

DECREE
PROMULGATING REGULATIONS ON COOPERATION AND INVESTMENT
IN EDUCATION WITH FOREIGN PARTNERS

GOVERNMENT

Pursuant to the Law on Organization of the Government dated 25 December 2001

Pursuant to the Law on Education dated 14 June 2005

Pursuant to the Law on Investment dated 29 November 2005

Pursuant to the Law on Professional Education dated 29 November 2006

At the proposal of the Minister of Education and Training and the Minister of Labor, Invalids and Social Affairs

DECREES

Chapter I
GENERAL PROVISIONS

Article 1: Scope of regulations and subjects of application

1. This Decree regulates investment and cooperation with foreign partners in the education area, comprising: foreign joint training; establishing foreign invested educational institutions, opening foreign educational representative offices in Vietnam; finance; state management over foreign related education, rights and obligations of organizations and individuals in the above programs and institutions.
2. This Decree applies to foreign and Vietnamese organizations and individuals carrying out cooperation and investment activities in education with foreign partners.

Article 2: Interpretation of terms

In this Decree, the following terms shall be construed as follows:

1. Educational institutions: the term is used as defined in the Law on Education, including pre-school educational institutions, general educational institutions, professional educational institutions, and higher educational institutions.
2. Foreign invested educational institutions mean Educational institutions with one hundred percent foreign owned capital or Joint venture educational institutions.

3. Joint training programs with foreign partners mean the programs associated between Vietnamese educational institutions and foreign educational institutions in order to carry out degree-conferred programs, without forming new legal person.
4. Shortterm training institutions mean training centers of foreign languages, IT, professional skills etc, which grant certificate and operate under the administration of educational and training authority.

Article 3: Areas in which cooperation and investment are encouraged

1. Training of high skill engineering worker, technician, technologist in the following industries: information technology, industry informatics, telecommunication, mechanica-electronic, precise mechanics, industry maintenance, food technology, electronics, electronic commerce, environment protection, agriculture, tourism, energy, civil engineering and other areas which are necessary for Vietnam's development but the training is not available in Vietnam yet .
2. Training of high quality science official, management official, and teachers in the following industries: natural science, engineering, technology, health, environment, agriculture, tourism, business management, accounting, finance, international laws, and foreign languages.

Article 4: Forms of partnership and investment

1. Education-related partnership with a foreign entity may include the following types:
 - a) Domestic educational institutions and foreign counterparts working together to offer educational programs in Vietnam or both in Vietnam and abroad, using an international curriculum and granting either Vietnamese or international diplomas, certificates or degrees;
 - b) International educational institutions transferring educational franchise to domestic educational institutions, monitoring quality assurance and granting either Vietnamese or international certificates and degrees;
 - c) Domestic and international educational institutions partnering to offer network-based distance training, using an international curriculum and granting international certificates, degrees;
 - d) Other forms as agreed by both parties and approved by the Ministries of Education – Training and Labor – Invalids – Social Affairs of Vietnam.
2. A foreign-related educational institution may fall under the following categories:
 - a) An educational institution wholly-owned by a foreign investor, including newly established institutions or branches of foreign educational institutions in Vietnam;
 - b) A joint-venture educational institution between domestic and foreign investors;
 - c) Preschool and primary educational institutions wholly-owned by domestic investors, offering an international programs to children of foreigners, Vietnamese residing abroad and local children in need.
3. Foreign representative offices of educational institutions .

Article 5: Duration of operation

1. Duration of operation of joint training programs shall not exceed five years after licensing day, and can be extended, but not beyond five years for each time.

2. Duration of operation of foreign invested educational institutions shall not exceed fifty years after licensing day. Where necessary, Government can decide longer duration, but not beyond seventy years.
3. Duration of operation of foreign representative educational office shall not exceed ten years after licensing day and can be granted a longer duration, but not beyond ten years for each time.

Article 6: Educational quality accreditation

1. In education process, quality of educational programs and foreign related educational institutions is required to:
 - a. Be self responsible for educational quality, conduct self-assessment and improve quality regularly in accordance with Vietnamese or foreign criteria.
 - b. To register regularly for educational quality accreditation according to the requirements of Ministry of Education and Training, Ministry of Labor, Invalids and Social Affairs and/or foreign authorities.
2. Authorities on educational quality accreditation of education joint programs and foreign invested educational institutions are Vietnamese educational accreditation bodies or foreign educational quality accreditation organizations approved by Vietnamese authorities.
3. Results of educational quality accreditation of joint training programs and foreign invested educational institutions are publicly announced and are used by Vietnamese authorities to allow continuation, open of branches, suspend, terminate the operation or revoke the Operation certificate of joint training programs or foreign invested educational institutions.

Chapter II
FOREIGN JOINT TRAINING PROGRAMS

Article 7: Conditions for joint training

1. Eligible entities
 - a) Occupational or higher education institutions which are lawfully formed and operating in Vietnam; and accredited by a Vietnamese accreditation institution or relevant authority;
 - b) An occupational or higher education institution which are lawfully established and operating abroad; and accredited by an accreditation institution or relevant authority of the respective foreign country;
 - c) Educational entities specified in items a and b, paragraph 1 of this Section are only allowed to enter into educational partnership within the educational fields and capacity approved by either Vietnamese or foreign relevant authorities.
2. Faculty qualification
 - a) For occupational education
 - Academic teachers working in joint training programs carried out at vocational primary training institutions must possess at least degree in vocational secondary training; practice instructors must possess at least degree in vocational secondary training or must be masters or high-skilled people.
 - Academic teachers working in a partnership educational enterprise at professional secondary training institutions, vocational secondary institutions, and vocational

college must hold pedagogical university degree, technological-pedagogical university degree or university degree in equivalent specialty and certificate of pedagogy professional training. Practice instructors must hold at the minimum an occupational college degree (or equivalent) or be a recognized master craftsman or a person of senior workmanship.

- Teachers working in joint training programs must possess certain foreign languages proficiency as required by the programs, but not lower than level B2 in the European Reference Criteria of foreign language proficiency, and have at least three years of teaching experience.
- b) For higher education
- For college joint training program for college degree, lecturers must hold at least a university degree of the respective teaching major. For undergraduate joint training program, lecturers must possess at least master degree in the equivalent specialty, with respect to postgraduate joint training program; lecturers must possess master degree or doctor degree. Number of lecturers with doctor degree in a postgraduate joint training program must account to at least 50% overall number of lecturers.
 - Lecturers working in joint training programs must possess relevant professional capacity, research capacity and foreign languages proficiency as required by the programs; be well familiar with advanced teaching methodology and teaching aid equipment and at least three years of teaching experience.

3. Physical infrastructure qualification

Physical infrastructure needed for joint training programs includes classrooms, computer rooms, language rooms, practice rooms, laboratories, libraries and other necessary equipment, ensuring for learners, teachers and tutors to be able to work in quality environment, appropriate to both Vietnamese and foreign standards.

4. Content and teaching program

The syllabus of a joint training program must align with targets of producing quality human resources to serve the needs of economic and social development of the country while assuring that learners perceive international updated and advanced knowledge and no subjects contrary to Vietnamese laws.

International educational syllabuses delivered in Vietnam must be those accredited abroad or syllabuses of educational institutions that have been accredited or recognized by relevant authorities of the home country.

5. Language used

The languages used in the teaching of key majors in an educational partnership program or one granting international certificates, degrees must be popular international languages. No teaching via translation is allowed.

6. Scope of training

The scope of training of an educational partnership enterprise will be determined based on the conditions that may guarantee the quality of the training: physical infrastructure, financial capacity, teaching equipment, laboratory facilities, faculty and management staff.

Domestic and foreign educational institutions may initiatively propose their scope of training to relevant authorities for approval under the provisions of Article 8 of this Decree.

7. Examination, evaluation and acknowledgement of graduation

Examination, evaluation and acknowledgement for completion of majors, and education degrees will be subject to relevant provisions of Vietnamese laws in case of granting Vietnamese diplomas, certificates, degrees or relevant foreign regulations in case of granting foreign certificates, degrees.

8. Certificates and degrees

The granting of degrees and certificates at the end of the joint educational program complies with the following provisions:

- a) Degrees and certificates issued by foreign educational institutions must be those recognized in their home countries and registered with the Ministry of Education – Training or Ministry of Labor – Invalids - Social Affairs to be recognized as legally valid in the entire territory of Vietnam.
- b) Degrees and certificates issued by domestic educational institutions must comply with relevant regulatory provisions of Vietnamese laws.
- c) Degrees and certificates co-signed by both issuing parties must be recognized by both Vietnamese and foreign relevant authorities.

9. Qualification for network-based distance education

Apart from the conditions specified in 1, 2, 3, 4, 5, 6, 7, and 8 as above, an educational joint program offering network-based distance education must also satisfy the following conditions:

- a) It must assure full minimum facilities needed for network-based distance education based on the basic E-learning system and relevant hardware and software systems.
- b) In addition to the faculty qualification specified in item 2 above, to deliver a network-based distance education program, the educational institution must secure a learner advisor team by mandate. The team members must be holders of teaching and distance education certificates and be able to take part in teaching and learner guidance via computer-based or telecommunication networks.
- c) No network-based distance education is allowed for educational fields that require certain class or practice hours in workshops, laboratories or exercise in a real business environment.

Article 8: Competence to approve

1. Director (Rector) of the vocational training facilities, Vietnamese higher educational institutions approve Projects to carry out those joint training programs which provide certificates.
2. Competence to approve Projects to carry out those training partnership programs which provide diplomas as follows:
 - a) Directors of Departments of Education and Training approve Projects to carry out joint training programs at professional secondary institutions.
 - b) Directors of Departments of Labor, Invalids and Social Affairs approve Projects to carry out joint training programs at vocational secondary institutions.
 - c) Minister of Labor, Invalids and Social Affairs approves Projects to carry out joint training programs at vocational colleges.

- d) Minister of Education and Training approve Projects to carry out joint training programs at higher educational institutions excluding those cases as stipulated in 2.dd of this Article.
- a) Directors of national or regional universities approve proposals for implementation of joint training programs of junior college, university and postgraduate levels at these educational institutions.

Article 9: Application dossier and evaluated content

1. The application dossier for joint training programs shall comprise:
 - a) Document signed by both Vietnamese and foreign parties with major content as formulated in the attached Form No.1...
 - a) Co-operation agreement between relevant parties
 - b) Document certifying the legal status of relevant parties
 - c) Papers certifying quality accreditation of the applied programs or educational institutions or paper certifying quality by competent authority.
 - dd) Proposal of joint training program signed by relevant parties, in which specify: the rationale, objectives of joint training program; specialization and level of education; education facilities and equipment; teaching content and program; anticipated teaching staffs and science curriculum vitae; objects for enrolment; scope of education; evaluation and examination form; degree, certificate to be conferred; quality assurance and risk control measures; General management staff and CV of the representative of Vietnam and foreign education institutions involved; tuition fee, financial support from Vietnam and foreign individuals and organizations (if any); budget, financial management mechanism; CV of the representative of Vietnam and foreign education institutions involved; right and obligation of the involved parties; right and obligation of teachers, students; property, finance.
2. Appraisal conditions:
 - a) Submit an application file conforming to the provisions in Item 1 of this Article.
 - b) Meet the requirements as stipulated in Article 7 of this Decree.

Article 10: Process, procedure for approval

1. Involved parties prepare six set of dossiers, including one original set, and submit to:
 - a) Department of Education and Training in case of application for implementation of secondary professional joint training programs;
 - b) Department of Labor – Invalids – Social Affairs in case of application for implementation of secondary occupational joint training programs;
 - c) Ministry of Labor – Invalids – Social Affairs in case of application for implementation of junior college occupational joint training programs;
 - d) Ministry of Education and Training in case of application for implementation of junior college, university and postgraduate joint training programs subject to jurisdiction specified in item d, paragraph 2, Article of this Decree.
 - dd) National and regional universities in case of application for implementation of junior college, university and postgraduate joint training programs subject to jurisdiction specified in item e, paragraph 2, Article of this Decree.
2. Within 05 working days since receipt of the application, the receiving agency shall verify the eligibility of the applications. In case the applications are deemed ineligible, the receiving agency shall notify in writing to the partnering parties for due amendment and complement.

3. Within 30 working days since receipt of the eligible application, the receiving agency shall initiate review and submission procedures of the proposal for implementation of the joint training programs in case the partnering parties qualify for conditions specified in paragraph 2, Article 9 of this Decree. In case of rejection, the receiving agency shall respond in writing, elaborating reasons for rejection.
4. The decision approving the proposal for implementation of joint training programs are issued using the attached Form. 2 ...

Article 11: Obligations of associated parties

1. Implementation of the joint training programs in line with the decision approving the proposal for implementation of joint training programs;
2. Compliance with prevailing tax regulatory provisions in case the partnering parties are subject to tax payment;
3. Compliance with government regulations on employment;
4. Adherence to relevant regulations on sanction of education-related administrative infringements;
5. Compliance with reporting procedures as follows:
 - a) The principal (director) of educational institution involved in joint training, at each academic year end, shall make a report to:
 - Department of Education and Training for joint training programs of secondary professional level or equivalent;
 - Department of Labor – Invalids – Social affairs for joint training programs of secondary occupational and primary occupational levels;
 - Ministry of Labor – Invalids – Social affairs for joint training programs of junior college occupational level;
 - Ministry of Education and Training for joint training programs of junior college, university and postgraduate levels
 - b) The report shall include information about implementation of provisions stated in the decision approving the proposal for implementation of the joint training programs, training plans, learning performance of students, number and proportion of graduated students, granted diplomas and certificates, financial audit statements, favourable & unfavourable factors encountered during implementation, proposals and recommendations, etc.
6. Compliance with other provisions in this Decree and relevant legislations.

Chapter III FOREIGN INVESTED EDUCATIONAL INSTITUTIONS

Section I GENERAL PROVISIONS

Article 12: Eligible entities

1. For domestic investors
 - a) Educational institutions of the national education system

- b) Public training service providers
 - c) Enterprises formed and operating under Enterprise Law
 - d) Cooperatives and cooperative unions established under Cooperative Law
 - a) Persons of normal civil status
 - e) Other entities as specified in Vietnamese laws
- 2. For foreign investors
 - a) Foreign educational entities
 - b) Foreign diplomatic services and international entities
 - c) Foreign economic entities
 - d) Vietnamese residing overseas and individual foreigners of normal civil status

Article 13: Types of educational entities to be allowed

1. Short-term foreign-invested training institutions;
2. Preschool educational institutions (preschools, kindergartens, daycare centers), domestic- or foreign-owned, offering education services using a foreign syllabus to foreign children and certain Vietnamese children in need;
3. Foreign-invested preschool educational institutions (preschools, kindergartens, daycare centers) offering education services using a Vietnamese syllabus to Vietnamese children;
4. General educational institutions (primary schools, secondary schools, high schools, multiple-level general education schools), domestic- or foreign-invested, offering educational services using a foreign syllabus and granting foreign diplomas for foreign students and certain Vietnamese students in need;
5. Foreign-invested general educational institutions (primary schools, secondary schools, high schools, multiple-level general education schools) offering educational services using a Vietnamese syllabus and granting Vietnamese diplomas for Vietnamese students;
6. Occupational and higher education institutions with foreign investment.

Article 14: Denomination

1. Foreign invested educational institutions are established by units of Schools or Centers and denominated according to the following principles and orders:
 - a) For school: “School” + “Grade” + “Private name”
 - b) For short-term training institution: “Center (educational, training)” + “Training specialization” + “Private name”
 - c) For Vocational training centers: “Vocational training center” + “major professional category or area and/or private name”
 - d) For foreign educational institutions establishing branches in Vietnam, the establishments in Vietnam are denominated on the following principle:
 - “Branch” + “Name of the foreign institution in Vietnam” + “in province/city of Vietnam”
 - dd) For branches of educational institutions established in Vietnam, the name of the branch shall comprise constituting particles positioned in the following order: “Branch of”, “name of the foreign-invested educational institution in Vietnam” and “in province/city of Vietnam”.

2. In addition to international transactional name in English (or another foreign language), foreign-related educational institutions must have a transactional name in Vietnamese.
3. Private names of foreign-related educational institutions must not resemble or be misleadingly similar with names of others registered educational institutions or registered enterprises ; not use words, signs which are not appropriate to Vietnamese tradition, culture, ethics, and customs.

Article 15: Fomalities and procedures for establishment

1. Licensing establishment of universities, junior colleges and occupational junior colleges shall comply with the following 4-step procedure:
 - a) Approval in principle the establishment of the educational institution;
 - b) Issuance of investment certificate
 - c) Issuance of decision for establishment of the educational institution; and
 - d) Issuance of qualifying certificate.
2. Licensing establishment of occupational training facilities (except occupational junior colleges), primary educational institutions, preschool facilities and short-term training institutions is subject to a 3-step procedure specified in items b, c and d, paragraph 1 of this Article.
3. Licensing for foreign diplomatic representative and international entities establishing educational institutions specified in paragraphs 2 and 4, Article 3 of this Decree is subject to a 2-step procedure specified in items c and d, paragraph 1 of this Article.
4. Licensing establishment of branches of short-term educational institutions, occupational educational institutions and university educational institutions is subject to the following 3-step procedure:
 - a) issuance of investment certificate pertaining to application for the opening of branches of educational institutions;
 - b) ratification of decision granting permission for the opening of branches of educational institutions; and
 - c) issuance of qualifying certificate for branches of educational institutions
5. Jurisdiction, dossiers, conditions, routines, procedures for approval in principle of the establishment of universities, junior colleges and occupational junior colleges are subject to Section III of this Chapter.
6. Jurisdiction, dossiers, conditions, routines and procedures for issuance of investment certificates are subject to provisions of Section IV, this Chapter.
7. Jurisdiction, dossiers, conditions, routines and procedures for ratification of the decision granting permission for establishment of educational institutions are subject to provisions of Section V, this Chapter.
8. Jurisdiction, dossiers, conditions, routines and procedures for licensing establishment of branches of educational institutions established and operational in Vietnam are subject to provisions of Section VI, this Chapter.

9. Jurisdiction, dossiers, conditions, routines and procedures for issuance of qualifying certificate are subject to provisions of Section VII of this Chapter.

Article 16: Application dossier receiving authority

1. Application dossier receiving authority shall request approval in principle of permission for investment and establishment; application for establishment, partition, segregation, acquisition and merger; application for opening of branches and application for registering university educational institutions as follows:
 - a) The Ministry of Education and Training shall receive:
 - Request for approval in principle of permission for investment and establishment; application for establishment, partition, segregation, acquisition and merger; application for opening of branches and application for registering university educational institutions.
 - Application for establishment and registration of educational institutions specified in paragraphs 2 and 4, Article 13 of this Decree and those entitled to foreign diplomatic representative and international entities.
 - b) The Ministry of Labor – Invalids – Social affairs shall receive request for approval in principle of permission for investment and establishment; application for establishment, partition, segregation, acquisition and merger; application for opening of branches and application for registering occupational junior colleges.
 - c) The Department of Education and Training shall receive application for establishment, partition, segregation, acquisition and merger; and application for registering short-term educational institutions, preschool institutions, primary educational institutions and professional secondary schools.
 - d) The Department of Labor – Invalids – Social affairs shall receive application for establishment, partition, segregation, acquisition and merger; and application for registering vocational training centers and occupational secondary schools.
2. The receiving agency for application of investment projects shall request certification of investment in accordance with the provisions of the Investment Law and relevant legislations.

Article 17: Rights and responsibilities of the investor and the foreign invested educational institutions

1. Foreign invested educational institutions, Vietnamese and foreign individuals and organizations investing in the establishment of foreign invested educational institutions in Vietnam have rights and responsibilities, and enjoy government's incentives as stipulated by the Law on Education, Law on Vocational Training, Law on Investment, and related legal documents.
2. The State of the Socialist Republic of Vietnam put the legal rights and interests of foreign related educational institutions under its protection during their time of operation in Vietnam, in accordance with Vietnamese law and international agreements of which Vietnam is a signatory or participant.
3. In case the international agreement of which Vietnam is a signatory or participant stipulates other than this Decree, the former shall apply.
4. Foreign invested institution shall publicise their comitmented and actual educational quality, and be transparent in their financing matters.

5. Foreign invested institution shall report annually to the government administration agency on the development of the institutions and provide full explanatory statement if requested.

Section II

CONDITIONS FOR ESTABLISHMENT

Article 18: Investment capital

1. An investment project to set up a preschool institution must secure a minimum per capita investment of USD1,000/child (not including land use rights costs). The number of children used in calculations is the number of children attending the institution at the final investment stage of the project. The investment capital plan must be compatible with the estimated scale of individual stages.
2. An investment project to set up a general educational institution must secure a minimum per capita investment of USD2,500/child and a minimum investment capital of USD2,500,000.
3. An investment project to set up a short-term training facility or occupational center must secure a minimum per capita investment of USD700/student (not including land use rights costs). The number of students used in calculations is the average number of students for the entire amount of time to date at the final investment stage of the project.
4. An investment project to set up an occupational center must secure a minimum per capita investment of USD3,000/student. The number of students used in calculations is the average number of students for the entire amount of time to date at the final investment stage of the project.
5. An investment project to set up an occupational institution (except for occupational centers) must secure a minimum per capita investment of USD5,000/student and a minimum investment capital of USD10,000,000.
6. An investment project to set up a higher education institution (or affiliates of foreign colleges or universities in Vietnam) must secure a minimum per capita investment of USD7,500/student and a minimum investment capital of USD15,000,000.
7. An investment project to open a branch of an educational institution which has been licensed in Vietnam must have a per capita investment and a minimum investment capital as specified in Item 2,4,5 of this Article.
8. For foreign-related educational institutions which have no newly constructed facilities and only leased premises or those contributed as a Vietnamese partner's stake from its available facilities must secure a minimum investment of 60% of the rates defined in paragraphs 1, 2, 3, 4 and 5 of this Article.

Article 19: Physical infrastructure

1. Physical infrastructure conditions of short-term training facilities and occupational centers are required to include:
 - a) Classrooms adequately illuminated, with sufficient desks, chairs, equipment, learning instruments;

- b) space used for learning and teaching at a minimum average of 2m^2 /learner for the total learners attending a schooling shift;
 - c) office space for the management, faculty, library and other operational departments;
 - d) sufficient equipment needed for management and teaching purposes.
2. Physical infrastructure of preschool institutions must meet the following requirements:
- a) The school premises must be situated in a single location, with good environment. The required space for the school campus is determined based on types of classes and number of children at a minimum average of 8m^2 /child for urban areas and 12m^2 /child for rural areas.
 - b) The institution must be furnished with sufficient classrooms and sleeping rooms for the children and other operational rooms with relevant conditions in terms of space, lighting, desks, chairs, equipment, child care and education instruments;
 - c) An adequate school general office, management office, administration office, health bureau, security office, staff room in terms of space, equipment, instruments used in management, child care, nurturing and education are available.
 - d) The institution is equipped with clean water supply, hygienic restrooms, safe and clean sanitation equipment to meet every day-to-day need and a sewage system that guarantees fast drainage and hygienic conditions.
 - dd) A dining room is in place and organized in a one-way-process fashion with relevant equipment, utensils, ensuring food safety in case in-school cooking for the children is offered.
 - e) Playing ground, surrounding walls and a school entrance with the name of the school clearly written on a name board as specified in Article 14 of this Decree are available.
 - f) There is garden space in the school campus. All the structures, equipment, utensils, toys in the school must be designed so as to ensure absolute safety for the children.
3. Physical infrastructure of primary educational institutions must meet such requirements as:
- a) The school premises must be situated in a single location, with good environment. The space required for the school campus is determined based on the number of classes, number of students and region-specific features, at a minimum average of 10m^2 /student for rural areas and 6m^2 /student for cities and townships.
 - b) The institution must be furnished with classrooms with relevant conditions in terms of lighting, desks, chairs, equipment and learning instruments.
 - c) The space used for learning and teaching must ensure a minimum average of 2m^2 /student based on the total students attending a schooling shift;
 - d) Relevant management office space, teachers' rooms and meeting rooms are available.
 - dd) Library, experiment space (for secondary and high schools) must be available and at the minimum, meet the existing Vietnamese standards.
 - e) Space for a versatile gymnasium, art forms education room, special education room for disabled students, medical room and play ground for the students is available.
 - f) A clean water supply system and hygienic sanitation facilities are in place and at least meet the existing Vietnamese relevant standards.
 - g) A dining room and mid-day resting room is in place in case of day-boarding schools.
 - h) Space for play ground and physical exercises is available with an area of at least 30% of the total campus land area. There must be a parking space, campus walls, a

main entrance with a name board clearly identifying the name of the school as required in Article 14 of this Decree.

4. Physical infrastructure of occupational institutions (except for occupational centers) is required to include:
 - a) a campus with sufficient classrooms that matches the operational scale;
 - b) enough office space, classrooms, administrative sections, management office areas relevant to operational scale;
 - c) library space, exercise and practice facilities, experiment rooms, workshop, school farm and experiment garden space relevant to individual education fields;
 - d) a dormitory, club, dining room, technical and medical care structures, sanitation facilities for the staff, teachers and students;
 - e) a land area for construction of campus structures of a minimum average of 25m²/student at the time of peak operational scale specified in the training plan for the first 10 years of operation, but not lower than 5 ha.

5. Physical infrastructure for a higher education institution is required to include:
 - a) A land area for campus structures of at least 25 m²/student on average at the time of peak operational scale specified in the training plan for the first 10 years of operation, but not lower than 5 ha.
 - c) A minimum average premise construction space of 9m²/student, of which, at least 6m²/student for learning and the other 3m²/student for housing and other personal needs of students;
 - d) Adequate number of relevant lecture halls, classrooms, operational rooms, meeting the needs of training by education fields, profession and training delivery methods;
 - e) Enough office space, administration section and management office space for use of various sections, divisions, departments, academic disciplines to meet a minimum requirement of 8m²/person;
 - f) Space for conference hall, library, experiment, exercise and practice facilities and other facilities to meet the requirements of the syllabus and technology-related activities;
 - g) Available structures for entertainment, sports, cultural activities and health care, services facilities for the staff, teachers and students;
 - h) An utility compound including water pumping station, transformer station, workshop, warehouse and parking space for cars, motorcycles, bicycles.

6. Provisions on construction and/or lease of infrastructure
 - a) A foreign-invested educational institution registered for operation in Vietnam for 20 years or more must prepare a construction plan for the institution's premises and acquire a written approval of the provincial People's Committee for land allocation or lease for the construction.

In the initial phase of maximum five years, the institution must secure a lease contract or framework agreement for necessary, stable infrastructure facilities to start the education and training activities while ensuring the construction of its own infrastructure in accordance with the project plan.

- b) A foreign-related educational institution registered for operation of less than 20 years which do not wish to build its own premise must secure a lease contract or agreement for relevant and stable campus, classrooms, workshops and surrounding areas within a minimum five years period.

Article 20: Teaching program

1. The teaching program of a foreign-related educational institution must be compatible with the goal of the investment project that was approved by relevant authorities and contains no parts contrary to the laws of Vietnam as well as guarantee the transferability between grades and levels of education.
2. A foreign-related educational institution is entitled to offering educational services including:
 - a) Vietnamese educational curriculums specified by relevant authorities;
 - b) International preschool and general education curriculums for educational institutions specified in paragraphs 2 and 4, Article 13 of this Decree;
 - c) International educational curriculums specified in paragraph 4, Article 7 of this Decree for educational institutions defined in paragraphs 6, Article 13 of this Decree;
3. The Minister of Education and Training decides on compulsory academic disciplines for students who are Vietnamese citizens studying in educational institutions specified in paragraphs 2 and 4, Article 13 of this Decree.
4. The Ministers of Education – Training and Labor – Invalids – Social Affairs define compulsory academic disciplines for students who are Vietnamese citizens attending foreign training programs in foreign-invested tertiary and occupational secondary institutions and occupational colleges.

Article 21: Faculty

1. For short-term educational institutions
 - a) The teachers must possess at least college qualification or equivalent and a training major corresponding to the assigned field of teaching.
 - b) The maximum equivalent student/teacher ratio must be 25 to one.
 - c) Foreign teachers are encouraged to employ international curriculums in the first years the institution is in operation.
2. For preschool educational institutions
 - a) The teachers must possess at least middle level preschool pedagogical qualification.
 - b) The children headcount for a group in each class is prescribed as under:
 - For daycare centers:
 - Children of 3 – 12 months old: 15 children/group
 - Children of 13 – 24 months old: 20 children/group
 - Children of 24 – 36 months old: 25 children/group
 - For kindergartens:
 - Children of 3 – 4 years old: 25 children/group
 - Children of 3 – 4 years old: 30 children/group
 - Children of 5 – 6 years old: 35 children/group
 - c) The teachers distribution for a group in each class is defined as:
 - For daycare centers: 5 children/teacher
 - For kindergartens: 10 – 12 children/teacher
3. For general education institutions
 - a) The teachers must possess at least middle level teacher's training qualification for primary schools; pedagogical junior college qualification for secondary schools and university teacher's training qualification for high schools.

- b) The minimum number of teachers must satisfy the ratio of 1.5 teachers/class for primary schools; 1.95 teachers/class for secondary schools and 2.25 teachers/class for high schools.
 - c) The number of children/class is not higher than 30 for primary schools, 35 for secondary schools and high schools.
4. For occupational education institutions
- a) The teachers must possess a minimum qualification as specified in item a, paragraph 2, Article 7 of this Decree.
 - b) The student/teacher is capped at 25 students/teacher for majors of human sciences, economics and services; 20 students/teacher for technical and technological fields; 15 students/teacher for aptitude-related areas.
 - c) The proportion of teachers with master qualification must not be less than 15% of the total teaching staff for vocational and professional junior colleges and vocational colleges. Teaching staff having university degrees shall account for no less than 30% of total teaching staff for vocational training centers.
 - d) Educational institutions must have a sufficient in-service teaching staff to cover at least 60% of the lesson plan for each training area.
 - e) Foreign teachers adopting foreign curriculums are encouraged in the initial years.
5. For higher education institutions
- a) The teachers must be holders of at least college degrees or teacher's training certificates.
 - b) The student/teacher ratio is capped at 10 to one for aptitude-related disciplines; 15 to one for technical and technological majors and 25 to one for social, human sciences and economics, business administration.
 - c) For junior colleges: the proportion of teachers with master qualification must be at least 40% and those with doctorate degrees no less than 25% of the teaching staff.
 - d) For universities: the proportion of teachers with master qualification must be at least 50% and those with doctorate degrees no less than 25% of the teaching staff.
 - dd) There must be sufficient in-service teachers in the institution to cover at least 60% of the lesson plans for each training disciplines.
 - e) Foreign teachers adopting foreign curriculums are encouraged in the initial years.

Article 22: Diplomas and certificates

Graduation diplomas and course completion certificates issued by foreign-invested educational institutions are subject to the following provisions:

1. Foreign-related educational institutions formally established in Vietnam are entitled to granting or request for issuance of:
 - a) Diplomas and certificates under the national education system in Vietnam and in compliance with relevant laws in Vietnam;
 - b) Diplomas and certificates under international qualification systems, in compliance with related foreign laws and recognized by the Ministries of Education – Training and Labor – Invalids – Social Affairs of Vietnam.
2. Foreign-related educational institutions are responsible to register international qualification and course certificates in accordance with the provisions of the Minister of Education – Training and Minister of Labor – Invalids – Social Affairs for such credentials to be legally recognized in the entire territory of Vietnam.

SECTION III
JURISDICTION, DOSSIERS, CONDITIONS, ROUTINES, PROCEDURES FOR
APPROVAL IN PRINCIPLE OF INVESTMENT AND ESTABLISHMENT OF
FOREIGN-INVESTED UNIVERSITIES, JUNIOR COLLEGES AND
OCCUPATIONAL JUNIOR COLLEGES

Article 23: Decision-making competence

1. The Prime Minister grants permission for the establishment of foreign invested Universities;
2. Minister of MOET grants permission for establishment of foreign invested Colleges.
3. Minister of MOLISA grants permission for establishment of foreign invested vocational colleges;

Article 24 : Application dossier for principal approval of establishing education institutions :

1. Application for principal approval of establishment as attached Form No.3
2. Verification in writing on investor's legal status. Investor as organisation shall submit notaries copy of Establishment Permit or Business License or other equivalent documents. Investor as individual shall submit copy of passport and/or identity card and criminal record;
3. Acceptance on establishment of the education institution in the province/city and acceptance on principle of land use or land lease by the People's Committee where the educational institution plans to construct its premise if the Proposal of establishment of the education institution is approved by the Appraisal Council and/ or acceptance on principle of the leasing of existing material facilities in accordance with Item 6 Article 19 of this Decree.
4. Documents verifying financial capability of investors to implement the proposed investment project as provided for in Article 18 of this Decree.
5. The Proposal of the Establishment of the education institution shall contain:
 - a) Types of proposed education institution, the necessity of the establishment of the education institution, the consistency with the approved implementation plan of the University network master plan.
 - b) Objectives, organization and management plan, development schedule of the education institution and the operation scale of each respective development phase.
 - c) Plan of education programs, teaching staff, decrees and qualifications in accordance with Articles 20, 21,22 of this Decree
 - d) Total investment capital and disbursement schedule
 - dd) Timeline of project implementation
 - e) Technology and environment solutions
6. Certifications issued by foreign authorities to the investor should be legalized in Vietnam Ministry of Foreign Affairs or diplomatic agencies, consulates of Vietnam overseas, unless otherwise stated in international treaties where Vietnam is a party.

Article 25: Conditions for principle approval of establishment of educational institutions

Foreign-invested universities, junior colleges and occupational junior colleges shall be approved in principle for investment and establishment when the investors qualify for the following requirements:

1. The applicants are among the eligible entities allowed to set up foreign-invested educational institutions in Vietnam specified in Article 12 of this Decree.
2. The applicants can present eligible dossiers as specified in Article 24 of this Decree.
3. The applicant's proposed investment project is relevant to the strategies of educational development and educational institution network zoning approved by competent authorities.
4. In case the to-be-established educational institutions is not listed in the network zoning plan approved by competent authorities, provincial People's committee, Ministry of Education and Training, Ministry of Labor – Invalids – Social affairs and relevant agencies shall review the applications on a case-by-case basis in their jurisdiction or refer to the Prime Minister for review and decision.
5. Notices of approval for establishment of local educational institutions and notices of approval in principle for hand-over or lease of land by the provincial People's Committee where the educational institution is planned to be built shall be given in case the proposal for establishment of the educational institution is approved and/or agreed in principle for the lease of existing infrastructure by the assessment council in line with provisions of paragraph 6, Article 19 of this Decree.
6. Proven financial capacity for implementing the investment project is represented in line with provisions of Article 18 of this Decree.
7. A proposal for establishment of educational institution as specified in paragraph 5, Article 24 of this Decree and approved by an assessment council is presented.

Article 26: Formalities and Procedures of approval on principle of education institution establishment

1. Investor shall submit 08 (eight) dossiers, one of which is original, to the recipient authority stipulated in Article 16 of the Decree
2. Within 5 (five) working days since the date of Dossier's receipt, the authority accepting Dossier shall examine the validity and accuracy of the Dossier and submit it for comments from relevant authorities.
In case the Dossier is not valid, the authority accepting Dossier shall notify in writing the investor for modification and supplement.
3. Within 15 (fifteen) working days since the date of receipt of request for comments from the Authority, authority accepting Dossier shall reply in writing.
4. Within 40 (forty) working days since the date of valid Dossier's receipt, the recipient authority shall organize an appraisal and make appraisal report to submit to the authority in charge for consideration and approval in accordance with Art. 23 of this Decree.

5. Within 10 (ten) working days since the date of receipt of the appraisal reports the authority in charge shall consider and approve the establishment of educational institutions;
6. In case Dossier is rejected, the recipient authority shall inform in writing to the investor with reasoning in details.
7. Official letter approving on principle of the establishment of education institution will follow sample form 4 (attached)
(Total 50 working days: 2.5 months)

Section IV
JURISDICTION, DOSSIERS, CONDITIONS, ROUTINES, PROCEDURES FOR INVESTMENT CERTIFICATION

Article 27: Jurisdiction for investment certification

Jurisdiction for investment certification is subject to provisions of the Investment Law and relevant legislations.

Article 28: Investment assessment dossiers

1. For investment projects subject to principle approval procedures for investment and establishment of educational institutions specified in paragraph 1, Article 15 of this Decree, the investment assessment dossiers shall include:
 - a) Application for investment certification as required by the law;
 - b) Documents specified in paragraphs 2, 3, 4 and 5, Article 24 of this Decree;
 - c) Business registration application respective of individual types of business in line with business-related and relevant laws;
 - d) Joint venture agreements in case of establishment of a joint venture business between a local and foreign partner;
 - e) Written approval in principle of the investment and establishment of the educational institution.
2. For investment projects not subject to principle approval procedures for establishment of educational institutions specified in paragraph 2, Article 15 of this Decree, investment assessment dossiers shall include:
 - a) documents specified in items a, c and d, paragraph 1 of this Article;
 - b) documents specified in paragraphs 2, 4 and 5, Article 24 of this Decree;
 - c) land use request, principle agreement for lease of land or existing infrastructure in line with provisions of paragraph 6, Article 19 of this Decree.
3. For investment projects applying for establishment of branches of educational institutions:
 - a) Application for investment certification as required by the law;
 - b) Certified copy of the decision allowing establishment of the foreign-invested educational institution;
 - c) Certified copy of operational qualifying certificate of the foreign-invested educational institution;
 - d) Quality assurance certificate for the foreign-invested educational institution applying for opening branches or other accreditation papers of relevant authorities;
 - dd) Copy of the decision for opening branches attached with the minutes of the meeting between relevant officials on the opening of branches of the educational institution;

- e) Papers, documents validating the financial capacity required for opening branches;
 - f) A proposal for opening branches of the educational institution, which elaborates on:
 - the necessity for opening branches; line and scope of activities of the branches;
 - anticipated organizational structure, management, administration; branch building and development plan by phases; projected training scale corresponding to each developing phase of the branch;
 - tentative syllabus, faculty, diplomas, certificates in line with provisions of Articles 20, 21 and 22 of this Decree;
 - investment capital; progress of project implementation;
 - operational term of the branch;
 - technological, environmental solutions.
 - g) Land use request, principle agreement for lease of land or existing infrastructure in line with provisions of paragraph 6, Article 19 of this Decree.
4. Certification granted by foreign authorities to the investors shall be consularly legalized at the Ministry of Foreign Affairs of Vietnam or a diplomatic representative agency, consular agency or authorized agency with consular capacity of Vietnam in the foreign country, except when international treaties which Vietnam is a signatory states otherwise.

Article 29: Requirements for investment certification

Requirements for investment certification are specified as follows:

1. For investment projects subject to principle approval procedures for investment and establishment of educational institutions as specified in paragraph 1, Article 15 of this Decree:
 - a) The applicants can present eligible papers as specified in paragraph 1, Article 28 of this Decree.
 - b) The applicants meet the requirements of the Investment Law and relevant laws (which requirements to be specific? additional consultation with MPI);
 - c) Principle approval for investment and establishment of educational institutions is secured.
2. For investment projects not subject to principle approval for investment and establishment of educational institutions specified in paragraph 2, Article 15 of this Decree:
 - a) The applicants are among the eligible entities allowed to set up foreign-invested educational institutions in Vietnam as specified in Article 12 of this Decree.
 - b) The applicants can present eligible papers as specified in paragraph 2, Article 28 of this Decree.
 - c) The applicants meet the requirements of the Investment Law and relevant laws (which requirements to be specific? additional consultation with MPI);
 - d) The applicants can present an investment project to set up an educational institution relevant to the zoning plan of educational institution network approved by relevant authorities.
 - e) In case the to-be-established educational institution is not registered in the network zoning plan approved by competent authorities, the provincial People's Committee shall review the application on a case-by-case basis. Where needed, the Ministry of Education and Training or Ministry of Labor – Invalids – Social affairs may be consulted in the process.
 - f) A local land fund is available for allocation or lease to the investors and/or a principle agreement for lease of existing infrastructure secured by the investors is relevant to provisions of paragraph 6, Article 19 of this Decree.

- g) The applicants have proven financial capacity to implement the investment project as specified in Article 18 of this Decree.
 - h) A proposal for establishment of educational institutions specified in paragraph 5, Article 24 of this Decree is presented and reviewed by an assessment council.
3. For investment projects to open branches of educational institutions:
 - a) The applicants are among the eligible entities allowed to open branches as specified in Article 35 of this Decree.
 - b) The applicants can present eligible papers as specified in paragraph 3, Article 28 of this Decree.
 - c) The applicants meet the requirements of the Investment Law and relevant laws (which requirements to be specific? additional consultation with MPI);
 - d) A local land fund is available for allocation or lease to the investors and/or a principle agreement for lease of existing infrastructure secured by the investors is relevant to provisions of paragraph 6, Article 19 of this Decree.
 - e) The applicants have proven financial capacity to implement the investment project as specified in Article 18 of this Decree.
 - f) A proposal for opening branches as specified in item f, paragraph 3, Article 28 of this Decree is presented and reviewed by an assessment council.

Article 30: Processes and procedures for investment certification

1. The processes and procedures of investment certification are subject to the provisions of the Investment Law and relevant legislations.
2. For investment projects subject to principle approval for investment and establishment of educational institutions specified in paragraph 1, Article 15 of this Decree:

Based on the official notice approving in principle the investment and establishment of the educational institution, the receiving agency of the investment project dossier for assessment shall not be required to consult line ministries on educational specific requirements but instead such requirements shall be met by the investors prior to submitting the application for investment certification to relevant authorities.

3. For investment projects not subject to principle approval for investment and establishment of educational institutions specified in paragraph 2, Article 15 of this Decree:

Prior to applying to relevant authorities for investment certification, the agency receiving the project dossiers shall consult the Department of Education and Training in case of short-term educational institutions, preschool institutions, primary educational institutions and professional secondary schools and consult the Ministry of Labor – Invalids – Social affairs in case of projects to establish vocational centers and occupational secondary schools.

4. For investment projects to open branches of educational institutions:

Prior to applying to relevant authorities for investment certification, the agency receiving the project dossiers shall consult:

 - a) Ministry of Education and Training in case of application for opening branches of university educational institutions;
 - b) Ministry of Labor – Invalids – Social affairs in case of application for opening branches of occupational junior colleges;

- c) Department of Education and Training in case of application for opening branches of short-term educational institutions, preschool institutions, primary education institutions and professional secondary schools;
 - d) Department of Labor – Invalids – Social affairs in case of application for opening branches of vocational centers and occupational secondary schools.
5. Investment certification templates are subject to prevailing rules of law.

Mục V
JURISDICTION, DOSSIERS, CONDITIONS, ROUTINES, PROCEDURES FOR
ESTABLISHMENT OF FOREIGN-INVESTED EDUCATIONAL
INSTITUTIONS

Article 31: Decision-making competence

- 1. The Prime Minister grants permission for the establishment of foreign invested Universities;
- 2. Minister of MOET grants permission for establishment of foreign invested Colleges.
- 3. Minister of MOLISA grants permission for establishment of foreign invested vocational colleges;
- 4. Chairpersons of provincial People’s Committees grant permission for establishment of foreign invested short-time training institutions, pre-schools, primary and secondary education institutions and vocational training institutions (excluding vocational colleges).

Article 32: Application dossier

- 1. Application for establishment as attached Form No 5/...
- 2. Documents as specified in Items 2, 4, 5 Article 24 of this Decree
- 3. Acceptance of land use grant or land lease agreement where the educational institution plans to construct its premise or acceptance of the leasing of existing facilities in accordance with the provisions in Item 6 Article 19 of this Decree and other related legal materials.
- 4. Investment project of construction of the education facility, including the detailed design and explanatory statement.
- 5. Official letter approving in principle of the establishment of the educational institution in case the project is subject to the requirement of obtaining approval in principle of the establishment.
- 6. Investment license in case the project is subject to the procedures of investment license.
- 7. Report on the schedule of the construction of the facility of the education institution.
- 8. Schedule of project preparation in terms of education programs, lectures, degrees and qualifications as provided for in Articles 20, 21,22 of this Decree and plan of organization and management of the education institution.

Article 33: Requirements for establishment

1. Presentation of eligible papers as specified in Article 32 of this Decree;
2. Principle approval for investment and establishment of educational institutions for cases subject to investment and establishment principle approval procedures has been secured.
3. An investment certificate has been granted for cases subject to investment certifying procedures.
4. Proven financial capacity to conduct physical infrastructure construction and ensure subsequent operations of the institution;
5. Presentation of hand-over or lease papers issued by the provincial People's Committee in case physical infrastructure construction is required;
6. Presentation of a physical infrastructure construction proposal, which includes the description and blueprint of the educational institution;
7. A plan for the organizational structure and key management staff of the educational institution;
8. A human resources plan with quality teachers who are sufficient in number, consistent in composition, to ensure achievement of educational targets and plans in line with provisions of Article 21 of this Decree;
9. Presentation of learning plan, preparation of educational programs, learning materials, text books, educational equipment in line with provisions of Article 20 of this Decree;
10. Presentation of zoning and development plan of the educational institution relevant to the proposed operational term of the institution.

Article 34: Formalities and procedures of the establishment approval

1. Applicants (organizations or individuals) shall submit 08 (eight) dossiers, one of which is original and to be submitted to the accepting authority as provided for in Article 16 of this Decree.
2. Within 5 (five) working days since the date of Dossier's receipt, the authority accepting Dossier shall examine the validity and accuracy of the Dossier and submit it for comments from relevant authorities.

In case the Dossier is not valid, the authority accepting Dossier shall notify in writing the investor for modification and supplement.

3. Within 10 (ten) working days since the date of receipt of request for comments from the Authority, authority accepting Dossier shall reply in writing.
4. Within 30 (thirty) working days since the date of valid Dossier's receipt, authority accepting Dossier shall make examination report and submit to authority in charge for consideration and approval in accordance with Article 31 of this Decree;

5. Within 10 (ten) working days since the date of receipt of examination reports, authority in charge shall consider and approve the establishment of educational institutions;
6. In case Dossier is rejected, authority accepting Dossier shall inform in writing to the investor with reasoning in details.
7. Decision on the establishment of the education institution is as attached Form No.6.

Section VI
JURISDICTION, DOSSIERS, CONDITIONS, FORMALITIES, PROCEDURES
FOR BRANCH ESTABLISHMENT OF
FOREIGN INVESTED EDUCATIONAL INSTITUTIONS

Article 35: Branch establishment

1. Foreign-invested educational institutions operational in Vietnam accredited by an auditing agency or competent authority of Vietnam or a different country are allowed to open branches in the territory of Vietnam.
2. Branch opening of foreign-invested educational institutions shall meet requirements for investment certification specified in paragraph 3, Article 29; requirements for branch opening specified in Article 38 and requirements for operational qualifying certification of branches specified in Article 43 of this Decree.

Article 36: Decision-making competence

1. The Minister of Education and Training decides to grant permission for opening branches of university educational institutions based on approval of the provincial People's Committee where the university educational institution plans to open its branches.
2. The Minister of Labor – Invalids – Social affairs decides to grant permission for opening branches of occupational junior colleges based on approval of the provincial People's Committee where the university educational institution plans to open its branches.
3. The provincial People's Committee where the occupational educational institution (except occupational junior college), primary educational institutions, preschool institutions and short-term educational institutions plan to open branches decides to grant permission for opening branches of these institutions.

Article 37: Application Dossier for Branch Establishment

Application Dossier for Branch Establishment shall contain:

1. Application form for branch establishment of educational institutions as attached Form No.7
2. Documents as specified in b, c, d, dd, e, f Item 3 Article 28 of this Decree;
3. Investment license associating to the opening of the branch of the education institution.
4. Acceptance in principle of land lease or land use where the branch of foreign related educational institutions is planned to be constructed or acceptance in principle of the

leasing of existing material facilities in accordance with the provisions in Item 6 Article 19 of this Decree and other related legal documents;

5. Investment project of construction of the education facility, including the detailed design and explanatory statement in case of construction.
6. Report on the schedule of the construction of the facility of the education institution in case of construction.
7. Schedule of project preparation in terms of education programs, lectures, degrees and qualifications as provided for in Articles 20, 21,22 of this Decree and plan of organization and management of the education institution.

Article 38: Requirements for opening branches

1. Applicants being among the eligible entities for opening branches specified in Article 35 of this Decree;
2. Presentation of eligible papers as specified in Article 37 of this Decree;
3. An investment certificate has been granted attached to the branch opening decision of the educational institution;
4. Proven financial capacity to open branches as specified in Article 18 of this Decree;
5. Presentation of hand-over or lease papers issued by the provincial People's Committee in case physical infrastructure construction is required;
6. A plan for the organizational structure and key management staff of the educational institution branches;
7. A human resources plan with quality teachers who are sufficient in number, consistent in composition, to ensure achievement of educational targets and plans in line with provisions of Article 21 of this Decree;
8. Presentation of learning plan, preparation of educational programs, learning materials, text books, educational equipment in line with provisions of Article 20 of this Decree;
9. Presentation of zoning and development plan of the educational institution branches relevant to the proposed operational term of the branches.

Article 39: Formalities on branch establishment

1. Applicants (organizations or individuals) shall submit 08 (eight) dossiers, one of which is original and to be submitted to competent authorities as stipulated in Article 16 of this Decree.
2. The routines and procedures for licensing branch opening are subject to provisions of paragraphs 2, 3, 4, 5 and 6, Article 34 of this Decree.
3. The decision to allow branch opening of educational institutions are subject to the attached template 8.

Section VII
JURISDICTION, DOSSIERS, CONDITIONS, FORMALITIES, PROCEDURES
FOR OPERATIONAL QUALIFYING CERTIFICATION

Article 40: Deadline for Operation Registration

1. Upon receipt of establishment permit or branch opening decision, foreign-invested educational institutions or branches of such institutions shall be allowed to start delivering educational services only after having secured the operation qualifying certificate from a competent authority as specified in Article 41 of this Decree.
2. Within no more than three (03) years since the establishment decision or branch opening decision of foreign invested educational institutions is granted, universities, colleges, vocational colleges(excluding vocational training center) or their branches, and primary and secondary educational institutions shall completed related procedures and register its operations for being granted with Operations Certificate.

Beyond the above said time limit, if these institutions remain unqualified for operation capable certification, the establishment permit or branch opening decision previously granted to them shall be void.

3. Within maximum 02 years since receipt of establishment permit or branch opening decision, short-term training facilities, vocational centers or branches of these institutions and preschool institutions shall complete preparation and initiate operation registration procedures to secure an operation qualifying certificate.

Beyond the above said time limit, if such institutions remain unqualified for operation capable certification, the establishment permit or branch opening decision previously granted shall be void.

Article 41: Decision-making Competence

1. MOET Minister shall grant operational qualifying certificate for higher education institutions and their branches.
2. MOLISA Minister shall grant Operation Certificate for vocational colleges and their branches.
3. DOET Director of the provinces where the headquarter of the foreign invested educational institution is located shall grant Operation Certificate for pre-school, primary and secondary educational institutions, short-term training institutions, and professional colleges and their branches.
4. DOLISA Director of the province where the vocational training center, vocational junior college are located shall grant Operation Certificate for such institutions and their branches.

Article 42: Application Dossier

1. Application form signed and sealed by a legal representative of the educational institution, as shown in the attached Form No.9
2. A valid copy of the Establishment Permit of educational institutions or Decision of Establishment of educational institutions;

3. Internal Regulations of educational institution operation and its branches
4. Progress report on project implementation,,: capital contribution/borrowing status, total disbursed investment capital;
5. Statement on requirements fulfillment of the educational institutions or their branches with regulation as stipulated in articles 19, 20, 21, 22 of this Decree, attached along with:
 - a) List of board of management. Rector and his deputies, heads of sections and the chief accountant; for operation certification application of branches, a list of branch management staff and organizational structure shall be added.
 - b) List and CVs of staffs, teachers and lecturers (fulltime or visiting teachers);
 - c) Scholastic level, grade, specializations;
 - d) Teaching programs, syllabuses;
 - e) Students eligible for enrollment;
 - f) Regulation and schedule of enrollment;
 - g) Scope of training (pupil, students, learners);
 - h) Regulations on tuition and other fees;
 - i) Sample form of degrees and diplomas which will be used.
 - j) Rules on review, assessment, recognition of completion of training modules and courses;
 - k) Development plan of the educational institutions or branches of such institutions in the next 5 years, 10 years and 15 years.

Article 43: Requirements for operation qualifying certification

1. Presentation of eligible papers as specified in Article 42 of this Decree;
2. Qualified for requirements on investment capital, physical infrastructure, syllabus, faculty, diplomas, certificates specified in Articles 18, 19, 20, 21 and 22 of this Decree;
3. Streamlined human resources and organization at the educational institutions or branches;
4. Presentation of operating procedures in line with prevailing laws and regulations;
5. Qualified for other requirements specified in this Decree.

Article 44: Formalities, procedures of operational qualifying certificate

1. 06 (six) copies of registration dossiers, one of which is original, shall be submitted to competent authorities as stipulated in Article 16 of this Decree.
2. Within 20 (twenty) working days since the receipt of the dossiers, the receiving agency, in collaboration with related agencies and entities, shall commission on-site assessment and generation of reports for submission to relevant authorities for review and granting of the operation qualifying certificate.
3. In case Dossier is rejected, authority accepting dossier shall inform in writing to the investor with reasoning in details.
4. The operational qualifying certificate is issued using the attached Form No. 10.

Article 45: Amendment, supplement of activities or specializations; extension of scope and enrollment objects, adjustment of teaching programs

1. In case of amendment, adjustment of activities or specializations; extension of scope and enrollment objects, adjustment of teaching programs as stipulated in Operation Certificate, foreign invested education institution shall submit written application letter and dossier to competent authority as stipulated in Article 41 of this Decree for consideration and approval.
2. Within 20 (twenty) working days since the date of receipt of valid dossier of foreign related educational institutions, the authority receiving such application shall reply in writing.

Section VIII
ENROLLMENT SUSPENSION, OPERATIONS TERMINATION,
DISSOLVENT, SEPARATION, LIQUIDATION, MERGE
OF FOREIGN INVESTED EDUCATIONAL INSTITUTIONS

Article 46: Enrollment suspension, operations termination, dissolvent, separation, liquidation of foreign invested education institutions

1. Enrollment suspension of foreign invested educational institutions shall occur in the following cases:
 - a) Breaching of legal regulations pursuant to imposition of administrative sanction in sectors of education and training and subject to suspension;
 - b) Inability to ensure normal operations conditions as stipulated in this Decree, affecting teaching quality.
2. Foreign invested educational institutions shall terminate operations and subject to dissolvent in following cases:
 - a) Pursuant to decision of state management authority on education or judgment or decision of the Court or Arbitration due to serious violation of the laws.
 - b) Beyond the recruitment termination timeline and the cause to recruitment termination has not been addressed.
 - c) Investor's will;
3. The authority granting establishment permit for the foreign-invested educational institutions shall be authorized to decide for termination of operation and dissolution of such institutions.
4. Dossiers for dissolution of foreign-invested educational institutions must include:
 - a. Written request of the founding individual or entity of the educational institution;
 - b. Dissolution decision of the founding individual or entity of the educational institution, which provides:
 - Name and address of the principal premise of the educational institution;
 - Reason for dissolution
 - Timeline, procedures for dissolution of agreements and settlement of debts with priority on payment of pending salary, severance allowance and social security premium required by relevant laws and other benefits of the employees as stated in the signed collective employment agreement and working contracts, followed by any pending taxes and other debts.
 - Solutions to settle any liabilities arising from working contracts
 - Measures to warranty the benefits for teachers, employees and learners

- Full name of signature of the legitimate representative for the educational institution.
- c. Operation termination decision of the relevant government agency or verdict, ruling of the court or arbitrary entity in case of serious violation of the law.
5. Formalities and procedures of application for dissolution of foreign-invested educational institutions are set as under:
 - a) Application for dissolution of the educational institution shall be submitted to the receiving agency specified in Article 16 of this Decree.
 - b) Within 10 working days, the receiving agency, in collaboration with relevant agencies and entities, shall review the application, prepare an assessment report and submit the report to the competent authority specified in Article 31 of this Decree for review and decision.
 - c) Within 10 working days, competent authorities shall review and decide whether to agree in principle for the dissolution of the educational institution.
 6. Upon receipt of approval in principle for the dissolution, the founding individual or entity of the educational institution shall initiate dissolution procedures for any agreements, payment of debts, liquidation of assets of the educational institution within 6 months and report the following to relevant authorities:
 - a) report on outcome of the dissolution process, including commitment to pay up pending loans, inclusive of pending tax liabilities and legitimate benefits of employees.
 - b) List of creditors and paid loans, including payment of pending taxes and social security premiums
 - c) List of existing employees and settled employee's benefits
 - d) Corporate seal, seal registration certificate, tax payer code certificate
 7. Within 10 working days since receipt of the full legitimate application, the receiving agency shall refer the dossier to relevant authorities for confirmation of dissolution of the foreign-invested educational institution.
 8. The founding individual or entity of the foreign-invested educational institution shall bear the responsibility for the integrity and accuracy of the dissolution dossier.
 9. In case the dissolution dossier is found to be incorrect or counterfeit, the founding individual or entity of the foreign-invested educational institution shall be jointly responsible for settlement of any unpaid loans, taxes, employee's benefits and bear the personal responsibility before the law for any emerging consequences within 3 years since the submission of the dissolution application to relevant authorities.

Article 47: Partition, segregation, merger and acquisition of foreign-invested educational institutions

1. Partition, segregation, merger and acquisition of foreign-invested educational institutions shall uphold the following principles:
 - a) relevance to the zoning plan for educational institution network;
 - b) meeting socio-economic development demands in Vietnam;
 - c) ensuring interests of employees, teachers and learners
 - d) contributing to higher educational quality and efficiency.

2. The authority granting establishment permits for foreign-invested educational institutions shall decide on the partition, segregation, merger and acquisition of the educational institutions.
3. Dossiers for partition, segregation, merger and acquisition of foreign-invested educational institutions include:
 - a) Application for partition, segregation, merger, acquisition of the educational institution
 - b) One of the following papers:
 - The decision of partitioning the foreign-invested educational institution endorsed by the share holders plenary. The partitioning decision of a foreign-invested educational institution must comply with prevailing rules and provide information about name, address of the educational institution being requested for partitioning; name and address of the educational institutions to be established; principles and procedures of division of assets; employee utilization plan; timeline and procedures for transfer of stakes, shares, bonds of the to-be-partitioned educational institution to new educational institutions; principles for settlement of the liabilities of the educational institution being partitioned; timeline for completion of the partitioning. The partitioning decision shall be forwarded to all creditors and notified to all employees within one month from the date of decision approval.
 - The decision of segregation of the foreign-invested educational institution endorsed by the share holders plenary. The segregating decision of a foreign-invested educational institution must comply with prevailing rules and provide information about name, address of the educational institution being requested for segregation; name and address of the educational institutions to be established; assets value, rights and liabilities to be transferred from the segregated educational institution to the established educational institutions; employee utilization plan; timeline for completion of the segregation. The segregation decision shall be forwarded to all creditors and notified to all employees within one month from the date of decision approval.
 - An acquisition agreement drafted by related educational institutions. This acquisition agreement must provide main information including name, address of the principal premise of the acquiring educational institution; name, address of the principal premise of the educational institution being acquired; procedures and conditions for the acquisition; employee utilization plan; timeline, procedures and conditions for transfer of assets, stakes, shares, bonds of the acquired educational institution as stakes, shares, bonds of the acquiring educational institution; timeline for completion of the acquisition.
 - A merger agreement drafted by related educational institutions. This merger agreement must provide main information including name, address of the principal premise of the educational institutions accepting the merger; procedures and conditions for the merger; employee utilization plan; timeline, procedures and conditions for transfer of assets, stakes, shares, bonds of the merged educational institution as stakes, shares, bonds of the educational institution accepting the merger; timeline for completion of the merger; draft charter of the constituted educational institution.
4. Procedures and routines for partition, segregation, merger and acquisition of foreign-invested educational institutions:
 - a) Application submitted to a receiving agency as specified in Article 16 of this Decree

- b) Within 90 working days, the receiving agency shall initiate assessment of the application and refer it to relevant authority as specified in Article 31 of this Decree for review and decision.
5. The Minister of Education and Training and Minister of Labor – Invalids – Social affairs provide in details requirements of the assessment council for partition, segregation, acquisition and merger of foreign-invested educational institutions.

Chapter IV **REPRESENTATIVE OFFICE** **OF FOREIGN EDUCATIONAL INSTITUTIONS IN VIETNAM**

Article 48: Representative Office of Foreign Educational Institutions in Vietnam

1. Representative office of foreign educational institutions in Vietnam (hereinafter referred to as Representative Office) is the member unit (representative body) of foreign organizations, education and training institutions operating in education, granted of establishment and operation permit by Vietnamese competent authority.
2. Representative Office has the following functions:
 - a) Represent foreign education and training organizations and institutions in boosting cooperation with local education and training institutions of Vietnam through developing joint projects and cooperation programs in those areas of Vietnam's interest in education and training sector.
 - b) Organize exchanges, consulting, information exchange, workshops, and exhibitions in education and training in order to introduce an education and training institution;
 - c) Follow-up and supervise the implementation of agreements on cooperation in education and training signed with Vietnamese organizations and education and training institutions.
3. Foreign education Representative Office in Vietnam is not allowed to set up representative office or branch of Representative Office in Vietnam.

Article 49: Name of foreign educational representative office

Representative Office name is stipulated as follows:

The name of a foreign educational representative office shall be constituted from the elements and in the order described below:

Representative Office + name of foreign educational institutions and organizations + in Vietnam

Article 50: Decision-making competence for Establishment of Representative Office

1. MOET Minister grants the establishment permit for Representative Office of foreign educational institutions and organizations operating in education and training activities in Vietnam;
2. MOLISA Minister grants the establishment permit for Representative Office of foreign educational institutions and organizations in vocational training in Vietnam;

3. Authority competent of granting Representative Office establishment permit also has right to extend , modify, amend and withdraw Permit; temporary suspend of operations and dissolve the Representative Office;

Article 51: Dossier of application for Representative Office in Vietnam

1. Dossier of application for Representative Office in Vietnam shall include:
 - a) Application form for Representative Office establishment in accordance with attached Sample form No 11 ... as attached
 - b) Verification on the legal status of the foreign education and training institution.
 - c) Quality assurance certificate of the foreign educational institution applying for establishment of representative office or quality certificate issued by relevant authorities;
 - d) Papers, documents evidencing the financial capacity of the foreign educational entity, institution;
 - dd) Charter, operation principles and objectives of foreign education and training institutions and organizations;
 - e) Briefs on history and development of foreign education and training institutions and organizations;
 - f) Briefs on development of cooperation programs and projects between foreign education and training institutions and organizations with Vietnamese education and training organizations and institutions (if any);
 - g) Draft charter of the foreign educational representative office in Vietnam;
 - h) CV of tentatively assigned as Head of Representative Office verified by authorities of State where head office is located; and Recommendation letter of the head of foreign education and training institutions and organizations on appointment of Head of Representative Office in Vietnam.
2. Documents and correspondences (attached with application dossier) granted by foreign State shall be legalized at the Ministry of Foreign Affairs of Vietnam or its diplomatic missions and or consular sections of Vietnam overseas or an agency authorized to perform Vietnamese consular function in a foreign country, unless otherwise stipulated by international treaties that Vietnam is a party.

Article 52: Establishment conditions of Representative Office

1. Having legal status in accordance with laws of the state, territory (hereinafter State) where the head office of foreign education and training institutions and organizations is located.
2. Accredited educational entities, institutions or those with quality recognized by relevant authorities;
3. Having clear financial resources, proof of real operation capability of foreign education and training institutions and organizations, and recognition from State where establishment was permitted.
4. Having Charter, precise principles and objectives, operating for at least 3 (three) years completed course in the State of origin.
5. Having programs, cooperation and research projects conformable with development requirement in the education and training sector of Vietnam, and not in contrary to guidelines, policies and applicable laws of Vietnam.

Article 53: Formalities, Procedures for Establishment of Representative Office

1. Foreign education and training institutions and organizations applying for Representative Office establishment shall submit 06 (six) dossiers to MOET or MOLISA (hereinafter Ministries in charge) as stipulated in Article 51 of this Decree;
2. With 30 (thirty) working days since receipt of valid dossier from foreign education and training institutions and organizations, the authorities accepting Dossier shall organize examination, draft report on examination and submit to authorities in charge as stipulated in Article 50 of this Decree for approval of Representative Office Establishment or foreign education and training institutions and organizations.

In case Dossier is rejected, authority accepting dossier shall inform in writing to the investor with reasoning in details.

3. Permit for opening of foreign educational representative office using attached Form No.12.../ VPDD

Article 54: Operation Registration

1. Within thirty (30) working days upon being granted of Permit, Representative Office shall register its operations with provincial DOET or DOLISA where Representative Office's head office is located.
2. Dossiers shall contain:
 - a) Registration form under form No.13 as attached;
 - a) Dossiers as stipulated in point b, c, d, đ, e, f, g, h Section 1 Article 51 of this Decree;
 - b) Establishment Decision of the Representative Office
3. Within 10 working days since receipt of operation registration application of foreign educational representative offices, the receiving agency shall review and refer the document to Director of Education and Training Department or Labor – Invalids – Social affairs Department for issuance of operation certificates.
4. The operation certificate of foreign educational representative office is issued using the attached template No. 14
5. With 20 (thirty) working days since the receipt of Operations Registration Certificate, Representative Office shall inform to local and central newspapers in 05 (five) consecutive issues with the following content:
 - a) Representative Office name in Vietnamese and a common foreign language;
 - b) Establishment Decision (No, date and issuing authority)
 - c) Full name of head of Representative Office;
 - d) Head office location, telephone and fax number; logo, and website (if any) and email
 - e) Correspondence bank account
6. Upon completion of operation registration, Representative Office can carry out activities in accordance with objectives, scope of activities, terms and location as stated in the Decision;

7. Within the period as stipulated in the Item 5 of this Article, Representative Office shall officially carry out its activities in accordance with regulations and inform to Authorities in charge about commencing of Representative Office operations at the registered location.

Article 55: Modification, amendment, extension and re-issue of the Establishment Decision

1. Foreign education and training institutions and organizations shall register modifications, amendments, extensions of the Decision in the following cases:
 - a) Change in name, head of foreign education and training institutions and organizations in the country of origin where they have been established;
 - b) Change in name, head of Representative Office;
 - c) Upon expiration of the Decision, if wishing to extend, foreign education and training institutions and organizations shall submit application to Ministries in charge in at least 30 (thirty) days prior to the expiry date of the Decision.
2. Foreign education and training institutions and organizations shall apply for re-issue *of the Decision in the following cases:*
 - a) Change in functions and scope of operation of foreign education and training institutions and organizations;
 - b) Change in head office location from one country to the other;
 - c) Decision is lost or damaged.
3. Within 10 days since the date of change, foreign education and training institutions and organizations shall commence the procedures for registration of modification, amendment, extension and re-issue of the Decision to be submitted to competent authorities. Application Dossier shall contain:
 - Full name and address of Representative Office
 - Decision (No, date and issuing authority)
 - Operation Registration (No, date and issuing authority)
 - Content of Modification and supplementation
 - Reasons for modification, amendment, extension and re-issue of the Decision.
4. Within 30 (thirty) days since the date of receipt of valid dossier from foreign education and training institutions and organizations, competent authority shall consider and re-issue Establishment Decision or amended and modified Decision.

In case Dossier for modification, amendment, and extension of Establishment Decision is rejected, authority accepting dossier shall inform in writing to the applicant.

5. Upon receipt of permission for modifications and amendments from competent authority, foreign education and training institutions and organizations shall publish about such changes in local and central newspapers in 05 consecutive issues.

Article 56: Operation termination and Decision withdrawal

1. Operation termination of Representative Office occurs in following cases:
 - a) Expiration of validity as stipulated in the Decision without obtaining extension from competent authority;
 - b) Foreign education and training institutions and organizations's will
 - c) Decision of Representative Office is withdrawn under Item 2 of this Article.

2. Establishment Decision of Representative Office will be withdrawn if Representative Office or foreign education and training institutions and organizations operations are inconsistent with the Decision, breaching regulations of this Decree and other relative clauses of Vietnam laws.
3. Authority granting the Decision bears the responsibility to inform foreign education and training institutions and organizations and relating provincial people committees on reason of the Decision withdrawal or operation termination prior to actual operation termination of Representative Office.
4. Within 80 (eighty) working days since the date of operation termination announcement, Representative Office must complete all procedures to settle debts, tax payments, salary, welfare, rent payment and other financial commitments if any; return the Establishment Decision, seal and report to the authority in charge. Such a deadline may be extended up to one year upon consent of the authority in charge.

Article 57: Rights and responsibilities of Representative Office

1. Representative Office enjoys protection under Vietnamese laws
2. Operations of Representative Office in Vietnam shall be in accordance with objectives and scope as stipulated by the Decision;
3. Head of Representative Office shall be responsible for all of its operations, including annual report in writing (to be submitted no later than 15th of December each year) on operations of the Representative Office to authority in charge. He or she is also in charge of reporting, documents providing and giving due explanations for issued related to operations of Representative Office upon request of authority in charge;
4. Foreign staffs of Representative Office shall:
 - a) Follow correct purpose of immigration;
 - b) Restrain from operations not stipulated in the Decision or incompatible with specializations, and involve in other projects unless agreed and approved in writing by authority in charge of Vietnam;
 - c) Strictly obey laws and traditions of Vietnam. All breaches of Vietnamese legal regulations will be dealt with in accordance with Vietnamese laws.

CHAPTER V FINANCE

Article 58: Financial regime of joint education project with foreign partners

1. Joint programs with foreign partners in education shall operate on a cost-recovered basis;
2. Joint partners shall define the tuition fee which should be conformed with standards, specializations, fields of education, and quality of education services.
3. Incomes of joint education programs with foreign partners shall be used solely for training expenses, reinvestment, establishment of scholarship fund, debt payment (if any) without overseas remittance (except for loan and interest payment, and

settlement of procurements of equipments for teaching, training and science research

4. Vietnamese party in a joint education programs with foreign partners shall be responsible for the management and implementation of accounting system under Vietnamese current regulations applicable to sources of income of joint education and training activities.
5. Financial transparency shall be performed in accordance with grassroot democracy principles and State's regulations.

Article 59: Financial and asset regime of foreign invested educational institutions

1. Assets of foreign-invested educational institutions
 - a) Assets of foreign-invested educational institutions include constructed structures on leased and allocated land, products of researches and technology transfer, other equipment and assets owned and utilized in accordance with the laws.
 - b) On an annual basis, the educational institutions shall conduct stock-taking and revaluation of assets and physical infrastructure used in its operations in compliance with relevant regulations.
2. Revenue
 - a) revenue from learners' tuition fees specified by the educational institution;
 - b) revenue from researches, technology transfer, trial production and services;
 - c) donor funds from local and foreign individuals and entities;
 - d) other legitimate revenues allowed by the laws.
3. Expenditure
 - a) regular expenses for training and scientific research activities
 - b) costs of trial production, service delivery, settlement of state budget liabilities
 - c) investment development costs including physical infrastructure development, procurement of fixed assets, equipment, implementation of investment projects
 - d) payment of loans and holdings
 - e) other expenses
4. Foreign invested educational institutions are legally independent unit, self-financing, having bank account in foreign currency and Vietnamese Dong at commercial banks for the institution's operation.
5. Foreign invested educational institutions can provide education services on a fee basis to secure the due expenses of the level and field of training. Tuition fee shall be defined by the educational institution based on quality of education services and be informed publicly.
6. Foreign invested educational institutions are allowed to obtain loans from foreign and domestic credit institutions, mobilizing capital from employees and staffs to invest in the institution development, and to take full responsibility in repaying the debts as stipulated by law.
7. Foreign invested educational institutions are to implement accounting regime and standards under current regulations of Vietnam laws. Financial audit shall be conducted annually. The financial audit report of the foreign invested educational institution must be submitted to the Department of Finance and Department of

Education of the city/province where its headquarter is located, within 02 months since receiving the official Audit Report from independent Auditor.

8. Equipments, textbooks imported for teaching and learning purpose of the foreign invested educational institutions are tax exempted under the current regulations.
9. Foreign invested educational institutions enjoy Corporate Income Tax incentives under current regulations. Grants are considered to deducted from expenses taxable for corporate income under current regulations.

Article 60: Financial regime of representative offices of foreign educational institutions

1. Representative offices of foreign educational institutions are not allowed to provide education and training services (or related to training and education) on a fee basis.
2. Are allowed to open foreign currency and Vietnamese Dong nominated accounts in commercial banks to receive funding from headquarters abroad, to purchase and pay for services spent by the office in Vietnam.
3. Staff of Representative offices of foreign educational institutions have to pay personal income tax.
4. Are exempted from import tax on the equipment and stationary used for the office's operation in Vietnam according to current regulations.
5. Are to conduct annual audit. The audit report must be submitted to the Department of Finance and Department of Education or Department of Labour, Invalids and Social Affairs of the city/province where its headquarter is located, within 2 months since receiving the official Audit Report from the independent Auditor.

**Chapter VI
STATE MANAGEMENT**

Article 61. Content of state management over cooperation and investment with foreign partners in education and training

1. Development and management of implementation of strategies, zoning plans, plans and policies for partnership and investment involving foreign parties in the educational sector;
2. Ratification, dissemination, guidance and implementation of policies, legal normative documents for partnership and investment involving foreign parties in the education sector;
3. Governance in international cooperation, inspection, audit, supervision of signing and implementing international cooperation agreements between local and foreign entities and institutions, ensuring compliance with the Vietnamese laws;
4. Defining targets, syllabus, contents, physical infrastructure, faculty, diplomas, certificates arrangements for joint training programs involving foreign parties and foreign-invested educational institutions;

5. Development and management of the training process and educational quality accreditation for joint training programs involving foreign parties and foreign-invested educational institutions;
6. Organization and management of Vietnamese citizens sent abroad for learning, teaching, academic exchange, conferences, workshops and foreign individuals, Vietnamese residing overseas entering Vietnam to perform the aforementioned activities;
7. Issuance, amendment, revocation of licenses or permits to implement joint training programs with foreign parties;
8. Issuance, amendment, revocation of permits for opening foreign educational representative offices;
9. Issuance, amendment, revocation of investment certificates;
10. Issuance, amendment, revocation of permits to establish educational institutions, decisions to open branches of educational institutions and operational certificates of foreign-invested educational institutions;
11. Providing guidance and support for investors in implementing investment projects and addressing impediments and investors' needs in development of educational institutions;
12. Evaluation of macro economy impacts and effectiveness of investment in the educational sector;
13. Cooperation with governance agencies of all levels in management of education-related investment;
14. Education-related training, refresher training, building investment managerial capacity for the investment governance system of all levels;
15. Guiding and conducting inspection, audit, supervision, performance evaluation; addressing claims, denunciations, awards, commendation and infringements for cooperation and investment involving foreign parties in the educational sector.

Article 62: Authority and responsibilities of Ministry of Education and Training

The Ministry of Education and Training performs the governance role in cooperation and investment involving foreign parties in the educational sector with the key mandates below:

1. Developing for submission to relevant agencies for ratification or ratifying in its jurisdiction legal normative documents on cooperation and investment involving foreign parties in the education area; issuing document templates used in cooperation and investment involving foreign parties in the education area as specified in this Decree;
2. Commissioning assessment and approval of proposals for joint training programs involving foreign partners in higher education;

3. Providing procedural guidance; receiving applications; commissioning assessment; making decisions in its jurisdiction or submitting to the Prime Minister for deciding on licensing establishment of foreign-invested higher educational institutions, branches of these institutions and foreign educational representative offices in Vietnam;
4. Providing procedural guidance; receiving applications; commissioning assessment; making decisions on operation qualifying certification for higher educational institutions;
5. Coordinating related agencies to provide comprehensive organizational arrangements and management of joint training programs involving foreign partners in higher education, foreign-invested educational institutions and foreign educational representative offices under the jurisdiction of the education and training sector;
6. Guiding, organizing training, refresher training, building governance capacity for education and training institutions on cooperation and investment involving foreign parties in the education area;
7. Guiding, organizing monitoring, inspection, supervision, performance audit, settlement of claims, denunciations, awards and commendations, and infringements pertaining to cooperation and investment activities involving foreign parties in the educational area;
8. On a 6-monthly and annual basis, reporting to the Prime Minister on the implementation of cooperation and investment programs/projects involving foreign parties in the educational area.

Article 63: Authority and responsibilities of Ministry of Labor, Invalid and Social Affairs

Ministry of Labor, Invalid and Social Affairs implement the function of state management over cooperation and investment in vocational training, detailed as follows:

1. To formulate and submit to the authorized leadership for promulgation or promulgate according to its competency legal documents governing cooperation and investment in with foreign partners in vocational training as stipulated in this Decree.
2. To commission the assessment and approval of proposals for joint training programs involving foreign partners in occupational junior colleges;
3. To provide procedural guidance; receive applications; commission the assessment; make decisions on establishment of foreign-invested occupational junior colleges and branches of these institutions, and representative offices of foreign vocational training entities and institutions in Vietnam;
4. To provide procedural guidance; receive applications; commission the assessment; make decisions on operation qualifying certification for occupational junior colleges;

5. To coordinate related agencies to provide comprehensive organizational arrangements and management of joint training programs involving foreign partners in vocational training, foreign-invested vocational training facilities and foreign educational representative offices in the vocational training area;
6. To provide guidelines; organize training, refresher training, building governance capacity for Departments of Labor – Invalids – Social affairs on cooperation and investment involving foreign parties in the vocational training area;
7. To provide guidelines; organize monitoring, inspection, supervision, performance audit, settlement of claims, denunciations, awards and commendations, and infringements pertaining to cooperation and investment activities involving foreign parties in the vocational training area;
8. On a 6-monthly and annual basis, report to the Prime Minister on the implementation of cooperation and investment programs/projects involving foreign parties in the vocational training area.

Article 64: Authority and responsibilities of Ministry of Planning and Investment

1. To work with related ministries, sectors and provincial People’s Committees in reviewing applications for establishment of foreign-invested higher education educational institutions and occupational junior colleges;
2. To monitor, supervise, audit investment activities under its jurisdiction; develop plans and agenda for inter-ministerial monitoring, supervising and audit of investment activities in education; oversee the issuance, amendment, revocation of investment certificates of the investment certifying agencies in line with provisions of the Investment Law and related legislations; monitor, supervise the compliance with zoning plans approved by relevant authorities in the investment process;
3. To cooperate with the Ministry of Education and Training, Ministry of Labor – Invalids – Social affairs and related agencies for comprehensive management of foreign-invested educational institutions;
4. To provide guidelines and support for the investors in implementing investment projects and addressing hindrances and investors’ needs in development of educational institutions;
5. On a 6-monthly and annual basis, summarize status of investment in education and report to the Prime Minister.

Article 65: Authority and responsibilities of Ministry of Finance

1. To coordinate with ministries, sectors, and provincial people’s committees to appraise applications for establishment of foreign invested educational institutions.
2. To coordinate with ministries, sectors, and provincial people’s committees to perform check-up, inspection, and supervision of financial activities of cooperation and investment projects or programs with foreign partners in the education and training

3. To report, on a periodic semiannual and annual basis, to the Prime Minister on the financial status of cooperation and investment projects or programs with foreign partners in the vocational training.

Article 66: Authority and responsibilities of provincial people's committees

1. To develop the provincial master plan educational institution networks and make decision according to their competency, or submit to the authorized level for decision;
2. Based on the approved zoning plan for educational institution network, formulate and announce a list of prioritized projects in the local education sector; motivate and promote investment;
3. To commission assessment; issue, amend and revoke investment certificates and permits for establishment of foreign-invested educational institutions (except higher education institutions and occupational junior colleges) and branches of these institutions in case branch opening is allowed;
4. To perform the governance authority on cooperation and investment programs/projects involving foreign parties in education under provincial jurisdiction with the main attention to:
 - a) Coordinating related agencies to provide comprehensive organizational arrangements and management of foreign-invested educational institutions and foreign educational representative offices operational in the province;
 - b) Monitoring, supervising and auditing achievement of investment project targets, progress of capital contribution and project implementation; overseeing and inspecting the performance of financial liabilities, employment and payroll arrangements to secure the legitimate interests and benefits of both employees and employers, effective functioning of civil societies; protect the environment; coordinating related ministries and sectors in carrying out audit of local investment projects;
 - c) Site clearance, allocation and lease of land, land use right registration and land utilization management for foreign-invested educational institutions;
 - d) Addressing challenges and obstacles the investors might confront; making recommendations to the Prime Minister or relevant ministries and sectors on solution to issues beyond its jurisdiction;
 - e) Conduct evaluation of investment outcome in the local education sector.
5. On a bi-annual and annual basis, reporting to the Ministry of Planning and Investment, Ministry of Education and Training, Ministry of Labor – Invalids – Social affairs on education-related cooperation and investment activities involving foreign parties in the province.

Article 67: Inspection, examination, and administrative sanctions

1. Inspection and examination
 - a) Ministry of Education and Training, Ministry of Labour, Invalids & Social Affairs and other state management agencies perform the function of inspection and examination as stipulated by law on joint education programs, foreign invested educational institutions, and representative offices of foreign educational institutions in Vietnam.

- b) The scope, organization and performance of investment inspection are in compliance with the Law on Investment and legal regulations on the inspection of state management over investment and investment projects.
2. Administrative sanctions in the education
 - inspectors from Ministry of Education and Training, Ministry of Labour, Invalids & Social Affairs and other state management agencies, within their competency as stipulated by Government Decrees on administrative sanctions in the education area, are authorized to impose administrative sanctions in the education.
 - Breaches of legal regulations on investment and sanctions of those breaches are in accordance with the relevant laws.
3. Settlement of disputes relating to investment activities are performed in accordance with Article 12 of the Law on Investment and relevant regulations.

CHAPTER VII ENFORCEMENT

Article 68: Application of law for representative offices and foreign invested educational institutions having operated before this Decree comes to effect

1. Representative offices and foreign invested educational institutions that have acquired establishment permits before the promulgation of this Decree are not subject to re-appraisal, but are required to supplement and complete their dossiers within 60 (sixty) days of this Decree's effect and fully comply with the stipulation of this Decree.
2. Representative offices and foreign invested educational institutions that are operating in Vietnam without establishment permits are, within 60 (sixty) days of this Decree's effect, to perform application procedure for licensing as stipulated by this Decree. Beyond this deadline, they are forced to terminate operation and are subject to sanctions as stipulated by law.

Article 69: Enforcement

1. This Decree shall be of full force after 15 days of publication on the Official Gazette
2. This Decree shall annul:
 - a) Decree 06/2000/ND-CP dated 06 March 2000 by the Government on investment and cooperation with foreign partners in the areas of health care, education, training, and scientific researches;
 - b) Decree 18/2001/ND-CP dated 04 May 2001 by the Government on the establishment and operation of foreign cultural and educational institutions in Vietnam;
 - c) Other regulations relating to cooperation and investment in education, training, and vocational training that are against this Decree.
3. Ministers, leaders of ministerial level agencies and government agencies, Chairs of provincial People's Committees, within their authorized power, are to instruct and carry out the implementation of this Decree.

**FOR AND ON BEHALF OF THE GOVERNMENT
PRIME MINISTER**