

LEGAL UPDATE

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Foreign Employees In Vietnam: Key Changes Under Decree 219/2025/ND-CP

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With the promulgation of Decree No. 219/2025/ND-CP, effective August 7, 2025 (“**Decree 219**”), Vietnam introduces substantial updates to its foreign labour regulations. This pivotal Decree replaces previous regulations (Decree No. 152/2020/ND-CP and Decree No. 70/2023/ND-CP), aiming to significantly simplify administrative procedures, align with national digital transformation, and enhance Vietnam's appeal for high-quality foreign talent.

For those who have been following our insights on the draft version of this Decree 219, we are pleased to provide a comparison highlighting the key changes now in effect. This update is essential for all enterprises employing foreign professionals in Vietnam.

The notable changes brought by Decree 219 include:

- 1) **Simplified Work Permit (WP) application process:** The previous separate steps for job posting, foreign labour demand report (FLDR), and WP application are now integrated into a single, faster process. This cuts down the total processing time from roughly 5 weeks to about 3 weeks.
- 2) **Expanded WP exemption for short-term visits:** The strict “3 times per year” entry limit for short-term work (under 30 days at a time) has been removed. Foreign employees are now exempt if their total working duration in Vietnam is less than 90 days in a calendar year, providing much greater flexibility.
- 3) **Relaxed experience requirements:** The minimum work experience required for both experts and technicians has been reduced. Notably, experts in priority sectors (e.g., tech, innovation, national digital transformation, and other priority sectors for socio-economic development) now only need 1 year of relevant experience, down from 3 years.
- 4) **Decentralized processing authority:** The primary authority for issuing work permits and exemption certificates has been shifted from the Ministry of Home Affairs (MOHA) and

Department of Home Affairs (DOHA) to Provincial People's Committees (PCs). Provincial PCs also gain the flexibility to delegate this authority further.

- 5) **Removal of periodic reporting obligation:** Employers are no longer required to submit semi-annual and annual reports on foreign labor usage, reducing a significant administrative burden.
- 6) **Enhanced digitalization:** Decree 219 supports online submissions and electronic transactions for WP and WP exemption certificate (WPEC) applications, aligning with digital transformation goals.

Feature	Under Decree 152 & Decree 70	Under Decree 219
1. WP application & Renewal process		
Timeline	Separate processes for job posting, FLDR, and WP application: (i) Job posting: required 15-day before the FLDR and must use the authority e-portal; (ii) FLDR: At least 15 days before the expected start date and prior to WP application/ renewal, and takes 10 working days for processing; (iii) WP application: ○ For WP application: At least 15 days before expected start date, after FLDR approval; ○ For WP renewal: At least 5 days, but no more than 45 days prior to the WP's expiry date; ○ Processing time: 05 working days.	Integrated, single process for FLDR and WP application/renewal: (i) Job posting: 5 days prior to the FLDR and can use Company/public platforms (<i>Article 18.1 and Form No. 3</i>); (ii) Integrated FLDR and WP application/ renewal (<i>Article 22.3</i>): ○ For WP application: Within 60 days but not less than 10 days before the foreign employee's expected start date; ○ For WP renewal: At least 10 days, but no more than 45 days prior to the WP's expiry date; ○ Processing time: 10 working days.
Dossier Requirements	(i) Health check: Typically required physical copy; no specific overseas requirements detailed; (ii) Non-criminal record: Integration into WP application was practical but not explicitly regulated.	(i) Health check (<i>Article 8.2</i>) ○ In Vietnam: A physical report is not required if the results are already in the national health database. ○ Overseas: The report must be from an authorized medical facility in a country with a mutual recognition agreement with Vietnam. (ii) Non-criminal record (<i>Article 6.3</i>) ○ The procedure, sequence, and processing time for WP applications and Non-criminal record requests are now clearly defined;

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		○ A single receipt will be issued for both requests, stating the unified processing time; ○ Upon completion, the employer will receive the WP and an electronic copy of the Non-criminal record certificate.
Total processing time	Approximately 5 weeks	Approximately 3 weeks
Non-Approval Feedback	Not explicitly detailed	If an application is not approved, the competent authority must provide written reasons within 3 working days of dossier receipt.

2. WPEC & Renewal process

Removal of the job posting and FLDR requirement	Employers are required to post the job and obtain approval for the FLDR prior to submitting the WPEC application, with the exception of certain cases.	This requirement has been lifted .
Submission deadline	At least 10 days before the foreign employee's expected start date	Within 60 days but not less than 10 days before the foreign employee's expected start date (<i>Article 9.1</i>).
Validity and renewal of WPEC	Not specifically regulated for renewal; new application required.	(i) Validity: Maximum of 02 years, and can be renewed once for up to an additional 02 years (<i>Article 17</i>). (ii) Timeline: Application must be submitted at least 10 days, but no more than 45 days, prior to the current WPEC's expiration (<i>Article 16.1</i>).
3. Competent authority	Split authority between Ministerial-level authority and Provincial-level authority. (i) Ministerial-level authority (MOHA): ○ Employees of government-established agencies or enterprises (e.g., by the Government, Prime Minister, Ministries);	The PC issues, renews, and revokes WP and WPEC for foreign employees. (i) For employees working in a single locality: The PC in the province where the employee works is the authority. (ii) For employees working in multiple localities: The PC in the province

Feature	Under Decree 152 & Decree 70	Under Decree 219
	- Employees working for one employer across multiple provinces or centrally governed cities. (ii) Provincial-level authority (DOHA): - Employees of agencies or enterprises established by Provincial People's Committees; - Employees working in a single province or centrally governed city.	where the employer's head office is located is the authority. The PCs may delegate these responsibilities to its subordinate departments.
4. Work permit exemption	Exempt if working less than 30 days <i>at a time</i> AND cumulative entries did not exceed 3 times per year .	(i) Exempt if total working duration is less than 90 days in a year (from January 1st to December 31st) (<i>Article 7.13(a)</i>). The prior limit of no more than 03 entries per year has been removed, offering greater flexibility. (ii) A significant new exemption is introduced for foreign employees certified by ministries, ministerial-level authority, or provincial-level PCs to work in Vietnam in priority fields (e.g., tech, digital transformation, national digital transformation, and other priority sectors for socio-economic development).
5. Relaxed experience requirements	(i) For expert: Hold a bachelor's degree or above; AND have at least 03 years of relevant work experience for the intended position in Vietnam. (ii) For technician: - At least 05 years of relevant work experience for the intended position in Vietnam; OR - At least 01 year training and 03 years of relevant work experience for the intended position in Vietnam.	Overall, experience requirements are reduced, particularly (<i>Article 3</i>): (i) For expert: - Hold a bachelor's degree or above with at least 2 years of relevant work experience; OR - Hold a bachelor's degree or above with 1 year of relevant work experience for priority sectors (e.g., tech, digital transformation, national digital transformation, and other priority sectors for socio-economic development). (ii) For technician: Have at least 3 years of relevant work experience; OR 1 year training plus 2 years of experience.

Feature	Under Decree 152 & Decree 70	Under Decree 219
6. New working forms	Not available as a distinct category.	A new, distinct category, “ Transferred from a foreign entity to work in Vietnam (excluding intra-company transfer cases) ” has been introduced (<i>Article 2.1(h)</i>)
7. WP special schemes	A special work permit scheme was available for: (i) Experts or technicians whose work permits were extended and continuously renewed for the same role and job title; (ii) Cases where a foreign worker held a valid work permit but changed their job position, job title, or form of work while remaining with the same employer.	The special scheme for simplified WP documentation has been updated as follows (<i>Article 20</i>): (i) The scheme now expanded to cover all categories of foreign employees, including managers, executives, experts, and technicians; (ii) It is applicable for changes in job position or form of work only, and does not cover changes in job title.
8. Removal of reporting obligation on foreign labor usage	Employers were required to submit semi-annual and annual reports on foreign labor usage.	Requirement for semi-annual and annual labor reporting has been removed .

Decree 219/2025/ND-CP signifies a proactive effort by the Vietnamese Government to modernize and simplify foreign labor regulations. These amendments aim to reduce administrative burdens, improve transparency, and strategically attract essential human resources to support Vietnam's economic development and innovation goals. The shift towards digitalization, simplified procedures, and expanded exemptions reflects a more business-friendly approach.

We strongly recommend that businesses and foreign workers promptly familiarize themselves with these new regulations to ensure full compliance and capitalize on the improved efficiency and expanded opportunities they offer.

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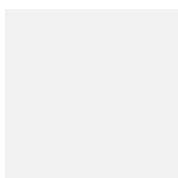
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