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## LAW

### ENTRY, EXIT, TRANSIT, AND RESIDENCE OF FOREIGNERS IN VIETNAM

*Pursuant to the Constitution of Socialist Republic of Vietnam;*

*The National Assembly promulgates the Law on Entry, exit, transit, and residence of foreigners in Vietnam.*

#### Chapter I

### GENERAL REGULATIONS

#### Article 1. Scope

This Law deals with the rules, conditions, procedures, rights and obligations of foreigners who enter, leave, and reside in Vietnam; rights and obligations of Vietnamese authorities and other entities to foreigners' entry, exit, and residence in Vietnam.

#### Article 2. Regulated entities

This Law deals is applied to foreigners who enter, leave, transit through, and reside in Vietnam, Vietnamese authorities, relevant Vietnamese and foreign entities.

#### Article 3. Interpretation of terms

In this Law, the terms below are construed as follows:

1. *Foreigners are those who carry papers proving their foreign nationalities, or those without nationalities who enter, leave, transit through, or reside in Vietnam.*
2. *Papers proving foreign nationalities are papers issued by foreign authorities or the UN, including passports or passport substitutes (hereinafter referred to as passports).*
3. *International laissez-passer means a document issued by a competent authority of a country to a person without nationality who is residing therein, and is accepted by Vietnamese authorities.*
4. *Entry means a foreigner's entering into Vietnam through a Vietnam's border checkpoint.*
5. *Transit means a foreigner's passing or staying within the area for transit passengers at a border checkpoint of Vietnam before going to a third country.*
6. *Exit means a foreigner's leaving Vietnam through a Vietnam's border checkpoint.*
7. *Suspension of exit means a decision of competent person of Vietnam to suspend a foreigner residing in Vietnam from leaving Vietnam for a certain period of time.*
8. *Compelled exit means a decision of competent person of Vietnam to compel a foreigner residing in Vietnam to leave Vietnam through a Vietnam's border checkpoint.*
9. *Residence means a foreigner's permanent or temporary residence in Vietnam.*
10. *Border checkpoint is a place where foreigners are granted entry, exit, or transit.*
11. *Visa means a document issued by a competent authority of Vietnam to a foreigner to grant entry into Vietnam.*
12. *Temporary residence permit means a certification by a Vietnamese authority of the period over which the foreigner may temporarily reside in Vietnam.*

13. *Temporary residence card is a document issued by an immigration authority or a competent authority of the Ministry of Foreign Affairs to a foreigner who is permitted to reside in Vietnam for a certain period of time. This card has the same validity as a visa.*

14. *Permanent residence card is a document issued by an immigration authority to a foreigner who is permitted to reside indefinitely in Vietnam. This card has the same validity as a visa.*

15. *Immigration authority is an agency affiliated to the Ministry of Public Security specialized in administration of entry, exit, transit, and residence of foreigners in Vietnam .*

16. *Immigration control units are units that control the entry, exit, and transit of foreigners in Vietnam at border checkpoints.*

17. *Overseas visa-issuing authorities of Vietnam include diplomatic missions or other agencies of Vietnam located overseas and authorized to act as consulates.*

#### **Article 4. Entry, exit, transit, and residence must:**

1. Comply with this Law, and other relevant regulations of law of Vietnam or international agreements to which Vietnam is a signatory.
2. Respect the independence, sovereignty, unity, and territorial integrity; ensure national security, social order, and equality in international relationship.
3. Ensure transparency and convenience for foreigners; ensure tight and consistent administration of entry, exit, transit, and residence of foreigners in Vietnam.
4. Any foreigner who has multiple passports may use only one passport for his/her entry, exit, transit, and residence in Vietnam.

#### **Article 5. Prohibited acts**

1. Obstructing foreigners and relevant entities from exercising their rights or discharging their duties in accordance with regulations of law on entry, exit, transit, and residence of foreigners in Vietnam.
2. Establishing procedures or requiring documents against this Law and relevant regulations of law; harass foreigners when they are following for entry, exit, transit, or residence in Vietnam.
3. Illegal entry, exit, or residence in Vietnam; using fake documents to enter, leave, transit through, or reside in Vietnam.
4. Providing false information or documents in order to obtain permission for entry, exit, transit, or residence in Vietnam.
5. Taking advantage of entry, exit, transit, or residence in Vietnam to act against Socialist Republic of Vietnam, infringe upon the lawful rights and interests of other entities.
6. Buying, selling, leasing, lending, borrowing, falsifying entry/exit/residence permits in order for foreigners to enter, leave, transit through, or reside in Vietnam.

#### **Article 6. Revocation, invalidation of entry/exit/residence permits issued by Vietnamese competent authorities**

Any foreigner that violations regulations of Clauses 3 through 6 Clause 5, Clause 3 Article 21, Point b Clause 2 Article 44 of this Law shall have his/her entry/exit/residence permit permit revoked.

## **Chapter II**

## **VISA**

#### **Article 7. Uses and formats of visa**

1. A visa may be used one or multiple times and its purpose must not be changed.
2. Each person shall be issued with a separate visa, except for children under 14 who will be issued with visas in the same passports of their parents or guardians.

3. Visa shall be issued in the passport or issued separately.

#### **Article 8. Visa symbols**

1. NG1 - Issued to members of delegations invited by the Secretary General of Vietnam's Communist Party of, the President of Vietnam, the President of the National Assembly, the Prime Minister.

2. NG2 - issued to members of delegations invited by standing members of the Secretariat of the Vietnam's Communist Party, Deputy President of Vietnam, Deputy President of the National Assembly, Deputy Prime Minister, President of Vietnamese Fatherland Front, Executive Judge of The Supreme Court, Chief Procurator of the Supreme Procuracy, State Auditor General; members of delegations at the same levels of Ministers, Secretary Generals of Provincial Communist Authorities, President of the People's Committees of provinces.

3. NG3 - Issued to members of diplomatic missions, consular offices, representative offices of international organizations affiliated to the UN, representative offices of intergovernmental organizations and their spouses, children under 18 years of age, and housemaids during their term of office.

4. NG4- Issued to people who come to work with diplomatic missions, consular offices, representative offices of international organizations affiliated to the UN, representative offices of intergovernmental organizations, visitors of members of diplomatic missions, consular offices, representative offices of international organizations affiliated to the UN, and representative offices of intergovernmental organizations.

5. LV1 - Issued to people who come to work with units affiliated to Vietnam's Communist Party; the National Assembly, the government, Central Committee of Vietnamese Fatherland Front, the People's Supreme Court, the People's Supreme Procuracy, State Audit Agency, Ministries, ministerial agencies, Governmental agencies, the People's Councils, the People's Committees of provinces.

6. LV2 - Issued to people who come to work with socio-political organizations, social organizations, Vietnam Chamber of Commerce and Industry.

7. ĐT - Issued to foreign investors in Vietnam and foreign lawyers practicing in Vietnam.

8. DN - Issued to people who come to work with companies in Vietnam.

9. NN1 - Issued to Managers of representative offices or projects of international organizations and foreign non-governmental organizations in Vietnam.

10. NN2 - Issued to heads of representative offices, branches of foreign traders, representative offices of other foreign economic, cultural, professional organizations in Vietnam.

11. NN3 - Issued to people who come to work with foreign non-governmental organizations, representative offices, branches of foreign traders, representative offices of other foreign economic, cultural, professional organizations in Vietnam.

12. DH - Issued to people who come to study or serve internship.

13. HN - Issued to people who come to attend conventions or conferences.

14. PV1 - Issued to journalists who have permanent residences in Vietnam.

15. PV2 - Issued to journalists who come to work for a short period of time in Vietnam.

16. LĐ - Issued to people who come to work.

17. DL - Issued to tourists.

18. TT - Issued to foreigners that are parents, spouse, children under 18 years of age of the foreigners issued with LV1, LV2, ĐT, NN1, NN2, UNIVERSITY, PV1, LĐ visas, or foreigners that are parents, spouse, children of Vietnamese citizens.

19. VR - Issued to people who come to visit their relatives or for have other purposes.

20. SQ - Issued to people in the cases mentioned in Clause 3 Article 17 of this Law.

#### **Article 9. Visa duration**

1. The duration of a SQ visa is not longer than 30 days.
2. The duration of a HN or DL visa is not longer than 03 months.
3. The duration of a VR visa is not longer than 06 months.
4. The duration of a NG1, NG2, NG3, NG4, LV1, LV2, DN, NN1, NN2, NN3, DH, PV1, PV2 or TT visa is not longer than 12 months.
5. The duration of a LÐ visa is not longer than 02 years.
6. The duration of a ÐT visa is not longer than 05 years.
7. When a visa is expired, its reissuance shall be considered.
8. The duration of a visa shall be at least 30 days shorter than that of a passport or international laissez-passer.

#### **Article 10. Conditions for visa issuance**

A person shall be issued with a visa when he/she:

1. Has a passport or laissez-passer.
2. Is invited or sponsored by an organization or individual in Vietnam, except for the cases mentioned in Clause 3 Article 17 of this Law.
3. Not suspended from entry in the cases mentioned in Article 21 of this Law.
4. Proof of entry purposes must be provided when applying for a visa in the following cases:
  - a) Any foreigner who comes to make investment must have papers proving the investment in Vietnam in accordance with the Law on Investment;
  - b) Any foreigner who works as a lawyer in Vietnam must have a practice license in accordance with the Law of Lawyers;
  - c) Any foreigner who comes to work in Vietnam must have work permits in accordance with the Labor Code;
  - d) Any foreigner who comes to study in Vietnam must have written acceptance of a school or an education institution in Vietnam.

#### **Article 11. Cases in which visas are issued separately**

1. The passport has no more blank pages to issue visa.
2. The passport is issued by a government that has not had a diplomatic relation with Vietnam.
3. Laissez-passer.
4. For reasons of diplomacy, or national defense and national security.

#### **Article 12. Cases of visa-free entry**

1. The cases prescribed in international agreements to which Vietnam is a signatory.
2. Permanent residence cards and temporary residence cards are used in accordance this Law.
3. Entry to checkpoint economic zones, special administrative - economic units.
4. Under regulations in Article 13 of this Law.
5. Vietnamese people residing overseas who have passports or laissez-passers issued by foreign authorities, foreigners being their spouses or children; foreigners being spouses and children of Vietnamese citizens shall be granted visa-free entry as prescribed by the government.

#### **Article 13. Unilateral visa-free entry**

1. A decision to unilaterally grant visa-free entry to citizens of a country must satisfy the following conditions:

- a) The country has a diplomatic relation with Vietnam;
  - b) The decision is conformable with the policies on socio-economic development and diplomacy of Vietnam in each period;
  - c) The decision does not threaten national defense, national security, social safety and social order of Vietnam.
2. The validity period of a decision to unilaterally grant visa-free entry shall not exceed 05 years and may be extended. A decision to unilaterally grant visa-free entry shall be invalidated if any of the conditions in Clause 1 of this Article are not satisfied.
3. A decision to unilaterally grant visa-free entry shall be invalidated if any of the conditions in Clause 1 of this Article is not satisfied.

#### **Article 14. Entities that invite or sponsor foreigners**

1. Entities that invite or sponsor foreigners to enter Vietnam (hereinafter referred to as inviting entities) according to Clause 2 Article 10 of this Law include:
- a) Secretary General of Vietnam's Communist Party, the President of Vietnam, the President of the National Assembly, the Prime Minister;
  - b) Standing members of the Secretariat of Vietnam's Communist Party, Deputy President of Vietnam, Deputy President of the National Assembly, Deputy Prime Minister, President of Central Committee of Vietnamese Fatherland Front, Executive Judge of The People's Supreme Court, the Chief Procurator of the Supreme People's Procuracy, State Auditor General; Ministers and the equivalent, Secretary Generals of provincial Communist authorities, Presidents of the People's Councils, Presidents of the People's Committees of provinces;
  - c) The agencies and units affiliated to Central Communist Party Agency of Vietnam, agencies of the National Assembly, agencies affiliated to Standing Committee of the National Assembly, Central Committee of Vietnamese Fatherland Front, The People's Supreme Court, the People's Supreme Procuracy, State Audit Agency, ministerial agencies, Governmental agencies;
  - d) Provincial communist parties, the People's Councils, the People's Committees of provinces;
  - dd) Central agencies of socio-political organizations, social organizations, Vietnam Chamber of Commerce and Industry;
  - e) Companies established within Vietnam's Law;
  - g) Diplomatic missions, consular offices, representative offices of international organizations affiliated to the UN, intergovernmental organizations in Vietnam;
  - h) Representative offices, branches of foreign traders; representative offices of other foreign economic, cultural, and professional organizations in Vietnam;
  - i) Other organizations with legal status as prescribed by Vietnam's law;
  - k) Vietnamese citizens residing in Vietnam, foreigners having temporary residence cards or permanent residence cards.

2. The aforementioned entities must invite or sponsor foreigners within the functions, tasks, and entitlements prescribed by law or by the operating licenses issued. Vietnamese citizens residing in Vietnam, foreigners having temporary residence cards or permanent residence cards may invite or sponsor foreigners to visit Vietnam, and must present papers proving their relationship with the persons invited or sponsored.

#### **Article 15. Procedures for inviting, sponsoring foreigners to enter Vietnam at competent authorities of the Ministry of Foreign Affairs**

1. Each of the foreigners mentioned in Clauses 1, 2, 3, and 4 Article 8 of this Law shall send an application to a competent authority of the Ministry of Foreign Affairs via the inviting entity.

2. Any entity that invites or sponsors a foreigner as prescribed in Clause 1 and Clause 2 Article 8 of this Law must send a written notification to a competent authority of the Ministry of Foreign Affairs in order for an overseas agency of Vietnam competent to issue visas to issue a visa (if a visa is required), and notify the immigration authority.

3. The inviting entity mentioned in Clause 3 and Clause 4 Article 8 of this Law shall directly send an application for the visa to a competent authority of the Ministry of Foreign Affairs. The competent authority of the Ministry of Foreign Affairs shall send a written notification to the immigration authority. Within 02 working days, if the immigration authority does not offer any opinions, the competent authority of the Ministry of Foreign Affairs shall reply the inviting entity and request the overseas visa-issuing authority of Vietnam to issue the visa (if a visa is required).

4. If the application is submitted at a border checkpoint, it is required to specify the border checkpoint, entry time, and reasons for applying for the visa at the border checkpoint.

5. After receiving the written response from the competent authority of the Ministry of Foreign Affairs, the inviting entity shall request the foreigner to follow the procedures for receiving the visa at overseas visa-issuing authority of Vietnam.

6. The entity that applies for the grant of a visa to a foreigner at an overseas visa-issuing authority of Vietnam shall pay the fee for notification of visa issuance to the competent authority of the Ministry of Foreign Affairs.

#### **Article 16. Procedures for inviting, sponsoring foreigners to enter Vietnam at immigration authorities**

1. Foreigners other than those mentioned in Clauses 1, 2, 3, and 4 Article 8 of this Law must follow the procedures at the immigration authority via the inviting entities. The inviting entity shall directly submit the application for the visa at the immigration authority.

2. Before following the procedures for inviting or sponsoring a foreigner to enter Vietnam, the social organization, company, or another organization having a legal status as prescribed by Vietnam's law, the branch of a foreign trader, the representative office of a foreign economic, cultural, and professional organization in Vietnam must send a written notifications to the immigration authority together with a dossier that consists of:

a) A certified true copy of the license or decision of the competent authority on establishment of the organization.

b) A document introducing the seal and signature of a competent person of the organization.

The notification shall only be sent once. If the contents of the dossier are change, an additional notification shall be sent.

3. Within 05 working days from the receipt of the application for the visa, the immigration authority shall consider granting it, send a response to the inviting entity, and notify the overseas visa-issuing authority of Vietnam.

4. After receiving the written response from the immigration authority, the inviting entity shall notify the foreigner to follow the procedures for receiving the visa at the overseas visa-issuing authority of Vietnam.

5. In case the visa is applied for at a border checkpoint, the immigration authority shall consider the application within 03 working days from the receipt of sufficient documents in the cases mentioned in Points a, b, c, and d Clause 1 Article 18 of this Law; and within 12 working hours from the receipt of sufficient documents in the cases mentioned in Point dd and Point e Clause 1 Article 18 of this Law.

6. Any entity that applies for a visa for a foreigner at an overseas visa-issuing authority of Vietnam must pay the fee for notification of visa issuance to the immigration authority.

#### **Article 17. Issuance of visa at an overseas visa-issuing authority of Vietnam**

1. Within 01 working days from the receipt of a directive from a competent authority of the Ministry of Foreign Affairs, the passport and the application for visa with pictures in the cases mentioned in Clause 2 Article 15 of this Law, the overseas visa-issuing authority of Vietnam shall issue the visa.

2. In cases other than those mentioned in Clause 1 of this Article, after receiving the notification from the inviting entity, the foreigner shall submit the passport, the application and his/her pictures to the overseas visa-issuing authority of Vietnam. Every child under 14 years of age who is issued with a visa in the same passport of his/her parent or guardian is no required to apply for a visa in case he/she uses the same visa as his/her parent or guardian.

Within 03 working days from the receipt of the notification from the immigration authority or a competent authority of the Ministry of Foreign Affairs, the overseas visa-issuing authority of Vietnam shall issue the visa.

3. The head of the overseas visa-issuing authority of Vietnam shall issue a visa that is valid for not more than 30 days to the following foreigners who comes to Vietnam for the purpose of market survey, tourism, visiting relatives, or medical treatment:

a) Any person who has works to do with an overseas visa-issuing authority of Vietnam, his/her spouse and children; any person that presents a written request by a competent agency of the Ministry of Foreign Affairs of the host country;

b) Any person who presents a diplomatic note of sponsorship by a foreign diplomatic mission or consular office at the host country.

4. After the visa is issued in the cases mentioned in Clause 3 of this Article, the head of the overseas visa-issuing authority of Vietnam must notify the immigration authority and bear responsibility of the visa issuance.

#### **Article 18. Visa issuance at border checkpoints**

1. A foreigner shall be issued with a visa at a border checkpoint in the following cases:

a) The foreigner departs from a country that does not have any visa-issuing authority of Vietnam;

b) The foreigner has to stop by multiple countries before arriving at Vietnam;

c) The foreigner comes to Vietnam to take a tour organized by an international tourism company in Vietnam;

d) Foreign crewmembers of a ship anchoring at a Vietnam's port and wish to leave Vietnam through another border checkpoint;

dd) The foreigner comes to Vietnam to attend a funeral of his/her relative, or to visit a gravely ill relative;

e) The foreigner comes to Vietnam to participate in dealing with an emergency, rescue, prevention of natural disasters, epidemics, or for another purpose at the request of a competent authority of Vietnam.

2. Any foreigner issued with a visa at a border checkpoint shall submit his/her passport or laissez-passer, fill the application for the visa, and append his/her picture at the immigration counter. A child under 14 years of age shall be mentioned in the same application filled by his/her parent or guardian in case the child use the same passport of his/her parent or guardian.

3. The immigration counter shall compare the application with the notification of the immigration authority to issue the visa.

#### **Article 19. Visa issuance at a immigration authority or competent authority of the Ministry of Foreign Affairs**

1. Any foreigner who has a temporary residence in Vietnam and wishes to obtain a new visa shall request the inviting entity to follow the procedures at an immigration authority or a competent authority of the Ministry of Foreign Affairs.

2. The inviting entity mentioned in Clause 1 of this Article shall directly send an application for the visa enclosed with a passport or laissez-passer of the invited foreigners to the immigration authority or a competent authority of the Ministry of Foreign Affairs.

3. Within 05 working days from the receipt of sufficient documents, the immigration authority or competent authority of the Ministry of Foreign Affairs shall consider issuing the visa.

### **Chapter III**

## **ENTRY**

### **Article 20. Conditions for entry**

A foreigner shall be granted entry into Vietnam when all of the conditions below are satisfied:

1. The foreigner has a passport/laissez-passer and a visa.

Any foreigner that enters Vietnam and is unilaterally granted visa-free entry must have a passport that is still valid for at least 06 months, and the entry date must be at least 30 days from the previous exit;

2. The foreigner is not suspended from entry as prescribed in Article 21 of this Law.

### **Article 21. Cases of suspension from entry**

1. Any of the conditions in Clause 1 Article 20 of this Law is not satisfied.
2. Children under 14 years of age without parents, guardians or authorized custodians.
3. Forging papers or providing false information to obtain entry/exit/residence permit.
4. Any person suffering from a mental disease or infectious disease that threatens the public health.
5. Any person that was deported from Vietnam within the last 03 years.
6. Any person that was compelled to leave Vietnam within the last 06 months.
7. For reasons of epidemic prevention.
8. For reasons of natural disasters.
9. For reasons of national defense, national security, social order, and social safety.

### **Article 22. Entitlement to decide suspension from entry**

1. The head of the immigration unit shall decide suspension from entry in the cases mentioned in Clauses 1, 2, 3, 4, 5 and 6 Article 21 of this Law.
2. The Minister of Health shall decide suspension of entry in the cases mentioned in Clause 7 Article 21 of this Law.
3. The Minister of Agriculture and Rural development shall decide suspension of entry in the cases mentioned in Clause 8 Article 21 of this Law.
4. The Minister of Public Security and the Minister of National Defense shall decide suspension of entry in the cases mentioned in Clause 9 Article 21 of this Law.
5. The persons competent to decide suspension of entry are also competent to lift such suspension and take responsibility for their decision.

## **Chapter IV**

## **TRANSIT**

### **Article 23. Conditions for transit**

A foreigner shall be granted transit when all of the documents below are presented:

1. A passport or a laissez-passer;
2. A ticket that matches the route to the third country;
3. The visa issued by the third country, except for cases in which visa-free entry is granted.

### **Article 24. Transit passenger area**

1. Transit passenger area is an area within a border checkpoint where foreigners may stay before going to the third country.
2. The transit passenger area shall be decided by the authority in charge of the border checkpoint.

### **Article 25. Transit by air**

1. Foreigners that transit by air are not required to obtain a visa and must stay within the transit passenger area of the international airport pending the connecting flight.
2. During the transit, any foreigner that wishes to enter Vietnam for the purpose of tourism according to a schedule designed by an international tourism company in Vietnam, such foreigner shall be considered to be issued with a visa that matches the transit duration.

### **Article 26. Transit by sea**

Foreigners that transit by sea are not required to obtain a visa and must stay within the transit passenger area of the seaport while the ship is anchoring; any of them who wishes to enter Vietnam for the purpose of tourism according to a schedule designed by an international tourism company in Vietnam; any of them who wishes to leave Vietnam through another border checkpoint shall be considered to be issued with a VR visa.

## **Chapter V**

## **EXIT**

### **Article 27. Conditions for exit**

A foreigner shall be granted exit from Vietnam when all of the conditions below are satisfied:

1. The foreigner has a passport/laissez-passer;
2. The foreigner has an unexpired temporary residence permit, temporary residence card or permanent residence card;
3. The foreigner is not suspended from exit as prescribed in Article 28 of this Law.

### **Article 28. Cases of suspension from exit and duration of suspension**

1. A foreigner may be suspended from exit in one of the following cases:
  - a) He/she is currently the suspect, the accused, or the person with relevant obligations in a criminal case; a defendant or a person with relevant obligations in a civil case pertaining to business, employment, administration, marriage and familial affairs;
  - b) He/she has to implement a judgment or decision of the Court or a Competition Settlement Council;
  - c) His/her tax obligation is not fulfilled;
  - d) He/she is obliged to implement a decision on penalties for administrative violations;
  - dd) For reasons of national defense and security.
2. Clause 1 of this Article is not applied to people who is serving a prison sentence and taken abroad to provide evidence as prescribed by Article 25 of the Law on Judicial assistance.
3. The duration of suspension from exit shall not exceed 03 years and may be extended.

### **Article 29. Entitlements to decide exit suspension, extend duration of exit suspension, and lift exit suspension**

1. Heads of investigation agencies, Heads of Procuracies, Executive Judges of Courts, Chiefs of Judicial Order Enforcement Agencies, Presidents of Competition Settlement Councils, within the ambit of their competence, shall decide exit suspension in the cases mentioned in Point a and Point b Clause 1 Article 28 of this Law.
2. Heads of tax authorities shall decide exit suspension in the cases mentioned in Point c Clause 1 Article 28 of this Law.
3. The Minister of Public Security shall suspend the foreigners mentioned in Point d Clause 1 Article 28 of this Law from exit in the following cases:

a) Any foreigner obliged to implement a decision on penalties for administrative violations imposed by a police authority;

b) At the request of the Executive Judge of the People's Supreme Court, Ministers, Heads of ministerial agencies, Presidents of the People's Committees of provinces.

4. The Minister of Public Security and the Minister of National Defense shall decide suspension of entry in the cases mentioned in Point dd Clause 1 Article 28 of this Law.

5. Any person competent to decide suspension of exit is also entitled to extend the suspension period, lift such suspension, and take responsibility for his/her decision.

Any person that decides a suspension of exit must lift it right after the reasons for suspension no longer exist.

6. The decision on suspension of exit, extension of suspension period, or lift of suspension must be promptly sent to the immigration authority and the suspended person.

7. After receiving the decision on suspension of exit, extension of suspension period, or lift of suspension the immigration authority shall implement it.

### **Article 30. Compelled exit**

1. A foreigner may be compelled to leave Vietnam in one of the following cases:

a) The foreigner fails to leave Vietnam after the expiration of the temporary residence period;

b) For reasons of national defense, national security, social order, and social safety.

2. Entitlements to decide compelled exit:

a) Immigration authorities shall decide compelled exit in the cases mentioned in Point a Clause 1 of this Article;

b) The Minister of Public Security, the Minister of National Defense shall decide compelled exit in the cases mentioned in Point b Clause 1 of this Article.

## **Chapter VI**

# **RESIDENCE**

### **Section 1: TEMPORARY RESIDENCE**

#### **Article 31. Temporary residence permit**

1. The immigration unit shall issue temporary residence permits to foreigners by appending a seal in their passports or separate visas with the following time limits:

a) The duration of the certificate of temporary residence is the same as the duration of the visa. If the duration of the visa is not longer than 15 days, the duration of the temporary residence permit shall be 15 days. If the visa symbol is ĐT or LĐ, the duration of the temporary residence permit shall not exceed 12 months, and the issuance of a temporary residence card shall be considered;

b) For the persons granted visa-free entry under international agreements to which Vietnam is a signatory, the duration of temporary residence permit shall comply with such international agreements, or shall be 30 days if it is not specified by the international agreements;

c) For the persons visa-free entry to a checkpoint economic zones, the duration of temporary residence permit shall be 15 days, and 30 days for those granted visa-free entry to special administrative - economic units.

d) The duration of temporary residence permits issued to nationals of the countries to which Vietnam grant visa-free entry shall be 15 days;

dd) Temporary residence permits shall not be issued to foreigners who have unexpired permanent residence cards or temporary residence cards.

2. Foreigners may temporarily reside in Vietnam through out the duration of the temporary residence permit issued.

3. The time limit for temporary residence may be shortened or invalidated by the immigration authority when the foreigner violates Vietnam's law.

#### **Article 32. Lodging establishments**

Lodging establishments are places where foreigners temporary reside within Vietnam's territory, including lodging establishments for tourists, guesthouses, housing areas for foreigners who work, study, or serve their internship in Vietnam, medical facilities, private houses, and other lodging establishments defined by law.

#### **Article 33. Declaration of temporary residence**

1. Any foreigner that temporary resides in Vietnam must, via the manager of the lodging establishment, declare his/her temporary residence at the local police authority.

2. The manager of the lodging establishment shall complete the declaration form and submit it to the local police authority within 12 hours (or within 24 hours if the administrative division is in a remote area) since the foreigner arrives at the lodging establishment.

3. Lodging establishments that are hotels must have Internet access or connect to the computer network of the immigration authority affiliated to the provincial police authority to transmit foreigners' declarations of temporary residence. Other lodging establishments that have Internet access may directly send the foreigners' declarations of temporary residence to the email address of the immigration authority affiliated to the provincial police authority.

4. Any foreigner that changes his temporary residence or resides at a place other than that written in the temporary residence card must submit a declaration of temporary residence as prescribed in Clause 1 of this Article.

#### **Article 34. Temporary residence in industrial parks, export-processing zones, checkpoint economic zones, coastal economic zones, bordering areas, and special administrative - economic units**

1. Foreigners may reside in lodging establishments in industrial parks, export-processing zones, checkpoint economic zones, and coastal economic zones, and shall declare their temporary residence in accordance with Article 33 of this Law.

2. Foreigners must not temporarily resides in prohibited areas, areas in bordering areas on land where activities are suspended; prohibited zones, and restricted areas in bordering areas at sea. Foreigners may reside in lodging establishments in industrial parks, export-processing zones, checkpoint economic zones, and coastal economic zones, and shall declare their temporary residence in accordance with Article 33 of this Law. Agencies that receive declarations of temporary residence of foreigners shall notify the border guard stations in the same administrative division where the lodging establishment is situated.

#### **Article 35. Extension of temporary residence status**

1. Any foreigner who is temporarily residing in Vietnam and wish to have the temporary residence status extended must request the inviting entity to follow the procedures at an immigration authority or a competent authority of the Ministry of Foreign Affairs.

2. The inviting entity mentioned in Clause 1 of this Article shall directly send the written request for extension of the temporary residence status enclosed with a passport or laissez-passer of the foreigner to the competent authority of the Ministry of Foreign Affairs in the cases mentioned in Clauses 1, 2, 3, and 4 Article 8 of this Law, or at the immigration authority in the cases mentioned in Clause 1 Article 16 of this Law.

3. Within 05 working days from the receipt of sufficient documents, the immigration authority or the competent authority of the Ministry of Foreign Affairs shall consider extending temporary residence status.

#### **Article 36. Cases in which temporary residence cards are issued and symbols of temporary residence cards**

1. Foreigners being members of diplomatic missions, consular offices, representative offices of international organizations of the UN, intergovernmental organizations in Vietnam, their spouses, children under 18 years of age, and housemaid that go along during their term of office shall be issued with temporary residence cards with the symbol NG3.

2. Foreigners issued with LV1, LV2, ĐT, NN1, NN2, DH, PV1, LĐ, TT visas shall be issued with temporary residence cards with the same symbols.

#### **Article 37. Procedures for issuance of temporary residence card**

1. An application for the temporary residence card consists of:

- a) A written request from the inviting entity;
- b) A declaration bearing a picture;
- c) The passport;
- d) Papers proving the status mentioned in Article 36 of this Law.

2. An application for a temporary residence card shall be processed as follows:

- a) The diplomatic mission, consular office, or another agency authorized by the foreigner in Vietnam shall send the application for the NG3 temporary residence card to a competent authority of the Ministry of Foreign Affairs;
- b) The inviting entity shall directly submit the application for issuance of the temporary residence card to the foreigner to the immigration authority in the same administrative division in which the inviting entity is based or residing.
- c) Within 05 working days from the receipt of sufficient documents, the immigration authority or the competent authority of the Ministry of Foreign Affairs shall consider issuing the temporary residence card.

#### **Article 38. Duration of temporary residence cards**

- 1. The duration of a temporary residence card is at least 30 days shorter than the remaining duration of the passport.
- 2. The duration of a NG3, LV1, LV2, ĐT or DH temporary residence card shall not exceed 05 years.
- 3. The duration of a NN1, NN2, TT temporary residence card shall not exceed 03 years.
- 4. The duration of a LĐ or PV1 temporary residence card shall not exceed 02 years.
- 5. Expired temporary residence cards may be extended.

### **Section 2: PERMANENT RESIDENCE**

#### **Article 39. Cases in which grant of permanent residence status is considered**

- 1. Foreigners who have contributed to the development and protection of Vietnam and are awarded medals or titles by Vietnam's government.
- 2. Foreigners who are scientists or experts temporarily residing in Vietnam.
- 3. Any foreigner sponsored by his parent, spouse, or child who is a Vietnamese citizen and has a permanent residence in Vietnam.
- 4. Any person without nationalities who has had a temporary residence in Vietnam from 2000 or earlier.

#### **Article 40. Conditions for considering grant of permanent residence status**

- 1. Any of the foreigners mentioned in Article 39 of this Law may be granted permanent residence status if he/she has a legitimate residence and is making a decent living in Vietnam.
- 2. Foreigners mentioned in Clause 2 Article 39 of this Law must be proposed by the Ministers, Heads of ministerial agencies or Governmental agencies in corresponding fields.

3. Any of the foreigners mentioned in Clause 3 Article 39 who have had a temporary residence in Vietnam for 03 consecutive years or more.

**Article 41. Procedures for granting permanent residence status**

1. Any foreigners applying permanent residence status (hereinafter referred to as applicant) shall follow the procedures at an immigration authority. The application consists of:

- a) A written request permanent residence status;
- b) A criminal record issued by a competent authority of the country of which the applicant is a citizen;
- c) A diplomatic note from a diplomatic mission of the country, of which the applicant is a citizen, requesting grant of permanent residence status to the applicant;
- d) Certified true copy of the passport;
- dd) Papers proving the fulfillment of requirements mentioned in Article 40 of this Law;
- e) A note of sponsorship (applied to the foreigner mentioned in Clause 3 Article 39 of this Law).

2. Within 04 months from the receipt of sufficient documents, the Minister of Public Security shall consider granting the permanent residence status; if further investigation is deemed necessary, the deadline may be extended for up to 02 months.

3. The immigration authority shall send a written notification of the result to the applicant and the police authority of the province where the foreigner wishes to have a permanent residence.

4. Within 04 working days from the receipt of the notification from the immigration authority, the police authority of the province shall notify the foreigner of the grant of permanent residence status.

5. Within 03 months from the receipt of the notification of the grant of permanent residence status, the foreigner must go to the immigration authority affiliated to the provincial police department to receive the permanent residence card.

**Article 42. Grant of permanent residence status to people without nationalities**

1. Any of the people without nationalities mentioned in Clause 4 Article 39 of this Law may submit an application to the immigration authority affiliated to the police authority of the province where he/she has a temporary residence. The application consists of:

- a) A written request for grant of permanent residence status;
- b) Papers proving that he/she has had a temporary residence in Vietnam before 2000 and satisfy all requirements in Clause 1 Article 40 of this Law.

2. Procedures for granting permanent residence status to people without nationalities shall comply with Clauses 2, 3, 4, and 5 Article 41 of this Law.

**Article 43. Replacement, reissuance of permanent residence cards**

1. Permanent residence cards shall be issued by provincial police authorities. Every 10 years, every foreigner who has a permanent residence status must go to a provincial police authority to replace the permanent residence card. The application consists of:

- a) An application form for replacement of the permanent residence card;
- b) The permanent residence card;
- c) A certified true copy of the passport, except for those without nationalities.

2. If permanent residence card is lost or, damaged, or its contents are changed, its holder must follow the procedures for reissuance of the card at the police authority of the province where he/she has the permanent residence. The application consists of:

- a) An application form for reissuance of the permanent residence card;

- b) The permanent residence card (or a report on the loss of the card);
- c) A certified true copy of the passport, except for those without nationalities;
- d) Papers proving the changes to the contents of the permanent residence card.

3. Within 20 days from the day on which sufficient documents are received, the police authority of the province shall reissue the card.

#### **Chapter VII**

### **RIGHTS AND OBLIGATIONS OF FOREIGNERS; RIGHTS AND OBLIGATIONS OF INVITING ENTITIES**

#### **Article 44. Rights and obligations of foreigners**

1. Foreigners that enter, leave, transit through, or reside in Vietnam are entitled to:

- a) Have the life, dignity, property, the lawful rights and interests protected in accordance with Vietnam's Law while they are staying within the territory of Socialist Republic of Vietnam;
- b) Every holder of a temporary residence card may sponsor his/her grandparents, parents, spouse, and children to visit Vietnam; for his/her spouse and children under 18 years of age to stay in Vietnam during the validity period of the temporary residence card if agreed by the organization that invites or sponsors the card holder.
- c) Every holder of a permanent residence card may sponsor his/her parents, parents, spouse, and children to visit Vietnam;
- d) People residing lawfully in Vietnam may travel around the territory of Vietnam for purposes of tourism, visiting, or medical treatment without having to ask for permission; access to prohibited or restricted areas shall be dealt with in accordance with law;
- dd) Crewmembers of ships that enter Vietnam may go onshore within the province where the ship is anchored. Issuance of a visa shall be consider if such a crewmember goes beyond the province or leave Vietnam through another border checkpoint;
- e) The spouse and children that go a long with a member of a diplomatic mission, consular office, representative office of an international organization of the UN, or an intergovernmental organization in Vietnam may go to work if they have work permits unless they are not eligible for work permits; and may go to school if they are accepted in writing by a school or a educational institution;
- g) Any person studying at a school or an educational institution under an international agreement may go to work if he/she is permitted in writing to work by the school or educational institution;
- h) People without nationalities residing overseas may enter Vietnam for the purpose of tourism and visiting relatives;
- i) The Ministry of Public Security shall consider issuing a laissez-passer to any person without personalities that wishes to leave Vietnam.

2. Foreigners that enter, leave, transit through, or reside in Vietnam are obliged to:

- a) Comply with Vietnam's law; respect Vietnam's traditions and customs;
- b) Engaged in activities in Vietnam in accordance with the stated purpose of entry;
- c) Carry passports, laissez-passers, papers related to residence in Vietnam while traveling, and present them to competent authorities on request;
- d) When a foreigner who has a permanent residence in Vietnam leaves Vietnam to permanently reside in another country, he/she must return the permanent residence card to the immigration unit at the border checkpoint.

#### **Article 45. Rights and obligations of inviting entities**

1. Inviting entities have the rights below:

- a) Organizations lawfully established in Vietnam may invite and sponsor foreigners to Vietnam within their competence and operation;
- b) Vietnamese citizens having permanent residences in Vietnam may invite their grandparents, parents of their spouses, spouses, children, and siblings who are foreigners to Vietnam;
- c) Vietnamese citizens having permanent residences in Vietnam may invite their parents, spouses, and children that are foreigners who apply for permanent residence status or temporary residence cards.

2. Inviting entities have are obliged to:

- a) Follow procedures for inviting, sponsoring foreigners to enter, leave Vietnam, or reside in Vietnam in accordance with this Law;
- b) Instruct foreigners to comply with law, respect the traditions and customs of Vietnam;
- c) Fulfill the obligations of sponsors as prescribed by law; cooperate with competent authorities of Vietnam in resolving issues pertaining to the invited or sponsor foreigners;
- d) Cooperate with competent in monitoring foreigners' activities in accordance with their entry purposes while they are temporarily residing in Vietnam; cooperate with lodging establishments in declaring temporary residence of foreigners;
- dd) Cooperate with regulatory bodies in completing the procedures for inviting/sponsoring foreigners to enter Vietnam to do activities subject to approval by the said regulatory bodies before making the invitation or sponsorship.
- e) Notify immigration authorities in writing of the cases in which foreigners granted entry/exit/residence permits no longer wish to be sponsored during their temporary residence period in Vietnam, and cooperate with competent authorities in requesting such foreigners to leave Vietnam.

## **Chapter VIII**

# **RESPONSIBILITIES OF AGENCIES, ORGANIZATIONS IN CHARGE OF ENTRY, EXIT, TRANSIT AND RESIDENCE OF FOREIGNERS IN VIETNAM**

## **Article 46. Responsibilities of the Government**

- 1. Uniform the administration of entry, exit, transit, and residence of foreigners in Vietnam by regulatory authorities.
- 2. Introduce a mechanism for cooperation among Ministries, ministerial agencies, the People's Committees of provinces in administration of entry, exit, transit, and residence of foreigners in Vietnam.

## **Article 47. Responsibilities of the Ministry of Public Security**

- 1. Take charge and cooperate with relevant Ministries and ministerial agencies in administration of entry, exit, transit, and residence of foreigners in Vietnam.
- 2. Formulate and promulgate, or request competent authorities to promulgate legislative documents on entry, exit, transit, and residence of foreigners in Vietnam.
- 3. Organize the implementation of legislative documents on entry, exit, transit, and residence of foreigners in Vietnam.
- 4. Issue entry, exit, and residence permits to foreigners in Vietnam.
- 5. Control the entry, exit, transit at border checkpoints as prescribed by law.
- 6. Carry out inspections, settle complaints, denunciations, and impose penalties for violations against regulations of law on entry, exit, transit, and residence of foreigners in Vietnam.
- 7. Promulgate templates of papers pertaining to entry, exit, and residence of foreigners in Vietnam.

8. Produce statistics on entry, exit, transit, and residence of foreigners in Vietnam.
9. Seek international cooperation, request competent authorities to enter into international agreements on entry, exit, transit, and residence of foreigners in Vietnam.

**Article 48. Responsibilities of the Ministry of Foreign Affairs**

1. Cooperate with the Ministry of Public Security in administration of entry, exit, transit and residence of foreigners in Vietnam.
2. Issue, amend, invalidate visas; issue, invalidate temporary residence cards; extend temporary residence status of foreigners in accordance with this Law.
3. Instruct overseas visa-issuing authorities of Vietnam to adhere to regulations of law on entry, exit, transit, and residence of foreigners in Vietnam.
4. Request competent authorities to enter into international agreements on entry, exit, transit, and residence of foreigners in Vietnam.

**Article 49. Responsibilities of the Ministry of National Defense**

1. Cooperate with the Ministry of Public Security in administration of entry, exit, transit and residence of foreigners in Vietnam.
2. Control the entry, exit, transit at border checkpoints as prescribed by law; issue, amend, invalidate visas; issue temporary residence permits in accordance with this Law.
3. Carry out inspections and impose penalties for violations against regulations of law on entry, exit, transit, and residence of foreigners in Vietnam at border checkpoints under the management of the Ministry of National Defense.

**Article 50. Responsibilities of other Ministries and ministerial agencies**

Ministries and ministerial agencies other than those mentioned in Article 48 and Article 49 of this Law, within their competence, shall cooperate with the Ministry of Public Security, the Ministry of Foreign Affairs, the Ministry of National Defense in administration of entry, exit, transit, and residence of foreign in Vietnam.

**Article 51. Responsibilities of the People's Committees**

1. Organize the implementation of regulations of law on entry, exit, and residence of foreigners in Vietnam.
2. Instruct specialized agencies affiliated to the People's Committees to administer the residence of local foreigners in accordance with this Law.
3. Disseminate the laws on entry, exit, and residence of foreigners locally.
4. Carry out inspections, settle complaints, denunciations, and impose penalties for violations against regulations of law on entry, exit, transit, and residence of foreigners locally.
5. Apart from the regulations in Clauses 1, 2, 3, and 4 of this Article, the People's Committees of communes, wards, and towns must grasp the operations of local lodging establishments, administer the residence and activities of local foreigners.

**Article 52. Responsibilities of Vietnamese Fatherland Front and member organizations thereof**

1. Cooperate with competent state authority in disseminate this Law and encourage the people to implement it.
2. Supervise the implementation of regulations of law on entry, exit, transit, and residence of foreigners in Vietnam.

**Chapter IX**

**IMPLEMENTATION**

**Article 53. Transitional regulations**

Unexpired entry/exit/residence permits issued before the effective date of this Law are still effective until they expire.

**Article 54. Effect**

1. This Law takes effect on January 01, 2015.
2. The Ordinance No. [24/1999/PL-UBTVQH10](#) on entry, exit, and residence of foreigners in Vietnam is annulled as from the effective date of this Law.

**Article 55. Guidelines**

The Government shall provide guidelines for the Articles and Clauses assigned thereto.

*This Law has been passed by the 13<sup>th</sup> National Assembly of Socialist Republic of Vietnam during the 7<sup>th</sup> session on June 16, 2014.*

**PRESIDENT OF THE NATIONAL ASSEMBLY**

**Nguyen Sinh Hung**