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LEGAL ALERT

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**Decree No. 393/2026/ND-CP:
Key Changes for Foreign
Workers in Vietnam**



On 20 October 2026, the Government issued Decree No. 393/2026/ND-CP ("**Decree 393/2026**") on foreign workers working in Vietnam, replacing Decree No. 219/2025/ND-CP ("**Decree 219/2025**"). Decree 393/2026 will take effect on 5 December 2026 and introduces several significant changes that enterprises intending to recruit or currently employing foreign workers ("**FWs**") should be aware of.

1. Broader work permit exemptions

In addition to the cases previously provided for, Decree 393/2026 introduces and clarifies several categories of foreign workers who are not subject to work permit ("**WP**") requirements. Notably, the new provisions expand the scope of exemptions to cover certain categories of highly skilled personnel in strategic technology and artificial intelligence ("**AI**"), education, as well as foreign nationals holding Special Visa Exemption Cards.¹

However, being exempt from WP requirements does not mean that all administrative procedures are waived. Depending on the specific circumstances, the employer may still be required to apply for a certificate confirming that the foreign worker is exempt from WP requirements or to notify the competent authority before the foreign worker commences employment in Vietnam.

Accordingly, enterprises should clearly distinguish between cases in which a foreign worker is *exempt from WP requirements but must still obtain an exemption certificate* and those in which *only a notification is required*, to ensure compliance with the applicable legal requirements.

2. The 90-day limit for short-term work permit exemption is calculated cumulatively across all employers

Under Decree 393/2026, foreign nationals working in Vietnam as *managers, executive directors, experts or technical workers* may be exempt from WP requirements if their total working period does not exceed **90 days in a calendar year**. This 90-day limit is *calculated cumulatively across the entire period of work performed for all employers in Vietnam*, rather than separately for each employer². However, where an employment relationship arises involving the hiring and use of the worker and the payment of remuneration, the foreign worker must still complete the WP application procedures applicable to employment under a labour contract.³

3. Technical workers are no longer eligible for intra-corporate transfer status

Under Decree 393/2026, the intra-corporate transfer category is now limited to three positions: *managers, executive directors and experts*. To work in Vietnam under this category, a foreign worker must satisfy both of the following conditions: (i) having been employed by the overseas enterprise for at least 12 consecutive months; and (ii) being temporarily transferred to that enterprise's commercial presence in Vietnam.⁴

Accordingly, technical workers are no longer eligible for the intra-corporate transfer category. Although valid documents previously issued under this category may remain effective until their expiry, foreign workers seeking to

¹ Article 8 of Decree 393/2026

² Article 3.5 of Decree 393/2026

³ Article 8.13(a) of Decree 393/2026

⁴ Article 3.1 of Decree 393/2026

continue working in Vietnam under the intra-corporate transfer category thereafter may be considered under the expert category, provided that they satisfy the requirement of having at least five years of relevant work experience corresponding to the position they are expected to undertake in Vietnam.⁵

4. **Changes to work location or job duties: When must the employer notify the authorities, apply for a new work permit, or request reissuance?**

Decree 393/2026 distinguishes between three procedural requirements applicable when there are changes to the work location, position or form of employment of a foreign worker who has already been issued a WP, as follows:

- (1) **Cases requiring notification:** Where the foreign worker continues working for the same employer but at a new location, or where the work location changes on a stable and regular basis, the employer **must notify** the competent authorities in both the locality where the foreign worker is expected to work and the locality where the WP was issued **at least three working days in advance**.⁶
- (2) **Cases requiring a new work permit:** Where the foreign worker needs to change one or more of the details recorded in the WP concerning the job position, field of work or form of employment, without changing the employer, a new WP must be applied for.⁷
- (3) **Cases requiring reissuance of a work permit:** Where changes occur to the following particulars of the foreign

contractor's establishment at which the WP was issued: its head office, branch, representative office, business location or executive office, the WP must be reissued.⁸

5. **Amendments to WP extension procedures**

Compared with the previous regulations, Decree 393/2026 introduces several changes intended to facilitate the WP extension process for enterprises, as follows:

Application submission period:

Enterprises may submit extension applications **from 90 days to at least 10 days before the WP expires**, replacing the previous requirement under which applications could be submitted no earlier than 45 days before expiry.

Application dossier requirements:

A medical examination certificate is no longer required as part of the extension application dossier.

Processing time:

The statutory processing period is shortened **from 10 days to 5 working days** from the date on which the competent authority receives a complete and valid application dossier.

In light of these changes, enterprises should proactively conduct a comprehensive review of their employment of foreign workers, verify that the relevant legal documentation is consistent with actual working arrangements, and determine the applicable legal obligations and procedures for each case. These steps will help minimise legal risks and ensure compliance when Decree 393/2026 officially takes effect.

⁵ Article 35.3 of Decree 393/2026

⁶ Article 23.5 of Decree 393/2026

⁷ Article 21.2 of Decree 393/2026

⁸ Article 24.3 of Decree 393/2026

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