

## TEMPORARY ENTRY FOR BUSINESS PERSONS

The following sets out Viet Nam's commitments in accordance with Article 12.4 (Grant of Temporary Entry) in respect of the temporary entry of business persons.

| Description of Category  | Conditions and Limitations<br>(including length of stay)                      |
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| <p><b>A. Service Sales Persons</b></p> <p>Viet Nam extends its commitments under this category to all Parties that have made commitments under the headings of:</p> <ul style="list-style-type: none"> <li>• Business Visitors</li> <li>• Service Sales Persons</li> </ul>   |   |
| <p><u>Definition:</u></p> <p><b>Service Sales Persons</b> are those who are not based in the territory of Viet Nam and receiving no remuneration from a source located within Viet Nam, and who are engaged in activities related to representing a service provider of another Party for the purpose of negotiating for the sale of the services of that provider where:</p> <ul style="list-style-type: none"> <li>(i) such sales are not directly made to the general public; and</li> <li>(ii) the sales person is not directly engaged in supplying the service.</li> </ul> | <p>The entry of these sales persons is limited to a period of six months.</p> |

| Description of Category   | Conditions and Limitations<br>(including length of stay)   |
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| <p><b>B. Intra-Corporate Transferees</b></p> <p>1. Viet Nam extends its commitments under this category to all Parties that have made commitments under the heading of:</p> <ul style="list-style-type: none"> <li>• Intra-Corporate Transferees</li> </ul> <p>2. Viet Nam shall grant temporary entry to Intra-Corporate Transferees, as defined below, working in services sectors and sub-sectors if Viet Nam undertook commitments in the WTO (WT/ACC/VNM/48/Add.2) without requiring these business persons to obtain a work permit or an equivalent requirement as a condition of temporary entry.</p> <p>3. Viet Nam may, upon application, grant the right of temporary entry to the accompanying spouse or dependents of an Intra-Corporate Transferee of another Party.</p> <p>4. Upon application, Intra-Corporate Transferees and, if relevant, their spouses and dependents may be issued with temporary residence cards, or equivalent multiple entry rights.</p> |  |
| <p><u>Definition:</u></p> <p><b>Intra-Corporate Transferees</b> comprise managers, executives and specialists of an enterprise of another Party, which has established a commercial presence in the territory of Viet Nam, temporarily moving as Intra-Corporate Transferees to that commercial presence, and those who have been previously employed by the enterprise for at least one year. For more clarity,</p> <p>(a) <b>Managers and Executives</b> are those who primarily direct the management of the enterprises which have established commercial presence in Viet Nam, receiving only general supervision or direction from the board of directors or stockholders of the business or their equivalent, including directing the establishment or a department or subdivision of the establishment, supervising and controlling the work of other supervisory, professional or</p>  | <p>These persons shall be granted entry for an initial period of three years which may be extended subject to the term of operation of those entities in Viet Nam.</p> <p>For any commercial presence established in the territory of Viet Nam by an enterprise of another Party, at least 20 per cent of the total number of managers, executives and specialists shall be Vietnamese nationals. However, a minimum of three non-Vietnamese managers, executives and specialists shall be permitted.</p> <p>The entry of spouses and dependents of Intra-Corporate Transferees shall be the same as the entry of the Intra-Corporate Transferees.</p> |

managerial employees, having the authority personally to hire and fire or recommend hiring, firing or other personnel actions, and who do not directly perform tasks concerning the actual supply of the services of the establishment;

- (b) **Specialists** are business persons working within an organisation who possess knowledge at an advanced level of expertise and with knowledge of the organisation's services, research equipment, techniques or management or have five years of professional experience in the same position as the one they shall be holding in Viet Nam. In assessing such knowledge, account will be taken not only of knowledge specific to the commercial presence, but also of whether the person has a high level of skills or qualification referring to a type of work or trade requiring specific technical knowledge. Specialists may include, but are not limited to, members of licensed professions.

| Description of Category  | Conditions and Limitations<br>(including length of stay)  |
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| <p><b>C. Persons Responsible for Setting up a Commercial Presence</b></p> <p>1. Viet Nam extends its commitments under this category to all Parties that have made commitments under the headings of:</p> <ul style="list-style-type: none"> <li>• Independent Executives</li> <li>• Other Personnel</li> <li>• Persons Responsible for Setting Up a Commercial Presence</li> <li>• Investors</li> </ul> <p>2. Viet Nam may, upon application, grant the right of entry to the accompanying spouse or dependents of a Person responsible for Setting up a Commercial Presence of another Party.</p> <p>3. Upon application, Persons responsible for Setting up a Commercial Presence and, if relevant, their spouses and dependents may be issued with temporary residence cards, or equivalent multiple entry rights.</p> |   |
| <p><u>Definition:</u></p> <p><b>Persons Responsible for Setting up a Commercial Presence</b> are managers and executives (as defined in B above) within a juridical person, who are responsible for the setting up, in Viet Nam, of a commercial presence of a service provider of another Party when:</p> <ul style="list-style-type: none"> <li>(i) these people are not engaged in making direct sales or supplying services; and</li> <li>(ii) the service provider has its principal place of business in the territory of another Party and has no other commercial presence in Viet Nam.</li> </ul>   | <p>The entry of these persons is limited to a period of one year.</p> <p>The entry of spouses and dependents of Persons Responsible for Setting up a Commercial Presence shall be the same as the Persons Responsible for Setting up a Commercial Presence concerned.</p> |

| Description of Category  | Conditions and Limitations<br>(including length of stay)  |
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| <p><b>D. Other Personnel</b></p> <p>Viet Nam extends its commitments under this category to all Parties that have made commitments under the headings of:</p> <ul style="list-style-type: none"> <li>• Independent Executives</li> <li>• Other Personnel</li> <li>• Persons Responsible for Setting Up a Commercial Presence</li> <li>• Investors</li> </ul>   |   |
| <p><u>Definition:</u></p> <p><b>Other Personnel</b> comprise managers, executives and specialists, as defined in B who cannot be substituted by Vietnamese and who are employed outside Viet Nam's territory by an enterprise of another Party which has established a commercial presence in the territory of Viet Nam with a view to participating in the foreign enterprise's activities in Viet Nam.</p> | <p>These persons shall be granted entry in conformity with the term of the concerned employment contract or for an initial period of three years whichever is shorter, which may be extended subject to the employment contract between them and the commercial presence.</p> |

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| <p><b>E. Contractual Service Suppliers (CSS)</b></p> <p>1. Viet Nam extends its commitments under this category to all Parties that have made commitments under the headings of:</p> <ul style="list-style-type: none"> <li>• Contractual Service Suppliers</li> <li>• Independent Professionals</li> <li>• Installers/Serviceers</li> <li>• Professionals</li> </ul> <p>2. Viet Nam may, upon application, grant the right of temporary entry to the accompanying spouse or dependents of a Contractual Service Supplier of another Party.</p> <p>3. Upon application, Contractual Service Suppliers and, if relevant, their spouses and dependents may be issued with temporary residence cards, or equivalent multiple entry rights.</p>  |   |
| <p><u>Definition:</u></p> <p><b>Contractual Service Suppliers (CSS)</b> are business persons who are employees of an enterprise of another Party having no commercial presence in Viet Nam and having obtained a service contract from a Vietnamese enterprise engaged in business operation in Viet Nam. The competent authority of Viet Nam must be able to establish the necessary procedures to guarantee the <i>bona fide</i> character of the contract.</p> <p>Contractual Service Suppliers must possess either: (a) a university degree or a technical qualification document demonstrating knowledge of an equivalent level; (b) professional qualifications where this is required to exercise an activity in the sector concerned pursuant to the laws and regulations of Viet Nam; or (c) at least five years of professional experience in the sector.</p> <p>Contractual Service Suppliers should have been employed by the foreign enterprise</p> | <p>Contractual Service Suppliers may enter Viet Nam for a period of six months or for the duration of the contract, whichever is shorter. Extensions may be possible.</p> <p>The number of Contractual Service Suppliers covered by the service contract shall not be larger than necessary to fulfil the contract, as it may be decided by the laws and regulations and requirement of Viet Nam.</p> <p>The entry of spouses and dependents of Contractual Service Suppliers shall be the same as Contractual Service Suppliers concerned.</p> |

having no commercial presence in Viet Nam for a period of no less than two years and have met the requirements prescribed for Specialists above.

The entry of Contractual Service Suppliers is allowed for the following sectors:

- Computer and related services (CP 841, 845, 849)
- Engineering services (CPC 8672)
- Integrated engineering services (CPC 8673)
- Legal services (CPC 861)
- Accounting, taxation and auditing services (CPC 862, 8630)
- Architectural services (CPC 8671)
- Services incidental to mining (CPC 883, CPC 5115)
- Telecommunications services
- Distribution services (CPC 621, 622, 631, 632, 61111, 61112, 6113, 6121, 8929)
- Construction and related engineering services (CPC 511, 512, 513, 514, 515, 516, 517, 518)
- Educational services (CPC 922, 923, 924, 929)
- Environmental services
- Financial services (including banking and insurance)
- Services related to the hosting of a sporting event (CPC 96411, 96412, 96413)

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| <ul style="list-style-type: none"><li>• Road transport services (CPC 7123)</li><li>• Air transport services (Sales and marketing air products services, Computer reservation services and Maintenance and repair of aircraft (CPC 8868**) and commercial flight training).</li></ul> |  |
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