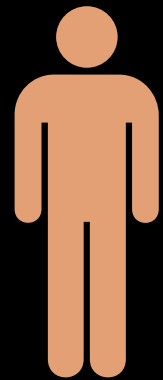
Foreign spouses are prioritized when applying for Vietnamese naturalization (exempt from residency duration and language proficiency requirements).

RENUNCIATION / RESTORATION OF CITIZENSHIP

Requires strict compliance with the Law on Vietnamese Nationality and consular legalization of foreign documents issued in Korea.

SUPPORT OBLIGATIONS

Support obligations do not terminate due to geographical distance. Clause 24, Article 3 of the Law on Marriage and Family stipulates the responsibility to meet essential needs for dependents who do not live together.



NATURE OF SUPPORT OBLIGATIONS

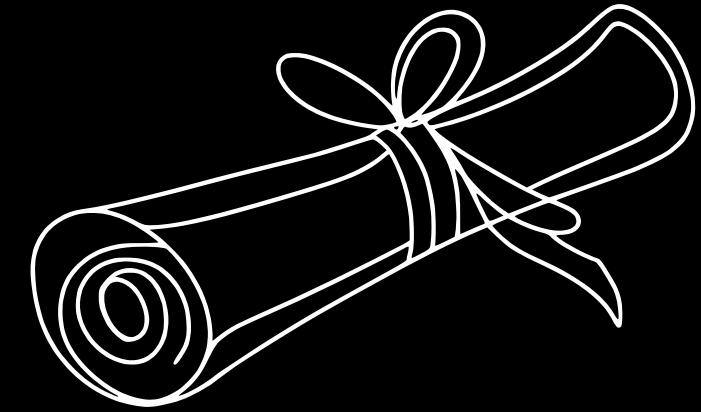
- Financial or asset contributions to satisfy "essential needs" (food, clothing, housing, education, healthcare) for minor children or adult children who have lost the capacity to work.

FOREIGN ELEMENTS

- When living in two different countries, the child support amount shall be stipulated by the court judgment/decision (of Vietnam or Korea).
- Enforcing compliance requires the recognition and enforcement of foreign court judgments in Vietnam, or through Vietnam - Korea mutual legal assistance agreements.

Legal Consequences of Sham Marriage

Exploiting marriage for immigration, emigration, residency, or unlawful gain without the intent to build a family is strictly prohibited by law.



Definition (Clause 11, Article 3):

Sham marriage is the act of marrying without the intent to build a family, solely aimed at obtaining a visa, nationality, or government incentives.

CIVIL & CIVIL STATUS CONSEQUENCES

- Annulment of illegal marriage.
- Revocation of the Marriage Certificate.

IMMIGRATION CONSEQUENCES:

- Visa bans and deportation from the host country.

CRIMINAL & ADMINISTRATIVE CONSEQUENCES:

- Severe administrative fines and permanent blacklisting, adversely impacting all future international legal procedures.



LEGAL RECOMMENDATIONS

Building a secure cross-border marriage requires proactive legal measures from the very first steps.

✓ 1. Documentation & Timeline

Accurately update the newly delegated authorities of state agencies. Prepare and consulate-legalize documents early to avoid expiration (especially the Certificate of Single Status, valid for 6 months).

✓ 2. Prenuptial Agreement

Clearly define separate and marital property through a notarized written agreement prior to marriage to mitigate risks of cross-border real estate disputes.

✓ 3. Decision on Nationality

Execute a written agreement on children's nationality prior to birth registration to safeguard their residency and education rights in both Vietnam and Korea.

✓ 4. Expert Consultation

Private international law conflicts are extremely complex. Always seek expert legal counsel when making major asset investments or navigating cross-border divorce proceedings.



HANKUK
LAW FIRM

THANK YOU

Contact:



0942 339 063



<https://hankuklawfirm.com/en/>

