

THE GOVERNMENT

SOCIALIST REPUBLIC OF VIETNAM

Independence - Freedom – Happiness

No. 124/2024/ND-CP

Hanoi, October 5, 2024

DECREE

ON AMENDMENTS TO DECREE NO. 86/2018/ND-CP DATED JUNE 6, 2018 OF THE GOVERNMENT ON FOREIGN COOPERATION AND INVESTMENT IN THE FIELD OF EDUCATION

Pursuant to the Law on Government Organization dated June 19, 2015; the Law on amendments to the Law on Government Organization and the Law on Local Government Organization dated November 22, 2019;

Pursuant to the Law on Education dated June 14, 2019;

Pursuant to the Law on Higher Education dated June 18, 2012; the Law on amendments to the Law on Higher Education dated November 19, 2018;

Pursuant to the Law on Investment dated June 17, 2020;

Pursuant to the Law on Enterprises dated June 17, 2020;

At the proposal of the Minister of Education and Training;

The Government hereby issues the Decree on amendments to Decree No. 86/2018/ND-CP dated June 6, 2018 on foreign cooperation and investment in the field of education.

Article 1. Amendments to Decree No. 86/2018/ND-CP dated June 6, 2018 of the Government on foreign cooperation and investment in the field of education

1. Amendments to several clauses of Article 2 are as follows:

a) Amendments to Clause 4 of Article 2 as follows:

“4. Educational partnership involves cooperation between Vietnamese preschools and general education institutions (hereinafter referred to as primary and secondary schools) and foreign educational institutions or organizations to implement an integrated educational program.”

b) Addition of Clause 8 Article 2 as follows:

“8. Partnership for administering foreign language certification exams refers to the collaboration between educational and training institutions, facilities that are legally established and operating

in the field of education in Vietnam and foreign agencies, organizations, or institutions that assess language proficiency, established and operating legally abroad. This collaboration is executed through agreements or partnership contracts to conduct foreign language certification exams in Vietnam.”

2. Addition of Clause 3 Article 4 as follows:

“3. Branches of foreign higher education institutions in Vietnam must comply with regulations and meet quality assurance and accreditation requirements set by the accrediting body of the foreign higher education institution that established the branch.”

3. Addition of Clause 3 Article 5 as follows:

“3. Educational institutions or economic organizations, after foreign investors have contributed capital, purchased shares, or acquired equity, must meet the market access conditions for foreign investors as specified by the Law on Investment, requirements for establishing foreign-invested educational institutions under Decree No. 86/2018/ND-CP, this Decree, and conditions related to financial obligations concerning land rents for the remaining lease term (if applicable), along with other relevant taxes and fees as stipulated by land laws during the operation of the educational institution.”

4. Amendments to Article 6 as follows:

“Article 6. Entities in educational partnerships

1. Vietnamese party: Private preschools and private primary and secondary schools funded by domestic investors that meet the conditions for operation, established, and operating in Vietnam.

2. Foreign party:

a) Foreign educational institutions established and operating legally abroad for at least five years as of the date of application submission, without violating the laws of the host country during their operational period, which provide direct teaching, hold a valid quality accreditation certificate, or are recognized for educational quality by a competent foreign authority or organization;

b) Organizations that provide educational programs established and operating legally abroad, with a minimum of five years of experience in offering preschool or primary and secondary programs as of the application date for educational partnership.”

5. Amendments to point b Clause 1 of Article 7 as follows:

“b) The integrated educational program must ensure alignment with the objectives of Vietnam’s educational program and meet the quality assurance requirements of the foreign education program; it must not require students to repeat the same content, ensure stability throughout the

education level, and allow for transitions between education levels in the best interest of students, ensuring voluntary participation without causing excessive workload for students;”

6. Amendments to clause 2, Article 14 as follows:

“2. Fully, accurately, and clearly disclose on the educational institution’s website all information regarding the educational program, accreditation results, number of foreign teachers, number of foreign students, testing methods, assessment of learning outcomes, and other relevant legal information for students and parents; the institution is responsible for the accuracy of this information.”

7. Amendments to clause 1, Article 15 as follows:

“1. Entities eligible for training partnerships in undergraduate, master’s, and doctoral programs:

a) Higher education institutions established and operating legally in Vietnam;

b) Foreign higher education institutions established and operating legally abroad that meet the requirements specified in clause 3, Article 45 of the Law on Higher Education (amended in 2018).”

8. Amendments to clause 2, Article 17 as follows:

“2. Foreign training programs implemented in Vietnam must meet the following requirements:

a) Be a program from a foreign higher education institution, authorized by the relevant authority in that country to offer training and award degrees or hold a valid quality accreditation certificate issued by a legally recognized accrediting organization;

b) Must not contain content harmful to national defense, security, or public interests; must not propagate religion, distort history, or negatively impact Vietnamese culture, ethics, or customs.”

9. Amendments to certain points, clauses, and the title of Article 18 as follows:

a) Amendments to the title of Article 18 as follows:

“Article 18. Facilities, equipment, locations, examination invigilators, supervisors, and support staff”

b) Amendments to point c Clause 1 of Article 18 as follows:

“c) Training programs offered in Vietnam must be conducted at the headquarters and branches of Vietnamese educational institutions authorized by a competent authority;”

c) Amendments to Clause 2 of Article 18 as follows:

“2. For administration of foreign language certification exams.

a) Locations, facilities, equipment, and support staff for administration of foreign language certification exams must ensure safety and quality for examination procedures;

b) Examination invigilators, supervisors, and support staff must receive training to prevent cheating in examinations; certification for this training is not required;

c) Measures and equipment to prevent cheating must be in place for the entire examination process.”

10. Amendments to clause 3, Article 20 as follows:

“3. Examinations, testing, assessments of learners' learning outcomes for subjects taught online or in a hybrid format must be held in-person at the Vietnamese partner institution, except in cases of natural disasters, epidemics, or other force majeure situations preventing in-person assessments at the Vietnamese partner institution.”

11. Amendments to Article 22 as follows:

“1. Authority for approval of foreign educational partnerships at the undergraduate, master’s, and doctoral levels follows the provisions in clauses 4 and 5 of Article 45 of the Law on Higher Education (amended in 2018) and point e, clause 1 of Article 13 of Decree No. 99/2019/ND-CP dated December 30, 2019 on elaboration of and guidelines for the Law on amendments to the Law on Higher Education as well as other relevant legal provisions.

2. "The Minister of Education and Training shall approve partnerships for administering foreign language certification exams.”

12. Addition of Clause 6 to Article 28 as follows:

“6. Branch of a foreign higher education institution in Vietnam.”

13. Amendments to several clauses of Article 29 are as follows:

Amendments to point c Clause 1 of Article 29 as follows:

“c) For branches of foreign-invested higher education institutions and branches of foreign higher education institutions in Vietnam, the name must consist of elements arranged in the following order: “Phân hiệu của” (Branch of) “tên cơ sở giáo dục đại học” (name of the higher education institution) in the “tên tỉnh/thành phố trực thuộc trung ương” (name of the province/centrally affiliated city).

b) Amendments to clause 2, Article 29 as follows:

“2. The proper name of a foreign-invested educational institution must be clear and transparent, without causing misunderstandings about the organization and scope of the institution’s activities. It must not duplicate or cause confusion with the names of previously registered educational institutions, investment project companies, or non-governmental organizations; it must not create misconceptions about the level, rank, or curriculum of the educational institution; and it must not include words or symbols that infringe upon the historical, cultural, ethical, or traditional customs of Vietnam.”

14. Amendments to Clause 3 of Article 31 as follows:

“3. The approval process for the establishment of foreign-invested preschools, primary and secondary schools, higher education institutions, and branches of foreign higher education institutions in Vietnam shall follow these steps:

a) Issuance of an investment registration certificate;

b) Issuance of an establishment approval decision;

c) Issuance of an operational approval decision and notification on the licensing authority’s website.”

15. Addition of clauses 8 and 9 to Article 32 as follows:

“8. If a foreign higher education institution establishes multiple branches across various provinces or cities in Vietnam, each branch must be established, operated, and exercise its rights and obligations in accordance with Decree No. 86/2018/ND-CP and this Decree; the relationship among branches shall be determined and outlined in the Regulations on organization and operation of each branch, as decided by the foreign higher education institution investing in the branches.”

9. Branches of foreign higher education institutions in Vietnam may only issue diplomas and certificates that originate from the foreign higher education institution that invested in the establishment of the branch.”

16. Amendments to several clauses of Article 33 are as follows:

Amendments to Clause 1 of Article 33 as follows:

“1. The issuance of an investment registration certificate for the establishment of foreign-invested preschools, primary and secondary schools, higher education institutions, and branches of foreign higher education institutions in Vietnam must meet the following planning requirements:

a) For higher education institutions, branches of foreign-invested higher education institutions, and branches of foreign higher education institutions in Vietnam: these must align with the planning of the network of higher education and pedagogical institutions as stipulated in the Law

on Higher Education of 2012, the Law on amendments to the Law on Higher Education in 2018, and the Planning Law;

b) For preschools and primary and secondary schools: these must align with the provincial planning content as stipulated in the Planning Law.”

b) Addition of Clause 3 to Article 33 as follows:

“3. A foreign higher education institution establishing a branch in Vietnam must be legally established and operate abroad, and be ranked among the top 500 higher education institutions in prestigious global university rankings in one of the three most recent years.”

17. Amendments to several clauses of Article 34 are as follows:

a) Amendments to Clause 1 of Article 34 as follows:

“1. For projects establishing a higher education institution by a foreign-invested economic organization or a branch of a foreign higher education institution in Vietnam, the Ministry of Planning and Investment shall obtain appraisal opinions from the Ministry of Education and Training and relevant agencies to consolidate and submit to the Prime Minister for a decision on investment policy.”

b) Amendments to clause 4, Article 34 as follows:

“4. The documentation and procedures for application for an investment registration certificate shall follow the provisions of the Investment Law. The investment project must comply with relevant regulations under the Investment Law when any project changes require either an amendment to the investment registration certificate or an adjustment to the investment policy decision (if applicable).”

18. Amendments to several clauses of Article 35 are as follows:

a) Amendments to Clause 2 of Article 35 as follows:

“2. Investment projects for the establishment of primary and secondary schools must have an investment rate of at least 50 million VND per student (excluding land use costs). The minimum total investment capital shall be calculated based on the expected maximum scale at a given time, and should not be less than 50 billion VND. By the time of appraisal for approval of educational operation, the implemented investment value must reach at least 50% of the total investment capital, and the investor must commit to completing the full capital investment within 5 years from the date of the operation approval decision.”

b) Addition of Clause 5a to Article 35:

“5a. Investment projects for establishing branches of foreign higher education institutions in Vietnam must have a minimum investment capital of 500 billion VND (excluding land use

costs). At the time of appraisal for establishing a university branch, the investment value of at least 250 billion VND must be realized."

c) Amendments to Clause 6, Article 35:

"6. For foreign-invested educational institutions that do not construct new facilities but instead lease existing infrastructure or operate using facilities contributed by Vietnamese partners, the minimum investment requirement shall be at least 70% of the amounts specified in Clauses 1, 2, 3, 4, and 5a of this Article. By the time of appraisal for educational operation approval, the realized investment value must reach at least 50% of the total committed investment, and the investor must complete the remaining investment within five years of the operational approval date."

19. Amendments to certain clauses of Article 36 as follows:

a) Amendments to Point a, Clause 1, Article 36:

"a) Ensure appropriate lighting, furniture, equipment, and teaching materials for the curriculum;

b) Amendments to point b, c, d, dd Clause 2 of Article 36 as follows:

"b) Ensure appropriate lighting, furniture, equipment, and teaching materials for the curriculum;

c) Provide adequate facilities, including the school office, the school board office, the administrative management office, the medical room, the security room, the staff room, and equipment for managing, caring, and educating students as per curriculum requirements;

d) Maintain clean water system, drainage system, toilets, and sanitation facilities that meet the institution's needs;

dd) Ensure the kitchen operates on a one-way workflow with food safety equipment if the institution provides meals;"

c) Amendments to point c Clause 3 of Article 36 as follows:

"c) Provide school office, school board office, teacher rooms, meeting rooms;"

d) Amendments to clause 4, Article 36 as follows:

"4. For higher education institutions, branches of foreign-invested higher education institutions, and branches of foreign higher education institutions in Vietnam:"

dd) Amendments to Point a, Clause 4, Article 36:

"a) The land area for constructing a foreign-invested higher education institution must meet or exceed the required area for constructing a higher education institution established by a domestic

investor and fulfilling operational requirements; the land area for establishing a branch of a foreign-invested higher education institution or a branch of an international higher education institution in Vietnam must similarly meet or exceed the minimum land area requirements for branches of higher education institutions established by domestic investors and fulfilling operational requirements.”

20. Amendments to several clauses of Article 37 are as follows:

Amendments to Clause 1 of Article 37 as follows:

“1. Foreign education programs implemented in Vietnam must meet the following requirements:

a) Recognized or accredited by a competent education authority or organization in the home country for meeting quality standards set by that country; has been taught in the home country for at least five years prior to the application for operation; and approved for use in Vietnam by the foreign education institution or organization owning the educational program;

b) Contains no content harmful to national defense, public security, or community interests; does not promote religious beliefs, distort history, or negatively impact Vietnamese culture, ethics, or traditional customs;

c) Ensures educational continuity across educational levels and allows for transferability if students transition to public educational institutions, in line with Ministry of Education and Training regulations;

d) Foreign educational programs taught to Vietnamese students must align with Vietnam’s educational objectives and meet the requirements specified in points (a), (b), and (c) of this clause.”

b) Amendments to clause 3, Article 37 as follows:

"3. The Minister of Education and Training shall prescribe required subjects and content for Vietnamese students studying foreign programs at foreign-invested educational institutions in Vietnam."

21. Amendments to several clauses of Article 38 are as follows:

a) Amendments to Clause 1 of Article 38 as follows:

"1. For short-term training institutions:

a) Teachers must have at least a college degree or equivalent, with a field of study relevant to their assigned teaching specialization, as regulated by the Ministry of Education and Training;

b) Foreign teachers teaching foreign language skills must have a college degree or equivalent or higher and meet the requirements prescribed by the Ministry of Education and Training;

c) The maximum student-teacher ratio is 25:1."

b) Addition of Clause 5 to Article 38 as follows:

“5. Branch of a foreign higher education institution in Vietnam;

a) Lecturers must have qualifications according to the regulations of the foreign higher education institution investing in establishing the branch, but must not be lower than the lecturer standards prescribed by Vietnam;

b) The student/lecturer ratio and the number of lecturers must be according to the regulations of the foreign higher education institution investing in establishing the branch.”

22. Amendments to clause 1, Article 40 as follows:

"1. The Prime Minister shall decide on the establishment of foreign-invested higher education institutions and branches of foreign higher education institutions in Vietnam."

23. Amendments to several clauses of Article 41 are as follows:

Amendments to point c Clause 1 of Article 41 as follows:

"c) A certified copy or a copy with the original for comparison of the approval document for the establishment of the educational institution at the local level and land lease agreement in principle from the Province-level People’s Committee where the institution is to be established, or a land lease agreement in principle for existing facilities in accordance with Clause 5, Article 36 of Decree No. 86/2018/ND-CP. If the authority can access and share local data, individuals or organizations are not required to submit this documentation;"

b) Amendments to point b, point d, and addition of point g Clause 2 of Article 41 as follows:

“2. For foreign-invested preschools, primary and secondary schools, higher education institutions, and branches of foreign higher education institutions in Vietnam, the documentation includes:

b) A certified copy or a copy with the original for comparison of the investment registration certificate. If the authority can access and share data from the Ministry of Planning and Investment, individuals or organizations are not required to submit this documentation;

d) A certified copy or a copy with the original for comparison of the Province-level People’s Committee’s approval for land lease in cases of new construction or lease agreements in principle for existing facilities per Clause 5, Article 36 of Decree No. 86/2018/ND-CP and related legal documents. If the authority can access data from local or government databases, individuals or organizations are not required to submit this documentation;

g) For applications for establishing a branch of a foreign higher education institution in Vietnam, additional information must include the institution's ranking among the world's top 500 universities, a valid quality accreditation document for the foreign higher education institution applying to open the branch, or a document from a foreign competent authority permitting training and degree issuance."

24. Amendments to point a Clause 1 of Article 42 as follows:

"a) The Ministry of Education and Training is responsible for applications for establishing higher education institutions, branches of foreign higher education institutions in Vietnam, and preschools or primary and secondary schools proposed by foreign diplomatic missions or intergovernmental organizations;"

25. Amendments to certain clauses of Article 43 as follows:

a) Amendments to Clause 2 of Article 43 as follows:

"2. A certified copy or a copy with the original for comparison of the investment registration certificate associated with opening a branch. If the authority can access this information through the database of the Ministry of Planning and Investment or government databases, individuals or organizations are not required to submit this document."

b) Amendments to clause 6, Article 43 as follows:

"6. A certified copy or a copy with the original for comparison of the land lease approval for branch construction or a lease agreement in principle for existing facility leases per Clause 5, Article 36 of Decree No. 86/2018/ND-CP and related legal documents. If the authority can access this information through local or government databases, individuals or organizations are not required to submit this document."

26. Amendments to several clauses of Article 46 are as follows:

a) Amendments to Clause 2 of Article 46 as follows:

"2. A certified copy or a copy with the original for comparison of the establishment approval decision for foreign-invested educational institutions; a certified copy or a copy with the original for comparison of the investment registration certificate and business registration certificate for foreign-invested short-term training institutions. If the authority can access this information through specialized databases or government databases, individuals or organizations are not required to submit this document."

b) Addition of Clause 6 to Article 46 as follows:

"6. The application for registration of educational operation of preschools and primary and secondary schools teaching foreign education programs to Vietnamese students includes the

components specified in Clauses 1, 2, 3, 4, and 5 of this Article, along with the following documents:

- a) The curriculum and mandatory educational content;
- b) A document from the competent educational authority or organization in the host country recognizing the education quality or a valid quality accreditation certificate from an authorized educational accreditation organization in the host country for the foreign program intended to be taught to Vietnamese students;
- c) Documentation proving that the education program has been taught directly for at least five years in the host country as of the application submission date;
- d) A document from the foreign educational institution or organization permitting the use of the foreign education program in Vietnam."

27. Amendments to clause 1, Article 47 as follows:

"1. The Minister of Education and Training shall authorize educational operation for higher education institutions, branches of foreign-invested higher education institutions, and branches of foreign higher education institutions in Vietnam."

28. Amendments to several clauses of Article 48 are as follows:

Amendments to point a Clause 1 of Article 48 as follows:

"a) The Minister of Education and Training shall be responsible for applications for registration of educational operation for higher education institutions, branches of foreign-invested higher education institutions, and branches of foreign higher education institutions in Vietnam."

b) Addition of Clause 1a after Clause 1, Article 48:

"1a. For the applications of preschools and primary and secondary schools specified in Clauses 2 and 3, Article 28 of Decree No. 86/2018/ND-CP, which teach foreign education programs to Vietnamese students, the Department of Education and Training shall submit the documents specified in Points a, b, c, and d, Clause 6, Article 46 of this Decree to the Ministry of Education and Training to seek approval for implementing foreign educational programs for Vietnamese students."

c) Amendments to Clause 2, Article 48:

"2. From the date of receipt of a complete application as stipulated in Article 46 of Decree No. 86/2018/ND-CP and this Decree, within 30 days (for the application of preschools and primary and secondary schools teaching foreign education programs to Vietnamese students) and 20 days (for all other cases), the receiving authority shall preside over and coordinate with relevant agencies and units to assess the conditions according to regulations and submit them to the

competent authority for a decision on authorization according to Form No. 17 in the Appendix attached to this Decree.

If the application is invalid, within five working days from the date of receipt, the receiving authority shall issue a written notification in person or via postal service or email to the investor.

If the educational institution does not meet the conditions for operation, within five working days from receiving the response from the competent authority, the receiving authority shall provide a written response to the investor, specifying the reasons."

29. Amendments to Clause 5 of Article 50 as follows:

"5. The application for resumption of educational operation includes:

- a) An application form for resumption of educational operation (using Form No. 44 in the Appendix attached to this Decree);
- b) A report on the corrective actions taken to address the violations that led to the suspension (using Form No. 50 in the Appendix attached to this Decree)."

30. Amendments to several clauses of Article 51 are as follows:

a) Amendments to Clause 1 of Article 51 as follows:

"1. The authority that approved the establishment of preschools, primary and secondary schools, higher education institutions, branches of foreign-invested higher education institutions, and branches of foreign higher education institutions in Vietnam is also authorized to dissolve such institutions. Similarly, the authority that approved operations for short-term foreign-invested training institutions is authorized to terminate their activities."

b) Amendments to Points a and b, Clause 2, Article 51 as follows:

"2. Dissolution of foreign-invested educational institutions in the following cases:

- a) Upon request by the organization or individual that established the foreign-invested educational institution;
- b) In cases of severe violations of legal regulations or rules governing the management, organization, and operation of the foreign-invested educational institution;"

c) Amendments to Point a, Clause 4, Article 51 as follows:

"a) For the dissolution application of higher education institutions, branches of foreign-invested higher education institutions, branches of foreign higher education institutions in Vietnam, preschools, and primary and secondary schools established by foreign diplomatic missions or

intergovernmental organizations, the investor submits one set of application in person or via postal service to the Ministry of Education and Training;"

31. Amendments to Clause 2 of Article 58 as follows:

"2. Within five working days from the date of receiving a complete application as stipulated, the Ministry of Education and Training shall send the application to relevant agencies, units, and localities for comments. These entities are responsible for responding in writing within 15 working days from the receipt of the request. Within five working days of receiving feedback from relevant agencies, units, and localities, the Ministry of Education and Training shall authorize the establishment of the foreign education representative office using Form No. 19 in the Appendix attached to this Decree. If authorization is denied, the receiving authority shall issue a written response detailing the reasons."

32. Amendments to Clause 2 of Article 59 as follows:

"2. The application for registration of operations of a foreign education representative office includes:

a) Application form for the operation of a foreign education representative office using Form No. 20 in the Appendix attached to this Decree;

b) Certified copy or a copy accompanied by the original for verification of the Decision authorizing the establishment of the representative office. If the competent authority can access and share data from specialized databases, individuals or organizations are not required to provide this document;

c) Appointment letter for the head of the foreign education representative office and the appointee's personal resume;

d) Personal resumes of staff working at the foreign education representative office;

dd) Documents proving the specific location of the foreign education representative office."

33. Amendments to certain clauses in Points b and c, Clause 4, Article 60:

a) Amendments to Points b and c, Clause 4, Article 60 as follows:

"b) Decision authorizing the establishment of a foreign education representative office, or a copy (certified copy or copy accompanied by the original for verification). If the competent authority can access and share data from local or specialized databases, individuals or organizations are not required to provide this document;

c) Certificate of registration for the operation of the foreign education representative office, or a copy (certified copy or copy accompanied by the original for verification, if already registered).

If the competent authority can access and share data from local or specialized databases, individuals or organizations are not required to provide this document;"

b) Amendments to clause 5, Article 60 as follows:

"5. Within five working days from the date of receiving a complete application, the competent authority shall review and seek opinions from relevant agencies and units. These entities must provide a written response within ten working days from the receipt of the request. Within five working days from receiving feedback from relevant agencies and units, the competent authority shall decide whether to approve the amendments to or extension of the decision to establish the foreign education representative office. If not approved, the receiving agency shall issue a written response detailing the reasons."

34. Amendments to Point c, Clause 3, Article 61 as follows:

"c) Within five working days from the receipt of a complete application, the Ministry of Education and Training shall send the application to relevant agencies, units, and localities for feedback. These entities must respond in writing within ten days from the receipt of the request. Within five working days from receiving feedback from relevant entities, the Ministry of Education and Training shall decide whether to permit the representative office to cease operations. If the application is not compliant, within five working days from receiving the application, the receiving agency shall issue a written notice sent directly, via postal service, through the online public service portal, or by email to the educational institution or organization."

35. Amendments to clause 1, Article 65 as follows:

"1. The Province-level People's Committees shall, within their assigned authority and jurisdiction, be responsible for managing, inspecting, supervising, and assessing the outcomes of cooperation and investment activities in the education sector; resolving complaints, handling commendations, and dealing with violations within this field in their respective localities."

36. Addition of Articles 65a after Article 65 as follows:

“Article 65a. Reporting requirements

1. Annual report on education partnerships by academic year

a) Report content requirements: General overview regarding the implementation of partnership activities, rights and obligations of all involved parties; number of teachers, specifying the number of teachers with foreign nationality; compliance with foreign personnel management regulations; difficulties encountered, challenges, suggestions, and proposals (if any);

b) Reporting entity, recipient agency, and process: The Vietnamese partner educational institution shall submit the report to the Department of Education and Training;

c) Reporting cycle: Annually;

d) Submission method: The Vietnamese partner educational institution shall submit the report through postal services, in person, or online to the Department of Education and Training;

dd) Data cutoff period: From October 1 of the year preceding the reporting period to September 30 of the reporting year;

e) Report submission deadline: Before October 31 each year;

g) Report outline format: As per Form No. 32 in the Appendix attached to this Decree;

h) Data reporting form: As per Form No. 33 in the Appendix attached to this Decree.

2. Report on training partnerships.

a) Report content requirements: General overview regarding the implementation of partnership activities, rights and obligations of all involved parties; number of teachers, specifying the number of teachers with foreign nationality; compliance with foreign personnel management regulations; difficulties encountered, challenges, suggestions, and proposals (if any);

b) Reporting entity, recipient agency, and process: Vietnamese higher education institutions participating in training partnerships shall submit the report to the Ministry of Education and Training;

c) Reporting cycle: Annually;

d) Submission method: Vietnamese higher education institutions engaged in training partnerships shall submit the report via postal services, in person, or online to the Ministry of Education and Training;

dd) Data cutoff period: From October 1 of the year preceding the reporting period to September 30 of the reporting year;

e) Report submission deadline: Before October 31 each year;

g) Report outline format: As per Form No. 34 in the Appendix attached to this Decree;

h) Data reporting form: As per Form No. 35 in the Appendix attached to this Decree.

3. Report on partnerships for administering foreign language certification exams.

a) Report content requirements: General overview regarding the implementation of partnership activities, rights and obligations of all involved parties; difficulties encountered, challenges, suggestions, and proposals (if any);

b) Reporting entity, recipient agency, and process: Vietnamese educational institutions or organizations engaged in partnerships to administer foreign language certification exams must submit their reports to the Ministry of Education and Training;

c) Reporting cycle: Annually;

d) Submission method: Vietnamese educational institutions or organizations involved in such partnerships should submit reports either by postal service, in person, or online to the Ministry of Education and Training;

dd) Data cutoff period: From December 1 of the year preceding the reporting period to November 30 of the reporting year;

e) Report submission deadline: Before December 15 each year;

g) Report outline format: As per Form No. 36 in the Appendix attached to this Decree;

h) Data reporting form: As per Form No. 37 in the Appendix attached to this Decree.

4. Report on comprehensive development of preschools and primary and secondary schools offering foreign education programs

a) Report content requirements: General overview on the implementation of activities outlined in the decision on educational operation authorization, organizational structure, number of teachers (specifying the number of foreign nationals), compliance with regulations regarding foreign personnel management, number of students (highlighting the percentage of Vietnamese nationals); implementation and assessment results for required subjects, graduation rate, issued diplomas; challenges, obstacles, recommendations, and proposals (if any);

b) Reporting entity, recipient agency, and process: Preschools and primary and secondary schools offering foreign education programs must submit reports to the Department of Education and Training;

c) Reporting cycle: Annually;

d) Submission method: Preschools and primary and secondary schools offering foreign education programs should submit reports either by postal service, in person, or online to the Department of Education and Training;

dd) Data cutoff period: From October 1 of the year preceding the reporting period to September 30 of the reporting year;

e) Report submission deadline: Before October 31 each year;

g) Report outline format: As per Form No. 38 in the Appendix attached to this Decree;

h) Data reporting form: As per Form No. 39 in the Appendix attached to this Decree.

5. Report on activities of foreign education representative offices in Vietnam

a) Report content requirements: General overview of the implementation of provisions in the operational approval decision; challenges, obstacles, recommendations, and proposals (if any);

b) Reporting entity, recipient agency, and process: Foreign education representative offices in Vietnam must submit reports to the Department of Education and Training;

c) Reporting cycle: Annually;

d) Submission method: Foreign education representative offices in Vietnam shall submit reports either by postal service, in person, or online to the Department of Education and Training;

dd) Data cutoff period: From December 1 of the year preceding the reporting period to November 30 of the reporting year;

e) Report submission deadline: Before December 15 each year;

g) Report outline format: As per Form No. 40 in the Appendix attached to this Decree;

h) Data reporting form: As per Form No. 41 in the Appendix attached to this Decree.

6. Report on the status of foreign cooperation and investment in education

a) Report content requirements: General overview on the implementation of foreign cooperation and investment in education within the locality; challenges, obstacles; recommendations, and proposals (if any);

b) Reporting entity, recipient agency, and process: Province-level People's Committees shall submit reports to the Ministry of Education and Training and the Ministry of Planning and Investment;

c) Reporting cycle: Annually;

d) Submission method: Province-level People's Committees shall submit reports either by postal service, in person, or online to the Ministry of Education and Training and the Ministry of Planning and Investment;

dd) Data cutoff period: From December 1 of the year preceding the reporting period to November 15 of the reporting year;

e) Report submission deadline: Before November 30 each year;

g) Report outline format: As per Form No. 42 in the Appendix attached to this Decree;

h) Data reporting form: As per Form No. 43 in the Appendix attached to this Decree.”

37. Forms No. 01, 03, 04, 05, 06, 08, 10, 11, 12, 13, 14, 15, 17, 19 of Decree No. 86/2018/ND-CP have been revised; additional forms from No. 22 to No. 58 have been added in the Appendix to this Decree for certain articles, clauses, and points of Decree No. 86/2018/ND-CP, specifically as follows:

Form No. 22 applies to Clause 6, Article 51; Form No. 23 applies to Clause 3, Article 49; Form No. 24 applies to Clause 7, Article 50; Form No. 25 applies to Point c, Clause 6, Article 25; Form No. 26 applies to Point d, Clause 7, Article 26; Form No. 27 applies to Point b, Clause 2, Article 23; Form No. 28 applies to Point c, Clause 6, Article 25; Form No. 29 applies to Point d, Clause 7, Article 26; Form No. 30 applies to Clause 5, Article 60; Form No. 31 applies to Clause 5, Article 61; Form No. 45 applies to Point a, Clause 3, Article 51; Form No. 46 applies to Clause 2, Article 49; Form No. 47a applies to Point b, Clause 3, Article 12; Form No. 47b applies to Point b, Clause 5, Article 25; Form No. 49 applies to Point a, Clause 2, Article 9; Form No. 51 applies to Point d, Clause 1, Article 9; Form No. 52 applies to Point b, Clause 3, Article 51; Form No. 53 applies to Point b, Clause 1, Article 54; Form No. 54 applies to Point c, Clause 1, Article 54; Form No. 55 applies to Point d, Clause 1, Article 54; Form No. 56 applies to Point a, Clause 3, Article 61; Form No. 57 applies to Point b, Clause 3, Article 61; Form No. 58 applies to Clause 5, Article 60.

Article 2. Addition, replacement, and removal of certain terms and phrases in specific articles of Decree No. 86/2018/ND-CP dated June 6, 2018 of the Government on foreign cooperation and investment in the field of education

1. Addition, replacement, and removal of certain terms and phrases in specific articles of Decree No. 86/2018/ND-CP dated June 6, 2018 of the Government on foreign cooperation and investment in the field of education

a) Add the phrase “hoặc qua cổng dịch vụ công trực tuyến” (or through the online public service portal) after the term “bưu điện” (post office) in the following sections: Point b, Clause 1; Points b, d, Clause 2, Article 10; Point b, Clause 4, Article 12; Point c, Clause 5, Article 13; Points a, b, c, Clause 2, Article 23; Clause 1, Point b, Clause 6, Article 25; Point c, Clause 7, Article 26; Clause 1, Article 42; Point a, Clause 2, Article 44; Clause 1, Article 48; Points a, b, Clause 4, Article 51; Clause 1, Article 58.

b) Replace the term “bưu điện” (post office) with “dịch vụ bưu chính” (postal services) in various sections, including: Points b, d, Clause 1; Points b, d, Clause 2, Article 10; Points b, c, Clause 4, Article 12; Point c, Clause 5, Article 13; Points a, c, Clause 1; Points a, b, c, Clause 2, Article 23; Clause 1, Points b, d, Clause 6, Article 25; Point c, Clause 7, Article 26; Clause 1, Points b, d, Clause 2, Article 42; Points a, b, e, Clause 2, Article 44; Article 48; Clause 3, Article 49; Clause 7, Article 50; Clause 4, Article 51; Clauses 1, 3, Article 58; Clause 4, Article 59; Clause 6, Article 60; Point c, Clause 3, Article 61.

2. Annul certain clauses in specific articles of Decree No. 86/2018/ND-CP dated June 6, 2018 of the Government on foreign cooperation and investment in the field of education: Clause 5,

Article 14, Point e, Clause 1, Article 21, Clause 3, Clause 4, Article 27, Clause 6, Article 32, Point d, Clause 2, Article 52, Clause 2, Article 65.

Article 3. Entry in force

1. This Decree comes into force as of November 20, 2024.

2. Transitional provisions:

a) Preschools and primary and secondary schools specified in Clauses 2 and 3, Article 28 of Decree No. 86/2018/ND-CP, which currently implement foreign educational programs for Vietnamese students, do not need to reapply for educational operation registration. However, they must supplement and complete the required documents as stipulated in Clause 6, Article 46 of this Decree and submit them to the Department of Education and Training within six months from the effective date of this Decree;

b) Preschool and primary and secondary schools specified in Clauses 2 and 3, Article 28 of Decree No. 86/2018/ND-CP, which are in the process of applying for educational operation registration but have not yet been approved must supplement and complete the documents for educational operation registration as required in Clause 6, Article 46 of this Decree;

c) Preschool and primary and secondary schools specified in Clauses 2 and 3, Article 28 of Decree No. 86/2018/ND-CP, that transition from teaching the Vietnamese educational program to a foreign educational program for Vietnamese students must comply with the requirements stipulated in Article 46 of Decree No. 86/2018/ND-CP and this Decree;

d) Educational institutions that were granted investment licenses and operational permits before this Decree's effective date but have not yet obtained an establishment decision and operational authorization must, if fully meeting all requirements for establishment, operation, and quality assurance as set forth in Decree No. 86/2018/ND-CP and this Decree. select the appropriate institution type under these regulations, complete documentation, and submit it to the Ministry of Education and Training for submission to the Prime Minister to issue an establishment decision; or for the Ministry of Education and Training to issue an operational permit.

The required documentation includes:

A request letter (per Form No. 48 in the Appendix attached to this Decree);

A certified copy or a copy with the original for verification of the investment registration certificate;

A certified copy or a copy with the original for verification of land or facility lease approval;

Educational quality accreditation certificate or a certificate of quality assurance from a competent authority along with the education quality assessment documentation;

The institution's organizational and operational regulations.

dd) Educational institutions that were granted investment licenses and operational permits before this Decree's effective date but do not yet fully comply with establishment, operational, and quality assurance requirements under Decree No. 86/2018/ND-CP and this Decree must complete the relevant investment procedures under the Investment Law and fulfill the requirements for establishment and operation approval as prescribed in Decree No. 86/2018/ND-CP and this Decree.

If the institution fails to obtain the investment certificate per the Investment Law within one year from the effective date of this Decree, it must cease student enrollment.

If the institution fails to obtain the establishment decision and operational permit within five years from the effective date of this Decree, it must terminate operations and ensure the lawful rights of students, teachers, administrative staff, and other obligations in accordance with legal requirements.

3. The Ministers, Heads of Ministry-level agencies, Heads of Governmental agencies, and Chairpersons of Province-level People's Committees and relevant organizations and individuals shall implement this Decree.

**ON BEHALF OF THE GOVERNMENT
PP. PRIME MINISTER
DEPUTY PRIME MINISTER**

Le Thanh Long

*This translation is made by **THƯ VIỆN PHÁP LUẬT**, Ho Chi Minh City, Vietnam and for reference purposes only. Its copyright is owned by **THƯ VIỆN PHÁP LUẬT** and protected under Clause 2, Article 14 of the Law on Intellectual Property. Your comments are always welcomed*