

# Alert on immigration



August 2022

Upon reopening its border for international travelers in March 2022, a number of immigration policies have been implemented to facilitate foreigners being able to travel to Vietnam, namely:

- Removing entry permit procedures
- Resuming visa-exemption scheme for passport holders of a number of countries
- Resuming and expanding e-visa scheme to passport holders of 80 countries

However, in parallel, a number of immigration practices loosening procedures to support foreigners staying/stuck in Vietnam during the Covid-tense-period have been adjusted/tightened to be in line with current immigration and labour regulations.

Highlighted below are recent notable points affecting immigration procedures for foreign employees coming to Vietnam:

## 1. Visa issuance at border checkpoints is strictly considered

Under the immigration law, Visa issuance at border checkpoints (visa on arrival) is granted only for special cases, namely:

- The foreigner departs from a country that does not have any visa-issuing authority of Vietnam
- The foreigner has to stop by multiple countries before arriving at Vietnam
- The foreigner comes to Vietnam to take a tour organized by an international tourism company in Vietnam
- Foreign crewmembers of a ship anchoring at a Vietnam's port and wish to leave Vietnam through another border checkpoint
- The foreigner comes to Vietnam to attend a funeral of his/her relative, or to visit a gravely ill relative
- The foreigner comes to Vietnam to deal with an emergency, rescue, prevention of natural disasters, epidemics, or for another purpose at the request of a competent authority of Vietnam.

During the Covid-tense- period, Vietnam immigration authorities allowed visa on arrival for a number of cases as it was difficult to obtain a visa at Vietnam embassies overseas while the Covid situation was complex around the world. However, recently it has been observed that visa on arrival is strictly considered only for cases as regulated above, with certain explanation/evidence to prove the eligibility of the passport holder.

In this regard, businesses and their expatriates should plan the expatriates' travel such that they reserve enough time for the expatriates to obtain relevant visa at Vietnam embassies overseas or to prepare proper explanation/supporting documents to the immigration authority if intending to obtain a visa on arrival.

## 2. Challenges when obtaining (i) a business visa of over 30 days or (ii) extending a temporary stay in Vietnam

According to current labour regulations, expatriates coming to Vietnam to hold a position of expert, manager, technician or CEO but staying in Vietnam for less than 30 days/trip and no more than 3 trips per year are exempt from the requirement to obtain a work permit.

Nevertheless, immigration regulations allowed foreigners without a work permit to be granted with business visa (i.e. DN visa) with validity of up to 90 days to enter and stay in Vietnam during the validity of the visa.

Due to the inconsistency between the above regulations, expatriates might obtain a business visa for 90 days and stay in Vietnam for more than 30 days without flying out every 29 days or obtaining a work permit.

However, recently it has been observed that in order to align the immigration regulations with the labor regulations, certain provincial immigration departments have additionally required that in order to obtain a business visa with a duration from 30 days to 90 days, businesses must prove that the specific foreign employee is in the process of obtaining a valid work permit in order to work for a long term in Vietnam. Specifically, job title approvals for foreign employees granted by Provincial Department of Labour - Invalids and Social Affairs must be submitted along with visa applications otherwise only a business visa of up to 29 days will be granted.

In addition to the above, for expatriates who have already entered Vietnam with a business visa which is going to expire, if a work permit is not ready or not going to be issued businesses and the relevant expatriates cannot ask for a temporary stay extension for the expatriates to stay further in Vietnam. Instead, the expatriates must fly out of Vietnam then fly in again for another business visa to be granted.

The above tightening of immigration practice could negatively affect the travel plans of foreign labour coming to Vietnam, especially for those (i) who want to travel as soon as possible due to the urgent need of Vietnam projects and want to stay for a long term in Vietnam but do not have proper documentation ready for work permit application; or, (ii) who are currently working in Vietnam with a business visa but their work permits are not readily available.

## KPMG 's opinion

Since immigration practices are changing over-time without prior notice and are likely to increasingly follow strictly the relevant immigration and labour regulations, businesses are recommended to, where possible, plan for business travel well in advance and to always stay up to date with the changes and double check with the relevant provincial authorities to adjust mobility plans accordingly.

Please contact KPMG for further consultation on your organisation's business travel planning and compliance.

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