



## LEGAL UPDATE

### DECREE ON FOREIGN EMPLOYEES WORKING IN VIETNAM

On 7 August 2025, the Government of Vietnam released Decree No. 219/2025/ND-CP ("**Decree 219**") regulating the issue of work permits for expats in Vietnam. Coming into effect immediately on the date of signing, this new regulation replaces the provisions on foreign employees working in Vietnam previously stipulated under Decree No. 152/2020/ND-CP and Decree No. 70/2023/ND-CP.

Viewed as a significant development, Decree 219 aims to streamline administrative procedures, align with international integration and digital transformation requirements, enhance flexibility in the employment of foreigners, and create more favourable conditions for enterprises to attract international experts.

Below are the notable changes introduced by Decree 219.

#### 1. Relaxation on Qualification Requirements

Decree 219 eases the conditions for hiring experts and technical workers, giving businesses greater flexibility in recruiting talents.

- **Experts:** Those with a university degree or higher now need only **two years of relevant work experience**, instead of three years. For specialised fields such as finance, science, technology, innovation, national digital transformation, or other priority sectors for socio-economic development, the requirement is further reduced to **one year**.
- **Technical workers:** For technically trained workers, the required relevant work experience has been lowered from three years to **two years**. Where no formal training is provided, **three years** of relevant work experience is now sufficient, rather than five years as per the previous requirement.

These adjustments represent a progressive approach that lowers barriers for foreign talents while ensuring the requisite qualifications. They also enable employers to access skilled professionals with more affordable budget since younger candidates would cost less.

#### 2. Simplification of Administrative Procedures and Decentralization of Governmental Authorities

Decree 219 introduces significant procedural reforms aimed at reducing delays and easing the administrative burden on employers in need of foreign workers. Two changes stand out:

- **Single submission for the recruitment demand report and work permit application:** Employers previously had to submit a report on the recruitment demand for foreign employees at least 15 days before the intended start date of the employees, and only after obtaining approval from the People's Committee, they can proceed with the work permit application. This two-step process usually caused bottlenecks. Under the new regulations, the demand report and the work permit application can now be submitted together in a single step. In addition, before submitting the report on the recruitment demand for foreign employees, employers are still required to advertise the vacancies in public domain. This requirement has, however, been simplified: the posting period has been reduced from 15 days to 5 days, and advertisements can now be placed directly on employers' websites or through recruitment agencies, rather than being limited to state-run portals.
- **Integration of criminal record application with work permit application:** In the past, applicants were required to file a separate request with a different authority to obtain a criminal record, creating extra work and prolonging licensing timelines. The new legal framework allows this document to be requested at the same time as the work permit application. Relevant government agencies will then coordinate internally to issue a criminal record and later a work permit.

In addition to simplifying procedures, Decree 219 also decentralises governmental authorities. The power to issue, renew, and revoke work permits, as well as confirmations of those being exempt from work permits, has been transferred from the Ministry of Labour, Invalids and Social Affairs (MOLISA, now consolidated into the Ministry of Home Affairs - MOHA) to provincial People's Committees. These



People's Committees may further delegate the authorities to specialised local departments, such as the Department of Home Affairs, allowing matters to be resolved at the local level.

Together, these reforms streamline administrative procedures, and create a more business-friendly environment for employers seeking to recruit foreign professionals.

### 3. Notable Changes Relating to Work Permits and Exemptions from Work Permits

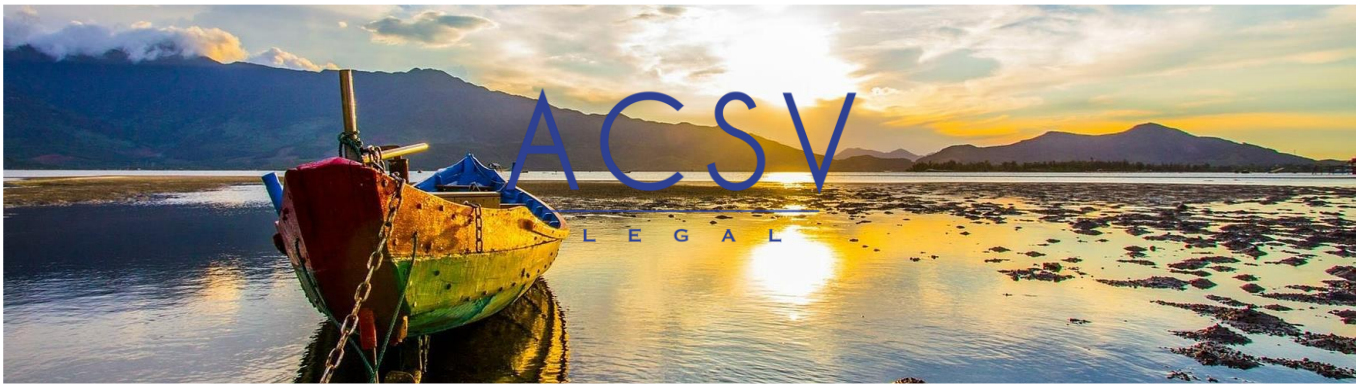
Decree 219 introduces a number of substantial changes to the rules on work permits and exemptions from work permits, aimed at creating greater clarity, flexibility, and efficiency for both employers and foreign professionals.

- **Expanding and amending exemption cases from work permits:** The current regulation now lists 15 categories of foreigners who are not required to obtain a work permit in Vietnam. A new category is first time introduced in Decree 219 to cover foreigners working in finance, science, technology, innovation, national digital transformation, and other socio-economic priority sectors, provided that their role is endorsed by a competent ministry or provincial People's Committee. This exemption is intended to make Vietnam more attractive to international specialists in innovation and digital transformation areas which are critical to boost the country's investment attractiveness. In addition, the rule for short-term assignments in Vietnam has been adjusted: Instead of the previous rule which allows the maximum time staying in Vietnam of less than 30 days on up to three occasions per year, foreign employees now can work for up to 90 days in one calendar year without a work permit. This amendment offers greater flexibility and convenience for employers.
- **Multi-province work flexibility:** A foreign employee working for a company with multiple business locations/branches/representative offices can now work in multiple provinces without a need to obtain separate work permits. Employers are only required to notify the local labour authority at each location at least three working days before the employee starts. The change reduces administrative hurdles and gives employers greater flexibility in deploying foreign employees nationwide in the territory of Vietnam.

- **Shorter processing times:** In line with the consolidation of the recruitment demand report and work permit application into a single step, Decree 219 sets clear deadlines for processing. Authorities must issue the work permit within **10 working days** from receipt of a complete dossier, and in case of rejection, provide written reasons within **3 working days**. By comparison, the former regulations allowed up to 15 working days in total to handle each application separately, whether for issuing a work permit or providing a rejection, leading to longer procedures.
- **Clearer basis for determining permit duration:** The maximum validity term of work permits and exemption confirmations remains to be capped at two years but must now be in line with the validity term of supporting documents such as labour contracts, secondment letters, service contracts, licences or establishment papers of the employers, etc. This clarification reduces ambiguity that previously existed regarding the calculation of the applicable terms.
- **Grounds for revocation of exemption confirmations:** For the first time, Decree 219 sets out explicit grounds for revoking exemption confirmations. These cover cases such as (a) working outside the scope stated in the confirmation; (b) an employer notifying that the employee will no longer work in Vietnam; (c) termination of operation of the employer; (d) failure to comply with the rules on issuance, re-issuance, or extension of the confirmation; and (e) instances where the employee is prosecuted under Vietnamese law. These provisions bring greater transparency and clarity in enforcement of the exemption confirmations.

### 4. Conclusion

Decree 219 represents a major shift in Vietnam's regulatory framework for foreign employees. By easing qualification requirements, streamlining administrative procedures, and clarifying rules on work permits and exemptions, the Decree lowers administrative barriers while enhancing flexibility for employers. These changes are expected to support Vietnam's efforts to attract international talents, particularly in strategic sectors, and to create a more predictable environment for business operations. Against this backdrop, our team is ready to advise and assist businesses in navigating the new requirements, ensuring compliance while maximising the opportunities that the Decree brings.



**For more information, please contact:**

Minh Nguyen / Special Counsel  
[minh.nguyen@acsvlegal.com](mailto:minh.nguyen@acsvlegal.com)

Ly Nguyen / Associate  
[ly.nguyen@acsvlegal.com](mailto:ly.nguyen@acsvlegal.com)