

CIRCULAR

GUIDING THE IMPLEMENTATION OF A NUMBER OF PROVISIONS OF THE GOVERNMENT'S DECREE NO. 111/2011/ND-CP ON DECEMBER 05, 2011, ON CONSULAR CERTIFICATION AND LEGALIZATION

Pursuant to the Government's Decree No. 15/2008/ND-CP of February 4, 2008, defining the functions, tasks, powers and organizational structure of the Ministry of Foreign Affairs;

Pursuant to the Government's Decree No. 111/2011/ND-CP of December 5, 2011, on consular certification and legalization;

In order to ensure the uniform implementation of the provisions on consular certification and legalization and create favorable conditions for citizens, the Ministry of Foreign Affairs guides a number of provisions of the Government's Decree No. 111/2011/ND-CP on December 5, 2011 on consular certification and legalization (hereinafter referred to as the Decree), as follows:

Chapter I

GENERAL PROVISIONS

Article 1. Agencies competent to carry out consular certification and legalization

1. The Consular Department and the Service of Foreign Affairs of Ho Chi Minh City of the Ministry of Foreign Affairs are competent to carry out consular certification and legalization in Vietnam.

2. After considering the needs, the personnel and facilities of each locality, the Minister of Foreign Affairs shall authorize foreign affairs Services/Divisions/Units of centrally-affiliated cities and provinces (hereinafter referred to as local foreign affairs agencies) to receive application for consular certification or legalization and return the results. The list of these agencies shall be regularly announced and updated on the Consular website: <http://lanhsuvietsiam.gov.vn>.

Authorized local foreign affairs agencies must not reauthorize other agencies.

Officers of the authorized local foreign affairs agencies may only receive and handle applications for consular certification and legalization after being provided with professional training by the Ministry of Foreign Affairs.

Article 2. Languages of consular certification and legalization

The languages used for consular certification and legalization are both Vietnamese and English.

Overseas Vietnamese diplomatic missions, consulates or other agencies authorized to perform the consular function (hereinafter referred to as representative missions) may use the official language of the country where the papers and documents concerned are used in replacement of English.

Article 3. Papers and documents eligible for consular certification and legalization

Papers and documents issued or certified by the agencies or organizations specified in Point d, Clause 4, Article 11 of the Decree include:

1. Qualifications in education;

2. Health certificates;

3. Judicial record sheet;

4. Other papers and documents eligible for consular certification as prescribed by law.

Article 4. Papers and documents ineligible for consular certification and legalization

1. Papers and documents specified in Clause 2, Article 10 of the Decree containing inconsistent details or contradicting other papers and documents in the application for consular certification or legalization.

2. Papers and documents specified in Clause 4, Article 10 of the Decree without stamps and signatures directly appended. A stamp or a signature copied in any form are not considered original.

3. Papers and documents specified in Clause 5, Article 10 of the Decree violating the rights and interests of Vietnam, inconformable with Vietnam's policies or other cases that may impair the Vietnam's interest.

Article 5. Papers and documents with unidentifiable stamps, signatures and positions

Papers and documents specified in Point a, Clause 2, Article 12 of the Decree include:

1. Papers and documents bearing stamps, signatures and positions not being official.

2. Papers and documents bearing stamps, signatures and positions unidentifiable compared to the specimen signatures, stamps, the official position or the verification results.

Article 6. Submission of applications for consular certification or legalization by post

The submission of applications by post to the Consular Department or the Service of Foreign Affairs of Ho Chi Minh City as prescribed in Clause 2, Article 6 of the Decree may be done at every post office within the Vietnam postal system in accordance with the service agreement between the Consular Department of the Ministry of Foreign Affairs and P&T Express Service Joint Stock Company (EMS) of the Vietnam Post.

Article 7. Introduction of specimens of stamps, signatures and titles

1. The introduction of specimens of stamps, signatures and titles of agencies and organizations making, notarizing, authenticating or certifying papers and documents specified in Clause 4, Article 11 of the Decree shall be carried out as follows:

a/ Agencies and organizations competent to make, notarize, authenticate or certify papers and documents under law must introduce the specimens of their stamps, signatures and titles;

b/ These agencies and organizations must annually review the specimens of their stamps, signatures and titles and notify the review results before February 1 of the succeeding year;

c/ The Consular Department and the Service of Foreign Affairs of Ho Chi Minh City shall receive the introduction of the specimens of stamps, signatures and titles of central and local agencies and organizations.

Local foreign affairs agencies shall receive the introduction of the specimens of stamps, signatures and titles of their local agencies and organizations and central agencies and organizations located locally; and send the original introduction to the Consular Department and the Service of Foreign Affairs of Ho Chi Minh City within 5 working days as from receiving the introduction, and retain their photocopies.

2. The Consular Department and the Service of Foreign Affairs of Ho Chi Minh City shall introduce the specimens of their stamps, signatures and titles to foreign representative missions in Vietnam and overseas Vietnamese' representative missions.

3. Vietnamese representative missions Overseas are responsible for introducing the specimens of their stamps, signatures and titles to the Ministry of Foreign Affairs or other competent agencies of foreign countries.

4. In case the specimens of stamps, signatures and titles specified in Clauses 1, 2 and 3 of this Article are changed, related agencies must introduce the new specimens within 20 working days as from the change is made.

Article 8. Preservation of officially introduced specimens of stamps, signatures and titles

Agencies competent to carry out consular certification and legalization and local foreign affairs agencies shall preserve and keep the official specimens of stamps, signatures and titles indefinitely, scientifically and systematically.

Chapter II

PROCEDURES FOR CONSULAR CERTIFICATION AND LEGALIZATION

Article 9. The application for consular certification or legalization

1. Personal identification papers specified in Points b and c, Clause 1, Articles 11, 13, 14 and 15 of the Decree including the ID card, passport or passport substitute papers.

2. The copy of the personal identification paper specified in Point c, Clause 1. Article 11, 13, 14 or 15 of the Decree (no authentication required).

3. Papers and documents requested for consular certification or legalization specified in Point d, Clause 1. Article 11, 13, 14 or 15 of the Decree comprising 2 or more pages must be stamped on ever)' two adjoining pages or tied and sealed or otherwise secured to ensure that these papers and documents can not be changed.

4. The translations of papers and documents specified in Point e. Clause 1. Articles 14 and 15. of the Decree (no authentication required).. The applicants are responsible for the accuracy of these translations.

5. Papers and documents not required to be enclosed with Vietnamese or English translations specified in Point e, Clause 1. Article 15 of the Decree are those made in Russian, French, Spanish, Chinese or German applied for consular legalization at corresponding representative missions located in Russia, France, Spain, China or Germany. This provision is also applicable to papers and documents made in other languages and applied for legalization at other representative missions as long as the officers that receive the applications in these representative missions can interpret such languages.

6. Applications for consular certification or legalization sent by post as prescribed in Clause 2, Article 6 of the Decree must be enclosed with an envelope specifying the recipient's address.

Article 10. Receipt of applications for consular certification or legalization

1. Upon receiving a complete and valid application for consular certification or legalization as prescribed in Articles 11, 13, 14 and 15 of the Decree and Article 9 of this Circular, the competent agency shall issue a receipt, except for applications submitted by post. If the application is complete or not valid, the competent agency shall guide the supplement.

2. For applications for consular certification or legalization falling into the cases specified in Articles 9 and 10 of the Decree, competent agencies shall refuse to receive the dossier and provide the explanation to the applicants.

After receiving the explanation, if the applicant requests the consular certification or legalization of the paper or document which is exempted from consular certification and legalization specified in Article 9 of the Decree, the competent agency shall receive the application for settlement.

Article 11. Handling applications for consular certification and legalization

1. For applications for consular certification or legalization other than those specified in Article 10 of the Decree, agencies competent to carry out consular certification and legalization shall certify the

stamps, signatures and titles on these papers and documents compared with their official specimens.

Local foreign affairs agencies that receive applications for consular certification or legalization shall send them to the Consular Department or the Service of Foreign Affairs of Ho Chi Minh City within 1 working day after checking and comparing.

2. Agencies competent to carry out consular certification and legalization shall only certify the stamps or signatures and titles on the applications for consular certification or legalization in the following cases:

- Papers and documents contain only stamps or signatures and titles;
- Papers and documents contain only original stamps or original signatures.

3. For papers and documents specified in Clause 2, Article 12 of the Decree, the Consular Department or the Service of Foreign Affairs of Ho Chi Minh City shall issue the written certification that these papers and documents have been presented at the Ministry of Foreign Affairs.

4. When detecting papers and documents falling into the cases specified in Clauses 3 and 5, Article 10 of the Decree, agencies competent to carry out consular certification and legalization shall seize them and notify related agencies for handling.

Article 12. Time limit for settlement

The time limit for settlement specified in Clause 5, Article 11 of the Decree is calculated depending on the amount of applications for consular certification or legalization, regardless of the number of pages.

Chapter III

ORGANIZATION OF IMPLEMENTATION

Article 13. Forms used for consular certification and legalization

1. Issue together with this Circular the following forms:

- Declaration for consular certification and legalization (Form LS/HPH-2012/TK);
- Stamp of consular certification and legalization (Form LS/HPH-2012/CN);
- Stamp of certification of produced papers and documents (Form LS/HPH-2012/XT);
- Introduction of specimens of stamps, signatures and titles (Form LS/HPH- 2012/GT);
- Consular certification and legalization register (Form LS/HPH-2012/SDK).

2. The Ministry of Foreign Affairs shall print and issue the forms of Stamp of consular certification and legalization and Stamp for certification of produced papers and documents for domestic use. Representative missions may use directly the forms of stamp issued together with this Circular or print them overseas abroad.

3. Forms of declaration for consular certification and legalization, document on introduction of specimens of stamps, signatures and titles and consular certification and legalization register shall be published on the Consular website: <http://lanhsuvietnam.gov.vn> for download and use by agencies, organizations or individuals.

Article 14. Effect

1. This Circular takes effect on May 15, 2012 and supersedes Circular No. 01/1999/TT-BNG of June ẽ, 1999, of the Minister of Foreign Affairs specifying the procedures for paper and document legalization.

2. Representative missions and local foreign affairs agencies are recommended to promptly send feedbacks on the difficulties or issues arising during the course of implementation to the Ministry of Foreign Affairs for consideration and settlement.-

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MINISTER OF FOREIGN AFFAIRS

Pham Binh Minh

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