

Chapter III

PROCEDURES FOR THE ISSUANCE, EXTENSION AND AMENDMENT OF PERMITS

According to the Regulations on the Operation of foreign non-governmental organizations in Vietnam promulgated in conjunction with Decision No. 340/TTg dated 24th May 1996 (hereinafter referred to as the Regulations) and the Guidelines for the Implementation of the Regulations No. 06/UB-PA dated 7th August 1996 of the Committee for Nongovernmental Organization Affairs (presently the Committee for Foreign Non-governmental Organization Affairs), the procedures for the issuance, extension and amendment of permits are specified as follows.

3.1. Issuance Requirements

Pursuant to Articles 2, 3 and 4 of the Regulations, foreign non-governmental organizations shall be considered for permits when meeting the following conditions:

3.1.1. Permit for Operation

1. Have legal person status according to the laws of their countries of origin or of the countries where their headquarters are based.
2. Have clear statutes, mandates and objectives.
3. Have conducted or plan to conduct development or humanitarian projects and/or programmes in Vietnam which are in line with the socio-economic development policies of the Vietnamese State; be committed to abide by Vietnamese laws and to respect the traditional customs and habits of Vietnam.

3.1.2. Permit for the Establishment of Project Office

1. Meet the requirements set forth for Permit for Operation.
2. Have projects and/ or programmes already approved by competent authorities of Vietnam and their scope and nature require regular, on-site administration and supervision.

3.1.3. Permit for the Establishment of Representative Office

1. Meet the requirements set forth for Permit for the Establishment of Project Office.
2. Have conducted effective assistance programmes and/or projects in Vietnam for at least two years.
3. While operating in Vietnam, always abide by the laws, traditional customs and habits of Vietnam.
4. Have feasible long-term (two years or more) assistance projects and/ or programmes in Vietnam having been approved by the competent authorities of Vietnam.

3.2. Procedures for Permit Issuance

Pursuant to Articles 6 and 7 of the Regulations, NGOs applying for permits are to meet the following document requirements:

3.2.1. Permit for Operation

1. Application letter signed by the leader of the NGO in Vietnamese and English (or French) addressed to the Committee, mentioning the following main points:

- Full name of the organization, address of its headquarters.
- Mandate and objectives.
- Background of the organization.
- Financial sources and budget (for international programme in general and for the Vietnam programme in particular).
- Programmes, projects and plan of activities in Vietnam.
- A profile of the person appointed to be in charge of the programme in Vietnam (including name, nationality, date of birth...).

2. Statutes of the NGO.

3. Document certifying the NGO's legal person status issued by a competent authority of the country where the organization was established or is headquartered, or a notarized copy.

3.2.2. Permit for the Establishment of Project Office

Apart from the documentation as required in 3.2.1., documents in application of Permit for the Establishment of Project Office must include the following:

1. A justification for the Project Office; intended location of the Project Office; number of expatriates and Vietnamese staff needed for the operation of the Office.

2. Programme and/ or project documents which have been approved by competent authorities of Vietnam(1).

(1). "Competent authorities of Vietnam" are stipulated in the Regulations on the Management and Use of Assistance from Foreign Nongovernmental Organizations promulgated in accordance with Decision No. 64j2001/QD-ITg dated 26 April 2001 of the Prime Minister of Vietnam (see Chapter 5 and Annexes 2.5, 2.6).

3. Curriculum vitae of the person intended to be the Chief of the Project Office.

3.2.3. Permit for the Establishment of Representative Office

Apart from the documentation as required in 3.2.1 and 3.2.2, documents in application of Permit for the Establishment of Representative Office must include the following:

1. A justification for the Representative Office; intended location of the Representative Office; number of expatriates and Vietnamese staff needed for the operation of the Office.

2. Annual reports of activities in Vietnam of at least the latest two years.

3. Programme and/ or project documents which have been approved by competent

authorities of Vietnam.

4. Curriculum vitae of the person intended to be as Representative and introduction to the post by the leader of the NGO.

The documents required for Permits are summarized at the end of Chapter III.

Up to the present, The Government of Vietnam has not adopted any fees for the issuance, extension, amendment and change of permits.

3.2.4. Where applications should be sent to

All applications for issuance, extension, amendment and change of permits should be sent to the Committee for Foreign Non-governmental Organization Affairs via the People's Aid Coordinating Committee (PACCOM) (see address at page 363).

3.2.5. Time frame for response

After receiving all required documents, the duration for the Committee to formally respond to applications is 30 days for Permit for Operation, 60 days for Permit for the Establishment of Project Office and 90 days for Permit for the Establishment of Representative Office.

3.3. Procedures for extension, amendment or change of permit

According to Article 9 of the Regulations and related provisions, NGOs wishing to have their permit extended are to submit their application letters at least 30 days prior to expiry. NGOs shall have to meet specific requirements for permit extension as follows:

3.3.1. Extension of Permit for Operation

1. A Letter of Request from the leader of the organization or an authorized person among the leadership, addressing the Committee, clearly indicating the following points:

- A brief report on the activities (programmes/projects, needs assessments) that have been or are being implemented;
- Programmes, projects and activity plans to be realized in the coming period;
- The duration of extension requested;
- Any changes or amendments to the Permit (regarding such articles as name of organization, field and geographical scope of operation, person responsible for the organization's activities in Vietnam...) and the rationale for such changes or amendments.

2. Supporting Documents, including:

- Copies of programme / project documents or agreements (supplemented by a copy of the approval document by a competent authority);
- Copies of the operation registration forms endorsed by the localities stated as geographical areas of operation in the Permit (according to Article 10 of the Regulations, see 3.4).

3.3.2. Extension of Permit for Establishment of Project Office

1.A Letter of Request from the leader of the organization, an authorized person among the leadership or Head of the Project Office, addressing the Committee, indicating clearly the following points:

- A brief report on the projects that have been or are being implemented;
- Plan of programmes, projects to be realized in the coming period;
- The duration of extension requested;
- Any changes or amendments to the Permit (regarding such articles as name of the organization, field and geographical scope of operation, location of the Office, Head of the Project Office, number of Vietnamese and expatriate staff...) and the rationale for such changes or amendments.

2.Supporting Documents, including:

- Copies of programme/project documents or agreements (supplemented by a copy of the approval document by a competent authority).
- Copies of the operation registration forms endorsed by the localities stated as geographical areas of operation in the Permit and where the office is located (according to Article 10 of the Regulations, see 3.4).

3.3.3. Extension of Permit for Establishment of Representative Office

1.A Letter of Request from the leader of the organization, an authorized person among the leadership or Chief Representative of the Representative Office, addressing the Committee, indicating clearly the following points:

- A briefly report on the projects that have been or are being implemented;
- Plan of programmes, projects to be realized in the coming period;
- The duration of extension requested;
- Any changes or amendments to the Permit (regarding such articles as name of the organization, field and geographical scope of operation, location of the Office, Chief Representative, number of Vietnamese and expatriate staff...) and the rationale for such changes or 'amendments.

2.Supporting Documents:

- Copies of programme/project documents or agreements (supplemented by a copy of the approval document by a competent authority).
- Copies of the operation registration forms endorsed by the localities where programmes/projects are implemented and where the Representative Office is located (according to Article 10 of the Regulations, see 3.4).

3.3.4. Procedures for amendment and change to permits

Apart from applying for amendments and changes at the time of permit extension, NGOs can apply for amendments and changes whenever necessary. NGOs are to submit applications to the Committee, with a copy to the People's Committee(s) of provinces and centrally-administered cities where the organization operates or its Project Office/Representative Office is located (Article 11 of the Regulations).

3.4. Procedures for Registration of Operation with people's committees of provinces and centrally administered cities

According to Article 10 of the Regulations, "Within 30 days as of issuance or extension of permit, NGOs shall have to complete registration procedures with the People's Committees of relevant provinces or centrally-administered cities". This registration is accounted for by an agency (focal agency) in charge of NGOs' affairs, normally being an external affairs body of People's Committees, or an External Economic Relations Division of Provincial Department of Planning and Investment..., in each province or centrally administered city (see Chapter 6, part 2).

NGOs when practicing registration of operation in provinces or centrally-administered cities where they have activities or their Project Office, Representative Office is located, are to send a letter of request to the concerned provincial People's Committee, attaching three completed and signed registration forms (see the forms attached herewith). After registration forms are endorsed by the People's Committee, the NGO shall send one of the three to the Committee, one is filed at the People's Committee, and one retained by the NGO.