

LEGAL UPDATES (May 10th, 2021)

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

- Regulation on conditions, procedures and competent recognition on qualifications granted by foreign educational institutions to be used in Viet Nam.
- Ministry of Construction issued Decision 477/QD-BXD announced new administrative procedures in the field of construction quality management.

1. Regulation on conditions, procedures, and competence of recognition on qualifications granted by foreign educational institutions to be used in Vietnam

On April 15th, 2021, the Ministry of Education and Training issued Circular 13/2021/TT-BGDĐT regulating the conditions, procedures and competence of recognition on qualifications granted by foreign educational institutions to be used in Vietnam (**“Circular 13/2021”**). Specifically:

Qualifications granted by foreign educational institutions to be used in Vietnam include secondary school diploma, high school diploma, certificate of completion of the general education program, bachelor and master degree or equivalent qualifications (hereinafter referred to as **“Qualifications”**). Qualifications granted by foreign educational institutions are recognized when students completed the education program ensuring the quality in accordance with law where the headquarters of foreign educational institutions are located and recognized by the educational competent office.

1.1. Recognition conditions:

- (1) Qualifications granted by foreign educational institutions for students is recognized when the education curriculum have the duration for studying and researching that is suitable with the framework of the national education system of Vietnam and meets one of the following two conditions:
 - a) The quality of the education programs corresponding to its education form are verified by an education-quality verification organization of the country where the headquarters of foreign educational institutions is located;
 - b) Foreign educational institutions are allowed to educate and grant qualification by the competent authorities of the country where the headquarters of foreign educational institutions is located; or verified quality by an education-quality verification organization of the country where the headquarters of foreign educational institutions is located.

- (2) If to qualifications which granted by foreign educational institutions operating in another country which is different from where its headquarters located (including Vietnam) is recognized when it is approved to open branches, educate or approved the educating cooperation or association; and it comply the education under the permission and meet the conditions mentioned above.
- (3) Qualifications granted by foreign educational institutions to students through online education, direct combines offline education, are recognized only when satisfying all provisions in accordance with point a Clause 1 as aforementioned and one of two below conditions:
 - a) Education programs are licensed by the Ministry of Education and Training in Vietnam when students reside and study in Vietnam;
 - b) Education programs are licensed by a competent education office where the headquarters of foreign educational institutions is located when students reside and study in such the country.
- (4) Recognizing qualifications granted by foreign educational institutions for students affected by wars, natural disasters, epidemics, fires, and other force majeure events is decided by the Minister of the Ministry of Education and Training.

1.2. Recognized authority:

- The Head of the Quality Control Department under the Ministry of Education and Training recognizes bachelor degree, master degree, PhD degree and equivalent qualifications.
- The Director of the Provincial Department of Education and Training recognizes the secondary school diploma, the high school diploma, and the certificate of completion of the general education program.

1.3. The order and procedures for recognition:

An applicant for qualifications recognition provide information about their qualifications at the online public service portal of the Ministry of Education and Training or the Provincial Department of Education and Training.

Duration to return results of recognition of diplomas to applicants:

- (1) Normal period: 20 working days from the date of receipt of recognized dossiers;
- (2) In case it is necessary to verify information about the qualifications from foreign educational institutions or the unit of foreign validating that the total time for returning

the qualifications recognition result must not exceed 45 working days from the date of receipt recognized qualifications.

Circular 13/2021 will take effect on June 1st, 2021. This Circular will replace Decision 77/2007/QĐ-BGDĐT dated December 20th, 2007, and Circular 26/2013/TT-BGDĐT dated July 15th, 2013.

2. Ministry of Construction issued Decision 477/QĐ-BXD announced new administrative procedures in the field of construction quality management

The Ministry of Construction issued Decision 477/QĐ-BXD announced new issued administrative procedures and replaced the former administrative procedures in construction quality management under the management functions of the Ministry of Construction ("**Decision 477**"). The new administrative list includes 04 procedures:

National-level administrative procedures:

- (1) Giving opinion on the results of construction safety assessment for specialized works located in 02 provinces or more;
- (2) Giving opinion about the works expired but having demand of continuing using (except for separate houses).

Provincial administrative procedures:

- (1) Giving opinion on the construction safety assessment for construction works located in the province;
- (2) Giving opinion about the works that have expired but have demand to continue using (except for separate houses).

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

Best regards.

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