JOINT CIRCULAR

ON GUIDELINES FOR FINANCIAL SUPPORT FOR GUEST WORKERS PRESCRIBED IN GOVERNMENT'S DECREE NO. 61/2015/ND-CP DATED July 9, 2015 ON JOB CREATION POLICIES AND NATIONAL EMPLOYMENT FUND

Pursuant to the Government's Decree No. 106/2012/ND-CP dated December 20, 2012, defining the functions, tasks, powers and organizational structure of the Ministry of Labor, War Invalids and Social Affairs;

Pursuant to the Government's Decree No. 215/2013/ND-CP dated December 23, 2013 defining the functions, tasks, entitlements and organizational structure of the Ministry of Finance;

Pursuant to the Government’s Decree No. 61/2015/ND-CP dated July 9, 2015 on job creation policies and National employment fund;

The Minister of Labor, War Invalids and Social Affairs promulgates a Joint Circular on guidelines for support for guest workers prescribed in the Government's Decree No. 61/2015/ND-CP dated July 9, 2015 on job creation policies and national employment fund (hereinafter referred to as Decree No. 61/2015/ND-CP).

Article 1. Scope

This Joint Circular provides guidelines for procedures and amounts of financial support for guest workers and for development of overseas labor market as prescribed in Article 10 and Article 12 of Decree No. 61/2015/ND-CP.

Article 2. Regulated entities

1. Any of following entities wishing to be a guest worker:

a) Ethnics;

b) Members of poor or near poor households as prescribed by law;
c) Relatives of people with meritorious services to the revolution prescribed in Clause 1 Article 4 of Decree No. 31/2013/ND-CP dated April 9, 2013 of the Government on guidelines for the Ordinance on incentives for people with meritorious services to the revolution;

d) Persons having agricultural land withdrawn prescribed in Decision No. 63/2015/QD-TTg dated December 10, 2015 of the Prime Minister on policies on support for vocational training and job creation for workers having agricultural land withdrawn.

2. Agencies, enterprises, organizations and individuals relating to contents prescribed in Article 1 of this Decree.

Article 3. Contents and amounts of financial support for guest workers

1. The financial support for training in vocation, foreign languages and necessary knowledge, including:

a) Vocational training: according to actual costs provided not exceeding the amounts prescribed in Article 4 of Decision No. 46/2015/QD-TTg dated September 28, 2015 of the Prime Minister on policies on support for elementary training or under-3-month training;

b) Foreign language training: according to actual fee of each course and actual learning time provided that each worker only receives a maximum amount of VND 3 million per course;

c) Training in necessary knowledge: According to actual fees provided that each worker only receives a maximum amount of VND 530,000 per course;

d) Food expenses in training period: each worker will receive an amount of VND 40,000 per day;

dd) Travel expenses (round-trip tickets) incurred by workers from their legal residence to the location of training facilities: each worker will receive an amount of VND 200,000 per course for a distance of 15 km or longer from his/her residence to the location of the training facility; each worker will receive an amount of VND 300,000 per course for a distance of 10 km or longer from his/her residence which is in a severely disadvantaged area to the location of the training facility;

e) If a worker prescribed in Clause 1 Article 2 of this Joint Circular lives in a poor district as prescribed in the Resolution No. 30a/2008/NQ-CP dated December 27, 2008 of the Government on the support program for fast and sustainable poverty reduction in 61 poor districts (hereinafter referred to as Resolution No. 30a/2008/NQ-CP), he/she will receive an additional amount of financial support for accommodation expenses during the training period and for personal items as prescribed in Point a Clause 3 Article 5 of the Joint Circular No. 31/2009/TTLT-BLĐTBXH-BTC dated September 9, 2009 of the Ministry of Labor, War Invalids and Social Affairs and the Ministry of Finance on guidelines for Decision No. 71/2009/QD-TTg dated April 29, 2009 of the Prime Minister on approval for the Project for support for poor districts on enhancement of labor
export contributing in sustainable poverty reduction in the period of 2009 through 2020 (hereinafter referred to as Decision No. 71/2009/QD-TTg).

2. Financial support for expenditures on procedures for guest workers, including:

a) Fee for issuance of passports prescribed in Circular No. 157/2015/TT-BTC dated October 8, 2015 of the Ministry of Finance on collection, payment, management of fees for issuance of passports, visas, documents for entry, exit, transit, and residence in Vietnam;

b) Fee for issuance of juridical records prescribed in Circular No. 174/2011/TT-BTC dated December 2, 2011 of the Ministry of Finance on guidelines for collection, payment, management and use of fee for issuance of criminal record;

c) Fee for issuance of visas prescribed by law in force of the host country;

d) Check-ups cost according to prices of actual check-ups and treatment of medical facilities permitted to provide check-ups services for guest workers with maximum amount of VND 750,000 per worker.

3. Financial support for risk settlement throughout the overseas working time:

Any worker facing risks during the working time abroad shall receive an amount of financial support prescribed in Point a Clause 3 of Decision No. 144/2007/QD-TTg dated August 31, 2007 of the Prime Minister on establishment, management and use of Overseas Employment Support Fund and guiding documents.

4. Financial support for training in professional skills:

a) Each worker participating in a course of training in professional skills as required by the contract concluded by a Vietnamese enterprise and a foreign partner will receive an amount of financial support for training in professional skills and foreign languages equivalent to 70% of training cost of each course of the training institution provided not exceeding the amount prescribed in Point a and b Clause 1 of this Article;

b) Each worker participating in a highly-qualified training program agreed by the Government of Vietnam and a host country will receive an amount of financial support for training as agreed by both Government.

5. In case where a worker is eligible for multiple cases prescribed in Clause 1 Article 2 of this Joint Circular, he/she may choose the case offering the best benefit and is entitled to receive a lump sum of financial support prescribed in Clause 1, 2, 3 and 4 of this Article.

6. If a worker prescribed in Clause 1 Article 2 of this Joint Circular lives in a poor district prescribed in Decree No. 30a/2008/NQ-CP, he/she may decide to receive financial support whether prescribed in this Joint Circular or Decision No. 71/2009/QD-TTg. No worker is
permitted to receive both amounts of financial support prescribed in this Joint Circular and Decision No. 71/2009/QĐ-TTg.

Article 4. Procedures for support for guest workers

1. Regarding the financial support prescribed in Clause 1 and Clause 2 Article 3 of this Joint Circular:

a) Each worker being ethnic, member of poor household or near poor household, or relative of people with meritorious services to the revolution that is eligible for financial support shall submit an application (directly or by post) to local authority of Labor, War Invalids and Social Affairs (Services of Labor, War Invalids and Social Affairs or Committee Division of Labor, War Invalids and Social Affairs in accordance with local decentralization) in the administrative division where he/she legally resides.

An application for financial support includes:

- An application form for financial support using the Form No. 1 issued herewith;

- Any of following documents justifying the eligibility of worker prescribed in Clause 1 Article 2 of this Joint Circular:

  + For ethnics: a copy of ID card or passport;
  + For members of poor households or near poor households: a document certified by the People’s Committee of commune, ward or commune-level town mentioned in the application form for financial support;
  + For relatives of people with meritorious services to the revolution: a document certified as a relative of people with meritorious services to the revolution using the Form No. 2 issued herewith;

- A copy of the contract concluded by the worker and the enterprise providing guest worker services (certified by the enterprise) or a copy of the individual contract concluded by the worker and the employer (a certified Vietnamese translation for the contract in foreign language is required) and a document certifying the registration of individual contract by Services of Labor, War Invalids and Social Affairs;

- A copy of passport and visa;

- Copies of certificates or certification of completion of a course of vocational training, foreign language or training in necessary knowledge obtained by the worker as the basis for payment of his/her food and accommodation expenses during the training period;

- Invoices or receipts of vocational training, foreign languages, training in necessary knowledge, check-ups, passport, visa and criminal records;

The authority of Labor, War Invalids and Social Affairs shall, at least 10 working days from the date on which the satisfactory application of the worker is received, provide an amount of
financial support to the worker (directly or through banking account), and keep aforesaid documents as prescribed.

b) Each worker having agricultural land withdrawn:

The worker shall submit an application (directly or by post) to the investor, including:

- An application form for financial support using the Form No. 1 issued herewith;

- A copy of the contract concluded by the worker and the enterprise providing guest worker services (certified by the enterprise) or a copy of the individual contract concluded by the worker and the employer (a certified Vietnamese translation for the contract in foreign language is required) and a document certifying the registration of individual contract by Services of Labor, War Invalids and Social Affairs;

- A copy of passport and visa;

- A copy of certificate or certification of completion of a course of vocational training, foreign language or training in necessary knowledge obtained by the worker as the basis for payment of his/her food and accommodation expenses during the training period;

- Invoices or receipts of vocational training, foreign languages, training in necessary knowledge, check-ups, passport, visa and criminal records;

The investor shall, at least 10 working days from the date on which the satisfactory application of the worker is received, provide an amount of financial support to the worker (directly or through banking account).


3. Regarding the financial support prescribed in Point a Clause 4 Article 3 of this Joint Circular:

a) According to the need and number of workers participating in courses of vocational training, foreign languages, amount of financial support for vocational training and foreign languages prescribed in Point a Clause 4 Article 3 of this Joint Circular and funding allocated by competent authorities, the Department of Overseas Labor Management of the Ministry of Labor, War Invalids and Social Affairs shall enter into commissioning contract of training in professional skills and/or foreign languages with enterprises/professional organizations providing guest worker program as prescribed in Decision No. 39/2008/QD-TTg dated March 14, 2008 of the Prime Minister on procurement regulation, commissioning, public services funded by government budget;
b) According to the commissioning contract concluded and the list of workers participating in training, the Department of Overseas Labor Management shall advance funding to the enterprise/professional organization as prescribed in Circular No. 39/2016/TT-BTC dated March 1, 2016 of the Ministry of Finance amendments to Circular No. 161/2012/TT-BTC dated October 2, 2012 of the Ministry of Finance on control and payment of government budget expenditures through State Treasuries;

c) The Department of Overseas Labor Management shall carry out the commissioning finalize the contract and pay the remaining value of the contract (if any):

- In case where under 70% of learners completing the course(s) are sent to work abroad, only the amount of training costs incurred by those learners is paid;

- In case where at least 70% of learners completing the course(s) are sent to work abroad, the amount of training costs incurred by total learners specified in the concluded contract is paid;

d) The enterprise/professional organization providing guest worker program shall pay amounts of regulatory financial support for learners as specified in the contract concluded with the Department of Overseas Labor Management;

dd) Records kept at each enterprise/professional organization include:

- A commissioning contract concluded between the enterprise/professional organization providing guest worker program and the Department of Overseas Labor Management;

- A contract of educational association concluded by a vocational training institution and the enterprise/professional organization providing guest worker program (if such enterprise/professional organization fails to provide training courses for workers);

- An application form for financial support using the Form No. 3 issued herewith;

- Any of the documents justifying the eligibility of worker prescribed in Clause 1 Article 2 of this Joint Circular:

- A record of commissioning and finalization of the commissioning contract concluded by the enterprise/professional organization and the Department of Overseas Labor Management;

- A contract of guest worker program concluded by the worker and the enterprise/professional organization.

4. Regarding the financial support prescribed in Point b Clause 4 Article 3 of this Joint Circular: The Ministry of Labor, War Invalids and Social Affairs shall provide guidance on procedures for specific programs in accordance with regulations of law in force.

**Article 5. Support for development of overseas labor market**
1. The support activities for development of overseas labor market include:

   a) Researching and surveying overseas labor market;
      - Researching existing labor market and potential market conformable with Vietnamese workers;
      - Investigating, surveying, collecting and synthesize materials;
      - Buying materials of potential labor market conformable with Vietnamese workers;

   b) Disseminating information about overseas Vietnam workforce;
      - Holding conferences and seminars on Vietnamese workforce;
      - Formulating materials, publication, communication programs of Vietnamese workforce (reports, documentaries, books, posters, leaflets, etc.);

      b) Facilitating communication and disseminating information about Vietnam workforce through:
         + Materials and publication;
         + Overseas means of mass media (if any);
         + Internet;

   c) Promoting development of overseas labor market:
      - Building data on Vietnamese guest workers;
      - Formulating materials, publication, communication programs so as to Vietnamese guest workers protect their rights and legitimate interests;
      - Formulating materials, publication and communication programs to introduce labor market for workers wishing participating in the guest worker program;
      - Holding meetings between enterprises, foreign organizations and workers;
      - Holding cultural events for Vietnamese guest workers;
      - Building capacity of promoting overseas labor market.

2. Contents and amounts of financial support:

   a) Expenditures on purchase or collection of information about new market or sectors receiving Vietnamese workers, expenditures on communication and dissemination of Vietnamese
workforce on the overseas means of mass media: According to actual development, within the approved annual funding and principle of economy and effectiveness, the Director of the Department of Overseas Labor Management shall decide the following expenses:

b) Expenditures on research and formulation of projects for assessment of overseas market in terms of potentiality and tendency for acceptance of workers: comply with Joint Circular No. 55/2015/TTLT-BTC-BKHCN dated April 22, 2015 of the Ministry of Finance and the Ministry of Science and Technology on guidelines for formulation, allocation and statement of funding for science and technology tasks financed by government budget;

c) Expenditures on flight tickets or those of other vehicles, business trip expenses and other expenditure for officials participating in groups in charge of market research and survey, holding events and seminars to disseminate Vietnamese guest workers at other markets: comply with Circular No. 102/2012/TT-BTC dated June 21, 2012 of the Ministry of Finance on policies applicable for officials taking short-term business trips abroad financed by government budget;

d) Holding events and seminars abroad, including: expenditures on rental of halls, equipment, decoration, sound, lighting, interpretation service, reception, speakers, materials, and water; expenditures on organization of cultural activities or events for Vietnamese guest workers: according to the contract concluded with the organization providing overseas event or seminar services and valid invoices, documents provided not exceeding the funding approved by competent bodies;

dd) Expenditures on reception of foreign guests, international seminar on new labor market development: comply with Circular No. 01/2010/TT-BTC dated January 6, 2010 of Ministry of Finance on spending regime for reception of foreign guests working in Vietnam; spending regime for organization of international conferences and seminars in Vietnam; and spending regime for reception of domestic guests;

e) Expenditures on formulation, publishing and releasing of publication, materials and communication programs: comply with Decree No. 130/2013/ND-CP dated October 16, 2013 of the Government on production and provision of public products and services and guiding documents;

f) Support for building data on Vietnamese guest workers: comply with Circular No. 194/2012/TT-BTC dated November 15, 2012 of the Ministry of Finance on guidelines for expenditures on creation of electronic information for purpose of maintenance of regular operation of agencies or units financed by government budget and Joint Circular No. 19/2012/TTLT-BTC-BKH&DT-BTTTT dated February 15, 2012 of the Ministry of Finance, the Ministry of Planning and Investment and the Ministry of Information and Communications on management and use of funding for National program for information technology application in regulatory agencies’ operation;

h) Expenditures on organization of courses in building capacity and skills of promoting overseas labor market: comply with Circular No. 139/2010/TT-BTC dated September 21, 2010 of the
Ministry of Finance on making budget estimates, managing and using funding for professional training provided for officials financed by government budget.

Article 6. Operating budget

1. Financial support for training in vocation, foreign languages, necessary knowledge and expenditures on procedures for guest workers being eligible entities prescribed in Point a, b and c Clause 1 Article 2 of this Joint Circular and financial support for development of overseas labor market shall be allocated from funding for recurrent expenditures in budget estimates obtained by central or local agencies or units in charge as prescribed by law on government budget decentralization.

In 2016, central budget shall grant dedicated additional funding for local governments failing to balance their budget themselves to carry out related policies.

2. Financial support for training in vocation, foreign languages, necessary knowledge and expenditures on procedures for guest workers being eligible entities prescribed in Point d Clause 1 Article 2 of this Joint Circular shall be allocated from funding for investment projects or plans for indemnity and relocation approved by competent authorities as prescribed in Decision No. 63/2015/QD-TTg dated December 10, 2015 of the Prime Minister on policies on vocational training and job creation for workers having land withdrawn.

3. Financial support for guest workers participating in programs for training in professional skills as required by contracts concluded by Vietnamese enterprises and foreign partners and highly-qualified training programs prescribed in agreements entered into between Governments of Vietnam and other countries: allocated from funding for implementation of Targeted program for vocational education – employment and labor hygiene and safety in the period of 2016 through 2020. From 2020, funding shall be granted in accordance with regulations of competent authorities.

4. Other legal funding sources.

Article 7. Responsibilities of authorities and project owners

1. Authorities of Labor, War Invalids and Social Affairs:

a) The Ministry of Labor, War Invalids and Social Affairs shall decide the amount of expenditures on training in vocation and foreign languages in accordance with training programs and training period with consultation of the Ministry of Finance;

b) Services of Labor, War Invalids and Social Affairs:

- Request the President of the People’s Committee of provinces or central-affiliated cities to decide to assign whether Services of Labor, War Invalids and Social Affairs or Committee division of Labor, War Invalids and Social Affairs to receive application and granting of
financial support for workers as prescribed in this Joint Circular, in conformity with actual condition of the provinces;

- Send a biannual report (before July 31) and an annual report (before January 31 of the following year) on funding and number of workers receiving financials support to the Department of Overseas Labor Management of the Ministry of Labor, War Invalids and Social Affairs for consideration;

c) Take charge and cooperate with relevant agencies in raising workers’ awareness of policies on financial support and performing tasks prescribed in this Joint Circular;

d) Send an annual plan and budget estimates for financial support for guest worker program and development of overseas labor market to financial authorities at the same administrative level as prescribed.

2. Financial authorities: Send a final report of budget estimates for financial support for guest worker program and development of overseas labor market to competent authorities for consideration as prescribed by law on government budget decentralization.

3. Project owners: Make budget estimates for guest workers in total budget for the investment project or plans for compensation and relocation; allocate funding for financial support prescribed in Clause 1 Article 3 for workers being eligible entities prescribed in Point d Clause 1 Article 2 of this Joint Circular, according to the amount of financial support prescribed in Clause 1 and Clause 2 Article 3 of this Joint Circular.

**Article 8. Effect**

1. This Joint Circular comes into force from August 1, 2016.

2. In cases where regulations of legislative documents referred to in this Joint Circular are amended or replaced, the regulations of new documents shall prevail.

3. Difficulties that arise during the implementation of this Circular should be reported to the Ministry of Labor, War Invalids and Social Affairs or the Ministry of Finance for consideration./.

PP. THE MINISTER OF FINANCE
DEPUTY MINISTER

PP. THE MINISTER OF LABOR, WAR INVALIDS AND SOCIAL AFFAIRS
DEPUTY MINISTER

Huynh Quang Hai

Doan Mau Diep