

LEGAL UPDATE VIETNAM

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We want to notify you of the notable regulations taking effect in August 2025:

Decree 219/2025/ND-CP regulating foreign workers working in Vietnam

Decree No. 219/2025/ND-CP ("**Decree 219**"), issued and effective on August 7, 2025, replaces Decrees 152/2020/ND-CP and 70/2023/ND-CP, and sets out regulations governing foreign workers in Vietnam. The new decree introduces significant changes concerning the employment of foreign nationals in Vietnam. Below is a summary of the key developments:

1. Decentralized Work Permit Authority

Provincial People's Committees (PPCs) now have full authority to:

- Issue, re-issue, extend, and revoke work permits and work permit exemption certificates;
- Delegate such powers to the relevant provincial departments.

This change centralizes work permit administration at the local level, depending on the location of the employer or the foreign employee's work site.

The PPC also has the authority to grant a work permit for an employee who works for an employer in multiple provinces or centrally governed cities. Previously, such authority was vested in the Ministry of Labor, War Invalids, and Social Affairs.

2. Streamlined Work Permit Process: Demand Report Integrated into Application

Previously, employers were required to submit a separate report justifying the need for foreign workers to apply for a work permit. Now, employers no longer need to file a separate demand report because the requirement has been incorporated into a single application process. This change simplifies the procedure, reduces paperwork, and is expected to shorten processing times.

3. Integrated Online Application for Work Permit and Criminal Record

Decree 152 introduces a linked procedure via the National Public Service Portal to simultaneously submit:

- Work permit application; and
- Application for a criminal record certificate (authorized by the foreign worker).

The process is integrated between the Portal, the licensing authority (PPC), and the police department. The results of both applications will be issued simultaneously.

4. Expansion of cases for Foreign Workers Exempt from Work Permits

Decree 219/2025 expands and clarifies work permit exemptions for foreign nationals compared to Decree 152/2020, increasing the total to 15 well-defined cases. Key updates include:

- Foreigners working in Vietnam for less than 90 days per year and no more than 30 days per visit will be eligible for work permit exemptions. The limitation of no more than three visits per year no longer applies.
- New exemption for experts in priority sectors such as finance, technology, and innovation, as confirmed by competent authorities.

5. Relaxed Requirements for Work Permits (WPs) for Experts

Under Decree 219, the definition of a foreign expert now includes:

- A person holding a university degree (or higher) with at least 2 years of relevant experience; or
- A person holding a university degree with only 1 year of experience is working in prioritized sectors such as science, technology, innovation, digital transformation, or socio-economic development.

Previously, all experts were required to have a minimum of three years of relevant experience, as per Decree 152/2020/ND-CP.

6. Relaxed Requirements for Work Permits (WPs) for Technical Workers

Under Decree 219, the definition of a foreign technical worker now includes:

- A person having undergone at least 1 year of training and possessing at least 2 years of experience relevant to the job position that the foreign worker is expected to undertake in Vietnam; or
- A person having at least 3 years of work experience relevant to the job position that the foreign worker is expected to undertake in Vietnam.

Under Decree 152/2020/ND-CP, technical workers must have either at least 1 year of training plus 3 years of relevant experience, or at least 5 years of relevant work experience.

7. Change in timelines for applying/extending WPs

- Shorten the period for advertising the recruitment of Vietnamese workers before submitting an application for issuance/extension of a Work Permit from 15 days to 5 days.
- The Work Permit application must be submitted within 60 days, but no less than 10 days before the expected start date of the foreign worker (previously at least 15 days).
- Work Permit extension application must be submitted 10–45 days before the permit's expiration.

Decree 196/2025/ND-CP amending Decree 111/2011/ND-CP on consular certification and consular legalization

Decree No. 196/2025/ND-CP ("**Decree 196**"), issued on July 04, 2025, effective on August 03, 2025 (except that the electronic certification provisions will take effect from January 1, 2026). Decree 196 amended Decree No. 111/2011/ND-CP on consular certification and consular legalization. Notable developments include:

1. Modernization of Legalization Processes

Introduces procedures for e-consular legalization, enabling electronic submission, tracking, and issuance of legalized documents via digital platforms, likely through the National Public Service Portal. Recognizes electronic documents bearing valid digital signatures as legally valid — a significant shift from reliance solely on paper-based legalization systems.

2. Clarified Exemptions & Ineligibility Criteria

The new regulation clarifies that Vietnamese competent authorities have the right to assess the authenticity of foreign documents. If they deem the documents authentic, legalization is not required.

Previously, it was implied that foreign authorities could also influence this determination. However, the new regulation removes this discretion from foreign authorities, ensuring that the decision rests solely with Vietnamese authorities—a move that strengthens centralized oversight.

3. Flexibility in Language & Venue

Simplified and more precise language requirements now emphasize Vietnamese and English as the main languages. The exclusion of French indicates a move toward widely used international languages. Additionally, there is increased flexibility and decentralization, allowing various domestic authorities, not just the Ministry of Foreign Affairs, to perform consular certification and legalization.

Decree 188/2025/ND-CP on detailed implementation guidance for the amended Law on Health Insurance

Decree No. 188/2025/ND-CP ("**Decree 188**"), issued on July 01, 2025, effective from August 15, 2025, provides detailed implementation guidance for the amended Law on Health Insurance, specifying contracts for insured medical examination and treatment, procedures for insured medical services, and payment methods.

1. Enhance access to health services

The decree adds instances that are considered evasion of health insurance regulations, such as situations declared by authorities involving natural disasters, emergencies, civil defense, and disease outbreaks.

2. Supplementing regulations on health insurance contribution support levels for some subjects

It introduces new health insurance payment support:

- At least 50% support for human trafficking victims (for 1 year).
- At least 50% support for village and commune health workers.
- Increased support for students from 30% to 50%.

These measures aim to expand coverage and improve access for vulnerable groups.

Additionally, it amends the responsibilities of agencies handling premium transfers and the issuance of health insurance cards.

3. Adjusting the rate of expenditure for health examination and treatment under health insurance

The decree supplements regulations on issuing health insurance cards, allowing electronic or paper issuance via the National Public Service Portal, social insurance apps, one-stop departments, or the postal service, making the process more accessible and efficient.

It also includes:

- New regulations on health insurance contracts for medical services.
- Amendments to payment procedures between social insurance agencies and healthcare providers.
- Provisions on direct payments to health insurance participants.
- Adjustments to spending rates, reserves, and fund management.
- Updated rules on budgeting, expenditure notifications, and fund finalization.
- Enhanced responsibilities for agencies in applying IT and digital transformation.
- Revised roles of the Ministry of Health, the Ministry of Finance, Vietnam Social Security, and others to improve health insurance policy implementation.

4. Transitional provisions when implementing the 2-tier government structure

The decree outlines transitional provisions to ensure continuity in health insurance services during the reorganization of the two-tier local government structure, effective until December 31, 2025.

Key provisions include:

- Continued use of existing service prices until new ones are approved.
- Existing operating licenses and contracts remain valid for both old and new facilities.
- Initial health insurance registration and card allocations remain unchanged until further guidance.
- Existing facility codes and seals may be used until new ones are issued.
- Health insurance cards with outdated information remain valid until updated.

These measures ensure uninterrupted health insurance benefits and stable operations during the transition.

Decree 167/2025/ND-CP on amendments to Decree No. 08/2015/ND-CP on implementation of the Customs Law on procedures, inspection, supervision, and control

Decree No. 167/2025/ND-CP ("**Decree 167**"), issued on June 30, 2025, and effective on August 15, 2025. The decree introduces substantial reforms aimed at reducing paperwork, digitizing processes, and promoting electronic customs procedures to facilitate faster clearance and enhanced business efficiency.

1. Shift to Electronic Customs

Customs declarations are now primarily required to be submitted electronically. Paper-based declarations are limited to specific cases only.

This change encourages businesses to fully adopt digital customs procedures.

2. Customs Procedure Locations for Postal and Express Delivery Shipments

Exported and imported letters, parcels, and packages sent via postal services, as well as goods sent via express delivery services — including those on the list of imports required to undergo customs procedures at designated border checkpoints as stipulated by the Prime Minister — are permitted to undergo customs clearance at the Sub-Department of Customs that manages **centralized collection**, inspection, and supervision points for postal and express delivery items.

3. Simplification of Documentation

Decree 167 removes the requirement to submit customs documents for transshipped goods under Article 44, including transport documents, cargo lists, permits, and inspection results.

It also simplifies Article 37 by allowing customs declarants to notify production facilities with a written commitment to operate within the approved scope, without requiring the submission of business or property documents during import.

Furthermore, it eliminates the need to report organizational charts, shareholder lists, or financial statements when outsourcing production that uses imported materials.

The amendments simplify customs documentation and promote the use of the electronic customs data processing system. Specifically, the requirement for a "transit contract" under Article 43 (for goods in transit) is removed, as well as the requirement for "a notice from a foreign party about returned goods or a notice from the shipping line/agent about unclaimed goods" under Article 47 (for re-imported exported goods).

Decision 2161/QD-BCT promulgating amended and supplemented administrative procedures in the field of Import and Export under the management of the Ministry of Industry and Trade

Effective from August 22, 2025, Decision No. 2161/QD-BCT, issued on July 25, 2025, by the Minister of Industry and Trade, promulgates the list of amended and supplemented administrative procedures in the field of import and export under the management of the Ministry of Industry and Trade. In this list, the highlight is the procedure for Issuing a preferential Certificate of Origin (C/O) Form AANZ. This procedure is specified in detail in Circular No. 44/2025/TT-BCT dated July 7, 2025, of the Minister of Industry and Trade, guiding the Rules of Origin of Goods in the Agreement Establishing the ASEAN-Australia-New Zealand Free Trade Area (AANZFTA).



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