

**NATIONAL ASSEMBLY OF
VIETNAM**

Law No. 23/2023/QH15

**SOCIALIST REPUBLIC OF VIETNAM
Independence – Freedom – Happiness**

Hanoi, June 24, 2023

LAW

**AMENDMENTS TO SOME ARTICLES OF LAW ON ENTRY AND EXIT OF
VIETNAMESE CITIZENS AND LAW ON ENTRY, EXIT, TRANSIT AND RESIDENCE OF
FOREIGNERS IN VIETNAM**

Pursuant to the Constitution of the Socialist Republic of Vietnam;

The National Assembly promulgates Law on amendments to some Articles of Law No. 49/2019/QH14 on Entry and Exit of Vietnamese Citizens and Law No. 47/2014/QH13 on Entry, Exit, Transit and Residence of Foreigners in Vietnam amended by Law No. 51/2019/QH14.

Article 1. Amendments to some Articles of Law on Entry and Exit of Vietnamese citizens

1. Some Clauses of Article 6 shall be amended as follows:

a) Point dd shall be added after point d of Clause 1 as follows:

“dd) Other papers prescribed by international treaties to which the Socialist Republic of Vietnam is a signatory.”;

b) Clause 3 shall be amended as follows:

“3. Information on entry and exit documents include:

a) Photographs;

b) Family name, middle name and first name;

c) Gender;

d) Place of birth; date of birth;

dd) Nationality;

e) Symbol, entry and exit document number; date of issue and issuing body; date of expiry;

g) Personal identification number or ID number;

h) Positions or titles in case of diplomatic passports and service passports satisfactory to diplomatic purposes;

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

2. Clause 11 Article 8 shall be amended as follows:

“11. Individuals serving in diplomatic sector and holding diplomatic ranks or positions of attachés or higher, military attaché and deputy military attaché in diplomatic missions, standing delegations in inter-government international organizations, consular representative offices of Vietnam in foreign countries.”.

3. Some Clauses of Article 15 shall be amended as follows:

a) Clause 2 shall be amended as follows:

“2. Documents relating to domestic issuance of regular passports include:

a) The most recently issued regular passports that are valid with respect to persons who have been issued with passports; in case where the valid passports are lost, attach notice of loss or notice of receipt of competent agencies specified in point a Clause 2 Article 28 of this Law;

b) Copies of birth certificates or extracts thereof with respect to persons under 14 years of age who have not been issued with personal identification numbers; in case such copies of birth certificates or extracts thereof are unavailable, submit photocopies and present original copies for examination and comparison;

c) Copies of documents issued by competent agencies proving authorized legal representatives for incapacitated persons, persons having limited recognition or behavioral control as specified in Civil Code and persons under 14 years of age; in case such copies are unavailable, submit photocopies and present original copies for examination and comparison.”;

b) Clause 9 shall be added after Clause 8 as follows:

“9. A person shall apply for issuance of regular passport at the headquarter of the immigration authority or by electronic means on the national public service portal or the public service portal of the Ministry of Public Security.”.

4. Clause 1 shall be amended and Clause 1a shall be added after Clause 1 Article 16 as follows:

“1. Persons applying for issuance of passports shall submit completed application forms using defined templates, 2 photographs and relevant documents specified in Clause 1a of this Article, and present Vietnamese passports or personal identification documents issued by Vietnamese competent authorities.

In case of failure to obtain Vietnamese passports or personal identification documents issued by Vietnamese competent authorities, it is required to present personal identification documents issued by foreign competent authorities and documents proving Vietnamese nationality or documents serving as basis for determination of Vietnamese nationality according to regulations and the law on nationality.

1a. Documents relating to overseas issuance of regular passports include:

- a) The most recently issued regular passports that are valid with respect to persons who have been issued with passports; in case where the valid passports are lost, attach notice of loss or notice of receipt of competent agencies specified in point a Clause 2 Article 28 of this Law;
- b) Photocopies of ID cards or Citizen Identity Cards or other relevant documents issued by Vietnamese competent authorities with respect to changes to personal information compared to information in the most recently issued passports;
- c) Copies of birth certificates or extracts thereof with respect to persons under 14 years of age; in case such copies of birth certificates or extracts thereof are unavailable, submit photocopies and present original copies for examination and comparison;
- d) Copies of documents issued by Vietnamese competent agencies or foreign competent agencies proving authorized legal representatives for incapacitated persons, persons having limited recognition or behavioral control as specified in Civil Code and persons under 14 years of age; in case such copies are unavailable, submit photocopies and present original copies for examination and comparison.”.

5. Clause 2 Article 17 shall be amended as follows:

“2. Persons whose applications for residency are rejected by the foreign country and are also not regulated by any international agreement on repatriation.”.

6. Clause 2 Article 18 shall be amended as follows:

“2. A person whose application for residency is rejected by the foreign country and is also not regulated by any international agreement on repatriation shall be issued with a passport as follows:

- a) A Vietnam representative office located overseas shall receive the application from the competent authority of the host country or from the person whose application for residency was rejected by the foreign country, and 02 photographs of the rejected applicant, completed application form using defined template and personal identification documents issued by the Vietnamese competent authority (if any);
- b) If, due to humanitarian or emergency reasons, the Vietnam representative office located overseas has sufficient grounds for identification of personal information and nationality of the

applicant for passport, within 02 working days, the Vietnam representative office located overseas may consider issuing the passport;

c) Other than cases specified in point b, Clause 2 of this Article, within 02 working days from the date of receipt of the application from the competent authority of the host country or the person whose application for residency is rejected by the foreign country, the Vietnam representative office located overseas shall send information of the applicant to the immigration authority of the Ministry of Public Security. Within 30 days from the date of receipt of the information, the immigration authority of the Ministry of Public Security shall verify the information and reply in writing to the Vietnam representative office located overseas. Within 02 days from the date of receipt of response from the immigration authority of the Ministry of Public Security, the Vietnam representative office located overseas shall issue a passport to the applicant; in case of refuse to issue the passport, the Vietnam representative office located overseas shall reply in writing to the applicant and clearly state reasons for such refusal.

d) After issuing the passport, the Vietnam representative office located overseas shall notify the immigration authority of the Ministry of Public Security for cooperation in receipt and management of the person when he/she returns to Vietnam.”.

7. Clause 1 Article 27 shall be amended as follows:

“1. Cancel an unexpired but lost passport or cancel a passport in case it is not received by the applicant after 12 months from the appointment date without a written explanation being sent to the competent authority.”.

8. Clause 2 Article 28 shall be amended as follows:

“2. Cancellation of regular passports is prescribed as follows:

a) Within 02 working days from the date on which a regular passport is found to be lost, its holder shall submit a statement of loss of passport in person or by post to the immigration authority, police department of the district or commune, or a Vietnam representative office located overseas of choice or an entity supervising entry and exit at a border checkpoint or by electronic means on the national public service portal or the public service portal of the Ministry of Public Security. In case of force majeure, deadline for submission or sending of the statement of loss may be longer but reasons thereof shall be specified in the statement;

b) Within 01 working day from the date of receipt of the statement of loss of the regular passport, the accepting agency shall be responsible for informing the immigration authority of the Ministry of Public Security and the person submitting the statement. Within 01 working day from the date on which the statement is received, the immigration authority of the Ministry of Public Security shall cancel the passport.

9. Article 28a shall be added after Article 28 as follows:

"Article 28a. Cancellation of unreceived passports

If a passport is not received by the applicant after 12 months from the appointment date without a written explanation being sent to the competent authority, the passport-issuing agency may cancel such passport.”.

10. Clause 2 Article 32 shall be amended as follows:

“2. A person applying for restoration of his/her passport shall fill in the application form, attach the passport and submit it in person to the immigration authority of the Ministry of Public Security or the immigration authority of provincial police of choice or by electronic means on the national public service portal or the public service portal of the Ministry of Public Security.”.

11. Point a Clause 1 Article 33 shall be amended as follows:

“a) has entire and valid entry and exit documents;”.

12. Point b Clause 1 Article 41 shall be amended as follows:

“b) Place of birth; date of birth;”.

13. Some Clauses of Article 45 shall be amended as follows:

a) Clause 10 shall be amended as follows:

"10. Promoting international cooperation in entry and exit of Vietnamese citizens; taking charge and cooperating with the Ministry of Foreign Affairs and the Ministry of National Defense in proposing signing of international treaties and agreements on repatriation with respect to persons whose applications for residency are rejected by the foreign country; cooperating with the Ministry of Foreign Affairs in proposing signing of international treaties related to entry and exit of Vietnamese citizens.”;

b) Clause 13 shall be added after Clause 12 as follows:

“13. Taking charge and cooperating with ministries and relevant agencies in providing guidance on compliance with regulations on entry and exit of Vietnamese citizens by electronic means according to regulations of this Law and the Law on E-transactions.”.

14. Clause 7 Article 46 shall be amended as follows:

"7. Taking charge and cooperating with the Ministry of Public Security and the Ministry of National Defense in proposing signing of international treaties related to entry and exit of Vietnamese citizens; cooperating with the Ministry of Public Security and the Ministry of National Defense in proposing signing of international treaties and agreements on repatriation with respect to persons whose applications for residency are rejected by the foreign country.”.

15. Clauses 1 and 2 Article 49 shall be amended as follows:

“1. Providing official specialized digital signature authentication service serving issuance and management of passports containing electronic chips.

2. Instructing ministries and relevant agencies to use official specialized digital signature authentication service serving issuance and management of passports containing electronic chips.

Article 2. Amendments to some Articles of Law on Entry, Exit, Transit and Residence of Foreigners in Vietnam

1. Clause 3 Article 7 shall be amended as follows:

“3. Visas can be used once or multiple times; and visas issued under circumstances specified in Point b Clause 2 of this Article can be used once.”.

2. Clauses 1, 2, 3 and 4 Article 9 shall be amended as follows:

“1. Time limit of SQ visa does not exceed 30 days.

2. Time limits of HN, DL and EV visas do not exceed 90 days.

3. Time limit of VR visa does not exceed 180 days.

4. Time limits of NG1, NG2, NG3, NG4, LV1, LV2, DT4, DN1, DN2, NN1, NN2, NN3, DH, PV1, PV2 and TT visas do not exceed one year.”.

3. Article 19a shall be amended as follows:

“Article 19a. Nationals and territories eligible for issuance of electronic visas and international border checkpoints for entry and exit of foreigners on electronic visas

1. Electronic visas shall be issued in such a way to ensure national defense and security, social order and safety, and conform to Vietnam's foreign policy and socio-economic development.

2. The Government shall decide list of nationals and territories eligible for issuance of electronic visas and list of international border checkpoints for entry and exit of foreigners on electronic visas.”.

4. Point c and point d Clause 1 Article 31 shall be amended as follows:

“c) A national benefitting from unilateral visa-free entry treatment of Vietnam shall be granted temporary residence for 45 days and considered for issuance of visa and extension of temporary residence according to regulations of this Law;

d) A person who does not fall into cases specified in Points a, b and c of this Clause and enters economic zones of border checkpoint areas shall be granted temporary residence for 15 days; a

person who enters special administrative – economic zones or coastal economic zones specified in Point 3a Article 12 of this Law shall be granted temporary residence for 30 days.”.

5. Article 33 shall be amended as follows:

“Article 33. Declaration of temporary residence

1. Any foreigner that temporarily resides in Vietnam shall, via the person directly managing and operating the operation of the accommodation establishment, declare his/her temporary residence to the police of the commune, ward, and township or at the local police authority/station where the accommodation establishment is located. Accommodation establishments shall be responsible for requesting foreigners to present their passports or international travel documents, and documents related to residence in Vietnam to register temporary residence before admitting them. If the border guard post/station receives the declaration of temporary residence of a foreigner under regulations of an international treaty to which Vietnam is a signatory, the border guard post/station shall immediately notify the police of the commune, ward, township or the police authority/station where the foreigner temporarily resides.

2. The declaration of temporary residence of foreigners can be sent to the police in either electronic or paper form.

In case of applying for temporary residence in the paper form, the person directly managing and operating the operation of the accommodation establishment shall be responsible for filling in all information about the foreigner on the temporary residence declaration form and sending it to the police of the commune, ward, township or the police authority/station where the accommodation establishment is located within 12 hours (24 hours for remote areas) from the time the foreigner arrives at the accommodation establishment.

3. In case where foreigners change their address of temporary residence stated in their permanent residence cards or when there is any change in information in their passports, the declaration of temporary residence must be remade as prescribed in Clause 1 of this Article.”.

6. Clause 2 Article 34 shall be amended as follows:

“2. Foreigners must not temporarily reside in prohibited areas, areas in border areas on land where activities are suspended; prohibited zones, and restricted areas in border areas at sea. In case foreigners temporarily reside in accommodation establishments in border areas or townships, district-level towns, cities, tourist service zones, special administrative - economic units and other economic zones related to border areas, they shall declare their temporary residence in accordance with Article 33 of this Law. Agencies receiving declarations of temporary residence from foreigners shall notify the border guard posts/stations where the accommodation establishments are located.”.

7. Name of Chapter VII shall be amended as follows:

“Chapter VII

RIGHTS AND OBLIGATIONS OF FOREIGNERS; RIGHTS AND RESPONSIBILITIES OF ENTITIES”.

8. Point dd shall be added after point d, Clause 2 of Article 44 as follows:

“dd) Present their passports or international travel documents, and documents related to residence in Vietnam to accommodation establishments to declare their temporary residence according to regulations.”.

9. Article 45a shall be added after Article 45 of Chapter VII as follows:

“Article 45a. Responsibilities of relevant entities

1. Entities may only employ foreign workers, organize tourism programs for foreigners or allow foreigners to temporarily reside in Vietnam when they lawfully reside in Vietnam.

2. If entities detect signs of violations against regulations on entry, exit, transit and residence of foreigners in Vietnam, they shall immediately notify the nearest police authorities; if entities detect signs of violations which occur in border areas, they shall immediately notify the nearest police authorities or border guard posts/stations.”.

10. Clause 11 shall be added after Clause 10 of Article 47 as follows:

“11. Provide guidance on issuance of documents used for entry/exit/residence in Vietnam and declare temporary residence of foreigners by electronic means according to regulations of this Law and the Law on E-transactions.”.

Article 3. Implementation

1. This Law takes effect on August 15, 2023.

2. Entry and exit documents issued before the effective date hereof shall be valid until the expiry date specified in such entry and exit documents.

3. In case citizens apply for issuance of entry and exit documents but they have not yet been issued with such documents when this Law takes effect, the regulations of the Law No. 49/2019/QH14 on Exit and Entry of Vietnamese Citizens will continue to be applied.

4. In case a foreigner has been issued with an electronic visa or granted unilateral visa-free entry or applied for an electronic visa but has not yet been issued with an electronic visa when this law takes effect, the Law No. 47/2014/QH13 on Entry, Exit, Transit and Residence of Foreigners in Vietnam amended by Law No. 51/2019/QH14 shall be applied.

This Law is approved in the 5th session of the 15th National Assembly of the Socialist Republic of Vietnam in June 24, 2023.

CHAIRMAN OF NATIONAL ASSEMBLY

Vuong Dinh Hue