

No: 24/2000/PL-UBTVQH10

Hanoi, 28 April 2000

ORDINANCE
ON
ENTRY, EXIT, AND RESIDENCE
OF FOREIGNERS IN VIETNAM

In order to contribute towards the implementation of State policies on the development of friendly relations and co-operation with foreign countries, and to protect the interests and sovereignty of the nation;

Pursuant to the 1992 Constitution of the Socialist Republic of Vietnam;

Pursuant to the Resolution of Legislature X of the National Assembly at its 6th Session on the Programme for Drafting Laws and Ordinances in 2000;

This Ordinance regulates the entry, exit, and residence of foreigners in Vietnam.

CHAPTER I
General Provisions

Article 1

1. The State of the Socialist Republic of Vietnam shall create favorable conditions for the entry, exit, and transit of foreigners; shall protect the lives, possessions and other legitimate interests of foreigners residing in Vietnam on the basis of the laws of Vietnam and international treaties to which the Socialist Republic of Vietnam is a signatory or participant.

2. Foreigners entering, exiting, in transit, or residing in Vietnam must abide by the laws of Vietnam and respect the traditions, customs and habits of the Vietnamese people. It shall be strictly prohibited to take advantage of entry, exit, transit, or residence in Vietnam to breach the law.

3. Where an international treaty to which the Socialist Republic of Vietnam is a signatory or participant contains provisions on the entry, exit, or residence Subscription 38 (4/2000) 31 August 2000 of foreigners in Vietnam which are inconsistent with the provisions of this Ordinance, the provisions of the international treaty shall apply.

Article 2

1. Vietnamese bodies and organizations, foreign bodies and organizations and international organizations established in Vietnam and Vietnamese citizens and foreigners lawfully residing in Vietnam may invite foreigners to Vietnam.

2. Bodies, organizations and individuals inviting foreigners to Vietnam shall be responsible to ensure the purpose of entry of the foreigners; for financial assurance and for co-operation with State bodies in resolving any incidents arising in respect of the foreigners.

Article 3

In this Ordinance, the following terms shall be construed as follows:

- 1. Foreigner means a person not having Vietnamese citizenship;*
- 2. Permanent foreign resident means a foreigner residing, working and living for a long period in Vietnam;*
- 3. Temporary foreign resident means a foreigner residing for a limited period in Vietnam;*
- 4. Entry means entry into the territory of Vietnam via the international border gates of Vietnam;*
- 5. Exit means departure from the territory of Vietnam via the international border gates of Vietnam;*
- 6. Transit means going through the transit area at an international border gate of Vietnam.*

CHAPTER II

Entry, Exit, and Transit

Article 4

1. Foreigners entering or exiting Vietnam must hold a passport or have valid papers in lieu (together hereinafter referred to as passport) and must have a visa issued by an authorized State agency of Vietnam, except in cases of visa exemption.
2. Foreigners shall carry out the procedures for applying for a Vietnamese visa at an office managing entry and exit under the Ministry of Police, at a consulate office under the Ministry of Foreign Affairs, at a foreign representative diplomatic office, or at a Vietnamese consulate overseas.

A response to an application for issuance of a visa shall be provided no later than five working days after the date of receipt of a valid application.

3. Foreigners under fourteen (14) years of age who are included in the visa application form of their guardians need not themselves carry out visa application procedures.

Article 5

1. Bodies, organizations and individuals inviting foreigners to Vietnam shall forward a request letter to an office managing entry and exit under the Ministry of Police or to a consulate office under the Ministry of Foreign Affairs.
2. A response to the request letter shall be provided no later than five working days after the date of receipt of the letter.

Article 6

1. Foreigners requesting entry shall be provided with a visa at an international border gate of Vietnam in the following cases:

- (a) Entry to attend the funeral of a relative or to visit a seriously ill relative;

- (b) Arrival from a country which does not have a Vietnamese representative diplomatic office or a Vietnamese consulate;
- (c) Entry on a tourist program organized by a Vietnamese enterprise conducting international tours;
- (d) Entry for emergency technical assistance for construction works or projects; entry to provide emergency aid for seriously ill people or for accident victims or to assist in cases of disaster or epidemic in Vietnam;
- (dd) Entry for any other emergency reason.

2. An office managing entry and exit under the Ministry of Police shall issue a visa in the cases stipulated in clause 1 of this article.

Article 7

1. A Vietnamese visa (hereinafter referred to as visa) shall be valid for entry and exit via the international border gates of Vietnam.

2. Visas shall include the following types:

(a) Single-entry visa, which shall be valid for use once within a period not exceeding twelve (12) months;

(b) Multiple-entry visa, which shall be valid for use on multiple occasions within a period not exceeding twelve (12) months.

3. Unextended visa: Visas which have already been issued to foreigners may be cancelled if they fall within one of the categories stipulated in articles 8 and 9 of this Ordinance.

Article 8

1. An authorized State agency of Vietnam shall not allow a foreigner to enter if he or she falls within one of the following categories:

(a) Does not satisfy the conditions stipulated in article 4.1 of this Ordinance;

(b) Falsifies papers or intentionally makes a false declaration when carrying out procedures for an entry visa;

(c) Considerations of prevention or fighting against an epidemic;

(d) Has committed a serious breach of the law of Vietnam on a previous entry;

(dd) Considerations of national security, or for special reasons as decided by the Minister of Police.

2. The Minister of Police shall consider and decide on foreigners falling within the categories stipulated in clause 1 of this article upon entry.

Article 9

1. A foreigner may be delayed from exit if he or she falls within one of the following categories:

(a) Is currently the subject of investigation for criminal responsibility or is the defendant in a civil, economic or labor dispute;

(b) Is currently obliged to serve a criminal sentence;

(c) Is currently obliged to carry out a civil, economic or labor judgment;

(d) Is currently obliged to carry out a decision or pay a fine for an administrative breach, a tax payment obligation or other financial obligations.

2. If, in the categories stipulated in sub-clauses (c) and (d) of clause 1 of this article, there is a guarantee of money or property or there is some other measure to ensure fulfillment of the obligation pursuant to the law of Vietnam, then exit shall be permitted.

3. An investigating office, a controlling institute, a court, an office enforcing sentences of provinces and cities under central authority or higher shall have authority to delay exit in the categories stipulated in sub-clauses (a), (b) and (c) of clause 1 of this article.

An office authorized to delay exit must issue a decision releasing the delay of exit when there is no longer any requirement for delay of exit. A decision on delay of exit and a decision releasing the delay of exit must be notified in writing to the office managing entry and exit under the Ministry of Police for its implementation.

4. The Minister of Police shall decide to delay the exit of a foreigner falling within the category stipulated in sub-clause (d) of clause 1 of this article on the proposal of a minister, head of a ministerial equivalent body, head of a Government office, or chairman of a people's committee of a province or city under central authority.

5. In addition to issuing a decision on delay, any person who makes a proposal to delay exit which is inconsistent with the provisions of this Ordinance must, if he or she causes material loss to the person whose exit is delayed, pay compensation in accordance with law.

Article 10

A person in transit shall be exempt from visa requirements; if he or she needs to combine a visit or travel in Vietnam, then the office managing entry and exit under the Ministry of Police shall resolve the matter pursuant to regulations promulgated by the Ministry of Police.

CHAPTER III

Residence

Article 11

1. Upon entry, foreigners must register the purpose and length of stay and their residential address in Vietnam, and their activities must comply strictly with the registered purpose.

2. Foreigners may not reside in areas in which foreigners are prohibited to reside.

Article 12

Foreigners may freely travel within the territory of Vietnam consistent with the purpose of entry as registered, except in areas in which foreigners are prohibited to travel. If they wish to enter a prohibited area, they must be permitted by the authorized State agency of Vietnam which controls such prohibited area.

Article 13

1. A temporary foreign resident in Vietnam falling within one of the following categories shall be considered for permanent residency:

(a) A person who fights for the freedom and independence of the Vietnamese race, for socialism, for democracy and peace, and for science, but who is suppressed;

(b) A person with distinguished services contributing to the work of building and protecting the Vietnamese Fatherland;

(c) A person being the spouse, child or parent of a Vietnamese citizen permanently residing in Vietnam.

2. Foreigners requesting permanent residence shall carry out procedures at an office managing entry and exit under the Ministry of Police.

Article 14

1. A permanent foreign resident shall be issued with a Permanent Residence Card by the authorized office managing entry and exit under the Ministry of Police. People carrying a Permanent Residence Card shall be exempt from visa requirements upon entry and exit.

2. A permanent foreign resident must report in person and present his or her Permanent Residence Card to the authorized office managing entry and exit under the Ministry of Police once every three years; if there is a change either of permanent address or of any other matters as registered, the permanent foreign resident must carry out procedures at the office which issued the Card.

3. A permanent foreign resident must inform any temporary residence to the authorized office managing entry and exit under the Ministry of Police if he or she spends a night outside the registered permanent address.

4. The office issuing a Permanent Residence Card shall revoke or cancel the Card when the person who was issued with the Card exits to live permanently in another country or is deported.

Article 15

1. A foreigner shall temporarily reside in Vietnam in conformity with the purpose and length of stay and address as registered.

2. A certificate of temporary residence shall be issued to foreigners by an authorized office managing entry and exit under the Ministry of Police at the international border gates of Vietnam. The length of temporary residence shall conform with the period of validity of the visa. A certificate of temporary residence already issued may be cancelled or may be revoked prior to its expiry in cases where the person issued with the certificate breaches the law of Vietnam or the temporary residence is not in conformity with the registered purpose.

A temporary foreign resident must inform his or her temporary residence to the authorized office managing entry and exit under the Ministry of Police; and must carry out procedures at the authorized office managing entry and exit under the Ministry of Police if he or she requests issuance of, addition to, or amendment of a visa, extension of temporary residence, or change of purpose of temporary residence.

3. A foreigner temporarily resident for one year or more shall be issued with a Temporary Residence Card by the authorized office managing entry and exit under the Ministry of Police. A Temporary Residence Card shall have duration from one to three years. People carrying a Temporary Residence Card shall be exempt from visa requirements upon entry and exit during the period of validity of the Card.

4. Foreigners who are entitled to preferential treatment or diplomatic and consular immunity shall carry out procedures for issuance, addition to, or amendment of a visa or for extension of temporary residence or issuance of a Temporary Residence Card at the Ministry of Foreign Affairs.

5. Consideration of issuance, addition to, or amendment of a visa; and of issuance of a Temporary Residence Card or extension of temporary residence shall be carried out no later than five working days after the date of receipt of a valid application.

CHAPTER IV

Deportation

Article 16

1. A foreigner shall be deported from Vietnam in the following cases:

(a) Is ordered to be deported by an authorized court of Vietnam;

(b) Is the subject of a deportation decision issued by the Minister of Police.

2. The deportation of foreigners entitled to preferential treatment or diplomatic and consular immunity shall be resolved through diplomacy.

Article 17

1. The office managing entry and exit under the Ministry of Police shall be responsible for implementation of a deportation order or a deportation decision.
2. The office managing entry and exit under the Ministry of Police must serve the person to be deported with the deportation order or deportation decision at least twenty four (24) hours prior to implementation.
3. In the event that a deportee does not voluntarily comply with the deportation order or deportation decision, the office managing entry and exit under the Ministry of Police shall apply coercive deportation measures.

CHAPTER V

State Management of Entry, Exit, and Residence of Foreigners in Vietnam

Article 18

State management of entry, exit, and residence of foreigners in Vietnam shall include:

1. Promulgation of legislation;
2. Signing and participating in international treaties;
3. Implementing the activities of managing entry, exit, transit, and residence;
4. State statistics;
5. International co-operation;
6. Supervision, inspections, checks, and dealing with breaches of the law.

Article 19

1. The Government shall be responsible for uniform State management of entry, exit, and residence of foreigners in Vietnam.

The Ministry of Police shall be responsible before the Government to preside over the implementation of State management of entry, exit, and residence of foreigners in Vietnam.

2. The Government shall promulgate regulations on co-ordination between ministries, ministerial equivalent bodies and Government bodies; and shall regulate the responsibilities of people's committees at all levels for State management of entry, exit, and residence of foreigners in Vietnam.

Article 20

Representative diplomatic offices and consulate offices of Vietnam in foreign countries may issue, amend, add to, or cancel all types of visas overseas.

Article 21

Ministries, ministerial equivalent bodies, Government bodies, and people's committees of provinces and cities under central authority shall be responsible, within the scope of their respective duties and powers, to implement State management of entry, exit, and residence of foreigners in Vietnam.

CHAPTER VI

Dealing with Breaches

Article 22

1. Anyone in breach of the provisions of this Ordinance shall, depending on the nature and seriousness of the breach, be subject to an administrative penalty or investigation for criminal liability and must pay compensation in accordance with law for any loss and damage caused.

2. Anyone taking advantage of his or her position or power to breach the provisions of this Ordinance shall, depending on the nature and seriousness of the breach, be subject to disciplinary action or investigation for criminal liability and must pay compensation in accordance with law for any loss and damage caused.

Article 23

Complaints relating to administrative decisions and denouncements of breaches of the law with respect to entry, exit, and residence of foreigners in Vietnam shall be implemented in accordance with the law on complaints and denouncements.

CHAPTER VII

Implementing Provisions

Article 24

This Ordinance shall also apply to Vietnamese holding a foreign passport who enter, exit, transit, or reside in Vietnam.

Article 25

This Ordinance shall be of full force and effect as of 1 August 2000.

This Ordinance shall replace the Ordinance on Entry, Exit, Residence, and Travel of Foreigners in Vietnam dated 21 February 1992.

Any previous provisions which are inconsistent with this Ordinance are hereby repealed.

Article 26

The Government shall provide detailed regulations and guidelines for implementation of this Ordinance.

On behalf of the Standing Committee of the National Assembly

Chairman
NONG DUC MANH