
No.: 31/2011/TT-BLDTBXH

Hanoi, March 03, 2011

CIRCULAR

GUIDING THE IMPLEMENTATION OF A NUMBER OF ARTICLES OF DECREE NO.34/2008/ND-CP DATED MARCH 25, 2008 OF THE GOVERNMENT AND DECREE NO.46/2011/ND-CP DATED JUNE 17, 2011 OF THE GOVERNMENT AMENDING, SUPPLEMENTING A NUMBER OF ARTICLES OF DECREE NO.34/2008/ND-CP DATED MARCH 25, 2008 OF THE GOVERNMENT DEFINING RECRUITMENT AND MANAGEMENT OF FOREIGNERS WORKING IN VIETNAM

Pursuant to the Decree No.186/2007/ND-CP dated December 25, 2007 of the Government defining the functions, tasks, powers and organizational structure of the Ministry of Labour, Invalids and Social Affairs;

Pursuant to the Decree No.34/2008/ND-CP dated March 25, 2008 of the Government defining recruitment and management of foreigners working in Vietnam;

Pursuant to the Decree No.46/2011/ND-CP dated June 17, 2011 of the Government amending, supplementing a number of Articles of Decree No.34/2008/ND-CP dated March 25, 2008 of the Government defining recruitment and management of foreigners working in Vietnam;

The Ministry of Labour, Invalids and Social Affairs guides the implementation of a number of Articles of Decree No.34/2008/ND-CP dated March 25, 2008 of the Government and Decree No.46/2011/ND-CP dated June 17, 2011 of the Government amending, supplementing a number of Articles of Decree No.34/2008/ND-CP dated March 25, 2008 of the Government defining recruitment and management of foreigners working in Vietnam (hereinafter referred to as Decree No.34/2008/ND-CP amended, supplemented) as follows:

Chapter 1.

GENERAL PROVISIONS

Article 1. The scope and subjects of application

Scope and subjects of application of this Circular is the scope and subjects of application defined in Article 1 of Decree No.34/2008/ND-CP amended and supplemented, the foreign investors and contractors. Subjects of application according to the provisions at points a, and I clause 2 of Article 1 of Decree No.34/2008/ND-CP amended and supplemented, are guided the implementation as follows:

1. Enterprises operating under the Enterprise Law, Investment Law as stipulated in point a, clause 2 of Article 1 of Decree No.34/2008/ND-CP amended and supplemented, including:

- a) State-owned enterprises operating under the State Enterprise Law in 2003 and now continuing to operate under the provisions of Article 166 of the Enterprise Law dated November 29, 2005;
- b) Limited liability companies, shareholding companies, private enterprises and partnerships established under the provisions of the Enterprise Law in 1999 and now continuing to operate as prescribed in clause 1 of Article 170 of the Enterprises Law dated November 29, 2005;
- c) Enterprises with foreign investment that have been granted investment licenses under the Law on Foreign Investment in Vietnam, including:
 - Joint venture;
 - Enterprises with 100% foreign capital;

- Shareholding companies with foreign investment were established under Decree No.38/2003/ND-CP dated 15/4/2003 of the Government on the conversion of a number of enterprises with foreign investment capital to operate under the form of shareholding companies;

- Investment projects in the form of business cooperation contracts already granted investment licenses under the provisions of the Law on Foreign Investment in Vietnam.

2. Society, associations of enterprises established in accordance with the laws provisions of Vietnam as stipulated in point I clause 2 of Article 1 of Decree No.34/2008/ND-CP amended and supplemented, including:

a) The associations of enterprises established and operating under provisions of Decree No.45/2010/ND-CP dated 21/4/2010 of the Government defining the organization, operation and management of associations;

b) The associations of foreign enterprises established and operating under provisions of Decree No.8/1998/ND-CP dated 22/01/1998 of the Government promulgating the Regulation on the establishment of foreign enterprises associations in Vietnam.

Chapter 2.

RECRUITMENT AND MANAGEMENT OF FOREIGNERS WORKING IN VIETNAM

Article 2. Recruitment of foreigners working in Vietnam under the form of labour contracts

1. Registration form for labour recruitment of foreigners under the provisions in point a, clause 2 of Article 4 of Decree No.34/2008/ND-CP amended and supplemented shall comply with Form No.1 issued together with this Circular.

2. Certifications of qualifications and technical skills of foreigners under the provisions at point d, clause 2 of Article 4 of Decree No.34/2008/ND-CP amended and supplemented are the written certifications of the professional and technical skills of foreigners, including diplomas or certificates graduated from university or higher in accordance with the positions that foreigners are expected to undertake.

For some occupations, jobs, the certification of qualifications and technical skills of foreigners shall comply with the provisions at point d, clause 2 of Article 4 of Decree No.34/2008/ND-CP amended and supplemented.

3. The employer notifying the labour recruitment demand to be Vietnamese into the positions expected to recruit foreigners as stipulated in point a clause 4 of Article 4 of Decree No.34/2008/ND-CP, which was amended, supplemented, is instructed to implement as follows:

a) Prior to the recruitment of foreigners for at least 30 (thirty) days, the employer must inform the labour recruitment demand to be Vietnamese into the positions expected to recruit foreigners on at least 01 (one) number of central newspaper and at least 01 (one) number of local newspaper by one of the forms such as print press, audio press, visual press or electronic press on the contents: the number of people to be recruited, jobs, qualifications, salary and other income, working conditions and some other contents if the employer requests.

Where the employer has notified for at least 02 (two) numbers of central newspaper and 02 (two) numbers of local newspaper of the recruitment of Vietnamese labour in accordance with provisions but still cannot be recruited, within 36 (three thirty six) months since the last notice, the employer shall be entitled to recruit foreigners and not required to notify the labour recruitment demand in the central and local newspapers.

b) Dossier request for granting work permits to foreigners who are employed in the form of labour contracts as prescribed in Article 4 of Decree No.34/2008/ND-CP amended and supplemented and for foreigners who were granted work permits under the provisions of point b, clause 3 of Article 9 of Decree No.34/2008/ND-CP amended, and supplemented shall be

accompanied documents to prove that the employer has notified the labour recruitment demand to be Vietnamese into the positions expected to recruit foreigners as stipulated in point a clause 3 of this Article.

4. The papers prescribed at the points b, c and d, clause 2 of Article 4 of Decree No.34/2008/ND-CP amended and supplemented, are instructed to implement as follows:

The papers prescribed at points b, c and d, clause 2 of Article 4 of Decree No.34/2008/ND-CP amended and supplemented in foreign language must be translated into Vietnamese, notarized or certified. The consular legalization of foreign documents is done in accordance with the laws of Vietnam.

5. The conclusion of labour contracts as prescribed at point d, clause 4, Article 4 of Decree No.34/2008/ND-CP amended and supplemented is instructed to implement as follows:

After the foreigner was granted work permit, the employer and foreigner must sign the labour contract in writing in accordance with provisions of labour legislation of Vietnam before the date expected to work for the employer. Within 05 (five) days calculated by working days from the date of contract labour, the employer shall send a copy of labour contract signed and a copy of a work permit granted to the authority where issued the work permit for foreigner there. The contents of labour contract are not contrary to the contents of their work permit issued.

Article 3. Foreigners entering Vietnam to carry bidding packages or projects of foreign contractors won the bidding in Vietnam

1. The plan to use labour in the tendering documents, requiring records of the investors as stipulated in clause 1, Article 6a of the Decree No.34/2008/ND-CP amended and supplemented, shall comply with Form No.2 attached to this Circular.

2. Foreign contractors report and propose in writing to the Chairmen of the People's Committees of provinces and cities directly under the Central Government under provision in clause 3, Article 6a of the Decree No.34/2008/ND-CP amended, supplemented, is guided to implement as follows:

Within 30 (thirty) days before the foreign contractors implement the bidding package or the projects won bidding, the foreign contractors are responsible for reporting and proposing in writing to the Chairmen of People's Committees of provinces, centrally-run cities, where the foreign contractors made bidding packages or projects won the bidding on the recruitment of Vietnamese labour certified by the investor on the plan to use labour which has been declared in the tendering dossier, proposal dossier shall comply with Form No.3 issuing together with this Circular.

Where foreign contractors wish for adjusting and supplementing the number of employees determined in the tendering dossier, proposal dossier, they must report to the local Department of Labour - Invalids and Social Affairs, where the foreign contractors made the bidding package or the project won the bidding on the plan of adjustment and supplementation for the demand using labour and with certification of the investor according to form No.4 issued together with this Circular.

3. Introduction, supply of Vietnamese labour at the request of foreign contractors as stipulated in clause 4, Article 6a of the Decree No.34/2008/ND-CP amended and supplemented, is guided to implement as follows:

Within a maximum period of 60 (sixty) days from the date that Presidents of Committees of provinces and cities under central authority receive the written requests to recruit from 500 (five hundred) Vietnamese employees or more and 30 (thirty) days for the written requests to recruit under 500 (five hundred) Vietnamese employees but may not introduce or supply Vietnamese labour for foreign contractors according to the above the written requests, the Presidents of the People's Committees of provinces and cities under central authority shall consider and permit the foreign contractors to recruit foreigners into the jobs which may not be recruited Vietnamese employees including: job titles, number, professional qualifications

4. For foreign contractors that are carrying out the projects or the successful bidding packages prior to the Decree No.46/2011/ND-CP dated 17/6/2011 of the Government (01/8/2011) takes affect, within 30 (thirty) days from the effective date of this Circular, foreign contractors shall report on the current state of Vietnamese labour and foreigners working in the bidding packages or the projects won bidding including: the number, nationality, qualifications, job titles, number of people granted work permits, number of people not subject to work permits and the number of people who have not yet done the grant of work permits, stating clearly the reasons and remedies; report the plans to use foreigners and Vietnamese labour until the end of the project or package to the Chairman of People's Committee of province or city under central authority where the bidding package or successful bidding project is implemented, which clearly state the need for Vietnamese labour recruitment to replace workers as foreigners who are working and the positions expected to recruit foreigners. Where it is unable to introduce or supply Vietnamese labour to the foreign contractors, the President of the People's Committee of province, city under central authority shall consider and decide on permitting the foreign contractors to use foreigners into the jobs that may not be recruited Vietnamese labour.

Article 4. Foreigners entering into Vietnam to work, offer services

Foreigners entering into Vietnam to work, offer services as stipulated in Article 7 of Decree No.34/2008/ND-CP amended and supplemented, is guided to implement as follows:

At least 07 (seven) working days before the foreigners come to offer services, they must notify in writing through forms of sending directly or sending via mail, fax to the local Department of Labour - Invalids and Social Affairs where the foreigners are expected to offer services with details: full name, age, nationality, passport number, starting date and ending date of work, specific work of the foreigners according to Form No.5 issued together this Circular.

Article 5. Foreigners working in Vietnam not required having work permits

1. A duration of less than 03 (three) months as stipulated in point a clause 1 of Article 9 of Decree No.34/2008/ND-CP amended and supplemented, is guided to implement as follows:

A duration of less than 03 (three) months is defined as a continuous time from the date the foreigners begin to enter Vietnam to work for the employer, Vietnam partner or representative of foreign NGOs to such day of the third month minus one day.

Foreigners entering Vietnam to work for a duration of less than 03 (three) months must comply with the provisions of the points a and b, clause 4, Article 4 of Decree No.34/2008/ND-CP amended, supplemented.

2. Foreigners as Chiefs of Representative Offices, Chiefs of Project Offices or foreigners who are authorized by foreign non-governmental organizations to be representatives for the operations in Vietnam as stipulated in point h, clause 1, Article 9 of Decree No.34/2008/ND-CP amended and supplemented are the foreigners to be determined in the licenses of establishing representative offices, licenses of establishing project offices, operation licenses of foreign non-governmental organizations permitted to establish and operating in accordance with the laws of Vietnam.

3. Foreigners as prescribed at points b, c and d, clause 1, Article 9 of Decree No.34/2008/ND-CP amended and supplemented shall not make procedures for work permits when working in the enterprises and organizations. In case foreigners mentioned above work in the other enterprises and organizations in Vietnam from adequate three months or more, must make procedures for work permits.

Article 6. Form of work permit

1. Form of work permit under the provisions of clause 2 of Article 9 of Decree No.34/2008/ND-CP amended and supplemented, is guided to implement as follows:

a) The formality of work permit:

Work permit is A4 size (21 cm x 29.7 cm), consisting of four pages; pages 1 and 4 are green of peace, coated with plastic; page 2 and page 3 have white font, pattern is light blue star-shaped in the center.

b) Contents of work permit shall be applied to Form No.6 attached to this Circular.

2. Work permit shall be printed and issued uniformly by the Department of Employment under the Ministry of Labour - Invalids and Social Affairs.

Article 7. Grant of work permit

1. A written request for a work permit of the employer, Vietnam side partner or representative of foreign non-governmental organization in the dossier as prescribed in point a clause 3 of Article 9 of Decree No.34/2008/ND-CP amended and supplemented shall comply with Form No.7 issued together with this Circular.

2. A slip of justice record and health certificate as provided for in points b and c, clause 2 of Article 4 of Decree No.34/2008/ND-CP amended and supplemented granted by the competent agency within a period of 180 (one hundred eighty) days, from the date of the application for grant of work permit.

3. The places where foreigners often work as stipulated in point a, clause 5 of Article 9 of Decree No.34/2008/ND-CP amended and supplemented are defined as the places where foreigners have full-time work for the employers or Vietnam side partner, representatives of foreign non-governmental organizations in a province or city under central authority.

4. Foreigner who has been granted work permit, but it has expired or is invalid under the provisions of point b, clause 3 of Article 9 of Decree No.34/2008/ND-CP amended, supplemented has the need to work for other enterprise in the same position as stated in the work permit, within 30 (thirty) days from the date the work permit expires or is invalid, it must have papers as prescribed at points c and d, clause 2 of Article 4 of Decree No.34/2008/ND-CP amended and supplemented and work permit issued or a copy of a work permit issued.

Article 8. Renewal of work permit

1. Dossier of application for renewal of work permit for foreigner working in the form of labour contract as stipulated in point a, clause 2 of Article 10 of Decree No.34/2008/ND-CP amended, supplements, including:

a) A written request for extension of work permit of the employer by Form No.8 attached to this Circular;

b) A copy of the vocational training contract signed between enterprise and Vietnamese workers to train Vietnamese Labour for replacing jobs that foreigners are undertaking or documents to prove the implementation of program and plan to train Vietnamese workforce in accordance with clause 1 of Article 132 of the Labour Code to replace the jobs that foreigners who are in charge of. Contents of program, training plan include: the number of people should be trained in each position, time and form of training, place of training and the implementation of training and training results;

c) A copy of labour contract;

d) The work permit has been issued;

2. Dossier of application for renewal of work permit for foreigner to move internally within the enterprise, includes:

a) A written request for extension of work permit of the representative of foreign enterprise established a commercial presence in the territory of Vietnam in accordance with Form No.8 attached to this Circular;

b) Documents to prove foreigner to move internally within the enterprise continuing to work in Vietnam;

c) The work permit has been issued

3. Dossier of application for renewal of work permit for foreigner under the provisions of point b, clause 2 of Article 10 of Decree No.34/2008/ND-CP amended and supplemented, includes:

- a) A written request for extension of work permit of the Vietnam side partner by Form No.8 attached to this Circular;
- b) A copy of the contract signed between the Vietnam side and foreign side;
- c) The work permit has been issued.

Article 9. Re-issuance of work permit

A written request for re-issuance of work permit of foreigner as prescribed in point a clause 2 of Article 11 of Decree No.34/2008/ND-CP amended and supplemented, shall comply with Form No.9 attached to this Circular.

Article 10. Use of work permit

1. Use of work permit as prescribed in clause 1 of Article 13 of Decree No.34/2008/ND-CP amended and supplemented, is guided to implement as follows:

Foreigner shall be responsible for keeping work permit granted when it is still valid. Not later than 02 (two) days after the work permit has expired or is invalid, the foreigner must submit the work permit to the employer or Vietnam side partner, representative of foreign NGO.

2. The notice in writing for the case foreigners come to work as prescribed in clause 3 of Article 13 of Decree No.34/2008/ND-CP amended and supplemented, is guided to implement as follows:

When the foreigner comes to work in the provinces and cities under central authority (not the province or city where foreigner often works) from 10 (ten) consecutive days or more or 30 (thirty) days accumulated in 01 (one) year, the employer or Vietnam side partner, representative of non-governmental organization shall notify in writing of foreigner coming to work, with the contents: full name, age, nationality, passport number, number of work permit granted, the starting and finishing date of work, the undertaken work and the place to work of foreigner by the form No.10 attached to this Circular and enclosing the copy of work permit granted to the Department of Labour - Invalids and Social Affairs where foreigner comes to work.

Article 11. Foreigners who are wives, husbands of members of diplomatic missions, foreign consulates, representatives of intergovernmental international organizations; pupils and students coming to practice at the enterprises, agencies and organizations in Vietnam

1. For foreigners who are wives, husbands of those who are enjoyed consular, diplomatic privileges and immunities working for the enterprises, organizations in Vietnam as stipulated in clause 1 of Article 20 of Decree No.34/2008/ND-CP amended and supplemented, is guided to implement as follows:

a) In case agreement between Vietnam and the concerned country does not define the exemption from granting work permits for the objects as the husbands, intergovernmental wives of members of diplomatic missions, representatives of international organizations working in Vietnam, the application dossiers for recruitment of such persons include the papers prescribed at points c, d and đ, clause 2 of Article 4 of Decree No.34/2008/ND-CP amended, supplemented and attached the copies of documents of the Ministry of Foreign Affairs (Department of State Protocol) answering the diplomatic missions, foreign consulates, representatives of , intergovernmental international organizations for the foreigners permitted to work in Vietnam under the relevant international agreements, and to present the originals for comparison.

b) The duration of work permit issued shall not exceed the duration of stay of wife, husband and for a maximum period of not exceeding 36 (thirty six) months;

c) The order for work permits shall comply with clause 5 of Article 9 of Decree No.34/2008/ND-CP amended and supplemented;

d) Where a foreigner granted a work permit is no longer subject to permission for working under an agreement between Vietnam and concerned country, the Ministry of Foreign Affairs (Department of State Protocol) sends a written notice to the Department of Labour - Invalids and Social Affairs where has issued the work permit for withdrawing the person's.

2. For foreigners as students, students studying in foreign schools, training institutions coming to Vietnam to practice as prescribed in clause 1 of Article 20 of Decree No.34/2008/ND-CP amended and supplemented, it is instructed to implement as follows:

Enterprises, agencies and organizations in Vietnam having the foreigners as pupils and students studying in foreign schools, training institutions coming to practice, before the 7 (seven) days (working days), from the date pupils, students come to practice, the enterprises, agencies and organizations are responsible for reporting the brief list under Form No.11 issued with this Circular.

Chapter 3.

IMPLEMENTATION ORGANIZATION

Article 12. Responsibilities of People's Committees of provinces and cities directly under the Central Government

1. To direct the local functional agencies to organize the propagation, dissemination of law; examination, inspection; and handling of violations of regulations on the recruitment and management of foreigners working in the area.
2. To direct the local Departments of Labour - Invalids and Social Affairs and concerned agencies and organizations to introduce and supply the Vietnamese employees to the foreign contractors under the provisions of clause 4 of Article 6a of the Decree No.34/2008/ND-CP amended and supplemented.
3. To consider and decide the permission of foreign contractors to be recruited foreigners into the jobs that may not be recruited Vietnamese employees as stipulated in clause 4, Article 6a of the Decree No.34/2008/ND-CP amended and supplemented.

Article 13. Responsibilities of the Departments of Labour - Invalids and Social Affairs

1. To organize the propagation and dissemination of the provisions of Vietnam labour law to the enterprises, organizations, investors, contractors and workers in the area.
2. To receive dossiers and grant work permits, extend work permits, re-grant work permits for foreigners in accordance with the law provisions. Upon receipt of dossiers requesting for issuance of work permits, dossiers requesting for the extension of work permits, dossier requesting for re-grant of work permits, it must record into the monitoring book and give receipts to the employers or Vietnam side partners, representatives of foreign nongovernmental organizations. The receipt must be stated clearly the date, month, year of receipt of dossier, the documents attached to dossier and the reply period. To keep dossiers of issuance of work permits, dossiers of the extension of work permits, dossiers of re-issuance of work permits.
3. To implement the introduction and supply of labour for foreign contractors under the direction of the Presidents of the People's Committees of provinces and cities under central authority.
4. To guide, supervise and inspect the implementation of the provisions of law regarding the recruitment and management of foreigners working in Vietnam of the enterprises, agencies, organizations, projects and bidding packages won by the foreign contractors in the area; the case of expiry or invalidity of work permits.
5. Periodically before the 5th (fifth) every month, the Department of Labour - Invalids and Social Affairs shall send a list of foreigners who have been granted, extended and re-granted

work permits to the management agencies of local immigration under the Form No.12 issued together with this Circular.

Article 14. Responsibilities of the employers, Vietnam side partner and foreign non-governmental organizations

1. Strictly comply with the provisions of labour law of Vietnam and other related laws of Vietnam.
2. The recruitment of foreigners through job placement organizations is made with Job Placement Centre of the local Department of Labour - Invalids and Social Affairs under the labour contract by form No.13 issued together with this Circular.
3. To conduct the procedures for grant of work permits, extension of work permits and re-granting of work permits to foreigners working in Vietnam.
4. To fulfill labour contracts signed with foreigner working in Vietnam as stipulated by law provisions; to send a copy of labour contract had been signed to the agency issued work permit for such foreigner.
5. To manage registration dossiers for recruitment of foreigners working in Vietnam, and must often supplement papers related to foreigners during the working process in Vietnam.
6. To manage foreigners working at the enterprises and organizations.
7. Within 15 (fifteen) days for the cases the work permit has expired or was invalid under the provisions of Article 12 of Decree No.34/2008/ND-CP amended and supplemented, the employer or Vietnam side partner, representative of foreign nongovernmental organization must submit written reports to the Department of Labour - Invalids and Social Affairs where has issued work permit on the cases the work permit has expired or was invalid and enclosed work permit expired or invalid, in case of not enclosed work permit, it must state clearly the reason.
8. To report the brief list for foreigners working in Vietnam not required for work permit as prescribed in clause 1 of Article 9 of Decree No.34/2008/ND-CP amended and supplemented by Form No.11 issued with this Circular and enclosed the papers of foreigners in accordance with clause 6 of Article 9 of Decree No.34/2008/ND-CP amended and supplemented to the Department of Labour - Invalids and Social Affairs where its headquarter is located or place where foreigners often work.
9. To pay fees for grant of work permits, extension of work permits and regrant of work permits under the provisions of law on charges and fees.
10. Every year on December 15, the employer shall register demand of recruitment and use of foreigners of the the following year as stipulated in clause 7 of Article 19 of Decree No.34/2008/ND-CP amended and supplemented on the number, qualifications, experience, salary, working hours (starting and ending) according each job with the local Department of Labour - Invalids and Social Affairs in accordance with Form No.14 issued together with this Circular. In case of changing the demand of using foreigners, the employer must register to supplement demand of using foreigners prior to at least 30 (thirty) days from the date the employer inform the demand to recruit foreigners to the local Department of Labour - Invalids and Social Affairs under Form No.15 issued together with this Circular.

Article 15. The liability of the foreigners

1. To research sufficiently provisions of the law of Vietnam provided for by the employers or Vietnam side partners, representatives of foreign nongovernmental organizations, and to prepare the necessary papers and comply with the law provisions on recruitment and management of foreigners; to fully implement the provisions of the law of Vietnam.
2. To apply for registration for recruitment, prepare the necessary papers in the dossiers requesting for issuance of work permits, the extension of work permits and regrant of work permits under the regulations. After being granted work permits, the foreigners and the

employers must sign the labour contracts in writing in accordance with provisions of the labour law of Vietnam.

Article 16. Periodical report

1. Investors are responsible for implementing the regime of periodic report before the 5th of first month, quarterly to the Department of Labour - Invalids and Social Affairs on the recruitment and management of foreigners working for the foreign contractors of the preceding quarter as specified in clause 6 of Article 6a of the Decree No.34/2008/ND-CP amended and supplemented shall comply with Form No.16 issued together with this Circular.
2. Department of Labour - Invalids and Social Affairs is responsible for implementing the regime of periodic report before January 15 every year to the Ministry of Labour - Invalids and Social Affairs (Employment Department) on the registration of recruitment demand and use of foreigners of employers, Vietnam side partners, foreign non-governmental organizations in the area under Form No.17 issued together with this Circular. To make the regime of report every six months, before July 15 and annually, before January 15 and annually to the Ministry of Labour - Invalids and Social Affairs (Employment Department) on the situation of foreigners working in the enterprises, organizations and foreigners working for the foreign contractors in the management area by Form No.18 attached to this Circular.
3. The employers, Vietnam side partners, foreign non-governmental organizations are responsible for implementing the regime of report every six months, before July 5, and every year, before January 05 to the Department of Labour - Invalids and Social Affairs where the enterprises, organizations locate their headquarters or operate regularly on the use of foreigners under the form No.19 attached to this Circular. And make extraordinary reports at request of the State management agency of labour on the use situation of foreigners.

Article 17. Effect

1. This Circular takes effect from December 18, 2011.
2. This Circular replaces the Circular No.08/2008/TT-BLDTBXH dated June 10, 2008 of Ministry of Labour - Invalids and Social Affairs guiding the implementation of some Articles of Decree No.34/2008/ND-CP dated March 25, 2008 of the Government defining the recruitment and management of foreigners working in Vietnam.

In the implementation process if any problems arise, the concerned bodies should reflect to the Ministry of Labour - Invalids and Social Affairs for guidance, timely supplementation./.

**FOR MINISTER
DEPUTY MINISTER**

Nguyen Thanh Hoa

Template 1: Enclosed with Circular 31/2011/TT-BLDTBXH dated 03/11/2011 of the Ministry of Labour-Invalids and Social Affairs guiding the implementation of a number of articles of Decree No. 34/2008/ND-CP which was revised and supplemented.

Socialist Republic of Vietnam
Independence - Freedom - Happiness

....., date ... month ... year

APPLICATION FORM

To:

1. Full name (In capital)

2. Date of birth (DD-MM-YYYY)

Male/female

3. Nationality

4. Passport number:

Date of issue

5. Place of issue

Date of expiry

6. Education level:

7. Professional qualification:

8. Foreign language (Proficiency)

9. Employment Record (the detailed time, employment position, name of enterprises, organizations worked, reward and discipline), including:

- Employment outside Vietnam

- Employment in Vietnam

Upon careful consideration on your notice of recruitment, I myself consider to be qualified for the position offor the working period of.....

I commit to fully abide by the Vietnamese labour legislation and will bear all responsibility for any violation.

Applicant
(Signature and full name)

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**INVESTOR/PROJECT OWNER
(NAME OF PROJECT/BIDDING
PACKAGE)**

PLAN FOR USE OF LABOUR
(indicated in the bidding package)
....., date... month... year... ..

| S.N | Position | Quantity (number of people) | Professional qualifications | | | | Average salary | Working period | |
|-----|--------------------|--------------------------------|-----------------------------|-----------------------------------|---------------------------------|--------|----------------|----------------|--------|
| | | | University And higher | Craft man of traditional vocation | Working experiences (>=5 years) | Others | | Starting | Ending |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| I | Foreigners | | | | | | | | |
| 1 | ... | | | | | | | | |
| 2 | ... | | | | | | | | |
| ... | ... | | | | | | | | |
| | Total | | x | x | x | x | | | |
| II | Vietnamese workers | | | | | | | | |
| 1 | ... | | | | | | | | |
| 2 | ... | | | | | | | | |
| ... | ... | | | | | | | | |
| | Total | | x | x | x | x | | | |

Date month year

REPRESENTATIVE OF INVESTOR

(Signature and full name and stamp)

Template 3: Enclosed with Circular 31/2011/TT-BLDTBXH dated 03/11/2011 of the Ministry of Labour-Invalids and Social Affairs guiding the implementation of a number of articles of Decree No. 34/2008/ND-CP which was revised and supplemented.

INVESTOR
(NAME OF PROJECT/BIDDING
PACKAGE)

Socialist Republic of Vietnam
Independence - Freedom - Happiness

No. / , date... month... year.....
Ref. recruitment of Vietnamese
workers

To: The Chairman of the People's Committee of

Pursuant to the contract signed between...and contractor...to implement the bidding package...under the project...conducted in...with the contract value of..., The foreign contractor...report on some information regarding contractor and request for the recruitment of Vietnamese worker to implement the bidding package as follows:

1. Contract name:.....
2. Name of bid winner:.....
3. Registered address in the country or territory where the contractor is a national:
.....

Tel:..... Fax:.....

E-mail: Website (if any):.....

4. Address of branch, representative office or executive office in Vietnam (if any):
.....

Tel:..... Fax:.....

5. Bid liscense No.:issued by the Ministry of Construction dated.....

6. Implementation period: from date ...month...year.. to date ...month...year...

Requests to recruit Vietnamese workers to implement the above-mentioned contract, including: each position, professional qualification, experiences, salary, working location, period undertaking the job.

The above-mentioned need for recruitment is defined in the plan for using workers in the bidding dossier attached to this document.

It is hereby requested the People's Committee directs concerned agencies and organizations to introduce and supply Vietnamese workers for us.

Thank you!

REPRESENTATIVE OF FOREIGN CONTRACTOR

(Signature and full name and stamp)

REPRESENTATIVE OF INVESTOR

(Confirm the recruitment of Vietnamese workers to implement the above-mentioned of the contractor...is true to the plan for use of workers indicated in the bidding dossier, proposal No....dated...date..month...year)

(Signature and full name and stamp)

Receiver:

- ibid;
- for archived.

Template 4: Enclosed with Circular 31/2011/TT-BLDTBXH dated 03/11/2011 of the Ministry of Labour-Invalids and Social Affairs guiding the implementation of a number of articles of Decree No. 34/2008/ND-CP which was revised and supplemented.

INVESTOR
(NAME OF PROJECT/BIDDING PACKAGE)

Socialist Republic of Vietnam
Independence - Freedom - Happiness

No.: / , date... month... year.....

PLAN OF REVISION AND SUPPLEMENTATION OF WORKERS' USE

To: Department of Labour-Invalids and Social Affairs

Pursuant to the contract signed between...and contractor...to implement the bidding package...under the project...conducted in...with the contract value of..., The foreign contractor...report on the revised plan for the use of workers as follows:

| S.N | Position | Quantity (number of people) | Professional qualifications | | | | Average salary | Working period | |
|-----|--------------------------|--------------------------------|-----------------------------|-----------------------------------|---------------------------------|--------|----------------|----------------|--------|
| | | | University And higher | Craft man of traditional vocation | Working experiences (>=5 years) | Others | | Starting | Ending |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| I | Foreign workers | | | | | | | | |
| 1 | Increase in job position | | | | | | | | |
| ... | ... | | | | | | | | |
| 2 | Decrease in job position | | | | | | | | |
| | Total = (1) – (2) | x | x | x | x | x | | | |
| II | Vietnamese workers | | | | | | | | |
| 1 | Increase in job position | | | | | | | | |
| ... | ... | | | | | | | | |
| 2 | Decrease in job position | | | | | | | | |
| ... | ... | | | | | | | | |
| | Total = (1) – (2) | x | x | x | x | x | | | |

date..month...year
REPRESENTATIVE OF INVESTOR
(Confirm the revised plan on the need for recruitment of workers is in accordance with the law)
(Signature and full name and stamp)

date..month...year
REPRESENTATIVE OF FOREIGN CONTRACTOR
(Signature and full name and stamp)



Template 5: Enclosed with Circular 31/2011/TT-BLĐTBXH dated 03/11/2011 of the Ministry of Labour-Invalids and Social Affairs guiding the implementation of a number of articles of Decree No. 34/2008/ND-CP which was revised and supplemented.

Socialist Republic of Vietnam
Independence - Freedom - Happiness

....., date ... month ... year

To: Department of Labour, War Invalids and Social Affairs.....

In implementation of Circular No 31/2011/TT-BLĐTBXH of Ministry of Labour, Invalids and Social Affairs dated November 3rd 2011 providing guidelines for the implementation of Decree No 34/2008/ND-CP of the Government date March 25th 2008 amended and supplemented some articles on recruitment and management of foreigners working in Vietnam, I would like to inform the service sales in (detail places) as follows:

Full name

Date of birth (DD-MM-YYYY)

Male/female

Nationality

Passport number:

Date of issue

Place of issue

Date of expiry

Period of work fromTo.....

The reasons for working in Vietnam

Best Regards,
(Signature and full name)


Template 6: Enclosed with Circular 31/2011/TT-BLDTBXH dated 03/11/2011 of the Ministry of Labour-Invalids and Social Affairs guiding the implementation of a number of articles of Decree No. 34/2008/ND-CP which was revised and supplemented.

NOTICE

- 1- Present this work permit to authorities when requested.
- 2- Any modification, addition or amendment to the work permit is prohibited.
- 3- The utilization of this permit is restricted to the bearer.
- 4- Any case of loss should be immediately reported to provincial Department of Labour, Invalids and Social Affairs.
- 5- After work permit validity expires or becomes invalid shall submit that work permit according to regulations.

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WORK PERMIT

No:

Page 1

3cm x
4cm
Colour
photo

WORK PERMIT

No:

1. Full name
2. Male/Female
3. Date of birth (DD-MM-YYYY)
4. Current nationality Passport number
5. Professional qualification (skill)
6. Working at enterprise, organization
7. Working place
8. Job assignment
9. Period of work fromto
Date month year.....to

DIRECTOR OF DEPARTMENT OF LABOUR, INVALIDS AND SOCIAL AFFAIRS
(Signature and stamp)

Page 2

| <i>First Extension</i> | <i>Second Extension</i> | <i>Third Extension</i> |
|---|---|---|
| <i>Extended from ... to ...</i> | <i>Extended from ... to ...</i> | <i>Extended from ... to ...</i> |
| <p>DIRECTOR OF DEPARTMENT OF LABOUR, INVALIDS AND SOCIAL AFFAIRS (Signature and stamp)</p> | <p>DIRECTOR OF DEPARTMENT OF LABOUR, INVALIDS AND SOCIAL AFFAIRS (Signature and stamp)</p> | <p>DIRECTOR OF DEPARTMENT OF LABOUR, INVALIDS AND SOCIAL AFFAIRS (Signature and stamp)</p> |
| <i>Fourth Extension</i> | <i>Fifth Extension</i> | <i>Sixth Extension</i> |
| <i>Extended from ... to ...</i> | <i>Extended from ... to ...</i> | <i>Extended from ... to ...</i> |
| <p>DIRECTOR OF DEPARTMENT OF LABOUR, INVALIDS AND SOCIAL AFFAIRS (Signature and stamp)</p> | <p>DIRECTOR OF DEPARTMENT OF LABOUR, INVALIDS AND SOCIAL AFFAIRS (Signature and stamp)</p> | <p>DIRECTOR OF DEPARTMENT OF LABOUR, INVALIDS AND SOCIAL AFFAIRS (Signature and stamp)</p> |

Page 2

Template 7: Enclosed with Circular 31/2011/TT-BLDTBXH dated 03/11/2011 of the Ministry of Labour-Invalids and Social Affairs guiding the implementation of a number of articles of Decree No. 34/2008/ND-CP which was revised and supplemented.

(ENTERPRISE, ORGANIZATION)

Socialist Republic of Vietnam
Independence- Freedom- Happiness

No: /
Suggestion for issuance of work permit

....., date ... month ... year

To:.....

1. Enterprise organization:

2. Address:

3. Telephone number (Tel):

4. Permission for business (No):

5. Place of issue

Date of issue

6. Fields of business:

Suggestion:

issuance of work permit

for:

Mr. (Ms.)

Nationality:

Date of birth (DD-MM-YY)

Professional qualification (skill):

Working place

Job assignment:

Period of work from.....To.....

The reasons for Mr. (Ms.)

working in Vietnam

Receiver:

On behalf of employer
(Signature and stamp)

-Ibid

-for archived

Note: for non-governmental organizations without stamp, it is necessary to have the notarization of the Committee of international NGOs

Template 8: Enclosed with Circular 31/2011/TT-BLDTBXH dated 03/11/2011 of the Ministry of Labour-Invalids and Social Affairs guiding the implementation of a number of articles of Decree No. 34/2008/ND-CP which was revised and supplemented.

ENTERPRISE, ORGANIZATION

Socialist Republic of Vietnam
Independence- Freedom- Happiness

No) /
Suggestion for extension of work
permit

....., date ... month ... year

To:.....

1. Enterprise, organization:

2. Address:

3. Telephone number (Tel):

4. Permission for business (No):

5. Place of issue

Date of issue

6. Fields of business:

Suggestion for issuance of work permit for

Mr. (Ms.)

Nationality:

Job assignment:

The forms to be disciplined in the period of time at enterprise, organizations (if any)

Work permit No

dated

Issued by

Extension period of work from To.....

Enterprise, organization

trained Vietnamese employee for substitution

Full name

Sex

Date of birth (DD-MM-YY)

Training field

Training period

Training expenditure

Reasons are still unable to train Vietnamese employees for substitution

On behalf of employer
(Signature and stamp)

Template 9: Enclosed with Circular 31/2011/TT-BLDTBXH dated 03/11/2011 of the Ministry of Labour-Invalids and Social Affairs guiding the implementation of a number of articles of Decree No. 34/2008/ND-CP which was revised and supplemented.

*Socialist Republic of Vietnam
Independence- Freedom- Happiness*

....., date ... month ... year

Application for re-issuance of work permit

To: The provincial Department of Labour - War Invalid and Social Affairs

1. *Full name* *Male/Female*
3. *Date of birth (DD-MM-YY)*
4. *Place of birth*
5. *Nationality*
6. *Passport number* *Date of issue*
8. *Issued by* *Date of expiry*
9. *Professional qualification*
10. *I signed a labour contract with:*
For the period from *to*
11. *I was issued a work permit numbered:* *dated*
For the period from *to* *Issued by:*
12. *Reason for re-application (including reason for losing, damaging, changing passport number and working place)*

.....
I certify that these statements are true to be best of my knowledge and will be responsible for any incorrectness.

To be confirmed by employer

(Signature and stamp)

Applicant
(Signature)

Template 10: Enclosed with Circular 31/2011/TT-BLĐTBXH dated 03/11/2011 of the Ministry of Labour-Invalids and Social Affairs guiding the implementation of a number of articles of Decree No. 34/2008/ND-CP which was revised and supplemented.

ENTERPRISE, ORGANIZATION

*Socialist Republic of Vietnam
Independence- Freedom- Happiness
-----*

No.: /
Ref: Notification of foreigners working for the enterprise, organization

....., date ... month ... year

To: The provincial Department of Labour - War Invalid and Social Affairs

In implementation of Circular No 31/2011/TT-BLĐTBXH of Ministry of Labour, Invalids and Social Affairs dated November 3rd 2011 providing guidelines for the implementation of Decree No 34/2008/ND-CP of the Government amended and supplemented, enterprise/organization would like to inform the service of foreigners as follows:

| S. N | Name of foreigners | Gender | | Year of birth | Nationality | Passport No. | Work permit No. | Work starting date | Working date | Job position |
|------|--------------------|----------|----------|---------------|-------------|--------------|-----------------|--------------------|--------------|--------------|
| | | Male | Female | | | | | | | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 |
| | | | | | | | | | | |
| | | | | | | | | | | |
| | | | | | | | | | | |
| | | | | | | | | | | |
| | Total | x | x | x | x | x | x | x | x | x |

Date...month...year
On behalf of employer
(Signature, full name and stamp)

Template 11: Enclosed with Circular 31/2011/TT-BLDTBXH dated 03/11/2011 of the Ministry of Labour-Invalids and Social Affairs guiding the implementation of a number of articles of Decree No. 34/2008/ND-CP which was revised and supplemented.

ENTERPRISE, ORGANIZATION

Socialist Republic of Vietnam
Independence- Freedom- Happiness

No.: /

....., date ... month ... year

REPORT ON PERSONAL DETAILS OF FOREIGNERS WHO ARE NOT ISSUED WORK PERMIT

To: The provincial Department of Labour - War Invalid and Social Affairs

1. Enterprise/organization.....
2. Address:
3. Tel:.....
4. Business (operation) license No.:
5. Issued by:.....Date of issue:
6. Business (operation) areas:.....

Report on personal details of foreigners who do not need to apply for work permit, details as follows:

| S. N | Name of foreigners | Gender | | Year of birth | Nationality | Passport No. | Passport expiry date | Work or apprenticeship starting date | Work or apprenticeship ending date | Job position |
|------|--------------------|----------|----------|---------------|-------------|--------------|----------------------|--------------------------------------|------------------------------------|--------------|
| | | Male | Female | | | | | | | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 |
| | | | | | | | | | | |
| | | | | | | | | | | |
| | | | | | | | | | | |
| | | | | | | | | | | |
| | Total | x | x | x | x | x | x | x | x | x |

Date...month...year
On behalf of employer
(Signature, full name and stamp)

Template 12: Enclosed with Circular 31/2011/TT-BLĐTBXH dated 03/11/2011 of the Ministry of Labour-Invalids and Social Affairs guiding the implementation of a number of articles of Decree No. 34/2008/ND-CP which was revised and supplemented.

Provincial People's Committee.....
Department of Labour – Invalids and Social Affairs

Socialist Republic of Vietnam
Independence- Freedom- Happiness

No.: /LĐTBXH-TB

....., date ... month ... year

REPORT ON STATUS OF WORK PERMIT ISSUANCE OF MONTH...YEAR..

To: the Provincial Department of Public Security....(Immigration Division)

| S.N | Position | Quantity (number of people) | Professional qualifications | | | | Average salary | Working period | |
|--------------|----------|--------------------------------|-----------------------------|-----------------------------------|---------------------------------|--------|----------------|----------------|--------|
| | | | University And higher | Craft man of traditional vocation | Working experiences (>=5 years) | Others | | Starting | Ending |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| 1 | ... | | | | | | | | |
| 2 | ... | | | | | | | | |
| ... | ... | | | | | | | | |
| Total | | | x | x | x | x | | | |

.....

Date...month...year
 Director of Department of Labour, Invalids and Social Affairs
 (Signature, full name and stamp)

Template 13: Enclosed with Circular 31/2011/TT-BLDTBXH dated 03/11/2011 of the Ministry of Labour-Invalids and Social Affairs guiding the implementation of a number of articles of Decree No. 34/2008/ND-CP which was revised and supplemented.

**Department of Labour – Invalids and
Social Affairs
Employment Service Center**

*Socialist Republic of Vietnam
Independence- Freedom- Happiness*

....., date ... month ... year

LABOUR RECRUITMENT CONTRACT

No.....

- Pursuant to the Government's Decree No. 34/2008 / ND-CP dated March 25, 2008, on the recruitment and management of foreigners working in Vietnam, Decree No. 46/2011 / ND-CP dated June 17, 2011, amending and supplementing a number of articles of the Government's Decree No. 34/2008 / ND-CP dated March 25, 2008.

- Pursuant to the Circular No. 31/2011 / TT-BLDTBXH dated 03/11/2011 of the Ministry of Labour, War Invalids and Social Affairs guiding the implementation of some articles of Decree No. 34/2008 / ND-CP dated 25 / March 2008 of the Government and Decree No. 46/2011 / ND-CP dated 17/6/2011 of the Government.

- Based on the needs for recruitment of foreigners of...

Today date...month...year...

At the Employment Service Center (name and address).....

We are

I/ Party A: Employment Service Center

Represented by:

Title:

Address:

Tel:Fax:.....

II/ Party B: Enterprise, organization.....

Represented by:

Title:

Address:

Tel:Fax:.....

After discussion, the two parties agreed to sign the contract of recruitment of Vietnamese employees into the position of planned-to-recruit foreigners and recruitment of foreigners for enterprise/organization as follows:

Article 1: Contract details

Party A will undertake the recruitment of Vietnamese workers in the position of planned-to-recruit foreigners and recruit foreigners at the request of Party B as follows:

a) Obligation of party A:

Recruit Vietnamese employees in each job position planned to recruit foreigners regarding number of job positions, professional qualifications, salary levels, other income, working conditions and some other contents (if any) of Party B from day ... month ... year ... to date ... month ... year, as follows:

+

+

...

In case Vietnamese employees cannot be recruited, Party A shall recruit foreigners to each of the above jobs from ... month ... year to month year

In case Party A does not meet the requirement for labour recruitment for Party B above, Party A must reply in writing and clearly state the reason.

b) Obligation of party B:

- Provide Party A with requirements on recruiting time, number of employees needed (Vietnamese and foreigners) for each position, professional qualifications, salary and other income, working conditions and some other content (if any).
- Inform Party A of the time, interview results and recruitment of employees recommended by Party A.

Article 2: Contract period:

From day... month year to day month year

Article 3: Costs and payment forms:

Contract value: (in words...)

Form of payment: Party B pays Party A in the form upon completion of the contract and the liquidation minutes.

Article 4: General provisions

The two parties commit to comply with the terms of the contract, in the process of implementation, the two parties will discuss for settlement of any issues arisen if any. The contract is made in 04 copies, each party keeps 02 copies of the same legal validity.

Representative of party A

Representative of party B

Template 14: Enclosed with Circular 31/2011/TT-BLDTBXH dated 03/11/2011 of the Ministry of Labour-Invalids and Social Affairs guiding the implementation of a number of articles of Decree No. 34/2008/ND-CP which was revised and supplemented.

ENTERPRISE/ORGANIZATION

Socialist Republic of Vietnam
Independence- Freedom- Happiness

No.: /

....., date ... month ... year

REGISTERING THE NEED FOR RECRUITMENT AND USE OF FOREIGNERS

To: Department of Labour, Invalids and Social Affairs.....

1. Enterprise/organization.....
2. Address:.....
3. Tel:.....
4. Business (operation) license No.:
5. Issued by:.....Date of issue:
6. Business (operation) areas:.....

Registers the need for recruitment and use of foreigners as follows:

| S.N | Position | Quantity (number of people) | Professional qualifications | | | | Average salary | Working period | | Current employees (people) | Register for additional recruitment (people) |
|--------------|----------|--------------------------------|-----------------------------|-----------------------------------|---------------------------------|----------|----------------|----------------|--------|----------------------------|--|
| | | | University And higher | Craft man of traditional vocation | Working experiences (>=5 years) | Others | | Starting | Ending | | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 |
| 1 | | | | | | | | | | | |
| 2 | | | | | | | | | | | |
| ... | | | | | | | | | | | |
| Total | | x | x | x | x | x | | | | x | x |

.....

Date...month...year
On behalf of employer
(Signature, full name and stamp)