

## Expatriate Employment in Vietnam: The Comprehensive Guide to Work Visas and Work Permits

By Dezan Shira & Associates

In recent years, the number of expats coming to Vietnam has steadily increased. The majority of foreign workers that come to Vietnam are employees of foreign contractors, working for, or establishing foreign direct investment (FDI) projects.

When hiring foreign staff in Vietnam, there are a number of procedures and legal frameworks that must be understood. In this article, we discuss the documents necessary for a foreign worker in Vietnam, including:

- Visas;
- Work Permits;
- Temporary Residence Cards.

### Visas

For a work visa to be authentic, it must be issued by the Vietnam Embassy or Consulate. It is possible for a visa to be obtained through a third-party country or during the duration of trip in Vietnam on a tourist visa. Specifically, Asian-Pacific expats are eligible to receive a free entry visa for 15-30 days. If a foreigner plans to work in Vietnam for an extended period of time, the following of types of visas may be procured depending on the nature of the expat's planned employment:

#### Vietnamese Work Visas

Visa Type	For whom	Duration
<b>ĐT</b>	Issued to foreign investors and foreign lawyers practicing in Vietnam.	No longer than 05 years
<b>LĐ</b>	Issued to people who come to work.	No longer than 02 years
<b>DN</b>	Issued to people who come to work with companies in Vietnam.	No longer than 12 months
<b>NN1</b>	Issued to managers of representative offices or projects of international organizations and foreign non-governmental organizations in Vietnam.	No longer than 12 months
<b>NN2</b>	Issued to heads of representative offices, branches of foreign traders, representative offices of other foreign economic, cultural, professional organizations in Vietnam.	No longer than 12 months
<b>NN3</b>	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.	No longer than 12 months
<b>TT</b>	Issued to foreigners that are parents, spouse, children under 18 years of age of the foreigners issued with ĐT, NN1, NN2, LĐ visas, or foreigners that are parents, spouse, children of Vietnamese citizens.	No longer than 12 months
<b>HN</b>	Issued to people who come to attend conventions or conferences.	No longer than 03 months

## Work Permits

A work permit is usually required if an expat plans to work longer than 3 months in Vietnam. For companies seeking to employ foreign nationals, a recruitment plan by the company must be submitted at least thirty days in advance of the workers arrival to the provincial Department of Labor, Invalids and Social Affairs (DoLISA). If any more information is needed, please refer to Circular 03/2014 as a reference.

### 1. Eligibility

- At least 18 years of age;
- In good enough health to satisfy job requirements;
- A manager, executive director or expert with technical skills and knowledge necessary for the job;
- Not currently subject to criminal prosecution or any criminal sentence in Vietnam or overseas; or have a criminal record.

### 2. Requirements

- The existing demand for the foreign worker(s);
- The number of foreign worker(s) to be recruited;
- The worker(s) qualifications, titles, work experience;
- The worker(s) salary expectations;
- The worker(s) periods of employment
- The worker has a clean criminal record
- If they take a management position must show relevant documents which prove this

**Note:** For the worker to be considered an expert in the field they must do the following:

1. A document proving relevant qualifications (minimum allowed is a Bachelor's degree) and at least five years work experience in the relevant field; or
2. A document from an authorized agency that certifies the worker as an expert.

For the worker to be considered a technical worker, they must fulfill the below requirements:

1. Provide a document or certificate that proves the worker has received at least one year of training in the technical field; and
2. Provide paperwork that shows that the worker has at least three years work experience in the field within which he/she will work in Vietnam.

## Work Permit Termination

Work permits will become null and void in any of the following circumstances:

1. Expiration of work permit;
2. Termination of labor contract;
3. The content of the labor contract is deemed inconsistent with the work permit granted;
4. The foreign employee is fired by the foreign employer;
5. Withdrawal of work permit by authorized state agencies;
6. Termination of operation of the company, organization, and partners in Vietnam;
7. The foreigner is sentenced to prison, dies or is proclaimed missing by the court.

## Exemptions

For those seeking to avoid the complications associated with acquiring a work permit, the following exceptions will allow for employees to enter the country without having first obtained a work permit:

1. Working in Vietnam for less than three months;
2. A member of limited liability company with two or more members;
3. The owner of a limited liability company with one member;
4. A member of the board of a joint stock company;
5. Coming to Vietnam to market products and services;

6. Coming to Vietnam for less than three months in order to resolve an emergency or technologically complex situation that could affect production which Vietnamese experts or foreign experts currently in Vietnam are unable to resolve;
7. Lawyers granted a professional permit in Vietnam;
8. Heads of representative offices, chiefs of project offices or someone working for foreign non-government organization in Vietnam;
9. Internally transferred within an enterprise which has a commercial presence in the committed service list of Vietnam with the World Trade Organization (WTO), including: business service, information service, construction services, distribution service, education service, environmental service, financial service, health service, tourism service, cultural and recreational services and transportation service;
10. Coming to Vietnam to supply consulting services on tasks serving to research, build, appraise, monitor and evaluate, manage and process programs and projects that use Official Development Assistance (ODA) in accordance with the regulations or agreements in an international treaty on ODA signed between an authorized Vietnam agency and foreign agency.

### **Temporary Residence Cards**

Foreigners and senior management who currently hold work permits valid for a year or more can be granted a Temporary Residence Card (TRC). A TRC is issued by the immigration agency using the Ministry of Public Security, which makes it valid for 1 to 5 years. Anyone who is granted a TRC can enter and exit Vietnam without a visa within terms of TRC

Current visa holders of the Temporary Residence Card are B2, B3, or B4 visas. In addition, members of management boards, members of councils and boards of directors, heads of company branches and Chief Representatives of representative offices of foreign enterprises in Vietnam are eligible for a TRC.

### **Further Support**

Even in a country like Vietnam, where the number of foreign workers continues to rapidly increase, ensuring you have the proper documents to legally begin working can be a daunting task. With decades of experience helping companies set up businesses with foreign employees, Dezan Shira and Associates can help companies overcome any confusion or challenges which may arise in their efforts to fulfill staffing needs.

*Since its establishment in 1992, Dezan Shira & Associates has been guiding foreign clients through Asia's complex regulatory environment and assisting them with all aspects of legal, accounting, tax, internal control, HR, payroll and audit matters. As a full-service consultancy with operational offices across China, Hong Kong, India and emerging ASEAN, we are your reliable partner for business expansion in this region and beyond.*

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