



NEW POLICY ON WORK PERMIT: A STEP FORWARD IN PROCEDURAL REFORM AND HIGHLY QUALIFIED WORKFORCE ATTRACTION IN VIET NAM

TANG MY NGAN

On August 7, 2025, the Government promulgated Decree 219/2025/ND-CP regulating the management of foreign employees working in Viet Nam (**Decree 219**). This Decree officially takes effect from the date of signing for promulgation, replacing Decree 152/2020/ND-CP amended and supplemented by Decree 70/2023/ND-CP (**Decree 152**). The following are some detailed analyses of the key provisions in Decree 219 that enterprises should pay attention to:

Firstly, the simplification of the conditions for recognizing foreign employees as experts in Viet Nam

In the context of the industrial revolution 4.0 and the digital transformation process, Viet Nam is expected to promote the implementation of national key projects and works (such as the North-South high-speed railway, nuclear power plants, and green energy). Therefore, the demand for employing foreign workforce for such positions of experts, scientists, and high-tech employees in the fields of the semiconductor industry, artificial intelligence, digital transformation, etc. has become increasingly urgent. However, the conditions for recognizing experts in Decree 152 reveal certain limitations, leading to the reduction of competitiveness of the Vietnamese market in attracting capable foreign employees. For example, Lao students who graduate in Viet Nam in new industries such as the semiconductor industry or artificial intelligence but have not yet accumulated enough work experience cannot be considered experts in Viet Nam. Pursuant to Decree 152, Viet Nam recognizes a foreign employee as an expert if he/she satisfies one of the following requirements:

- Holding a university degree or higher, or an equivalent qualification, and having at least 3 years of work experience relevant to the job position that

the foreign employee is expected to undertake in Viet Nam;

- Having at least 5 years of work experience and a professional practice certificate relevant to the job position that the foreign employee is expected to undertake; or
- Being subject to special cases decided by the Prime Minister at the request of the Ministry of Labour, Invalids and Social Affairs.

Decree 219 **has further relaxed** these conditions. Specifically, Decree 219 reduces the required years of work experience under case (i) to 2 years, while removing cases (ii) and (iii). In addition, this Decree also introduces a new case, accordingly, experts working in priority fields such as finance, science and technology, innovation, national digital transformation, and other socio-economic development priority fields recognized in accordance with relevant provisions only need to hold a university degree in the relevant major and have at least 1 year of work experience suitable for the job position. In particular, experts certified by ministries, ministerial-level agencies, or provincial People's Committees to work in Viet Nam in finance, science, technology, innovation, national digital transformation, and priority fields for socio-economic development will not need to apply for work permits, thereby receiving maximized conditions for access to jobs in Viet Nam.

Secondly, the regulation of the integrated online procedures for issuing judicial record certificates, work permits, and permits foreign employees to work in many localities

Pursuant to the Law on Judicial Record 2009 and Decree 152, the procedure for issuance of judicial record certificates is implemented directly at the Department

of Justice, and the procedure for issuance of work permits is implemented at the Ministry of Labour, Invalids and Social Affairs or the Department of Labour, Invalids and Social Affairs. However, in order to shorten the time for administrative procedures, Decree 219 has developed **an integrated process** to issue both judicial record certificates and work permits **online** at the same time. Specifically, under the authorization by a foreign employee, an employer can submit an application for a judicial record certificate and an application for a work permit at the same time according to the following order and procedure:

- Step 1: The employer submits the application for the work permit together with the application for the judicial record certificate via the National Public Service Portal;
- Step 2: The National Public Service Portal forwards these dossiers to the competent agency for issuing work permits and the competent police agency for issuing judicial record certificates;
- Step 3: The police agency receives, processes the dossier, and sends the electronic version of the judicial record certificate to the competent agency for issuing work permits if the dossier is valid (or requests to supplement, amend, or return the invalid dossier);
- Step 4: The agency issuing work permits appraises the dossier and issues both the work permit and the judicial record certificate in electronic form if the dossier is valid.

It is noted that employers can still implement these procedures in other forms, such as directly at competent agencies, via public postal services, etc. At the same time, after obtaining the work permit, a foreign employee has the right to **flexibly work in many provinces, cities**, provided that for each change of the work location, his/her employer must notify the same to the competent agency at the new locality at least 3 working days in advance.

Thirdly, the amendment of the competence to issue work permits

Previously, under Decree 152, the Ministry of Labour, Invalids and Social Affairs or the Department of Labour, Invalids and Social Affairs (now the Ministry/Department of Home Affairs) had the competence to handle the procedures for issuance, re-issuance, extension and revocation of work permits and for certification of cases in which foreign employees are not subject to work permit application. However, Article 4 of Decree 219 has **transferred this authority to provincial People's Committees** to implement these procedures and empowered them to decentralize implementation thereof to competent professional authorities. This change of competence under the new provisions has facilitated the proactiveness and flexibility of each locality in managing and settling procedures for foreign employees working within the area.

In general, Decree 219 has been formulated on the basis of inheriting Decree 152's provisions that remain consistent with the social practice, while addressing the obstacles encountered in the implementation of the previous provisions, thereby attracting additional resources for socio-economic development in Viet Nam. The new provisions have created favorable conditions for enterprises to employ highly qualified foreign employees to perform jobs that the domestic workforce has not yet been capable of meeting. Should our Valued Clients and readers wish to learn more about or request any advice regarding the new regulations of Decree 219, as well as other labour issues in general, NHQuang&Associates are willing to provide further clarifications and relevant legal opinions.