



# **DECREE 11 – NEW REGULATIONS ON WORK PERMITS**



# **PRESENTER**



## **Anh Vo**

General Director – Vietnam

- Based in Santa Fe Ho Chi Minh City, Vietnam
- Over 10 years of working experience in the relocation industry and has held a wide range of positions within Santa Fe that include quality assurance, operations, customer service, business development, senior management positions and, today is the General Director of Vietnam.

We make it easy

# PANEL



## Thao Dong

Immigration Consulting Services Manager – Vietnam

- Based in Santa Fe Ho Chi Minh City, Vietnam
- Thao has been with Santa Fe since 2007 and has over 9 years of working experience in immigration in Vietnam providing advice and strategic guidance on visa and immigration matters.
- Currently overseeing the operational and service delivery of immigration services for Vietnam serving multiple locations including Hanoi, Ho Chi Minh City, Dong Nai, Binh Duong, Bach Ninh, Ha Nam, Dong Thap and other remote locations.

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# AGENDA

## Key changes implemented by Decree 11

- Defines **Foreign Expert, Manager, Executive Director**
- Broaden **Work Permit Exemptions**
- **Demand of Foreign Labor Report**
- **Health Check & Criminal Record**
- **Application Documents**
- Shorter **Timeline**
- **Work Permit Overview**
- **Types of Visas**
- **Resident Permits**
- **Compliance Challenges**
- **Top Tips**
- **Frequently Asked Questions**
- **Q & A**





## **DECREE 11/2016/ND-CP**

# DEFINITION OF “SPECIALIST/EXPERT”



- ☐ Certified as an expert by the relevant foreign authority or organization

**OR**

- ☐ Have a bachelor's degree or equivalent or higher degree **AND** have at least 03 years experience in the field they were trained
- ☐ Work experience must be relevant with the position the foreigner shall perform in Vietnam

# IDENTIFICATION OF “MANAGERS” AND “EXECUTIVE DIRECTORS”



## Manager

- Persons in charge of managing the companies as regulated in Clause 18 Article 4 of the Law on Enterprise

**OR**

- Heads or vice-heads of an agency or organization

## Executive Director

- Heads who directly manage subordinate units of agencies, organization or enterprises

### Law on Enterprise Definition of Manager

- Can be an owner of a private company, a general partner, the Chairperson or member of Board of Members, the company's president, the Chairperson or member of the Board of Directors, Director/General Director, or a person holding a managerial position who is entitled to enter into the company's transactions according to the company's charter.

# ADDITIONAL WORK PERMIT EXEMPTIONS

- Foreigners entering Vietnam to hold positions of experts, managers and executive directors for a period of under 30 days and an accumulated working period of under 90 days per year
- Foreigners coming to Vietnam with a period of less than 3 months to offer services
- Foreigners coming to Vietnam with a period of less than 03 months to solve a problem that Vietnamese and foreign experts currently in Vietnam cannot resolve
- Students at school studying or training institutions abroad while interning in Vietnam

It is mandatory to obtain Certificate of Work Permit exemptions under the current law with the exception of these cases.

# DEMAND OF FOREIGN LABOR REPORT



Not required for cases where  
certificate of work permit exemption is  
not required.

See previous slide

# HEATH CHECKS & CRIMINAL RECORDS



## Heath Certificates

- Will be accepted from both Vietnamese and offshore healthcare providers
- Valid for a period of 12 months vs. 6 months

## Criminal Records

- Certification from competent foreign authority or if the foreigner is a lawful resident in Vietnam then only the criminal record issued by the competent Vietnamese authority is required

It is unclear how authorities will define lawful resident in Vietnam, ie. applicant must have resided in Vietnam x period of time to qualify for local criminal check only

# SIMPLIFICATION OF APPLICATION DOCUMENTS



- Foreigner entering employment with another employer with same role
- Foreigner changing roles within the same company
- Foreigner's who's work permit has expired and continues employment with same employer



# TIMELINES AND NOTABLE CHANGES

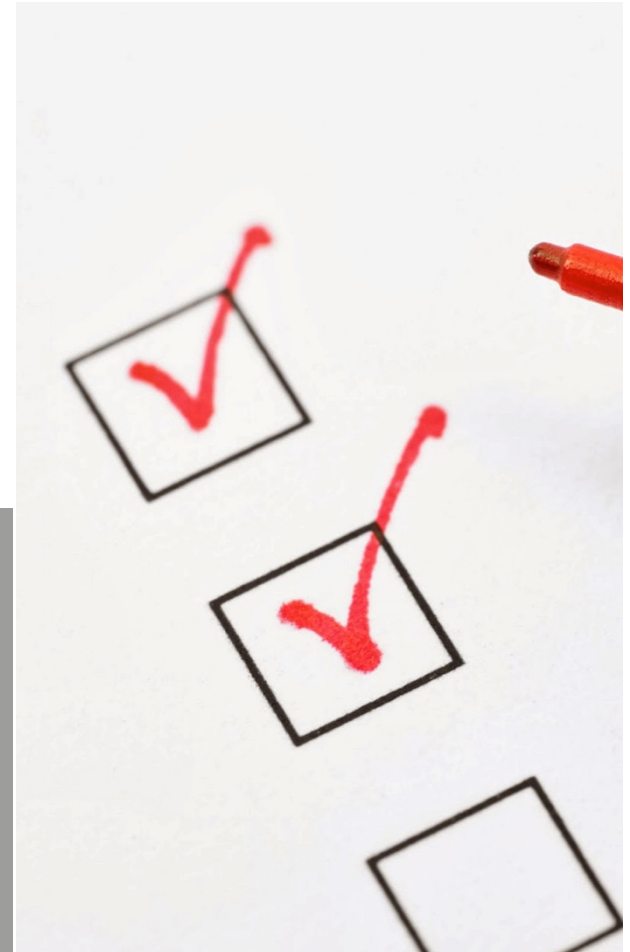


- Statutory time for issuing work permit is 07 days from 10
- Work Permit renewal applications accepted up to 45 days before expiration vs current 15 days
- Heath Certificates valid 12 months vs current 6 months
- Work Permit De-registration: employer is responsible de-registering work permit once employment has ceased. DOLISA will acknowledge in writing.



# WORK PERMIT QUALIFICATIONS

- Health must be appropriate for the required working conditions;
- Must hold the position of manager, executive, expert or technician;
- Must not: (i) have a criminal record that involves national security offence; (ii) be subject to criminal prosecution or be under criminal sentence under Vietnamese or foreign law;
- The employer must receive approval to recruit an expat.



# GENERAL WORK PERMIT TIMELINE



ACTION STEPS	AUTHORITIES	TIMELINE
<b>Step 1:</b> Demand of Foreign Workers Report	<b>In Vietnam</b> – Department of Labor	15 working days
<b>Step 2* :</b> Prepare Document Requirements <i>*Can start same time as Step 1.</i>	<b>In Home Country</b> – Consular Legalization & Certification of Documents	3 to 6 weeks
<b>Step 3 :</b> Translate and Certify Documents	<b>In Vietnam</b> – Notary Public	3 days
<b>Step 4 :</b> Submit Work Permit Application	<b>In Vietnam</b> – Department of Labor	<b>07 working days</b>
<b>Step 5 :</b> Collect Work Permit	<b>In Vietnam</b> – Department of Labor	1 working day
<b>Total Processing Time</b>		6 to 8 weeks

*\*Legalization may be required for documents issued abroad*

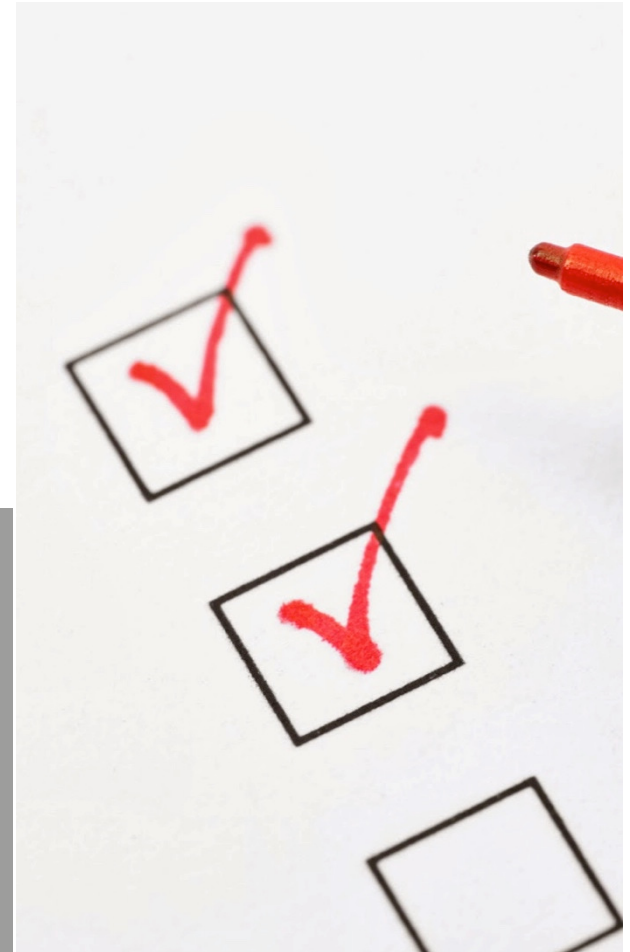


# **VISAS**

# VISA GUIDELINES

- Applicable for principal applicant and dependent(s)
- Visa Approval Letter needs to be obtained in advance
- Collect Visa at Vietnamese Embassy/Consulate or at International Airport on arrival
- Government processing time 05 working days

**Tip:** collect Visa before coming to Vietnam, immigration lines at destination can be long and hectic.



# TYPES OF VISAS



SANTA FE  
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Visa Categories	Description	Visa Duration
Group 1 : Working Visas		
<i>Group 1A: Expatriate enters to work with Vietnamese Authority, a Non-Government Organization ("NGO") or Foreign Trader</i>		
NN1	Visa for a foreign head or either a Representative Office ("RO") or a project of an international organization of foreign NGO.	Up to 12 months
NN2	Visa of a foreign head of an NGO, RO, branch of a foreign trader or an RO of other foreign economic, cultural, or professional organizations	Up to 12 months
NN3	Visa for an expatriate who will work for a foreign NGO, RO, branch of a foreign trader or an RO of other foreign economic, cultural, or professional organizations	Up to 12 months
<i>Group 1B: Expatriates enters to work with Vietnamese parties/companies</i>		
DN	Business Visa for an expatriate who will work with a Vietnamese enterprise	Up to 12 months
LD**	Visa for an expatriate who will work	Up to 02 years

*\*Work Permit Required*

# TYPES OF VISAS (CONT)



SANTA FE  
IMMIGRATION SERVICES

Visa Categories	Description	Visa Duration
Group 2 : Professional Visas		
DT*	Visa for a foreign investor or foreign lawyer practicing in Vietnam	Up to 05 years
PV1*	Visa for a foreign journalist who has permanent residence in Vietnam	Up to 12 months
PV3	Visa for a foreign journalist who will work for a short period of time in Vietnam	Up to 12 months
Group 3 : Other Visas		
DH*	Visa for an expatriate who will study or for an internship	Up to 12 months
HN	Visa for an expatriate who will attend a convention or conference	Up to 03 months
DL	Visa for foreign tourist	Up to 03 months
TT**	Visa for an expatriate that either is a spouse, or under-18-year-child of an expatriate has been issued with DT/NN1/NN2/DH/PV1/LD visa, or is a parent, spouse, or child of Vietnamese citizens	Up to 12 months
VR	Visa for an expatriate who visits relatives or for other purposes	Up to 06 months

*\*Work Permit Required*

# UPDATES FROM 2015

## New Countries Added to Visa Exemption list

Visa-free for 30 days	Laos, Cambodia, Thailand, Malaysia, Indonesia, Singapore
Visa-free for 21 days	Philippines
Visa-free for 15 days	Japan, South Korea, Denmark, Russian, Sweden, Norway, Finland, UK, France, Germany, Italy, Spain*
Visa-free for 14 days	Brunei, Myanmar

*\*If citizens from these countries wish to re-enter Vietnam under visa exemption program again, the second visit cannot be earlier than 30 days from the first visit.*



# UPDATES FROM 2015

## Reduction of Visa Fees, Effective from November 23<sup>rd</sup> 2015

Visa Type	Current Fee (USD)	New Fee (USD)
Single Entry	45	25
Multiple Entry (3mo)	95	50
3 to 6 months	135	95
6 to 12 months	165	135
1 to 2 years	100	145
2 to 5 years	120	155

Follow this link for full details:

<http://www.santaferelo.com/news-and-blog/Immigration-Update-%E2%80%93-Vietnam-to-Cut-Visa-Fees-in-November-2015>





# **RESIDENT PERMITS**

# RESIDENT PERMITS

- Applicable for principal applicant and dependents
- Issued for duration 1 to 5 years\*
- Issued after applicant arrives in Vietnam
- Convert eligible visa to resident permit
- Government processing time 05 days

*\*For work permit holders, issued up to the duration of the work permit*



# COMPLIANCE CHALLENGES



## Authorities

- Inconsistencies in government requirements
- Changes in procedures vs changes in Law
- Unclear processes for newly enforced laws
- Identifying process and regulations in emerging markets

## Company

- Nature of activities / type of industry
- Type of company / legal entity
- Demand of Foreign Labor Reporting

## Employee / Applicant

- Legalization process



# TOP TIPS!

- ✓ Determine the correct legal entity in Vietnam sponsoring the assignment
- ✓ Plan early – minimum 8 weeks lead time
- ✓ Educate transferees / new hires of legalization requirements to avoid delays
- ✓ Passport validity 12+ months
- ✓ Have original documents (e.g. Marriage, Birth Certs, University Diploma available). Do not pack in shipment.





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# QUESTIONS

# THANK YOU

## Your Vietnam Immigration questions:

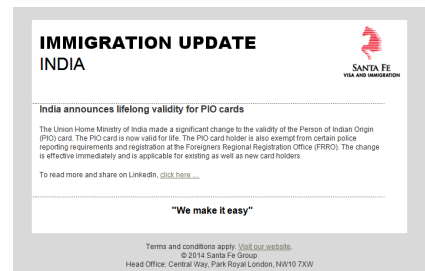
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Work Permit – Visas – Resident Cards – Document Legalization – Renewals – Criminal Records –  
and more...