

Mobility: Immigration alert

September 2023



Vietnam

New employer obligations and changes to work permit requirements

Executive summary

Effective 18 September 2023, Vietnam implemented a new law, Decree 70/2023/ND-CP, that amends the regulations governing foreign employees.

Employer requirements

The following changes went into effect on 18 September 2023:

- ▶ Employers must submit a request for hiring a foreign employee to the Ministry of Labor, Invalids and Social Affairs (MOLISA) or Department of Labour, Invalids and Social Affairs (DOLISA) at least 15 days (down from 30 days previously) before the individual begins work.
- ▶ Employers that hire foreign nationals and assign them to work in their branches in more than one city or province in Vietnam must provide the details of all locations where the employee will work when filing applications for work permits. The application must be submitted to the MOLISA. Additionally, they must also notify the MOLISA and local DOLISA every time the individual begins work in a branch in a new city or province. This notification must be completed via the government's online portal within three days of them beginning work in a new city or province.
- ▶ The Management Board of Industrial Zones or Economic Zones will no longer process applications for issuing, extending and de-registering work permits or work permit exemption certificates, or requests for hiring foreign employees. Employers must now submit these applications or requests to the MOLISA or local DOLISA, as applicable.

- ▶ Employers can submit certified copies of foreign nationals' passports instead of notarized copies (which were required previously).
- ▶ Companies that change names but preserve the same enterprise number and seek to re-issue work permits to employees under the new name are no longer required to submit a new request for hiring foreign nationals.

Effective 1 January 2024, employers will be required to advertise vacancies for Vietnamese nationals on the Electronic Information Portal of the MOLISA or the Electronic Information Portal of the Employment Service Center for at least 15 days prior to submitting a request for hiring a foreign employee.

Work permit requirements

The following changes went into effect on 18 September 2023:

- ▶ *Expert and Technician Work Permits:*
 - ▶ Individuals who seek to obtain Expert Work Permits must have at least a bachelor's degree (or its equivalent), but the degree is no longer required to be relevant to the job they apply for in Vietnam. They must still have a minimum of three years of work experience relevant to the job they apply for in Vietnam.
 - ▶ Individuals who seek to obtain Technician Work Permits must have undergone training for at least one year, but the training certificate is no longer required to be relevant to the job they apply for in Vietnam.

They must still have a minimum of three years of work experience relevant to the job they apply for in Vietnam.

- ▶ Individuals who hold Expert or Technician Work Permits and renewed their permits once are no longer required to submit certain documents (i.e., academic degree, training certificate, proof of work experience) when applying for a new permit after their current permit's expiry.
- ▶ Individuals who seek to apply for Expert or Technician Work Permits can now submit previous Vietnamese work permits as proof of work experience. Previously, previous Vietnamese work permits were not accepted as proof of work experience, and applicants could only submit work experience certificates issued in other countries as proof.
- ▶ **Manager and Executive Director Work Permits:** Previously, the law did not specify documentary requirements for individuals who sought to apply for these work permits. The new decree specifies that employers that seek to sponsor applicants for these work permits must provide the documents below:
 - ▶ The sponsoring company's charter
 - ▶ The sponsoring company's registration certificate, establishment certificate or establishment decision
 - ▶ A resolution or appointment decision from the sponsoring company to hire the applicant
- ▶ **Foreign nationals married to Vietnamese citizens:** Foreign nationals who are married to Vietnamese citizens are now eligible for a work permit exemption without having to submit a request for hiring a foreign employee, as previously.

Impact on employers

Employers are expected to benefit from the new, relaxed requirements when sponsoring foreign nationals to obtain certain work permits.

Key steps

EY will continue to monitor these developments. Should you have any questions, we encourage you to contact one of our immigration professionals.

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