

HO CHI MINH NATIONAL ACADEMY OF POLITICS

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**THE STATE MANAGEMENT BY LAW
ON ENTRY AND EXIT OF FOREIGNERS BY
THE PEOPLE'S PUBLIC SECURITY FORCE**

**SUMMARY OF THE DOCTORAL THESIS
MAJOR: THEORY AND HISTORY OF STATE LAW**

Code: 938 01 06

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**The thesis is completed at
Ho Chi Minh National Academy of Politics**

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**The thesis shall be defended in front of the Thesis Committee at Academy
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INTRODUCTION

1. The necessity of the thesis

Implement the Party's strategic guidelines and policies to “*continue to implement the foreign policy of independence, self-reliance, multilateralization, and diversification; proactively and actively integrate comprehensively, deeply, and effectively into the international community; maintain a peaceful and stable environment, and constantly enhance Vietnam's international position and prestige*”. To date, Vietnam has established diplomatic relations, strategic partnerships, and comprehensive partnerships with many major countries in the world and is also an active member of major international organizations and forums, such as The United Nations, the Association of Southeast Asian Nations (ASEAN), the Asia-Pacific Economic Cooperation Forum (APEC),... The establishment of deep and broad international relations has created favourable conditions for the number of foreigners coming to Vietnam to increase rapidly, with many different purposes and more diverse components and nationalities. During the process of studying, working and working in Vietnam, the majority of foreigners comply with the provisions of the law, making an important contribution to promoting the socio-economic development of the country. However, there are still some people who take advantage of the open-door policy and international integration of the Party and State to harm the sovereignty, national security, and social order and safety of Vietnam, such as using illegal documents to enter Vietnam; taking advantage of Vietnam's entry activities to conduct intelligence, espionage, or collect information and documents on the List of State Secrets.

In recent times, the State management of entry and exit in general, and the State management by law on entry and exit of foreigners by the Vietnam People's Public Security force, in particular, has always received special attention from the Party and State, leading and directing, through the promulgation of the Law on Entry, Exit, Transit and Residence of Foreigners in Vietnam, 2014; Law on Entry, Exit, Transit and Residence of Foreigners in Vietnam, 2019, Law on Entry, Exit and Residence of Foreigners in Vietnam, 2023... and many other related documents have created a legal basis for unified management nationwide, as well as orienting the activities of foreigners in Vietnam. However, in addition to the achieved results, the state management by law on entry and exit of foreigners by the Vietnam People's Public Security Force has revealed some limitations and shortcomings, such as: some legal provisions are not specific and

inconsistent; the coordination between relevant forces is sometimes not close and not smooth; many organizations and individuals violating the law on entry and exit of foreigners in Vietnam have not been detected and handled promptly; the awareness of several officers and soldiers about the position and role of state management by law in this field is still inadequate... This has significantly affected the effectiveness and efficiency of state management by law on the entry and exit of foreigners by the Vietnam People's Public Security Force in recent times.

In addition, the theory of State management by law on entry and exit of foreigners by the Vietnam People's Public Security Force still has many “gaps” that need to be further focused on and clarified, such as concepts, characteristics, principles, contents and conditions of the guarantee. These are important scientific bases that play a role in orienting the State management by law on the entry and exit of foreigners by the Vietnam People's Public Security Force in practice.

In the context of globalization and increasingly deep international integration, especially Vietnam is building and perfecting a socialist rule of Law State, actively implementing national digital transformation will be the basic favourable conditions for the number of foreigners coming to Vietnam to increase rapidly with more diverse components and nationalities. Hostile forces and criminals will thoroughly take advantage of loopholes and shortcomings in the process of advising on the construction, development and promulgation, concretization of laws; organizing the implementation of laws; inspecting, examining, resolving complaints, denunciations and handling violations of the law on entry and exit of foreigners by the Vietnam Public Security Forces to conduct activities that violate the sovereignty, national security, social order and safety of our country, or evade punishment by the law.

Based on the above reasons, the PhD candidate chooses the topic: “*The State management by law on entry and exit of foreigners by the People's Public Security force*” to do a doctoral thesis.

2. Purpose and research task of the thesis

2.1. Research purposes

The thesis focuses on analyzing, and clarifying the theoretical basis, assessing the current situation, thereby making predictions, proposing viewpoints and a system of basic solutions to contribute to ensuring state management by law on entry and exit of foreigners by the Vietnam People's Public Security Force in the coming time.

2.2. Research task

To achieve the research purpose, the thesis has the following main tasks:

- Overview of scientific works related to the thesis topic, pointing out the contents that can be referenced and inherited; and the contents that need to be further researched and clarified in the thesis.

- Systematizing the theoretical basis of state management by law on entry and exit for foreigners of the Vietnam People's Public Security Force; experience in state management by law on entry and exit for foreigners from some countries in the world and drawing reference values for Vietnam.

- Analyzing and evaluating the influencing factors and the current status of state management by law on entry and exit for foreigners of the Vietnam People's Public Security Force from 2014 to the present; pointing out the advantages, limitations and causes.

- Provide forecasts, propose viewpoints and a system of solutions to contribute to ensuring state management by law on entry and exit of foreigners by the Vietnam Public Security Forces to meet the requirements and tasks in the new situation.

3. Research subject and research scope of the thesis

3.1. Research subject

The thesis has the research object of theory, the current state management by law on immigration of foreigners by the Vietnamese Public Security force.

3.2. Research scope

- *Regarding the content:* The thesis focuses on studying the state management by law on entry and exit for foreigners by the Vietnam Public Security Force, directly by the force managing entry and exit.

- *Regarding the subject:* The research subject of the thesis is the Vietnam Public Security Force, directly the force managing entry and exit.

- *Regarding the time:* The thesis limits the research time from 2014 (In 2014, the 13th National Assembly of the Socialist Republic of Vietnam, passed the Law on Entry, Exit, Transit, and Residence of Foreigners in Vietnam) to 2023.

- *Regarding the space:* The thesis focuses on studying the state management by law on entry and exit for foreigners by the Vietnam Public Security Force, with comparisons and contrasts with several other countries in the world.

4. Theoretical basis and research methodology

4.1. Theoretical basis

The thesis is researched based on the theoretical basis of Marxism-Leninism, Ho Chi Minh thought and the viewpoints, guidelines, policies of the Party, policies and laws of the State in state management by law on entry and exit of foreigners of the Vietnam People's Public Security Forces at present.

4.2. Research methodology

The thesis is conducted based on the methodology of dialectical materialism and historical materialism of Marxist philosophy. In addition, to achieve the objectives and tasks of the thesis, the author has used several basic research methods, as follows:

- *The author uses the statistical and comparative method* in Chapter 1 to overview the research situation related to the thesis topic; in Chapter 2 to analyze and clarify the connotation of the concept of state management by law on entry and exit for foreigners of the Vietnam People's Public Security Force; in Chapter 3 to analyze and evaluate the influencing factors and the current state of state management by law on entry and exit for foreigners of the Vietnam People's Public Security Force from 2014 to the present. On that basis, the advantages, limitations and causes are pointed out.

- *The author uses the analysis and synthesis method* to study the content of the thesis. In Chapter 1, to clarify the content of research works related to the thesis, the values that the author can refer to and inherit in the research process; in Chapter 2, to clarify the concepts, roles, characteristics, principles, contents and conditions to ensure state management by law on entry and exit for foreigners of the Vietnam People's Public Security Force. Chapter 3, points out the influencing factors; to analyze and evaluate the achieved results and causes, shortcomings, limitations and causes. Chapter 4, to make predictions, contributes to clarifying some viewpoints, and basic solutions to ensure state management by law on entry and exit for foreigners of the Vietnam People's Public Security Force in the coming time.

- *The historical-specific method is used by the author* in Chapter 2 to clarify the process of developing awareness of the conceptual connotations related to the thesis topic. Chapter 3, to analyze and clarify the results achieved, the shortcomings, limitations and causes in state management by law on entry and exit of the Vietnam People's Public Security Forces.

- *The author mainly uses the method of forecasting science* in Chapter 4 to forecast the impact factors, such as: Forecasting basis, forecasting content (favourable, difficult) as a scientific basis for proposing viewpoints, and basic solutions contributing to ensuring state management by law on entry and exit for foreigners of the Vietnam Public Security Force in the coming time.

- *The expert method is used for reference*, to seek opinions from 30 leaders in the department and department levels with extensive experience in leadership, directing practical state management of entry and exit in general, state management by law on entry and exit for foreigners of the People's Public Security Forces (Office of the Ministry of Public Security, Department of Legislation and Judicial Reform; Department of Immigration Management, Hanoi City Police, Da Nang City Police, Ho Chi Minh City Police); experts and scientists from the People's Public Security Academy, People's Security Academy, People's Police Academy with the main forms of seeking opinions: direct interviews, telephone interviews, etc.

- *The author used the sociological investigation method* to develop and distribute 260 survey forms to investigate, and collect information and data on state management by law on entry and exit for foreigners of the People's Public Security Forces for the main target groups, including: (1) Officers and soldiers in the People's Public Security Forces; (2) leaders at the department level and above in the People's Public Security Forces; (3) agencies, organizations and individuals who regularly invite and sponsor foreigners to enter Vietnam. The survey results provide a scientific basis for analyzing and evaluating the current situation and making forecasts, proposing viewpoints and basic solutions to contribute to ensuring state management by law on entry and exit for foreigners of the Vietnamese People's Public Security Forces in the coming time.

In addition, the thesis also uses some interdisciplinary research methods of other sciences.

5. New points of the thesis

Compared with previously published scientific works, the thesis has some basic new points as follows:

Firstly, the thesis has built the concept of state management by law on entry and exit for foreigners by the Vietnam People's Public Security Force; systematized the theory of state management by law in this field, such as: characteristics, roles, principles, contents and conditions of guarantee; experience of state management by law on entry and exit for foreigners of some countries in the world, from which to draw reference values for Vietnam.

Secondly, the thesis has pointed out the influencing factors and analyzed and evaluated the current state management by law on entry and exit for foreigners by the Vietnam People's Public Security Forces systematically and comprehensively in the past.

Thirdly, the thesis has made forecasts, proposed viewpoints and a system of basic solutions to contribute to ensuring state management by law on entry and exit for foreigners by the Vietnam People's Public Security Forces to meet the requirements and tasks in the new situation.

6. Theoretical and practical significance

6.1. Theoretical significance

The results of the thesis contribute to supplementing and gradually perfecting the theoretical system of state management by law on the entry and exit of foreigners by the Vietnam People's Public Security Forces.

6.2. Practical significance

- The research results of the thesis contribute to clarifying the current state management by law on entry and exit for foreigners of the Vietnam People's Public Security Forces in recent times. The forecasts, viewpoints and the system of basic solutions proposed in the thesis will be important scientific guidelines to help the police of units and localities to study, refer to and apply in practice.

- The research results of the thesis can be used as reference materials for research and teaching in law training institutions; academies and schools of the People's Public Security Forces training on state management in general, state management by law on entry and exit for foreigners of the Vietnam People's Public Security Forces in particular and those interested in this issue.

7. Structure of the thesis

In addition to the introduction, conclusion, appendix and list of references, the thesis is structured with 04 chapters and 12 sections.

Chapter 1
OVERVIEW OF RESEARCH
SITUATION RELATED TO THE TOPIC

1.1. THE RESEARCH SITUATION RELATED TO THE THESIS TOPIC

1.1.1. The group of research works related to the theory of state management by law on entry and exit of foreigners by the Vietnam People's Public Security Force

1.1.1.1. Domestic research projects

Books, *Vietnam Public Security Science, volume 4, Theory on National Security Protection*, edited by Prof. Dr. Tran Dai Quang, People's Public Security Publishing House, 2015; Book, *Perfecting the law on management of exit, entry, and residence of foreigners in Vietnam*, Edited by Dr Ngo Huu Phuoc, Ho Chi Minh City National University Publishing House, 2018; Book, *State management of exit and entry - Some theoretical and practical issues*, edited by Assoc. Prof. Dr Tran Quang Tam, People's Public Security Publishing House, 2020; *Thesis, Legal measures in state management of national security for entry, exit, and residence of foreigners in Vietnam*, by Dao Manh Giang, People's Security Academy, 2020...

1.1.1.2. The research projects abroad

Books, *"Fighting for Foreigners: Immigration and Its Impact on Japanese Democracy"* - *Fighting for Foreigners: Immigration and Its Impact on Japanese Democracy*, by Apichai Wongsod Shipper, Cornell University Press, 2008; book *"Japan's Household Registration System, Identification and Documentation"* - *Japan's Household Registration System, Identification and Documentation*, by David Chapman, Karl Jacob Krogness, Routledge Japan Publishing House, 2014; scientific article, *The Seeds of Ideology: Historical Immigration and Political Preferences in the United States - Seeds of Ideology: Immigration History and Political Preferences in the United States*, by Paola Giuliano and Marco Tabellini - No. 05/2020; scientific article, Spain, the Cheap Model. *Irregularity and Regularisation as Immigration Management Policies - Spain, low-cost model. Immigration Management Policies*, by Carmen Gonzalez Enriquez, European Journal of Migration and Law - January 2009 issue; *Scientific article, Overview of Trends and Policies on International Migration to East Asia: Comparing Japan, Taiwan and South Korea - Overview of Trends and Policies on International Migration to East Asia: Comparing Japan, Taiwan, and South Korea*, by Yean Ju Lee, University of Hawaii, June 2011.

1.1.2. The group of research works related to the factors affecting the current state management by law on entry and exit of foreigners by the Vietnam Public Security Forces

1.1.2.1. Domestic research projects

Monograph books *Completing the law on management of exit, entry, residence of foreigners in Vietnam*, edited by Dr Ngo Huu Phuoc, 2018; *Monograph, Scientific Commentary on the Law on Entry, Exit, Transit, residence of foreigners in Vietnam*, 2014 (Amended and supplemented in 2019), Ministry of Public Security, Thanh Nien Publishing House, 2020; *Monograph, Law on entry, exit, transit, residence of foreigners in Vietnam and related regulations*, Ministry of Public Security, Thanh Nien Publishing House, 2020; *Scientific article, Administrative reform in the field of exit and entry, contributing to implementing the Party and State's international integration policy*, by Assoc. Prof. Dr Tran Quang Tam, People's Public Security of Journal, Issue 2 - February 2019 issue; *Scientific article, Perfecting the law in investigating and handling crimes violating administrative management order in the field of exit and entry*, by Dr Le Thai Son, People's Police of Journal, April 2021 issue; *Scientific article, Improving the effectiveness of the management of entry, exit and residence of foreigners in Vietnam today*, by Dr Nguyen Thi Binh Phuong, People's Police of Journal, Issue 1 - February 2023 issue; *Scientific article, Administrative reform in the field of exit and entry management contributes to building and perfecting the socialist rule of law state of Vietnam*, by Dr Nguyen Xuan Trung, People's Police of Journal, Issue 1, February 2023 issue.

1.1.2.2. The research projects abroad

Books “*Terrorism and Foreigner*”: *A decade of tension around the rule of law in Europe* - *Terrorism and foreigner: A decade of tension around the rule of law in Europe*, by Elspeth Guild Anneliese Baldaccini Martinus Nijhoff, Elsevier Netherlands, 2007; book, *Smuggling of migrants in the Asia-Pacific region - Current trends and challenges*, by the United Nations Office on Drugs and Crime (UNODC), 2018; *scientific article, New borders, new management: The dilemmas of modern immigration policies - New borders, new management: The dilemmas of modern immigration policies*, by Don Flynn - August 2006 issue; *Scientific article, Irregular Immigration Control in Italy and Greece: Strong Fencing and Weak Gatekeeping serving the Labour Market - Irregular Immigration Control in Italy and Greece: Strong Fencing and Weak Gate - Keeping Serving the Labour Market*, by Maurizio Ambrosini and Anna Triandafyllidou, Journal of Migration and European Law, January 2017.

1.1.3. The group of research works related to forecasts, viewpoints and solutions to ensure state management by law on entry and exit for foreigners of the Vietnam People's Public Security force

1.1.3.1. Domestic research projects

Books *Completing the law on the management of exit, entry and residence of foreigners in Vietnam*, edited by Dr Ngo Huu Phuoc, 2018; Thesis, *Legal measures in state management of national security for entry, exit and residence of foreigners in Vietnam*, by Dao Manh Giang, People's Security Academy, 2020; *Scientific article, Improving the effectiveness of the management of entry, exit and residence of foreigners in Vietnam today*, by Dr. Nguyen Thi Binh Phuong, People's Public Security of Journal, Issue 1, February 2023; *Scientific article, Coordination between the Ministry of Public Security and the Ministry of National Defense in the management of exit and residence*, by Pham Dang Khoa, People's Public Security of Journal, Issue 1, December 2023; *Scientific article, Implementation of the Law on Amendments and Supplements to several Articles of the Law on Entry and Exit of Vietnamese Citizens and the Law on Entry, Exit, Transit and Residence of Foreigners in Vietnam*, by author Dang Tuan Viet, People's Police of Journal, Issue 2, December 2023.

1.1.3.2. The research projects abroad

Book “*Mexico - US, Migration Management: A Binational Approach*” - *Mexico and the United States, Migration Management: A Binational Approach*, by Augustin Escobar Latapi, Susan F. Martin, Lexington Book Publishing House, 2008; book, *Smuggling of Migrants in Asia and the Pacific - Current Trends and Challenges*, by the Office of the United Nations Office on Drugs and Crime (UNODC), 2018; document, “*The EU border management strategy*” (European Union border management strategy), by Sergio Carrera, 2019.

1.2. SOME COMMENTS, EVALUATIONS AND ISSUES THAT NEED FURTHER RESEARCH IN THE THESIS

1.2.1. Some comments and assessments

Firstly, theoretical issues. The above research works have initially mentioned some contents related to the state management by law on the entry and exit of foreigners by the Vietnam People's Public Security force. However, most of the above works have not been approached directly, or have not systematized the theory of state management by law in this field, or if there is, it is mainly an introduction to aspects without a comprehensive approach.

Secondly, practical issues. The majority of published scientific works have not analyzed and clarified the influencing factors and the current state management by law on the entry and exit of foreigners by the Vietnam People's Public Security force compared to the basic theoretical framework. The analysis and clarification of the achieved results, the shortcomings, limitations and causes in the state management by law on entry and exit of foreigners by the Vietnam People's Public Security force have not been systematic, highly synthetic, or not linked to the specific characteristics of public security work.

Thirdly, most of the above research works have not predicted the impact factors, have not proposed viewpoints and a system of basic solutions that are comprehensive, synchronous and close to the practical work of ensuring security and order in the new situation; A few works have mentioned but mainly solutions for state management of entry and exit in general, or specific solutions in state management of entry and exit for foreigners that are not linked to the actual conditions of our country in the current context.

1.2.2. Issues that need further research in the thesis

Firstly, systematizing the theoretical basis for state management by law on entry and exit for foreigners of the Vietnam People's Public Security Force. In particular, it is necessary to focus on analyzing, comparing, and supplementing new arguments, such as: concepts, characteristics, roles, principles, contents and experience in state management by law on entry and exit for foreigners of some countries in the world and reference value for Vietnam, conditions to ensure state management by law in this field.

Secondly, Analyze and evaluate the influencing factors and achieved results, limitations and shortcomings in the state management of entry and exit of foreigners by the Vietnam People's Public Security force and the causes compared to the basic theoretical framework and requirements in the context of international integration and digital transformation in Vietnam in the current.

Thirdly, based on objective analysis and assessment of theoretical and practical bases, the author makes some predictions about the influencing factors (favourable, difficult), proposing a system of basic viewpoints and solutions to contribute to ensuring state management by law on entry and exit for foreigners of the Vietnam People's Public Security force in conjunction with the requirements of practical public security work.

1.3. SCIENTIFIC HYPOTHESIS, RESEARCH QUESTIONS AND THEORETICAL ANALYSIS FRAMEWORK

1.3.1 Scientific hypothesis

- *Hypothesis 1:* State management by law on entry and exit for foreigners by the People's Public Security force is a basic, key content in state management in general, state management by law in particular.

Expected research results: the thesis clarifies the concept, characteristics, role, principles and content of state management by law on entry and exit for foreigners by the People's Public Security Force of Vietnam.

- *Hypothesis 2:* In addition to the basic advantages, the state management by law on entry and exit for foreigners by the People's Public Security force has revealed some limitations and shortcomings.

Expected research results: the thesis provides an analysis and evaluation of the advantages, limitations, and inadequacies in the state management by law on entry and exit for foreigners by the People's Public Security force. Thereby, pointing out the causes of those limitations and inadequacies to propose viewpoints and solutions to overcome them.

- *Hypothesis 3:* In the current context, forecasting the influencing factors and researching, understanding the viewpoints; and synchronously implementing basic solutions are prerequisites to ensure state management by law on entry and exit for foreigners of the People's Public Security force in the coming time.

Expected research results: The thesis makes forecasts, and proposes viewpoints and a system of basic solutions to contribute to ensuring state management by law on entry and exit for foreigners of the People's Public Security force.

1.3.2. Research questions

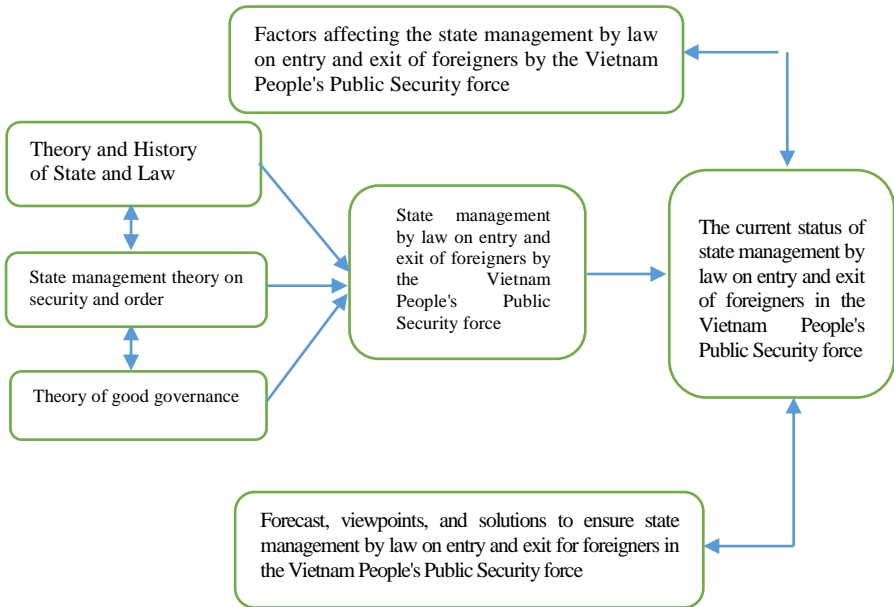
Question 1: Why is it necessary to study the state management by law on entry and exit for foreigners of the Vietnam People's Public Security force at present?

Question 2: How is the theoretical basis for state management by law on entry and exit for foreigners of the Vietnam People's Public Security Force perceived? Has it been comprehensively and systematically studied?

Question 3: What are the factors affecting the current status of state management by law on entry and exit for foreigners of the Vietnam People's Public Security force? Why has the state management by law on entry and exit for foreigners of the Vietnam People's Public Security force achieved the above results and had the above limitations?

Question 4: How are the factors forecasted to affect the coming time? How should the viewpoints and solutions to ensure state management by law on entry and exit of foreigners by the Vietnam People's Public Security force in the coming time be directed and implemented synchronously?

1.3.3. Theoretical analysis framework



Chapter 2
THEORETICAL BASIS FOR STATE MANAGEMENT
BY LAW ON ENTRY AND EXIT FOR FOREIGNERS OF
THE VIETNAM PEOPLE'S PUBLIC SECURITY FORCE

2.1. THE CONCEPT, CHARACTERISTICS AND ROLE OF STATE MANAGEMENT BY LAW ON ENTRY AND EXIT OF FOREIGNERS BY THE VIETNAM PEOPLE'S PUBLIC SECURITY FORCE

2.1.1. The concept of state management by law on entry and exit of foreigners by the Vietnam People's Public Security force

Based on related concepts and derived from the practice of public security work, the following concept can be proposed: *The State management by law on entry and the exit of foreigners by the Vietnam People's Public Security force is continuously, organized, and regulated impact by state power, led by the Immigration Management force, in coordination with related forces to ensure that the entry and exit process of foreigners in Vietnam is carried out following the law, ensuring sovereignty, national security and foreign policy of the Communist Party of Vietnam, the Socialist Republic of Vietnam.*

2.1.2. Characteristics of state management by law on entry and exit of foreigners by the Vietnam People's Public Security force include (1) characteristics of management nature; (2) Characteristics of subjects, objects and objects of management; (3) Characteristics of management purposes.

2.1.3. The role of the Vietnam People's Public Security force in state management by law on entry and exit of foreigners, including: (1) Contributing to the implementation of the viewpoints, policies and foreign policies of the Communist Party of Vietnam; (2) Contributing to the protection of national sovereignty, security, social order and safety; (3) Contributing to strengthening the legal system in the management of entry and exit of foreigners in Vietnam.

2.2. PRINCIPLES AND CONTENTS OF STATE MANAGEMENT BY LAW ON ENTRY AND EXIT OF FOREIGNERS BY THE VIETNAM PEOPLE'S PUBLIC SECURITY FORCE

2.2.1. The principles of state management by law on entry and exit of foreigners by the Vietnam People's Public Security force include: (1) Must thoroughly implement the viewpoints, policies and guidelines of the Communist Party of Vietnam on ensuring security and order and building and perfecting the legal system; (2) Must comply with the Constitution and laws of the Socialist Republic of Vietnam and international treaties and agreements to which Vietnam is a member; (3) Must contribute to creating an open, secure, safe and convenient environment for foreign agencies, organizations and

individuals to exercise their right to freedom of migration; (4) Must contribute to coordinating with other measures in protecting national security.

2.2.2. The contents of state management by law on entry and exit of foreigners by the Vietnam People's Public Security force

Firstly, advising on the development, construction and promulgation, concretizing the law on entry and exit of foreigners by the Vietnam People's Public Security force

Secondly, organizing the implementation of the law on the entry and exit of foreigners by the Vietnam People's Public Security force

Thirdly, inspecting, examining, resolving complaints, denunciations and handling violations of the law on entry and exit of foreigners by the Vietnam People's Public Security force

2.3. THE CONDITIONS FOR ENSURING STATE MANAGEMENT BY LAW ON ENTRY AND EXIT OF FOREIGNERS BY THE VIETNAM PEOPLE'S PUBLIC SECURITY FORCE

Firstly, political guarantee

Secondly, legal guarantee

Thirdly, human resource guarantee

Fourthly, material facilities, means, techniques and budget guarantee

2.4. THE STATE MANAGEMENT BY LAW ON ENTRY AND EXIT OF FOREIGNERS OF SOME COUNTRIES IN THE WORLD AND REFERENCE VALUE FOR VIETNAM

2.4.1. The State management by law on entry and exit for foreigners of some countries in the world

The author has chosen to study state management by law on entry and exit for foreigners in Japan, Singapore, and Australia, for the following main reasons: (1) Japan is a country with a legal system on the organizational structure of entry and exit management for foreigners similar to Vietnam. (2) Singapore is a country with the most advanced model of entry and exit management in the world. (3) Australia is a country that organizes entry and exit management for foreigners according to the civil immigration management model with a very scientific and strict system of regulations on preventing and fighting illegal entry and exit from a distance. (4) According to the Henley Passport Index (HPI) organization announcing the ranking of powerful passports in 2023, the passports of Japan, Singapore and Australia are the most powerful in the world today.

- The State management by law on entry and exit for foreigners in Australia
- The State management by law on entry and exit for foreigners from Japan
- The State management by law on entry and exit for foreigners from

Singapore

2.4.2. The reference values for Vietnam

- *Advise on the development, construction and promulgation of laws on entry and exit for foreigners.* (1) Promulgate laws to regulate entry and exit activities for foreigners; (2) Issues on procedures for visa issuance, granting authority, rights and obligations of foreigners are specified in detail in the law so that all organizations and individuals can easily access and apply without the need for any separate guiding circulars.

- *Organize the implementation of laws on entry and exit for foreigners*

Regarding the mechanism for managing foreigners entering and exiting the country. All of the above countries assign a unified management agency.

Regarding the identity documents of foreigners used for entry and exit. The above countries all affirm that passports are national assets that prove the personal value of the person issued. In addition to basic information, the passport also contains fingerprints and biometric characteristics of the passport holder.

Regarding visa policies for foreigners entering and exiting the country. Research and increase the duration of electronic visas and the duration and scope of visa exemption for foreigners, but there must be a strict and scientific entry control policy. At the same time, research and supplement medical examination and treatment visas and elite visas to meet practical requirements.

Inspect, examine, resolve complaints, denunciations and handle violations of entry and exit for foreigners. Research and develop strict sanctions against foreign organizations and individuals who violate the law. When handling foreigners who violate the law on entry and exit, human rights issues are considered and given priority.

Applying scientific and technological achievements. Promoting the application of modern technology in the control process, especially the application of biometric technology, management through identification through the iris or fingerprint of foreigners right from the first entry; promote the application of Autogate at international airports to contribute to improving the effectiveness and efficiency of management.

Chapter 3
FACTORS INFLUENCING AND THE CURRENT STATE
MANAGEMENT BY LAW ON ENTRY AND EXIT OF FOREIGNERS
BY THE VIETNAM PEOPLE'S PUBLIC SECURITY FORCE

3.1. FACTORS AFFECTING THE CURRENT STATE MANAGEMENT BY LAW ON ENTRY AND EXIT OF FOREIGNERS BY THE VIETNAM PEOPLE'S PUBLIC SECURITY FORCE

3.1.1. The group of objective factors

- Natural conditions
- Social - economic conditions

3.1.2. The group of subjective factors

- Organization of the apparatus of the specialized state management agency by law on entry and exit for foreigners of the Vietnam People's Public Security force
- Situation of entry and exit for foreigners in Vietnam

3.2. THE CURRENT STATUS OF STATE MANAGEMENT BY LAW ON ENTRY AND EXIT OF FOREIGNERS BY THE VIETNAM PEOPLE'S PUBLIC SECURITY FORCE

3.2.1. Achievements in state management of entry and exit of foreigners by the Vietnam People's Public Security force and the reasons

3.2.1.1. Achievements in state management by law on entry and exit of foreigners by the Vietnamese state management force

Firstly, to advise on the development, construction and promulgation of laws on entry and exit for foreigners by the Vietnam People's Public Security Force

- Advise on the development, construction and promulgation of laws on entry and exit for foreigners by the Vietnam People's Public Security Force to ensure comprehensiveness and consistency.

- Advise on the development, construction and promulgation of laws on entry and exit for foreigners of the Vietnam People's Public Security force to ensure scientific and clearness

- Regulations on coordination in state management by law on entry and exit for foreigners of the Vietnam People's Public Security force are increasingly improved

- International cooperation in advising on the development, construction and promulgation of laws on entry and exit for foreigners of the Vietnam People's Public Security force is increasingly promoted

Secondly, the organization of law enforcement on entry and exit for foreigners by the Vietnam People's Public Security force

- The work of propaganda, dissemination, and guidance on the implementation of the law on entry and exit for foreigners by the Vietnam People's Public Security force is being gradually innovated

- The organization of law enforcement in reviewing and granting permits for foreigners to enter and exit Vietnam meets practical requirements

- The organization of law enforcement in controlling entry and exit activities for foreigners by the Vietnam People's Public Security force at international airports is strictly and closely implemented

- The effectiveness of international cooperation in organizing the implementation of the law on entry and exit for foreigners by the Vietnam People's Public Security force is increasingly improved

Thirdly, inspection, examination, settlement of complaints, denunciations and handling of violations of the law on entry and exit of foreigners by the Vietnam People's Public Security force

- The organization of law enforcement in reviewing and granting permits for foreigners to enter and exit Vietnam meets practical requirements

- The organization of law enforcement in controlling entry and exit activities for foreigners by the Vietnam People's Public Security force at international airports is strictly and closely implemented

- The effectiveness of international cooperation in organizing the implementation of the law on entry and exit for foreigners by the Vietnam People's Public Security force is increasingly improved

Thirdly, inspection, examination, settlement of complaints, denunciations and handling of violations of the law on entry and exit of foreigners by the Vietnam People's Public Security force

- The work of inspection and examination of the implementation of the law on entry and exit of foreigners by the Vietnam People's Public Security force has achieved many positive results

- The work of settlement of complaints, denunciations and handling of violations of the law on entry and exit of foreigners by the Vietnam People's Public Security force has contributed to ensuring the rights and legitimate interests of foreign organizations and individuals

- The work of settlement of complaints, denunciations and handling of violations of the law on entry and exit of foreigners by the Vietnam People's Public Security force has contributed to ensuring the rights and legitimate interests of foreign organizations and individuals

3.1.2. The reasons for the results achieved

3.1.2.1. Objective reasons

- The foreign policy of the Communist Party of Vietnam is increasingly developing to meet the requirements of international integration and globalization

- The Vietnamese legal system is increasingly being improved and synchronized

- The division of functions, tasks and powers of agencies and sectors is increasingly clear and specific

3.1.2.2. Subjective causes

- The attention and leadership of the Central Party Committee of the Public Security and the leadership of the Ministry of Public Security in state management by law on entry and exit for foreigners of the Vietnam People's Public Security force

- The organizational system of the Vietnam People's Public Security Force in general, the immigration management force, in particular, is increasingly streamlined, operating effectively and efficiently

- The professional capacity, moral qualities and prestige of the team of specialized cadres in state management by law on entry and exit for foreigners of the Vietnam People's Public Security force is increasingly improved

3.2.2. Restrictions in state management by law on entry and exit of foreigners by the Vietnam People's Public Security force and the reasons

3.2.2.1. Restrictions on state management by law on entry and exit of foreigners by the Vietnam People's Public Security force

Firstly, advising on the development, construction and promulgation of specific laws on entry and exit for foreigners of the Vietnam People's Public Security Force

- The legal system on entry and exit for foreigners of the Vietnam People's Public Security Force in some specific cases has not yet met the requirements of practice; many regulations have revealed inadequacies but have been slow to be amended and supplemented promptly.

- The work of advising on reviewing and perfecting the system of legal documents on entry and exit for foreigners has sometimes not been carried out regularly, Lack of initiative; some inadequacies in the implementation of the law have not been resolved promptly.

Secondly, the organization of law enforcement on entry and exit for foreigners by the Vietnam People's Public Security force

- The work of propagating, disseminating, and guiding the implementation of the law on entry and exit for foreigners by the Vietnam People's Public Security Force, although it has received attention, the forms and contents of propaganda are not diverse and attractive.

- The process of organizing law enforcement in controlling entry and exit activities of foreigners by the Vietnam People's Public Security force International border gates still have many limitations and inadequacies.

Thirdly, inspection, examination, resolving complaints, denunciations and handling violations of the law on entry and exit of foreigners by the Vietnam People's Public Security force

- There is still a lack of uniformity in the application of authority, order and handling procedures; the choice of time and form of handling is not flexible in some places and at other times, thereby reducing the effectiveness of prevention, deterrence and education.

- Sometimes the application of legal provisions in determining behaviour and fines is still inconsistent.

- International cooperation on inspection, examination, settlement of complaints, denunciations and handling of violations in state management by law on entry and exit of foreigners by the Vietnam People's Public Security force sometimes does not keep up with the requirements of practice.

3.2.2.2. The causes of limitations

Firstly, objective reasons

- The number of foreigners entering Vietnam is increasing rapidly with diverse components, and purposes, through many different border gates and managed by many forces.

- The legal system on entry and exit management for foreigners of the Vietnam People's Public Security force is sometimes slow to be supplemented and perfected.

- The coordination mechanism in advising on the construction, development and promulgation, concretizing the law on entry and exit for foreigners in Vietnam between forces inside and outside the People's Public Security force is sometimes not specific and lacks coordination.

Secondly, subjective causes

- The thinking and awareness of a part of the Party Committees and leaders of Public Security at all levels about the position and role of state management by law on entry and exit for foreigners of the Vietnam People's Public Security force has not kept up with the requirements of reality

- A part of officers and soldiers have not fully recognized the position and role of state management by law on entry and exit for foreigners of the Vietnam People's Public Security force.

- The team of specialized officers in charge of state management of entry and exit for foreigners of the Vietnam People's Public Security force in some cases has not yet met the requirements and tasks of the work.

- The system of facilities, techniques, and funding for state management by law on entry and exit for foreigners of the Vietnam People's Public Security force is still limited.

Chapter 4

FORECAST, VIEWPOINTS AND SOLUTIONS TO ENSURE STATE MANAGEMENT BY LAW ON ENTRY AND EXIT OF FOREIGNERS BY THE VIETNAM PEOPLE'S PUBLIC SECURITY FORCE

4.1. Forecasting factors affecting state management by law on entry and exit of foreigners by the Vietnam people's Public Security force

4.1.1 Forecast basis

4.1.2. Forecast content

- Advantages
- Difficulties

4.2. Viewpoints on ensuring state management by law on entry and exit for foreigners by the Vietnam People's Public Security force

- They must ensure absolute and direct leadership in all aspects of the Communist Party of Vietnam
- They must ensure the combination of international integration with ensuring security and order
- They must ensure economic development, following commitments to international investment
- They must contribute to ensuring the legitimate rights and interests of foreigners
- They must ensure publicity, transparency, convenience and modernization
- They must contribute to linking administrative reform with national digital transformation to build and perfect the socialist rule of law state of Vietnam

4.3. Solutions to ensure state management by law on entry and exit for foreigners of the Vietnam People's Public Security Force

4.3.1. The group of solutions to improve the law on entry and exit for foreigners of the Vietnam People's Public Security Force

Firstly, to amend and supplement several articles of the Law on Entry and Exit of Vietnamese Citizens and the Law on Entry, exit, Transit, and Residence of Foreigners in Vietnam, 2023, including: (1) study and amend Point c, Clause 1, Article 31, Law on Entry, Exit, Transit, and Residence of Foreigners in Vietnam, 2023; (2) study and amend Clause 5, Article 47, Law on Entry, Exit, Transit, and Residence of Foreigners in Vietnam, 2023; (3) study and supplement tourist visas combined with a medical examination and treatment, “elite” visas to suit practical requirements.

Secondly, amend and supplement several articles of the Law on Handling of Administrative Violations, 2020, including: (1) study and amend Point B, Clause 3, Article 39, Law on Handling of Administrative Violations, 2020; (3) study

and amend Clauses 2, 3, 4, 5, 6, 7, 8, 9, Article 18, Decree No. 144/2021/ND-CP, dated December 31, 2021, of the Government regulating administrative sanctions in the fields of security, social order and safety; prevention and combat of social evils; fire prevention and fighting; domestic violence prevention and combat in the direction of Adding a warning penalty.

4.3.2. The group of solutions for organizing the implementation of laws on entry and exit for foreigners of the Vietnam People's Public Security force

Firstly, building a team of specialized cadres to manage the state by laws on entry and exit for foreigners of the Vietnam People's Public Security force to meet the requirements and tasks in the new situation, including: (1) synchronously implementing all stages of cadre work, from building standards, selecting, using, planning, training, fostering, rotating, mobilizing, appointing, dismissing, managing, evaluating, to implementing regimes and policies; (2) innovating the training and fostering of a team of specialized cadres to manage the state by laws on entry and exit for foreigners of the Vietnam People's Public Security force.

Secondly, improving the effectiveness of propaganda, dissemination, and guidance on entry and exit laws for foreigners by the Vietnam People's Public Security force, including: (1) Subjects of propaganda, dissemination, and guidance on laws; (2) Content of propaganda, dissemination and guidance on laws; (3) Forms and measures of propaganda, dissemination and guidance on laws

Thirdly, building and perfecting the coordination mechanism in state management by law on entry and exit of foreigners by the Vietnam People's Public Security force, including: (1) coordination with agencies and units in the People's Public Security force; (2) coordination with functional units of ministries, departments and branches outside the People's Public Security force.

Fourthly, regularly review and summarize the state management work by law on entry and exit for foreigners of the Vietnam People's Public Security force, including: (1) review and summarize the development and organization of law implementation in state management on entry and exit for foreigners of the Vietnam People's Public Security force; (2) review and summarize all aspects of state management work on entry and exit for foreigners of the Vietnam People's Public Security force

4.3.3. The group of solutions on strengthening the work of inspection, examination, settlement of complaints, denunciations and handling of violations of the law by foreigners on entry and exit of the Vietnam People's Public Security force

Firstly, the Party committees and leaders of Public Security at all levels must seriously grasp and implement Directive No. 26/CT-TTg, dated October 20, 2023, of the Prime Minister on rectifying, strengthening inspection, examination and supervision of public service activities, and Official Dispatch No. 968/CD-TTg, dated October 16, 2023, of the Prime Minister on continuing to rectify, strengthening discipline and order in state administrative agencies at all levels and other relevant documents.

Secondly, strengthening the responsibility of heads of agencies and units in leading the work of inspection, examination, handling complaints and denunciations and handling violations of the law in state management by law on entry and exit of foreigners by the People's Public Security force.

Thirdly, seriously implement the conclusions of the unit's inspection and examination and the conclusions of the superior Public Security.

4.3.4. Other solutions

Firstly, expand international cooperation in state management by law on entry and exit for foreigners by the Vietnam People's Public Security force. The focus is: (1) Promoting participation in signing international agreements and treaties in state management by law on entry and exit for foreigners by the Vietnam People's Public Security force; (2) Coordinating the construction of a database of passports, or valuable documents for entry and exit that is lost or no longer valid.

Secondly, ensuring the material, technical and financial resources to serve the state management by law on entry and exit of foreigners by the Vietnam People's Public Security force. The focus is on (1) Proactively developing and implementing programs and plans for research, application of science and technology into practice; (2) Continuing to effectively deploy information technology software in the management of entry and exit of foreigners; (3) Effectively using funds from exit and entry fees and handling violations of the law on entry and exit of foreigners in Vietnam; (4) Paying attention to, investing in, and building a system of detention centres to serve the management of foreigners who violate the law on entry and exit.

CONCLUSION

In the context that our Party and State are continuing to promoting international integration and actively implementing national digital transformation in all fields, ensuring state management by law on entry and exit for foreigners by the Vietnam People's Public Security force is an urgent requirement. Based on the research results of the thesis, the author draws several conclusions, as follows:

1. During the research process, the author has systematized the theory of the People's Public Security by the law on entry and exit for the state management of the Vietnam People's Public Security force, in which the concept is presented: *The State management by the law on entry and exit for foreigners of the Vietnam People's Public Security Force is a continuous, organized, adjusted impact by state power, chaired by the Immigration Management force, in coordination with related forces to ensure that the entry and exit process for foreigners in Vietnam is carried out following the law, ensuring the sovereignty, national security and foreign policy of the Party and State of the Socialist Republic of Vietnam.* At the same time, the author pointed out 03 characteristics, 03 roles and 04 principles in the People's Public Security by law on entry and exit for state management of the Vietnam People's Public Security force. This is an important theoretical basis contributing to unification in perception and adjustment of actions in practice in the current period.

2. Based on the basic theoretical analysis framework, the author points out 02 groups of influencing factors and analyzes, and evaluates the current state management by law on entry and exit for foreigners of the Vietnam People's Public Security force on 03 basic aspects, including (1) Advising on building, developing and promulgating, concretizing laws; (2) Organizing the implementation of laws; (3) Inspecting, examining, resolving complaints, denunciations and handling violations of the law. Thereby, the author has pointed out the achieved results and causes; and pointed out the limitations, shortcomings and causes. This is the practical basis for making forecasts, proposing viewpoints and solutions to ensure state management by law on entry and exit for foreigners of the People's Public Security force in the coming time.

3. To contribute to ensuring state management by law on entry and exit for foreigners by the People's Public Security force in the coming time, the thesis forecasts the influencing factors and proposes 06 viewpoints, and 04 basic groups of solutions to contribute to ensuring state management by law on entry and exit for foreigners by the People's Public Security force of

Vietnam in the coming time, including: (1) The group of solutions to improve the law on entry and exit for foreigners by the People's Public Security Force of Vietnam. (2) The group of solutions to organize the implementation of the law on entry and exit for foreigners by the People's Public Security Force of Vietnam. (3) The group of solutions to strengthen the work of inspection, examination, settlement of complaints, denunciations and handling of violations of the law on entry and exit by foreigners by the People's Public Security Force of Vietnam. (4) The group of other solutions./

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