



HANKUK
Lawfirm

Newsletter

Key updates of

Decree No. 249/2026/NĐ-CP

Regarding the enforcement of expulsion, management, and regimes applicable to persons staying at detention facilities while awaiting departure

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Effective date

This Decree takes effect from **01/07/2026** and replaces Decree No. 65/2020/ND-CP dated 10 June 2020 of the Government, which provides regulations on the management and regimes applicable to persons staying at facilities while awaiting departure.

Decree No. 65/2020/ND-CP

- Regulations on the management and applicable regimes for persons accommodated at stay facilities pending departure.
- Provisions on the responsibilities of stay facilities for the management and supervision of persons awaiting departure.
- Focusing on the management of persons accommodated at stay facilities
- Provides for regimes concerning meals, clothing, accommodation, healthcare, communication, visits, receipt of gifts, burial arrangements, and other related matters

Decree No. 249/2026/ND-CP

- Expands the scope of regulation by covering the enforcement of expulsion, as well as the management and applicable regimes for persons awaiting departure.
- Provides a comprehensive procedure for the enforcement of expulsion decisions, including handover, escort, and management during the period pending departure.
- Maintains the existing provisions while further clarifying the responsibilities of competent authorities and stay facilities throughout each stage of the expulsion enforcement process.
- Maintains the basic regimes while updating and further refining them to align with the new management procedures.

Subjects of application

For enterprises employing foreign workers, it is essential to stay updated on Decree No. 249/2026/ND-CP in order to:

- Understand the procedures for handling cases where foreign employees are subject to expulsion measures;
- Proactively coordinate with the competent authorities when procedures related to such cases arise;
- Minimize legal risks resulting from non-compliance with the new regulations.



A person subject to the penalty of expulsion under a criminal judgment



A foreign national subject to the administrative sanction of expulsion



A foreign national who has completed a term of imprisonment and is awaiting departure from Vietnam



A person subject to emergency detention pending an extradition request

Regime Applicable to Persons in Temporary Residence (Articles 14 and 15)



3 m²-4 m²

3 m² / person (with a bed, sleeping platform, blanket, and mosquito net)
4 m² / person (for pregnant women or women with young children)
Separate medical isolation and mental health rooms



Food Ration (per month)

Public holidays and Tết: Additional food may be provided, up to five times the standard daily ration

17kg

White rice

15kg

Vegetables

1.5kg

Meat

1.5kg

Fish

5

Eggs



Clothing allowance:

Provision of 1-2 sets of regular fabric garments



Visitation Regime

(Article 18)

Eligible Persons for Visits

Persons in temporary residence may receive visits from:

- Relatives;
- Legal representatives.

In addition, representatives of Vietnamese agencies, organizations, or other individuals may be permitted to visit if the Head of the temporary residence facility considers and decides that such visits are appropriate and consistent with the legitimate rights and interests of the person in temporary residence, as well as management requirements and crime prevention measures.



Regular visits

- Frequency: 1 visit per week
- Duration: Up to 2 hours / visit
- Number of visitors: Up to 3 persons; up to 5 persons with approval from the Head of the temporary residence facility

Visits with a spouse in a private room

- Conditions: Compliance with internal regulations and provision of a marriage registration certificate
- Frequency: 1 visit per month
- Duration: Up to 24 hours



Violation of the rules

- Applicable sanction: Downgrading of visitation privileges
- Frequency: Reduced to 1 visit per month
- Duration: Up to 1 hour / visit



Visitation Procedures

A relative or legal representative who wishes to visit a person in temporary residence must submit an application for a visit in the prescribed form and present valid identification documents (including a passport, identity card, citizen identification card, VNeID electronic identification account, or other lawful documents) so that the temporary residence facility can verify and confirm the proper identity and eligibility of the visitor.

Where a person in temporary residence is allowed to meet with their spouse in a private room, the spouse must provide documents evidencing the marital relationship as certified by a competent authority. In addition, both parties must submit an application requesting a private-room visit to the Head of the temporary residence facility for review and approval.

The arrangement and organization of visits shall be determined by the Head of the temporary residence facility, taking into account actual conditions, the facility's operating hours, and regulations governing the management of persons in temporary residence.



Procedures for Visits and Consular Contact

(Articles 18 and 19)

- Mandatory items for safekeeping: Money, jewelry, identification documents, and bank cards
- Receiving gifts/letters: Allowed after inspection by officers, except for prohibited items



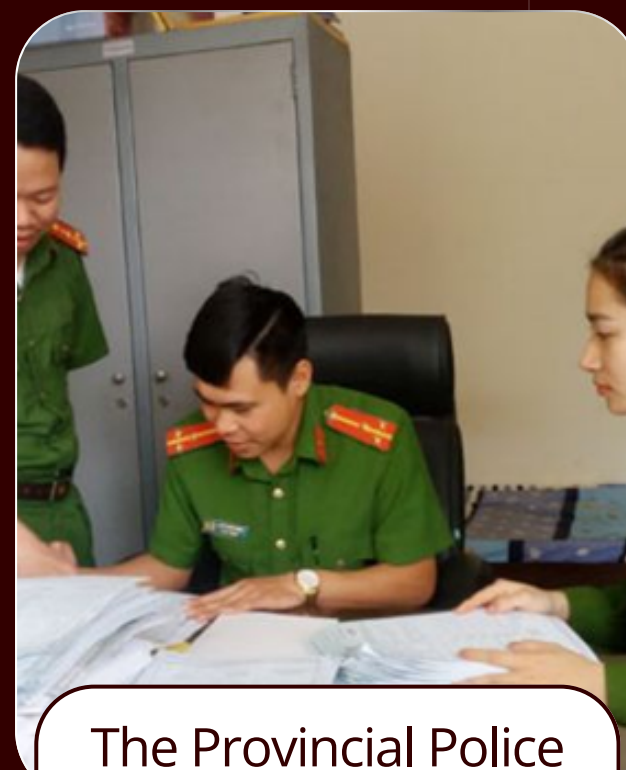
A foreign authority submits an official dispatch to the Ministry of Foreign Affairs

+ 3 days



The Ministry of Foreign Affairs notifies the Provincial Police

+ 5 days



The Provincial Police responds to the Ministry of Foreign Affairs

+ 2 days



The Ministry of Foreign Affairs issues a Letter of Introduction



Crisis Management

(Articles 9, 13, and 24)

In the event of violations of internal regulations or acts of resistance:



Fugitive Search Procedure (in cases of escape)



The facility draws up a written record and immediately reports to the provincial-level authority



The Provincial Police notifies the Ministry of Foreign Affairs / Consulate and issues a Fugitive Search Decision



Upon recapture or voluntary surrender: Draw up a written record, return the person to the temporary residence facility, and issue a Decision on Cancellation of the Fugitive Search



Deportation and Compulsory Departure from the Territory (Article 11)



Temporary residence facility



Escort along the prescribed route



Port of exit

Final notification



Provide 24-hour advance notice to the temporary residence facility and the border checkpoint control authority

Escort



The Provincial Police shall conduct the escort. Expulsion by land shall not be conducted during nighttime hours.

Forced removal by air



If not voluntary, coordinate with the airline and conduct direct escort in accordance with international aviation law

01. Expert Examination

Notify the provincial-level Investigation Authority and the provincial-level People's Procuracy to determine the cause of death.

02. International Notification

Notify the Ministry of Foreign Affairs to coordinate with the relevant Consulate and notify the deceased's next of kin.

03. Collection of the Body/Ashes

The next of kin must submit an application to collect the deceased's body within 48 hours (at their own expense). Collection of cremated remains is permitted only after three (3) years.



Procedures for Handling the Death of a Temporary Resident (Articles 22 and 23)

04. Responsibility for Funeral Arrangements

If the deceased's body is not claimed, the State shall cover the funeral expenses, including one wooden coffin, one set of clothing, 4 m² of burial shroud fabric, and other expenses equivalent to the value of 100 kg of rice.



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Thank You

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