

Files on Vietnam

- Resolutions of the Government and the National Assembly
- Periodical and overall reports of different branches
- Foreigner-related normative acts of the Government and ministries, which may be made good references for research



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PUBLISHER'S NOTE

As Vietnam proceeds with *doi moi* (renovation) and continues its open-door policy, there is an increasing need for current and relevant information about Vietnam in an easily accessible format. This new publication, *Files on Vietnam*, seeks to meet this need.

The number of foreigners who are interested in Vietnam as a promising land for doing business and as an attractive tourist destination is increasing daily. As Vietnam reaches out to befriend other nations for independent and peaceful co-existence and development, precise and accurate information will help to cement the bonds of friendship and cooperation between Vietnam and the rest of the world.

This bi-monthly series *Files on Vietnam* is meant by Thế Giới Publishers to furnish interested readers with open and up-to-date material about all aspects of this country. Each issue is in fact a collection of translations of overviews, reports, statistical data from various branches and industries, and legal documents relevant to foreign residents in Vietnam.

It is hoped that the *Files on Vietnam* will be a help to foreign policy makers, businessmen, researchers, tourists and students. Any comments or suggestions for improving the series will be highly appreciated.

Thế Giới Publishers

**DECREE N° 26/1999/ND-CP
OF 19 APRIL 1999 ON
RELIGIOUS ACTIVITIES**

THE GOVERNMENT

Pursuant to Article 70 of the 1992 Constitution of the Socialist Republic of Vietnam;

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

To ensure the freedom of belief and religion of citizens, creating conditions for religious organizations to operate according to law;

At the proposal of the Head of the Government Committee for Religious Affairs.

DECREES

CHAPTER I

GENERAL PROVISIONS

Article 1

The State of the Socialist Republic of Vietnam ensures the freedom of belief and religion and the freedom of non-belief and non-religion.

Discrimination on belief and religious grounds is strictly forbidden.

Article 2

Religious and non-religious citizens are equal before law, enjoy all citizen's rights and have the responsibility to discharge all citizen's obligations.

Article 3

Religious activities must obey the law of the State of the Socialist Republic of Vietnam.

Article 4

Religious activities in the legitimate and lawful interests of the believers are assured.

Religious activities in the interests of the Motherland and the people are encouraged.

Article 5

All acts of violation of the freedom of belief and religion, all acts of misusing belief

and religion to oppose the State of the Socialist Republic of Vietnam, prevent believers from discharging their citizen's obligations, sabotage the cause of unity of the entire people, and harm the healthy culture of the nation, and all superstitious practices shall be dealt with according to law.

CHAPTER 2

SPECIFIC STIPULATIONS

Article 6

Every citizen has the freedom to embrace or not to embrace a religion and to quit or change his/her religion.

Article 7

1. Religious believers have the right to carry out religious activities not contrary to the undertakings, policies and laws of the State, to conduct rites of worship and prayers at the family, take part in religious activities, study religious teachings and ethics, and attend to religious rites at the places of worship.
2. Religious believers must not misuse belief and religion to act in contravention of law and must not engage in superstitious activities.

Article 8

1. Religious organizations which have set their principles, objectives and lines of activity, have an organizational structure conforming to law and are permitted to carry out their activities by the Prime Minister shall be protected by law.
2. Religious activities at the places of religious worship (sessions of prayers, services, sermons, study of religious preachings) which are registered on an annual basis and conducted within the enclosure of the places of worship shall not be subject to request for permission.

3. Religious activities which are held beyond the enclosure of the places of worship or are not registered on an annual basis must be permitted by the competent State agency.

4. Religious organizations are entitled to raise their own financial resources from the voluntary support of individuals and organizations and from other sources of lawful income.

The organization of collections must be permitted by the Chairman of the Provincial People's Committee. Coercing religious believers into contribution is strictly forbidden.

The management and utilization of the financial resources obtained from the above sources shall be conducted according to stipulations of law.

5. Religious organizations which act at variance with the principle, objective, line of worship and organizational structure permitted by the Prime Minister shall have their operations suspended. The individuals responsible for these violations shall be dealt with according to law.

Article 9

Meditation sessions of priests in the diocese, or of priests coming from various establishments and orders of Catholicism, the spiritualization of ministers and missionaries of Protestantism, and purification sessions of Buddhist bonzes and nuns, and similar religious activities of other religions shall be conducted according to the regulations issued by the provincial-level State management agency on religion.

Article 10

1. Congresses and conferences of religious organizations at national level or related to many provinces and centrally-run cities must be permitted by the Prime Minister.

2. Congresses and conferences of religious organizations at local level must be permitted by the Chairman of the provincial People's Committee.

Article 11

1. The State protects the places of worship of religious organizations.
2. Religious organizations have the responsibility to preserve and recondition the places of worship.
3. Houses, land and other assets which have been transferred by religious organizations and individuals to State agencies for management and use in implementation of the policy of the State of the Democratic Republic of Vietnam, the Provisional Revolutionary Government of the Republic of South Vietnam and the State of the Socialist Republic of Vietnam, or which have been offered or donated to the State, come under the ownership of the State of the Socialist Republic of Vietnam.

Article 12

1. The repairs and reconstruction at the places of worship which are classified as historic or cultural relics or places of scenic beauty shall comply with the stipulations of the "Ordinance on the use of historical and cultural relics and places of scenic beauty" of March 31, 1984.
2. Minor repairs and retouches that do not change the structure or architecture of the construction at the places of worship shall be conducted by the worshipping establishment itself after notifying the Chairman of the People's Committee of the local commune.
3. Major repairs which change the structure or architecture of the construction at the places of worship, the restoration of worshipping places abandoned or destroyed by war, natural disasters, and accidents; the establishment of places of worship and the building of worshipping constructions

(houses, statues, stelae, monuments, towers and other constructions for worshipping purposes) must be permitted by the Chairman of the People's Committee of provincial level.

4. The organization of collections to create financial resources for the building and repair of the place of worship must obtain the permission of the Chairman of the People's Committee of provincial level.

Article 13

Normal religious practice is assured at the classified religious worshipping places as stipulated in the "Ordinance on the protection and use of historical and cultural relics and places of scenic beauty" of March 31, 1984.

Article 14

1. The printing and publication of bibles, religious books and other publications, the production, business and export-import activities in religious cultural articles, products used in religious practice shall be carried out according to regulations of the State on printing, publication, production, business and import-export of cultural products and goods.
2. It is forbidden to print, produce, deal in, circulate and store books, magazines and cultural products with contents which oppose the State of the Socialist Republic of Vietnam, which cause religious division and disruption of solidarity among the people.

Article 15

1. Religious dignitaries and clergy have the right:
 - To carry out their religious functions and roles within the domain of their responsibility which have been approved by the competent State agency;
 - To be considered for reward by the State for services rendered to the building of the all-people solidarity, national construction and defense;

- To enjoy all political, economic, cultural and social rights of a citizen.
- 2. Religious dignitaries and clergy have the obligation:
 - To carry out exactly their functions and roles in the domain of their religious responsibility already approved by the competent State management agency and have to bear responsibility before law for all their religious activities within this area of responsibility.
 - To encourage the faithful to execute properly the policies and laws of the State.

Article 16

Persons assuming wrongfully the name of religious dignitaries and clergy shall be sanctioned administratively or examined for penal liability.

Persons who are serving prison terms or who are under administrative probation are not allowed to carry out religious functions or roles. The restoration of the religious functions or roles of those who have completed the term of these sanctions must be proposed by the religious organization that manages them and approved by the competent State management agency.

Article 17

1. Religious dignitaries and clergy can conduct economic, cultural and social activities like any other citizen.
2. Religious dignitaries, clergy and organizations shall conduct charity activities according to prescriptions of the State. The charity establishments sponsored by religious dignitaries, clergy and organizations shall operate under the guidance of competent State agencies.

Article 18

1. The opening of schools to train religious dignitaries and clergy must be permitted by the Prime Minister.

2. The organization and activities of the schools training religious dignitaries and clergy shall conform to the prescriptions of the Government Committee for Religious Affairs and the Ministry of Education and Training.
3. The schools training religious dignitaries and clergy shall carry out the regulations, policies and laws of the State under the guidance, supervision and inspection of the specialized agencies of the State and provincial People's Committees.

Article 19

1. Religious orders (or similar forms of collective religious practice) shall have to ask for permission and obtain the approval of the competent State agency to conduct their activities.
2. The admission of individuals into monastic life shall conform with the stipulations of the Government Committee for Religious Affairs.

Article 20

1. The bestowal of religious titles of the Most Venerable in Buddhism, Cardinal, Bishop and Curate in Catholicism and equivalent titles and posts in other religions must be approved by the Prime Minister.
2. The investing of religious dignitaries and clergy not covered by Clause 1 of this Article must be approved by the Chairman of the provincial People's Committee.

Article 21

The appointment and transfer of dignitaries and clergy and professional religious activists including those elected by followers shall have to be approved by the Chairman of the People's Committee in charge of administrative management of the concrete area of operation of these persons.

Article 22

1. Religious organizations and individuals shall have to report to the Government

Committee for Religious Affairs on the instructions of foreign religious organizations and individuals and shall carry out these instructions according to the agreement of the Government Committee for Religious Affairs.

2. Religious dignitaries and clergy who are invested, promoted and appointed by foreign religious organizations and individuals shall have to be approved by the Prime Minister.

Article 23

International activities of religious organizations and individuals shall have to comply with law and conform with the foreign policy of the State of the Socialist Republic of Vietnam on the basis of respect for national independence and sovereignty, peace, stability, cooperation and friendship.

Article 24

1. Religious organizations and individuals in Vietnam that want to invite foreign religious organizations and individuals into this country must obtain the approval of the Government Committee for Religious Affairs.
2. Organizations and individuals in Vietnam that take part in the membership of foreign religious organizations or in religious activities or activities related to religions in foreign countries must comply with the regulations of the Government Committee for Religious Affairs.

Article 25

1. Foreigners who legally reside in Vietnam are allowed to carry out religious activities according to Vietnamese law. The gathering into separate groups to conduct religious activities at the places of worship must be permitted by the Chairman of the provincial People's Committee.
2. Foreign organizations and individuals including religious organizations and individuals that enter Vietnam to conduct activ-

ities outside the religious domain are not allowed to organize and operate or take part in organizing and operating religious activities and to propagate religion.

Article 26

1. Aid activities of foreign religious organizations or related to foreign religions shall have to conform with the current policy and regime of aid management and to go through the agencies entrusted by the Vietnamese Government with the management of aid.
2. Religious organizations and individuals in Vietnam that want to receive purely religious aid must obtain permission from the Prime Minister.

CHAPTER 3

IMPLEMENTATION PROVISIONS

Article 27

This Decree replaces Decree N^o 69/HĐBT of March 21, 1991 of the Council of Ministers (now the Government) and takes effect 15 days after its signing. The earlier stipulations which are contrary to this Decree are now annulled.

Article 28

Ministers, Heads of ministerial-level agencies; Heads of the agencies attached to the Government, Chairmen of the People's Committees of provinces and centrally-run cities shall have to implement this Decree.

Article 29

The head of the Government Committee for Religious Affairs shall guide, promote and inspect the implementation of this Decree.

For and on behalf of the Government

Prime Minister
PHAN VĂN KHAI
(signed and sealed)

CIRCULAR
N^o 02/2000/TT-NHNN7
OF 24 FEBRUARY 2000
GUIDING THE IMPLEMENTATION OF DECISION
N^o 170/1999/QĐ-TTg OF
19 AUGUST 1999 BY THE
PRIME MINISTER REGARDING
THE ENCOURAGEMENT
TO THE REMITTANCE OF
OVERSEAS VIETNAMESE
TO VIETNAM

*(Official Gazette, Issue No. 11,
22 March 2000)*

To encourage and create favourable conditions for overseas Vietnamese and foreigners who want to transfer foreign currencies to Vietnam with the aim of helping their families or relatives or funding other charitable deeds, on the basis of respect for the regulations of Vietnamese Laws and foreign laws, on 19th August 1999 the Vietnamese Prime Minister issued Decision N^o 170/1999/QĐ-TTg regarding the encouragement to the overseas Vietnamese to transfer money to Vietnam.

Pursuant to Clause 2 of Article 10 of Decision N^o 170/1999/QĐ-TTg of 19th August 1999 by the Prime Minister regarding the encouragement to the overseas Vietnamese to transfer money to Vietnam, the State Bank's Guidance on its implementation is as follows:

I. Rights of the beneficiary

1. To receive foreign currencies or Vietnamese *đồng* (in cash or through bank transfer) as required;

2. In case of the receipt of foreign currencies, the beneficiary shall have the following rights:

a/ To sell to authorized credit institutions or foreign exchange services;

b/ To deposit as savings books in foreign currencies at authorized credit institutions;

c/ To open and make deposit to individual accounts in foreign currencies at authorized credit institutions;

d/ To use foreign currencies for other purposes in accordance with the regulations of Decree N^o 63/1998/NĐ-CP of 17th August 1998 on foreign exchange management and Circular N^o 01/1999/TT-NHNN7 of 16th April 1999 by the State Bank on guiding the implementation of this above-mentioned Decree and other existing regulations relating to the management of foreign currencies.

3. The beneficiary shall pay no income tax on the foreign currencies received from the Remitter.

II. Conditions and procedures of producing licenses to the services of foreign currencies receipt and payment

1. For credit institutions

a/ Credit institutions are allowed to provide the services of foreign currencies receipt and payment only after being licensed by the State Bank to get involved in the field of foreign exchange (including the services related to foreign currencies receipt and payment).

b/ Conditions and procedures of giving licenses on foreign exchange operations to credit institution are prescribed in Circular N^o 01/1999/TT-NHNN7 of 16th April 1999 by the State Bank regarding the guidance on the implementation of Decree N^o 63/1998/NĐ-CP of 17th August 1998 by the Government on foreign exchange management, and other existing regulations relating to the management of foreign exchange.

2. For economic institutions

2.1. Conditions

a/ Having contract in principle with foreign counterparts on the services of foreign currencies receipt and payment. In the contract, the mode of receipt and payment and the ratio of the division of transfer fee between the economic organization and its foreign partner (in case the economic institution receives the remittance of the Remitter via the foreign partner) shall be identified.

b/ Having feasibility study on the services of foreign currencies receipt and payment.

c/ Having a payment network which is prompt and convenient for the Beneficiary.

2.2. Procedures

The economic institution applying for a license on the service of foreign currencies' receipt and payment shall submit to the State Bank a set of files including:

a/ Application form for registration of the service of the receipt and payment of foreign currencies.

b/ Project of the service of the receipt and payment of foreign currencies.

c/ Contract in principle with the foreign counterpart on the receipt and payment of foreign currencies (in cases the economic institution receives the remittance of the Remitter via the foreign counterpart).

d/ Notarized copy of the Decision to the establishment of the economic institution, certificate of the registration of business operation or the investment license, license of operation.

e/ Opinions of the agency in charge and branch of the State Bank in provinces and centrally-governed cities at the same locality about the economic institution involving in the service of the receipt and payment of foreign currencies.

Within 15 working days as from the date of receiving in full eligible files, the State Bank (Department of Foreign Exchange Control) shall consider to grant or not the license. In case of refusal, a written document explaining the reasons of refusal shall be provided.

3. For economic institutions operating as agents of payment for authorized credit institutions

3.1. Conditions

a/ Having contract in principle with authorized credit institutions to operate as agents

b/ Having a payment network which is prompt and convenient for the beneficiary.

3.2. Procedures

The economic institution applying for a license to operate as agent of payment of foreign currencies for authorized credit institutions shall submit to the branches of the State Bank in centrally-governed provinces and cities at the same locality a set of files including:

a/ Form of application for registration as agents of payment of foreign currencies for authorized credit institutions.

b/ Contract in principle to operate as agents for authorized credit institutions.

c/ Notarized copy of the Decision to the establishment of the economic institution, certificate of the registration of business operation or the investment license, license of operation.

Within 15 days as from the date of receiving in full eligible files, the branches of the State Bank shall consider to grant the license or refuse to grant the license. In the latter case, a written document explaining the reasons of refusal shall be provided.

Within 30 days as from the date when this circular comes into effect, the economic institutions which are carrying out the service of the receipt and payment of foreign currencies for the Remitter or operating as agents of payment of foreign currencies for authorized credit institutions shall finish procedures to apply for a new license in accordance with the provisions of this circular.

After the given time limit, the institutions which are not granted new licenses shall suspend immediately their service of the receipt and payment of foreign currencies for the remitter or their operation as agents of

payment of foreign currencies for authorized credit institutions.

III. Suspension or withdrawal of license

The State Bank or the branches of the State Bank in provinces and centrally-governed cities, based on their authority of granting license, shall impose temporary suspension or withdrawal of the license from the institution which violates one of the following cases:

1. An institution shall be imposed temporary suspension of license in the cases as follows:

a/ Repeatedly not complying with the regime of reporting to the Bank as prescribed in the provisions of Part VI of this Circular;

b/ Violating the terms in the signed contract with the foreign partner or the terms in the contract with authorized credit institutions to operate as agents for payment of foreign currencies, being required by foreign partners or credit institutions to rescind the signed contract;

c/ Not complying with the provisions as prescribed in the license granted by the Bank.

2. The license of an institution shall be withdrawn in the following cases:

a/ There exists evidence that the file applied for the license contains facts which have been distorted deliberately.

b/ After the time limit of 12 months as from the issuance of the license, the institution fails to operate as a service provider of receipt and payment of foreign currencies of the Remitter or as an agent of payments of foreign currencies.

c/ Volunteering or being obliged by the competent State agency to dismiss.

d/ Separating, merging, consolidating and going bankruptcy.

IV. Fee for remittance services

1. Ordinary remittance via the system of credit institutions: the credit institution shall have the right to collect fees for remittance services from authorized economic institutions, enterprises providing services of international finance and post, and the beneficiary in accordance with the regulations of the State Bank on the remittance fee of the bank.

2. Remittance via remittance service providers, Credit institutions, licensed economic institutions, enterprises providing services of international finance and post shall have the right to negotiate with their foreign partners to acquire remittance service fees, not to charge the beneficiary directly.

V. Publicity

1. The press-related and publicity agencies under the State Bank in coordination with the press-related and information bodies, the Ministry of Foreign Affairs, the Committee for Overseas Vietnamese Affairs and relevant Ministries and branches shall publicize and disseminate the policies of the Vietnamese Government on encouraging the remittance of overseas Vietnamese to Vietnam.

2. Branches of the State Bank in provinces and centrally-governed cities shall coordinate with the press-related and information bodies and branches in the publicity and dissemination on work in localities to make the policies of the Vietnamese Government on encouraging the remittance of overseas Vietnamese to Vietnam known to every individual and organization for proper implementation.

VI. Regime of reporting

1. In implementing Clause 8 of Decision N^o 170/1999/QĐ-TTg of 19th August 1999 by

the Prime Minister of the Government, the State Bank proposes that the General Departments and relevant bodies coordinate to carry out strictly the regime of reporting as follows:

a/ The General Department of Customs shall report to the State Bank (Department of Foreign Exchange Control) on the data and state of the foreign currency conveyance by individuals upon their entry/exit.

b/ The General Corporation of Post and Telecommunication and other enterprises licensed by the General Department of Post to provide the services of international post and finance shall report to the State Bank (Department of Foreign Exchange Control) on the data and state of foreign currencies receipt and payment.

c/ Branches of the State Bank in provinces and centrally-governed cities shall report to the State Bank (Department of Foreign Exchange Control) on the data and state-of-affairs of economic institutions in localities, which act as foreign currencies payment agents for authorized credit institutions.

d/ The authorized credit institutions and economic institutions shall report to the State Bank (Department of Foreign Exchange Control) on the data and state of foreign currencies receipt and payment of the Remitter.

The General Departments and the relevant bodies listed above shall report quarterly, at the latest on the 15th of the first month of the next quarter.

2. Quarterly, at the latest on the 5th day of the first month of the next quarter, the economic institutions operating as agents of payment of foreign currencies for authorized credit institutions shall report to the branches of the State Bank in provinces and centrally-

governed cities in the locality on the date and state of agents of payment of foreign currencies within the country.

3. Quarterly, at the latest on the 25th of the first month of the next quarter, the Department of Foreign Exchange Control shall make a report which is subject to the signing by the Governor of the State Bank before being submitted to the Prime Minister of the Government on the data and state of the remittance of foreign currencies to Vietnam from overseas remitters, and payment for the beneficiary in the country.

VII. Implementation terms

1. This Circular shall come into effect after 15 days as from the date of signing. Any amendments and addition to this

Circular shall be decided by the Governor of the State Bank.

2. Decision N^o 48/QĐ-NH7 of 23rd February 1995 by the Governor of the State Bank on the remittance of foreign currencies of overseas Vietnamese to Vietnam shall cease to be effective.

3. Heads of Office, Chiefs of the Inspectorate, Heads of the relevant agencies under the State Bank, Directors of branches of the State Bank in provinces and centrally-governed cities, General Directors (Directors) of authorized credit institutions and authorized economic institutions shall be responsible for the implementation of this Decision.

**For and on behalf of the Governor
of the State Bank
Deputy Governor
DƯƠNG THU HƯƠNG**

**ORDINANCE ON ENTRY,
EXIT, AND RESIDENCE
OF FOREIGNERS IN
VIETNAM
(Nº 24/2000/PL-UBTVQH10 OF
28 APRIL 2000)**

*(Official Gazette, Issue Nº 25, 8 July
2000)*

*To contribute to the realization of the
State's Policies on promoting cooperative
and friendly relations with foreign coun-
tries and defending national sovereignty;*

*Pursuant to the 1992 Constitution of the
Socialist Republic of Vietnam;*

*Pursuant to Resolution by the National
Assembly, 10th tenure, 6th session, on the
Program of drafting laws and ordinances
in 2000;*

*This Ordinance provides for regulations on
entry, exit and residence of foreigners in
Vietnam.*

CHAPTER I

GENERAL PROVISIONS

Article 1

1. The Socialist Republic of Vietnam shall create favourable conditions for the entry, exit, and transit of foreigners; protection of life, possessions, and other legal rights and interests of foreigners who reside in Vietnam on the basis of the Vietnamese Laws and international treaties to which the Socialist Republic of Vietnam is a signatory or a party.

2. The Foreign who enters, transits, or resides in Vietnam shall comply with the Vietnamese Laws and pay respect to the traditions, customs, habits of the Vietnamese people. The making use of the entry, exit, transit and residence in Vietnam for the purpose of violating the laws shall be strictly prohibited.

3. In circumstances where the international treaties which the Socialist Republic of Vietnam has signed or joined stipulating the regulations on the entry, exit, transit and residence of foreigners in Vietnam which are different from the regulations of this ordinance, the regulations of the international treaties shall be applied.

Article 2

1. The Vietnamese agencies and organizations, Vietnam-based foreign or international agencies and organizations, Vietnamese citizens and foreigners who reside in Vietnam legally shall be allowed to invite foreigners into Vietnam.

2. Agencies, organizations, and individuals who invite foreigners into Vietnam shall be responsible for ensuring the aim of entry of the foreigners, their financial source and cooperating with the State bodies to deal with arising problems involving the foreigners.

Article 3

In this Ordinance, the following terms and phrases shall have the meaning as follows:

1. "Foreigner" is the person who has no Vietnamese citizenship;

2. "Permanently residing foreigner" is the foreign person who resides and works permanently in Vietnam.

3. "Temporarily residing foreigner" is the foreign person who resides in Vietnam within a time limit.

4. "Entry" is to enter the Vietnamese territory through Vietnam's international checkpoints.

5. "Exit" is to leave the Vietnamese territory through Vietnam's international checkpoints.

6. "Transit" is to pass through the transit department at Vietnam's international checkpoints.

CHAPTER II

ENTRY, EXIT AND TRANSIT

Article 4

1. The foreigner who enters or exits must have passports or documents which can be used as substitutions for passports (hereinafter

called passports) and visas issued by the competent State agencies of Vietnam, except the cases of visa exemption.

2. The foreigner shall apply for visa to Vietnam at the Immigration Department under the Ministry of Public Security, Consulates under the Ministry of Foreign Affairs, Vietnam's Diplomatic Representative offices and Consulates overseas.

Applications for visa shall be replied within 05 working days as from the date of receiving duly completed files.

3. If the name of the accompanied under 14 years of age is listed in the application for visa of the applicant, he/she shall be free from applying for visa.

Article 5

1. Agencies, organizations and individuals who invite foreigners into Vietnam shall submit the request to the Immigration Department under the Ministry of Public Security or the Consulates under the Ministry of Foreign Affairs.

2. The request shall be answered within 05 working days as from the date of receiving the request.

Article 6

1. The foreigner who applies for entry permission shall be issued a visa at Vietnam's international checkpoints in the following cases:

a) To attend his/her relatives' funerals, to visit his/her relatives who are seriously afflicted by illnesses.

b) To depart from the countries where there have no Diplomatic Representative Offices or Consulates of Vietnam.

c) To follow the tourist programmes organized by international travel agencies of Vietnam.

d) To provide emergency technical assistance for works and projects; to give first aid to the persons who are afflicted by illnesses or caught in accidents; to come to the rescue of the victims of natural calamities and epidemics in Vietnam.

e) For other emergency reasons.

2. The Immigration Department under the Ministry of Public Security shall undertake the issuance of visas as stipulated in Clause 1 of this Article.

Article 7

1. The visa of Vietnam (hereinafter called "visa") shall be valid for entry and exit at international checkpoints of Vietnam.

2. The types of visas are as follows:

a) Single visas which are of single validity within a time limit of 12 months;

b) Multiple visas which are of multiple validity within a time limit of 12 months;

c) Unexpanded visas.

The visas which have been issued to foreigners may be cancelled in one of the cases as stipulated in Article 8 and Article 9 of this Ordinance.

Article 8

1. The competent State authorities of Vietnam shall suspend the entry of a foreigner in one of the following cases:

a) The foreigner fails to meet all the requirements stipulated in Clause 1 of Article 4 of this Ordinance;

b) The foreigner forges documents, falsifies deliberately facts when applying for entry.

c) Due to epidemic prevention.

d) The foreigner violated seriously the laws of Vietnam in the previous entry.

e) Due to national security and other special reasons under the decision of the Minister of Public Security.

2. The Minister of Public Security shall consider and decide on the entry of the foreigners who belong to the cases stipulated in Clause 1 of this Article.

Article 9

1. The exit of a foreigner may be suspended in one of the following cases.

a) The foreigner has been prosecuted for penal liability or is the defendant involving in civil, economic, labour disputes;

b) The foreigner is subjected to serve criminal sentences.

c) The foreigner is subjected to serve civil, economic, labour judgements.

d) The foreigner is subjected to serve decisions on administrative penalties or has the obligation to taxes and other financial obligations.

2. If the foreigner who belongs to points c and d of Clause 1 of this Article has guarantee in cash, in assets or other measures which ensure the implementation of this liability as stipulated by the laws of Vietnam, he/she shall be allowed to exit.

3. Inspection agencies, People's Office of Supervision and Control, People's Court, law-enforcing bodies up from the level of provinces and centrally-governed cities shall be competent to suspend the exit of foreigners as stipulated in points a, b and c of Clause 1 of this Article.

The competent authorities which suspend the exit shall put forth a decision on removing the suspension of exit when there is no requirement for the suspension of exit. The decision on suspension of exit and on removal

of suspension of exit must be made in writing and sent to the Immigration Department under the Ministry of Public Security for implementation.

4. The Minister of Public Security shall decide on the suspension of exit of foreigners belonging to the cases stipulated in point d of Clause 1 of this Article at the request of other Ministers, Heads of ministerial-level agencies, Heads of Government bodies, and Chairman of People's Committees of provinces and centrally-governed cities.

5. The person who decides to suspend the exit or the person who requests to suspend the exit at variance with the provisions of this Ordinance, which causes material damage to the person with suspended exit must compensate for the damage as stipulated by law.

Article 10

The person who transits shall be exempted from visas; in circumstances where he/she wants to enter Vietnam as tourist, his/her request shall be dealt with by the Immigration Department under the Ministry of Public Security in accordance with the Regulations issued by the Ministry of Public Security.

CHAPTER III

PLACE OF RESIDENCE

Article 11

1. The foreigner who enters must register the purpose of stay, the length of stay and address of residence in Vietnam and operates in accordance with the registered purpose.

2. The foreigner shall not be allowed to reside in the areas which are restricted to the residence of foreigners.

Article 12

The foreigner shall have the right to freedom of movement in the territory of Vietnam in accordance with the registered purpose of entry, except the areas which are restricted to the movement of foreigners; in circumstances where the foreigner wants to enter the restricted areas, he/she must be permitted by the competent State agencies of Vietnam which administer the areas.

Article 13

1. The foreigner who temporarily resides in Vietnam in one of the following cases shall be considered permanent residents:

a) The foreigner who is pursued for his/her struggle for national freedom and independence, for socialism, democracy and peace or for scientific causes.

b) The foreigner who contributes to the national construction and defence of Vietnam.

c) The foreigner who is wife, husband, child, birth father, or birth mother of a Vietnamese citizen who permanently resides in Vietnam.

2. The foreigner who permanently resides must present him/herself and show his/her Card of Permanent Residence to the competent Immigration Department under the Ministry of Public Security every three years; in circumstances where the address of place of permanent residence or other contents which are registered are changed, the foreigner must notify the card-issuing body of such change.

3. The foreigner who permanently resides must notify the competent Immigration Department under the Ministry of Public Security of his/her temporary residence in circumstances where the place of his/her overnight residence is not the registered place of permanent residence.

4. The body which issues the Card of Permanent Residence shall withdraw or terminate the Card when the card holder goes to reside in other countries or is deported.

Article 14

1. The foreigner is permitted to temporarily reside in Vietnam in accordance with his/her registered purpose of stay, duration of stay and place of residence.

2. The Certificate of Temporary Residence shall be issued by the competent Immigration Department under the Ministry of Public Security to the foreigner at international checkpoints of Vietnam. The time limit of temporary residence shall be in accordance with the time of the visa's validity.

The issued Certificate of Temporary Residence shall be terminated or reduced with regard to the time limit in circumstances where the Certificate holder violates the laws of Vietnam or temporarily resides not in accordance with the registered purpose.

The foreigner who temporarily resides must notify the competent Immigration Department under the Ministry of Public Security of his/her temporary residence; the foreigner who wants to apply for, supplement, amend his/her visa, extend the time limit of temporary residence or change the aim of temporary residence shall undergo necessary procedures at the Immigration Department under the Ministry of Public Security.

3. The foreigner who temporarily resides above one year shall be issued the Card of Temporary Residence by the competent Immigration Department under the Ministry of Public Security. The Card of Temporary Residence shall be valid within the time limit from one to three years. The holder of the card of Temporary Residence shall be exempted from visa application upon entry, exit within the validity of the Card.

4. The foreigner who has the right to diplomatic immunity and privileges, consulate immunity shall complete necessary procedures for the issuance, supplementation and amendment of his/her visa, extension of temporary residence, and issuance of the Card of Temporary Residence at the Ministry of Foreign Affairs.

5. The consideration for the issuance, supplementation, and amendment of visas, issuance of the Card of Temporary Residence, extension of temporary residence shall be implemented within 05 working days as of the date of receiving duly completed files.

CHAPTER IV DEPORTATION

Article 15

1. The foreigner shall be deported from Vietnam in the following cases:

- a) Being sentenced to deportation by the competent Courts of Vietnam;
- b) Being deported under the decision of the Minister of Public Security.

2. The deportation of the foreigner who has the right of diplomatic immunity and privileges, consulate immunity shall be implemented through diplomatic measures.

Article 16

1. The Immigration Department under the Ministry of Public Security shall be responsible for the implementation of the sentence and the decision on deportation.

2. The sentence and the decision on deportation shall be made known the deportee by the Immigration Department under the Ministry of Public Security at least 24 hours before the time of implementation.

3. In circumstances where the deportee does not voluntarily implement the sentence or the decision on deportation, the Immigration Department under the Ministry of Public Security shall enforce the deportation.

CHAPTER V

STATE MANAGEMENT OF ENTRY, EXIT, AND RESIDENCE OF FOREIGNERS IN VIETNAM

Article 17

The content of State management in the field of entry, exit, and residence of foreigners in Vietnam shall include:

1. Promulgating legal normative acts;
2. Signing and joining international treaties;
3. Implementing the management of entry, exit, transit and residence;
4. Conducting State statistics;
5. Cooperating internationally;
6. Supervising, examining, inspecting, and dealing with violations of law.

Article 18

1. The Government unifies State management on entry, exit, residence of foreigners in Vietnam.

The Ministry of Public Security shall take responsibility before the Government for presiding over the implementation of State management of entry, exit, and residence of foreigners in Vietnam.

2. The Government shall promulgate Regulations for coordination among Ministries, ministerial-level agencies, Government bodies and define responsibility of People's Committees at all levels on the State management of entry, exit, and residence of foreigners in Vietnam.

Article 19

The Diplomatic Representative Office, the Consulate of Vietnam overseas shall issue, supplement, amend and terminate visa of all kinds abroad.

Article 20

The Ministries, ministerial-level agencies, Government's bodies, People's Committees of provinces and centrally-governed cities, within their scope of authority and task, shall implement State management of entry, exit, and residence of foreigners in Vietnam.

CHAPTER VI

DEALING WITH VIOLATIONS

Article 21

1. The person who violates the regulations of this Ordinance shall, depending on the seriousness of the violation, be imposed administrative penalties or prosecuted for penal liability; in circumstances where the violator causes material damage, he/she must compensate for the damage as stipulated by law.

2. The person who makes use of his/her position, or authority to violate the provisions of this Ordinance shall, depending on the seriousness of the violation, be imposed discipline sanction or prosecuted for penal liability; in circumstances where the violator causes material damage, he/she must compensate for the damage as stipulated by law.

Article 22

The complaint about administrative decision, denunciation of violation of law in the field of entry, exit, and residence of foreigners in Vietnam shall be made in accordance with the provisions of the Law on Complaints and Denunciations.

CHAPTER VII
IMPLEMENTATION TERMS

Article 23

This Ordinance shall be applied to Vietnamese persons who have foreign passports in the process of their entry, exit, transit, and residence in Vietnam.

Article 24

This Ordinance shall come into force as of August 1st, 2000.

This Ordinance shall replace the February 21st, 1992 Ordinance on entry, exit, and movement of foreigners in Vietnam.

The previous regulations in controversy with this Ordinance shall be abrogated.

Article 25

The Government shall define in detail and guide the implementation of this Ordinance.

**On behalf of the Standing Committee
of the National Assembly**

Chairman
NÔNG ĐỨC MẠNH

**GOVERNMENT DECISION
N^o 142/2000/QĐ-TTĐ
ON REGULATIONS ON THE
IMPLEMENTATION OF THE
AGREEMENT ON CHILD
ADOPTION COOPERATION
BETWEEN THE SOCIALIST
REPUBLIC OF VIETNAM AND
THE REPUBLIC OF FRANCE**

THE PRIME MINISTER

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

Pursuant to the Law on the Promulgation of Legal Documents of November 12, 1996;

DECIDES

Article 1

To issue together with this Decision the Regulation on the implementation of the Agreement on Child Adoption Cooperation between the Socialist Republic of Vietnam and the Republic of France.

Article 2

This Decision takes effect 15 days after its signing. The Government Office's Official Dispatch N^o 2077/VPCP-PC of May 15, 1999 notifying the Prime Minister's opinion on suspending the receipt of dossiers from French citizens and permanent residents in France applying for adoption of Vietnamese children now ceases to be effective.

The Minister of Justice shall direct the prioritized settlement of dossiers of application for child adoption filed by French citizens and permanent residents in France, which remain unsettled due to the execution of the suspension decision mentioned in paragraph 1 of this Article.

Article 3

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

Prime Minister
PHAN VĂN KHAI

**REGULATION ON THE IMPLEMENTATION
OF THE AGREEMENT ON CHILD ADOPTION COOPERATION
BETWEEN THE SOCIALIST REPUBLIC OF VIETNAM AND
THE REPUBLIC OF FRANCE**

*(Issued together with the Prime Minister's Decision N^o 142/2000/QĐ-TTg
of December 11, 2000)*

**CHAPTER I
GENERAL PROVISIONS**

Article 1. Scope of application

This Regulations applies to the implementation of the Agreement on Child Adoption Cooperation between the Socialist Republic of Vietnam and the Republic of France (hereinafter called the Agreement).

Article 2. Principles for the settlement of child adoption and the law application

1. The settlement of child adoption must serve the humanitarian purposes as well as the best interests of children and the respect for their fundamental rights.

It is strictly forbidden to take advantage of the recommendation of children for adoption and the settlement of child adoption for the purposes of trafficking, profit-seeking or other purposes contrary to laws and social morality.

2. The processing of dossiers filed by French citizens and foreigners permanently residing in France, including cases where they are residing temporarily outside France for a definite term, (hereinafter called the adopters) applying for the adoption of children who are Vietnamese citizens residing in Vietnam must comply with the provisions of the Agreement and other relevant provisions of the Vietnamese legislation.

Where the Agreement contains provisions on the child adoption-settling order and procedures different from the provisions of the Vietnamese legislation, such provisions of the Agreement shall apply.

Article 3. Children to be recommended for adoption

Children who may be recommended and permitted for adoption and according to this Regulation are those who are staying at the children-rearing establishments lawfully set up in the provincial and centrally-run cities.

In cases where a child is orphaned or disabled and the adopter previously adopted his/her natural sibling(s), or for other humanitarian reasons approved by the Ministry of Justice, the adopter shall be permitted to ask for the adoption of the very child from his/her family.

**CHAPTER II
ORDER AND PROCEDURES FOR
HANDLING CHILD ADOPTION
APPLICATION DOSSIERS**

Article 4. Child adoption application dossiers

1. Child adoption application dossiers must be compiled in accordance with the Agreement. Foreigner language papers in a child adoption application dossier must be translated into Vietnamese and the translations must be authenticated by the Vietnamese Embassy in France.

2. Child adoption application dossiers must be sent by the French International Mission for Child Adoption to the Ministry of Justice via diplomatic channels. For cases authorized by the French International Mission for Child Adoption and consented by the Ministry of Justice, the dossiers may be sent via French

organizations already licensed to operate in the field of child adoption in Vietnam.

3. Basing itself on the Agreement and the Vietnamese legislation on child adoption, the Ministry of Justice shall reach agreement with the French International Mission for Child Adoption on the kinds of papers needed for a child adoption application dossier.

Article 5. *Receipt and processing of child adoption application dossiers at the Ministry of Justice*

Within seven days from the date of receipt of child adoption application dossiers prescribed in Clause 2, Article 4 of this Regulation, the Ministry of Justice shall consider and check thoroughly such dossiers. If deeming that the dossiers are complete and valid, the Ministry of Justice shall send official dispatches to the People's Committees of the provinces or centrally-run cities (hereinafter called the provincial-level People's Committees) requesting the latter to recommend children for adoption; these official dispatches shall be duplicated and sent to the French International Mission for Child Adoption.

Where a dossier is incomplete or invalid, the Ministry of Justice shall request the French International Mission for Child Adoption to supplement and complete it.

Article 6. *Procedures for recommendation of children by the children-rearing establishments*

1. Within 45 days after receiving the written requests from the Ministry of Justice as provided for in Article 5 of this Regulation, the provincial-level People's Committees shall have to direct the provincial/municipal Justice Services to identify children suitable to the aspirations of the adopters and make replies to the Ministry of Justice. Where there are children for recommendation, they shall make

written replies enclosed with the children's dossiers; if there are no children suitable to the aspirations of the adopters, they shall also reply soon to the Ministry of Justice for notification to the adopters.

Children recommended for adoption must be children who are staying at the children-rearing establishments lawfully set up in the provinces or centrally-run cities, who meet all the conditions for adoption as prescribed by law and have clear backgrounds as well as complete and valid dossiers.

2. Procedures for identification of children and compilation of their dossiers are prescribed as follows:

a. Within 20 days after receiving the written requests from the provincial/municipal Justice Services, the children-rearing establishments shall have to identify children to be recommended for adoption and compile two sets of dossier for each child under the guidance of the Ministry of Justice. Where authorized in writing by the adopter, the French organization already licensed to operate in the field of child adoption in Vietnam shall be allowed to make first contacts with the children and may take the children for supplementary health check-ups if so agreed by the heads of the rearing establishments; the costs related to the supplementary health check-ups shall be covered by the adopters;

b. Within 10 days after receiving the written recommendations from the rearing establishments and the children's dossiers, the provincial/municipal Justice Services shall have to consider and check the dossiers thoroughly. If deeming that the children's dossiers are complete and valid, they shall send written reports to the chairmen of the provincial-level People's Committees for authorization to report the results to the

Ministry of Justice, enclosed with one dossier set of each child.

Where a child's dossier is incomplete or invalid or deeming the child's background is unclear, the provincial/municipal Justice Service shall request the rearing establishment to supplement and complete the dossier or coordinate with the provincial police in verifying the child's background. The time limit prescribed for this work shall not exceed 10 days.

Article 7. *Procedures for recommendation of children from their families*

Where the adopter wishes to adopt a particular child from his/her family in accordance with the provisions in Article 3 of this Regulation, the provincial-level People's Committee shall direct the provincial/municipal Justice Service to guide the natural parents or guardian to compile two dossier sets for the child under the guidance of the Ministry of Justice.

The consideration and checking of the child's dossier and the notification of the result to the Ministry of Justice shall comply with the provisions at point b, Clause 2, Article 6 of this Regulation.

The time limit for recommendation of children from their families shall be 30 days as from the date of receipt of the written requests of the Ministry of Justice as provided for in Article 5 of this Regulation.

Article 8. *Transfer of child adoption application dossiers to the provincial-level People's Committees and notification to the adopters*

1. Within seven days after receiving the recommendation results and the children's dossiers sent by the provincial/municipal Justice Services under the authorization of the

chairmen of the provincial-level People's Committees, the Ministry of Justice shall consider and scrutinize such dossiers again. If deeming that the dossiers are complete and valid and that the children recommended for adoption meet all adoption conditions prescribed by law, the Ministry of Justice shall send official dispatches enclosed with one dossier set of each adopter to the provincial-level People's Committees for settlement; such official dispatches shall be duplicated and sent to the French International Mission for Child Adoption.

2. Within seven days after receiving the adopters' dossiers from the Ministry of Justice, the provincial-level People's Committees shall assign the provincial/municipal Justice Services to notify such in writing directly or through the French organizations already licensed to operate in the field of child adoption in Vietnam to the adopters.

Article 9. *Completion of the procedures for permission of the child adoption and receipt of adopted children at the provincial-level People's Committees*

1. Within 90 days after receiving the written notifications from the provincial/municipal Justice Services, the adopters must be in Vietnam to complete the child adoption procedures. If due to some objective reasons they cannot come to Vietnam within this time limit, they may ask the provincial/municipal Justice Services to grant an extension but the total time must not exceed six months.

2. Within five days after the adopters come to the provincial/municipal Justice Services, pay the child adoption registration fee according to the law provisions and sign the written commitments to report the development of the adopted children for supplement to the child adoption application dossiers, the provincial/municipal Justice Services shall

complete the child adoption dossiers and submit them to the provincial-level People's Committees chairmen for signing of the decisions to permit the child adoption.

Within seven days after receiving the reports together with the child adoption dossiers from the provincial/municipal Justice Services, the chairmen of the provincial-level People's Committees shall consider and sign the decisions to permit the child adoption.

Within seven days after the chairmen of the provincial-level People's Committees sign the decisions to permit the child adoptions, the provincial/municipal Justice Services shall organize ceremonies for the hand-over and receipt of the adopted children according to the law provisions, hand over to the adoptive parents the original decisions to permit the child adoption and the original minutes on the hand-over and receipt of the adopted children as well as the civil status papers of the adopted children under the guidance of the Ministry of Justice.

Article 10. Notification of the decisions to permit the child adoption

1. Within seven days from the date of the hand-over and receipt of an adopted child, the provincial/municipal Justice Service shall send to the Ministry of Justice the copy of the decision on the child adoption, the minutes of the hand-over and receipt of the adopted child and the adoptive parents' written commitment to report on the development of the adopted child, which shall be added up to the child adoption application dossier for archival and general monitoring. At the same time, the provincial/municipal Justice Service shall send a copy of the decision on the child adoption to the People's Committee of the locality where the child's birth is registered for completion of the procedures to make a note on the child adoption registration.

2. Quarterly, the Ministry of Justice shall draw up lists of decisions on child adoption settled throughout the country under this Agreement, and decisions on adopted children sent by the French courts to the Ministry of Foreign Affairs for the performance of the task sated in Clause 2, Article 12 of this Regulation.

CHAPTER III

RESPONSIBILITIES OF THE BODIES AND THE MECHANISM OF COORDINATION IN PROCESSING CHILD ADOPTION APPLICATION DOSSIERS

Article 11. Responsibilities for the Ministry of Justice

The Ministry of Justice, being the central body of the Vietnamese side provided for in Article 2 of the Agreement, shall act as the key body in the implementation of the provisions of the Agreement and have the following tasks and powers:

1. To promulgate documents guiding the implementation of the provisions of this Regulation;

2. To direct and guide the provincial-level People's Committees in processing dossiers on the adoption of Vietnamese children;

3. To set up and lead the Vietnamese inter-branch working team for participation in the Vietnam-France joint working team according to the provisions in Article 20 of the Agreement;

4. To issue operation licenses to qualified French organizations for their operation for humanitarian and non-profit purposes in the field of child adoption in Vietnam so as to perform the tasks authorized by the French International Mission for Child Adoption and assist the adopters in completing the child

adoption procedures; to manage activities of French organizations already licensed to operate in the field of child adoption in Vietnam;

5. To ensure that the child adoption application dossiers comply with the provisions in Clause 3, Article 10 of the Agreement and this Regulation, and take responsibility for such dossiers;

6. To make annual reports to the Prime Minister on the implementation of the Agreement and this Regulation.

Article 12. Responsibilities of the Ministry of Foreign Affairs

The Ministry of Foreign Affairs shall coordinate with the Ministry of Justice and the competent Vietnamese bodies in implementing the Agreement and have the following tasks and powers:

1. To handle external matters arising in the course of implementing the Agreement;

2. To direct the Vietnamese Embassy in France to recommend the contents of the Agreement, this Regulation and relevant legal documents of Vietnam on child adoptions; to guide the adopters to complete the dossiers of applications for adoption of Vietnamese children; to facilitate the procedures for the translation of such dossiers and the authentication of their translations as well as the procedures for the adopters to enter Vietnam; to coordinate closely with the domestic bodies in protecting the legitimate rights and interests of adopted Vietnamese children in France.

Article 13. Responsibilities of the Ministry of Public Security

The Ministry of Public Security shall coordinate with the Ministry of Justice and the competent Vietnamese bodies in imple-

menting the Agreement, and have the following tasks and powers:

1. To direct the provincial/municipal police agencies to, when requested, closely coordinate with the provincial/municipal Justice Services in checking dossiers and verifying the backgrounds of children recommended for adoption; to issue passports in time and create favorable conditions for children who have been permitted by the chairmen of the provincial-level People's Committees for adoption to exit Vietnam;

2. To take measures to prevent and combat acts of taking advantage of recommending children for adoption and settling the child adoption for the purposes of trafficking in children, seeking profits, and other illegal acts in the child adoption;

3. To coordinate with the Ministry of Justice in managing the French organizations already licensed to operate in the field of child adoption in Vietnam;

4. To perform other tasks and powers in the field of child adoption involving foreigners according to law provisions.

Article 14. Responsibilities of the ministries, the ministerial-level agencies attached to the Government

The ministries, the ministerial-level agencies and the agencies attached to the Government shall, within the scope of their respective tasks and powers, have to coordinate with the Ministry of Justice, the Ministry of Foreign Affairs and the Ministry of Public Security in implementing the Agreement and this Regulation.

Article 15. Responsibilities of the provincial-level People's Committees

The provincial-level People's Committees of the localities where the establishments

rearing the children recommended for adoption are based or where the children to be adopted reside, shall act as the bodies competent to decide the permission of child adoption as provided for in Clause 1, Article 7 of the Agreement and have to implement the relevant provisions for the Agreement and perform the following tasks and powers:

1. To receive dossiers of the adopters from the Ministry of Justice; to direct the provincial/municipal Justice Services to coordinate with the provincial/municipal police agencies and the children-rearing establishments in processing the dossiers, ensuring that the child adoption be effected in the humanitarian spirit and the best interests of children;

2. To designate the qualified children-rearing establishments located within their respective provinces or centrally-run cities to recommend children for adoption;

3. To ensure that the dossiers of children recommended for adoption comply with all the provisions in Clause 1, Article 11 of the Agreement and this Regulation and to take responsibility of such dossiers;

4. To decide the permission of child adoption according to Clause 1, Article 7 of the Agreement and direct the provincial/municipal Justice Services to organize the hand-over and receipt of adopted children according to law provisions;

5. To manage the activities carried out in their respective provinces or centrally-run cities by the French organizations already licensed to operate in the field of child adoption in Vietnam.

In performing the above-mentioned tasks and powers, the provincial-level People's Committees shall have to submit themselves to the professional direction and guidance of the Ministry of Justice and the concerned ministries and branches.

Article 16. Responsibilities of children-rearing establishments

The children-rearing establishments designated by the provincial-level People's Committees to recommend children for adoption shall have:

1. To coordinate with the provincial/municipal Justice Services in recommending eligible children for adoption; make periodical reports on the recommendation of children for adoption and send them to the provincial/municipal Services of Labor, War Invalids and Social Affairs and the bodies that have issued decisions to set up the establishments;

2. To ensure that the children recommended for adoption meet all the adoption conditions prescribed by law, have clear backgrounds as well as complete and valid dossier;

3. To create conditions for adoptive parents and French organizations already licensed to operate in the field of child adoption in Vietnam to contact the children and complete the necessary procedures for child adoption according to law provisions.

Article 17. Responsibilities of the inter-branch working team

1. The inter-branch working team shall be set up by decision of the Minister of Justice, composed of representatives who are departmental leaders of the Ministry of Justice, the Ministry of Public Security, the Ministry of Foreign Affairs and other concerned agencies, and headed by a Vice Minister of Justice.

2. The inter-branch working team shall have the following powers and tasks:

- a. To coordinate activities among the concerned ministries and branches for the implementation of the Agreement and solve problems arising in the course of implementing the Agreement and this Regulation;

b. To prepare annual reports on the implementation of the Agreement and this Regulation, which shall be presented by the Minister of Justice to the Prime Minister;

c. To periodically inspect the implementation of the Agreement and this Regulation in the localities;

d. To participate in the activities of the Vietnam-France joint working team and perform the tasks defined in Clause 2, Article 20 of the Agreement.

Article 18. Responsibilities of the French organizations licensed to operate in the field of child adoption in Vietnam

1. The French organizations licensed to operate in the field of child adoption in Vietnam shall have the following obligations and powers:

a. To abide strictly by the Vietnamese laws; respect the Vietnamese customs and practices;

b. To operate in compliance with the contents and scope already prescribed in their licenses;

c. To urge and remind the adopters to fulfill their commitments to report on the development of their adopted children;

d. To make bi-annual reports in writing to the Ministry of Justice on their operations in Vietnam; concurrently to report and supply documents or explain questions related to their operations to the Ministry of Justice, when so requested;

e. At the end of every fiscal year, to send financial settlement reports to the Ministry of Justice;

f. To be entitled to rent working offices, recruit Vietnamese employees to work for them according to the provisions of the Vietnamese legislation.

2. The persons authorized to act as their representatives in Vietnam shall take responsibility for all activities of their organizations in Vietnam.

3. The Ministry of Justice shall stipulate the dossiers and procedures for the French child adoption organizations to apply for licenses to operate in Vietnam.

CHAPTER IV

HANDLING OF VIOLATIONS

Article 19. Handling of violations

1. Those who abuse their positions and powers in the settlement of child adoption in contravention of this Regulation and other law provisions shall, depending on the nature and seriousness of their violations, be disciplined or examined for penal liability according to law provisions.

2. Those who commit acts of violating this Regulation and other law provisions; take advantage of the recommendation of children for adoption and the settlement of child adoption for the purposes of exploitation of child labor, sexual abuse or child trafficking or for other profit-seeking purposes, shall, depending on the nature and seriousness of their violations, be administratively sanctioned or examined for penal liability according to law provisions.

**Prime Minister
PHAN VĂN KHAI**

CLEAR MANIFESTATIONS OF OUR OPEN FOREIGN POLICY

*(Editorial, Nhân Dân Daily,
28 July 2000)*

Vietnam joined the Association of Southeast Asian Nations (ASEAN) on 28th July 1995. This important event represents a clear manifestation of our Party's foreign policy of diversification, multilateralization and regional and global integration. Vietnam's admission into ASEAN has not only strengthened our position on the international stage but also marked a new page in the history of the Southeast Asian region.

Over the past five years, our Party and the entire Vietnamese people have promoted their revolutionary spirit and persevered with the *đổi mới* policy, thus reaping significant achievements despite a spate of difficulties and challenges.

Vietnam's relationship with foreign countries has kept expanding. Its international integration has achieved initial successes while its standing in the international community has been consolidated. Vietnam has partly contributed to the growth of ASEAN. It has actively participated in the Association's political and diplomatic affairs and hundreds of projects on economic cooperation and specialized fields. The economic, trade and investment ties between Vietnam and the other ASEAN members have been prospering since 1990. To date, ASEAN investment in Vietnam has mounted to US\$ 9.5 billion, accounting for 20% of the total foreign investment in the country. Vietnam's multi-faceted relations with its dialogue partners and non-ASEAN countries such as China, Japan, the Republic of Korea, Australia, Canada, and the EU have also been improved.

The above achievements have considerably contributed to the economic growth of Vietnam. They have also created favourable conditions for the implementation of *doi moi* and national industrialization and modernization cause aimed at making the people prosperous, country strong and society equitable

and civilized. The achievements have also helped to strengthen our relations with the regional countries, international community and large economic organizations like APEC or WTO, and met the aspirations and interests of our people while keeping conformable with the interests of other nations.

Vietnam's partners and friends have hailed its contribution to the development of ASEAN as very significant though it is a new member of the group. Especially, when the region had just got out of the serious economic financial crisis, Vietnam held an impressive 6th ASEAN Summit in 1998. The summit marked a highlight in the region's political life with the adoption of the Hanoi Declaration, Hanoi Action Programme for the implementation of the Vision 2020, and the admission of Cambodia into the group, which helped materialize the idea of a ten-member ASEAN. Vietnam has been struggling to protect its national identities and enhance its relations with the association's members. It has become an important factor in promoting peace, stability and cooperation for development in the region.

Vietnam assumed the one-year rotating presidency of the ASEAN Standing Committee

at the 33rd ASEAN Foreign Ministers Meeting held in Bangkok. It is fully aware of the responsibilities it has taken as the assumption was made at a challenging and significant moment in the Association's history. Such responsibilities requires Vietnam bring into play the group's achievements gained in the past 33 years; to reconcile the development of each member with that of the entire Association so as to push up sustainable development region-wide and bridge the gap between the member countries in the spirit of the Vision 2020 and Hanoi Action Programme; to ensure that ASEAN will always act as a dynamic regional group, voice unanimously over burning issues and take a worthy role in Asia and the world.

The people of Vietnam share with the peoples of the other ASEAN countries the aspirations of building the group into an extended community, and living in peace, stability and prosperity. As an integral part of the region, Vietnam enjoys advantages and copes with difficulties together with its friends in Southeast Asia and the Pacific. Vietnam will have many things to do with its one-year ASEAN presidency. However, it will certainly fulfil its responsibilities.

HOW CAN TRADE COUNSELORS HELP ENTERPRISES ?

NGŨ AN

*(Quốc Tế Weekly,
August 14-20, 2000)*

As a rule, every one or two years, Vietnamese trade counselors accredited in foreign countries return home to meet with domestic enterprises producing exports. In 2000, 37 counselors had to work really hard for their meeting.

Phạm Văn Minh, returning from Belgium, brought back with him information essential for the survival of enterprises. The EU is a large market consisting of 15 countries and accounts for 1/3 of the world trade. This market is fastidious with regard to hygienic standard, goods quality and has just recently worked out policies on the relationship with Asian markets outside Japan. "EU sees Vietnam as a developing non-market economy because the country has not yet entered the WTO," said Minh. Vietnam-EU relationship was established in 1990 and the Most Favoured Nations Status has been applied since 1995. The Vietnam-EU trade agreement on textiles and garments in 1992 increased the quota by 26%, making Vietnam's exports into the EU grow by four times. The 1999 Vietnam-EU trade agreement on footwear implies that the EU does not ban the footwear imported from Vietnam, and accordingly, Vietnam enjoys a lower tariff than Brazil in this respect. Besides, since 1999, Vietnam has been eligible for exporting aqua-products to the EU.

The three major items that Mr. Minh took a thorough investigation into when working abroad are footwear, garments and leatherwear. The EU's demand for Vietnam's footwear is valued at US\$ 16.6 billion/year. meanwhile in 1999 Vietnam exported only US\$ 1.26 billion worth of footwear to this market. In 2000, Vietnam's export in this field may be increased by 30%. Footwear is a sensitive export item in which Vietnamese enterprises should make in-depth investments, in terms of both technology and equipment for fear that in 2005 the EU may

remove this import market. Regarding garments, the EU's demand is valued at US\$ 15.8 billion while in 1999, Vietnam exported only US\$ 659 million worth of garments. In 2000, the figure is expected to be US\$ 762 million. "Textiles and garments are sensitive groups. For many times counselors themselves had to directly intervene in "unblocking" bulks of goods worth of tens of VND millions," said Minh. He also advised Vietnamese enterprises to continue with the development of these exports. Leatherwear is also a sensitive item. The EU's demand for it is valued at US\$ 7.5 billion/year while in 1999 Vietnam exported only US\$ 137.9 million and in 2000 the figure is expected to be raised to US\$173.6 million. Other items, except aqua-products, such as rice, sugar, honey and fine-art objects have small chances to penetrate into the EU market.

Hà Kế Tuấn, returning from Japan, thought that the Japanese market had recovered and is an important import-export market for Vietnam. Vietnam has several exports to this market which rank top or second in the region such as women's underwear which is ranked second only to the China-made one. However, since its exports account for only 0.62% of the Japanese market, Vietnam remains to be a

small partner of the latter. Tuấn proposed the Japanese side to negotiate with Vietnam in particular and ASEAN in general about the inclusion of Vietnam into the list of exporters of rice and meat to Japan. He also requested the Japanese side to assist Vietnamese enterprises through its fairs.

Nguyễn Văn Bình, returning from the US, talked about the fresh Vietnam-US Trade Agreement to be ratified by the two parliaments. "The Agreement is an opportunity and a challenge," said Bình. In the "game" with the US we must accept the "harsh rules of play" and the fierce competition. US enterprises may at any time use the technological methods to knock us out of the competition. For instance, the US imports crabs from ASEAN countries at the price of US\$ 2 per kilogram while US enterprises import this item at a higher price. As a result, these enterprises have requested the Government to apply quota on imported crabs. Asean countries have had to make a protocol to request the US government not to apply the quota. In short, US enterprises are masters of the markets. Vietnamese enterprises must try hard in this competition. However, Americans consume "everything from A to Z" so Vietnam enterprises should not be too pessimistic about their prospects.

QUẢNG NINH SEEKING TO ATTRACT FOREIGN INVESTMENT

VŨ LONG

(Quốc Tế Weekly, 14-20 August 2000)

The international conference on foreign investment recently held in Quảng Ninh has promoted the confidence and hope of foreign investors. It also confirms the soundness of the policy of the Province.

Addressing the conference, Chairman of the Quảng Ninh People's Committee Hà Văn Hiến stressed that Quảng Ninh would seek all ways to attract more foreign investment in the time to come.

Hiến's words have been proved by reality. At present, in the Province, there are 46 foreign projects underway and 72 ready to call for foreign cooperation.

Besides, over 100 hotels of all forms, from private to joint venture, are in operation with the average room occupancy rate of over 60%.

"Our goal is to attract 1.5 million tourists to the Province in 2000," said Hiến.

Hiến also stressed that in the time to come the Province would restructure and downsize the staff of State-owned enterprises to make them operate more effectively and that it is necessary to mobilize capital from the masses and other economic components for the development of the Province.

According to Mr. Nguyễn Hồng Quân, Head of the Quảng Ninh External Economic Committee, the Province is endowed naturally with many advantages but more importantly, it should build and forever promote the confidence of investors.

"Besides building the infrastructure (electricity, water, information and telecommunications networks in favour of investors), the Province also attaches great importance to improving the policies and administrative procedures in order to promote and facilitate investment," said Quân.

According to Quân, in the time to come, Quảng Ninh will focus on designing and real-

izing a project of upgrading Cái Lân Port into a deep-sea port in the North, and on boosting foreign investment in Móng Cái Town.

"Móng Cái Town has many advantages because it borders China. The Government plans to develop it into a border-gate economic zone and offers special privileges to investors here," said Quân.

However, according to Hiền, whatever kind of development it might be, it must be linked with sustainable environmental development.

"Hạ Long is recognized as a World Heritage Site. The responsibility of the Province is to preserve it," stressed Hiền. He added, "It is also a place that brings about a considerable revenue from tourism."

However, according to some foreign investors, besides promulgating incentive policies, the Province should have measures to introduce them to investors.

According to Yasumi Higo, Head of the Representative Office of a Hanoi-based Japanese trade promotion organization, it is a good idea to hold seminars to make known the potentialities of the Province. He added that he

would pass the information he had learnt to Japanese enterprises and investors.

According to Mr. Teh Wee Chye, General Director of Vimaflour (a flour-producing joint venture), it is natural for investors to meet obstacles in infrastructure construction and project implementation at the beginning for whatever investment they make. But most importantly, the Quảng Ninh People's Committee, and other branches and agencies in the Province make efforts to put into practice their commitments to assisting investors. "Nowhere can we see such good cooperation between the People's Committee, branches and investors like here," stressed Teh Wee Chye.

At the end of the Conference, Vũ Huy Hoàng, Deputy Minister of Planning and Investment said, "in collaboration with the Quảng Ninh People's Committee, we held a conference on this topic shortly after the National Assembly approved the law on amendments and supplements to a number of articles of the Law on Foreign Investment in Vietnam and after the Government issued a Decree instructing in detail the implementation of this Law."

CHRONOLOGY 2001

(February)

4th – 6th February: Cambodian Minister of Foreign Affairs and International Cooperation Hor Nam Hong leads a delegation to attend the 4th official meeting of the Vietnam – Cambodia Joint Commission for Economic, Cultural, Scientific, and Technological Cooperation. The Vietnamese delegation is headed by Foreign Minister Nguyễn Dy Niên. Mr. Hor Nam Hong is received by President Trần Đức Lương.

6th February: Laotian Deputy Prime Minister, Chairman of the Laos –Vietnam Cooperation Sub-commission Bounhang Vorachit visits Vietnam to participate in the 23rd meeting of the Laos –Vietnam Inter-governmental Commission for Economic, Cultural, Scientific, and Technological Cooperation. The two sides sign the Agreement on Strategy for Economic, Cultural, Scientific, and Technological Cooperation from 2001 to 2010, Agreements on Economic, Cultural, Scientific, and Technological Cooperation in 2001 and between 2001-2005; Minutes of the 23rd meeting of the Laos –Vietnam Inter-governmental Commission for Economic, Cultural, Scientific, and Technological Cooperation.

7th – 11th February: President of the Republic of Singapore S. R. Nathan pays an official visit to Vietnam. He pays a courtesy call to Party General Secretary Lê Khả Phiêu, meets with President Trần Đức Lương and Prime Minister Phan Văn Khải. He also visits Hanoi, Hồ Chí Minh City and Bình Dương Province.

23rd – 25th February: Cuban Foreign Minister Felipe Perez Roque pays an official visit to Vietnam. He holds talks with Foreign Minister Nguyễn Dy Niên, is received by Party General Secretary Lê Khả Phiêu, National Assembly Chairman Nông Đức Mạnh and Deputy Prime Minister Nguyễn Mạnh Cẩm. He visits some cultural and economic establishments in Hanoi.

27th February: The Asian Forum is officially held in Bo-ao, Hainan, China. Participants in the Forum include Chinese President Jiang Zemin, Deputy Prime Minister Nguyễn Mạnh Cẩm and many leaders, politicians, scholars, businesspeople from 24 Asian countries and Australia. During his stay in Bo-ao, Deputy Prime Minister Nguyễn Mạnh Cẩm meets with Chinese President Jiang Zemin and officials of ASEAN member countries as well as those from some other countries.

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