

Alert on relaxation on specific conditions for foreign employees working in Vietnam

Resolution No. 105/NQ-CP

14 September 2021



General information

Among the recent aggressive measures to bring the Vietnamese economy back to the “new normal” at the soonest, on 09 September 2021, the Government has issued Resolution No. 105/NQ-CP (“Res.105”) providing instructions to relevant Government authorities to support corporates/ household businesses during the Covid-19 epidemic. The Res.105 will take immediate effect from the signing date.

One notable point in the Res.105 is that the Government has instructed the Ministry of Labor, Invalid and Social Affairs (MOLISA) and the Ministry of Foreign Affairs (MOFA) to loosen some restrictions for corporates to bring in foreign employees to work in Vietnam.

By this Alert, Deloitte Vietnam would like to update the following key contents:



01. Work Permit (“WP”) application



02. Immigration process



03. Vaccine passport



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Notable points

01. Work Permit (“WP”) application

Compared to the Decree No. 152/2020/ND-CP (“Decree 152”) on the management of foreign labor, the Resolution has loosened some conditions for the grant and extension of Work Permit, specifically as follows:

Conditions	Decree No. 152/2020/ND-CP and current practice	Resolution No. 105/NQ-CP
Experience requirements for experts and technicians	Foreigners must have at least 3 years of working in the education/training field	Foreigners must have at least 3 years of working in the field suitable for their position in Vietnam. <i>(Experiences in the education or training suitable with the job are removed)</i>
Documents to prove as experts and technicians	<ul style="list-style-type: none"> Diplomas and degrees; and A written certification from a foreign company certifying the number of years of experience. 	<p>There is more flexibility in the required documents. Respectively, the following documents can be used as substitutes for the above where applicable:</p> <ul style="list-style-type: none"> Certificates (the Resolution does not specify the type of certificates, but per our experience, it could be interpreted that certificate of graduation, technical qualification... can principally be accepted); Work permit which has been issued in the past to prove experiences.
Foreigners moving to other provinces in Vietnam	Decree 152 does not clearly mention this point. In practice, some local Labor Departments request the WP to be reissued when foreign employees moving to another city/province to reflect the change in working location.	<p>No requirement for re-issuance of WP in this case provided that (i) the current WP is still valid and (ii) the secondment time is less than 06 months.</p> <p>The employer is required to notify this change to the local labor Department where the foreign employees are seconded.</p>
Other supporting documents	Notarized copies of the foreigners’ passports are required	Notarization requirement is removed. Only copies of passports are required.

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Notable points (cont.)

01. Work Permit (“WP”) application (cont.)

It is expected that further guidance will be provided by the MOLISA at nationwide and provincial level.

We believe that the above relaxed requirements would be warmly welcomed by the business communities as this would aim to remove the difficulties in the last few months that various companies have experienced, which have caused a delay in the WP and visa application as well as affected their business plans.



02. Immigration process

According to Res.105, competent authorities are required to review and facilitate the approval for the entry process for foreign employees to enter Vietnam. Further guidance with more details is expected to be issued soon.

03. Vaccine passport

The Ministry of Foreign Affairs is required to focus on the discussion and negotiation with foreign countries/ territories for the recognition of “Vaccine passport” to accommodate the “reopening of the economy” when ready. Proposed plans need to be reported to the Prime Minister within September 2021.

Per our view, the above measures have been considered as a strong message of the Vietnamese Government to prepare for the economy to be back to normal at the soonest of time, especially in the field of managing foreign labors which is the top concerns of most companies at this moment.

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