

Law No. 23/2023/QH15

LAW

Amending and Supplementing a Number of Articles of the Law on Exit and Entry of Vietnamese Citizens and the Law on Foreigners' Entry into, Exit from, Transit through and Residence in Vietnam

Pursuant to the Constitution of the Socialist Republic of Vietnam;

The National Assembly hereby promulgates the Law No. 49/2019/QH14 Amending and Supplementing a Number of Articles of the Law on Exit and Entry of Vietnamese Citizens and the Law No. 47/2014/QH13 on Foreigners' Entry into, Exit from, Transit through and Residence in Vietnam, amended and supplemented under the Law No. 51/2019/QH14.

Article 1. Amending and supplementing a number of articles of the Law on Exit and Entry of Vietnamese Citizens

1. To amend and supplement a number of clauses of Article 6 as follows:

a) To add Point dd after Point d Clause 1 as follows:

“dd) Other papers prescribed by law and treaties to which the Socialist Republic of Vietnam is a contracting party.”;

b) To amend and supplement Clause 3 as follows:

“3. Information on an immigration paper includes:

a) Portrait photo;

b) Family name, middle name and first name;

c) Gender;

d) Place of birth and date of birth;

dd) Citizenship;

e) Immigration paper code and number; issuing agency; date of issuance; expiry date;

g) Personal identification number or people's identity card number;

h) Position or title, for diplomatic and official passports as required by external affairs;

i) Other information as required by the Government.”.

2. To amend and supplement Clause 11 Article 8 as follows:

“11. Persons who are currently working in the diplomatic sector and have been conferred diplomatic titles or who are holding the position of attaché or higher positions, defense attaché and deputy defense attaché at overseas Vietnamese diplomatic missions and permanent missions of inter-governmental international organizations, or overseas Vietnamese consular offices.”.

3. To amend and supplement a number of clauses of Article 15 as follows:

a) To amend and supplement Clause 2 as follow:

“2. Papers related to the issuance of an ordinary passport in the country include:

a) Latest ordinary passport which remains valid, for persons who have obtained passports; in case the valid passport is lost, a report on passport loss or a notice of receipt of passport loss report issued by a competent agency specified at Point a Clause 2 Article 28 of this Law is required;

b) A copy of birth certificate or duplicate of birth certificate, for under-14 persons who have not yet been granted a personal identification number. In case of absence of the copy of the birth certificate or duplicate of birth certificate, a photo and the original of such paper are required for checking;

c) Copies of papers granted by competent Vietnamese agencies proving the at-law representative of a person who has lost his/her civil act capacity, a person with difficulties in perceiving and controlling his/her acts specified in the Civil Code or an under-14 person. In case of absence of such copies, their photos and originals are required for checking.”;

b) To add Clause 9 after Clause 8 as follows:

“9. The ordinary passport application procedures shall be carried out at the immigration office or carried out online on the National Public Service Portal or the Ministry of Public Security’s public service portal.”.

4. To amend and supplement Clause 1 and add Clause 1a after Clause 1 Article 16 as follows:

“1. A passport applicant shall submit a declaration form filled in with sufficient information, 2 portrait photos and relevant papers specified in Clause 1a

of this Article and produce his/her Vietnamese passport or a personal identification paper issued by the competent Vietnamese agency.

If having no Vietnamese passport or personal identification paper issued by the competent Vietnamese agency, the passport applicant may produce a personal identification paper issued by a foreign competent agency and a paper proving his/her Vietnamese citizenship or a paper for use as a ground for determining Vietnamese citizenship in accordance with the law on citizenship.

1a. Papers related to the issuance of an ordinary passport in a foreign country include:

a) Latest ordinary passport which remains valid, for persons who have obtained passports; in case the valid passport is lost, a report on passport loss or a notice of receipt of passport loss report issued by a competent agency specified at Point a Clause 2 Article 28 of this Law is required;

b) A photo of people's identity card or citizen identity card, or other related papers issued by the competent Vietnamese agency, for persons whose personal information changes compared to that in their latest passports;

c) A copy of birth certificate or duplicate of birth certificate, for under-14 persons. In case of absence of the copy of the birth certificate or duplicate of birth certificate, a photo and the original of such paper are required for checking;

d) Copies of papers granted by competent Vietnamese or foreign agencies, proving the at-law representative of a person who has lost his/her civil act capacity, a person with difficulties in perceiving and controlling his/her acts specified in the Civil Code or an under-14 person. In case of absence of such copies, their photos and originals are required for checking.”.

5. To amend and supplement Clause 2 Article 17 as follows:

“2. Persons who are not allowed to reside by foreign agencies but are not subjects of application of treaties or international agreements on acceptance of repatriating citizens.”.

6. To amend and supplement Clause 2 Article 18 as follows:

“2. Procedures for issuance of an ordinary passport to a person who is not accepted by foreign authority for residence but is not a subject of application of treaties or international agreements on acceptance of repatriating citizens are as follows:

a) An overseas Vietnamese representative mission shall receive the request from the competent agency of the host country, or a passport application from a person not accepted by foreign authority for residence, enclosed with his/her 2

portrait photos, a declaration form filled in with sufficient information and personal identification papers issued by Vietnamese competent agencies (if any);

b) For humanitarian or emergency cases, if an overseas Vietnamese representative mission has sufficient grounds to determine the passport applicant's personal information and citizenship, it shall consider issuing the passport within 2 working days;

c) For cases other than those specified at Point b Clause 2 of this Article, within 2 working days after receiving request from the host country's competent agency or a person not accepted by foreign authority for residence, the overseas Vietnamese representative mission shall send information about the passport applicant according to a provided form to the Immigration Department of the Ministry of Public Security. Within 15 days after receiving the request, the Immigration Department of the Ministry of Public Security shall verify the information and issue a written reply to the overseas Vietnamese representative mission. Within 2 working days after receiving reply from the Immigration Department of the Ministry of Public Security, the overseas Vietnamese representative mission shall issue passport to citizen. In case of refusing to issue passport, a written reply stating the reason shall be sent to the passport applicant;

d) After issuing the passport, the overseas Vietnamese representative mission must send a notice to the Immigration Department of the Ministry of Public Security for coordination in receiving and managing the citizen when returning the home country.”.

7. To amend and supplement Clause 1 Article 27 as follows:

“1. Invalidation of lost passports that remain valid, or in case where past the time limit of 12 months from the date competent agency schedules to return the passport but the citizen fails to receive the passport without giving a written notice of the reason for not receiving the passport.”.

8. To amend and supplement Clause 2 Article 28 as follows:

“2. The invalidation of an ordinary passport is prescribed as follows:

a) Within 2 working days after detecting that his/her passport is lost, the passport holder shall directly submit or send his/her report on passport loss, made according to a provided form, to the immigration office or the district-level or commune-level public security office or an overseas Vietnamese representative mission which is convenient, or the immigration control office at the border gate or on the electronic environment at the National Public Service Portal or the Ministry of Public Security's public service portal. In case of a force majeure reason, the

time limit for submission or sending of such a report may be extended but the force majeure reason must be clearly explained in the report;

b) Within 1 working day after receiving the report on passport loss, the report-receiving agency shall send a notice, made according to a provided form, to the Immigration Department of the Ministry of Public Security and the passport holder. Within 1 working day after receiving the notice, the Immigration Department of the Ministry of Public Security shall invalidate the passport.”.

9. To add Article 28a after Article 28 as follows:

“Article 28a. Invalidation of a passport in case the citizen fails to receive the passport

After 12 months from the date the competent agency schedules to return the passport, if the citizen fails to receive the passport without giving a written notice of the reason for not receiving the passport, the passport-issuing agency shall invalidate the passport.”.

10. To amend and supplement Clause 2 Article 32 as follows:

“2. A person who requests restoration of validity of his/her passport shall fill in the request form enclosed with the passport and directly submit it to the Immigration Department of the Ministry of Public Security or immigration office of the provincial-level Department of Public Security, whichever is convenient for him/her, or on the electronic environment on the National Public Service Portal or the Ministry of Public Security’s public service portal .”.

11. To amend and supplement Point a Clause 1 Article 33 as follows:

“a) Having an immigration paper which remains intact and unexpired;”.

12. To amend and supplement Point b Clause 1 Article 41 as follows:

“d) Place of birth and date of birth;”.

13. To amend and supplement a number of clauses of Article 45 as follows:

a) To amend and supplement Clause 10 as follows:

“10. To enter into international cooperation in the field of exit and entry of Vietnamese citizens; to assume the prime responsibility for, and coordinate with the Ministry of Foreign Affairs and the Ministry of National Defense in, signing treaties and international agreements relating to receipt of Vietnamese citizens who are not accepted by foreign authorities for residence; to coordinate with the Ministry of Foreign Affairs in proposing the conclusion of treaties relating to exit and entry of Vietnamese citizens.”;

b) To add Clause 13 after Clause 12 as follows:

“13. To assume the prime responsibility for, and coordinate with relevant ministries and agencies in, guiding the implementation of regulations on exit and entry of Vietnamese citizens on electronic environment under this Law and the law on e-transactions.”

14. To amend and supplement Clause 7 Article 46 as follows:

“7. To assume the prime responsibility for, and coordinate with the Ministry of Public Security and Ministry of National Defense in, concluding treaties relating to exit and entry of Vietnamese citizens; to coordinate with the Ministry of Public Security and Ministry of National Defense in proposing the conclusion of treaties and international agreements relating to the receipt of Vietnamese citizens who are not accepted by foreign authorities for residence.”

15. To amend and supplement Clauses 1 and 2 Article 49 as follows:

“1. To provide public special-use digital signature certification services serving the issuance and management of passports with embedded electronic chips.

2. To provide related ministries and agencies with guidance on how to use public special-use digital signature certification services serving the issuance and management of passports with embedded electronic chips.”

Article 2. Amending and supplementing a number of articles of the Law on Foreigners’ Entry into, Exit from, Transit through and Residence in Vietnam

1. To amend and supplement Clause 3 Article 7 as follows:

“3. Visas may be single or multiple ones; visas granted to the persons specified at Point b Clause 2 of this Article are single ones.”

2. To amend and supplement Clauses 1, 2, 3 and 4 Article 9 as follows:

“1. An SQ or EV visa is valid for at most 30 days.

2. A HN, DL or EV visa is valid for a maximum of 90 days.

3. A VR visa is valid for at most 180 days.

4. An NG1, NG2, NG3, NG4, LV1, LV2, ĐT4, DN1, DN2, NN1, NN2, NN3, DH, PV1, PV2 or TT visa is valid for at most 1 year.”

3. To amend and supplement Article 19a as follows:

“Article 19a. Countries and territories of which citizens are eligible for grant of e-visas and international border gates through which foreigners may enter or leave the country with e-visas

1. E-visas shall be granted on the basis of ensuring national defense, national security, social safety and order, in compliance with Vietnam's foreign policies and socio-economic development policies.

2. The Government shall decide on the list of countries and territories of which citizens are eligible for grant of e-visas, and list of international border gates through which foreigners may enter or leave the country with e-visas.”.

4. To amend and supplement Points c and d Clause 1 Article 31 as follows:

“c) For citizens of countries eligible for Vietnam’s unilateral visa exemption, the duration of temporary residence will be 45 days; such citizens may be considered for temporary residence or visa extension under this Law;

d) For those not falling into the cases specified at Points a, b and c of this Clause, the duration of temporary residence will be 15 days if they enter border-gate economic zones or 30 days if they enter special administrative-economic units or coastal economic zones specified in Clause 3a Article 12 of this Law.”.

5. To amend and supplement Article 33 as follows:

“Article 33. Declaration of temporary residence

1. Foreigners who temporarily reside in Vietnam shall, via managers and executives of accommodation establishments, declare their temporary residence to public security agencies of communes, wards or townships or police stations in localities where such accommodation establishments are located. Accommodation establishments shall request the foreigners to present their passports or international travel documents, or papers relating to residence in Vietnam for declaration of temporary residence before accepting the foreigners for residence. In case the border guard stations or posts receive the declarations of temporary residence of foreigners under treaties to which Vietnam is a contracting party, the border guard stations or posts shall immediately notify the public security agencies of communes, wards or townships or police stations in localities where the foreigners temporarily reside.

2. Foreigners’ temporary residence shall be declared on the electronic environment or on the temporary residence declaration form.

In case of filling in the temporary residence declaration form, accommodation establishments’ managers and executives shall fill in temporary residence declarations and submit such declarations to public security agencies of communes, wards or townships or police stations in localities where their accommodation establishments are located within 12 hours or within 24 hours, for remote and deep-lying areas, after the foreigners arrive in their establishments.

3. Foreigners who change their places of temporary residence or reside at places other than those stated in their temporary residence cards, or change the information stated on their passports shall make temporary residence declaration under Clause 1 of this Article.”.

6. To amend and supplement Clause 2 Article 34 as follows:

“2. Foreigners may not temporarily reside in restricted areas in land and sea border areas. In case foreigners reside in accommodation establishments in border areas or tourist townships, towns and cities or tourist and service centers, special administrative-economic units and other economic zones in border areas, the declaration of temporary residence complies with Article 33 of this Law. Agencies that receive information on foreigners’ temporary residence shall immediately notify such information to border guard stations or posts of localities where accommodation establishments are located.”.

7. To amend and supplement title of Chapter VIII as follows:

**“Chapter VII
RIGHTS AND OBLIGATIONS OF FOREIGNERS; RIGHTS AND
OBLIGATIONS OF AGENCIES, ORGANIZATIONS AND
INDIVIDUALS”.**

8. To add Point dd after Point d Clause 2 Article 44 as follows:

“dd) To produce passports or international travel documents, or papers relating to residence in Vietnam for accommodation establishments for declaration of temporary residence as prescribed.”.

9. To add Article 45a after Article 45 of Chapter VIII as follows:

“Article 45a. Responsibilities of other relevant agencies and organizations, individuals

1. Agencies, organizations and individuals may employ foreigners, or organize tourism programs for foreigners or allow foreigners to temporarily reside only when they lawfully reside in Vietnam.

2. Agencies, organizations and individuals detecting signs of violation relating to foreigners’ entry into, exit from, transit through and residence in Vietnam shall immediately notify the nearest public security office. Any signs of violation detected in border areas shall be promptly notified to the nearest public security office, border guard station or post.”.

10. To add Clause 11 after Clause 10 Article 47 as follows:

“11. To provide guidance on the issuance of papers for entry, exit or residence in Vietnam, and make declaration of foreigners’ temporary residence in the electronic environment in accordance with this Law and the law on e-transactions.”.

Article 3. Effect

1. This Law takes effect from August 15, 2023.
2. Entry, exit and residence papers granted for citizens before the effective date of this Law may be used until their expiry date.
3. In case citizens have applied for the grant of entry, exit and residence papers but until the effective date of this Law such papers have not yet been granted, the provisions of the Law 49/2019/QH14 on Exit and Entry of Vietnamese Citizens shall be applied for handling.
4. In case a foreigner has been granted an e-visa or is eligible for visa exemption upon entry under a unilateral visa exemption scheme, or he/she has applied for the grant of e-visa but has not yet been granted an e-visa, the provisions of the Law 47/2014/QH13 on Foreigners’ Entry into, Exit from, Transit through and Residence in Vietnam (amended and supplemented under the Law No. 51/2019/QH14) shall continue to be applied.

This Law was passed on June 24, 2023, by the XVth National Assembly of the Socialist Republic of Vietnam at its 5th session.

CHAIRMAN OF THE NATIONAL ASSEMBLY

Vuong Dinh Hue