

## Work permit requirement updates

Tax Alert | October 2023

This update highlights the following matters:

- ▶ New employer obligations and changes to work permit requirements

For other Tax and Law Updates, visit [here](#).

Effective 18 September 2023, Vietnam implemented a new law, Decree 70/2023/ND-CP, that amends the regulations governing foreign employees.

### Employer requirements

The following changes went into effect on 18 September 2023:

- ▶ Employers must submit a request for hiring a foreign employee to the Ministry of Labor, Invalids and Social Affairs (MOLISA) or Department of Labor, Invalids and Social Affairs (DOLISA) at least 15 days (down from 30 days previously) before the individual begins work.
- ▶ Employers that hire foreign nationals and assign them to work in their branches in more than one city or province in Vietnam must provide the details of all locations where the employee will work when filing applications for work permits. The application must be submitted to the MOLISA. Additionally, they must also notify the MOLISA and local DOLISA every time the individual begins work in a branch in a new city or province. This notification must be completed via the government's online portal within three days of them beginning work in a new city or province.

- ▶ The Management Board of Industrial Zones or Economic Zones will no longer process applications for issuing, extending and de-registering work permits or work permit exemption certificates, or requests for hiring foreign employees. Employers must now submit these applications or requests to the MOLISA or local DOLISA, as applicable.
- ▶ Employers can submit certified copies of foreign nationals' passports instead of notarized copies (which were required previously).
- ▶ Companies that change names but preserve the same enterprise number and seek to re-issue work permits to employees under the new name are no longer required to submit a new request for hiring foreign nationals.

Effective 1 January 2024, employers will be required to advertise vacancies for Vietnamese nationals on the Electronic Information Portal of the MOLISA or the Electronic Information Portal of the Employment Service Center for at least 15 days prior to submitting a request for hiring a foreign employee.

### **Work permit requirements**

The following changes went into effect on 18 September 2023:

- ▶ *Expert and Technician Work Permits:*
  - ▶ Individuals who seek to obtain Expert Work Permits must have at least a bachelor's degree (or its equivalent), but the degree is no longer required to be relevant to the job they apply for in Vietnam. They must still have a minimum of three years of work experience relevant to the job they apply for in Vietnam.
  - ▶ Individuals who seek to obtain Technician Work Permits must have undergone training for at least one year, but the training certificate is no longer required to be relevant to the job they apply for in Vietnam. They must still have a minimum of three years of work experience relevant to the job they apply for in Vietnam.
  - ▶ Individuals who hold Expert or Technician Work Permits and renewed their permits once are no longer required to submit certain documents (i.e., academic degree, training certificate, proof of work experience) when applying for a new permit with same job title after their current permit's expiry.
  - ▶ Individuals who seek to apply for Expert or Technician Work Permits can now submit previous Vietnamese work permits as proof of work experience. Previously, previous Vietnamese work permits were not accepted as proof of work experience, and applicants could only submit work experience certificates issued in other countries as proof.
- ▶ *Manager and Executive Director Work Permits:* Previously, the law did not specify documentary requirements for individuals who sought to apply for these work permits. The new decree specifies that employers that seek to sponsor applicants for these work permits must provide the documents below:
  - ▶ The sponsoring company's charter
  - ▶ The sponsoring company's registration certificate, establishment certificate or establishment decision
  - ▶ A resolution or appointment decision from the sponsoring company to hire the applicant

- ▶ *Foreign nationals married to Vietnamese citizens:* Foreign nationals who are married to Vietnamese citizens is no longer required to submit a request for hiring a foreign employee. However, the employer must apply an application of work permit exemption to the MOLISA or DOLISA instead of submitting a report for work permit exemption, as previously.

### **Impact on employers**

Employers are expected to benefit from the new, relaxed requirements when sponsoring foreign nationals to obtain certain work permits.

### **Key steps**

EY will continue to monitor these developments. Should you have any questions, we encourage you to contact one of our immigration professionals.

## Contacts

### Hanoi Office

**Huong Vu | General Director**  
EY Consulting Vietnam Joint Stock Company  
huong.vu@vn.ey.com

**Huyen Thi Thanh Nguyen**  
**Partner | Tax**  
EY Consulting Vietnam Joint Stock Company  
huyen.thi.nguyen@vn.ey.com

**Japanese Business Services (JBS)**  
**Takaaki Nishikawa | Director**  
Ernst & Young Vietnam Limited  
takaaki.nishikawa@vn.ey.com

**Korean Business Services (KBS)**  
**Kyung Hoon Han | Director**  
Ernst & Young Vietnam Limited  
kyung.hoon.han@vn.ey.com

### Ho Chi Minh City Office

**Robert King | Indochina Tax Leader**  
robert.m.king@vn.ey.com

**Anh Thi Kim Ngo**  
**Partner | Tax**  
EY Consulting Vietnam Joint Stock Company  
anh.kim.ngo@vn.ey.com

**Japanese Business Services (JBS)**  
**Takahisa Onose | Partner**  
Ernst & Young Vietnam Limited  
takahisa.onose@vn.ey.com

**Korean Business Services (KBS)**  
**Phil Choi | Partner**  
Ernst & Young Vietnam Limited  
phil.choi@vn.ey.com

**China Business Services (CBS)**  
**Owen Tsao | Director**  
Ernst & Young Vietnam Limited  
owen.tsao@vn.ey.com

## EY | Building a better working world

EY exists to build a better working world, helping to create long term value for clients, people and society and build trust in the capital markets.

Enabled by data and technology, diverse EY teams in over 150 countries provide trust through assurance and help clients grow, transform and operate.

Working across assurance, consulting, law, strategy, tax and transaction, EY teams ask better questions to find new answers for the complex issues facing our world today.

EY refers to the global organization, and may refer to one or more, of the member firms of Ernst & Young Global Limited, each of which is a separate legal entity. Ernst & Young Global Limited, a UK company limited by guarantee, does not provide services to clients. Information about how EY collects and uses personal data and a description of the rights individuals have under data protection legislation are available via [ey.com/privacy](https://ey.com/privacy). EY member firms do not practice law where prohibited by local laws. For more information about our organization, please visit [ey.com](https://ey.com)

© 2023 EY Consulting Vietnam Joint Stock Company. All Rights Reserved.

APAC No. 16101001

ED None

This material has been prepared for general information purposes only and is not intended to be relied upon as accounting, tax, legal or other professional advice. Please refer to your advisors for specific advice.

[ey.com/en\\_vn](https://ey.com/en_vn)