

LEGAL UPDATES (May 17th, 2021)

In these legal updates, we would like to send clients the legal updates on some following issues:

- Notable points of penalty regulations relating to spreading epidemic.
- Residence Law 2020 and the major changes on registering permanent residence address from 01/07/2021.

1. Pay attention to penalty regulations in the period of application of anti-epidemic measures

The epidemic is harsh on the global scale when the new wave of the epidemic has attacked many Asian countries, leading to a significant increase in the number of infected people and deaths. Particularly in Vietnam, in the context of the third wave of epidemics with the number of infections and the scope of infection tending to expand and be more complicated, the Vietnamese Government has taken stricter actions to handle the act of spreading the disease to the community based on Decree 117/2020/ND-CP stipulating penalties for administrative violations in the medical sector, and the current Criminal Code 2015, specifically as follow:

For administrative sanctions:

- Failing to take personal protection measures for participants in the duration against epidemics and people at risk of epidemic diseases under the guidance of the health authority (for example, not wearing a mask in public places), a fine ranging from VND 1,000,000 to VND 3,000,000 shall be imposed;
- Concealing one's own or another person's medical condition when having an infectious disease that has been declared epidemic; failing or refusing to take measures to clean, disinfect in epidemic zones; a fine ranging from VND 5,000,000 to VND 10,000,000 shall be imposed;
- Failing to comply with a decision restricts the concentration of people, a fine ranging from VND 10,000,000 to VND 20,000,000 shall be imposed; Failing to comply with a decision to prohibit crowding in an area where an epidemic emergency has been declared which a fine ranging from VND 30,000,000 to VND 40,000,000 shall be imposed.

For criminal handling: depending on complexion, severity, and consequences, they will be punished according to Article 240 of Criminal Code 2015 amended and supplemented in 2017 to spread dangerous infectious diseases to humans:

- Spreading dangerous epidemics to humans, a fine ranging from VND 50,000,000 to VND 200,000,000 shall be imposed, or serve a prison sentence from 1 to 5 years;
- Spreading dangerous epidemics to humans which causes a death, serve a prison sentence from 5 to 10 years. In case more than 02 death, serve a prison sentence from 10 to 12 years.

In addition, criminals may also be subject to be fined, ranging from 20,000,000 VND to 100,000,000 VND; be banned from holding specific posts, practicing certain occupations, or doing certain jobs for 1 to 5 years.

2. Residence Law 2020 and the significant changes on registering permanent residence address from 01/07/2021

On July 01st, 2021, Residence Law 2020 will come into effect, which will lead to significant changes related to permanent residence registration comparing to the Residence Law 2006 and Law on amendments to the Residence Law 2013, specifically:

- Must ensure the minimum housing area requirement of 08 m² floor/person to register for permanent residence. The minimum housing area is determined by the Provincial People's Council.
- Supplementing the case of removing permanent residence registration for citizens who have registered permanent residence in their renting, borrowing, or staying accommodation but the renting, borrowing, or staying at such accommodation has been terminated, and the person has not yet registered for permanent residence at a new place after 12 months from the date of termination of the renting, borrowing, or staying at the accommodation.
- Supplementing provisions on dossiers of registering permanent residence address for renters, including:
 - + Declaration of change of residence information clearly stating the consent of the accommodation owner for the renter to register the permanent residence address, unless there is another written consent;
 - + The valid lease contract or document on lending accommodation has been duly notarized or authenticated under the law.
 - + Papers and documents are proving that the house area is sufficient for permanent residence registration.
- Regulations on 05 locations not allowed to register a new permanent residence:

- + Accommodation located in prohibited places, areas where construction or encroachment is prohibited or occupying protection corridors for national defense, security, traffic, irrigation, dikes, energy, technical infrastructure protection landmarks, ranked historical-cultural relics, areas warned of the danger of landslides, flash floods, tube floods and other works protected areas according to the provisions of law.
- + The accommodation where the entire house area is located on the illegally encroached land or the dwelling-place built on the land area is ineligible for construction according to law provisions.
- + The accommodation has a decision on land recovery and a decision approving the compensation, support, and resettlement plan of a competent state agency. Accommodation means a house in which part or the whole of the house area is under dispute or complaint related to ownership or use rights but has not been settled according to law provisions.
- + The accommodation is confiscated under a decision of a competent state agency; the vehicle used as a place of permanent residence registration has been deregistered or has no certificate of technical safety and environmental protection by law.
- + Accommodation is a house that has been under a demolition decision issued by a competent state agency.

We hope this short Letter of legal updates would bring you useful information.

Best regards.

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