

# New regulations on work permits for foreigners working in Vietnam

11 January 2024



## At a glance...

Some changes to the work permit regulations were recently introduced in Decree 70/2023 issued on 18 September 2023, which amended Decree 152/2020. Decree 70 came into effect from its issuance date, except for certain points which became valid from 1 January 2024.

## In detail...

Some notable points which may be of interest:

- One more step is introduced for a work permit application:

Under Decree 152/2020, a work permit application comprises two steps:

- Step 1: seeking an approval for foreign labour usage;
- Step 2: applying for a work permit.

From 1 January 2024, at least 15 [calendar] days before taking Step 1, employers must publicly notify a recruitment of Vietnamese workers for the same position. The notification must be posted on MOLISA's website (Cục Việc Làm) or on the website of the authorised provincial employment service centre (Trung Tâm Dịch Vụ Việc Làm). Step 1 can only proceed if employers fail to recruit Vietnamese workers for such position after 15 days.

- Conditions for work permit eligibility as “experts” or “technical workers” are now relaxed. While Decree 152 requires that the applicant’s degree must be relevant to past experience and job position, Decree 70 only requires that past experience be suitable for the job position (i.e., a degree with major not-so-relevant to the job position is now acceptable). Furthermore, previously issued work permits can be used to evidence eligibility as “experts” or “technical workers” (i.e., based on work experience).
- Supporting documents for proving eligibility as “business managers” are now clarified, and include the employer’s company’s charter, the employer’s establishment certificate/decision, appointment resolution/decision issued by the employer.

## In detail...

- The definition of “executive directors” is more broadly defined and includes *“a foreigner who leads and directly manages a function of an enterprise and works under direct instructions and management of the head of the enterprise”*.
- Work permit issuance in case a foreign employee works for an employer in various locations or various provinces/cities shall be as follows:
  - only one work permit is required (instead of multiple work permits as previously required), provided that all working locations are declared in the work permit application form.
  - MOLISA will issue work permits for foreign employees working in various provinces or cities, while DOLISA will issue for those who work in various locations within one province or a city.
- IZ/EZ Management Boards no longer have authority to grant work permits. DOLISA shall now grant work permits to foreign employees working for employers located in IZs/EZs.

# Contact us

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