



LEGAL UPDATE

DECREE 140 EASES EMPLOYMENT OF A FOREIGN EMPLOYEE

Decree No. 140/2018/ND-CP (**Decree 140**) came into force on 8 October 2018. It amends some articles of Decree No. 11/2016/ND-CP (**Decree 11**).

Decree 140 addresses issues related to work permits and work permit exemption for foreigners working in Vietnam. It eases the requirements for foreign employees as more persons are exempted, fewer documents need to be submitted and the necessity to submit a labour usage plan for certain foreign employees is removed.

Below you will find the most important points.

1. Exemptions

This is the most important point of Decree 140. Two groups of persons are now excluded for having to obtain a work permit, only an exemption decision is required, namely those persons:

- Responsible for establishing a commercial presence in Vietnam; and
- Being a relative of a foreign diplomat stationed in Vietnam, and who in accordance with international laws has the right to work with Vietnam.

2. Work Permit

The following changes are related to the submission of the work permit file itself:

- A notarised copy of a passport is no longer required to be included in the submission file;
- If an employer has several business locations, it is only required to submit the work permit file to the ministry of labour, war invalids and social affairs and not to the various departments;
- Decision time has been reduced from 7 to 5 working days; and

Also, an invalid work permit no longer needs to be returned to the authorities.

3. Foreign Labour Usage Plan

Foreign labour usage plans are now required to be submitted to the Provincial People's Committee, instead of the President of the Provincial Level People's committee. Finally, Decree 140 provides that for the following positions no usage plan needs to be submitted:

- Chief representative of a representative office;
- Head of an office of an international organisation; and
- A relative of foreign diplomat who in accordance with international laws, is permitted to work in Vietnam.

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