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JOINT CIRCULAR

GUIDING THE IMPLEMENTATION OF THE GOVERNMENT'S DECREE No. 21/2001/ND-CP OF MAY 28, 2001 DETAILING THE IMPLEMENTATION OF THE ORDINANCE ON ENTRY, EXIT AND RESIDENCE OF FOREIGNERS IN VIETNAM

In furtherance of the Government's Decree No.21/2001/ND-CP of May 28, 2001 detailing the implementation of the Ordinance on Entry, Exit and Residence of Foreigners in Vietnam (hereinafter referred to as the Decree), the Ministry of Public Security and the Ministry for Foreign Affairs hereby jointly provide the following guidance:

I. INVITATION AND RECEPTION OF AND GUARANTY FOR FOREIGNERS TO ENTER VIETNAM

1. For foreigners liable to carry out procedures at the Ministry for Foreign Affairs

a/ Agencies and organizations assigned to assume the prime responsibility for receiving foreign guests on entry into Vietnam at the invitation of the Party Central Committee, the National Assembly, the State President, the Government, and invited guests of ranks equivalent to those of ministers, vice ministers, presidents and vice presidents of the People's Committees of the provinces and centrally-run cities, shall send official letters informing the lists of guests as well as their working programs to the Consular Department of the Ministry for Foreign Affairs or Ho Chi Minh City External Affairs Service, and concurrently to the Exit and Entry Management Department of the Ministry of Public Security. If they request visas to be granted to their guests at international border gates, their official letters must clearly state the border gates and the time of the guests' entry, so that the Exit and Entry Management Department can carry out procedures therefor.

The Consular Department or Ho Chi Minh City External Affairs Service shall notify Vietnamese diplomatic missions, consular offices or other agencies in foreign countries, which are authorized to perform the consular function (hereinafter referred collectively to as the Vietnamese representations) to grant visas to guests (if such guests are required to have visas).

b/ Foreign countries' diplomatic missions, consular offices and other agencies in Vietnam, which are authorized to perform the consular function, Vietnam-based representative offices of international organizations within the United Nations system, inter-governmental organizations (hereinafter referred collectively to as foreign representations), which wish to change their members or invite foreigners to enter Vietnam to work with them, shall send diplomatic notes to the Consular Department or Ho Chi Minh City External Affairs Service. Each diplomatic notice must clearly state the invitee's full name, date of birth, position, nationality, passport serial number, entry purpose(s), stay duration in Vietnam and place for reception of his/her visa.

The Consular Department or Ho Chi Minh City External Affairs Service shall notify in writing the Exit and Entry Management Department of the foreign representations' member change or invitation of foreigners into Vietnam to work. If the Exit and Entry Management Department, within 2 working days after receiving the written notices, makes no objection, the Consular Department or Ho Chi Minh City External Affairs Service shall notify the Vietnamese representations to grant visas to such guests.

In cases where guests wish to be granted visas at international border-gates, The Consular Department or Ho Chi Minh City External Affairs Service shall request in writing the Exit and Entry Management Department to settle the cases. The Exit and Entry Management Department shall reply in writing within 2 working days.

c/ If members of foreign representations wish to invite guests for visits, their managing representations shall carry out procedures according to the provisions at Point 1b of this Section.

d/ Agencies and organizations requesting Vietnamese representations to grant visas to guests shall have to pay postages to the Consular Department or Ho Chi Minh City External Affairs Service according to the table of postage rates set by the postal service.

2. For foreigners liable to carry out procedures at the Ministry of Public Security

a/ Agencies and organizations, which wish to invite into Vietnam foreigners who are not liable to carry out procedures at the Ministry for Foreign Affairs as defined at Point 1 of this Section, shall send written requests to the Exit and Entry Management Department. If they request the granting of visas to guests at international border gates, their written requests must clearly state the border gates and time of the guests' entry, as well as reasons for granting of visas at border gates.

Organizations defined at Points d, e, g and h, Clause 1, Article 4 of the Decree, before carrying out the procedures for inviting and/or guaranteeing foreigners to enter Vietnam, must submit dossiers evidencing their legal person status to the Exit and Entry Management Department. Each dossier comprises:

- Permit or decision of a competent authority on the organization's establishment;
- Written operation registration of the organization, with certification of the People's Committee of the province or centrally-run city where the organization is headquartered;
- Written document presenting the seal and signature of the competent person of the organization.

The above-said dossier submission shall be made only once. Any change in dossier content must be notified in writing by the submitting organization to the Exit and Entry Management Department for dossier supplementation.

b/ Individuals who wish to invite foreigners for visits shall submit their applications to the Exit and Entry Management Department. Applications must be certified according to the following regulations:

- If the inviters are Vietnamese citizens or foreigners permanently residing in Vietnam, their applications must be certified by the People's Committees of wards or communes where they reside.

- If the inviters are foreigners temporarily residing in Vietnam for 6 months or more, their applications must be certified by agencies or organizations where they work or study.

c/ The Exit and Entry Management Department shall reply in writing the requesting agencies, organizations or individuals within 5 days after receiving their written requests or applications. In cases where it detects that the invited foreigners fall into cases not yet permitted for entry into Vietnam, it shall clearly notify this in the written replies to the inviting and/or guaranteeing agencies, organizations or individuals.

d/ The notification to Vietnamese representations for granting of visas to foreigners (except for cases of visa exemption or reception of visas at border gates) shall be made by the Exit and Entry Management Department. Agencies, organizations and individuals that request such notification must pay postage therefor to the Exit and Entry Management Department according to the table of postage rates set by the postal service.

II. VISA GRANTING, SUPPLEMENTATION AND MODIFICATION AT VIETNAMESE REPRESENTATIONS

1. Visa granting

a/ Foreigners who apply for visas shall each file with Vietnamese representations a written application (made according to the set form) together with his/her passport or papers in substitution for passport (hereinafter referred collectively to as passports). The remaining valid duration of the applicant's passport must be at least one month longer than the valid duration of the to be-granted visa. Foreigners who apply for loose visas must state in their applications the reasons for and the purposes of application for loose visas.

If overseas Vietnamese, who wish to return to the country to visit their relatives but bear no passports, carry along papers with exit and entry value issued by competent foreign authorities and already officially notified to Vietnam through the diplomatic channel, they shall also carry out procedures prescribed at this Point.

b/ Vietnamese representations shall grant visas as follows:

- Persons without any invitation and reception by agencies, organizations or individuals in Vietnam shall be considered for granting of single visas valid for 15 days. The visa granting consideration shall be effected within 3 working days after the written applications therefor and passports are received.

- For Vietnamese bearing foreign passports and wishing to visit their relatives, if they can evidence that their last entries into Vietnam were made within 36 months before the time of applying for this entry, the Vietnamese representations shall consider and grant single visas valid for no more than 3 months. The visa granting consideration shall be effected within 2 working days after applications and passports are received.

- For persons who have been notified by the Exit and Entry Management Department, the Consular Department or Ho Chi Minh City External Affairs Service of the permission for their entries, the Vietnamese representations shall, within 2 working days after receiving such persons' applications and passports, grant visas according to the already notified contents.

In cases where the Vietnamese representations detect that the visa applicants commit acts of violating the Vietnamese law or conduct activities detrimental to the national security which, however, have not yet been discovered by the functional bodies at home, the heads of the representations shall have to promptly contact the agencies that have notified the visa granting for consideration and decision.

c/ Overseas Vietnamese without passports who, however, carry along papers specified at Point 1a of this Section, and have obtained entry permission, shall be granted loose visas by the Vietnamese representations.

2. Modification of visas, transfer of visas to new passports

a/ For cases of request for modification of already granted visas due to technical errors, the representations shall handle right on the same working day.

b/ For cases of request for transfer of visas, which are still valid, from old passports to new passports, the Vietnamese representations shall settle them as follows:

- For visas granted by themselves, they shall make comparison to visa granting dossiers before their settlement;

- For visas granted by other Vietnamese functional agencies, they shall contact such functional agencies for settlement.

The transfer of visas shall be effected within 2 working days. For permitted cases, the Vietnamese representations shall grant visas in the new passports of guests with the same valid duration, entry number and signs as those granted in old ones.

c/ For cases of request for alteration of visa type (number of entries), valid duration or entry purposes, the settling procedures and order shall be the same as those applicable to the cases of application for entry visas prescribed in Section I of this Circular.

Persons requesting visa modification shall file with the Vietnamese representations their written applications made according to the set form. For permitted cases, the Vietnamese representations shall grant new visas in conformity with the approved content.

III. GRANTING OF TEMPORARY RESIDENCE CERTIFICATES AT INTERNATIONAL BORDER GATES AND TEMPORARY RESIDENCE DECLARATION

1. Granting of temporary residence certificates

The exit and entry management agency shall grant temporary residence certificates to foreigners at international border gates as follows:

a/ For visa bearers, the temporary residence certificates shall be granted to them, being valid till the expiry of visas. If at the time of entry of such persons, their visas are still valid for no more than 15 days, they shall be granted temporary residence certificates for 15 days from the date of entry.

b/ For persons exempt from visas:

- For persons exempt from visas under international treaties which Vietnam has signed or acceded to, the temporary residence certificates shall be granted to them for the duration prescribed in such international treaties. If such international treaties do not prescribe the temporary residence duration, 90-day temporary residence certificates shall be granted.

- For officials and employees of the ASEAN Secretariat, 30-day temporary residence certificates shall be granted.

c/ For foreigners bearing temporary residence cards or permanent residence cards, which are still valid, no temporary residence certificate shall be granted.

2. Temporary residence declaration:

a/ Procedures for temporary residence declaration by foreigners to the exit and entry management agency include:

- Producing passport, written entry/exit declaration, temporary residence certificate and visa (if visa is required);

- Filling temporary residence declaration slip made according to the form set by the Director of the Exit and Entry Management Department.

b/ Foreigners who stay overnight at hotels, guest houses or inns of organizations or individuals, or at residential quarters exclusively reserved for foreigners (hereinafter referred collectively to as establishments accommodating foreigners on temporary residence) shall make the temporary residence declaration through owners of such establishments. Owners of establishments accommodating foreigners on temporary residence shall have to:

- Guide foreigners in carrying out the temporary residence declaring procedures prescribed at Point 2a above;

- Draw up the lists of foreigners who have made the temporary residence declaration and submit them to the ward or commune police offices. Establishments accommodating foreigners on temporary residence and already connected to the computer network of exit and entry management sections of police offices of the provinces or centrally-run cities (hereinafter referred to as exit and entry management sections), shall promptly transmit the contents of temporary residence declarations by foreigners to the exit and entry management sections and notify the number of foreigners on temporary residence to the ward or commune police offices.

The form of the list of foreigners subject to temporary residence declaration shall be set by the Director of the Exit and Entry Management Department.

- Keep temporary residence declaration slips and lists of foreigners subject to temporary residence declaration at their establishments for submission thereof to the exit and entry management agency when so requested. The duration for keeping the temporary residence declaration slips and list of foreigners subject to temporary residence declaration shall be at least 6 months.

c/ Foreigners who stay overnight at private houses of their relatives shall have to, personally or through the house owners, make temporary residence declarations at ward or commune police offices.

d/ The regulations at Point 2 of this Section shall not apply to the overnight stays at the offices of foreign representations or private houses of members of foreign representations.

IV. GRANTING, EXTENSION, SUPPLEMENTATION AND MODIFICATION OF ASSORTED PAPERS FOR FOREIGNERS ON TEMPORARY RESIDENCE IN VIETNAM

1. For foreigners liable to carry out procedures at the Ministry for Foreign Affairs

a/ Foreigners who are guests of the Party Central Committee, the National Assembly, the State President and the Government; guests of equivalent ranks of ministers, vice ministers, presidents and vice presidents of the People's Committees of the provinces and centrally-run cities; members of foreign representations and their accompanying dependents and servants; guests entering Vietnam to work with foreign representations or to visit representations? members and wishing to be granted visas or temporary residence certificates or to have their visas supplemented or modified or their temporary residence certificates renewed, the receiving agencies shall:

- If their guests wish to be granted temporary residence certificates or to have their temporary residence certificates renewed, send written requests therefor to the Protocol Department of the Ministry for Foreign Affairs or Ho Chi Minh City External Affairs Service or other agencies authorized by the Ministry for Foreign Affairs.

- If their guests wish to be granted visas or to have their visas supplemented or modified, send written requests therefor to the Consular Department or Ho Chi Minh City External Affairs Service.

The consideration and settlement of the above-said requests shall be effective within 5 working days.

b/ Members of foreign representations and their accompanying dependents and servants shall be granted temporary residence cards by the Protocol Department, Ho Chi Minh City External Affairs Service or other agencies authorized by the Ministry for Foreign Affairs. Foreign representations shall send diplomatic notes requesting the temporary residence card granting to one of the said agencies together with the written declarations stuck with photos of card applicants.

After granting temporary residence cards, the card-granting agencies shall, within 5 working days, draw up lists of card grantees accompanied by their personal identifications and photos, then send them to the Exit and Entry Management Department.

c. In cases where foreigners being on temporary residence in Vietnam apply for alteration of their temporary residence purposes to work as members of foreign representations, the foreign representations shall send diplomatic notes together with such persons? applications and passports to the

Protocol Department, Ho Chi Minh City External Affairs Service or other agencies authorized by the Ministry for Foreign Affairs. Each diplomatic note must clearly state: The full name, date of birth, nationality, serial number of passport, occupation, address and temporary residence purpose of the applicant for alteration of temporary residence purpose.

The Protocol Department, Ho Chi Minh City External Affairs Service or other agencies authorized by the Ministry for Foreign Affairs shall consult in writing with the Exit and Entry Management Department for unanimous settling method. For persons permitted to alter their temporary residence purposes, the Protocol Department, Ho Chi Minh City External Affairs Service or other agencies authorized by the Ministry for Foreign Affairs shall grant temporary residence cards in conformity with the altered purposes.

2. For foreigners liable to carry out procedures at the Ministry of Public Security

a/ Foreigners who apply for granting or renewal of temporary residence certificates, granting, supplementation or modification of visas shall, through the inviting or guaranteeing agencies, organizations or individuals, have to complete the procedures with the exit and entry management agency. Agencies, organizations or individuals inviting or guaranteeing foreigners shall send written requests together with the guests' passports to the Exit and Entry Management Department or exit and entry management sections.

In cases where foreigners apply for granting or renewal of temporary residence certificates for purpose of settling their own business, they may file their applications directly with the Exit and Entry Management Department or exit and entry management sections.

b/ Foreigners who apply for alteration of purposes of their temporary residence in Vietnam shall, through the guaranteeing agencies, organizations or individuals, have to complete procedures with the exit and entry management agency. Agencies, organizations or individuals guaranteeing the alteration of foreigners' temporary residence purposes shall send written requests therefor together with such guests' passports to the Exit and Entry Management Department or exit and entry management sections.

The consideration and settlement of the said requests shall be effected within 5 working days. For persons permitted to alter their temporary residence purposes, the Exit and Entry Management Department or exit and entry management sections shall grant temporary residence cards in conformity with the altered purposes.

c/ In cases where foreigners being on temporary residence in Vietnam apply for alteration of their temporary residence purposes to work as employees of foreign representations (except for cases to work as members thereof), the foreign representations shall send diplomatic notes together with such persons' passports to the Exit and Entry Management Department, clearly stating their full names, date of birth, nationality, passports' serial numbers, temporary residence purposes and addresses in Vietnam, and reasons for alteration of temporary residence purposes.

The Exit and Entry Management Department shall send official letters to the Protocol Department or Ho Chi Minh City External Affairs Service for unanimous settlement. For foreigners permitted to alter their temporary residence purposes, the Exit and Entry Management Department shall grant temporary residence certificates in conformity with the altered purposes.

d/ Stateless persons who are granted temporary residence cards shall be entitled to use such cards for their exit from or entry into Vietnam.

V. CODES OF VISAS AND TEMPORARY RESIDENCE CARDS

1. Visas bear the following code signs:

A1: shall be granted to official members of delegations invited by the Party Central Committee, the National Assembly, the State President, the Government and guests of ranks equivalent to the ranks of ministers, vice ministers, presidents or vice presidents of the People's Committees of the provinces or centrally-run cities, and their accompanying dependents and servants.

A2: shall be granted to members of foreign representations and their accompanying dependents and servants.

A3: shall be granted to persons who enter Vietnam to work with foreign representations or to visit members of foreign representations.

B1: shall be granted to persons who enter Vietnam to work with the Supreme People's Procuracy, the Supreme People's Court, the ministries, the ministerial-level agencies, the agencies attached to the Government, the People's Committees of the provinces or centrally-run cities, and the central bodies of the mass organizations.

B2: shall be granted to persons who enter Vietnam to execute investment projects already licensed by competent Vietnamese State agencies.

B3: shall be granted to persons who enter Vietnam to work with Vietnamese enterprises.

B4: shall be granted to persons who enter Vietnam to work at representative offices or branches of economic, cultural or other professional organizations of foreign countries, Vietnam-based non-governmental organizations.

C1: shall be granted to persons who enter Vietnam for tourist purposes.

C2: shall be granted to persons who enter Vietnam for other purposes.

D: shall be granted to persons who enter Vietnam without invitation or reception by any agencies, organizations or individuals.

Visas in D code sign shall be valid for 15 days, while visas in other codes shall be valid for 30 days or more.

2. Temporary residence cards bear the following codes:

A: shall be granted to members of foreign representations and their accompanying dependents and servants.

B1: shall be granted to foreigners working with the Supreme People's Procuracy, the Supreme People's Court, the ministries, the ministerial-level agencies, the agencies attached to the Government, the People's Committees of the provinces or centrally-run cities, and the central bodies of the mass organizations.

B2: shall be granted to foreigners working for investment projects already licensed by the competent Vietnamese State agencies.

B3: shall be granted to foreigners working with Vietnamese enterprises.

B4: shall be granted to foreigners on payrolls of representative offices or branches of economic, cultural or other professional organizations of foreign countries; and Vietnam-based non-governmental organizations.

C: shall be granted to foreigners on temporary residence in Vietnam for other purposes.

VI. PERMISSION FOR FOREIGNERS? PERMANENT RESIDENCE

1. Foreigners defined in Clause 1, Article 13 of the Decree who apply for permanent residence in Vietnam shall have to file dossiers with the Exit and Entry Management Department. Each dossier comprises:

- The permanent residence application made in two copies according to the form set by the Director of the Exit and Entry Management Department, with four applicant's photos;
- Two curriculum vitae copies;
- Two copies of passport;
- Relevant papers and documents (if any).

Within 1 month after receiving the dossiers, the Ministry of Public Security shall have to report them to the Prime Minister for consideration and decision.

The Exit and Entry Management Department shall have to notify in writing the permanent residence applicants of the Prime Minister's decisions. In case of approval by the Prime Minister, it shall notify such to the police offices of the provinces or centrally-run cities, where such persons apply for permanent residence, so that the latter shall direct the exit and entry management sections in granting permanent residence cards.

2. Foreigners defined in Clause 2, Article 13 of the Decree who apply for permanent residence in Vietnam shall have to file dossiers with the Exit and Entry Management Department or the exit and entry management sections of localities where such persons apply for permanent residence. Each dossier comprises:

- The application for permanent residence made in two copies according to the form set by the Director of the Exit and Entry Management Department, stuck with four applicant's photos;
- Two copies of the applicant's judicial record with certification of the competent authority of the country of which the applicant is a citizen or where he/she has place(s) of permanent residence;
- The diplomatic note of the competent authority of the country of which the applicant is a citizen, requesting permission for such person's permanent residence in Vietnam;
- Papers evidencing that the applicant is a spouse, child or parent of Vietnamese citizens permanently residing in Vietnam;
- Two copies of passport;
- Other relevant papers and documents (if any).

Papers specified at this Point (except for permanent residence application, diplomatic note and passport) must be translated into Vietnamese and notarized or legalized as prescribed.

Within 6 months after receiving the dossiers, the Exit and Entry Management Department shall coordinate with the concerned agencies in conducting the examination and verification thereof and reporting the results to the Minister of Public Security for consideration and decision. In cases where it deems necessary to make a supplementary examination, the said time limit may be extended but the extension must not exceed 3 months.

The Exit and Entry Management Department shall have to notify in writing the permanent residence applicants of decisions of the Public Security Minister. In case of approval by the Public Security Minister, it shall notify such to the police offices of the provinces or centrally-run cities, where such persons apply for permanent residence, so that the latter shall direct the exit and entry management sections in granting permanent residence cards.

VII. GRANTING OF PERMANENT RESIDENCE CARDS

1. The police offices of the provinces or centrally-run cities (the exit and entry management sections) shall grant permanent residence cards within 5 working days after they receive notices from the Exit and Entry Management Department.

Permanent residence cards shall be granted separately to applicants, including persons who are under 14 years old. The model permanent residence card shall be promulgated by the Director of the Exit and Entry Management Department.

Within 2 months after receiving notices from the Exit and Entry Management Department, foreigners permitted to permanently reside in Vietnam shall have to go to the exit and entry management sections of localities where they permanently reside to receive permanent residence cards. If past the said time limit the persons permitted for permanent residence still fail to get the cards without plausible reasons, such permanent residence cards shall automatically be invalidated.

2. Foreigners, who had been granted permanent residence certificates by the exit and entry management agency before the date of promulgation of this Circular, shall, within 6 months thereafter, have to go to the exit and entry management sections of localities where they permanently reside to have their permanent residence cards renewed.

3. Once every 3 years, the permanent residence card holders shall have to carry their cards to the card granting agencies for renewal thereof. If they fail to present themselves as prescribed, their permanent residence cards may be withdrawn.

4. In cases where they wish to change the contents inscribed in their permanent residence cards, the permanent residents shall have to file applications with the exit and entry management sections of localities where they permanently reside.

Within 5 working days after receiving the applications, the police offices of the provinces or centrally-run cities (exit and entry management sections) shall have to report them to the Exit and Entry Management Department for consideration and decision. Within 5 working days after receiving the reports, the Exit and Entry Management Department shall reply in writing. For the case of approval of the change of contents inscribed in permanent residence cards, the police offices of the provinces or centrally-run cities (exit and entry management sections) shall grant new cards within 5 working days.

5. Stateless persons, who are granted permanent residence cards, shall be entitled to use such cards for their exit from and entry into Vietnam.

VIII. ORGANIZATION OF IMPLEMENTATION

1. The Exit and Entry Management Department shall have to:

- Guide agencies, organizations and individuals that invite, receive and/or guarantee foreigners to enter Vietnam as well as foreigners in implementing this Circular.

- Promulgate documents guiding the exit and entry control forces at the international border-gates and the police offices of the provinces or centrally-run cities to organize the State management over exit, entry and residence of foreigners in Vietnam; promulgate procedures and forms for settling exit, entry and residence of foreigners who are liable to carry out procedures at the Ministry of Public Security.

- Promptly notify to the functional bodies of the Ministry for Foreign Affairs of matters related to national security as well as violations of the Vietnamese legislation on exit, entry and residence of foreigners who enjoy the diplomatic or consular privileges and immunities for handling through the diplomatic channel.

- Manage and supply in time blank visas to the Consular Department according to the pre-set plans.

2. The chiefs of the police offices of the provinces or centrally-run cities shall base themselves on local characteristics to specifically regulate the transfer of the lists of foreigners on temporary residence from the ward/commune police offices to the exit and entry management sections by the fastest means.

3. The Consular Department shall have to:

- Guide the Vietnamese representations, the foreign representations and concerned agencies in implementing this Circular.

- Promulgate procedures and forms for settling entry, exit and residence of foreigners in Vietnam who are liable to carry out procedures at the Ministry for Foreign Affairs.

- Quarterly report to the Exit and Entry Management Department on situation of entry, exit and residence of foreigners who are liable to carry out procedures at the Ministry for Foreign Affairs for a sum-up report to the Government.

4. The Director of the Exit and Entry Management Department shall assume the prime responsibility and coordinate with the Director of the Consular Department in uniformly promulgating the following paper forms:

a/ Visa application;

b/ Model visa;

c/ Model temporary residence card.

5. Basing themselves on their respective functions and tasks, the Ministry of Public Security and the Ministry for Foreign Affairs shall guide their attached bodies and units in implementing this Circular.

6. This Circular takes effect 15 days after its signing. The previous regulations and joint guidance of the Ministry of Public Security and the Ministry for Foreign Affairs, which are contrary to this Circular, are all hereby annulled.

**FOR THE MINISTER OF PUBLIC SECURITY
VICE MINISTER**

**FOR THE MINISTER FOR FOREIGN AFFAIRS
VICE MINISTER**

Nguyen Van Huong

Nguyen Van Nganh