

JOINT CIRCULAR

**AMENDING AND SUPPLEMENTING THE MINISTRY OF PUBLIC SECURITY AND THE MINISTRY OF FOREIGN AFFAIRS' JOINT
CIRCULARS NO. 04/2002/TTLT-BCA-BNG OF JANUARY 29, 2002, AND NO. 05/ 2009/TTLT-BCA-BNG OF MAY 12, 2009, ON
IMMIGRATION**

Pursuant to the Government's Resolutions No. 50/NQ-CP of December 10, 2010, and No. 61/NQ-CP of December 17, 2010. on simplification of administrative procedures under the management of the Ministry of Foreign Affairs and the Ministry of Public Security;

Pursuant to the Government's Decree No. 63/2010/ND-CP of June 8, 2010, on control of administrative procedures;

Pursuant to the Government's Decree No. 77/ 2009/ND-CP of September 15, 2009, defining the functions, tasks, powers and organizational structure of the Ministry of Public Security;

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. 21/2001/ND-CP of May 28, 2001, detailing the Ordinance on Entry, Exit, and Residence of Foreigners in Vietnam;

The Ministry of Public Security and the Ministry of Foreign Affairs hereby agree as follows:

Article 1. To amend and supplement a number of articles and clauses of Joint Circular No. 04/2002/TTLT-BCA-BNG of January 29, 2002, guiding the Government's Decree No. 21/ 2001/ND-CP of May 28, 2001, detailing the Ordinance on Entry, Exit, and Residence of Foreigners in Vietnam

1. To amend Clause 2, Section I, as follows:

a/ To amend phrase "written request" in the third line. Point a, into "written application for personal verification and approval for foreigners to enter Vietnam, made according to form N2 provided in this Circular";

b/ To amend phrase "submit an application" in the first line, Point b, into "submit a visa sponsoring application for family members' visit, made according to form N3 provided in this Circular".

2. To amend phrase "application (made according to a set form)" in the second line, Point a. Clause 1, Section II, into "application for a Vietnamese visa, made according to form N1 provided in this Circular".

3. To amend and supplement Clause 2, Section IV, as follows:

a/ To amend phrase "written request" in the fourth line. Point a, and the fourth line, Point b. into "application for visa issuance, replacement, modification, or stay extension, made according to form N5 provided in this Circular".

b/ To amend Point d as follows:

Foreigners applying for a temporary residence card shall submit 1 dossier set to the Immigration Management Department of the Ministry of Public Security or immigration management sections of police departments of provinces or centrally run cities (below referred to as provincial-level police departments). A dossier of application for a temporary residence card comprises:

+ An application for a temporary residence card, made according to form N7A; a written declaration of information on the applicant, made according to form N7B provided in this Circular;

+ Passport of the applicant:

+ A document evidencing the applicant's eligibility for consideration of grant of a temporary residence card, which is one of the following documents: labor permit, certification of being the head of a representative office or a member of the board of directors, or another paper of equivalent validity,

- A temporary residence card shall be granted to each applicant and made according to form N8 provided in this Circular.

4. To amend and supplement Sections VI and VII as follows:

"VI. Procedures for granting permanent residence cards

1. A foreigner mentioned at Point a or b, Clause 1. Article 13 of the Ordinance on Entry, Exit, and Residence of Foreigners in Vietnam who wishes to permanently reside in Vietnam shall submit 1 dossier set and carry out procedures at the Immigration Management Department of the Ministry of Public Security. A dossier of application for permanent residence in Vietnam comprises:

- An application for permanent residence status, made according to form N9A; a curriculum vitae. made according to form N9B provided in this Circular:

- Four 3 cm x 4 cm recent photos on white background, showing the applicant looking straight, bareheaded and wearing no color glasses;

- A copy of the passport (with the original passport produced for comparison);

- Other relevant papers and documents (if any).

Within 1 month after receiving a complete and valid dossier, the Minister of Public Security shall report the case to the Prime Minister for consideration and decision.

The Immigration Management Department of the Ministry of Public Security shall notify in writing the Prime Minister's decision to the permanent residence applicant and the provincial-level police department of the locality in which such person wishes to permanently reside. The provincial-level police department shall direct the local immigration management section in granting a permanent residence card after receiving a notice of the Prime Minister's decision permitting the permanent residence.

2. A foreigner mentioned at Point c, Clause 1. Article 13 of the Ordinance on Entry, Exit, and Residence of Foreigners in Vietnam shall directly submit 1 dossier set and carry out procedures of application for permanent residence in Vietnam at the Immigration Management Department of the Ministry of Public Security or the immigration management section of the provincial-level police department of the locality in which he/she wishes to permanently reside.

a/ A dossier of application for permanent residence comprises:

- An application for permanent residence status, made according to form N9A provided in this Circular;
- Four 3 cm x 4 cm recent photos on white background, showing the applicant looking straight, bareheaded and wearing no color glasses;
- The applicant's judicial record granted by a competent authority of the country of which the applicant is a citizen or where he/she has place of permanent residence;
- The diplomatic note of the representative mission of the country of which the applicant is a citizen;
- A paper on sponsoring foreign relatives' application for permanence residence in Vietnam, made according to form N10 provided in this Circular;
- Papers evidencing that the applicant is a spouse, child or parent of a Vietnamese citizen permanently residing in Vietnam;
- A copy of the passport (with the original passport produced for comparison);
- Other relevant papers and documents (if any).

b/ Papers included in a dossier (except the sponsorship paper and passport) must be translated into Vietnamese and notarized or consularly legalized as prescribed.

c/ Within 4 months after receiving a complete and valid dossier, the Immigration Management Department of the Ministry of Public Security shall coordinate with related agencies in conducting the verification and reporting the results to the Minister of Public Security for consideration and decision. In case the Department finds it necessary to conduct an additional verification, the said time limit may be extended for up to 2 months.

d/ The Immigration Management Department of the Ministry of Public Security shall notify in writing the Minister of Public Security's decision to the permanent residence applicant and the provincial-level police department of locality in which such person wishes to permanently reside. The provincial-level police department shall direct the local immigration management section in granting a permanent residence card within 5 working days after receiving a notice of the Minister of Public Security's decision permitting the permanent residence.

e/ A permanent residence card shall be granted separately to each applicant and made according to form N11 provided in this Circular.

f/ Within 2 months after receiving a notice from the Immigration Management Department of the Ministry of Public Security, a foreigner permitted to permanently reside in Vietnam shall come to the immigration management section of the locality in which he/she permanently resides to receive a permanent residence card. Past the said time limit, if the person permitted for permanent residence still fails to get the card without plausible reasons, such permanent residence card shall be automatically invalidated.

VII. Procedures for renewal of permanent residence cards

- Once every 3 years, a permanent residence card holder shall show up at the immigration management section of the provincial-level police department of the locality in which he/ she permanently resides to carry out procedures for renewal of his/her permanent residence card. The application for renewal of a permanent residence card must be made within 90 days before the date of showing up. A permanent residence card holder shall submit 1 dossier set comprising:

- + One application for renewal/replacement of a permanent residence card, made according to form N9C provided in this Circular;
- + Two 3 cm x 4 cm recent photos on white background showing the applicant looking straight, bareheaded and wearing no color glasses;
- + The permanent residence card;

+ A copy of the passport (with the original passport produced for comparison).

- In case a permanent residence card holder wishes to change the contents of his/her permanent residence card within 3 years (from the date of grant), he/she shall submit a dossier and carry out procedures as for renewal of permanent residence cards.

- Within 5 working days after receiving a complete dossier of application for renewal of a permanent residence card, the immigration management section of the provincial-level police department shall report it to the Immigration Management Department for consideration and decision. Within 5 working days after receiving a report, the Immigration Management Department shall reply in writing. The immigration management section of the provincial-level police department shall grant a new card within 5 working days after receiving an approval".

Article 2. To amend and supplement Joint Circular No. 05/2009/TTLT-BCA-BNG of May 12, 2009, guiding procedures for overseas Vietnamese to register permanent residence in Vietnam

To amend and supplement Clause 1, Section III. as follows:

To promulgate together with this Circular the form of application for return to Vietnam for permanent residence applicable to overseas Vietnamese (form TT01).

Article 3. Effect

This Joint Circular takes effect 45 days from the date of its signing. -

* All the above-mentioned forms are not printed herein.

**FOR THE MINISTER
OF PUBLIC SECURITY
DEPUTY MINISTER
LIEUTENANT GENERAL**

To Lam