

**MINISTRY OF LABOUR, INVALIDS AND SOCIAL AFFAIRS  
DEPARTMENT OF EMPLOYMENT**

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**NEW POINTS OF DECREE NO. 70/2023/ND-CP**

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**Deputy Director General of Department of Employment**

***Year 2023***

# DECREE NO. 70/2023/ND-CP REGULATIONS

## I.1. REPORT ON EXPLANATION OF DEMAND

1. Proposal letter

a) Form No. 1 for new application or extension of position

b) Form No. 2 for change of position, job title, form of work, quantity and location

2. Employment proving documents

3. Other related documents (business registration...)

# DECREE NO. 70/2023/ND-CP REGULATIONS

## I.2. PROCEDURE FOR DEMAND APPROVAL

### CONTENTS OF DECREE NO. 152/2020/ND-CP

a) *At least 30 days before* the expected date of foreign workers employment, employers (except contractors) shall determine the demand for foreign workers for each job position which Vietnamese workers have not been able to meet, and report to the Ministry of Labour, Invalids and Social Affairs or the People's Committee of the province or central city (hereinafter referred to as the People's Committee at the central level) where the foreign worker is expects to work according to Form No. 01/PLI, Appendix I issued under this Decree.

### **Amendment and supplement of Article 4 (regarding demand approval) as follows:**

### AMENDMENT CONTENT

a) *At least 15 days before* the expected date of foreign workers employment, employers (except contractors) shall determine the demand for foreign workers for each job position which Vietnamese worker has not been able to meet and report to the Ministry of Labour, Invalids and Social Affairs or the Department of Labour, Invalids and Social Affairs where the foreign worker expects to work according to Form No. 01 /PLI Appendix I issued under this Decree.

### REASONS FOR AMENDMENT

Decree No. 152/2020/ND-CP stipulated that an explanation report must be submitted at least 30 days in advance, thus the draft Decree now is reduced to at least 15 days in advance

## I.2. PROCEDURE FOR DEMAND APPROVAL (CON'T)

### CONTENT OF DECREE NO. 152/2020/ND-CP

b) In case of the foreign workers prescribed at Clauses 3, 4 and 5, Article 154 of the Labour Code and Clauses 1, 2, 8, 9, 10, 11, 12 and 13, Article 7 of this Decree, then Employers are not required to conduct the determination of the demand to employ foreign workers.

### Amendment and supplement of Article 4 (regarding demand approval) as follows (Con't):

### AMENDMENT CONTENTS

b) In case of the foreign workers prescribed at Clauses 3, 4, 5, **6 and 8** Article 154 of the Labour Code and Clauses 1, 2, **4, 5, 7**, 8, 9, 10, 11, 12, 13 **and 14**, Article 7 of this Decree, then Employers are not required to conduct the determination of the demand to employ foreign workers.

### REASONS FOR AMENDMENT

Stipulate additional cases for (1) "A foreign lawyer who has been granted a License to practice law in Vietnam as prescribed at the Law on Lawyers"; (2) "Foreigners married to Vietnamese people and living in Vietnamese territory"; (3) "Enter Vietnam to provide professional and technical consulting services...projects using Official Development Assistance (ODA)..."; (4) "Licensed by the Ministry of Foreign Affairs to operate information and press activities in Vietnam according to the provisions of law"; (5) "Volunteers"; (6) "Confirmed by the Ministry of Education and Training for foreign workers entering Vietnam for teaching and research purposes".

## I.2. PROCEDURE FOR DEMAND APPROVAL (CON'T)

**CONTENT OF DECREE NO.  
152/2020/ND-CP**

**There are no specific regulations regarding posting recruitment information on the Electronic Information Portal.**

**Amendment and supplement of Article 4 (regarding demand approval) as follows (Con't):**

### **AMENDMENT CONTENTS**

c) *From January 1<sup>st</sup> 2024*, the recruitment announcement of Vietnamese workers for positions expected for foreign workers will be made on the *Electronic Information Portal* of the Ministry of Labour and Invalids and Social Affairs (Department of Employment) or the *Electronic Information Portal* of the Employment Service Center established by the Chairman of the People's Committee at central level within at least 15 days from the date of reporting to the Ministry of Labour, Invalids and Social Affairs or the Department of Labour, Invalids and Social Affairs on where the foreign worker expects to work. The content of the recruitment announcement includes: position and job title, job description, quantity, qualifications requirements experience, salary, working time and location. Should the employer failed to recruit Vietnamese workers to positions for foreign workers, then the employer shall determine the demand to employ foreign workers as prescribed at point a, Clause 1 of this Article

### **REASONS FOR AMENDMENT**

The above regulation aims to actualize the Communist Party's notions and directions, to ensure compliance with the Labour Code instructions, and remove difficulties and obstacles during the implementation process recently, specifically as follows:

(1) unified state management on recruitment and management of foreign workers working in Vietnam from central to local levels; (2) *ensure the requirement to selectively attract foreign workers who are experts, professional managers, and workers with high technical expertise, whose qualifications could not be met by Vietnamese workers, that Vietnam really needs*; (3) employers are only allowed to recruit foreign workers for management, executive director, expert and technical positions *whose qualifications could not be met by Vietnamese workers* according to the manufacture and production requirement.

# DECREE NO. 70/2023/ND-CP REGULATIONS

## II. CONFIRMATION DOCUMENTS FOR THOSE WHO ARE NOT SUBJECT TO WORK PERMIT

1. Written request for confirmation on foreign workers who are not subject to a work permit according to Form No. 09/PLI Appendix I

2. Health certificate or health examination certificate

3. Demand approval documents

4. Certified copy of passport *or copy of passport certified by employer*

5. Documents proving that foreign workers are not subject to a work permit

The documents specified in Sections 2 and 5 must be 01 original or a copy *translated into Vietnamese and notarized or authenticated*, if from a foreign country then must have consular authentication

## II. CONFIRMATION DOCUMENTS FOR THOSE WHO ARE NOT SUBJECT TO WORK PERMIT (CON'T) – TEACHING

### CONTENT OF DECREE NO. 152/2020/ND-CP

6. Dispatch to Vietnam by a competent foreign agency or organization to teach and research at an international school under the management of a foreign diplomatic representative agency or the United Nations; organizations and institutions established under agreements that Vietnam has signed and participated in

### Amendment and supplement of clause 6 of Article 7 (foreigners dispatch to Vietnam for teaching purpose) as follows

#### AMENDMENT CONTENT

6. Dispatch to Vietnam by a competent foreign agency or organization to teach or to *be manager, executive director* at an international school under the management of a foreign diplomatic representative agency or the United Nations; organizations and institutions established under agreements to which Vietnam has signed and participated in.

#### REASONS FOR AMENDMENT

Remove the case for research and add the case for managers and executive director.

## II. CONFIRMATION DOCUMENTS FOR THOSE WHO ARE NOT SUBJECT TO WORK PERMIT (CON'T) – MARRIED TO VIETNAMESE PEOPLE

### CONTENT OF DECREE NO. 152/2020/ND-CP

For the cases prescribed at clauses 4, 6 *and* 8, Article 154 of the Labour Code and Clauses 1, 2, 8 and 11, Article 7 of this Decree (regarding marriage with foreign workers), etc.

### Amendment and supplement several words and phrases in clause 2, Article 8 (Con't) :

#### AMENDMENT CONTENT

Replace the phrase "clauses 4, 6 and 8, Article 154" with "clauses 4 and 6, Article 154" and the phrase "3 days" with "3 working days" in clause 2, Article 8.

#### REASONS FOR AMENDMENT

Add the case of "Marriage requires confirmation that foreign workers are not subject to work permits" (The demand approval to employ foreign workers has been removed).



## II. CONFIRMATION DOCUMENTS FOR THOSE WHO ARE NOT SUBJECT TO WORK PERMIT (CON'T) – PASSPORT

### CONTENT OF DECREE NO. 152/2020/ND-CP

7. Certified copy of valid passport as prescribed by the regulation.

Replace and supplement several words and phrases in the following points, clauses, articles and appendices (con't):

### AMENDMENT CONTENT

Replace the phrase "Certified copy of passport" with "Certified copy of passport or copy of passport certified by employer" in point d, Clause 3, Article 8; Clause 7, Article 9 and Clause 5, Article 17.

### REASONS FOR AMENDMENT

Employers can choose authenticated passport or certified by the Organization

# DECREE NO. 70/2023/ND-CP REGULATIONS

## III. WORK PERMIT APPLICATION DOCUMENTS

1. Written request for a work permit from the employer according to Form No. 11/PLI, Appendix I issued under this Decree. *In case a foreign worker works for an employer in multiple locations then the work permit application must fully list the work locations.*

2. Health certificate or health examination certificate

3. Judicial Records

4. Documents proving of position as manager, executive director, expert, or technical worker (Amended content is specified in the next slide)

5. 02 colour photos with size of 4 cm x 6 cm

6. Demand approval document

7. Certified copy of passport or *copy of passport certified by employer*

8. Documents related to foreign workers *proving base on the type of work*

The documents specified in Sections 2, 3, 4, 6 and 8 must be 01 original or a copy *translated into Vietnamese and notarized or authenticated*, if from a foreign country then must have consular authentication

### III. WORK PERMIT APPLICATION DOCUMENTS (CON'T) – REQUEST DOCUMENT

#### CONTENT OF DECREE NO. 152/2020/ND-CP

1. Written request for a work permit from the employer according to Form No. 11/PLI, Appendix I issued under this Decree.

**a) Amendment and supplement of Clause 1, Article 9 (on written request) as follows:**

#### AMENDMENT CONTENT

1. Written request for a work permit from the employer according to Form No. 11/PLI, Appendix I issued under this Decree. *In case a foreign worker works for an employer in multiple locations, the work permit application must fully list the work locations.*

#### REASONS FOR AMENDMENT

Add the case of working at multiple locations then application could be conducted in one work permit.

### III. WORK PERMIT APPLICATION DOCUMENTS (CON'T) – EXPERT CONDITIONS

#### CONTENT OF DECREE NO. 152/2020/ND-CP

- a) Have a university degree or higher or equivalent, and have at least 3 years of work experience *in a specialized training field* suitable to the job position that the foreign worker expects to work in Vietnam.

**Amendment and supplement several points and clauses of Article 3 (on expert conditions)  
as follows:**

#### AMENDMENT CONTENT

- a) Have a university degree or higher or equivalent ,and have at least 3 years of work experience suitable to the job position that the foreign worker expects to work in Vietnam.

#### REASONS FOR AMENDMENT

All enterprises proposed to remove the requirement that training levels must be suitable with the job position even for expert position.

### III. WORK PERMIT APPLICATION DOCUMENTS (CON'T) – TECHNICAL WORKER CONDITIONS

#### CONTENT OF DECREE NO. 152/2020/ND-CP

a) Trained in technical or other majors for at least 01 year and work for at least 3 years *in the trained field*.

**Amendment and supplement of point a, clause 6, Article 3 (on technical worker conditions) as follows:**

#### AMENDMENT CONTENT

a) Trained for at least 1 year and have at least 3 years of experience suitable for the job position that the foreign worker expects to work in Vietnam.

#### REASONS FOR AMENDMENT

All enterprises proposed to remove *the requirement that training levels must be suitable* with the job position even for technical worker.

### III. WORK PERMIT APPLICATION DOCUMENTS (CON'T) – EXPERTISE AND TECHNICAL WORKER PROVING DOCUMENTS

#### CONTENT OF DECREE NO. 152/2020/ND-CP

b) Expert or technical worker proving documents as prescribed at Clauses 3 and 6, Article 3 of this Decree, including: diplomas, certificates, written confirmations from agencies, organizations, and enterprises in foreign countries regarding years of experience of the experts and technical workers.

**b) Expert or technical worker proving documents as prescribed at Clauses 3 and 6, Article 3 of this Decree include 02 documents:**

#### AMENDMENT CONTENT

1. Diploma or certificate or authenticated document;
2. Written confirmation from agencies, organizations, or enterprises in foreign countries regarding years of experience of the expert and technical worker, or issued work permit or issued Confirmation of not subject to a work permit.

#### REASONS FOR AMENDMENT

Detail 02 specific document forms for experts and technical workers.

### III. WORK PERMIT APPLICATION DOCUMENTS (CON'T) – EXECUTIVE DIRECTOR CONDITIONS

#### CONTENT OF DECREE NO. 152/2020/ND-CP

**5. Executive Director is the head and direct manager of a unit under an agency, organization or enterprise.**

**Amendment and supplement of Clause 5, Article 3 (on executive director) as follows:**

#### AMENDMENT CONTENT

5. Executive Director is a person in one of the following cases:

- a) Head of branch, representative office or business location of the enterprise.
- b) Those who lead and directly operate in at least one field of an agency, organization, or enterprise and under the direct supervision and management of the head of the agency, organization, or enterprise.

#### REASONS FOR AMENDMENT

- (1) Specify that heads of the dependent unit of the enterprise (branch, representative office, business location) is the executive director;
- (2) Specify that heads of departments, divisions or in charge of one field such as finance, human resources, accounting... in an enterprise are considered executive directors.

### III. WORK PERMIT APPLICATION DOCUMENTS (CON'T) – MANAGER, EXECUTIVE DIRECTOR PROVING DOCUMENTS

#### CONTENT OF DECREE NO. 152/2020/ND-CP

a) Manager or executive director proving documents as prescribed at Clauses 4 and 5, Article 3 of this Decree.

**b) Amendment and supplement of points a and b, clause 4, Article 9 (managers and executive directors proving documents) as follows:**

#### AMENDMENT CONTENT

a) Manager or executive director proving documents as prescribed at Clauses 4 and 5, Article 3 of this Decree include the following 03 types of documents:

- i. Company charter or operating regulations of agencies, organizations or enterprises;
- ii. Business registration certificate or establishment certificate or establishment decision or other documents of equivalent legal value;
- iii. Resolution or Appointment Decision of agencies, organizations or enterprises.

#### REASONS FOR AMENDMENT

Detail 03 specific types of documents for managers and executives.



### III. WORK PERMIT APPLICATION DOCUMENTS (CON'T) – SUPPLEMENT OF SPECIAL CONDITION

#### CONTENT OF DECREE NO. 152/2020/ND-CP

There is no specific regulation for cases where work permit has been granted once and renewed once.

**Add Point c,  
Clause 9, Article  
9 (regarding  
cases where the  
WP has been  
issued twice) as  
follows:**

#### AMENDMENT CONTENT

c) For foreign workers, who are experts and technical workers, who have been granted a work permit and have had it extended once but desire to continue working in the same job position and title written in the work permit, then the application dossier for a new work permit includes the documents prescribed in Clauses 1, 2, 5, 6, 7, 8 of this Article and a copy of the issued work permit.

#### REASONS FOR AMENDMENT

Add cases that have been issued once and extended once and desire to continue working then work permit shall be granted.

# DECREE NO. 70/2023/ND-CP REGULATIONS

## IV. RE-ISSUANCE OF WORK PERMIT APPLICATION DOCUMENTS

1. Written request for re-issuance of work permit by the employer according to Form No. 11/PLI Appendix I

2. 02 colour photos with size of 4 cm x 6 cm

3. Issued valid work permit or supporting documents

Documents specified in Section 3 is 01 original or a copy *translated into Vietnamese and notarized or authenticated*, if from a foreign country then must have consular authentication

## IV. RE-ISSUANCE OF WORK PERMIT APPLICATION DOCUMENTS (CON'T) – CHANGE BUSINESS NAME

### CONTENT OF DECREE NO. 152/2020/ND-CP

3. Change of full name, nationality, passport number, and work location listed in the valid work permit.

**Amendment and supplement of Clause 3, Article 12 (re-issuance of work permit) as follows:**

#### AMENDMENT CONTENT

3. Change one of the following contents: full name, nationality, passport number, work location, ***change the business name without changing the business registration number*** in the valid work permit.

#### REASONS FOR AMENDMENT

Add regulation for re-issuance of WP when changing the business name without changing the business registration number.

# DECREE NO. 70/2023/ND-CP REGULATIONS

## V. RENEW WORK PERMIT APPLICATION DOCUMENT

1. Written request for re-issuance of work permit by the employer according to Form No. 11/PLI Appendix I

2. 02 colour photos with size of 4 cm x 6 cm

3. Issued valid work permit

4. Demand approval document

5. Certified copy of passport or *copy of passport certified by employer*

6. Health certificate or health examination certificate

7. Documents related to foreign workers

Documents specified in Section 3, 6 and 7 is 01 original or a copy *translated into Vietnamese and notarized or authenticated*, if from a foreign country then must have consular authentication

# VI. OTHER CONTENTS – MANDATES OF THE MINISTRY

## CONTENT OF DECREE NO. 152/2020/ND-CP

1. Mandates of the Ministry of Labour, War Invalids and Social Affairs::

a) Approve the demand to employ foreign workers; certify cases of not subject to a work permit; issue, re-issue, extend and revoke work permits for foreign workers working for employers prescribed at Point g, Clause 2, Article 2 and agencies and organizations prescribed at Point d, e Clause 2, Article 2 of this Decree whose establishment authorized by the Government, the Prime Minister, ministries and branches.

**Amendment and supplement of point a, clause 1, Article 30 (mandates of the Ministry) as follows:**

### AMENDMENT CONTENT

a) Approve the demand to employ foreign workers; certify cases of not subject to a work permit; issue, re-issue, extend and revoke work permits for foreign workers in one of the following cases:

Working for the employer prescribed at Point g, Clause 2, Article 2 and the employer prescribed at Points c, d, e, Clause 2, Article 2 of this Decree whose establishment are authorized by the Government, the Prime Minister, ministries and branches;

***Work for one employer in many provinces and central cities.***

### REASONS FOR AMENDMENT

Add cases for:

- (1) Representative offices, branches of enterprises, agencies and organizations whose establishment are authorized by the Government, Prime Minister or ministries.
- (2) Foreign workers working in many provinces and cities.

# VI. OTHER CONTENTS – ABOLISH SEVERAL AUTHORITIES OF BOARD

Abolish the following points and clauses (con't):

## AMENDMENT CONTENT

Article 2. Abolish several regulations of Decree No. 35/2022/ND-CP dated May 28<sup>th</sup> 2022 of the Government regarding the management of industrial parks and economic zones

1. Abolish the opening paragraph "Issue, re-issue, extend, revoke work permits and certify foreign workers who are not subject to work permits for foreigners working in industrial parks and economic zones" and the phrase "receive reports on the use of foreign workers" at Point dd, Clause 2, Article 68.
2. Abolish the paragraph "receive reports from enterprises in industrial parks and economic zones on the demand to employ foreigners for each job position that Vietnamese workers have not been able to meet" at point c Clause 3 Article 68.

## REASONS FOR AMENDMENT

Abolish the authority of the Economic Zone and Industrial Park Management Board because the Decree has now delegated authority to the Department of Labour, Invalids and Social Affairs.

A small, fuzzy caterpillar is crawling on a piece of light brown cardboard. The cardboard has the words "Thank you!" written on it in a black, cursive font. The scene is set outdoors on a light-colored, textured surface, possibly wood or stone, with several bright green, serrated leaves in the background and foreground. The lighting is bright and natural, creating a soft, pleasant atmosphere.

Thank  
you!