

Country migration profile

Name of the country: Vietnam

1. Summary table

Profile of the country as a country of origin

Data/Policy	
A. Total number of nationals working abroad	<p>Total: 825, 483¹ (as of 2012; The estimated increase per year is around 80 000² based on the previous years' immigration statistics. Accordingly, as of 2016, an unofficial estimate of Vietnamese documented migrants is 1 120 000)³</p> <p>Men: 70 percent (estimated)⁴</p> <p>Women: 30 percent (estimated)</p> <p>Net Migration rate: -0.3 migrants/1,000 population (2015 estimate)⁵</p>
B. Key countries of destination (with numbers if available):	<ol style="list-style-type: none"> 1. Taiwan (164,264)⁶ 2. Japan (99,865)⁷ 3. South Korea (~76,000)⁸ 4. Malaysia (under 70,000)⁹ 5. Other countries¹⁰
Ratification status of relevant conventions	

¹ Ishizuka, F. (2013). *International Labour Migration in Vietnam and the Impact of Receiving Countries' Policies*, IDE Discussion Paper No. 414, p.10. Retrieved (on 28 February 2016) from <http://www.ide.go.jp/English/Publish/Download/Dp/pdf/414.pdf>; See also MOLISA. Statistics lookup. Retrieved on 29 March 2016) from <http://www.molisa.gov.vn/en/Pages/ViewByField.aspx>

² MOLISA reported that 90,558 were sent abroad in the first nine months of 2015; MOLISA. (2015). *90,558 workers sent abroad in first nine months of 2015*. Retrieved (on 29 March 2016) from <http://www.molisa.gov.vn/en/Pages/Detail-news.aspx?IDNews=2249>

³ Ministry of Foreign Affairs of Vietnam. (2012). *Review of Vietnamese Migration Abroad*, p.15. Retrieved (on 28 February 2016) from http://eeas.europa.eu/delegations/vietnam/documents/eu_vietnam/vn_migration_abroad_en.pdf

⁴ See supra note 1, p.11.

⁵ Central Intelligence Agency. *The World Fact Book*. Retrieved (on 28 February 2016) from <http://www.cia.gov/library/publications/the-world-factbook/geos/vm.html>

⁶ Taiwan National Migration Agency Statistics. (March 2016). *Foreign Residents – by Nationality*. Retrieved (on 29 March 2015) from <http://www.immigration.gov.tw/public/Attachment/63281149627.xlsx>; See supra note 1, p.8.

⁷ Japan Statistics Bureau. (2014). *Foreign National Residents by Nationality*. Retrieved (on 28 March 2016) from <http://www.stat.go.jp/data/nenkan/zuhyou/y650214000.xls>

⁸ Statistics Korea. (2015). *2015 Foreigner Labour Survey*. Retrieved (on 28 March 2016) from <http://kostat.go.kr/portal/eng/pressReleases/5/3/index.board?bmode=download&bSeq=&aSeq=349399&ord=1>

⁹ Ministry of Home Affairs. (2015). *Number of Foreign Workers in Malaysia by Country of Origin, 2000-2015*. Retrieved (on 28 March 2016) from <http://www.epu.gov.my/documents/10124/583e0ef9-3607-42ea-8f08-2c265c373aba>

¹⁰ See supra note 1, p.8.

International Covenant on Civil and Political Rights	Ratification in 1982
International Covenant on Economic, Social and Cultural Rights	Ratification in 1982
International Convention on the Elimination of All Forms of Racial Discrimination	Ratification in 1982
Convention on the Elimination of All Forms of Discrimination against Women	Ratification in 1982
Convention on the Rights of the Child	Ratification in 1990
International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families	Not a party
ILO29 (Forced Labour)	Ratified in 2007
ILO105(Forced Labour)	Not a party
ILO87 (Freedom of Association)	Not a party
ILO98 (Collective Bargaining)	Not a party
ILO100 (Equal Remuneration)	Ratified in 1997
ILO111 (Discrimination in Employment and Occupation)	Ratified in 1997
ILO97 (Migration)	Not a party
ILO143 (Migrant Worker)	Not a party
ILO189 (Domestic Worker)	Not a party

2. Overview of migration

Vietnam has a long and complicated history of external migration. The starting point of the extensive migration can be traced back to the Vietnam–US War and the subsequent refugee crisis. Following the conflict, the project New Life was initiated by the US in order to resettle around 130,000 South Vietnamese people to the US. The second major phase of the migration started after the withdrawal of the US from Vietnam. In 1979, China invaded Vietnam, starting the short Sino-Vietnam war, which led to approximately 250,000 Vietnamese refugees fleeing to China by land.¹¹

The more widespread and devastating phenomenon is where Vietnamese refugees left their country by sea. According to the UNHCR, from 1975 to 1995, there were 796,310 Vietnamese refugees in total, who travelled by boats, arriving at different destinations (primarily Malaysia, Hong Kong and Indonesia).¹² This number covers only the people who safely arrived in their countries of destination. There are no statistics on the number of deaths of Vietnamese refugees who travelled by boat, but only estimates quoted by the media or estimates made by officials such as the Australian Immigration Minister. The consolidated conservative estimate of deaths between 1975 and 1987 ranges from 100,000 to 400,000.¹³ As the geopolitical situation in the region had been stabilized, the number of Vietnamese refugees decreased in the mid-90s.

¹¹ Ibid.

¹² UNHCR (2000). *The State of the World's Refugees*, p.89. Retrieved (on 28 February 2016) from <http://www.unhcr.org/3ebf9bad0.pdf>

¹³ Rummel, R. J. (1997). Lines 715-751, Table 6.1B, Statistics Of Vietnamese Democide Estimates, Calculations, And Sources. In *Statistics of Democide*. Charlottesville, Virginia: Centre for National Security Law, School of Law, University of Virginia and Transaction Publishers, Rutgers University. Retrieved from <http://www.hawaii.edu/powerkills/SOD.TAB6.1B.GIF>; Vo, N. M. (2006). *The Vietnamese Boat People, 1954 and 1975-1992*, p.140. North Carolina: McFarland

The second major phase of the Vietnamese migration was caused by labour reallocation. The initial stage of the vast labour migration started with the Soviet bloc countries that signed mutual labour cooperation agreements.¹⁴ According to Migration Policy Institute around 210,000 Vietnamese workers moved to Eastern Europe from 1981 to 1990.¹⁵ However, after the dissolution of the Soviet Union, approximately 80 percent of the workers returned to Vietnam.

The current phase of the migration is primarily directed towards Asian countries. Vietnam started this new phase of migration by employing specialized agencies. Such agencies are designed to search and secure working abroad agreements for Vietnamese citizens in exchange for certain fees.¹⁶ At the beginning of the policy, only around 1,000 workers have left Vietnam through the designed agencies each year.¹⁷ However, the numbers started to increase drastically since the end of the 90s. At the moment, around 80,000 Vietnamese citizens leave for working abroad every year.¹⁸ The data for 2013-2015 is not available, but there is a tendency of an overall increase of migrants every year. As of 2012, more than 800,000 Vietnamese citizens are working abroad. The job types that are occupied by the Vietnamese workers are mainly in the area of production and agriculture.¹⁹

In a stark contrast to generally highly regulated outbound migration to mostly the Northeast Asian countries, migration in the Mekong sub-region takes place in more spontaneous forms. A large number of Vietnamese immigrants live in Cambodia with estimates varying from 150,000 to one million.²⁰ A relatively large number of Vietnamese migrants can also be found in Thailand with an estimate of 50,000 people.²¹ In the mentioned countries, the Vietnamese migrants mainly work in the agriculture and fisheries sectors.²²

3. Relevant policies²³

The Government Decree 370 and consequent Decrees 07, 152 and 81 are initial documents that were adopted to govern Vietnamese outbound labour migration. Following the Directive 41-CT/TW, the labour export was considered as an “important and long-term strategy” of the Vietnamese government.

“The Law on Vietnamese workers working overseas under contract” was later adopted to further develop the existing legal framework on outbound migration. The new law stipulates additional regulations including an advanced policy on sending agencies and a language/labour skills policy.

A set of legal documents was designed to assist the underprivileged Vietnamese workers to migrate. For example, State-owned and private banks are authorized to provide different loans to poor households.

¹⁴ Anh, D. N. (January 2008). *Labour Migration from Viet Nam: Issues of Policy and Practice*, ILO Asian Regional Programme on Governance of Labour Migration Working Paper No.4, p.8. Retrieved (on 28 February 2016) from http://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/documents/publication/wcms_09917.pdf

¹⁵ Miller, K. (29 April 2015). *From Humanitarian to Economic: The Changing Face of Vietnamese Migration*. Retrieved from <http://www.migrationpolicy.org/article/humanitarian-economic-changing-face-vietnamese-migration>

¹⁶ See supra note 1, p.2.

¹⁷ Ibid.

¹⁸ Ibid.

¹⁹ See supra note 14, p.5.

²⁰ Asian Migrant Centre and Mekong Migration Network. (2013). *Migration in the Greater Mekong Subregion Resource Book (Fourth Edition)*, pp.152-154. Chiang Mai: Wanida Press.

²¹ Ibid.

²² See supra note 20, p.152.

²³ See supra note 1, pp.1-7.

Accordingly, in theory, the money-receiving households should have greater chances to join the labour migration.²⁴

One of the latest decision of the Prime Minister in 2009 approved the long-term project on labour export as a means to alleviate poverty in the country. The project was designed to send around 120,000 poverty-stricken workers abroad between 2009 and 2020. Such workers are fully funded by the State to move and work in different host countries.

The main institution that controls migration and an array of other related issues is the Ministry of Labour - Invalids and Social Affairs (MOLISA) and the Department of Overseas Labour (DOLAB). In particular, MOLISA compiles reports on the migration statistics that can be openly accessed.²⁵ Furthermore, a number of sub-agencies, such as DOLAB, exist under the MOLISA supervision to assist potential migrant workers.

The second major body facilitating migration from Vietnam is sending agencies. Sending agencies are private licensed enterprises that secure labour contracts and provide necessary services/training for successful migration abroad. Such agencies must first secure a license by fulfilling various criteria and paying a deposit of around 50,000 USD. After fulfilling all the requirements, they are allowed to provide assistance in labour migration.

Sending agencies can voluntarily join the Vietnamese Association of Manpower Supply (VAMAS). The purpose of this organization is to foster the cooperation between agencies and improve their quality of service. VAMAS has cooperated with ILO to create a Code of Conduct for sending agencies to further promote high quality and safe migration.

On the contrary to its friendly labour export policy, Vietnam's views on the inbound migration are relatively mixed. For instance, Vietnam has recently adopted a stricter migration policy on foreigners coming to Vietnam. From 2015 onwards, foreigners can no longer change their visa type during their stay in Vietnam.²⁶ On the other hand, certain immigration procedures for investors were simplified in order to foster Vietnam's economic development.²⁷

4. Issues²⁸

Problems in Vietnam. Widespread illegal labour brokering is a big issue for workers that are planning to leave Vietnam. While only authorized agencies are officially allowed to secure contracts for migrants, many independent brokers provide such services for major fees and often with unpredictable results for workers. Furthermore, many workers are completely unaware of the traditions, laws or working conditions in their receiving countries before their departure. This can potentially put them in dangerous situations upon their arrival.

Flawed working conditions and ill-treatment. Many businesses in Northeast Asian destination countries that employ Vietnamese migrant workers are in search of cheap labour, and hence often underpay the

²⁴ There are no available statistics on the correlation between loans and external migration.

²⁵ MOLISA. *Statistics lookup*. Retrieved (on 28 February 2016) from <http://www.molisa.gov.vn/en/Pages/ViewByField.aspx>

²⁶ Vietnamese Visa Migration. *New Vietnam Immigration Law Effects on January 2015*. Retrieved (on 26 February 2015) from <http://www.vietnam-immigration.org.vn/news/view/new-vietnam-immigration-law-effects-on-january-2015.html>

²⁷ Ibid.

²⁸ See supra note 14, pp.8-15; See supra note 3, pp.37-47.

workers. Furthermore, as many migrants do not have language skills, social connections and proper access to legal protection, they are vulnerable to severe abuse of their rights. Extremely long working hours and physical abuse are commonplace. For example, in South Korea, around 12 percent of migrant workers are subjected to physical and verbal abuse.²⁹ Many migrant workers experience severe wages reduction or non-payment of salaries in a breach of labour agreements.

Disappearances of workers. Poor working conditions and ill-treatment of workers often result in migrant workers' leaving their workplaces in generally non-recognized directions. More than 20 percent of the workers in Japan and Korea leave their employers before the end of their contracts. Furthermore, in most circumstances, workers are not allowed to change their employer. Many of such workers stay in their host countries and continue to work without documents, often as a result of the restrictions that governments impose on non-citizens relating to the change of working place.³⁰ Eventually, having lost their formal immigration status, they can end up with lesser rights protection, poor working conditions and substantial financial struggles. This has also reportedly opened the door for widespread disappearances, trafficking and forced labour.

Undocumented migration and Human Trafficking. One of the major issues within Vietnam's territory is human trafficking. In response, the Vietnamese government adopted the National Plan of Action to Combat Trafficking in Women and Children, amended the penal code and enacted a Law on Human Trafficking to deal with this sensitive issue.³¹

Undocumented migration and migrant smuggling. In light of various practical obstacles in legal migration such as strict migration regulations, financial hardships and other obstacles, a number of migrants choose to migrate through informal channels, where some of them rely on smugglers.³² Besides breaking the law, the process of smuggling usually involves the participation of different criminal groups that operate in receiving countries. Eventually, the participation of criminal groups, lack of language/labour skills and undocumented status may put such migrants in the danger of ill-treatment and extremely poor rights protection.

5. Responses

According to the Vietnamese Constitution, Vietnam bears an obligation to protect the interests of Vietnamese citizens abroad. Accordingly, Vietnamese migrants who find themselves in complicated situations should be able to ask for help in their local embassies or consulates. As such, embassies are established in major migrant destinations such as Japan, Korea and Taiwan for supporting Vietnamese migrants while they are abroad. The Vietnamese government has also made a number of efforts to strengthen the diplomatic and consular assistance for the Vietnamese citizens residing abroad.³³

It is the Vietnamese government's view that strengthening domestic supervision is essential in supporting migrants in new environments. The government hence emphasizes on supervision on the appropriate execution of labour agreements, assessment of working environments and mechanisms for migrant

²⁹ Ibid.; The sample size is 741.

³⁰ See supra note 20, p.152.

³¹ See supra note 20, p.156.

³² The International Organization for Migration. (2010). *The International Organization for Migration and People Smuggling*. Retrieved (on 28 February 2016) from <http://www.iom.int/jahia/webdav/shared/shared/mainsite/activities/ibm/10-IOM-IBM-FACT-SHEET-People-smuggling.pdf>

³³ See supra note 3, p.52.

workers to file complaints. These can be seen as essential tools to create and support a migration-friendly environment.

6. Useful links

<http://www.molisa.gov.vn/> - Ministry of Labour – Invalids and Social Affairs

<http://www.vnembassy.net/> - Vietnamese Diplomatic Missions

<http://www.asianmigrantcentre.org/> - Asian Migrant Centre

<http://www.mekongmigration.org/> - Mekong Migration Network

<http://www.migrationpolicy.org/country-resource/viet-nam> - Migration Policy Institute