

LEGAL UPDATES (July 19th, 2021)

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

- 02 new administrative procedures in the fields of enterprise registration and operation;
- New guidance on the Law on Residence 2020 comes into effect as of July 1st, 2021.

1. **02 new administrative procedures in the fields of enterprise registration and operation**

On June 30th, 2021, the Ministry of Planning and Investment issued Decision No. 855/QĐ-BKHĐT on the promulgation of administrative procedures that are newly promulgated, amended, supplemented, replaced, lifted, revoked or repealed public declaration in terms of the fields of enterprise or business household registration and operation which are under the control and management of Ministry of Planning and Investment. Accordingly, the Appendix I that is issued attached to the Decision encompasses 02 new province-level administrative procedures in the fields of enterprise registration and operation, specifically as follows:

- Request to stop the implementation of administrative procedures on enterprise registration;
- Notification of invalidation of the dissolution resolution or decision.

Moreover, Decision 885/QĐ-BKHĐT also amends, supplements and replaces 54 administrative procedures; lifts and revokes 19 administrative procedures. Specifically, several administrative procedures on enterprise registration and operation that are lifted include:

- Notification of change of the information of a manager of enterprise;
- Notification of using, changing or revoking the seal (in terms of private enterprise, limited liability company, joint-stock company and partnerships;
- Notification of private share placement of a joint-stock company which is not a public company.

Decision No. 855/QĐ-BKHĐT is of full force and effect as of June 30th, 2021.

2. **New guidance on the Law on Residence 2020 comes into effect as of July 1st, 2021**

On June 29th, 2021, the Government issued Decree No. 62/2021/ND-CP on detailed guidance on a number of articles of the Law on Residence. Accordingly, the Decree specifically prescribes documents proving legal residence; documents proving personal relationship. To be specific, Decree No. 62/2021/ND-CP provides that when conducting the procedures for residence registration, citizens must prove their legal residence by one of the following documents:

- Documents proving the land use right, ownership of house or assets attached to the land issued by the competent authority (which include information on the residential real estate);
- Construction permit in accordance with regulations or law on construction (in terms of constructions required to obtain the construction permit and already been fully constructed);
- Sale and purchase agreements for housing owned by the Government or documents on liquidation of housing owned by the Government;
- Housing sale and purchase agreements or other documents proving the completion of transfer or receipt of housing of enterprises eligible to involve in the sale of constructed, invested housing, etc...

Moreover, the Decree also provides specifically regulations on:

- Residence of individuals living, working via mobile on ships; boats or other moveable vehicles; of individuals who lack permanent and temporary residence.
- Documents and procedures for removing permanent or temporary residence;
- Development, management, and utilization of the Database on residence and information thereof; provision and exchange of information and documents from the Database on residence for authorities, organizations, and individuals;
- The information of citizens saved in the Database on residence, including: residence document number; permanent or temporary residence; declaration of temporary absence and duration of temporary absence; current residence, accommodations, relationship with household owners, personal identification number, date of birth, gender, hometown, ethnic group, marital status, criminal record, etc.

The Decree 62/2021/ND-CP is of full force and effect as of July 01st, 2021.

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

Best regards.

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