



GMS Flash Alert

Immigration Edition

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Vietnam - COVID-19: Extra Guidance on Visas, Entry for Foreign Experts

Like other countries around the world, Vietnam's economy has been seriously hurt by COVID-19, the GDP growth rate recorded in the first semester of 2020 was the lowest of the three last decades.¹ To mitigate the economic impact, beside multiple incentives in the forms of tax, insurance, land-use fee deferment, and interest rates cut to affected local businesses, the Vietnamese government has also considered removing certain restrictions on international travel, gradually and carefully to balance economic recovery and safety concerns.

Specifically, to support business continuance of Foreign Directed Invested ("FDI") projects in Vietnam as well as to welcome new investment to the country, the government has issued certain guidance to allow entry of long-term and short-term foreign investors, managers, experts, highly-skilled workers, and their family members.²

WHY THIS MATTERS

The new guidance could bring extra administration and require new policies and procedures, as well as additional planning, on the part of employers bringing/sending foreign nationals to Vietnam to work.

Businesses should consider the latest immigration measures to arrange the mobility plans of their expatriates in Vietnam accordingly.

Statutory Rules and Other Policies Approved by the Government

To support for the business continuance of FDI projects in Vietnam, on 23 May 2020, the National Steering Committee for the Prevention and Control COVID-19 issued official letter No.2847/CV-BCD giving guidance on allowing foreign nationals who are investors, managers, experts, and highly-skilled workers ("foreign experts") to enter Vietnam to work.

Through Resolution No. 84/NQ-CP dated 29 May 2020, the Vietnam government confirmed its support of foreign experts to work in Vietnam. Accordingly, the Resolution allowed the extension of work permits for foreign experts and the continuance of new work permit issuance for such experts after a period of suspension.

Further, the Government Office, through announcement No.238/TP-VPCP dated 12 July 2020, allows the entry of foreign experts' family members to accompany such experts to Vietnam.

Most recently, following the request of the prime minister in the government meeting on 27 August 2020, on 31 August 2020, the Ministry of Health issued Official letter No.4674/BYT -MT giving guidance on COVID-19 prevention and control for short-term visits to Vietnam of less than 14 days for foreign nationals. Notably the 14-day quarantine is not mandatory for those foreign nationals upon entry as long as regulations on COVID-19 prevention and control are fully and strictly complied with.

Entry Approval and Visa Issuance for Foreign Experts

To support long-term foreign experts that travel to Vietnam to work while remaining in control of potential transmission of COVID-19 overseas, the Vietnamese authority has put in place a special procedure for entry approval and visa issuance for those experts. Specifically, through official letter No.2847/CV-BCD, the Provincial People's Committees are authorized to approve a list of foreign experts to enter Vietnam as well as to arrange suitable quarantine facilities for such experts to isolate for 14 days upon arrival in Vietnam. The procedure is specified as follow:

- Step 1: The Vietnam sponsor company is to submit a request letter to the competent authority in the province where its registered office is located to ask for approval for entry. Accordingly, the provincial People's Committee and the provincial Department of Health will issue entry approval and quarantine approval respectively.
- Step 2: The Vietnam sponsor company is to submit an application for entry permission and visa approval to the Immigration Department.
- Step 3: Expatriates are to undergo a COVID-19 test using Real-Time PCR within 3 to 7 days before arriving in Vietnam. The test must be taken in labs approved by the competent authorities or labs of WHO in the home country and the test result must be negative.

Upon arrival in Vietnam, the foreign experts are subject to 14 days of quarantine at a hotel/quarantine facility pre-approved by the competent authority and are tested for COVID-19 at least twice during the quarantine.

Responsibilities for Airlines

In general, the airlines will request the following documents from expatriates before issuing airlines ticket:

- Passport copy (validity is at least 6 months prior to departure);
- Approval letter from the People's Committee;
- Approval from the Immigration Department;
- Approval from the Health Department;
- Hotel confirmation (during quarantine period) plus Pick-up Transportation service confirmation;
- Travel insurance covering COVID-19 treatment or a commitment letter from the Vietnam sponsoring party to pay all COVID-19 treatment fees if the expatriates are positive for COVID-19 after arrival in Vietnam;

- COVID-19 negative certificate (using RT-PCR method) to be done 5 to 7 days at a WHO/government-certified lab/clinic) prior to arrival.

Family members of the foreign experts (limited to parents, spouse, and children of the experts) are also required to complete the above entry approval and visa issuance procedures in order to travel to Vietnam.

KPMG NOTE

The entry approval procedures are different from province to province and change over time. In addition, the competent authorities can require certain additional documents in order to consider the approval.

Therefore, it is recommended that businesses complete the entry approval procedures as soon as possible given that the situation in respect of COVID-19 is causing changes in immigration policy. Also, they should always remain up to date on the changes that may impact their mobility plans for their foreign experts in Vietnam.

Guidelines for COVID-19 Prevention and Control for Short-term Visits of Less Than 14 Days by Foreign Nationals to Vietnam

Following the requirements of the government, on 31 August 2020, the Ministry of Health issued official letter No. 4674/BYT-MT ("the guidance") to ministries, ministerial agencies, government agencies, and the provincial People's Committees providing guidelines on COVID-19 prevention and control for a short-term visit by foreign nationals of less than 14 days to Vietnam. Notably, the 14 days of quarantine will not be mandatory for those foreign nationals upon entry if regulations on COVID-19 prevention and control are fully and strictly complied with.

Highlights in the guidance affecting the application for entry for foreign nationals are as follows:

➤ **Regulated Subjects**

- Foreign nationals who travel to Vietnam on a short-term trip of less than 14 days, including investors, experts, highly-skilled workers, business managers, and their family members, as well as other persons by mutual agreement with each country (so-called "experts").
- People who enter Vietnam for diplomatic or official purposes (so-called "diplomat").
- People who have contact with the experts or diplomats during their entry and stay in Vietnam.

➤ **Requirements for Experts**

- Experts are not subject to 14 days centralized quarantine upon arrival. However, they must strictly and fully follow guidance on prevention and control of COVID-19 to avoid cross-infection at their work-places and in the community.
- The experts must hold international health insurance covering COVID-19 treatment, or the sponsoring organization must commit to pay COVID-19 treatment expenses if the experts contract COVID-19.

- The experts must undergo a COVID-19 test by Real-Time PCR within 3 to 7 days before entering Vietnam and must be negative. The test must be taken in the laboratories of a competent health authority in those foreign countries.
- The experts shall arrive in Vietnam at least one day earlier than the date they start work to complete health monitoring procedures and shall be subject to COVID-19 testing upon arrival in Vietnam.
- The experts shall be provided with separate lodging places – e.g., hotels and the enterprise's approved lodging places, arranged by the provincial People's Committee – and must strictly follow approved working, transport, and quarantine plans during their stays in Vietnam.
- The experts are required to install the Blue Zone application, complete an e-health declaration, and are subject to medical supervision requirements.
- After 14 days from the arrival date, if an expatriate tests negative for COVID-19 and needs to extend his stay in Vietnam to work, he may continue working without quarantine.

Requirements for Sponsoring Organizations

The guidance sets out certain requirements for the sponsoring organization before arrival and during the working period the experts are in Vietnam, specifically:

➤ Before Arrival

- Prepare working, lodging, transport, and quarantine plans for the experts to help prevent the infection of COVID-19 between the experts and their contacts while working in Vietnam.
- Complete the procedures to have the above plans approved by the competent authorities.

➤ During the Experts' Stay in Vietnam

- Arrange a separate lodging place for the experts as approved by the provincial People's Committee.
- Organize the transport of the experts from border crossings/international airports to their lodgings and between lodgings and work locations. Transport of the experts during their stay in Vietnam must be done with dedicated vehicles and satisfy certain medical requirements.
- Compile a list of participants in the meeting between the experts and their contacts for medical surveillance for 14 days after the meeting/contact.
- Report to the People's Committee of the province/ministry/central authority on the implementation of the plan.

Requirements for Competent Authorities

The provincial People's Committees shall:

- inform and instruct organizations in their provinces to implement the guidance while sponsoring their experts to enter Vietnam for short-term visits;
- review and approve the working, lodging, transport, and quarantine plans prepared by sponsoring organizations;

- arrange isolated lodging places and work-places, maintain health monitoring and the experts' isolation from the community during their short-term visits;
- organize the inspection, supervision, and assessment of the performance of COVID-19 prevention and control tasks during the experts' stay in Vietnam;
- Report to the National Steering Committee for COVID-19 Prevention and Control on any issues that occur.

The provincial Department of Health shall be delegated by the provincial People's Committee to:

- carry out health monitoring, handle suspected cases of COVID-19 infection;
 - provide instructions on cleaning and disinfecting the environment during the stay of foreign experts and diplomats in Vietnam;
 - assign persons responsible for health monitoring at their lodging, work-places, meeting places, fields;
 - prepare for hospitalization of COVID-19 cases.
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KPMG NOTE

Based on the official letter No. 4674 and its guidance, it is expected that the sponsoring organizations will still need to complete all the entry approval and visa applications for the experts such that they are able to travel to Vietnam.

Further, in order to invite short-term visitors who are experts to Vietnam, the organizations must compile comprehensive working, lodging, transport, and quarantine plans for the experts such that the plans can be approved by the competent authorities. Therefore, it is recommended that organizations review their facilities capability, then seek further guidance from the relevant provincial authorities on the application.

As these procedures are likely to be onerous and costly, businesses should consider carefully the need for such visits.

Automatic Extension of Temporary Stay

On 1 September 2020, the Vietnam Immigration Department announced that Vietnam will allow another one-month automatic extension of temporary stay through 30 September 2020, for foreign nationals who entered Vietnam with a visa exemption certificate, e-visa, or tourist visa on or after 1 March 2020, and intended to depart Vietnam during the period of extension (by 30 September 2020). Accordingly, those foreign nationals can leave Vietnam without doing any extension or payment of any fees up to 30 September 2020.

For those foreign nationals who entered Vietnam before 1 March 2020, the current policy remains in place. Accordingly, if they can prove that they are stranded in Vietnam due to COVID-19 and their situation is certified (i) by their diplomatic mission in Vietnam through an official diplomatic note with a translation in Vietnamese or (ii) by documents issued by Vietnamese authorities to confirm they were quarantined or treated for COVID-19, among other reasons beyond their control, they are considered entitled to the above automatic extension.

Foreign nationals are required to complete medical declarations and register their temporary stay with the competent authorities in accordance with current regulations.

KPMG NOTE

Foreign nationals who meet the above conditions and are stranded in Vietnam should contact their diplomatic organizations in Vietnam to seek their support in producing an official diplomatic note to submit to the competent authority if required and upon departure from Vietnam.

FOOTNOTES:

1 See this report from the World Bank: <https://www.worldbank.org/en/country/vietnam/overview>. And, see "Vietnam's GDP Expected to Grow 2.8 pct in 2020 with Improved Situation: World Bank" (30 July 2020) in *Xinhua* (online) at: http://www.xinhuanet.com/english/2020-07/30/c_139252304.htm. (*Note that these are 3rd party (non-governmental, non-KPMG) websites. Providing these links does not represent an endorsement of these websites by KPMG.*)

2 For updates (in English) on measures introduced and activities related to the fight against COVID-19, see the website for the government of Vietnam at: <http://chinhphu.vn/portal/page/portal/English>.

For some basic information on measures taken by the Vietnamese government to combat COVID-19 and some joint U.S.-Vietnam efforts related to the COVID-19 crisis, see this webpage of the U.S. Embassy in Vietnam: <https://vn.usembassy.gov/u-s-citizen-services/covid-19-information/>.

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Contact us

For additional information or assistance, please contact your local GMS or People Services professional* or one of the following professionals with the KPMG International member firm in Vietnam:



Andrea Godfrey
Partner
Mob. +84 917 974 454
andreagodfrey@kpmg.com.vn

Dang Duc Giang
Associate Director
Mob. +84 985 258 589
gddang@kpmg.com.vn

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