

Vietnam NewsBrief*

An update on labour issues in Vietnam

17 June 2008

Circular providing guidelines on employment and administration of foreigner working in Vietnam

On 10 June 2008, the Ministry of Labour issued Circular 08/2008/TT-BLĐTBXH ("Circular 08") providing guidelines for the implementation of Government Decree 34/2008/ND-CP dated 25 March 2008 on employment and administration of foreigners working in Vietnam.

Circular 08 mainly focuses on work permit application procedures, forms and documentation required for the employment of foreigners in Vietnam. The procedures and forms are not significantly different from the existing work permit procedures.

As stated in Decree 34, foreigners must either have a university, Masters degree or doctorate or be able to provide confirmation from their current or previous employers certifying that they have at least five years experience in such occupation.

With respect to the recruitment of a foreign individual, other than situations where the individual is assigned to Vietnam from the overseas head office, the position must be advertised in Vietnam for at least 30 days. This does not apply to recruitments via an authorised recruitment agency.

A foreigner who is assigned by the head office to work for its office in Vietnam must have an assignment letter from the head office assigning him/her to work in Vietnam. The assignment letter must specify the length of time the foreigner has been in employment with the head office (the minimum time required for foreigners transferring internally within an enterprise is 12 months and 2 years for employees of foreign contractors).

The work permit application must be submitted to the Department of Labour at least 20 working days prior to the date the foreigner commences working in Vietnam.

Circular 08 repeals previous circulars on the employment and administration of foreigners working in Vietnam and shall be of full force and effect after fifteen days from the date of its publication in the Official Gazette.
