

Alert on immigration

May 2021

On 14 May 2021, the Ministry of Labour, War Invalids and Social Affairs (“MOLISA”) issued Official letter No. 30/CD-BLDTBXH (“the OL”) on enforcement of the management of foreigners working in Vietnam. The letter, which was sent to relevant provincial People Committees, highlighted the increasing numbers of foreigners travelling to Vietnam illegally and working in Vietnam not in accordance with current labour regulations. To strictly follow the guidance of the Secretariat and Official letter No. 570/CD-TTg dated 2 May 2021 of the Prime Minister, MOLISA requested the relevant provincial People Committees to consider and instruct their lower authorities to implement the following:

1. Review and report on the usage of foreigners in relevant provinces

MOLISA requested a review of all organisations and enterprises in the provinces which are using foreign workers and to report to MOLISA before 25 May 2021 for MOLISA to consolidate and report to the Prime Minister. On the grounds of the review, the People Committees to enhance its supervision and management of all foreign workers who enter Vietnam and are registered and are working at the organisations/enterprises and to avoid cases of foreign workers entering Vietnam illegally and working at organization/enterprises.

2. Review and enhance the issuance of work permits for foreign workers

According to the OL, the provincial People Committees are required to review and enhance the management of issuance of work permits for foreign workers at the provinces to make sure the issuance is strictly in accordance with conditions, steps and procedures as regulated in Decree 152/2020/ND-CP dated 30 December 2020. Enterprises and organisations are only allowed to recruit foreign workers for the positions of managers, CEOs, experts and technical workers for positions which the Vietnamese labor force cannot handle.

3. Consider deporting foreign workers working illegally in Vietnam

The OL requests the provincial People Committees to intensify labour audits at the enterprises/organisations and strictly handle all violations on receiving and using foreign workers illegally in Vietnam. It also instructs the provincial People Committees to work with relevant competent authorities to consider deporting foreign workers who are working in Vietnam without a valid work permit (or without work permit exemption certificate) and/or who are staying in Vietnam but not in accordance with Vietnam immigration regulations.

4. Reviewing Covid-19 protective measures at enterprises/organisations

The provincial People Committees are requested to provide clear instructions as well as supervise Covid-19 protective measures at enterprises/organisations which are using foreign workers in the provinces to make sure the enterprises/organisations strictly follow 5K measures (mask-distance-not flock-disinfection-health declaration) and other relevant regulations of the medical authorities. Enterprises/organisations who fail to follow the measures shall be suspended from their operations and punished.

KPMG notes

With the above instruction, businesses are recommended to urgently review the current status of work permits and visa/temporary resident cards of their foreign workers to make sure their foreign workers are working and staying legally in Vietnam as well as ensuring all papers are in compliance with the requirements.

Also, businesses are recommended to always update with the new regulations and double-check with the relevant provincial authorities to adjust its mobility plans accordingly.

Please contact KPMG for further detail on the above guidance.

Contact us

KPMG Limited | KPMG Tax and Advisory Limited | KPMG Legal Limited

KPMG in Vietnam and Cambodia is one of the leading professional services firms, with over 1,700 staff working from our offices in Hanoi, Ho Chi Minh City, Da Nang and Phnom Penh. We work with our colleagues across Asia and around the world to provide a broad range of services.

Hanoi

46th Floor, Keangnam Hanoi Landmark Tower, 72 Building,
Plot E6, Pham Hung Street, Cau Giay New Urban Area,
Me Tri Ward, South Tu Liem District, Hanoi, Vietnam

T: +84 (24) 3946 1600

F: +84 (24) 3946 1601

E: kpmghanoi@kpmg.com.vn

Ho Chi Minh City

10th Floor, Sunwah Tower,
No. 115, Nguyen Hue Street, Ben Nghe Ward,
District 1, Ho Chi Minh City, Vietnam

T: +84 (28) 3821 9266

F: +84 (28) 3821 9267

E: kpmghcmc@kpmg.com.vn

Danang

Unit D3, 5th Floor, Indochina Riverside Tower,
No. 74, Bach Dang Street, Hai Chau 1 Ward,
Hai Chau District, Danang, Vietnam

T: +84 (236) 351 9051

F: +84 (236) 351 9051

E: kpmgdanang@kpmg.com.vn

Follow us on:   

© 2021 KPMG Limited, KPMG Tax and Advisory Limited, KPMG Legal Limited, all Vietnamese one member limited liability companies and member firms of the KPMG global organization of independent member firms affiliated with KPMG International Limited, a private English company limited by guarantee. All rights reserved.

The information contained herein is of a general nature and is not intended to address the circumstances of any particular individual or entity. Although we endeavour to provide accurate and timely information, there can be no guarantee that such information is accurate as of the date it is received or that it will continue to be accurate in the future. No one should act on such information without appropriate professional advice after a thorough examination of the particular situation.

The KPMG name and logo are trademarks used under license by the independent member firms of the KPMG global organization.

kpmg.com.vn