

Proposing Some Solutions to Improve Policies and Laws on Land Use Rights of Overseas Vietnamese*

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[10.15408/jch.v13i3.46944](https://doi.org/10.15408/jch.v13i3.46944)

Abstract

The overseas Vietnamese community constitutes an important resource for the nation's development, in which economic contributions represent one of the most traditional and widespread forms of engagement. The substantial flow of remittances sent by overseas Vietnamese has significantly contributed to Vietnam's socio-economic development by supporting and stimulating domestic production and business activities. Given the notable benefits derived from the expansion of land use rights for overseas Vietnamese, this reform can be regarded as a major advancement of the 2024 Land Law in attracting foreign investment to Vietnam. The expansion provides more favorable conditions for overseas Vietnamese to invest in their homeland's real estate market while fostering linkages and investment cooperation between them and foreign-invested enterprises. Such collaboration is expected to promote joint business initiatives, strengthen the private sector, and accelerate the growth of innovative start-up enterprises. Furthermore, the attraction of foreign investment serves as a vital bridge for economic integration, facilitating the connection of the domestic economy with global production and business networks. Through this process, Vietnam not only gains access to advanced scientific and technological innovations, modern management practices, and global value chains but also broadens its market reach—creating opportunities for domestic products, goods, and services to enter the global market and affirm their position in the international arena.

Keywords: Overseas Vietnamese; Policy; Law; Land

* Received: June 18, 2025; revised: July 25, 2025; accepted: July 19, 2025; published: December 30, 2025.

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A. INTRODUCTION

The 2024 Land Law, passed by the 15th National Assembly on January 18, 2024, marks a significant milestone with profound impacts on the rights and legitimate interests of all land users in Vietnam. After ten years of implementing the 2013 Land Law—from July 2014 to July 2024—along with the continuous evolution of the economy in general and the real estate market in particular, the 2013 Land Law revealed numerous limitations and inadequacies in meeting current market conditions and public needs. Therefore, the 2024 Land Law was enacted with many new provisions and expanded policies, including broader land use rights for overseas Vietnamese. Alongside the anticipated successes, it is evident that this expansion will bring about significant changes in the scale, quantity, rights, and obligations of overseas Vietnamese in using land in Vietnam. These changes call for careful and thorough consideration in managing and overseeing the issue domestically. In addition, certain challenges may arise concerning the procedures and processes for land use, as well as access to land information and data for overseas Vietnamese. In this context, improving the legal regulations on land use rights of overseas Vietnamese and enhancing the effectiveness of law enforcement become urgent tasks. These efforts are essential to ensure the effective and proper implementation of new legal provisions and to support the stable development of the real estate market in Vietnam.

Literature Review

Compared to other areas of Vietnam's land legislation, the legal framework concerning land use rights of overseas Vietnamese has received relatively limited scholarly attention. Nevertheless, there have been some notable studies in this field in recent years, including the following: In her research on the new provisions related to overseas Vietnamese in the 2024 Land Law, Associate Professor Dr. Doan Hong Nhung highlighted that the 2024 Land Law has expanded the rights of overseas Vietnamese, with new regulations on land users and real estate business activities involving overseas Vietnamese. She emphasized that expanding land use rights for overseas Vietnamese represents a major step forward and helps promote investment in Vietnam. However, she also noted that state agencies must implement strict management and oversight to prevent misuse of land use rights or violations of land-related legal provisions.

The monograph *“Housing Laws for Overseas Vietnamese and Foreigners in Vietnam”* (2011), co-authored by Doan Hong Nhung (chief editor) and Ngo Thanh Huong, examines general land law provisions related to housing for overseas

Vietnamese and foreigners in Vietnam. Chapter 1 discusses legal aspects such as land use forms, rights and obligations when using land for residential purposes, as well as investment and ownership of housing. Chapter 2 analyzes the actual housing situation for overseas Vietnamese and foreigners in Vietnam, highlighting both positive developments and shortcomings in the implementation of relevant laws.

The 2016 monograph *“Housing Laws for Overseas Vietnamese and Foreigners in Vietnam”*, written by Doan Hong Nhung (chief editor), Nguyen Thanh Hai, Tran Cong Thinh, Ngo Thanh Huong, and Nguyen Thi Kim Anh, studies legal provisions in two phases: from 2005 to before 2013, and from 2013 to the time of publication. In both phases, Chapter 1 reviews general land and housing regulations for overseas Vietnamese and foreigners; Chapter 2 examines the actual housing conditions and legal enforcement; and Chapter 3 proposes legal reforms to improve the legal framework.

A master’s thesis titled *“Laws on the Establishment of Housing Ownership in Vietnam by Overseas Vietnamese”* by Nguyen Thi Phuong Thao provides a comprehensive overview in Chapter 1 of the basic issues concerning the right to own housing in Vietnam for overseas Vietnamese. It covers concepts such as housing, overseas Vietnamese, and legal grounds for ownership establishment. Chapter 2 evaluates the current legal provisions and their implementation in practice, analyzing conditions, forms, and procedures for ownership recognition. Based on this analysis, the author proposes legal reforms. The thesis contributes to clarifying theoretical issues and recommends amendments to the Land Law, Construction Law, and others to better address housing ownership rights of overseas Vietnamese.

The article *“Real Estate Ownership Rights in Vietnam of Overseas Vietnamese”* by Nguyen Van Tuan, published in the Vietnamese Lawyers’ e-Journal on December 28, 2023, outlines key legal provisions related to real estate ownership rights for overseas Vietnamese. Using comparative methods, the author analyzes legal changes over time, examining specific rights such as access to land and land use transactions, while also offering recommendations to improve land use regulations for overseas Vietnamese.

The book *“Guidebook for Foreigners to Buying, Leasing, Investing Real Estate in Vietnam”* by Doan Van Binh analyzes key considerations for foreigners investing in, leasing, or buying real estate in Vietnam, such as market size, economic growth rate, and capital flows into Vietnam’s property market. It also provides practical guidance on signing real estate-related contracts.

The article *“Balancing Public Interest and Private Property Regarding Land Acquisition Process: An Examination of the Land Law in Vietnam”* by Tran Vang Phu and Duong Anh Son, published in *Via Inveniendi Et Iudicandi*, Vol. 19, Issue 2, evaluates both the 2013 and the newly enacted 2024 Land Laws in Vietnam. The article focuses on key provisions, compensation mechanisms, public purposes, and challenges faced by these laws. It also proposes policy recommendations to improve future land acquisition regulations.

The article *“Vietnam Land Law 2024 – Key Changes from M&A/Foreign Investment Perspectives”* by Bui Thanh Tien and Eric Johnson, published by the international law firm Freshfields, discusses land recovery issues, new rights and obligations of land users, and regulations related to real estate project transfers under the 2024 Land Law.

In general, the aforementioned works have analyzed legal provisions concerning land use rights of overseas Vietnamese, assessed the current implementation of those laws, and offered various proposals for legal reform. However, most of these works were written and published before the 2024 Land Law came into effect, meaning that their analyses are largely based on previous legal frameworks. As the 2024 Land Law has only been in force for less than a year, there is still a limited number of studies focusing on its new provisions, particularly those related to overseas Vietnamese. Currently, most available articles merely provide informational summaries of the 2024 Land Law’s new contents and their implications for overseas Vietnamese, with few in-depth academic studies on the subject. Therefore, further research into the new provisions of the 2024 Land Law is necessary and valuable, contributing to the development of a more complete and robust legal system for land use in Vietnam.

B. METHODS

Theoretical foundations of land use rights of overseas Vietnamese; legal theories regarding their land use rights in the current period; the current legal provisions on land use rights of overseas Vietnamese; and the practical implementation of these regulations.

The method of synthesis and analysis is employed to clarify and systematically present the theoretical legal issues related to land use rights of overseas Vietnamese. The method of legal document analysis, specifically the examination of legal provisions, is frequently used throughout the thesis to highlight the current legal regulations and the practical implementation of land use rights for overseas Vietnamese. The method of evaluation and commentary

on the land use rights of overseas Vietnamese is applied to express a viewpoint in support of protecting their rights when using land in Vietnam. The land access and land use rights approach is used by the author to assess and examine the group of overseas Vietnamese, thereby identifying and explaining the existing inadequacies and difficulties, as well as the pressing issues that require solutions to improve and enhance the effectiveness of the implementation of land use rights for overseas Vietnamese.

C. RESULTS AND DISCUSSION

1. Expansion of Land Use Rights for Overseas Vietnamese in the 2024 Land Law

For Vietnamese Citizens Residing Abroad

The expansion of land use rights for Vietnamese citizens residing abroad is reflected right from the initial provisions of the law. Clause 3, Article 4 of the 2024 Land Law stipulates that: *"Domestic individuals and overseas Vietnamese who are Vietnamese citizens are collectively referred to as individuals,"* and this term "individual" is consistently used throughout the provisions of this Law. This demonstrates that, from the outset, the rights and obligations of Vietnamese citizens residing domestically or abroad are considered equal, and the social relations arising from such "individuals" will be governed equally under the provisions of this Law.

The specific rights and obligations of overseas Vietnamese in land use are detailed in Article 37 of the 2024 Land Law. Specifically, they are entitled to several rights and obligations, including: transferring land use rights and properties attached to the land that they own in accordance with the law; inheriting land use rights and properties attached to the land either by will or by law; mortgaging their land use rights and properties attached to the land at credit institutions permitted to operate in Vietnam, at other economic organizations, or individuals as prescribed by law; among others.

It is evident that the 2024 Land Law no longer imposes limitations on the land use rights of overseas Vietnamese citizens. They now enjoy full rights similar to those of citizens living in Vietnam, such as: transferring land use rights, leaving them as inheritance, gifting them to others, or using them as collateral or capital contribution for investment purposes. Through these rights and obligations, overseas Vietnamese can better utilize the economic value of land use in Vietnam, thereby contributing to the improvement of their quality of life.

For People of Vietnamese Origin Residing Abroad

Article 44 of the 2024 Land Law specifically provides that persons of Vietnamese origin residing abroad who are permitted to enter Vietnam are entitled to own residential houses attached to land use rights in Vietnam. They have the right to use residential land obtained through the transfer of land use rights in housing development projects. They may also transfer land use rights when selling, gifting, inheriting, or exchanging housing with organizations, individuals, or other overseas Vietnamese of eligible status for owning housing in Vietnam. In addition, they are allowed to donate housing attached to residential land use rights to the State, local communities, or for humanitarian purposes such as gratitude houses, charity houses, and great unity houses.

In cases where the house and attached land use rights are gifted or inherited by individuals who are not eligible to own housing in Vietnam, these individuals may only receive the *value* of the house and land use rights, and will not be granted a certificate of land use rights or ownership of assets attached to the land.

Aside from ownership of residential housing and the corresponding land use rights, the provisions regarding the use of land by persons of Vietnamese origin residing abroad for investment projects, as well as for use in industrial zones, industrial clusters, or high-tech zones, are essentially maintained in Articles 41 and 43 of the 2024 Land Law. Thus, in contrast to Vietnamese citizens residing abroad, the land use rights and obligations of persons of Vietnamese origin residing abroad are more restricted. Unlike citizens, these individuals hold foreign nationality but have Vietnamese ancestry (such as grandparents, parents, or forebears). Therefore, their upbringing, living conditions, and lifestyles are often entirely different from those of Vietnamese citizens. As citizens of another country, they are fully subject to the laws of the country of their nationality, which can make the management and supervision of their land use in Vietnam more challenging and complex.

Conditions for overseas Vietnamese to have the right to use land in Vietnam

To exercise land use rights, including the rights to exchange, transfer, lease, sublease, inherit, donate land use rights; mortgage, contribute capital using land use rights; receive the transfer or donation of land use rights, land users — including overseas Vietnamese- must meet all the conditions stipulated in Article 45 of the 2024 Land Law.

It is evident that activities such as exchanging, transferring, leasing, subleasing, inheriting, donating land use rights, mortgaging, contributing capital with land use rights, receiving transfers or donations of land use rights involve interactions with other parties. Therefore, to ensure that all matters relating to the exercise of rights and obligations in land use are lawful, all land users must comply with and fully satisfy the aforementioned conditions.

This issue may require even stricter consideration for overseas Vietnamese. This is because they do not live or conduct long-term business in Vietnam, and often cannot determine with certainty when they will return to reside or work in Vietnam permanently. Therefore, when they engage in land-related transactions such as transferring or donating land use rights, such actions should be thoroughly reviewed to avoid violations that may lead to difficulties in managing and overseeing their conduct from abroad. If overseas Vietnamese wish to carry out these activities, they must first possess documents, evidence, and legal grounds to prove that they are the rightful holders of land use rights or ownership of property associated with the land. These documents are the most critical basis for proving that they have the legal right to exchange, transfer, donate, etc., the land use rights or property they currently hold. Without such documentation, proving their rights becomes difficult, and the process of transferring or exchanging assets to others will also be delayed.

Furthermore, the land area over which they wish to exercise these rights must not be under dispute with any individual or organization. Even if they have documentation proving their land use rights or ownership, in the presence of a dispute, the competent State authority cannot permit the overseas Vietnamese to carry out the aforementioned activities, as time is needed to resolve the dispute and verify all relevant documents and evidence to determine the rightful user of the land. Additionally, the land use rights must not be under distraint, subject to enforcement measures for civil judgments, or affected by temporary emergency measures. This ensures that State agencies' decisions and actions in handling any related matters are lawful and effective, thereby protecting the legitimate rights and interests of all involved parties.

Reasons for Expanding Land Use Rights for Overseas Vietnamese

The codification of legal regulations regarding the rights of overseas Vietnamese has achieved considerable progress. Every ten years, the Land Law is revised and updated. When examining the land use rights of overseas Vietnamese, the 2013 Land Law provided equal rights and obligations for both

overseas Vietnamese citizens and persons of Vietnamese origin residing abroad. However, these rights were confined to a relatively narrow scope. By contrast, the 2024 Land Law significantly expands their rights and obligations.

Looking back, the 2003 Land Law only allowed overseas Vietnamese to purchase housing attached to land use rights in Vietnam under special circumstances, such as those who had contributed to the country or cultural workers seeking to engage in long-term activities in Vietnam. In 2009, amendments to the Land Law and the Housing Law broadened access by permitting Vietnamese nationals and persons of Vietnamese origin who met specific conditions to own homes and exercise certain land use rights.

This illustrates that legal provisions are adjusted over time in accordance with changing circumstances. Likewise, the socio-economic context and real estate market conditions at the time of the 2013 Land Law were very different from those of today. At that time, due to the long geographical distance, opportunities for overseas Vietnamese to invest in Vietnam's real estate market were limited. Vietnam also lacked many open policies to attract investment, such as remittance incentives or real estate bonds. Moreover, the management and oversight of land use by overseas Vietnamese were not as advanced as today — due to both distance and underdeveloped tools and systems for administration — leading to stricter regulations aimed at minimizing violations or mistakes that could be difficult to address from abroad.

2. Achievements In Expanding Land Use Rights For Overseas Vietnamese

First, the provisions of the 2024 Land Law have been harmonized with other laws such as the 2023 Housing Law and the 2023 Law on Real Estate Business. Article 8 of the 2023 Housing Law stipulates the subjects and conditions for owning residential property in Vietnam. Under this provision, overseas Vietnamese as defined by nationality laws (i.e., both Vietnamese citizens residing abroad and persons of Vietnamese origin residing abroad) are among those eligible to own housing in Vietnam. However, to exercise this right, such individuals must meet an additional condition: they must be permitted to enter Vietnam. Therefore, although someone may fall under the category of overseas Vietnamese, if they are not legally allowed to enter Vietnam, such as lacking a passport or valid entry documents, or possessing forged or fraudulent documents, they are not permitted to own housing in Vietnam.

Article 44 of the 2024 Land Law also explicitly states that persons of Vietnamese origin residing abroad who are permitted to enter Vietnam are

allowed to own residential property attached to land use rights in Vietnam and may acquire land use rights through the transfer of land in housing development projects. The law also details their rights and obligations in relation to property ownership in Vietnam, including the right to transfer land use rights through sale, gifting, inheritance, or using the house as collateral at credit institutions.

Additionally, Clauses 1 and 2 of the 2023 Law on Real Estate Business stipulate that overseas Vietnamese who are Vietnamese citizens and are permitted to enter Vietnam are allowed to conduct real estate business in Vietnam just like domestic citizens. The 2024 Land Law's expansion of land use rights for Vietnamese citizens living abroad, aligning their rights and obligations with those of individuals residing domestically, clearly demonstrates consistency and coherence between the 2024 Land Law and the 2023 Law on Real Estate Business.

Second, it helps reduce conflicts and disputes arising from overseas Vietnamese having to rely on others to hold property titles on their behalf in real estate transactions. Previously, due to restrictions on land use rights, many overseas Vietnamese were forced to ask someone else to be named in transactions related to real estate in Vietnam, as the laws at the time did not allow them to be legal parties in such transactions.

In certain circumstances, overseas Vietnamese who face legal restrictions on participating in real estate transactions in Vietnam are compelled to entrust relatives or acquaintances to act as nominal owners, authorizing them to manage all matters related to such transactions. While in some cases these arrangements proceed without incident—provided the entrusted parties act in accordance with the wishes of the overseas Vietnamese—numerous legal disputes have arisen from such practices. These disputes typically stem from disagreements over ownership, especially when the person listed on official documents does not accurately reflect the actual investor.

Given that the names on transaction documents and legal records are those of the entrusted individuals, overseas Vietnamese often encounter significant legal obstacles in asserting their ownership rights through litigation or administrative procedures. It becomes particularly difficult to establish that they were the actual financial contributors and rightful parties to the transaction. This difficulty is compounded by the fact that many overseas Vietnamese continue to reside and work abroad, making the legal process of dispute resolution both time-consuming and financially burdensome.

The expansion of land use rights for overseas Vietnamese—especially for those who retain Vietnamese nationality- serves as an important legal and policy development aimed at mitigating such conflicts. By enabling overseas Vietnamese to directly hold legal title to real estate, the need to rely on proxy arrangements is eliminated, thereby reducing the likelihood of future disputes and promoting greater legal certainty and investment confidence within the real estate market.

Third, it promotes remittance inflows from overseas Vietnamese and stimulates investment activities in the real estate market. Remittances are currently one of the crucial sources of capital contributing to the development of Vietnam's real estate market. According to information from the State Committee for Overseas Vietnamese, there are currently approximately 6 million Vietnamese residing and working in more than 130 countries and territories, along with around 650,000 Vietnamese laborers employed in 40 countries and territories worldwide. Over the past decade, Vietnam has consistently ranked among the top 10 countries globally and the top 3 in the Asia-Pacific region in terms of remittance inflows. Cumulatively, from 1993 to the end of 2022, total remittances sent to Vietnam exceeded USD 190 billion—an amount nearly equivalent to the total disbursed foreign direct investment (FDI) during the same period. In 2023 alone, remittance inflows to Vietnam were estimated at USD 16 billion, representing a 32% increase compared to the previous year. It is estimated that approximately 25% of annual remittance inflows are directed toward the real estate market. The demand for remittances allocated to real estate has been well documented. According to a 2016 study by the Central Institute for Economic Management (CIEM), around 15–20% of remittances were invested directly in real estate. Based on a rough calculation, this figure could correspond to the purchase of approximately 10,000 housing units annually. With the new legal framework, which is more transparent and open, overseas Vietnamese are now better enabled to invest in real estate projects in Vietnam. As a result, remittance flows into the Vietnamese market are expected to increase and become a driving force for the growth of the land use rights market within the real estate sector.

Fourth, it encourages overseas Vietnamese to return to Vietnam. Most of these individuals went abroad in search of economic opportunities and better living conditions. As the 2024 Land Law expands land use rights, their opportunities to invest in the real estate market will increase, allowing them to gain financial benefits that support their lives. This, in turn, may foster a stronger desire for them to return to their homeland.

3. Challenges In Expanding Land Use Rights For Overseas Vietnamese

The expansion of land use rights for overseas Vietnamese—especially granting full rights similar to those of Vietnamese citizens residing domestically is a significant change. Previously, both Vietnamese citizens residing abroad and persons of Vietnamese origin abroad had similar, limited rights (such as being allocated land by the State, leasing land, or receiving land use rights under specific conditions). Therefore, alongside the successes, some challenges are inevitable.

First, there are challenges related to managing the land use activities of overseas Vietnamese. In cases where overseas Vietnamese violate land use regulations in Vietnam, or disputes arise regarding land they have rights to, resolving these issues may become more complex. Since they reside and work in another country, it is often difficult to determine their accurate address or contact information—especially if they live in remote or underdeveloped areas. Additionally, for Vietnamese authorities to contact or work with them, they must comply with the legal regulations of the country in which these individuals reside. In some special cases, authorities may also need to coordinate and cooperate with local agencies responsible for managing overseas Vietnamese in those countries. These factors can delay the resolution process and complicate the handling of legal consequences.

Second, challenges exist in completing administrative procedures related to land use for overseas Vietnamese. Land management authorities in Vietnam are responsible for tasks such as supervising land users' compliance with legal obligations, managing land use planning, allocating or leasing land, revoking land, recognizing land use rights, requisitioning land, and approving changes in land use purposes. In reality, administrative procedures related to land use in Vietnam—such as those for transferring land use rights—can be time-consuming. Meanwhile, the time overseas Vietnamese have to return to Vietnam is often limited. This creates difficulties and disadvantages for them, requiring improvements in administrative efficiency and processing times.

Third, accessing land information and data can be more difficult for overseas Vietnamese. In addition to accessing information via the national land information system, Article 60 of Decree No. 101/2024/NĐ-CP (regulating land surveys, registration, certification of land use rights, and land information systems) states that land users may request land data by submitting a written request or information request form to the relevant agency. This can be done through various methods: submitting via the National Land Information Portal, the National Public Service Portal, the Ministry of Natural Resources and

Environment's Public Service Portal, provincial public service portals; or by submitting in person, by mail, telegraph, or other electronic means as allowed by law. Due to geographical distance and different living conditions, overseas Vietnamese may face more difficulties than domestic citizens in accessing land-related information. Particularly under the second access method (direct submission), delays may occur due to extended mailing times, and any errors or omissions in the submitted documents may result in more complicated and time-consuming correction processes.

Fourth, there are challenges related to persons of Vietnamese origin residing abroad being allowed to own housing in Vietnam. Currently, aside from general requirements regarding documentation to prove eligibility and conditions for housing ownership, the 2024 Land Law, the 2023 Housing Law, and related decrees do not clearly specify the procedures and processes by which persons of Vietnamese origin abroad can acquire housing ownership in Vietnam. Establishing detailed procedures for such cases is necessary to help these individuals access and complete housing transactions more easily.

Fifth, language barriers in real estate contract conclusion. As analyzed, overseas Vietnamese include two groups: Vietnamese citizens residing abroad and people of Vietnamese origin residing abroad. Since many of them were born and raised overseas, and due to limited exposure to the Vietnamese language during their upbringing, individuals of Vietnamese origin living abroad often face significant language barriers when entering into contracts related to land and housing in Vietnam. This can delay the signing process and hinder the timely and convenient use of land or ownership of housing in Vietnam by overseas Vietnamese of Vietnamese origin.

4. Solutions for Improving Land Use Rights of Overseas Vietnamese and Enhancing Law Enforcement Efficiency

Improving Legal Provisions on Land Use Rights for Overseas Vietnamese

The expansion of land use rights and obligations for overseas Vietnamese is a key factor that positively contributes to the real estate and land use rights markets, thereby promoting economic development. However, such expansion also presents certain challenges that require improvements in related legal provisions.

First, it is necessary to revise relevant legal provisions concerning overseas Vietnamese and their land use rights in Vietnam, as stipulated in related legal documents, to ensure consistency and alignment with the expanded provisions introduced in the 2024 Land Law. Such revisions are essential to facilitate and

streamline the process by which overseas Vietnamese are able to exercise land use rights in Vietnam.

Second, it is necessary to supplement legal regulations regarding the responsibilities of competent authorities in managing and monitoring the land use activities of overseas Vietnamese, ensuring that land use is carried out strictly and appropriately. Managing land use by this group is more complex than that of domestic citizens because they live and work long-term abroad. Therefore, clear and specific legal guidelines must be issued to regulate the entire process—from receiving land use rights, exercising those rights (e.g., investment, mortgage, gifting), to transferring land use rights to others.

Third, when allowing Vietnamese citizens residing abroad to use land in Vietnam, it is essential to require that only those with legal documents from the host country—clearly stating their current foreign address—are permitted to do so. In practice, many citizens living abroad do not have a stable, verifiable address. If they declare an address without supporting documents, it becomes difficult for Vietnamese authorities to confirm their residency. In cases where contact is necessary and the individual no longer resides at the registered address, communication and legal procedures become highly problematic.

Fourth, legal provisions should be added to facilitate cooperation, coordination, and information exchange between land administration agencies, agencies overseeing overseas Vietnamese affairs, and local authorities in the foreign countries where these individuals reside. As previously discussed, one key challenge in managing land use by overseas Vietnamese stems from their being under dual jurisdiction—both Vietnamese law and the regulations of their country of residence. Clear legal mechanisms for inter-agency collaboration are needed to improve oversight and effectiveness. If only Vietnamese authorities are involved, many difficulties may arise when dealing with individuals abroad.

Fifth, specific legal procedures should be developed to guide how persons of Vietnamese origin residing abroad can acquire home ownership in Vietnam. These procedures should be carefully designed to align with the conditions, circumstances, and time constraints that such individuals may face.

Sixth, policies should be implemented to promote legal education on land laws and provide assistance to overseas Vietnamese in understanding and complying with new legal provisions. This is an essential step to ensure that overseas Vietnamese have the opportunity to understand their rights, obligations, and responsibilities regarding land use in Vietnam.

Additional Solutions to Enhance Law Enforcement Effectiveness

First, it is necessary to improve the qualifications and capacity of public officials working in land management agencies. These personnel are directly responsible for overseeing land use by overseas Vietnamese. As the law evolves to grant greater rights to this group, the complexity and volume of administrative tasks increase. Therefore, enhancing their competence and modernizing work practices is critical.

Second, the application of Industry 4.0 technologies should be expanded to improve access to land information and enhance monitoring of land use by overseas Vietnamese. Since these individuals have lived abroad for extended periods, their ability to access land information in Vietnam is inherently more limited than that of domestic citizens. The same applies to authorities' ability to oversee their land use activities. Thus, the adoption of digital tools—such as public information platforms, online access to land databases, and digital archiving of land data is essential. These measures will make it easier for overseas Vietnamese to obtain relevant information while enabling Vietnamese authorities to modernize and streamline land administration.

To support this digital transformation, it is crucial to develop and synchronize IT infrastructure across provinces. Currently, although digital systems have been introduced, infrastructure in many areas—especially rural and remote regions—remains weak and unstable. This results in interruptions to land information systems and limited interoperability between platforms, hindering the accuracy and efficiency of data management. Additionally, land management personnel must be trained in IT through workshops and courses to avoid operational difficulties. Without adequate training, both the process of accessing land information and managing land use by overseas Vietnamese will face serious obstacles.

Third, to address the issue of language barriers faced by overseas Vietnamese of Vietnamese origin during contract conclusion, it is necessary to organize and expand language training courses to improve the foreign language proficiency of translators as well as officials involved in land use matters. This is essential to ensure that all steps in the process of concluding contracts related to land and housing, such as contract drafting, notarization, etc.—are carried out accurately, promptly, and efficiently. As a result, contract signing for overseas Vietnamese will proceed more smoothly, and their investment activities in Vietnam's real estate market will become more widespread.

D. CONCLUSION

Overseas Vietnamese are a rather unique group, as they may have lived away from their homeland for a significant period of time. As a result, their culture and lifestyle often differ considerably from those of individuals residing in Vietnam. Therefore, regulations concerning their rights and obligations in land use must be carefully and thoroughly considered to avoid unnecessary mistakes or violations. In Vietnam, land is collectively owned by all the people; no individual has the right to privately own any portion of land. Any violation or error in land use may not only affect the person directly using the land but could also impact other individuals and organizations. The 2024 Land Law marks a significant and notable advancement, particularly in expanding the legal provisions on the rights and obligations of overseas Vietnamese in relation to land use. With the new legal framework and detailed, transparent regulations, overseas Vietnamese not only enjoy greater opportunities as a result of the expanded provisions, but also gain increased confidence when participating in Vietnam's real estate market. This is due to their rights and obligations now being more clearly and comprehensively defined in the law. This expansion has the potential to generate many positive effects. However, alongside these benefits, it is inevitable that challenges will arise during the reform process—especially in this case, where the land users do not reside or work in the country where the land is located. This undoubtedly poses difficulties in management and in detecting violations. The article analyzes both the successes and the challenges involved and, from there, proposes several recommendations to improve the legal framework regarding land use rights of overseas Vietnamese, as well as solutions to enhance the effectiveness of law enforcement in Vietnam.

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