

Policies and legal regulations on the recruitment of foreign labor in Vietnam

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Abstract

Vietnam is confronting a progressively noteworthy request for exceedingly gifted labor within the setting of quick financial advancement and broad worldwide integration. The enrollment of remote labor has gotten to be a essential arrangement to meet the human asset necessities in divisions such as innovation, back, healthcare, and high-tech fabricating. Vietnamese law has issued various directions with respect to the conditions and strategies for enlistment, as well as the rights and commitments of remote laborers. Among these, the necessity for a work allow may be a key center, but in certain exempted cases. In hone, a few inadequacies still exist, such as complex regulatory methods, unlawful enrollment, a need of components to ensure workers' rights, and deficiently coherence in arrangements to pull in high-quality human assets. These components make troubles for businesses and prevent the method of universal labor integration. A few proposed arrangements incorporate: streamlining permitting methods, fortifying reviews and dealing with infringement, making strides motivating force approaches and ensuring workers' rights, and advancing worldwide participation in administration. Progressing the lawful framework and approaches will contribute to making a reasonable and straightforward working environment, drawing in competent outside labor, and advancing feasible financial improvement within the setting of globalization.

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I. INTRODUCTION

Our nation is as of now one of the appealing goals for outside speculators, with a tall financial development rate and a progressively progressed venture environment. This has driven to an expanded request for enlisting remote labor to meet the proficient and aptitude prerequisites that the household labor showcase has not however completely fulfilled. In any case, this advancement too comes with a few lawful issues that ought to be tended to to form a clear, reasonable, and successful lawful system.

Vietnam's fascination of various remote ventures for venture has made a noteworthy request for exceedingly gifted labor, especially in areas such as data innovation, fund, fabricating, and businesses requiring progressed innovation. In any case, the residential labor showcase has not however been able to supply adequate qualified human assets for these divisions. In this manner, enlisting outside labor could be a essential arrangement. The law has to clearly direct the conditions, enrollment strategies, rights, and commitments of outside specialists as well as the undertakings utilizing them.

In addition, the need of a synchronized and comprehensive legitimate framework with respect to the enrollment of remote labor has driven to various dangers and deficiencies in hone. A few endeavors may misuse lawful escape clauses to enlist outside specialists without complying with controls on visas, work grants, or arrangements securing workers' rights. This not as it were hurt the rights of remote laborers but moreover influences the working environment in Vietnam, making injustice within the labor advertise and posturing potential dangers to the rights of residential specialists.

Another figure expanding the criticalness of this investigate point is the persistent changes in labor and work approaches within the setting of internationalization and regionalization. Vietnam has marked various free exchange understandings (FTAs) with nations and universal organizations, which incorporate commitments to liberalize the labor advertise and encourage the development of worldwide labor. This requires Vietnam to alter and move forward its legitimate directions on the enlistment of remote labor to adjust with universal patterns whereas securing national interface and guaranteeing the rights of outside laborers in Vietnam.

One of the evident reasons contributing to the direness of this inquire about point is the fast improvement of innovation and advanced change, which involves prerequisites for exceedingly talented labor able of working in a worldwide environment. The law must instantly react to these prerequisites to form an open and adaptable lawful environment whereas guaranteeing guidelines for ensuring workers' rights and maintaining decency and solidness within the labor advertise. Hence, investigating and making strides the law on the enrollment of remote labor in Vietnam isn't as it were an critical prerequisite but moreover a key figure for Vietnam to proceed creating

strongly and reasonably within the current setting of worldwide integration.

Contents

1. Common theoretical issues

1.1 Definition and classification of foreign labor

Agreeing to the International Labour Organization (ILO), transient labor alludes to people who move from one nation to another to work, pointing to make strides individual benefits. In Vietnam, remote labor is basically caught on as citizens of a nation who meet the legitimate conditions to work in another nation and must comply with the labor laws of that nation [1].

Inside the scope of this article, the creator proposes to characterize outside labor in Vietnam as people holding a nationality other than Vietnamese nationality and allowed by Vietnamese law to work in Vietnam to advantage themselves. The classification of remote labor is based on the criteria of each nation. In Vietnam, the taking after criteria are connected to classify outside labor:

Firstly, classification based on the ability level of remote labor incorporates: Exceedingly skilled/highly qualified labor and unskilled/manual labor.

Secondly, based on the necessity for a work allow, outside labor is separated into two sorts: Labor required to get a work allow and labor exempted from getting a work allow [2].

Thirdly, based on the shape of work, outside labor can be categorized into sorts such as:

Performing labor contracts; intra-corporate exchanges; performing contracts or understandings on financial matters, commerce, fund, keeping money, protections, science and innovation, culture, sports, instruction, professional instruction, and healthcare; benefit suppliers beneath contracts; advertising administrations; working for remote non-governmental organizations or worldwide organizations in Vietnam allowed to function beneath Vietnamese law; volunteers; people capable for building up a commercial nearness; supervisors, official executives, experts, technical laborers; taking part within the usage of offers or ventures in Vietnam; relatives of individuals of remote agent offices in Vietnam allowed to work in Vietnam beneath universal settlements to which the Communist Republic of Vietnam may be a part [3].

1.2 Overview of regulations on recruiting foreign labor

1.2.1 Conditions for recruiting foreign labor in Vietnam

As said in Section 1, outside labor is by and large caught on as a shortened form for specialists who are remote citizens working in Vietnam.

Outside specialists working in Vietnam must be outside citizens and meet the taking after prerequisites: Be at slightest 18 a long time ancient and have full gracious capacity; have proficient capabilities, specialized aptitudes, mastery, or work involvement appropriate for the work and meet wellbeing measures as endorsed by the Serve of Wellbeing; not be serving a criminal sentence, have an unexpunged criminal record, or be beneath criminal examination beneath Vietnamese or remote law; have a work allow issued by the competent Vietnamese specialist.

1.2.2 Cases exempted from work permits under Vietnamese law

Cases exempted from work allow prerequisites beneath Vietnamese law incorporate: Being an proprietor or capital-contributing part of a constrained risk company with a capital commitment esteem as endorsed by the Government; being the Chairman of the Board of Executives or a part of the Board of Chiefs of a joint-stock company with a capital commitment esteem as endorsed by the Government; being the head of an agent office, venture, or basically dependable for the operations of an worldwide organization or outside non-governmental organization in Vietnam; entering Vietnam for a period of less than 3 months to offer administrations; entering Vietnam for a period of less than 3 months to address occurrences, specialized or mechanical complexities that influence or hazard influencing generation or trade, which Vietnamese specialists or remote specialists as of now in Vietnam cannot resolve; being an outside attorney authorized to hone law in Vietnam beneath the arrangements of the 2015 Law on Attorneys; cases beneath worldwide settlements to which the Socialist Republic of Vietnam could be a part; remote people hitched to Vietnamese citizens and dwelling in Vietnam; and other cases as endorsed by the Government[4].

1.2.3 Comparison with foreign labor recruitment in some countries

The enlistment of outside labor in state organizations or the open division of different nations changes essentially, depending on components such as labor arrangements, proficient needs, and universal understandings. Underneath are a few cases of remote labor enlistment in certain nations, counting Singapore, the Joined together States, and the European Union (EU).

Firstly, Singapore can be specified. Singapore encompasses an adaptable legitimate framework that permits the enrollment of remote labor, especially in areas requiring tall ability. Be that as it may, the enlistment of outside labor in state offices primarily relates to worldwide ventures or consultancy positions in organizations and organizations centered on innovation advancement, instruction, healthcare, and investigate. Remote specialists may be welcomed to take part in inquire about or innovation improvement exercises at the Office for Science, Innovation and Investigate [5].

Another ordinary case is the European Union (EU). Within the EU, universal organizations and EU organizations may contract outside labor from non-EU nations to work in EU organizations. Be that as it may, work within the government organizations of EU part states ordinarily requires candidates to be citizens of that nation [6]. For occurrence, the European Commission frequently initiates outside specialists for worldwide participation ventures, improvement approaches, and logical investigate. Remote specialists may work at EU organizations such as the European Improvement Participation Organization or other EU research department.

Another case is the United States. Within the United States, outside labor cannot be enrolled to work in government organizations unless they are U.S. citizens or lawful inhabitants with a “green card” [7]. Be that as it may, private companies and organizations can contract remote labor to carry out investigate, advancement, or universal participation ventures related to government organizations through visa programs such as the H-1B for experts. For occurrence, organizations just like the National Flight and Space Administration (NASA), the National Institutes of Health, and government inquire about organizing may collaborate with outside specialists in inquire about and improvement ventures in innovation, healthcare, and space.

II. Current state of law and implementation of regulations on recruiting foreign labor in Vietnam

2.1 Current state of law on recruiting outside labor in Vietnam

Right now, Vietnam has issued legitimate regulating records to characterize and clarify controls on the enrollment of remote labor working in Vietnam. The taking after organizations and people are allowed to select remote labor:

Firstly, undertakings locked in in generation and trade exercises in Vietnam that have a have to be utilize remote labor for positions that Vietnamese labor cannot however fulfill. Enterprises may enroll outside labor for administrative, official, master, or specialized positions.

Besides, private organizations and organizations, such as private schools, private healing centers, etc., but for state regulatory organizations and socio-political organizations.

Thirdly, people with a got to enlist remote labor for particular employments may moreover do so, given they completely comply with legitimate directions and get endorsement from the competent state specialist.

Fourthly, temporary workers taking part within the execution of ventures in Vietnam may too enroll outside labor for fundamental positions amid the execution of offers, especially for errands requiring tall proficient qualifications that Vietnamese labor isn't however able of undertaking.

Remote labor cannot serve as gracious workers or open representatives in state organizations, as these positions require Vietnamese citizenship, as stipulated by the Law on Cadres and Civil Workers and the Law on Open Representatives. These positions order Vietnamese citizenship and are regularly filled through competitive examinations or determination forms. Remote labor may work in state organizations through shapes such as specialists, experts, or support in worldwide participation ventures. In such cases, they work beneath contracts and are subject to the administration of competent specialists but are not considered gracious workers or open representatives.

Enterprises, agencies, organizations, individuals, and temporary workers are as it were allowed to select outside labor for administrative, official, master, and specialized positions that Vietnamese labor cannot meet the prerequisites for in generation and commerce. Some time recently selecting outside labor, these substances must give an clarification of the require for outside labor and get composed endorsement from the competent state specialist. For temporary workers, some time recently selecting remote labor, they must clearly announce the work positions, proficient capabilities, specialized abilities, work involvement, and term of remote labor required to execute the offered, along side getting composed endorsement from the competent state specialist [8].

2.2 Practical implementation of laws on recruiting foreign labor in Vietnam

The enlistment of remote labor in Vietnam has ended up a critical figure in financial improvement and innovation fascination, especially within the setting of worldwide integration and globalization patterns. The Vietnamese government has issued a framework of legitimate controls to oversee this issue, counting the Labor Code 2019, Declare No. 152/2020/NĐ-CP on remote labor working in Vietnam, and other directing circulars.

Concurring to the Labor Code 2019 and related orders and circulars, outside labor is as it were allowed to work in Vietnam in businesses where residential labor cannot adequately meet the request. This implies ventures can as it were enlist remote labor when they cannot discover household candidates with comparable capabilities and capabilities. To do so, remote labor must get a work allow issued by the competent state specialist. These grants may have a length of 1 to 2 a long time, depending on the require and sort of work.

Be that as it may, in reality, indeed when residential labor meets the work necessities, the circumstance of remote labor working illicitly or without substantial work licenses remains very common. Numerous remote specialists are utilized in segments where they are not allowed, making challenges in administration and control, whereas moreover denying Vietnamese citizens of work openings in their claim nation.

An outstanding issue is that the strategy for issuing work licenses is right now complex and time-consuming. This handle regularly experiences covers between useful organizations, from submitting applications to confirming

records and issuing grants. This makes burden for undertakings, particularly those requiring to directly enlist remote labor to meet work requests. Furthermore, the preparing time for work grants is hazy, now and then taking a few months to total, which influences the advance of enterprises' operations.

In spite of the fact that legal regulations have ensured the rights of outside labor working in Vietnam, the assurance of their rights remains restricted, driving to troubles in selecting outside labor in ensuing occurrences due to concerns approximately insufficient assurance of their rights. Outside specialists confront challenges in getting to lawful administrations and securing their authentic rights, especially in labor debate or cases of wrongful end. Competent specialists have not however completely prioritized securing the rights of outside labor, making them defenseless to misuse or challenges within the work environment.

Moreover, Vietnam still needs steady approaches to encourage outside labor, especially in high-tech areas, logical investigate, and businesses requiring tall aptitudes and experienced specialists. In spite of the fact that Vietnam is endeavoring to draw in exceedingly talented labor to create the economy, the need of synchronization in approaches with respect to tax assessment, protections, and other benefits for remote labor makes Vietnam less alluring to high-quality outside specialists.

III. Recommendations to improve the law on recruiting foreign labor in Vietnam

Within the setting of progressively profound universal financial integration, the enlistment of outside labor in Vietnam has ended up a basic issue, essentially affecting the country's financial improvement, logical and innovative headway, and key businesses. Profoundly talented remote labor plays a vital part in innovation exchange, improving labor efficiency, and advancing advancement. In any case, the current lawful system for enlisting outside labor in Vietnam still has a few inadequacies that require change to meet down to earth necessities. Underneath are a few propositions to improve the law on enlisting outside labor in our nation:

Firstly, simplify the procedures for issuing work permits. One of the major difficulties enterprises face when recruiting foreign labor is the work permit issuance process. The current procedure requires enterprises to prepare complex documentation, including proof that no Vietnamese workers can meet the job requirements, documents such as labor contracts, certifications from relevant authorities, and other requirements. The processing time can range from weeks to months, directly affecting the progress of enterprises' operations, especially in fields requiring highly skilled or specialized labor. To address this issue, it is proposed to simplify the work permit issuance process, particularly for cases involving experts, scientists, or positions where Vietnamese labor cannot substitute. Implementing online administrative procedures will help save time and costs for both enterprises and state agencies. Additionally, unnecessary documentation requirements should be reduced, and clearer criteria regarding the qualifications and capabilities of foreign labor should be established to facilitate enterprises in recruitment.

Secondly, strengthen inspection, supervision, and handling of violations. A prominent issue in practice is the situation of foreign labor working illegally in Vietnam. Although the law clearly regulates the industries in which foreign labor is permitted to work and the requirement for work permits, in reality, some companies still recruit foreign labor for positions not requiring permits or allow foreign labor to work in unregistered industries. This leads to challenges in management, hindering the creation of a fair and transparent labor environment. To address this issue, it is proposed to strengthen inspection, supervision, and handling of violations. Relevant authorities should conduct regular inspections and audits of enterprises employing foreign labor to ensure strict compliance with legal regulations. At the same time, strict penalties should be applied to enterprises that illegally recruit foreign labor or fail to comply with industry regulations. This will not only help reduce illegal foreign labor but also protect the rights of Vietnamese and foreign workers.

Thirdly, make strides approaches on motivations and assurance of outside workers' rights. A similarly imperative issue is securing the rights of outside laborers in Vietnam. In spite of the fact that the law directs remote workers' rights, such as compensation, social protections, transportation, and working conditions, in none, numerous outside specialists confront troubles in defending their genuine rights. A few remote specialists don't completely get it their rights due to dialect boundaries, social contrasts, or need of satisfactory data. In addition, in a few cases, they confront unjustifiable wage levels, need of social protections, or insufficient working conditions. To address this, a devoted legitimate back framework for outside laborers ought to be set up to assist them effortlessly get to data and get it their rights. Moreover, reviews and reviews of working conditions, wage arrangements, and social protections for outside specialists ought to be reinforced to guarantee they are treated reasonably and not abused within the working environment.

Fourthly, create approaches to pull in high-quality outside labor. In spite of the fact that Vietnam has made advance in pulling in outside labor, in reality, approaches to pull in profoundly talented remote labor, especially in high-tech areas, logical inquire about, healthcare, and progressed businesses, stay incapable. The deficiency of exceedingly gifted labor is one of the variables ruining the improvement of numerous businesses in Vietnam. To pull in high-quality outside labor, it is proposed that the Government create motivating force arrangements such as competitive pay rates, comprehensive benefits, and charge motivations for remote specialists.

These approaches will not as it were pull in specialists in key areas but moreover improve labor efficiency and work quality. Furthermore, worldwide preparing and participation programs ought to be built up to move forward the quality of human assets and make a favorable working environment for remote labor.

Fifthly, advance worldwide participation in overseeing remote labor. Overseeing remote labor in Vietnam isn't as it were the duty of household specialists but too requires universal participation. Marking respective or multilateral labor participation assentions with other nations will offer assistance make a strong instrument for enlisting, overseeing, and ensuring the rights of outside labor. These universal assentions not as it were built up straightforward components to ensure remote workers' rights but moreover upgrade participation between Vietnam and other nations in creating human assets.

IV. CONCLUSION

The law on enlisting remote labor in Vietnam is as of now a squeezing issue of extraordinary significance, particularly within the setting of the country's developing integration into the worldwide economy. The strong advancement of Vietnam's economy, coupled with the developing noticeable quality of key businesses and the ought to get to progressed innovation, requests noteworthy commitments from remote labor, especially in areas such as innovation, logical and specialized investigate, and improvement. In any case, enlisting outside labor does not simply include drawing in human assets but moreover requires building and progressing the lawful framework, administration, and assurance of the rights of both remote and Vietnamese specialists in a shared working environment.

In later a long time, Vietnam has made critical strides in drawing in remote labor, particularly exceedingly gifted labor, through arrangements and directions on work licenses and the assurance of remote workers' rights. The Government has too made favorable conditions for specialists, researchers, and engineers from created nations to work in Vietnam. In any case, in hone, the legitimate framework for enlisting outside labor still has numerous inadequacies that require advancement. Challenges in work allow issuance strategies, unlawful outside labor, need of an successful legitimate back framework, and irregularities in motivation and rights security arrangements have made various troubles for both endeavors and the Government in overseeing outside labor.

In specific, the deficiency of profoundly gifted labor in high-tech areas, logical inquire about, healthcare, and key businesses highlights the got to create arrangements to pull in high-quality remote labor. This will offer assistance improve the abilities of residential labor and advance maintainable financial improvement. As the worldwide labor showcase gets to be progressively competitive, moving forward the law on selecting outside labor may be a basic figure for Vietnam to preserve its position and draw in the consideration of universal specialists and financial specialists.

Besides, making a reasonable and straightforward working environment for remote labor is fundamental to guarantee value within the labor advertise. When the rights of outside laborers are completely and decently ensured, believe among partners will be reinforced, cultivating an compelling and solid working environment. This requires state offices to create vital alterations and move forward the lawful framework, from work allow issuance strategies to arrangements ensuring remote workers' rights all through their time working in Vietnam.

Within the setting of globalization and the quick improvement of the economy, recruiting outside labor isn't as it were a degree to draw in human assets but moreover a way to illustrate Vietnam's duty and commitment to the worldwide community. Subsequently, investigating, altering, and progressing the law on enlisting outside labor is of most extreme significance, not as it were to improve the competitiveness of Vietnam's economy but too to form conditions for sustainable, fair, and rational improvement within the labor showcase.

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