

# Alert on immigration

September 2021

On 9 September 2021, the Vietnamese Government issued Resolution No. 105/NQ-CP (“Resolution 105”) on supporting enterprises, co-operatives and business households in the context of the Covid-19 pandemic.

The aim of the Resolution 105 is to:

- (i). recover and develop production while ensuring safe prevention and protection from Covid-19;
- (ii). support and timely resolve difficulties and bottlenecks hindering production and business activities as well as minimizing the number of enterprises, businesses households and co-operatives which have temporarily suspended their operation, dissolved or have gone bankrupt; and
- (iii). achieve some specific goals on supporting enterprises, cooperatives and business households to receive credit support; assisting those who have suspended their operation due to Covid-19 to re-operate; and, implement policies on tax/fee extension, exemption, or reduction along with policies to support employers and employees.

As part of the Resolution 105, some notable solutions are proposed relating to labour and foreign experts, specifically:

## **1. Easing regulations on the issuance, extension and certification of work permits for foreign labour in Vietnam**

The Ministry of Labour, War Invalids and Social Affairs (“MOLISA”) are asked, within September 2021, to instruct provincial competent authorities to implement flexibly and relax some conditions on the issuance, extension and certification of work permits for foreign labour in Vietnam, namely:

- *The provisions within Point a, Clause 3, Article 3 of Decree 152/2020/ND-CP shall be implemented as follows: Having a university degree or above or an equivalent and having at least 3 years of work experience relevant to the position that the foreign worker is expected to undertake in Vietnam. In this regard, the degree is not connected to the job position that the foreign labour will undertake in Vietnam*
- *The provisions within Point a, Clause 6, Article 3 of Decree 152/2020/ND-CP shall be implemented as follows: Having been trained in a technical or other specialized discipline for at least 1 year and having at least 3 years of work experience relevant to the position that the foreign worker is expected to undertake in Vietnam. As such, the training field does not have to related to the role or relevant experience.*
- *The provisions within Point b, Clause 4, Article 9 of Decree 152/2020/ND-CP shall be implemented as follows: Documents affirming experts and technical workers as prescribed in Clauses 3 and 6, Article 3 of this Decree are: Diploma, certificate, confirmation letter; a written certification from an agency, organization or enterprise in a foreign country about the number of years of experience of the expert, technical worker, or a previously issued work permit to prove the experience. Therefore, previous issued work permits are now accepted as documentation affirming the experience of an expert or technical worker.*
- Also Resolution 105 allows foreign workers who have been granted work permits that are still valid to be sent, dispatched or seconded to work in another province or city for a period not exceeding six months without having to re-apply for a work permit. The employer must report to the labor management agency where the foreign workers have come to work.

## 2. Requesting a consistent procedure for compulsory quarantine and medical surveillance among provinces

In Resolution 105, the Government ordered the Ministry of Health to provide procedures for safe medical surveillance such that provincial authorities can apply consistently for labours coming to their specific provinces within September 2021.

Also, provincial authorities are requested to apply consistently medical compulsory quarantine as guided by the Ministry of Health for immigration passengers.

## 3. Pushing mutual agreement on recognition of “vaccine passport”

The Ministry of Foreign Affairs is requested to speed up the negotiation with other countries and territories for mutual agreement on recognition of “vaccine passport” in order to open the economy at a suitable time and report to the Prime Minister within September 2021.

Up to 27 August 2021, Vietnam has recognized vaccine certificate and certification of recovery from Covid-19 for 61 countries and territories.

Also, the Ministry of Foreign Affairs shall co-ordinate with other relevant government and provincial authorities to propose the application of a special mechanism on medical control and Covid-19 prevention for specific cases while maintaining effective Covid-19 preventative measures. The proposal is to report to the Prime Minister for consideration and decision within September 2021.

## 4. Ordering enhanced guidance on qualification for foreign teacher

In the Resolution 105, the Ministry of Education and Training is required to co-operate with MOLISA to provide further guidance on qualifications for foreign teachers lecturing at short-term training centers, high-school, vocational training centers and universities in line with international practice and in accordance with Vietnam laws on Education, University Education and Vocational Education.

## 5. Temporarily suspending unnecessary audit

Resolution 105 also requests that the relevant authorities will temporarily suspend unnecessary audits at enterprises, business households and co-operatives which were planned in 2021. The audits can be carried out later at a suitable time when the Covid-19 pandemic is under control.

## Resolution 105 is effective from 9 September 2021.

### KPMG notes

Resolution 105 offers certain relaxation on documentation requirements for work permit application and extension for foreign labour. In-turn this should also relax conditions for entry permit application as the conditions for entry permit application are mainly based on the guidance of Decree 152. However, these relaxed conditions still apply for short-term business travelers for the entry permit application who may not require a work permit. For specific guidance, businesses are recommended to consult with provincial competent authorities before implementation.

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