

THE PRESIDENT

THE SOCIALIST REPUBLIC OF VIETNAM

Independence - Freedom - Happiness

No. 14/2019/L-CTN

Hanoi, December 3, 2019

ORDER

On the promulgation of law

THE PRESIDENT OF THE SOCIALIST REPUBLIC OF VIETNAM

Pursuant to Articles 88 and 91 of the Constitution of the Socialist Republic of Vietnam;

Pursuant to Article 80 of the Law on Promulgation of Legal Documents,

PROMULGATES:

The Law Amending and Supplementing a Number of Articles of the Law on Foreigners' Entry in, Exit from, Transit through and Residence in Vietnam,

which was passed on November 25, 2019, by the XIVth National Assembly of the Socialist Republic of Vietnam at its 8th session.

President of the Socialist Republic of Vietnam

NGUYEN PHU TRONG

LAW

Amending and Supplementing a Number of Articles of the Law on Foreigners' Entry in, Exit from, Transit through and Residence in Vietnam¹

Pursuant to the Constitution of the Socialist Republic of Vietnam;

The National Assembly promulgates the Law Amending and Supplementing a Number of Articles of Law No. 47/2014/QH13 on Foreigners' Entry in, Exit from, Transit through and Residence in Vietnam.

Article 1. To amend and supplement a number of articles of the Law on Foreigners' Entry in, Exit from, Transit through and Residence in Vietnam

1. To add the following Clauses 18 and 19 below Clause 17 of Article 3:

“18. *Immigration portal* means an information portal of immigration management agencies functioning to publish information, provide online public services, support the search, linkage and storage of information and provide guidance on procedures and answer questions related to the immigration management.

19. *E-visa website* means a website of the immigration portal functioning to receive, process and provide information related to grant of e-visas.”.

2. To amend and supplement Article 7 as follows:

“Article 7. Form and validity of visas

1. Visas may be passport-attached, loose-leaf or electronic visas. Visas granted via e-transactions are electronic visas.

2. Every person shall be granted a visa, except:

¹ Công Báo Nos 997-998 (27/12/2019)

a/ Children aged under 14 years who share passports with their parents or guardians;

b/ Persons eligible for grant of visas according to lists of personnel approved by the immigration management agencies, for foreigners visiting or traveling by sea or transiting by sea who wish to enter the inland for visiting or travelling under programs organized by international travel companies in Vietnam; and crewmembers on board foreign warships in voyages under official programs of visits outside provinces or centrally run cities where the ships are anchored.

3. Visas may be single or multiple ones; e-visas and visas granted to the persons specified at Point b, Clause 2 of this Article are single ones.

4. Visa use purposes must not be changed, except where their holders:

a/ Have papers proving their status as investors or representatives of foreign organizations investing in Vietnam in accordance with Vietnam's law;

b/ Have papers proving they are parents, spouses or children of inviting or guaranteeing individuals;

c/ Are invited or guaranteed for working by agencies or organizations and have work permits or certifications of exemption from work permits in accordance with the labor law;

d/ Enter the country with e-visas and have work permits or certifications of exemption from work permit in accordance with the labor law.

5. In case visa use purpose is changed in accordance with Clause 4 of this Article, a new visa shall be granted with symbols and validity duration suitable to the changed purpose. The order and procedures for granting new visas must comply with Article 19 of this Law.”

3. To amend and supplement a number of clauses of Article 8 as follows:

a/ To amend and supplement Clause 4 as follows:

“4. NG4 - To be granted to people who come to work with diplomatic missions, consular offices, representative offices of international organizations affiliated to the United Nations and representative offices of intergovernmental organizations and their accompanied spouses and under-18 children; and visitors of members of diplomatic missions, consular offices, representative offices of international organizations affiliated to the United Nations and representative offices of intergovernmental organizations.”;

b/ To amend and supplement Clause 7 as follows:

“7. LS - To be granted to foreign lawyers practicing in Vietnam.”;

c/ To add the following Clauses 7a, 7b, 7c and 7d below Clause 7:

“7a. ĐT1 - To be granted to foreign investors in Vietnam and representatives of foreign organizations investing in Vietnam with contributed capital of VND 100 billion or more or investing in sectors or localities eligible for investment incentives as decided by the Government.

7b. ĐT2 - To be granted to foreign investors in Vietnam and representatives of foreign organizations investing in Vietnam with a contributed capital of between VND 50 billion and under VND 100 billion or investing in sectors eligible for development investment promotion as decided by the Government.

7c. ĐT3 - To be granted to foreign investors in Vietnam and representatives of foreign organizations investing in Vietnam with a contributed capital of between VND 3 billion and under VND 50 billion.

7d. ĐT4 - To be granted to foreign investors in Vietnam and representatives of foreign organizations investing in Vietnam with a contributed capital of under VND 3 billion.”;

d/ To amend and supplement Clause 8 as follows:

“8. DN1 - To be granted to foreigners who work with other enterprises or organizations with the legal person status in accordance with Vietnam’s law.”;

dd/ To add the following Clause 8a below Clause 8:

“8a. DN2 - To be granted to foreigners who enter the country to offer services, establish commercial presence or perform other activities under treaties to which Vietnam is a contracting party.”;

e/ To amend and supplement Clause 16 as follows:

“16. LĐ1 - To be granted to foreigners who work in Vietnam with certifications of exemption from work permits, unless otherwise provided by a treaty to which Vietnam is a contracting party.”;

g/ To add the following Clause 16a below Clause 16:

“16a. LĐ2 - To be granted to foreigners who work in Vietnam and are required to obtain work permits.”;

h/ To amend and supplement Clause 18 as follows:

“18. TT - To be granted to foreigners who are spouses or under-18 children of foreigners holding LV1, LV2, LS, ĐT1, ĐT2, ĐT3, NN1, NN2, DH, PV1,

LD1 or LD2 visas, or foreigners who are parents, spouses or children of Vietnamese citizens.”;

i/ To add the following Clause 21 below Clause 20:

“21. EV - E-visas.”.

4. To amend and supplement a number of clauses of Article 9 as follows:

a/ To amend and supplement Clause 1 as follows:

“1. An SQ or EV visa is valid for at most 30 days.”;

b/ To amend and supplement Clause 4 as follows:

“4. An NG1, NG2, NG3, NG4, LV1, LV2, ĐT4, DN1, DN2, NN1, NN2, NN3, DH, PV1, PV2 or TT visa is valid for at most 12 months.”;

c/ To amend and supplement Clause 5 as follows:

“5. An LD1 or LD2 visa is valid for at most 2 years.”;

d/ To add the following Clause 5a below Clause 5:

“5a. A ĐT3 visa is valid for at most 3 years.”;

dd/ To amend and supplement Clause 6 as follows:

“6. An LS or a ĐT1 or ĐT2 visa is valid for at most 5 years.”;

e/ To add the following Clause 9 below Clause 8:

“9. In case a treaty to which the Socialist Republic of Vietnam is a contracting party otherwise provides, the validity duration of visas must comply with such treaty.”.

5. To amend and supplement a number of clauses of Article 10 as follows:

a/ To amend and supplement Clause 2 as follows:

“2. Being invited or guaranteed by an agency, organization or individual in Vietnam, except the cases specified in Articles 16a and 16b, and Clause 3, Article 17, of this Law.”;

b/ To add the following Clause 5 below Clause 4:

“5. E-visas shall be granted to foreigners holding passports who do not fall into the cases specified in Clauses 1, 2, 3 and 4, Article 8 of this Law.”.

6. To add the following Clause 5 below Clause 4 of Article 11:

“5. Visas granted under Point b, Clause 2, Article 7 of this Law.”.

7. To add the following Clause 3a below Clause 3 of Article 12:

“3a. Persons who enter a coastal economic zone as decided by the Government which fully satisfies the following conditions: having an international airport; having separate space; having geographical boundaries specified and separate from the mainland; conforming to socio-economic development policies and being not detrimental to national defense and security and social order and safety of Vietnam.”.

8. To add the following Clause 7 below Clause 6 of Article 16:

“7. Agencies and organizations inviting or guaranteeing foreigners may choose to send foreigners’ visa applications and receive application processing results via e-transactions at the immigration portal if fully satisfying the conditions prescribed in Clause 1, Article 16b of this Law.”.

9. To add the following Clauses 16a and 16b below Article 16:

“Article 16a. Procedures for grant of e-visas at the request of foreigners

1. Foreigners applying for e-visas shall:

a/ Fill in information for application for e-visas, and upload their photos and personal identity page of their passports to the e-visa website;

b/ Pay visa fee into the account indicated on the e-visa website after receiving electronic file codes from the immigration office.

2. The immigration office shall consider and process visa applications and reply to e-visa applicants via the e-visa website within 3 working days after receiving sufficient information about e-visa application and visa fee.

3. Foreigners who are granted e-visas shall use electronic file codes to check and print results of grant of e-visas from the e-visa website.

Article 16b. Procedures for grant of e-visas at the request of agencies and organizations

1. Agencies and organizations specified in Clause 2, Article 16 of this Law may request grant of e-visas to foreigners when fully satisfying the following conditions:

a/ Having electronic accounts granted by the immigration office under Clause 2 of this Article;

b/ Having electronic signatures in accordance with the Law on E-Transactions.

2. Registration of electronic accounts must comply with the following regulations:

a/ An agency or organization shall send a written request for grant of an electronic account to the immigration office. Such request shall be made only once, except in case of a change in contents or cancellation of the account under Clause 7 of this Article;

b/ The immigration office shall issue a written reply and grant an electronic account within 3 working days after a written request of the agency or organization. In case of refusal to grant an electronic account, it shall reply in writing, clearly stating the reason.

3. Agencies and organizations specified in Clause 1 of this Article shall use electronic accounts to log in the e-visa website to request grant of e-visas to foreigners; and pay the visa fee into the account indicated on the e-visa website after receiving electronic file codes from the immigration office.

4. The immigration office shall consider and process visa applications and reply to agencies and organizations via the e-visa website within 3 working days after receiving sufficient information about requests for grant of e-visas and visa fee.

5. Agencies and organizations shall log in the e-visa website, use electronic file codes to receive answers of the immigration office and notify such to foreigners.

6. Foreigners who are granted e-visas shall use electronic file codes notified by agencies and organizations to print results of grant of e-visas from the e-visa website.

7. Electronic accounts shall be cancelled at the request of account-holding agencies or organizations; or in case account-holding agencies and organizations are reorganized, dissolved, fall bankrupt or violate the law on e-transactions or immigration management. The immigration office shall cancel electronic accounts and notify such in writing to account-holding agencies or organizations.”.

10. To add the following Article 19a below Article 19 in Chapter II:

“Article 19a. Countries of which citizens are eligible for grant of e-visas and international border gates through which foreigners may enter or leave the country with e-visas

1. Grant of e-visas applies to citizens of countries that fully satisfy the conditions prescribed in Clause 1, Article 13 of this Law.

2. The Government shall decide on the list of countries of which citizens are eligible for grant of e-visas, and list of international border gates through which foreigners may enter or leave the country with e-visas.”.

11. To amend and supplement Clause 20 as follows:

“Article 20. Conditions for entry

1. A foreigner may enter Vietnam when fully satisfying the following conditions:

a/ Holding a passport or an international travel document and a visa, except cases of visa exemption specified in this Law.

A foreigner who is eligible for visa exemption upon entry under an unilateral visa exemption scheme must hold a passport that remains valid for at least 6 months;

b/ Not falling into the cases of entry refusal specified in Article 21 of this Law.

2. Foreigners using e-visas for their entry must fully satisfy the conditions prescribed in Clause 1 of this Article and enter Vietnam via international border gates decided by the Government.”.

12. To amend and supplement Clause 27 as follows:

“Article 27. Conditions for exit

1. A foreigner may leave Vietnam if fully satisfying the following conditions:

a/ Holding a passport or an international travel document;

b/ Having a valid temporary residence certificate, temporary residence card or permanent residence card;

c/ Not falling into the cases of exit postponement specified in Article 28 of this Law.

2. Foreigners using e-visas for their exit must fully satisfy the conditions prescribed in Clause 1 of this Article and leave Vietnam via international border gates decided by the Government.”.

13. To amend and supplement Clause 1 of Article 31 as follows:

“1. Foreigners entering Vietnam without valid permanent residence card or temporary residence card shall be granted temporary residence certificates at border gates, with the duration specified below:

a/ The duration of temporary residence equals the validity duration of visas. For those who hold DL visas with the validity duration of more than 30 days, the duration of temporary residence will be 30 days and may be considered for extension under Article 35 of this Law;

b/ For those who are exempted from visas under treaties to which Vietnam is a contracting party, the duration of temporary residence must comply with such treaties or will be 30 days if such treaties do not provide a duration of temporary residence;

c/ For citizens of countries eligible for Vietnam's unilateral visa exemption, the duration of temporary residence will be 15 days, or comply with Point d of this Clause in case they enter special administrative-economic units or coastal economic zones specified in Clause 3a, Article 12 of this Law;

d/ For those not falling into the cases specified at Points a and b of this Clause, the duration of temporary residence will be 15 days if they enter border-gate economic zones or 30 days if they enter special administrative-economic units or coastal economic zones specified in Clause 3a, Article 12 of this Law.”.

14. To amend and supplement Article 36 as follows:

“Article 36. Persons eligible for temporary residence cards and symbols of temporary residence cards

1. Persons eligible for temporary residence cards include:

a/ Foreigners who are members of diplomatic missions, consular offices, representative offices of international organizations affiliated to the United Nations or intergovernmental organizations in Vietnam, their spouses, under-18 children and housemaid accompanying them during their term of office.

b/ Foreigners entering into Vietnam with LV1, LV2, LS, ĐT1, ĐT2, ĐT3, NN1, NN2, DH, PV1, LĐ1, LĐ2 or TT visas.

2. Symbols of temporary residence cards are as follows:

a/ Temporary residence cards specified at Point a, Clause 1 of this Article bear the symbol NG3;

b/ Temporary residence cards specified at Point b, Clause 1 of this Article bear the same symbols as visas.”.

15. To amend and supplement a number of clauses of Article 37 as follows:

a/ To amend and supplement Point d of Clause 1 as follows:

“d/ Papers proving eligibility as specified in Clause 1, Article 36 of this Law.”;

b/ To amend and supplement Point b of Clause 2 as follows:

“b/ Inviting or guaranteeing agencies, organizations and individuals shall directly submit dossiers of application for temporary residence cards for foreigners prescribed at Point b, Clause 1, Article 36 of this Law to immigration offices in localities where the inviting or guaranteeing agencies or organizations are located or the inviting or guaranteeing individuals reside;”.

16. To amend and supplement Article 38 as follows:

“Article 38. Validity duration of temporary residence cards

1. Validity duration of a temporary residence card granted to a foreigner is at least 30 days shorter than the remaining validity duration of his/her passport.
2. Validity duration of a ĐT1 temporary residence card is at most 10 years.
3. Validity duration of an NG3, LV1, LV2, LS, ĐT2 or DH temporary residence card is at most 5 years.
4. Validity duration of an NN1, NN2, ĐT3 or TT temporary residence card is at most 3 years.
5. Validity duration of an LD1, LD2 or PV1 temporary residence card is at most 2 years.
6. Those whose temporary residence cards have expired may be considered for grant of new ones.”.

17. To amend and supplement Clause 2, and add Clause 3 below Clause 2, of Article 46 as follows:

“2. To prescribe the building, updating, connection, exploitation and sharing of information in the database on foreigners’ entry in, exit from, transit through, and residence in Vietnam; and formulate a mechanism for coordination among ministries, ministerial-level agencies and provincial-level People’s Committees in managing foreigners’ entry in, exit from, transit through, and residence in Vietnam.

3. To prescribe foreigners’ entry in border-gate economic zones, special administrative-economic units or coastal economic zones with visa exemption under Clauses 3 and 3a, Article 12 of this Law in case they wish to travel to another destination in Vietnam; grant of visas to foreigners entering Vietnam under treaties to which Vietnam is a contracting party without commercial presence or partners in Vietnam; forms of temporary residence certificates to be

granted to foreigners entering Vietnam; and foreigners' entry and exit through automated control gates.”.

18. To amend and supplement a number of clauses of Article 47 as follows:

a/ To amend and supplement Clause 5 as follows:

“5. To control entry, exit and transit through border gates managed by the Ministry of Public Security in accordance with law.”;

b/ To add the following Clause 10 below Clause 9:

“10. To build and manage the e-visa website; and notify the domain name of the immigration portal.”.

19. To amend and supplement Clause 2 of Article 49 as follows:

“2. To control entry, exit and transit through border gates managed by the Ministry of National Defense in accordance with law; to grant, modify, supplement or cancel visas and grant temporary residence certificates in accordance with this Law.”.

Article 2. Effect

This Law takes effect on July 1, 2020.

This Law was passed on November 25, 2019, by the XIVth National Assembly of the Socialist Republic of Vietnam at its 8th session.-

Chairwoman of the National Assembly
NGUYEN THI KIM NGAN