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AMENDMENTS TO REGULATIONS ON RECRUITMENT OF FOREIGN EMPLOYEES

The Government has recently issued Decree No. 70/2023/ND-CP (“**Decree 70**” or “**New Decree**”) introducing certain modifications to Decree No. 152/2020/ND-CP (“**Decree 152**” or “**Old Decree**”) governing the recruitment of foreign employees in Vietnam.

Focusing more on the suitability of working experience for the proposed working position

As for **experts** and **technical employees**, in general, educational or training background and working experience is still required as the case may be, but the New Decree emphasizes its suitability for the proposed working positions as compared with the Old Decree:

- Regarding **experts**, while they are still required to graduate from universities (or higher institutes) and have at least three years of working experience, the New Decree requires their working experience suitable to the proposed working position (instead of being not only suitable to the proposed working position but also relevant to the educational background as under the Old Decree).
- Regarding **technical employees**, they must be trained for at least one year and have at

least three years of working experience suitable to the proposed working position (instead of being trained in the technical sector or another sector and having working experience in the same sector that trained).

Further clarifying the working position as managing director

As for **managing directors**, the new Decree makes clearer that (i) they can be head of branch, head of representative office or head of business locations of an enterprise, or (ii) they can also be head directly in charge of at least one sector of an enterprise and under direct supervision of head of an enterprise.

Evidencing the satisfaction by foreign employees with the proposed working position

Working positions such as **managers** or **managing directors** must be recorded in (i) the charter or operation rules of an enterprise, (ii) enterprise registration certificate/ incorporation certificate/ incorporation decision or equivalents, (iii) resolution/ decision on appointment.

As for **experts** or **technical employees**, it is necessary to have (i) degrees, certificates, (ii) confirmation on number of years of working experience issued by foreign enterprises, (iii) in

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certain cases, work permit or confirmation on work permit exemption issued by the Vietnamese authority.

Administrative procedures

There is no major change in relation to the administrative procedures for issuing work permit or confirmation on work permit exemption save for that:

- (i) the timeline for an enterprise to submit an explanation on demand for recruitment of foreign employees is shortened from 30 days to 15 days before the starting date of such recruitment; and
- (ii) also, from 1 January 2024, within at least 15 days prior to submission of the aforesaid explanation on demand for recruitment of foreign employees, an enterprise will notify the recruitment of foreign employees on the online portal of the Vietnamese State.

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