

DECREE No. 05/2000/ND-CP OF MARCH 3, 2000 ON EXIT AND ENTRY OF VIETNAMESE CITIZENS

THE GOVERNMENT

Pursuant to the Law on Organization of the Government of September 30, 1992;

With a view to improving the procedures for exit and entry of Vietnamese citizens;

At the proposals of the Minister of Public Security and the Minister for Foreign Affairs,

DECREES:

Chapter I

GENERAL PROVISIONS

Article 1.-

1. This Decree stipulates Vietnamese citizens' exit from and entry into Vietnam.
2. The granting of crew member papers and papers for exit and entry in border regions, and the permission for Vietnamese nationals residing abroad to repatriate to Vietnam shall not fall within this Decree's regulation scope.

Article 2.- Vietnamese citizens shall be granted Vietnamese passports or laissez-passers for their exit from and entry into Vietnam according to provisions of this Decree.

Article 3.- Vietnamese citizens holding valid passports or laissez-passers shall be allowed to leave and enter Vietnam through border-gates. Upon their exit or entry, they shall have to produce their passports or laissez-passers to the exit and entry control forces of Vietnam at the border-gates.

Vietnamese citizens' exit from and entry into Vietnam shall not require visas.

Article 4.-

1. After entering Vietnam, Vietnamese citizens residing abroad and holding Vietnamese passports, who return to the country for a definite period of time shall declare their temporary residence according to the provisions of the Vietnamese law as for Vietnamese citizens residing in the country.
2. Vietnamese citizens residing abroad who are next of kin or private servants accompanying or visiting foreigners working in foreign diplomatic missions, consular offices, or representative offices of international organizations in Vietnam shall declare their temporary residence according to the regulations of the Ministry for Foreign Affairs.

Chapter II

PASSPORTS

Article 5.-

1. Vietnamese passports are assets of the State of the Socialist Republic of Vietnam and shall be granted only to Vietnamese citizens.
2. Vietnamese passports include: general passports, official passports and diplomatic passports.
3. Valid duration of passports:

General passports, official passports and diplomatic passports shall be valid for 5 years from the date of their issuance. Upon their expiry, they may be extended once for not more than 3 years.

Official passports and/or diplomatic passports granted to people defined in Clause 7, Article 7 and Clause 11, Article 8 of this Decree shall have a valid duration suitable to the purposes of the overseas trips and stay duration of the people sent abroad, which, however, must not exceed 5 years from the date of their issuance.

Passport granted to under-16 children shall not be extended.

4. Laissez-passers are papers that can substitute for passports for exit from and entry into Vietnam.

In special cases, Vietnamese citizens may be granted laissez-passers for their exit from or entry into Vietnam according to the regulations of the Ministry of Public Security and the Ministry for Foreign Affairs.

A laissez-passers shall be valid for 6 months from the date of its issuance and shall be extended once for not more than 6 months.

Article 6.- General passports shall be granted to all Vietnamese citizens.

Article 7.-

Official passports shall be granted to Vietnamese citizens who fall into one of the following categories:

1. State officials and public employees, career officers and soldiers in the People's Army and the People's Police, who are sent abroad to perform official duties assigned by the State agencies.
2. Officials of sectional or higher levels and chief accountants of State enterprises, who are sent abroad to perform such enterprises' official duties.
3. State officials and public employees, who are sent abroad to perform official duties within the working scope of the Communist Party of Vietnam.
4. State officials and public employees, who are sent abroad to perform official duties within the working scope of socio-political organizations of the central level.
5. Staff members of diplomatic missions, consular offices or other agencies authorized to perform the consular function of Vietnam in foreign countries (hereinafter collectively referred to as Vietnam representations in foreign countries), members of permanent representative missions of Vietnam at inter-governmental organizations; news and press correspondents of the Vietnamese State in foreign countries.
6. Spouses and/or under-18 children of people mentioned in Clause 5 of this Article, who are accompanying such people for the latter's working terms or visiting them.
7. In case of necessity, at the proposals of persons competent to send people abroad defined in Article 15 of this Decree, the Minister for Foreign Affairs shall consider and decide the granting of official passports to people not defined in Clauses 1 through 6 of this Article for their overseas trips.

Article 8.-

Diplomatic passports shall be granted to Vietnamese citizens falling into one of the following categories who go abroad to perform official duties:

1. Those belonging to the bodies of the Communist Party of Vietnam:
 - The General Secretary, members of the Political Bureau and the Party Central Committee;
 - The advisors to the Party Central Committee;
 - The former general secretaries, Political Bureau members, advisors to the Party Central Committee;
 - The secretaries and deputy secretaries of the Party Committees of the provinces and centrally-run cities;
 - The heads and deputy heads of the committees attached to the Party Central Committee; the Director and Deputy Director(s) of the Office of the Party Central Committee;
 - The special envoys and assistants of the General Secretary of the Party Central Committee.
2. Those belonging to the bodies of the National Assembly:
 - The Chairman and Vice Chairmen of the National Assembly; the members of the National Assembly Standing Committee;
 - The former chairmen and vice chairmen of the National Assembly;
 - The Chairman and Vice Chairmen of the National Assembly's Council for Nationalities;
 - The heads and deputy heads of the National Assembly's Commissions; the director and deputy director(s) of the National Assembly's Office;
 - The National Assembly deputies;
 - The assistants of the National Assembly Chairman.
3. Those belonging to bodies under the State President:
 - The State President and Vice President(s);
 - The former State Presidents and Vice Presidents;
 - The Director and Deputy Director(s) of the State President's Office;
 - The special envoys and assistants of the State President.
4. Those belonging to the governmental bodies:
 - The Prime Minister and Deputy Prime Ministers;
 - The former Prime Ministers and Deputy Prime Ministers;
 - The ministers, heads of the ministerial-level agencies, heads of the agencies attached to the Government; the vice ministers, deputy heads of the ministerial-level agencies and deputy heads of the agencies attached to the Government;
 - The heads and deputy heads or general directors and deputy general directors of the general departments; the commanders and deputy commanders of the Commands under the Ministry of Defense and the Ministry of Public Security; the officers with ranks of major general or naval rear admiral or higher ranks who are on active service in the People's Army and the People's Police;
 - The special envoys and assistants of the Prime Minister;
 - The chairmen, vice chairmen and secretaries of Vietnam's sub-committees in inter-governmental cooperation committees between Vietnam and foreign countries.

5. Those belonging to the judicial bodies:

- The Chief Judge and Deputy Chief Judges of the Supreme People's Court;
- The Chairman and the Vice Chairmen of the Supreme People's Procuracy.

6. Those belonging to the socio-political organizations at the central level:

- The Chairman, the General Secretary and the standing members of the Presidium of the Vietnam Fatherland Front's Central Committee;
- The Chairman and Vice Chairmen of the Vietnam Confederation of Labor;
- The Chairman and Vice Chairmen of the Vietnam Peasants' Association;
- The Chairman and Vice Chairmen of the Vietnam Women's Union
- The Chairman and Vice Chairmen of the Vietnam War Veterans' Association;
- The First Secretary and the Standing Secretary of the Central Committee of the Ho Chi Minh Communist Youth Union.

7. Those belonging to the local State bodies:

- The chairmen and vice chairmen of the People's Councils of the provinces and centrally-run cities;
- The presidents and vice presidents of the People's Committees of the provinces and centrally-run cities;

8. Those being currently on service in the diplomatic sector and having been conferred diplomatic titles or holding the following positions, who are sent abroad to perform official duties:

- Ambassadors, ministers, charge d'affaires, heads of Vietnam's permanent representative missions at inter-governmental international organizations;
- Minister-counselors, counselors, secretaries, attaché;
- The consuls general, deputy consuls general, consuls, deputy consuls and consular attaché.

9. Spouses and/or under-18 children of people defined in Clauses 1 through 8 of this Article, who are accompanying the latter on their working journeys, working terms or visiting them.

10. Diplomatic couriers, consular couriers.

11. In case of necessity, basing himself/herself on the requirements and characteristics of working missions, and at the proposals of persons competent to send people abroad as defined in Article 15 of this Decree, the Minister for Foreign Affairs shall consider and decide the granting of diplomatic passports to people not defined in Clauses 1 through 10 of this Article.

Chapter III

PROCEDURES FOR GRANTING PASSPORTS

Article 9.- The procedures for granting general passports in the country:

1. The passport application dossier:

a/ For State officials, public employees, staff members of agencies, organizations, State enterprises, units of the People's Army and the People's Police (including people working under labor contracts with a term of one year or more, and people dispatched by State agencies or enterprises to work at social organizations, non-State economic organizations,

foreign-invested enterprises and foreign organizations in Vietnam), the passport application dossier shall comprise:

- 01 declaration for passport granting, stuck with the applicant's photograph sealed and certified by the head of the agency or unit directly managing him/her (made according to the form set by the Ministry of Public Security);

- The document on sending him/her abroad for a public mission or permitting him/her to go abroad for private business issued by the person competent to send or permit people to go abroad as defined in Article 15 of this Decree.

b/ For employees working in enterprises with 100% foreign-owned capital or joint-venture enterprises, the passport application dossier shall comprise:

- 01 declaration for passport granting, stuck with the applicant's photograph sealed and certified by the chief police of the ward or commune where the applicant registers his/her permanent residence or long-term temporary residence (made according to the form set by the Ministry of Public Security);

- The document on sending him/her abroad for a public mission or permitting him/her to go abroad for private business, issued by the head of the enterprise.

c/ For people not defined in Points a and b, Clause 1 of this Article, the passport application dossier shall comprise: 02 declarations for passport granting, stuck with the applicant's photograph sealed and certified by the chief police of the ward or commune where the applicant registers his/her permanent residence or long-term temporary residence (made according to the form set by the Ministry of Public Security).

d/ For under-16 children going abroad with their parents or patrons, if the parents or patrons request the granting of common passports, they shall make the common declarations for the granting of their passports.

2. The time limits for granting passports by the competent agencies in the country:

- 05 working days after receiving complete and valid dossiers, for cases prescribed at Points a and b, Clause 1 of this Article.

- 15 working days after receiving complete and valid dossiers, for cases prescribed at Point c, Clause 1 of this Article.

- 30 working days after receiving complete and valid dossiers, for cases of application for passports to go abroad for settlement.

Article 10.-

The procedures for granting official passports and diplomatic passports in the country:

1. The passport application dossier:

a/ For people defined in Articles 7 and 8 of this Decree (except for those mentioned at Point b of this Clause), the passports application dossier shall comprise:

- 01 declaration for passport granting, stuck with the applicant's photograph sealed and certified by the head of the agency or unit directly managing him/her (made according to the form set by the Ministry for Foreign Affairs);

- The document on sending him/her abroad, issued by the competent person defined in Article 15 of this Decree.

b/ For people specified in Clause 6, Article 7, and Clause 9, Article 8, of this Decree:

- If they are officials, public employees and staff members of the State agencies, organizations or enterprises, units of the People's Army or the People's Police, the passport application dossier shall comprise:

+ 01 declaration for passport granting, stuck with the applicant's photograph sealed and certified by the head of the agency or unit directly managing him/her (made according to the form set by the Ministry for Foreign Affairs);

+ The document permitting him/her to go abroad, issued by the competent person defined in Article 15 of this Decree;

+ Papers evidencing that the passport applicant is the accompanying or visiting person, as defined in Clause 6, Article 7 and Clause 9, Article 8, of this Decree;

- If they are not officials, public employees and staff members of the State agencies, organizations or enterprises, units of the People's Army or the People's Police, the passport application dossier shall comprise:

+ 01 declaration for passport granting stuck with the applicant's photograph sealed and certified by the chief police officer of the ward or commune where the applicant registers his/her permanent residence or long-term temporary residence (made according to the form set by the Ministry for Foreign Affairs);

+ Papers evidencing that the passport applicant is the accompanying or visiting person, as defined in Clause 6, Article 7, and Clause 9, Article 8, of this Decree;

c/ For under-16 children going abroad with their parents or patrons, if the parents or patrons request the granting of common passports, they shall make the common declarations for the granting of their passports.

2. The agency(ies) granting official passports and diplomatic passports shall complete the granting within 05 working days after receiving complete and valid dossiers.

Article 11.- The passport granting agency(ies) shall have to prescribe the places for submitting dossiers and notifying application results to applicants for general passports, official passports and diplomatic passports, and specify the procedures for extending, supplementing, modifying, renewing and re-granting passports of the above-said kinds.

Article 12.- The procedures for granting passports by Vietnamese representations in foreign countries to Vietnamese citizens, who work or study for given duration or permanently reside in such foreign countries, shall be as follows:

1. The passport applicant shall submit to the Vietnamese representation in the host country 01 declaration for passport granting (made according to the form set by the Ministry for Foreign Affairs and the Ministry of Public Security), submit or produce papers evidencing that he/she bears Vietnamese nationality and his/her personal identification stuck with his/her photograph with certification seal thereon, issued by the Vietnamese competent agency.

In cases where the passport applicant has no paper evidencing his/her Vietnamese nationality and personal identification, he/she shall have to submit 01 copy of his/her curriculum vitae made according to the form set by the Ministry for Foreign Affairs and the Ministry of Public Security.

2. The time limits for granting passports by Vietnamese representations in foreign countries:

- 05 working days after receiving complete and valid dossiers, if there are enough grounds for verifying the Vietnamese nationality of the passport applicants and their accurate personal identifications.

- In cases where there are not enough grounds for verifying the passport applicants' Vietnamese nationality or their personal identifications are inaccurate, the Vietnamese representations in foreign countries shall send personal identifications and photographs of such passport applicants to the Ministry for Foreign Affairs. The Ministry for Foreign Affairs shall have to coordinate with the Ministry of Public Security and the Ministry of Justice in verifying them and replying the concerned Vietnamese representations within 45 days after receiving the verification requests. The Ministry of Public Security and the Ministry of Justice shall have to reply the Ministry for Foreign Affairs within 40 days after receiving the verification requests. The Vietnamese representations shall consider, settle and reply the passport applicants within 05 days after receiving the written reply from the Ministry for Foreign Affairs.

Article 13.- The Ministry for Foreign Affairs and the Ministry of Public Security shall uniformly guide the procedures for extending, modifying, renewing and re-granting general passport, officials passports and diplomatic passports by the Vietnamese representations in foreign countries for Vietnamese citizens who are working or studying for given duration or permanently residing in such foreign countries.

Chapter IV

PEOPLE NOT YET PERMITTED TO LEAVE THE COUNTRY

Article 14.-

1. Vietnamese citizens shall not be permitted to leave the country if they fall into one of the following cases:

a/ Persons who are examined for penal liability, obliged to serve penal sentences or are neither permitted to leave the country nor granted passports at the request of the investigation agency in service of the criminal investigation.

b/ Persons who are obliged to serve their sentences; awaiting the settlement of civil, economic or administrative disputes; awaiting to serve the administrative-sanction decisions; obliged to pay taxes or perform other financial obligations as prescribed by Vietnamese law, except for cases where they make monetary or property deposits or property guarantees or take other security measures for the performance of such obligations.

c/ Persons who have violated the regulation on exit and entry and been imposed with administrative warning or more severe sanctions, shall not be permitted to leave the country for 1 to 5 years after their violations are handled.

d/ Persons who have been expelled by foreign countries for their violations of the laws of such host countries, if their acts are serious and detrimental to the interests and prestige of Vietnam, they shall not be permitted to leave the country for 1 to 5 years after their return to Vietnam.

e/ Persons who are not permitted to leave the country at the Ministry of Health's requests for medical reasons.

f/ Other cases for reasons of safeguarding the national security and social order and safety.

2. At the requests of the investigation agency, procuracy, court or judgment execution agency, the exit and entry management agency under the Ministry of Public Security shall inform the

border-gate exit and entry control forces of people mentioned at Points a and b, Clause 1 of this Article, so as not to permit such people to leave the country.

3. The Minister of Public Security shall decide the exit ban against Vietnamese citizens mentioned at Points c, d, e and f, Clause 1 of this Article according to the provisions of law and inform the border-gate exit and entry control forces thereof so that the latter can effect it.

4. The Ministry of Public Security shall uniformly manage the list of Vietnamese not yet permitted to leave the country.

Chapter V

COMPETENCE AND RESPONSIBILITIES OF THE CONCERNED AGENCIES AND RESPONSIBILITIES OF PASSPORT GRANTEEES

Article 15.-

The competence to send or permit officials, public employees and staff members of the State agencies, organizations or enterprises to go abroad is stipulated as follows:

1. The Prime Minister shall decide the exit of the ministers, the heads of the ministerial-level agencies, the heads of the agencies attached to the Government, the presidents of the People's Committees of the provinces and centrally-run cities (hereinafter referred to as the ministerial or provincial heads); the chairmen of the managing boards and the general directors of the corporations directly under the Prime Minister.

2. The ministerial or provincial heads shall decide the sending or permitting of officials, public employees and staff members of the State agencies, organizations or enterprises (including people working under labor contracts with a term of 01 year or more) under their direct management competence, to go abroad for public missions or private business.

3. The ministerial or provincial heads may authorize the heads of the General Departments, Departments or Institutes under their respective ministries; or the heads of the provincial services, boards or branches in their respective provinces to decide the sending or permitting of officials, public employees and staff members under their management (including people working under labor contracts with a term of 01 year or more) to go abroad. The ministerial or provincial heads shall have to notify in writing the said authorization, and at the same time introduce the authorization scope, seals and signatures of the authorized to the Ministry of Public Security and the Ministry for Foreign Affairs.

4. The sending of officials, public employees and staff members under the management of such bodies as the Party, the National Assembly, the State President, the Supreme People's Court, the Supreme People's Procuracy, socio-political organizations and other organizations, to go abroad for public missions or the permission of such people to go abroad for private business shall comply with the regulations of the Political Bureau and the regulation on management of officials, public employees and staff members of such agencies and organizations.

Article 16.- The heads of the State agencies, organizations or enterprises, units of the People's Army or the People's Police, socio-political organizations and persons authorized to send or permit officials, public employees and staff members (including people working under labor contracts with a term of 01 year or more) to go abroad, shall be held responsible before law for the personnel they send or permit to go abroad, and at the same time have to organize the management of such subjects' passports right after they return to the country, thus ensuring that all passports are used for the right purposes by the right subjects.

Article 17.-

The Ministry of Public Security shall assume the prime responsibility and coordinate with the Ministry for Foreign Affairs and the Ministry of Defense (the border-guards) in assisting the Government to exercise the State management over the Vietnamese citizens' exit and entry. The Ministry of Public Security shall have to:

1. Guide the procedures for exit and entry, granting of general passports to Vietnamese citizens and registration of temporary residence in Vietnam of Vietnamese citizens residing abroad stipulated in Clause 1, Article 4 of this Decree.
2. Coordinate with the Ministry for Foreign Affairs in uniformly setting forms and papers related to the Vietnamese citizens' exit and entry; printing passports and laissez-passers, and promptly supplying them to the agencies responsible for granting passports and/or laissez-passers.
3. Grant, extend, supplement, renew, re-grant and cancel in Vietnam general passports according to this Decree's provisions; temporarily seize and withdraw passports of Vietnamese citizens defined in Clause 1, Article 14 of this Decree.
4. Coordinate with the Ministry for Foreign Affairs in guiding the Vietnamese representations in foreign countries to grant, extend, supplement, renew, re-grant, cancel, temporarily seize and withdraw general passports of Vietnamese citizens in such foreign countries according to provisions of law.
5. Check and verify passports and passport-substitute papers of Vietnamese citizens on exit or entry through border-gates managed by the Ministry of Public Security.
6. Handle within its competence violations of this Decree's provisions by individuals and organizations.
7. Coordinate with the Ministry for Foreign Affairs in undertaking the international cooperation in the domain of Vietnamese citizens' exit and entry according to the Government's regulations.
8. Make State statistics on Vietnamese citizens' exit and entry.

Article 18.-

The Ministry for Foreign Affairs shall have to:

1. Guide the procedures for granting official passports and diplomatic passports to Vietnamese citizens and the temporary residence in Vietnam of Vietnamese citizens residing abroad as prescribed in Clause 2, Article 4 of this Decree.
2. Coordinate with the Ministry of Public Security in guiding the Vietnamese representations in foreign countries to grant, extend, supplement, renew, re-grant, cancel, temporarily seize and withdraw passports of Vietnamese citizens in such foreign countries according to provisions of law.
3. Grant, extend, modify, supplement, renew, re-grant and cancel in Vietnam official passports and diplomatic passports according to this Decree's provisions; regularly notify the Ministry of Public Security of the list of personnel granted official passports or diplomatic passports right after the granting.
4. Coordinate with the Ministry of Public Security in undertaking the international cooperation in the domain of Vietnamese citizens' exit and entry according to the Government's regulations.

Article 19.-

The Ministry of Defense (the border-guards) shall have to:

Check and verify passports and passport-substitute papers of Vietnamese citizens on exit and entry through border-gates managed by the Ministry of Defense (the border-guards).

Article 20.- The Vietnamese representations in foreign countries shall grant, extend, modify, supplement, renew, re-grant, cancel, temporarily seize and withdraw general passports, official passports and diplomatic passports for Vietnamese citizens in such foreign countries according to provisions of law; notify the Ministry for Foreign Affairs and the Ministry of Public Security of the list of persons granted general passports, official passports and diplomatic passports right after the granting; and inform the list of passports which are no longer valid to the competent agencies of the host countries as well as other foreign representations in such countries.

Article 21.-

1. Those who have their passports granted, renewed or re-granted shall have to pay a fee according to the Ministry of Finance's regulations.
2. Passport grantees shall have to keep and preserve their passports; they must neither erase, delete, additionally inscribe nor modify contents inscribed in their passports.
3. Passport grantees must neither transfer their passports to others for use nor use them for violations of the Vietnamese law.
4. When losing their passports in the country, the passport bearers shall have to immediately declare with the police of the locality where the incident occurs and the passport-granting agency. If their passports are lost in foreign countries, they shall immediately declare with the competent agencies of such foreign countries and the nearest Vietnamese diplomatic missions or consular offices.

Article 22.-

1. Vietnamese citizens who commit acts of violating the provisions of this Decree shall, depending on the nature and seriousness of their violations, be administratively sanctioned or examined for penal liability according to the provisions of law.
2. Vietnamese citizens may lodge complaints according to the provisions of law when their passport applications are rejected by the competent State agencies or they are not yet permitted to leave the country according to the latter's notifications.

Chapter VI

IMPLEMENTATION PROVISIONS

Article 23.-

This Decree takes effect 15 days after its signing and replaces the following regulations:

- The regulations on management of exit and entry of Vietnamese citizens and overseas Vietnamese bearing Vietnamese passports who are on exit, entry, residence and travel as prescribed in the Regulation on management of Vietnamese delegations going abroad and foreign delegations visiting Vietnam, issued together with the Government's Decree No.12/CP of December 1st, 1992;
- The Government's Decree No.48/CP of July 8, 1993 on passports and visas;

- Regulations on exit and entry of Vietnamese citizens and provisions on the exit, entry, residence and travel of overseas Vietnamese bearing Vietnamese passports in the Government's Decree No.24/CP of March 24, 1995 on the exit and entry procedures;
- Regulations on exit and entry of Vietnamese citizens and provisions on the exit, entry, residence and travel of overseas Vietnamese bearing Vietnamese passports in the Government's Decree No.76/CP of November 6, 1995 amending and supplementing a number of articles of Decree No.24/CP of March 24, 1995 on the exit and entry procedures;
- The provisions on exit and entry of Vietnamese citizens in the Prime Minister's Decision No.957/1997/QD-TTg of November 11, 1997.

Article 24.-

1. The Ministry of Public Security shall assume the prime responsibility and coordinate with the Ministry for Foreign Affairs in guiding the implementation of this Decree.
2. The Ministry of Finance shall assume the prime responsibility and coordinate with the Ministry of Public Security and the Ministry for Foreign Affairs in guiding the fees for granting, renewing and re-granting passports and certification papers specified in this Decree, and guiding the deductions from the collected amounts of such fees to cover the handling of violations of the regulations on exit and entry.

Article 25.-

The ministers, the heads of the ministerial-level agencies, the heads of the agencies attached to the Government and the presidents of the People's Committees of the provinces and centrally-run cities shall have to implement this Decree.

On behalf of the Government
Prime Minister
PHAN VAN KHAI