

**THE GOVERNMENT**

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**SOCIALIST REPUBLIC OF VIETNAM**

**Freedom – Independence - Happiness**

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No. 86/2018/ND-CP

*Hanoi, June 06, 2018*

## **DECREE**

### **ON FOREIGN COOPERATION AND INVESTMENT IN EDUCATION**

*Pursuant to the Law on Government Organization dated June 19, 2015;*

*Pursuant to the Law on Education dated June 14, 2005; the Law on amending and supplementing a number of articles of the Law on Education dated November 25, 2009;*

*Pursuant to the Law on Higher Education dated June 18, 2012;*

*Pursuant to the Law on Investment dated November 26, 2014; the Law on amending and supplementing Article 6 and Appendix 4 on the List of sectors and trades subject to conditional business investment of the Law on Investment dated November 22, 2016;*

*Pursuant to the Law on Enterprises dated November 26, 2014;*

*At the request of the Minister of Education and Training;*

*The Government promulgates the Decree on foreign cooperation and investment in education.*

## **Chapter I**

### **GENERAL PROVISIONS**

#### **Article 1. Scope and regulated entities**

1. This Decree provides regulations on foreign cooperation and investment in education including: joint education and training with foreign partners, foreign-invested educational institutions; representative offices of foreign education institutions in Vietnam.

2. This Decree shall be applicable to Vietnamese organizations and individuals, international organizations, and foreign organizations and individuals who cooperate and invest in education and training in Vietnam.

3. This Decree shall not be applicable to foreign partners and investors who cooperate and invest in vocational education in Vietnam.

#### **Article 2. Definitions**

For the purpose of this Decree, the following terms are construed as follows:

1. “Foreign-invested educational institutions” refer to institutions financed by foreign invested business entities which operate in accordance with the laws of Vietnam and are allowed to use their own seals and accounts.
2. "Short-term training institutions” refer to foreign-invested educational institutions including centers that provide training in foreign languages, IT, cultures and specialized skills, and training institutions established by foreign diplomatic missions and/or international governmental organizations, which are permitted to operate in Vietnam.
3. “Integrated education program” means a Vietnamese education program that is integrated with a foreign education program but still ensures its own objectives and avoids duplicated contents and knowledge.
4. “Joint education” means a form of cooperation between a Vietnamese pre-school or compulsory educational institution and a foreign educational institution in order to deliver an integrated education program.
5. “Joint training” means a form of cooperation between a Vietnamese higher educational institution and a foreign higher educational institution in order to deliver a training program leading to issuance of degrees or certificates without establishing a legal entity.
6. “A branch campus of a foreign-invested educational institution in Vietnam” means a unit within that institution’s organizational structure and also under its management.
7. “A representative office” means an affiliated unit of a foreign education establishing and operating in Vietnam to promote and develop cooperation and investment in education according to Vietnam’s laws.

### **Article 3. Education sectors permitted for cooperation and investment**

1. Foreign organizations and individuals, and international organizations (hereinafter referred to as foreign entities) are permitted to cooperate and invest in education according to Vietnam’s laws and the International Agreements to which Vietnam is a signatory.
2. Foreign entities are permitted to cooperate and invest in training disciplines according to the current regulations except in national security and defense, politics and religions.

### **Article 4. Quality assurance and accreditation**

1. The joint education and training between Vietnam and foreign countries and the operation of foreign-invested educational institutions in Vietnam shall comply with Vietnam’s current regulations on quality assurance.

2. The educational institutions that are engaged in joint education and training with foreign partners and the foreign-invested educational institutions in Vietnam shall carry out accreditation in accordance with the current regulations of Vietnam.

#### **Article 5. Finance for foreign cooperation and investment**

1. The educational institutions that are engaged in joint education and training with foreign partners, the foreign-invested educational institutions and the representative offices shall comply with Vietnam's current regulations on finance, accounting, audit and taxation.

2. A foreign investor shall be permitted to contribute capital to and to purchase shares and stakes from a Vietnamese educational institution and a foreign-invested business entity that establishes an educational institution in Vietnam. The procedures for contributing capital to and to purchase shares and stakes shall be completed in accordance with the Law on Investment.

### **Chapter II**

#### **JOINT EDUCATION AND TRAINING WITH FOREIGN PARTNERS**

##### **Section 1: Joint education**

#### **Article 6. Entities eligible for engaging in joint education**

Private pre-school educational institutions and private compulsory educational institutions in Vietnam, and legal educational institutions in foreign countries that are accredited by education quality assessment organizations or foreign competent agencies.

#### **Article 7. Education programs, facilities and teaching staff**

1. Education programs.

a. A foreign education program which is introduced in the integrated program shall be accredited by the home country or by an educational competent agency of the aforesaid country.

b. The integrated education program shall ensure the objectives of the Vietnamese education program and still satisfy the requirements of the foreign education program; learners shall not be forced to study the same contents again, and the integrated program shall ensure its consistency throughout the class level and the connection between levels for the benefit of students; the aforesaid program shall also ensure that students are allowed for volunteer participation and shall not overwhelm them.

c. An integrated education program shall be approved by a competent agency. The Minister of Education and Training provides specific provisions for the integration between Vietnamese education programs and foreign education programs.

2. The size of class and the facilities shall satisfy the requirements of the integrated program and shall not affect the teaching activities of the Vietnamese educational institution during the cooperation process.

3. Teaching staff

a. A Vietnamese teacher assigned to teach an integrated education program shall satisfy the training requirements according to the regulations of Vietnam's laws.

b. A foreign teacher assigned to teach an integrated program shall have a bachelor's degree corresponding to his/her teaching majors and shall also have a teacher certificate or equivalent.

c. A teacher assigned to teach an integrated education program in a foreign language shall satisfy the language proficiency requirements of the program; and his/her ability shall not be below level 5 according to Vietnam's language proficiency framework or equivalent.

**Article 8. Assessment of students' performance; examination, graduation, and issuance of qualifications**

1. The assessment of students' performance; examination, certification of completion in education program, and certification of graduation shall be carried out in accordance with Vietnam's laws and with the laws of the home country providing the education program.

2. A learner who completes a high school integrated program shall be issued with both Vietnamese and foreign diplomas.

**Article 9. Application documents for approval for integrated education program and for joint education**

1. Application documents for approval for joint education shall include:

a. An application form for approval for joint education with a foreign partner, signed by both parties using form No.01 in the Appendix hereto.

b. An agreement or a cooperation contract signed by both parties, in which there is specific information about both parties and their responsibilities for the information provided in the agreement/contract on the program, learning and teaching materials, teachers, facilities, examination, assessment, certificates, finance and other related information.

c. Documents proving the legal status of both parties include: a certified true copy or a copy enclosed with an original of the decision on establishment or the establishment license granted to the educational institution; or other equivalent documents.

d. Contents and subjects of the foreign education program introduced in the integrated program and in the integrated program expected to be carried out.

dd. Descriptions of the integrated education program.

e. A certificate of accreditation or a certificate of approval for the foreign education program from a competent agency (a certified true copy or a copy enclosed with an original);

g. The project of joint education developed by both parties using the form No. 02 in the Appendix hereto, including the following contents: The necessity; the introduction of both parties; the contents of the integrated program; facilities and equipment; a list of teachers enclosed with their resumes; the enrollment candidates and criteria and scale; the qualifications to be issued, the equivalence between the foreign qualifications and Vietnam's qualifications (if any); the methods for protecting benefits of learners and employees; the persons in charge of the joint program, the resumes of the representatives of Vietnamese educational institutions and of foreign educational institutions participating in managing the program; the tuition fees; the financial aids provided by foreign and Vietnamese individuals and organizations (if any); the budget estimates; the financial management mechanism; the responsibilities and entitlements of teachers and students.

2. Application documents for approval for the integrated education program:

a. An application form for approval for the integrated education program.

b. Contents and subjects of the foreign education program introduced in the integrated education program and in the integrated program expected to be carried out.

c. Descriptions of the integrated education program.

d. A certificate of accreditation or a certificate of approval for the foreign education program from a competent agency (a certified true copy or a copy enclosed with an original)

#### **Article 10. The authority and procedures for approving joint education**

1. The authority and procedures for approving joint education with foreign partners:

a. The Director of the Department of Education and Training has authority to approve the joint education with foreign partners.

b. Both parties shall send 01 set of application documents in person or by post to the Department of Education and Training.

c. Within 10 working days from the date on which the complete application documents stipulated in Clause 1, Article 9 hereof are received, the receiving agency shall appraise the documents and forward them to the Minister of Education and Training to approve the integrated program in accordance with point c, Clause 1, Article 7 hereof.

d. If the submitted application is incomplete, within 05 working days from the date on which the complete application documents are received, the Department of Education and Training shall send a written notification in person or by post or via email to both parties.

dd. Within 05 working days from the date on which the Ministry of education and training's appraisal result regarding the integrated education program is received, the Department of Education and Training shall make a decision to approve the joint education (hereinafter referred to as Approval Decision) using form No. 03 in the Appendix hereto. If the application is refused, the Department of Education and Training shall provide explanation in writing.

2. The authority and procedures for approving the integrated education program.

a. The Minister of Education and Training has authority to approve the integrated education program.

b. The Department of Education and Training shall send 01 set of application documents in person or by post to the Ministry of Education and Training.

c. Within 20 working days from the date on which the application documents stipulated in Clause 2, Article 9 hereof are received, the Ministry of Education and Training shall appraise the integrated education program and send a written notice of the processing result to the Department of Education and Training.

d. If the submitted documents are incomplete, within 05 working days from the date on which the documents are received, the Ministry of Education and Training shall send a written notification in person or by post or via email to the Department of Education and Training.

#### **Article 11. Period of joint education**

The period of joint education shall not be longer than 05 years from the date on which the application is approved; this period can be extended and each extension shall be no more than 05 years.

#### **Article 12. Extension or modification to the Approval Decision**

1. The procedures for extending the period of joint education shall be completed within 06 months prior to the expiration date.

2. Conditions for extension:

a. Both parties shall comply with the regulations stipulated in the Approval Decision.

b. Both parties have not violated the Vietnam's and foreign laws.

3. Application documents for extension of or modification to the Decision:

a. An application form for extension of or modifications to the Approval Decision signed by both parties, using form No. 04 in the Appendix hereto.

b. A final report on the operation of joint education program within the licensed period.

c. An agreement or a cooperation contract which is signed by both parties and is still effective; its contents shall include the specific information stipulated in point b, Clause 1, Article 9 hereof.

4. The authority and procedures for granting the extension or modifications:

a. The person who is authorized to approve the joint education proposal shall also have the authority to grant the extension or modifications to the Decision.

b. Both parties shall send 01 set of application documents in person or by post to the competent authority stipulated in point a of this clause.

c. Within 05 working days from the date on which the application documents are received, if they are deemed incomplete according to clause 3 of this Article, the receiving agency shall send a written notification in person or by post or via email to both parties.

d. Within 10 working days from the date on which the application documents are received, the receiving agency shall appraise the aforesaid documents, consider granting the extension of or modifications to the decision to approve joint education (hereinafter referred to as Extension Decision or Modification Decision); if the Approval Decision cannot be extended or modified, then the Director of Education and Training shall provide explanation in writing.

In case where the integrated education program is modified along with the joint educational activities, the procedures specified in Article 10 hereof shall be carried out.

### **Article 13. Suspending enrollment or terminating joint educational program**

1. The enrollment for the joint education program shall be suspended if the school carrying out the aforesaid program does not satisfy one of the requirements stipulated in Article 7 hereof.

2. Responsibilities of both parties when the enrollment is suspended:

a. Eliminate the violations that lead to suspension of enrollment.

b. Ensure that the students participating in the integrated program can continue their study.

c. Notify the competent person who approves the joint education program of the result of eliminating the violations in order to gain a permit for resuming its operation.

3. The joint educational program shall be terminated in the following cases:

a. The period specified in the Approval Decision or Extension Decision or Modification Decision expires.

b. At the request of both parties.

c. The period of enrollment suspension has expired but the violations resulting in the suspension have not been eliminated.

d. Violating the regulations of the Approval Decision or Extension Decision or Modification Decision to a degree that the program must be terminated according to the laws.

4. Responsibilities of both parties when the joint education program is terminated before the expiration date.

a. Ensure that the students participating in the integrated program can continue to study until they finish the school level.

b. Refund the fees that the students paid for the school if the joint education program is terminated.

c. Pay the teachers and employees salaries, wages, remuneration and other benefits according to the labor contracts or the collective labor agreements in accordance with the regulations of the labor law.

d. Settle the tax debts (if any) and other debts.

5. Application documents, procedures and authority to terminate the joint educational program.

a. The person who is authorized to approve the joint education program shall also have authority to terminate the aforesaid program.

b. The application documents for termination of joint educational program shall include: An application form for termination of the joint educational program using form No.05 in the Appendix hereto. The applicant shall provide explanation about the reasons for request, plans for terminating the program and other measures for protecting the legal benefits of the learners and employees; and shall also provide the plans for solving financial and property problems.

c. The application for termination of joint educational program shall be sent in person or by post to the competent agency stipulated in Article 10 hereof.

d. Within 15 working days from the date on which the application documents are received, the receiving agency shall appraise the aforesaid documents, decide to terminate the program and announce the termination via mass media means; if the program has not been terminated yet, the Director of the Department of Education and Training shall provide explanation in writing for both parties.



dd. In case where the joint educational program falls under any termination case as prescribed in point c and d, clause 3 of this Article, the competent agency shall consider terminating the program.

#### **Article 14. Responsibilities of both parties**

1. Adhere to the Approval Decision or Extension Decision or Modification Decision.
2. Provide sufficient and clear information about the joint educational program on the website of the parties, and take full responsibility for the authenticity of such information.
3. Take full responsibility for the legitimacy of the foreign qualifications issued to students.
4. Fulfill other obligations in accordance with the laws.
5. Follow the reporting regime:
  - a. Both parties shall send an annual report on the progress of carrying out joint education program to the Department of Education and Training before October 31 every year.
  - b. The report shall include the following main contents: The adherence to the Approval Decision or Extension Decision or Modification Decision, the organization structure, the teachers and lecturers, the number of enrolled students, the organization of teaching and learning, the students' academic performance, the number of graduated students, the graduation rates, the issued certificates, the financial statements, the difficulties and advantages during the process of implementation, suggestion and proposal.
  - c. The Department of Education and Training shall make a general review report based on the reports submitted by both parties and send it to the Ministry of Education and Training before November 30 every year.
  - d. The report shall be submitted online and in writing.

#### **Section 2. JOINT TRAINING AT BACHELOR'S, MASTER'S AND DOCTORATE LEVELS AND EXAMINATION FOR ISSUANCE OF CERTIFICATES OF FOREIGN LANGUAGE PROFICIENCY**

#### **Article 15. Eligible institutions and forms of joint training**

1. Institutions eligible for providing joint training programs at bachelor's, master's and doctorate levels:
  - a. The higher educational institutions legally established and lawfully operating in Vietnam, of which the education quality has been accredited.

- b. The higher educational institutions legally established and lawfully operating in foreign countries; which have been recognized by foreign accreditation organizations or foreign competent agencies, and recognized by Vietnam's competent authorities.
2. The institutions or organizations allowed to jointly administer exams and issue certificates of foreign language proficiency:
    - a. Educational or training institutions or organizations that are legally established and operate in Vietnam.
    - b. Agencies and organizations assessing language proficiency and are legally established and operate in foreign countries.
  3. Permitted forms of joint training:
    - a. Direct joint training program.
    - b. Online joint training program.
    - c. Combination of both direct and online joint training programs.
  4. The Minister of Education and Training provides specific provisions on online joint training programs, combination of direct and online joint training programs, and on joint examination provided for the purpose of issuing certificates of foreign language proficiency.

**Article 16. Range, scale and enrollment, and the language taught in the joint training programs**

1. Range of joint training:
  - a. The higher educational institutions stipulated in point a, clause 1, Article 15 hereof are only permitted to provide joint training programs within the range of training majors and levels allowed by Vietnam's competent authorities.
  - b. The higher educational institutions stipulated in point b, clause 1, Article 15 hereof are only permitted to provide joint training programs within the disciplines and levels allowed by Vietnam's competent authorities.
2. The joint training scale shall be determined based on the quality assurance conditions of the programs: facilities, equipment, laboratories, libraries, teaching staff and managers. The aforesaid conditions shall be different from the conditions used for calculating the enrollment quota of the educational institution. In case where both parties have the same quality assurance conditions, then the scale of joint training programs shall be included in the annual total enrollment scale of the educational institution. The Vietnamese educational institutions and the foreign educational institutions shall specify the scale of joint training in the application for

approval for joint training program, and submit the aforesaid application to the competent authorities stipulated in Article 22 hereof for approval.

3. An enrollment candidate for joint training programs shall satisfy the following requirements:

a. If the candidate is going to receive a Vietnamese higher education degree, he/she shall satisfy the enrollment conditions for bachelor's, master's and doctorate levels according to the laws of Vietnam.

b. If the candidate is going to receive a foreign higher education degree, he/she shall satisfy the enrollment conditions for bachelor's, master's and doctorate levels of the aforesaid institution corresponding to the enrollment conditions stipulated in the laws of the home country where the institution is established.

c. If the candidate is going to receive both Vietnamese and foreign HEI degrees, he/she shall satisfy the requirements stipulated in point a and b of this clause.

d. Foreign language proficiency: If the candidate is going to receive a certificate from a Vietnamese higher educational institution, he/she shall reach level 3 in Vietnam's language proficiency framework or equivalent; if the aforesaid candidate is going to receive a certificate from a foreign higher educational institution, or if he/she receives certificates from both Vietnamese and foreign higher educational institutions, he/she shall reach at least level 4 in Vietnam's language proficiency framework or equivalent; if the candidate applies for the joint training program taught in a foreign language, he/she shall satisfy the language requirements of the foreign educational institution.

dd. Depending on the demand from students, the associated educational institutions shall provide courses in foreign languages to help their students reach the levels stipulated in point d of this clause before starting the official programs.

4. The subjects in the joint training program that are designed to issue foreign certificates shall be taught in foreign languages, neither in Vietnamese nor through a translator. The subjects in the joint training program that are designed to issue Vietnamese certificates shall be taught in Vietnamese or through a translator.

### **Article 17. The joint training program**

1. A joint training program may correspond to the foreign training program or may be developed by both parties; the aforesaid program may be either completely carried out in Vietnam or partially carried out both in Vietnam and in a foreign country; It may be designed to issue either foreign qualifications or both Vietnamese and foreign qualifications.

2. A foreign training program carried out in Vietnam shall be accredited by the home country or recognized by the competent agency of the aforesaid country; the aforesaid program shall not damage the national security and public interests; shall not spread religion, distort history or

negatively affect the cultures, ethics and traditional customs of Vietnam; and shall ensure the connection between the levels.

3. The program outcome standards of the joint training programs with foreign countries shall not be lower than those stipulated in the regulations of Vietnam's laws.

#### **Article 18. Facilities, equipment and locations**

1. As for joint training:

a. Facilities and equipment used in a joint training program shall satisfy the requirements of the disciplines being taught, without affecting the general training of the Vietnamese educational institution, including: classrooms, teachers' rooms, computer labs, practice rooms, laboratories, libraries and other necessary equipment. The minimum average area used in teaching and learning in direct joint training program shall be 05m<sup>2</sup> per student.

b. The institution that provides the joint training program shall provide sufficient textbooks and learning materials to serve the study and research needs of students.

c. The joint training program shall not be provided outside the Vietnamese educational institution's head office, where the aforesaid program is permitted to be provided.

2. As for the test administration carried out to issue foreign certificates of language proficiency:

The locations, facilities, equipment and staff serving the joint test administration shall satisfy the quality assurance conditions for the administration.

#### **Article 19. Teaching staff**

1. Lecturers' qualifications.

a. As for the joint training program at bachelor's level, the lecturer shall possess at least a master's degrees or higher in the discipline group being taught.

b. As for the joint training program at master's level, the lecturer who teaches the subjects and modules, and guides master's theses shall possess at least a doctorate degree in the discipline group being taught; the lecturer who guides the practice and internship shall possess at least a master's degree in the major that they participate in to guide the practice and internship.

c. As for the joint training program at doctorate level, the lecturer shall possess at least a doctorate degree in a discipline group suitable for the assigned subject in the doctorate course. The person who guides researchers shall satisfy the requirements for guiding researchers who participate in a Vietnam's doctorate training program.

2. The lecturer who teaches the subjects in joint training program shall have experience in teaching higher education courses corresponding to his/her own majors, except the cases stipulated in clause 4 of this Article.

3. A lecturer who teaches subjects in the joint training program in a foreign language shall satisfy the language proficiency requirements of the program, but his/her skills shall not be below level 5 of the Vietnam's language proficiency framework or equivalent.

4. A native speaker who teaches language skills shall possess a bachelor's degree or higher and a suitable foreign language teaching certificate.

#### **Article 20. Examinations, assessment, graduation recognition and issuance of qualifications**

1. The examinations, assessment and certificates of completion of subjects and training programs, and graduation recognition shall comply with Vietnam's laws when issuing Vietnam's qualifications, or comply with foreign laws when issuing foreign qualifications.

2. Qualifications issued to learners who participate in joint training programs or study at foreign-invested educational institutions, shall satisfy the following requirements:

a. A certificate that is issued by a Vietnamese educational institution shall comply with the regulations of Vietnam's laws.

b. A certificate issued by a foreign educational institution shall comply with the home country's laws and shall be approved by a Vietnamese competent agency.

c. In case where the certificates are issued by both Vietnamese educational institution and foreign educational institution, it shall comply with the regulations stipulated in point a and b of this clause.

3. The examinations being taken and the assessment of academic performance of learners who take online courses shall be carried out on the premises at the joint training educational institution in Vietnam.

4. The certificate of foreign language proficiency issued by a foreign institution shall be legally recognized by the home country and shall be used worldwide.

#### **Article 21. Application documents for approval for cooperation in joint training program and in joint test administration which is carried out to issue foreign certificates of language proficiency**

1. As for joint training:

a. A written application form for approval for joint training program with a foreign partner, signed by both parties using form No.06 in the Appendix hereto.

b. An agreement or a cooperation contract between two parties, in which there is specific information about both parties and responsibilities taken by both parties for the provided information about the program, studying and teaching materials, lecturers, facilities, examination, assessment, qualifications, financial information and other related information.

c. The documents proving the legal status of both parties including: A certified true copy or a copy enclosed with an original of the decision on approving the establishment of the educational institution, or other equivalent.

d. The documents proving that both Vietnamese educational institution and foreign educational institution are permitted to provide training in the expected sector. (a certified true copy or a copy enclosed with an original).

dd. A certificate of accreditation for foreign training program or documents on recognition of the education quality from a competent agency (a certified true copy or a copy enclosed with an original)

e. A written approval for the joint training program conducted with a foreign partner from the superior body, which is applicable to Vietnamese educational institution (if any)

g. The project of joint training conducted with a foreign partner which is developed by both partners using form No.7 in the Appendix hereto, shall include the following contents: The necessity; the objectives of the joint training program; the introduction of both parties; the contents of joint training program; the discipline and level of training; the facilities, equipment and teaching contents; the list of expected lecturers enclosed with their resumes; the enrollment candidates and enrollment criteria; the training scale; the forms of examination and assessment; qualifications expected to be issued; the equivalence between the foreign certificates and Vietnam's certificates; the measures for maintaining education quality and protecting benefits of learners and employees; the management staff; the resumes of the representatives of the Vietnamese educational institution and foreign educational institution that participate in managing the program; the tuition rates and financial aids from Vietnam's and foreign entities (if any); the budget estimates; the financial management mechanism; responsibilities and entitlements of both parties; responsibilities and entitlements of teachers and learners.

2. As for the joint test administration carried out to issue foreign certificates of language proficiency, the application documents shall include:

a. An application form for approval for the joint test administration using form No.08 in the Appendix hereto.

b. An agreement or a cooperation contract between the Vietnamese test center and the foreign-owned test center.

c. A written document proving the legal status of both parties.

d. The plan for administering tests to issue foreign certificates of language proficiency shall be written in form No. 09 in the Appendix hereto, in which there is information about: the value and scope of use of foreign language certificates, the proofs of quality assurance for administering tests, the locations for administering tests, the forms of joint test administration, responsibilities of both parties, the testing fees and other fees, collection and payment mechanism and financial management mechanism, entitlements and responsibilities of the examinees, and other related information.

## **Article 22. The authority to make approval**

1. The Minister of Education and Training has authority to approve the joint test administration aiming to issue foreign certificates of language proficiency, the joint training program at bachelor's, master's and doctorate levels carried out in the forms stipulated in clause 3, Article 15 hereof, except the cases stipulated in clause 2 of this Article.

2. The directors of national universities and regional universities, and the heads of educational institutions operating with autonomy mechanism have authority to approve the direct joint training programs at bachelor's, master's and doctorate levels provided at their institutions.

3. The principals (directors) of the Vietnamese educational institutions shall approve the joint training program provided to issue certificates other than foreign certificates of language proficiency and certificates of training to be converted to number of credits or modules as basis for award of degrees.

## **Article 23. Procedures for approval for joint training program and joint test administration which is carried out to issue foreign certificates of language proficiency**

1. As for joint training program

a. Both parties shall send 01 set of application documents stipulated in clause 1, Article 21 hereof in person or by post to a competent authority stipulated in Article 22 hereof.

b. Within 20 working days from the date on which the complete documents are received, the receiving agency shall appraise the aforesaid documents and promulgate the decision on approving the joint training program conducted with a foreign partner, using form No.10 in the appendix hereto.

c. In case where the application documents are deemed incomplete, within 05 working days from the date on which the aforesaid documents are received, the receiving agency shall send a written notification in person or by post or via email to the applicant.

2. As for the joint test administration carried out to issue foreign certificates of language proficiency.

- a. Both institutions that provide tests with the aim to issue foreign certificates of language proficiency shall send 01 set of application documents stipulated in clause 2, Article 21 hereof in person or by post to the Ministry of Education and Training.
- b. Within 20 working days from the date on which the application is received, the Ministry of Education and Training shall appraise the aforesaid application and send a written notification in person or by post to both parties. .
- c. In case where the application documents are deemed incomplete, within 05 working days from the date on which the documents are received, the Ministry of Education and Training shall send a written notification in person or by post or via email to both parties.

#### **Article 24. Period of joint training and joint test administration**

The period of joint training program and of test administration carried out to issue foreign certificates of language proficiency shall be no longer than 05 years from the date on which the application is approved and may be extended; each extended period shall be no more than 05 years but not exceeding the time limit specified in the agreement or the cooperation contract signed by both parties.

#### **Article 25. Extension or modifications to the Decision of joint training and test administration proposals**

1. Both parties who provide joint training program or administer tests with the aim to issue foreign certificates of language proficiency shall send 01 set of application documents stipulated in clause 5 of this Article in person or by post to the competent authority.
2. The procedures for extending joint training program or joint test administration shall be completed within 06 months prior to the expiration date of the approval decision. The modification to the Approval Decision for joint training program and joint test administration shall be done as requested by both parties.
3. Conditions for extension of or modification to the Approval Decision for joint training:
  - a. Both parties shall comply with the regulations of the Approval Decision.
  - b. They have not violated the regulations of Vietnam's and foreign laws.
  - c. The joint training program shall continue to satisfy the conditions of accreditation.
4. Requirements for extension of or modification to the approval decision for administering tests:
  - a. Both parties shall comply with the regulations of the approval decision.
  - b. Both parties shall not be suspected of cheating in administering tests.



5. Application documents for extension or modification:

- a. An application form for extension of or modification to the Approval Decision, written in form No. 11 in the Appendix hereto and signed by both parties.
- b. A final report on the operation of the joint training program and the joint test administration within the permitted period.
- c. An effective agreement or an effective cooperation contract signed by both parties.

6. Authority and procedures for approving the extension or modification:

- a. The authority granting Approval Decision shall also have authority to grant the Extension Decision or Modification Decision.
- b. Both parties shall send 01 set of application documents stipulated in clause 5 of this Article in person or by post to the competent agency stipulated in Article 22 hereof.
- c. Within 10 working days from the date on which the application documents are received, the receiving agency shall appraise the documents and promulgate the Extension Decision or Modification Decision.
- d. In case where the application documents are deemed incomplete, within 05 working days from the date on which the aforesaid documents are received, the receiving agency shall send a written notification in person or by post or via email to both parties.

**Article 26. Suspension of enrollment or termination of cooperation in joint training program and in joint test administration**

1. The joint training program enrollment shall be suspended if the aforesaid program does not satisfy one of the requirements stipulated in Article 16, 17, 18, 19, and 20 hereof.
2. Responsibilities of the educational institutions when the joint training program enrollment is suspended.
  - a. Eliminate the violations that lead to the suspension of enrollment.
  - b. Ensure that the learners participating in the joint training program are allowed to continue their study.
  - c. Notify the authorized person who approves the joint training program of the result of eliminating the violations that may lead to enrollment suspension in order to gain a permit for resuming its operation.
3. Joint training program shall be terminated in the following cases:

- a. If the period, stipulated in the Approval Decision, Extension Decision or Modification Decision regarding the joint training program, expires.
  - b. At the request of both parties.
  - c. If the period of enrollment suspension has expired but the violations resulting in the suspension have not been eliminated
  - d. If the parties violate the regulations of the Approval Decision or Extension Decision or Modification Decision regarding the joint training program to a degree that the program must be terminated as prescribed by laws.
  - dd. If the joint training program is terminated but the violations resulting in the suspension have not been eliminated in order for the program to ensure the successful implementation of the regulations stipulated in Article 16, 17, 18, 19 and 20 hereof.
4. Responsibilities of the educational institution when the joint training program is terminated.
    - a. Contact the enrolled students in order to transfer them to another educational institution as prescribed by law.
    - b. Refund the fees that the learners paid for the school if the joint training program and the certificates are not recognized by the Ministry of Education and Training, or if the aforesaid program is suspended or terminated but the learners are not allowed to or do not want to transfer to another educational institution.
    - c. Pay the wages to or provide other benefits for the teachers, lecturers and employees in accordance with the labor contracts or the collective labor agreement signed with them.
    - d. Pay for the tax debts (if any) and other debts.
  5. The joint test administration carried out to issue foreign certificates of language proficiency shall be terminated in the following cases:
    - a. The joint test administration is not permitted by the foreign test-administering institution to continue carrying out in Vietnam.
    - b. Frauds are found in application documents or test administration or issuance of foreign certificates of language proficiency.
    - c. There are violations of the regulations specified in the approval document for administering tests.
  6. Responsibilities of both parties in the case where the joint test administration is terminated:

- a. Refund the fees that the tests takers already paid for when they are not allowed to take the tests.
  - b. Refund the fees that the test takers already paid for or other fees that may occur when the foreign certificates of language proficiency are deemed not valuable or are not recognized by a Vietnam's competent agency.
  - c. Fulfill their obligations to their employees according to the laws.
  - d. Pay for the tax debts (if any) or other debts.
7. Authority, application documents and procedures for terminating the cooperation.
- a. The person who approves the cooperation shall also have authority to terminate it.
  - b. An application form using form No. 12 in the Appendix hereto, in which there are specific reasons for terminating the cooperation, and is enclosed with the terminating plan, with measures for protecting the legal rights of the learners and employees, and with the methods for solving financial and property problems.
  - c. The application documents for termination shall be sent in person or by post to the competent agency stipulated in Article 22 hereof.
  - d. Within 15 working days from the date on which the application documents are received, the receiving agency shall appraise the documents, make a decision to terminate the cooperation and announce the aforesaid decision through mass media; if the cooperation in joint training and in joint test administration is not terminated, the authorized person stipulated in Article 22 hereof shall provide explanation about this case in writing.

## **Article 27. Responsibilities of both parties and the reporting regime**

1. Responsibilities of both parties.
  - a. Provide sufficient and clear information relating to the cooperation on their websites and shall take full responsibility about the authenticity of the aforesaid information.
  - b. Adhere to the Approval Decision.
  - c. Take full responsibility about the legitimacy of the foreign qualifications issued to learners.
  - d. Fulfill other obligations in accordance with the laws.
2. Responsibilities of both parties when carrying out joint test administration in order to issue foreign certificates of language proficiency.

- a. Provide sufficient and clear information regarding the cooperation on their websites and take full responsibility about the authenticity of the aforesaid information.
- b. Comply with the cooperation plan to ensure that the joint test administration is carried out in accordance with the laws without suspicion of cheating.
- c. Take full responsibility about the legitimacy of the foreign certificates issued to learners.
- d. Fulfill other obligations in accordance with the laws.

3. Reporting regime for joint training:

- a. Before October 31 every year, both parties shall submit an annual report on the cooperation to the competent agency for approval and to the agency in charge (if any).
- b. The report shall include the following contents: the implementation of the Approval Decision, Extension Decision and Modification decision, the organizational structure, the teachers and lectures, the number of enrolled students, the organization of teaching and studying, the academic performance of undergraduate students and graduate students, the number of graduated students, the graduation rates, the number of issued qualifications, the financial report, the difficulties and advantages occur during the process of implementation, suggestion and proposal.
- c. The report shall be written based on the reports about collective joint training from the units that cooperate in joint training, national universities, local universities and other educational institutions operating according to autonomy mechanism; the aforesaid report shall be sent to the Ministry of Education and Training before November 30 every year.
- d. The report shall be submitted online or in writing.

4. The reporting regime regarding the joint test administration.

- a. Before January 15 every year, both parties shall send an annual report on the cooperation in test administration to the Ministry of Education and Training and the Department of Education and Training of province, both within the locations where the test administration takes place.
- b. The report shall include the following contents: The implementation of the cooperation plan, the number of persons who register for the tests, the number of persons who have already completed the tests, the financial report, the difficulties and advantages during the process of implementation, suggestion and proposal.
- c. The report shall be submitted online or in writing.

### **Chapter III**

## **FOREIGN-INVESTED EDUCATIONAL INSTITUTIONS**

## **Section 1: FORMS, PERIODS OF OPERATION, PROCEDURES FOR APPROVING ESTABLISHMENT, RIGHTS AND OBLIGATIONS OF THE FOREIGN-INVESTED EDUCATIONAL INSTITUTIONS**

### **Article 28. Permissible forms of foreign-invested educational institutions**

1. Short-term training institutions
2. Pre-school educational institutions.
3. Compulsory educational institutions (elementary schools, middle schools, high schools, universal schools).
4. Higher educational institutions
5. Branch campuses of foreign-invested higher education institutions in Vietnam.

### **Article 29. Naming foreign-invested educational institutions**

1. The Foreign-invested educational institutions shall be established and operate in forms of schools and centers and shall be named as follows:
  - a. As for schools, their names shall follow this order: "Trường" (Kind of school), "Cấp học hoặc trình độ đào tạo" (Grade or level) and "Proper name";
  - b. As for short-term training institutions, their names shall follow this order: "Trung tâm giáo dục hoặc đào tạo" (The educational or training center), "Ngành hoặc nhóm đào tạo chính" (Primary disciplines) and "Proper name".
  - c. As for the branch campuses of the foreign-invested higher education institutions in Vietnam, their names shall follow this order: "Phân hiệu" (Campus of), "Tên cơ sở giáo dục đại học có vốn đầu tư nước ngoài" (Proper name of the foreign-invested higher education institution) and "Tại tỉnh/thành phố" (name of the province/city).
2. The name of a foreign-invested educational institution shall not coincide or cause confusion with the name of a registered educational institution or the name of the enterprise that execute the investment project; shall not use the words or symbols that contradict the tradition, history, culture, ethics and customs of Vietnam.
3. A foreign-invested educational institution shall have both Vietnamese and English names (or in another common foreign language) with the same contents as described above.
4. The Minister of Education and Training shall consider and make a decision on naming a number of particular educational institutions.

### **Article 30. Period of operation**

The period of operation of a foreign-invested educational institution shall be no longer than 50 years from the date on which the certificate of investment registration is issued, but shall not exceed the renting period.

### **Article 31. Procedures for approving the establishment**

1. The procedures for approving the establishment of short-term foreign-invested training institution shall be completed as follows:

- a. Issue investment registration certificate.
- b. Issue the license to provide education and post the decision on the licensing authority's website.

2. The procedures for approving the establishment of a pre-school educational institution and a compulsory educational institution as requested by a foreign diplomatic mission or an inter-government international organization shall be completed as follows:

- a. Issue the establishment license.
- b. Issue the license to provide education and post the decision on the licensing authority's website.

3. The procedures for approving the establishment of a pre-school educational institution, a compulsory educational institution and a foreign-invested higher education institution shall be completed as follows:

- a. Issue the investment registration certificate
- b. Issue the establishment certificate.
- c. Issue the license to provide education and post the decision on the licensing authority's website.

4. The procedures for approving the establishment of a campus of foreign-invested educational institutions shall be completed as follows:

- a. Issue the investment registration certificate.
- b. Issue establishment certificate to the campus of foreign-invested educational institution.
- c. Issue the license to provide education and post the decision on the licensing authority's website.

### **Article 32. Rights and obligations of foreign-invested educational institutions**

1. Have the lawful rights and benefits as prescribed in Vietnam's laws and in the international agreements to which Vietnam is a signatory.
2. Comply with the territorial administrative management from the People's Committees of the provinces; operate and comply with the State management as prescribed by Vietnam's laws.
3. Disclose the commitment on education quality, the conditions for ensuring the education quality and the collection and payment mechanism. Take responsibility to refund the fees to the learners if the training program quality is not consistent with the commitment.
4. Protect the lawful rights and benefits of the learners, officers, lecturers, teachers and employees if the period of operation is terminated or is forced to be terminated before the expiration date.
5. Facilitate the operation of political organizations and socio-political organizations, which are established and operate under Vietnam's laws, at foreign-invested educational institutions.
6. Report the comprehensive development of the institutions to the superior regulatory agencies and also provide explanation as required by the aforesaid agencies before November 30 every year. The report shall include the following contents: The implementation of the decision on approving the educational provision, the organizational structure, the teachers and lecturers, the number of enrolled students, the organization of teaching and learning, the academic performance of students, undergraduate students and graduate students, the number of graduated students, the graduation rates, the issued qualifications, the financial report, the difficulties and advantages during the process of implementation, suggestion and proposal. The report shall be submitted online or in writing.
7. Other rights and obligations as prescribed by Vietnam's laws.

## **Section 2. AUTHORITY AND PROCEDURES FOR APPRAISING THE CONDITIONS OF EDUCATION TO ISSUE INVESTMENT REGISTRATION CERTIFICATES**

### **Article 33. Conditions of education for issuance of investment registration certificates**

1. Conform with the education institution network approved by a competent agency.
2. Satisfy the requirements specified in Article 3 hereof.

### **Article 34. Authority and procedures for appraising education conditions**

1. As for the projects of establishing higher educational institutions, the agency that issues the investment registration certificates shall submit the application documents to the Ministry of Planning and Investment to receive the appraisal opinions from the Ministry of Education and Training and from other related agencies; shall summarize the aforesaid opinions and send a report to the Prime Minister for him to make a decision on investment policy.

2. As for the projects aiming to establish the branch campuses of foreign-invested higher education institutions, the agency that issues the investment registration certificates shall get the appraisal opinions from the Ministry of Education and Training.

3. As for the projects of investment in establishing short-term training institutions, pre-school educational institutions and compulsory educational institutions, the agency that issues the investment registration certificates shall get the appraisal documents from the Department of Education and Training.

4. The application documents and the procedures for requesting investments registration certificates shall be submitted and carried out in accordance with the regulations of the Law on Investment.

### **Section 3. CONDITIONS FOR ESTABLISHING FOREIGN-CAPITALIZED EDUCATIONAL INSTITUTIONS**

#### **Article 35. Invested capital**

1. A project of investment in establishing a pre-school educational institution shall have investment unit cost of at least 30 million VND per kid (exclusive of the expense incurred from land tenancy) The total minimum capital shall be calculated when the estimated education scale is greatest. The capital plan shall conform with the estimated scale of each stage.

2. A project of investment in establishing a compulsory educational institution shall have investment unit cost of at least 50 million VND per student (exclusive of the expense incurred from land tenancy). The total minimum capital shall be calculated when the estimated education scale is greatest but shall not be lower than 50 billion VND.

3. A project of investment in establishing a short-term training institution shall have investment unit of at least 20 million VND per student (exclusive of the expense incurred from land tenancy).

4. A project of investment in establishing a higher educational institution shall reach an at least total minimum capital of 1.000 billion VND (exclusive of the expense incurred from land tenancy). The foreign-invested business entity which is the investor of the project shall prove its financial capacity according to the Law on Investment. During the time appraising the application for the university establishment, the investment value shall reach more than 500 billion VND.

5. A project of investment in establishing a branch campus of foreign-invested higher education institution in Vietnam shall have a capital of at least 250 billion VND (exclusive of the expense incurred from land tenancy) During the time appraising the application for establishment of the campus, the investment value shall be more than 150 billion VND.



6. As for the foreign-invested educational institutions of which the facilities are not newly built but are leased or contributed by the Vietnamese partner, the capital shall reach at least 70% of the capital specified in clause 1, 2, 3, and 4 of this Article.

#### **Section 4. QUALITY ASSURANCE IN FOREIGN-INVESTED EDUCATIONAL INSTITUTIONS**

##### **Article 36. Facilities and equipment**

1. As for a short-term training institution:

- a. Classes shall have appropriate light, desks, chairs, and teaching equipment and materials.
- b. The minimum average area for teaching shall be 2.5m<sup>2</sup> per student.
- c. There must be offices for board of directors and teachers, libraries and other functional rooms.

2. As for a pre-school educational institution:

- a. The school shall be located in a good environment. The school area shall be calculated based on the quantity of classes and kids: at least 08 m<sup>2</sup> per kid, applicable to urban areas; 12m<sup>2</sup> per kid, applicable to rural areas.
- b. The school shall have appropriate light, desks, chairs and equipment used for taking care of or teaching kids in the classrooms, bedrooms and other functional rooms.
- c. The offices, managing boards, administration rooms, school clinics, security room and staff's rooms shall have suitable area, equipment and materials used for managing, taking care of and teaching children.
- d. The water supply and drainage systems and bathrooms must be appropriate, and the sanitation facilities shall be safe, clean and suitable for the operation of the school.
- dd. The kitchen (if any) shall be organized based on the flow-through pattern and use suitable equipment and materials that ensure food safety and hygiene.
- e. There must be a play ground and surrounding walls, and a gate specifying the school's name in accordance with the regulations stipulated in Article 29 hereof.
- g. There must be trees in the school area. All the constructions, equipment, materials and toys of the school shall ensure absolute safety for the kids.

3. As for a compulsory educational institution:

a. The school shall be located in a good environment. The school area shall be calculated based on the quantity of classes and students, and the regional characteristics: at least 06m<sup>2</sup> per student, applicable to urban areas, and 10m<sup>2</sup> per student, applicable to rural areas.

b. There must be areas for learning and teaching: at least 2.5 m<sup>2</sup> per student.

c. There must be appropriate offices for board of directors and teachers, and appropriate meeting rooms.

d. There must be specialized classrooms (for middle schools and high schools), library, desks, chairs, teaching equipment and materials that satisfy the current standards of the Ministry of Education and Training.

dd. There must be multi-purpose gyms, art rooms, computer labs, supporting rooms for disabled students and school clinics. There must be canteens and break rooms (for day-boarding schools).

e. There must be clean water supply and drainage systems and appropriate bathrooms that are suitable for the scale of the school and ensure the current conditional standards of the Ministry of Education and Training.

g. There must be a playground, training ground and parking lot that account for at least 30% of the total area of the school. There must be surrounding walls and a gate specifying the school's name in accordance with Article 22 hereof.

4. As for a higher educational institution and a branch campus of the foreign-invested higher education institution in Vietnam:

a. The area for building the school shall reach at least 25m<sup>2</sup> per student at the time the training scale in the development plan of the school is greatest.

b. The average area for building shall be at least 09 m<sup>2</sup>/ student; the studying area shall be at least 06 m<sup>2</sup> per student; the dormitory area shall be at least 03m<sup>2</sup> per student.

c. There must be enough lecture halls, classrooms and functional rooms that satisfy the training requirements in the disciplines and the forms of training.

d. There must be enough offices, administration area and managing board that suit the organizational structure of the academic departments, faculties and disciplines. The minimum area shall be 08 m<sup>2</sup> per person.

dd. There must be conference rooms, libraries, testing labs, workshops and other facilities that satisfy the requirements of the training program and science and technology activities.

e. There must be canteens and constructions serving the recreation, sports and cultural activities, and medical constructions and services serving the managers, lecturers and students.

g. There must be a technical construction area and a parking lot.

5. Renting the facilities:

A foreign-invested educational institution shall also have authority to rent the facilities for at least 5 stable years and shall ensure that the facilities satisfy the requirements stipulated in clause 1, 2, 3 and 4 of this Article.

**Article 37. The education program**

1. The education program provided at the foreign-invested educational institution shall demonstrate the educational target, without damaging the national security and public interests; without spreading religion and distorting history; without negatively affect the cultures, ethics and traditional customs of Vietnam, and shall ensure the connection between levels and grades.

2. The foreign-invested educational institutions may offer:

a. Vietnamese education program according to the Vietnam's laws.

b. Foreign pre-school and compulsory education program, applicable to the educational institutions stipulated in clause 2 and clause 3, Article 28 hereof;

c. Foreign short-term training programs; programs at bachelor's, master's and doctorate levels within the joint training programs conducted with foreign partners.

3. The Minister of Education and Training shall specify the contents of education and training for the Vietnamese students who are studying at the pre-school educational institutions, compulsory educational institutions, higher educational institutions and branch campuses of foreign-invested higher education institutions.

**Article 38. The teaching staff**

1. As for a short-term educational institution:

a. The teachers shall have college degrees or equivalent in the profession suitable with the subjects that they teach.

b. The maximum ratio of students to teacher shall be 25:01.

2. As for pre-school educational institution.

a. The teachers shall have at least college degrees in preschool pedagogy or equivalent.

b. The maximum number of kids within 01 group or 01 class shall be specified as follows:

As for kids in kindergarten:

- From 03 - 12 months old: 15 kids per group.
- From 13 – 24 months old: 20 kids per group.
- From 25 – 36 months old: 25 kids per group.

As for kids in pre-school:

- From 03 - 04 years old: 25 kids per class.
- From 04 – 05 years old: 30 kids per class.
- From 05 – 06 years old: 35 kids per class.

c. The number of teachers within 01 group or class shall be specified as follows:

- As for kids in kindergarten: 05 kids per teacher.
- As for kids in pre-school: 10 – 12 kids per teacher.

3. As for compulsory educational institution:

a. Teachers shall hold at least bachelor's degrees in pedagogy or equivalent.

b. The ratio of teachers shall be kept at least: 1.5 teacher per class for elementary school, 1.95 teacher per class for middle school, and 2.25 teacher per class for high school.

c. The quantity of students shall not exceed: 30 students per class for elementary school, 35 students per class for middle school and high school.

4. As for higher educational institution:

a. The lecturers shall hold at least master's degrees or higher. The proportion of lecturers that hold master's degrees shall not be lower than 50% of the total lecturers, except in some particular disciplines specified by the Minister of Education and Training.

b. The maximum ratio of students to lecturers is 10:01, applicable to arts majors; 15:01 applicable to science and technology majors; 25:01, applicable to social science, humanities and economics majors – business administration major.

c. The higher educational institution shall have enough permanent lecturers to undertake at least 60% of the program of each discipline.

d. The foreign lecturers teaching at a foreign-invested educational institution shall have experience in the discipline that they teach except the cases stipulated in point dd of this clause.

dd. The foreign lecturers who teach foreign language skills at a higher educational institution shall hold bachelor's degrees or higher and qualifications for teaching foreign languages.

### **Article 39. Enrolling Vietnamese students**

The educational institutions stipulated in clause 2 and 3, Article 28 hereof shall be permitted to enroll Vietnamese students for their foreign educational programs. The number of Vietnamese students who participate in the foreign educational program shall be lower than 50% of the total students who participate in the aforesaid program at the educational institution.

The number of students who participate in the foreign educational program shall study the contents stipulated in clause 3, Article 37 hereof.

## **Section 5: AUTHORITY, APPLICATION DOCUMENTS AND PROCEDURES FOR ESTABLISHING FOREIGN-INVESTED EDUCATIONAL INSTITUTIONS**

### **Article 40. The authority to approve the establishment**

1. The Prime Minister has authority to approve the establishment of foreign-invested educational institutions.
2. The Minister of Education and Training has authority to approve the request of foreign diplomatic mission and inter-government international organization for establishing the pre-school and compulsory educational institutions.
3. The Presidents of the People's Committees in provinces has authority to approve the establishment of pre-school and compulsory educational institutions, except the institutions stipulated in clause 2 of this Article.

### **Article 41. Application documents for approval for the establishment**

1. As for the pre-school and compulsory educational institutions established by foreign diplomatic mission and inter-government international organization, the application documents shall include:
  - a. An application form approval for the establishment, using form No. 13 in the Appendix hereto.
  - b. A detailed project for establishing the educational institutions, using form No. 14 in the Appendix hereto, specifying: Their proper names; the educational targets and tasks; the scope of operation; the qualifications to be issued; the designed structure of the managerial mechanism; A detailed plan for the development and training scale of the educational institutions in each period, specifying the ability to meet the education quality requirements stipulated in Article 36, 37 and 38 hereof.
  - c. A certified true copy or a copy enclosed with an original of the Decision on approving the establishment of the educational institutions and approving the principles of leasing land of the

People's Committee in the province where the educational institutions are expected to be located, or an agreement on leasing land or available facilities in accordance with the regulations in clause 5, Article 36 hereof.

d. A document proving the financial capacity which satisfies the conditions stipulated in Article 35 hereof.

2. As for the pre-school, compulsory and higher educational institutions, the application documents shall include:

a. An application form for approving the establishment of educational institutions as specified in point a, clause 1, this Article.

b. A certified true copy or a copy enclosed with an original of the investment registration certificate.

c. A detailed project on establishing the educational institutions as specified in point b, clause 1, this Article.

d. A certified true copy or a copy enclosed with an original of the approval for leasing land of the People's Committee in the province, if the facilities must be built (specifying the address, area, and boundary of land), or the agreement on leasing available facilities in accordance with clause 5, Article 36 hereof and other relevant legal documents.

dd. A detailed plan for renting or contributing facilities or a detailed project on investment in building facilities, including both description and detailed design of the educational institutions.

e. A financial capacity document as specified in Article 35 hereof.

#### **Article 43. Procedures for establishing educational institutions**

1. The investor shall send 01 set of documents in person or by post to:

a. The Ministry of Education and Training, applicable to the application documents of the foreign diplomatic missions and inter-government international organizations for approval for the establishment of: higher educational institutions, pre-school educational institutions and compulsory educational institutions.

b. Department of Education and Training, applicable to application documents for approval for the establishment of: Pre-school educational institutions, elementary schools, middle schools, high schools, universal schools, except the pre-school educational institutions and compulsory educational institutions stipulated in point a, clause 1 of this Article.

2. Procedures for approving the establishment shall be completed as follows:

- a. Within 05 working days from the date on which the complete application documents stipulated in Article 41 hereof are received, the receiving agency shall check the validity of the documents and send them to the related agencies and units to get opinions.
  - b. If the application documents are deemed incomplete, within 05 working days from the date on which the application is received, the receiving agency shall send a written notification in person or by post or via email to the investors.
  - c. Within 10 working days from the date on which the official dispatch from the receiving agency is received, the related agencies or units shall give their opinions in writing.
  - d. Within 30 working days from the date on which the complete application documents are received, the receiving agency shall submit the appraisal report to the competent authority stipulated in Article 40 hereof to consider and make a decision on approving the establishment of foreign-invested educational institutions, using form No.15 in the Appendix hereto.
  - dd. If the application documents are not approved, within 05 working days from the date on which the opinions from the competent authority are received, the receiving agency shall send the written explanation in person or by post to the investors.
3. As for the educational institutions stipulated in clause 2 and 3, Article 28, after 2 years; or for the educational institutions stipulated in clause 4, Article 28, after 4 years from the date on which the decision for approving the establishment takes effect, if the educational institutions are not allowed to operate, the aforesaid decision shall be no longer valid.

## **Section 6. APPLICATION DOCUMENTS AND PROCEDURES FOR ESTABLISHING BRANCH CAMPUSES OF THE FOREIGN-INVESTED EDUCATIONAL INSTITUTIONS IN VIETNAM**

### **Article 43. Application documents for establishing a campus**

1. An application form for establishing the branch campus, using form No. 13 in the Appendix hereto.
2. A certified true copy or a copy enclosed with an original of the investment registration certificate and the establishment of the branch campus.
3. A certified true copy or a copy enclosed with the original of the document on accreditation or the document on recognition from the Vietnamese or foreign competent agency.
4. A detailed project on the establishment of the branch campus, using form No. 14 in Appendix hereto, specifying: The proper name of the branch campus; the educational targets and tasks; the designed structure of the managerial mechanism, the educational activities at the branch campus; a detailed plan for the development and training scale of the branch campus in each period, specifying the ability to meet the education quality requirements stipulated in Article 36, 37 and 38 hereof; the list of lecturers suitable for the scale of the training program. .

5. A financial capacity document as specified in Article 35 hereof.
6. A certified true copy or a copy enclosed with the original of the document approving a lease of land for building the branch campus or of the agreement on leasing available facilities in accordance with clause 5, Article 36 hereof and other relevant legal documents.
7. A detailed project on building the facilities if need be, including the description and the detailed design of the branch campus.

**Article 44. Authority and procedures for approving the establishment of the branch campus**

1. The authority to approve the establishment of the branch campus.

The Minister of Education and Training has authority to approve the establishment of the branch campus of the foreign-invested higher education institutions.

2. Procedures for approving the establishment.

- a. The investor shall send 01 set of documents in person or by post to the Ministry of Education and Training.

- b. Within 05 working days from the date on which the complete and valid documents are received, the receiving agency shall forward the aforesaid documents to the related agencies or units to get opinions; if the documents are deemed incomplete according to Article 43 hereof, within 05 working days, the receiving agency shall send a written notification in person or by post or via email to the investor.

- c. Within 10 working days from the date on which the official dispatch from the receiving agency is received, the related agencies or units shall give their opinions in writing.

- d. Within 25 working days from the date on which the complete documents are received, the receiving agency shall send the appraisal report to the competent authority for consideration and decision-making.

- dd. Within 05 working days, from the date on which the appraisal report is received, the competent authority shall consider and approve the establishment of the branch campus.

- e. If the documents are not approved, within 05 working days from the date on which the written opinions from the competent authority are received, the receiving agency shall send a written explanation in person or by post to the investor.

3. As for the campus stipulated in clause 5, Article 28, after 04 years from the date on which the decision on approving the establishment takes effect, if the branch campus is not allowed to operate, then the aforesaid decision shall be no longer valid.



## **Section 7: CONDITIONS, APPLICATION DOCUMENTS, AUTHORITY AND PROCEDURES FOR APPROVING THE EDUCATIONAL PROVISION**

### **Article 45. Conditions for approving educational provision**

1. There is a decision on approving the establishment of the educational institution or an investment registration certificate or company registration certificate from short-term training institution.
2. There are invested capitals, facilities, equipment, educational programs and teaching staff that meet the requirements stipulated in Article 35, 36, 37 and 38 hereof are satisfied.
3. There is a regulation on organization and operation of the educational institution is conformable with law.

### **Article 46. Application documents for approval for educational provision**

1. An application form, using form No. 16 in the Appendix hereto.
2. A certified true copy or a copy enclosed with an original of the decision on approving the establishment of the foreign-invested educational institutions; as for the short-term training institution, submit a certified true copy or a copy enclosed with an original of the investment registration certificate or the company registration certificate.
3. Regulation on organization and operation of the educational institution.
4. Report on the progress of the project investment, capital contribution, capital loan and the entire capital invested.
5. The report on the fulfillment of the conditions in Article 35, 36, 37 and 38 hereof, enclosed with:
  - a. A list of principal (director), deputy principal (deputy director), deans, department managers and chief accountant. As for the application documents for licensing the operation of the branch campus of higher educational institution, a list of persons in charge of the branch campus and its organizational structure is required.
  - b. A list of the employees, teachers and lecturers (full time or visiting lecturers) and their resumes
  - c. A description of grades, training levels and disciplines.
  - d. Programs, teaching plans, learning materials, lists of textbooks and primary reference materials.
  - dd. The subjects, regulation and period of enrollment.

- e. Training regulation
- g. Training scale (students).
- h. Regulations on tuition fees and other relevant fees.
- i. Regulations on inspection, assessment and certification of the completion of the programs, modules and grades.
- k. The forms of qualifications to be issued.

**Article 47. Authority to approve educational provision**

1. The Minister of Education and Training has authority to approve the operation of higher educational institution and branch campus of foreign-invested higher education institution.
2. The Director of the Department of Education and Training has authority to approve the operation of:
  - a. Short-term training institutions.
  - b. Pre-school educational institutions, elementary schools, middle schools, high schools, universal schools.
  - c. Pre-school educational institutions and compulsory educational institutions which are established by foreign diplomatic missions and inter-government international organizations.

**Article 48. Procedures for approving the educational provision**

1. The investor shall send 01 set of application documents in person or by post to:
  - a. Ministry of Education and Training, applicable to documents of higher educational institutions and branch campuses of foreign-invested higher education institutions.
  - b. Department of Education and Training, applicable to documents of short-term training institutions; pre-school educational institutions; compulsory educational institutions; pre-school and compulsory educational institutions established by foreign diplomatic missions or inter-government international organizations.
2. Within 20 working days from the date on which the complete documents stipulated in Article 36 hereof are received, the receiving agency shall take charge and cooperate with the related agencies and units in appraising the required conditions and forward the documents to the competent authority for consideration and decision-making, using form No. 17 in the Appendix hereto.

If the documents are deemed incomplete, within 05 working days from the date on which the documents are received, the receiving agency shall send a written notification in person or by post to the investors.

In case where the educational institutions do not satisfy the requirements for approving the operation, within 05 working days from the date on which the written opinions from the competent authority are received, the receiving agency shall provide explanation in writing to the investors.

#### **Article 49. Amending the decision on approving the educational provision**

1. The person who is authorized to approve the educational provision shall also have authority to amend the decision.

2. In case where a foreign-invested educational institution or a branch campus of foreign-invested higher education institution wishes to amend the contents of the decision, the application documents shall include an application form, in which there is information regarding the amendment and reasons for the amendments and the documents stipulated in clause 2, 3, 4 and 5 of Article 46 hereof.

3. Within 20 working days from the date on which the complete documents stipulated in clause 1 of this Article are received, the receiving agency shall appraise the documents as required and forward them to the competent authority stipulated in Article 47 for consideration and decision-making.

In case where the documents are deemed incomplete, within 05 working days from which the documents are received, the receiving agency shall send a written notification in person or by post or via email to the investor.

In case where the higher educational institution does not satisfy the conditions for amending the decision, the receiving agency shall provide explanation in writing within 05 working days from the date on which the written opinions from the competent authority are received.

### **Section 8. DISSOLVING; SUSPENDING AND TERMINATING THE OPERATION OF THE FOREIGN-INVESTED EDUCATIONAL INSTITUTIONS**

#### **Article 50. Suspending the operation of the foreign-invested educational institution**

1. The person who approves the operation shall also have authority to suspend it.

2. The operation of a foreign-invested educational institution shall be suspended if the aforesaid institution:

a. Commits fraud in order to get approval for the establishment or operation.

b. Does not meet one of the conditions specified in this Decree to get approval for the operation.

- c. Receives the approval from a person who is not authorized.
- d. Violates the education laws that lead to penalties for administrative violations to a degree that the operation must be suspended.

dd. Other cases specified in the laws.

3. The Decision on suspending the operation shall include the explanation for such action, the suspended period, the measures for protecting the interests of learners, teachers, managers and employees of the institution or branch campus and be published on mass media.

4. A foreign-invested educational institution or a branch campus of the foreign-invested HEI shall be approved to resume its operation once it eliminates the violations that lead to the suspension.

5. The application documents for approval for the resumption shall include:

a. An application form for the resumption specifying the result of eliminating the violations.

b. A decision on establishing an inspection team.

c. An inspection record.

6. The person who suspends the operation shall also have authority to approve the resumption.

7. Within 20 working days from the date on which the application documents for approval for the resumption are received, the receiving agency shall take charge and cooperate with the related agencies or units to appraise the aforesaid documents and forward them to the competent authority for consideration and decision-making.

If the documents are deemed incomplete, within 05 working days from the date on which the aforesaid documents are received, the receiving agency shall send a written notification in person or by post or via email to the investor.

If the educational institution does not fully meet all conditions for resuming its operation, within 05 working days from the date on which the written opinions from the competent authority are received, the receiving agency shall provide explanation in writing for the investor.

#### **Article 51. Dissolving and terminating the operation of the foreign-invested educational institutions**

1. The authorized person, who approves the establishment of pre-school educational institutions, compulsory educational institutions, higher educational institutions and branch campuses of higher educational institutions, shall also have authority to dissolve the aforesaid institutions. The person who approves the operation of the foreign invested short-term training institution shall also have authority to terminate the operation of the aforesaid institution.

2. Dissolve pre-school educational institutions, compulsory educational institutions, higher educational institutions, and branch campuses of foreign-invested higher education institutions; and terminate the operation of the foreign-invested short-term training institution if:

a. There is a request for dissolution sent by the entity who established the foreign-invested educational institutions and branch campuses of foreign-invested higher education institutions.

b. The institution or branch campus seriously violates the regulations of the laws or regulations on management, organization and operation.

c. The period of suspension is expired but the institutions cannot eliminate the violations.

d. The targets and operation contents specified in the decision on approving the establishment or operation are no longer suitable for the social-economic development requirements.

dd. The institutions have not fulfilled the commitments specified in the approved project after 5 years since the decision on approving the establishment took effect.

3. The application documents for dissolving or terminating the operation of the foreign-invested educational institutions shall include.

a. An application form for dissolving and terminating the operation of the educational institutions.

b. A plan for dissolving and terminating the operation of the foreign-invested educational institutions, in which there are measures for protecting the legal benefits of learners, teachers, managers and employees; a plan for solving financial and property problems.

4. Procedures for dissolving and terminating the operation of foreign-invested educational institutions:

a. The investors shall send 01 set of application documents in person or by post to the Ministry of Education and Training to dissolve the following institutions: higher educational institutions, branch campuses of foreign-invested educational institutions, pre-school educational institutions and compulsory educational institutions all established by the foreign diplomatic missions and inter-government international organizations.

b. The investors shall send 01 set of application documents in person or by post to the Department of Education and Training to terminate the operation of the short-term training institution or dissolve the pre-school and compulsory educational institutions, except the cases stipulated in point a, clause 4 of this Article.

c. Within 30 working days from the date on which the complete documents are received, the receiving agency shall take charge to appraise the documents and forward them to the competent authority for consideration and decision-making.

d. Within 05 working days from the date on which the documents are received, if they fail to comply with requirement, the receiving agency shall send a written notification in person or by post or via email to the investors.

5. If the educational institutions violate one of the regulations in point b, c, d and dd, clause 2 of this Article, the competent agency shall examine the regulations being violated, consider and make a decision or report the violations to the competent authority for consideration and decision-making.

6. The decision on approving the dissolution and termination shall include the explanation for such actions and the measures for ensuring the legal benefits of learners, teachers, managers and employees and shall be announced through mass media.

## **Chapter IV**

### **REPRESENTATIVE OFFICES OF FOREIGN EDUCATION INSTITUTIONS**

#### **Article 52. Functions, tasks and authority**

1. A representative shall be able to represent the foreign educational institution in Vietnam.
2. A representative office shall take on the following tasks:
  - a. Contact and boost the cooperation between the educational institution that it represents and the Vietnamese educational institution via promoting the education joint programs and projects.
  - b. Organize exchange activities, consultation, information exchanges, seminars, exhibition of education aiming to introduce the foreign educational institution that it represents.
  - c. Expedite and supervise the process of implementing the agreements on educational cooperation signed with the Vietnamese educational institutions.
  - d. Must not engage in educational activities that directly generate profit in Vietnam and must not establish branches under it.
  - dd. Before November 30 every year, the representative office shall send a written report about its operation to the Department of Education and Training within the area where it is located; also, if requested by the competent agency, it shall provide documents and information regarding the relevant problems. The report shall be submitted online or in writing.
  - e. Fulfill other obligations as prescribed by law.

#### **Article 53. Conditions for a foreign educational institution to establish a representative office in Vietnam**

1. Has a legal status.

2. Has been operating for at least 05 years in the home country; and has been accredited or recognized for its education quality by a competent agency.
3. Has clear charters, principles and targets.
4. Has regulation on organization and operation of the representative office being established in Vietnam that conforms to Vietnam's laws.
5. Has a location for the representative office and can ensure security, labor safety and hygiene as prescribed by laws.

#### **Article 54. Application documents for approval for the establishment**

1. The application documents for approval to establish a representative office in Vietnam shall include:
  - a. An application form for approval to establish a representative office, using form No. 18 in the Appendix hereto.
  - b. A document proving the legal status of the foreign educational institution; a certified true copy or a copy enclosed with an original of the Operation charter, a quality assessment certificate of the foreign educational institution, or a written certificate of quality assurance from a competent agency; a summary report on the establishment and development of the foreign educational institution.
  - c. A draft regulation on the organization and operation of the representative office.
  - d. A letter introducing the manager of the representative office and his/her resume.
2. The written certificates issued by a foreign competent agency shall be consularly legalized at the Ministry of Foreign Affairs in Vietnam or at the diplomatic mission, consular office or a Vietnamese agency authorized to do consulate works in a foreign country, unless the international agreements to which Vietnam is a signatory prescribed otherwise.

#### **Article 55. Naming the representative office of foreign education**

The name of a representative office shall be put in the following orders: “Văn phòng đại diện” (Representative office of), “Tên của tổ chức, cơ sở giáo dục nước ngoài” (Proper name of the foreign educational institution) and “tại Việt Nam” (in Vietnam)

#### **Article 56. Period of operation**

The operation period of a representative office shall not be more than 05 years from the date on which it is issued with the establishment license. The aforesaid period may be extended, however, and each extension shall not exceed 05 years.

**Article 57. Authority relating to the establishment and operation of the representative office**

The Minister of Education and Training shall issue, extend and amend the decision on approving the establishment of the representative office of foreign educational institution in Vietnam.

**Article 58. Procedures for approving the establishment**

1. The foreign educational institution that requests the approval for establishment of the representative office in Vietnam shall send 01 set of application documents in person or by post to the Ministry of Education and Training.
2. Within 30 working days from the date on which the complete documents are received, the Ministry of Education and Training shall appraise the documents, consider and approve the establishment of the representative office, using form No. 19 in the Appendix hereto. If it does not approve the establishment, the receiving agency shall provide explanation in writing.
3. If the documents are deemed incomplete according to Article 54 hereof, within 05 working days, the Ministry of Education and Training shall send a written notification in person or by post or via email to the foreign educational institution.

**Article 59. Operation registration**

1. Within 20 working days from the date on which the decision on approving the establishment of the representative office takes effect, the educational institution that requested the approval shall complete the operation registration at the Department of Education and Training within the area where the representative office is located.
2. The application documents of the representative office shall include:
  - a. An application form for approval for the establishment of the representative office, using form No.20 in the Appendix hereto.
  - b. A certified true copy or a copy enclosed with an original of the decision on approving the establishment of the representative office, and copies of the application documents already submitted to the Ministry of Education and Training to request for the aforesaid decision.
  - c. The decision on appointing the manager for the representative office and his/ her resume.
  - d. The personnel of the representative office and their resumes.
  - dd. Specific location of the representative office and relevant legal documents.
3. Within 10 working days from the date on which the application documents of the representative office are received, the director of the Department of Education and Training shall consider issuing the registration certificate using form No.21 in the Appendix hereto, and shall



publicly post the decision on its website. If the director does not issue the registration certificate, the receiving agency shall provide explanation in writing.

4. If the documents are deemed incomplete according to the regulations in clause 2 of this Article, within 05 working days, the receiving agency shall send a written notification in person or by post or via email to the foreign educational institution.

#### **Article 60. Amending, supplementing and extending the establishment license**

1. The foreign educational institution shall apply for the amendment, supplement and extension of the license to establish the representative office if:

a. Changing the name, the head or the location of the foreign educational institution within the country where it is established.

b. Changing the name, the head or the location of the representative office in Vietnam.

c. The operation period specified in the license to establish the representative office expires.

2. The person who approves the establishment of the representative office shall also have authority to amend, supplement and extend the license.

3. The extension of the license to establish the representative office shall be granted within 06 months before the aforesaid license expires.

4. The application documents for amendment, supplement and extension of the license shall include:

a. An application form of the foreign educational institution, in which there is clear information and explanation about the amendment, supplement and extension of the license to establish the representative office.

b. An original or a copy of the license to establish the representative office.

c. An original or a copy of the registration certificate of the representative office if it already registered for the certificate.

d. A detailed report on the operation of the representative office.

5. Within 20 working days from the date on which the complete documents are received, the competent authority shall consider approving the amendment, supplement and extension of the license to establish the representative office. If the competent authority does not approve the amendment, supplement and extension, the receiving agency shall provide explanation in writing.

6. If the documents are deemed incomplete, within 05 working days from the date on which the documents are received, the receiving agency shall send a written notification in person or by post or via email to the educational institution.

#### **Article 61. Terminating the operation of the representative office**

1. The person who approves the establishment shall also have authority to terminate the operation of the representative office.

2. The operation of the representative office shall be terminated if:

a. The period specified in the establishment license expires.

b. There is a request from the foreign educational institution that establishes the representative office.

c. The representative office is unable to operate within 06 months from the date on which the first license is issued or within 03 months from the date on which the license is extended.

d. The application documents for approval for the establishment of the representative office are falsified.

dd. The representative office engages in activities in contravention of the license.

e. The representative office violates other laws of Vietnam.

3. Application documents and procedures for requesting the termination of operation of the representative office.

a. An application form for approval for terminating the operation of the representative office, in which there is clear explanation about the termination.

b. A detailed plan for terminating the operation, in which there are clear measures for ensuring the legal rights of the employees; a plan on solving the financial or property problems.

c. Within 20 working days from the date on which the application documents requesting the termination are received, the receiving agency shall consider and make a decision. If the documents are deemed incomplete, within 05 working days from the date on which the documents are received, the receiving agency shall send a written notification in person or by post or via email to the educational institution.

4. If the operation of the representative office must be terminated according to point c, d, dd, and e, clause 2 of this Article, the competent agency shall consider and decide to terminate the operation of the aforesaid office.

5. The decision on terminating the operation shall include clear explanation about such action and the measures for ensuring the legal rights and benefits of the employees, and shall be announced through the mass media.

## **Chapter V**

### **ORGANIZATION FOR IMPLEMENTATION**

#### **Article 62. Responsibilities of the Ministry of Education and Training**

1. Carry out inspection, supervision and assessment of the settlement of complaints and denunciation, the commendation and handling of violations during the process of foreign cooperation and investment.
2. Report the progress of foreign cooperation and investment in education to the Prime Minister.

#### **Article 63. Responsibilities of the Ministry of Planning and Investment**

Cooperate with the Ministry of Education and Training in managing the process of foreign cooperation and investment in education.

#### **Article 64. Responsibilities of the departments, ministerial agencies and Governmental agencies**

The departments, ministerial agencies and Governmental agencies, within the bounds of their duties and power, shall cooperate with the Ministry of Education and Training and Ministry of Planning and Investment in managing the activities related to the foreign cooperation and investment in education.

#### **Article 65. Responsibilities of the People's Committees in provinces and central-affiliated cities**

1. The People's Committees in provinces and central-affiliated cities, within the bounds of their duties and power, shall manage the cooperation and investment in education within their areas.
2. The People's Committees in provinces and central-affiliated cities shall make statistics and send an annual report about the foreign cooperation and investment in education to the Ministry of Education and Training and Ministry of Planning and Investment before November 30 every year.

## **Chapter VI.**

### **IMPLEMENTATION PROVISIONS**

#### **Article 66. Transitional provisions**

1. Aside from implementing the regulations on conditions, application documents and procedures for approving the establishment; the educational provision; the dissolution and termination of operation of educational institutions and branch campuses; other relevant regulations, specified in the Law on Education, Law on higher education and Law on investment, and other guiding documents shall be implemented.
2. If the cooperation with foreign partners in joint training and in joint test administration is already approved before this Decree takes effect, then there is no need to apply for such approval again.
3. If the establishment of foreign educational institutions, branch campuses of foreign-invested higher education institutions and representative offices is already approved before this Decree takes effect, then there is no need to apply for such approval again.
4. If the institutions that apply for approval for joint training, the foreign-invested educational institutions, branch campuses of foreign-invested higher education institutions, and representative offices already submitted application documents for approval for their establishment and operation before this Decree takes effect, they do not need to submit additional documents stipulated in this Decree.
5. If the project on establishing the foreign-invested higher education institution is already approved by the Prime Minister before this Decree takes effect and is still effective, do not implement the regulations stipulated in clause 4, Article 35 hereof.

#### **Article 67. Effect and implementation**

1. This Decree shall come into force from August 01, 2018 and replace the Government's Decree No. 73/2012 /ND-CP dated September 26, 2012 and the Decree No. 124/2014/ND-CP dated December 29, 2014.
2. The Ministers, Heads of ministerial agencies, Heads of Governmental agencies, Presidents of People's Committees in provinces and central-affiliated cities, and relevant organizations and individuals shall implement this Decree.

**PP. THE GOVERNMENT  
PRIME MINISTER**

**Nguyen Xuan Phuc**

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