

Socialist Republic of Vietnam

Executive Summary

Vietnam has agreements with many countries on visa exemption for visitors coming into Vietnam for a short period of time. Citizens of other countries without such agreements must secure the proper visa before entering the country.

As regulations change frequently, verification of the following information is highly recommended.

Key Government Agencies

The Ministry of Public Security (“MPS”) is responsible for the approval of entry visas to most foreigners and overseas Vietnamese residents who wish to enter Vietnam. Applications by other individuals, such as state officials and foreign representatives or diplomats, are addressed to the Prime Minister’s office or to the Ministry of Foreign Affairs.

Most foreigners who wish to work in Vietnam must obtain a work permit. Work permits are issued by the Provincial-Level Department of Labor, War Invalids and Social Affairs (“DOLISA”).

Business Travel

Visitor Visa

The visa type is determined by the foreigner’s purpose of entry into Vietnam. The many visas include: A1, A2 and A3 diplomatic visas; the B1, B2, B3, and B4 business visas; C1 and C2 tourist and other purpose visa by invitation from a local individual or organization; and D without an invitation from a local individual or organization visa.

Visitors may apply for single or multiple entry visas. The validity of a single and multiple entry visa is no more than twelve months and may not be extended for tourist visa holders.

Employment is prohibited for persons with tourist visas. For foreigners and overseas Vietnamese working in Vietnam, extension of the entry visa may be granted only if the company and/or sponsor office submits documents to show the validity of business operations and the necessity of granting an extension. Decisions are made on a case-by-case basis.

Foreigners or overseas Vietnamese must submit an application to an overseas Vietnamese representative office, such as a consulate or embassy, for an entry visa. The Vietnamese representative office will then forward the request to one of several business or service organizations in Vietnam which will submit a request to the MPS for an entry visa. The business or service organization will charge a fee for acting as the host or sponsor of the entry visa request. First time entrants to Vietnam should note that upon entry, an additional form is required to be completed and submitted, together with a passport sized photograph.

Attention should also be paid to the points of entry or exit specified in a visa, as one may only enter and exit at specified places. This detail is particularly relevant to anyone desiring to travel by land to neighboring countries.

Individuals or organizations that come to Vietnam to engage in religious or cultural activities and members of the media must obtain approval from the relevant authorities of the Government for their visit before entry.

Foreigners Invited to Visit by Non-State Agencies or Individuals Living in Vietnam

Foreigners who must first obtain an entry visa issued by the MPS include: foreigners who are invited to visit Vietnam by non-state

agencies or organizations, foreign organizations (i.e., foreign-invested joint ventures, one hundred per cent foreign owned enterprises and foreign branch or representative offices), Vietnamese citizens residing in Vietnam, foreigners who are granted permanent residence permits, or foreigners who have been living in Vietnam for more than 6 months.

The head of the host organization or the host citizen must file a request and all the necessary supporting documentation with the entry/exit management authority under the MPS for the issuance of the entry visa. The entry/exit management authority undertakes to make a decision within 5 days of receiving the request. Upon approving the request, the entry/exit management authority will direct the relevant overseas Vietnamese representative office to issue the entry visa to the foreigner.

Organizations may request the entry/exit management authority to issue an entry visa at an international point of entry, provided that the name of the point of entry and the time of entry are specified in the application.

Foreigners Intending to Carry Out Investment Projects

Foreigners who are entering Vietnam to carry out investment projects which have been licensed by the local Department of Planning and Investment (“DPI”) or similar State agency may submit applications for entry visas directly to an overseas Vietnamese representative office. The representative offices undertake to make a decision within 5 days of receiving a request and all the necessary supporting documentation. Upon the approval of the request, the representative office will issue the entry visa and notify the MPS for monitoring and management purposes. In practice, however, procedures will generally proceed more expediently if one’s visa application is sponsored from a party within Vietnam, such as an affiliated office.

Foreigners Without Invitation Letters

Foreigners without an invitation letter from a local individual or organization in Vietnam will only be granted visas for fifteen days. The relevant overseas Vietnamese representative offices undertake to make a decision within 3 days of receiving a request and all the necessary supporting documentation.

APEC Travel Card Program

By decision of the Prime Minister in 2006, Vietnam began participation in the program called APEC Business Travel Card (“ABTC”) of APEC countries. ABTC is a travel card granted to businessmen of APEC countries that participate in the program to facilitate their business travel among the APEC countries. Under this program, Vietnam committed to grant visa waiver for ABTC-holders. The ABTC is valid for 3 years from the date of card issuance and can not be extended. When the issued card expires, the card holders can apply for a new card, if necessary.

Visa Waiver

Vietnam has a visa waiver program for foreign nationals of many countries, both through unilateral and bilateral commitments. Vietnam has entered into fifty-five bilateral visa-waiver treaties and agreements with other countries on visa waiver. Vietnam is considering extension visa waiver for all EU and ASEAN countries, in line with its close relationship with these groups. Vietnam also granted unilateral visa waiver for officials of ASEAN Secretary Committee and citizens of such countries as Japan, Korea, Sweden, Denmark, Poland and Norway. It should be noted, however, that these commitments vary regarding length of stay permitted, type of visa, and various other conditions, so it is advisable to check with your nearest Vietnamese consular office for more detailed and current information.

Employment Assignments

Acquiring an entry visa and a temporary residence certificate (i.e., “Blue Book”) only addresses the entry, exit and residence rights of foreigners in Vietnam. If foreigners, including overseas Vietnamese, want to work in Vietnam, they must obtain work permits, unless they qualify for an exemption mentioned above. DOLISA is responsible for the issuance of work permits to foreigners who wish to work for enterprises and organizations in Vietnam.

Foreigners exempt from work permit requirements

In general, all foreigners who wish to work in Vietnam must obtain work permits, except for the following cases:

- Working in Vietnam for a term of less than 3 months;
- Being a member of a limited liability company with 2 members or more;
- Being the owner of a 1-member limited liability company;
- Being a member of the Management Board of a joint stock (or share holding) company;
- Entering Vietnam to offer services (contractual service provider);
- Entering Vietnam to solve urgent cases that can not be solved by Vietnamese experts and foreign experts already in Vietnam, for less than 3 months; if it is more than 3 months, a work permit is required;
- Practicing foreign lawyers granted the right to carry out occupational practices in Vietnam by the Ministry of Justice; and

- Being students, spouses of diplomats, domestic assistants and other foreigners not captured by work permit requirement provided by Decree thirty-four, who wish to work for an enterprise, organization or individual in Vietnam.

Notification on their employment is required.

Work permits

The application process should take fifteen working days, but may take longer in practice. Therefore, companies planning the secondment of an employee to Vietnam should apply for the work permit well in advance of the intended date of arrival of the employee in Vietnam.

If the criminal record, health certificate, curriculum vitae, or certificates regarding the skills of the foreigner are written in a foreign language, they must be translated into Vietnamese and the translation must be notarized for submittal with the application.

Under the new regulations, the employer and the foreign laborer may only enter into an employment contract after a work permit has been issued by DOLISA.

The term of the work permit will be set as the term of the labor contract. The maximum term for the labor contract is thirty-six months. Work permits can be renewed once for another term of up to thirty-six months. In the renewal application, the employer must clearly state the reasons why it has not replaced the foreigner with a Vietnamese person, the name of the Vietnamese person being trained to replace the foreigner, the training expenses, the time period of the training and the place of training.

Foreigners who work in Vietnam without first obtaining a work permit may face expulsion from Vietnam. Furthermore, employers who recruit foreigners working without proper work permits or being barred from working in Vietnam may be subject to a maximum

administrative fine of VND20 million (approx. US\$1,052). With respect to exemptions and required documents, persons wishing to apply for a work permit should seek professional assistance with regard to their particular circumstances because regulations are often changed or authorities may change their interpretation of existing regulations.

Temporary Residence

If the foreigner intends to stay in Vietnam for more than 1-year and is legally registered for employment or for study in Vietnam, an application must be filed with the police department at the provincial security immigration office in order to be granted a “Temporary Residence Card” (also known as a Temporary Residence Permit). This form of Temporary Residence Card is commonly known as the Blue Book. Processing should take 5 working days, but in practice, it usually takes longer.

The duration of the card should be consistent with the purpose of the temporary residence.

Blue Book permits are valid for 1 to 3 years and may be considered for renewal or extension. Blue Book holders are exempt from entry/exit visa requirements throughout the Blue Book’s term of validity.

Permanent Residence

Under the Ordinance and its implementing regulations, permanent resident foreigners are defined as foreigners who have resided, worked and lived in Vietnam for a long time. Only the following temporary resident foreigners may be considered for permanent resident status:

- persons who have fought for freedom and independence of the people, for socialism, for democracy and peace or for scientific work and for which they were harmed;

- persons who contribute to the development and protection of the Fatherland; and
- persons who are spouse, children or parents of Vietnamese citizens residing permanently in Vietnam.

Foreigners who would like to apply for permanent residency may do so with the entry/exit management authority under the MPS. Once given permanent residency status, a permanent residency card will be issued to the concerned person and with this card, such person is exempt from entry/exit visa.

Other Comments

Registration for permanent residence in Vietnam of Overseas Vietnamese

The Ministries of Public Security and Foreign Affairs provide guidelines on registration for permanent residence in Vietnam of overseas Vietnamese.

Overseas Vietnamese may receive consideration to register for their permanent residence in Vietnam if they hold a valid passport or similar document issued by foreign authorities. They must also meet certain qualifications related to self-sustenance and submit a formal application to the government.

Granting of General Passports for Vietnamese Citizens Abroad

The Government promulgates guidance on the granting, extension, supplementation and amendment of general passports for Vietnamese citizens in foreign countries. These guidelines do not apply to Vietnamese citizens in countries that have signed agreements with Vietnam which provides different provisions on this matter.

Vietnamese citizens must appear at the Vietnamese representative agencies overseas to submit applications and receive passports.

Children under fourteen years old may be included into the passport application form of their parent for joint travel under the same passport.

Law on Vietnamese Nationality

To be eligible for Vietnamese citizenship, an individual must meet certain conditions relating to: self-sustenance, ability to read, write and speak Vietnamese and have resided in Vietnam for at least 5 years, ability of making livelihood in Vietnam, obeying the Constitution and laws of Vietnam.

These conditions may be waived if an individual has a wife or husband who is a Vietnamese citizen or an individual is a father or mother of a Vietnamese citizen.

An individual has a right to Vietnamese citizenship if he was born in Vietnam or overseas to a mother or father who is a Vietnamese citizen. Dual citizenship is not permitted, except some specific cases which requires an approval from the State President.

Exemption from or Reduction of Requirements for Naturalization as a Vietnamese citizen

Exemption from or reduction of requirements for naturalization as a Vietnamese citizen will be given to the following foreigners or non-Vietnamese citizens:

- who are spouses, natural parents or natural children of Vietnamese citizens;
- who have made outstanding contributions to Vietnam's national construction and defense; and
- who are helpful to the State of the Socialist Republic of Vietnam.

Such individuals shall be entitled to a reduction of 5 years in the required length of continuous residence in Vietnam and shall be exempt from conditions regarding the Vietnamese language knowledge requirement and the requirement of having sufficient means to live in Vietnam. Further, the dossier for naturalization as a Vietnamese citizen must be submitted to the Department of Justice (“DOJ”) where the applicant resides.

If the applicant resides abroad, the dossier must be submitted to the Vietnamese diplomatic mission or consular office there. The application process should take more than 6 months. A decision to grant Vietnamese nationality will be issued and signed by the State President. The Vietnamese name of the applicant will be stated in the decision.