

LEGAL UPDATES

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1. Law on Residence takes effect as of 1st July 2021

Law on Residence No. 68/2020/QH14, (hereinafter referred to as “Residence Law 2020”), passed by the 14th National Assembly of the Socialist Republic of Vietnam at its 10th session on 13th November 2020, becomes effective as of 1st July 2021. The Residence Law 2020 is promulgated to replace the Law on Residence No. 81/2006/QH11, (hereinafter referred to as “Residence Law 2006”) and the Law amending and supplementing Residence Law No. 36/2013/QH13 (hereinafter referred to as “Amended Residence Law 2013”). The Residence Law 2020 has the following new contents:

No new issuance or re-issuance of household registration book and temporary residence book

Previously, according to the provisions of the Residence Law 2006, citizens performing residence registration would be issued a household registration book or a temporary residence book by the residence registration agency¹. However, according to the Residence Law 2020, from 1st July 2021, when citizens carry out procedures for registration of new residence or registration of residence resulting in changes in information stated in the household registration book, temporary residence book, the residence registration agency shall revoke the issued household registration book and temporary residence book, then subsequently adjust and update the information in the Residence Database according to the provisions of this Law and not issuing new household registration book and temporary residence book nor re-issuing the household registration book and temporary residence book.

In cases where the household registration book and temporary residence book are issued before 1st July 2021, they will still be used and are still valid as documents confirming residency under the provisions of this Law until the end of 31st December 2022². From 31st December 2022, the management of citizens' residence will be exclusively performed through the Residence Database and the household registration book and temporary residence book will be removed completely.

The replacement of the population management method through household registration book and temporary residence book with the management method of establishing personal identification number and updating information on the National Population Database and

¹ Article 18, Article 30 of the Residence Law 2006.

² Clause 3, Article 38 of the Residence Law 2020.



Residence Database will help simplify administrative procedures and reduce the costs that citizens are currently paying during the process of carrying out administrative procedures.

Change of conditions for permanent residence registration

The Residence Law 2006 and the Amended Residence Law 2013 stipulates different conditions between permanent residence registration in a province and permanent residence registration in a municipal city³. Specifically, citizens are allowed to register for permanent residence in a district or town of a municipal city when they have been temporary residing in that city for one year or more, if they register for permanent residence in a district of a municipal city, they must reside in that city for two years or more.

According to the Residence Law 2020, from 1st July 2021, the conditions for permanent residence registration in 63 provinces and cities across the country are the same, there is no distinction, unlike before. The specific conditions for permanent residence registration are specified in Article 20 of the Residence Law 2020.

In addition, the Residence Law 2020 also adds the condition of the minimum housing area to register for permanent residence in case of renting, borrowing or staying in another person's house, being 08m² of floor/person. This regulation aims to ensure minimum living conditions for citizens and is consistent with the National Housing Development Strategy up to 2020 and a vision up to 2030 approved by the Prime Minister on 30th November 2011.⁴

³ Article 19, Article 20 of the Residence Law 2006; Clause 2, Article 1 of the Amended Residence Law 2013

⁴ Decision No 2127/QĐ-TTĐ of the Prime Minister: Approving the National Housing Development Strategy up to 2020 and a vision up to 2030,

[http://vanban.chinhphu.vn/portal/page/portal/chinhphu/hethongvanban?class_id=2&_page=1&mode=detail&document_id=152934], last accessed on 07/07/2021], last accessed on 7 July 2021



No requirement for temporary residence registration when temporarily staying for less than 30 days

Previously, according to the provisions of the Residence Law 2006, citizens who were living, working or studying at a location in a commune, ward or town but were not eligible for permanent residence registration in the local area must register for temporary residence within 30 days from the date of arrival⁵. Thus, according to the old regulations, citizens must carry out procedures for temporary residence registration within 30 days as soon as they arrive and live in a new location that is not their permanent residence.

However, new regulations in the Residence Law 2020 provided that only citizens who are moving into a lawful accommodation outside the commune-level administrative unit, where they have registered their permanent residence, to work, study or for other purposes for 30 days or more are required to perform temporary residence registration. Thus, this regulation allows people to come and live in another location other than the place of their permanent residence registration for less than 30 days, without having to carry out the procedures for temporary residence registration, which is only required to notify about their temporary stay⁶. This provision is consistent with the concept of “temporary stay” stipulated in the Residence Law 2020, according to which “temporary stay” means a citizen staying in a place other than his/her permanent residence or temporary residence for a period of less than 30 days⁷. Thus, citizens can easily determine in which cases do they have to register for permanent residence or to register for temporary residence or to only notify their temporary stay.

Household separation after divorce

Previously, according to the provisions of the Residence Law 2006, those who have entered into the household registration book as prescribed in Clause 3, Article 25 and Clause 2, Article 26 of this Law and wants to separate their household must obtain the written consent of the household head⁸.

However, according to the Residence Law 2020, household members are allowed to separate households to register for permanent residence at the same lawful residence when the following conditions are met:

⁵ Clause 2, Article 30 of the Residence Law 2006.

⁶ Clause 1, Article 37, Article 30 of the Residence Law 2020.

⁷ Clause 6, Article 2 of the Residence Law 2020.

⁸ Point b, Clause 1, Article 27 of the Residence Law 2006.



- separating member has full legal capacity; in case where multiple members jointly register to separate households to form a new household, at least one of the members must have full legal capacity;
- head of the household or the owner of the lawful residence agrees with the separation, except for the situation where the member registering for household separation is a divorced husband or wife but is authorized to jointly use the same legal residence; and
- permanent residence of the household does not fall into the cases specified in Article 23 of this Law.

Thus, from 1st July 2021, the conditions for separating household after a divorce have been loosened compared to before. Accordingly, separation of households after a divorce does not require the written consent of the husband/wife.

2. Policy to support employee and employer in difficulty due to COVID-19 pandemic

On 1 July 2021, the Government issued Resolution 68/NQ-CP on certain policies to support employees and employers in difficulty due to the COVID-19 pandemic. The outstanding supporting policies of Resolution 68/NQ-CP are as follows:



Policy	Subject of the policy	Support rate	Application period
Reduction in insurance premiums for occupational accidents and diseases	Employers have employees eligible for occupational accident and disease insurance (except for officials, public employees, people in the people's armed forces, employees in the agencies of the Party, the State, administrative agencies, public sector entities on the payroll of the state budget).	Employers are entitled to a premium rate of 0% of the salary fund as the basis for paying social insurance premiums to the Insurance Fund for Occupational Accidents and Diseases	From 1 July 2021 to 30 June 2022
Suspension of contributions to the retirement and survivorship fund	Employers who have fully paid social insurance premiums or are temporarily suspending contributions to the retirement and survivorship fund until the end of April 2021 but have been affected by the COVID-19 pandemic, resulting in a downsizing of at least 15% employees who have contributed to social insurance compared to April 2021 (including the employees on furlough, suspension of employment contracts, and unpaid leave), the employees and the employers are entitled to this policy.	Suspension of payment to the retirement and survivorship fund	6 months from the date of application submission
Job retention training programs for employees	Employers are entitled to a financial support from the unemployment insurance fund for training, retraining and skill enhancement if they have fully paid unemployment insurance premiums for employees for full 12 months or more at the time of requesting support; they change the technological structure as prescribed in Clause 1, Article 42 of	The maximum monthly assistance is 1,500,000 VND per employee	Maximum support term of six months (Note: Applications for support are submitted from 1 July 2021 to 30 June 2022)



	the Labor Code; their revenue in the preceding quarter has decreased by 10% or more compared to the same period in 2019 or 2020 at the time of requesting support; and they have a plan, or cooperate with a vocational education institution in developing a plan, for training, retraining and skill enhancement in order to secure the jobs for employees as prescribed.		
Assistance to employees on suspension of employment contracts, unpaid leave	Employees will be entitled to a lump-sum support if they have worked for enterprises, cooperatives, public sector entities that cover their own recurrent expenditures or investment and recurrent expenditures, people-founded and private preschools, kindergartens, primary schools, junior high schools, high schools and vocational schools that temporarily cease operations at the request of competent authorities for the prevention and control of the COVID-19 pandemic and their period of suspension of employment contracts or unpaid leave is from 15 consecutive days or more from May 1, 2021 to the end of December 31, 2021, with a start date between May 1, 2021 and December 31, 2021; and they have contributed to compulsory social insurance up to the time of suspension of employment contracts or unpaid leave.	<ul style="list-style-type: none"> - 1,855,000 VNĐ per person for 15 consecutive days or more but less than 1 month; - 3,710,000 VNĐ per person for 1 month or more 	Support one time per employee
Assistance to furloughed employees	Employees have worked under an employment contract and has been put on furlough under Clause 3	1,000,000 VNĐ/ per employee	Support one time per employee



	Article 99 of the Labor Code and have been quarantined or in a locked down area as required by the competent authority for 14 days or more during the period from May 1, 2021 to the end of December 31, 2021; and they have contributed to compulsory social insurance up to the time of furlough.		
Assistance to employees with terminated employment contracts	Employees have worked for enterprises, cooperatives, public sector entities that cover their own recurrent expenditures or investment and recurrent expenditures, people-founded and private preschools, kindergartens, primary schools, junior high schools, high schools and vocational schools that temporarily cease operations at the request of competent authorities for the prevention and control of the COVID-19 pandemic and their employment contracts have been terminated from May 1, 2021 to the end of December 31, 2021, with a start date between May 1, 2021 and December 31, 2021; and they have contributed to compulsory social insurance but are not eligible for unemployment benefits.	3,710,000 VND per employee	Support one time per employee

3. Law on International Agreement takes effect as of 1st July 2021

The Law on International Agreement No. 70/2020/QH14 (hereinafter referred to as “Law on International Agreement 2020”) passed by the 14th National Assembly of the Socialist Republic of Vietnam at its 10th session on 13 November 2020, comes into effect as of 1st July 2021. It has the following new contents:



Change the definition of “international agreement”

Previously, according to Clause 1 Article 2 of Ordinance on Conclusion and implementation of international agreement No. 33/2007/PL-BTVQH11 (hereinafter referred to as “Ordinance on Conclusion and Implementation of International Agreement 2007”), an international agreement is a written agreement on international cooperation concluded in the name of a central state agency, a provincial-level agency or an organization's central body within the scope of its functions, tasks and powers with one or more than one foreign party, excluding the following contents:

- peace, security, border, territory and national sovereignty;
- citizens' fundamental rights and obligations, judicial assistance;
- participating in inter-governmental international organizations;
- official development assistance at Vietnamese State or Government relation level; and
- other issues at Vietnamese State or Government relation level as provided for by law.

According to The Law on International Agreement 2020, “international agreement” means a written agreement on international cooperation between a Vietnamese contracting party, within its functions, tasks and powers, and a foreign contracting party, which does not give rise to, alter or terminate a right or obligation of the Socialist Republic of Vietnam under international law.

An international agreement is not an international treaty

The law on International Agreement 2020 clearly affirms that an international agreement is not an international treaty. Therefore, an international agreement is only concluded under the name of an agreement, announcement, statement, letter of intent, memorandum, minutes of settlement, minutes of exchange, cooperation program, cooperation plan or other name, other than the specific names of international treaties including conventions, treaties, agreements.

An international agreement can be concluded with a foreign individual

Previously, according to Clause 1 Article 3 of Ordinance on Conclusion and Implementation of International Agreement 2007, “foreign contracting party” includes the National Assembly, an agency of the National Assembly, an assisting agency of the National Assembly, the Supreme Court, the Supreme Procuracy, a ministry, a government-attached agency or an equivalent agency, a local administration or an organization of a foreign country.



From 1 July 2021, according to Clause 4 Article 2 the Law on International Agreement 2020, “*foreign contracting party*” includes the State, the National Assembly, the Government, local government, an authority established under foreign law, an international organization or a *foreign individual*.



DOCUMENTS ISSUED IN JULY 2021

DATE OF ISSUE	NO.	NAME OF DOCUMENT	ISSUED BY	MAIN CONTENTS
01/07/2021	2393/TCT-DNNCN	Official Letter	Ministry of Finance - General Department of Taxation	Personal income tax declaration
01/07/2021	68/NQ-CP	Resolution	Government	Policies supporting employees and employers facing difficulties due to the COVID-19 pandemic
01/07/2021	01/2021/GĐ-TANDTC	Answers	Supreme People's Court	Professional issues on conciliation and dialogue at the Court
05/07/2021	790/QĐ-BNV	Decision	Ministry of Home Affairs	Approving the charter of the Association of Vietnamese creators and copyrights
06/07/2021	5548/QĐ-BCA-C06	Decision	Ministry of Public Security	Announcement of newly promulgated, amended, supplemented and annulled administrative procedures regarding residence registration and immigration under the handling jurisdiction of the Ministry of Public Security
06/07/2021	66/2021/NĐ-CP	Decree	Government	Guiding the Law on Natural Disaster Prevention and Control and the Law amending and supplementing a number of articles of the Law on Natural Disaster Prevention and Control and the Law on Dikes.



07/07/2021	06/2021/TT-BLĐTBXH	Circular	Ministry of Labor, War Invalids and Social Affairs	Amending and supplementing Circular No. 59/2015/TT-BLĐTBXH detailing and guiding on the implementation of a number of articles of the Law on Social Insurance regarding compulsory social insurance
07/07/2021	23/2021/QĐ-TTg	Decision	Prime Minister	Implementation of a number of policies to support employees and employers facing difficulties due to the COVID-19 pandemic
08/07/2021	1988/BHXH-TST	Official Letter	Social Insurance of Vietnam	Implementation of Resolution No. 68/NQ-CP and Decision No. 23/2021/QĐ-TTg of the Prime Minister.
08/07/2021	80/2021/TT-BQP	Circular	Department of Defense	Regulations on the time limit restricting people holding positions and powers in the military to establish or hold management or executive positions in enterprises or cooperatives in the fields they were previously responsible for managing after they retire from such office; Specifying the list and period of periodic change of working positions in agencies and units under the Ministry of National Defense
08/07/2021	55/2021/TT-BTC	Circular	Ministry of Finance	Guiding the management, allocation, advance and reimbursement of expenses for enforcement of judgments to commercial legal entities



12/07/2021	57/2021/TT-BTC	Circular	Ministry of Finance	Regulations on schedule of restructuring of the stock trading market, bond trading market, derivatives trading market and other securities trading markets
12/07/2021	58/2021/TT-BTC	Circular	Ministry of Finance	Guiding of Decree No. 158/2020/ND-CP on derivative securities and derivative securities market.
12/07/2021	4104/BCT-TTTN	Official Letter	Ministry of Industry and Trade	Managing of petroleum business
14/07/2021	92/TANDCTH	Official Letter	Supreme People's Court	Implementation of the Law amending and supplementing a number of articles of the Law on Judicial Expertise
15/07/2021	67/2021/NĐ-CP	Decree	Government	Amending Decree No. 167/2017/ND-CP regulating the rearrangement and handling of public property
15/07/2021	69/2021/NĐ-CP	Decree	Government	Renovation and rebuilding of apartment buildings
15/07/2021	264/QHLĐTL-TL	Official Letter	Department of Labor Relations and Wages - Ministry of Labor, War Invalids and Social Affairs	Paying severance pay to employees during work severance relating to the COVID-19 epidemic
16/07/2021	67/2021/NĐ-CP	Decree	Government	Amending Decree No. 167/2017/ND-CP regulating the rearrangement and handling of public property



16/07/2021	04/2021/TT-BCT	Circular	Ministry of Industry and Trade	Regulations on working time and rest time for employees working in underground mines
16/07/2021	253/TANDTC-V1	Instruction	Supreme People's Court	Amending Instruction No. 248/TANDTC-V1 implementing Decision No. 1161/2021/QD-CTN on amnesty in 2021 for individual currently suspended from serving a prison sentence
20/07/2021	70/2021/NĐ-CP	Decree	Government	Amending and supplementing a number of articles of Decree No. 181/2013/ND-CP detailing the implementation of a number of articles of the Law on Advertising
21/07/2021	7153/BGTVT-TC	Official Letter	Ministry of Transport	Handling assets recovered from project
21/07/2021	10/2021/TT-NHNN	Circular	State Bank of Vietnam	Regulations on refinancing of the Bank for Social Policies under Decision No. 23/2021/QD-TTg stipulating the implementation of policies to support employees and employers facing difficulties due to the COVID-19 pandemic.
22/07/2021	4974/VPCP-KTTH	Official Letter	Government Office	Issues with value-added tax and personal income tax for house renters

