

THE GOVERNMENT

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SOCIALIST REPUBLIC OF VIETNAM

Independence - Freedom - Happiness

Ha Noi, September 24, 2015

DECREE

VISA EXEMPTION FOR VIETNAMESE PEOPLE RESIDING OVERSEAS AND FOREIGNERS WHO ARE SPOUSES, CHILDREN OF VIETNAMESE PEOPLE RESIDING OVERSEAS OR OF VIETNAMESE CITIZENS

Pursuant to the Law on Organization of the Government dated December 25, 2001;

Pursuant to the Law on Entry, Exit, Transit, and Residence of Foreigners in Viet Nam dated June 16, 2014;

At the request of the Minister of Public Security,

The Government promulgates a Decree on visa exemption for Vietnamese people residing overseas and foreigners who are spouses, children of Vietnamese people residing overseas or of Vietnamese citizens.

Chapter I

GENERAL PROVISIONS

Article 1. Scope of application

This Decree shall govern the conditions for visa exemption; order and procedures for issuance of visa exemption certificates for people exempted from visa requirements under Paragraph 5 of Article 12 of the Law on Entry, exit, transit and residence of foreigners in Viet Nam.

Article 2. Applicable entities

1. Vietnamese residing overseas and foreigners who are spouses, children of Vietnamese people residing overseas or of Vietnamese citizens.
2. Agencies, organizations and individuals involved.

Article 3. Conditions for visa exemption

1. A passport or an international travel document valid for at least 01 year.

2. A document to prove that the person in question is among the subjects stipulated in Paragraph 1 of Article 2 of this Decree.

3. Not fall into the cases subject to suspension from entry and exit stipulated in Article 21 and Article 28 of the Law on Entry, Exit, Transit and Residence of foreigners in Viet Nam.

Article 4. Duration, validity and forms of visa exemption certificates

1. Visa exemption certificate shall be valid for up to 05 years and expires at least 6 months before the expiration of the holder's passport or international travel document.

2. Visa exemption certificate shall be issued to people entering Viet Nam for family visit and settlement of personal business.

3. Visa exemption certificate shall be attached to the passport; the following cases shall be granted in loose sheet:

a) Passport runs out of blank visa pages;

b) Passport of the countries that have not established diplomatic relation with Viet Nam;

c) International travel document;

d) At the request of the person to be granted with visa exemption;

dd) For reasons of external relations, national defense and security.

4. Visa exemption certificate shall be issued on an individual basis. Children who share passports with their parents shall be granted visa exemption certificate together with passport of a parent.

Article 5. Fees for issuance of visa exemption certificates

Visa exemption certificate grantees or re-grantees must pay fees in accordance with regulations on charges and fees.

Chapter II

ORDER AND PROCEDURES FOR ISSUANCE, REISSUANCE, REVOCATION AND CANCELLATION OF VISA EXEMPTION CERTIFICATES

Article 6. Dossier of application for visa exemption certificates

Visa exemption grantees must submit 01 dossier, comprising of:

1. A passport or an international travel document or a residence permit granted by a competent foreign agency for Vietnamese people residing overseas.

2. A declaration of application for a visa exemption certificate attached with 02 photos (01 photo pasted in the declaration).

3. A paper proving that the applicant is among the subjects eligible for visa exemption:

a) Vietnamese people residing overseas submit certified copies of original documents or present copies attached to original documents for reference one of the following papers: birth certificate, decision for renunciation of Vietnamese citizenship or certificate of loss of Vietnamese citizenship, other papers indicating Vietnamese citizenship or valid to prove the original Vietnamese citizenship of the applicant;

b) Foreigners submit certified copies of original documents or present copies attached to original documents for reference of papers proving their spouse or child relationship with Vietnamese citizens or overseas Vietnamese;

c) Where there is no papers proving the Vietnamese origin of overseas applicant, competent Vietnamese visa-granting authorities abroad shall base on validity of the papers indicating that the applicant has Vietnamese origin to consider and grant visa exemption certificate.

Article 7. Issuance of visa exemption certificates at competent Vietnamese visa-granting agencies abroad

1. Applicant for a visa exemption certificate residing overseas shall submit a dossier specified under Article 6 of this Decree to competent Vietnamese visa-granting agencies abroad.

2. Within 01 working day from the date of receipt of complete dossier, competent Vietnamese visa-granting agencies abroad shall send a list of applicants for visa exemption certificates to the Immigration Department.

3. Within 03 working days, the Immigration Department shall consider and provide answer to competent Vietnamese visa-granting agencies abroad.

4. Within 01 working day from receipt of the notice of the Immigration Department, competent Vietnamese visa-granting authorities abroad shall grant visa exemption certificates.

Article 8. Issuance of visa exemption certificates at the Immigration Department

1. Those who are temporarily residing in Viet Nam having demand to receive visa exemption certificates shall submit dossiers as specified under Article 6 of this Decree at the Immigration Department.

2. Within 05 working days from the date of receipt of complete dossiers, the Immigration Department shall consider and grant visa exemption certificates.

Article 9. Procedures for reissuance of visa exemption certificates

1. Those having visa exemption certificates lost, damaged, expired or having demand to adjust the content of visa exemption certificates shall be re-granted with visa exemption certificates.

2. Dossier for reissuance of visa exemption certificates include:

- a) A passport or an international travel document or a permanent residence permission issued by competent foreign authorities to Vietnamese people residing overseas;
- b) A declaration of application for issuance, reissuance of a visa exemption certificate, together with 02 photos (01 photo pasted in the declaration);
- c) A visa exemption certificate, if lost, notice of the loss shall be required;
- d) Certified copies of original documents or copies attached to original documents for reference of papers proving the content to be adjusted in visa exemption certificate.

3. Those residing abroad shall submit 01 dossier to apply for re-issuance of a visa exemption certificate at competent Vietnamese visa-granting agencies abroad. Competent Vietnamese visa-granting agencies abroad shall consider and resolve in accordance with paragraphs 2, 3 and 4 of Article 7 of this Decree.

4. Those entering with visa exemption certificates temporarily residing in Viet Nam shall submit 01 dossier at the Immigration Department. The Immigration Department shall consider and resolve in accordance with paragraph 2 of Article 8 of this Decree. Where visa exemption certificate is regranted in loose sheet, the Immigration Department shall grant temporary residence permission within the duration of the temporary residence certificate issued at border gates.

Article 10. Issuance of temporary residence certificates

Those entering with visa exemption certificates shall have a temporary residence certificate valid for 06 months, issued by the immigration control units, for each entry; if the remaining validity of visa exemption certificate is less than 06 months, duration of temporary residence certificate shall be granted by the remaining validity of the visa exemption certificate.

Those entering with visa exemption certificates have demand to stay more than 06 months, being guaranteed by Vietnamese agencies, organizations and individuals, and have legitimate reasons shall be considered and resolved for extension of temporary residence which does not exceed 06 months.

Article 11. Extension of temporary residence

1. Applicant for extension of temporary residence shall submit 01 dossier at the Immigration Department or an Immigration Division at a provincial/municipal-level Police Department. The dossier includes:

- a) A passport or an international travel document or a permanent residence permission issued by competent foreign authorities to Vietnamese residing overseas;
- b) A declaration for extension of temporary residence;

c) A visa exemption certificate.

2. Within 05 working days from the date of receipt of the complete dossier, the Immigration Department or the Immigration Division at provincial/municipal-level Police Department shall consider for extension of temporary residence.

Article 12. Revocation and cancellation of visa exemption certificates

1. Visa exemption certificate shall be revoked, canceled if it detects that the grantee is not among subjects stipulated in Paragraph 1 of Article 2 of this Decree or subjects of Paragraph 6 of Article 21 and Article 28 of the Law on Entry, Exit, Transit and Residence of foreigners in Viet Nam.

2. Authority for revocation and cancellation of visa exemption certificates

a) Competent Vietnamese visa-granting authorities abroad shall revoke or cancel visa exemption certificates of people residing overseas;

b) The Immigration Department, Immigration Divisions at provincial/municipal-level Police Departments shall revoke and cancel visa exemption certificates of people temporarily residing in Viet Nam;

c) Immigration control units shall revoke and cancel visa exemption certificates at border gates.

3. Order of revocation and cancellation of visa exemption certificates

a) The agencies referred in Paragraph 2 of this Article shall make records; stamp cancelled on attached visa exemption certificates, revoke detached visa exemption certificates upon detecting the cases where visa exemption certificates must be revoked or cancelled;

b) Where it is impossible for competent Vietnamese visa-granting authorities abroad to revoke and cancel visa exemption certificates, written notice to the Immigration Department shall be required to direct immigration control units for implementation; reasons shall be notified to people who have visa exemption certificates revoked and cancelled.

4. Those having visa exemption certificates revoked and canceled shall not be refunded.

Chapter III

TERMS OF ENFORCEMENT

Article 13. Transitional provisions

1. Visa exemption certificates granted before the date this Decree takes effect may be used until the expiry date of the granted visa exemption certificates.

2. Those who have entered Viet Nam with visa exemption certificates granted before the date this Decree takes effect having demand for extension of temporary residence for family visit or settlement of personal business shall be considered for an extension not exceeding 90 days.

3. Dossiers for issuance of visa exemption certificates submitted before the date this Decree takes effect shall be considered and resolved in accordance with Decision No. 135/2007/QĐ-TTg dated August 17, 2007 of the Prime Minister promulgating the Regulation on visa exemption for overseas Vietnamese and Decision No. 10/2012/QĐ-TTg dated February 10, 2012 of the Prime Minister amending and supplementing a number of articles of the Regulation on visa exemption for overseas Vietnamese promulgated together with Decision No. 135/2007/QĐ-TTg.

Article 14. Effect

1. This Decree takes effect on November 15, 2015.
2. Decision No. 135/2007/QĐ-TTg dated August 17, 2007 of the Prime Minister promulgating the Regulation on visa exemption for overseas Vietnamese and Decision No. No. 10/2012/QĐ-TTg dated February 10, 2012 of the Prime Minister amending and supplementing a number of articles of the Regulation on visa exemption for overseas Vietnamese promulgated together with Decision No. 135/2007/QĐ-TTg expires from the date this Decree takes effect.

Article 15. Responsibility for implementation

1. The Ministry of Public Security shall guide and organize the implementation of this Decree; promulgate forms of papers related to the issuance of visa exemption certificates.
2. Ministers, heads of ministerial-level agencies, Government agencies, Chairmen of the People's Committee of provinces and centrally governed cities and relevant agencies, organizations and individuals shall be responsible for the implementation of this Decree./.

ON BEHALF OF THE GOVERNMENT

PRIME MINISTER

(Signed)

Nguyen Tan Dung