AN EXPLORATORY RESEARCH ON THE EXPERIENCES AND NEEDS OF RETURNED VIETNAMESE OVERSEAS MIGRANT WORKERS

In the Provinces of Hung Yen, Thai Binh and Ha Nam

Center for Studies and Applied Sciences in Gender, Family, Women and Adolescents

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Foreword

This report shows the results of a study on the experiences and needs of returned Vietnamese overseas workers. It was the first component of a two-phased project called ‘Improving access to support services for victims of labor trafficking’. The project was funded by the United States Agency for International Development (USAID) and implemented by the Center for Studies and Applied Sciences in Gender, Family, Women and Adolescent (CSAGA), with technical support from the United Nations Inter-Agency Project on Human Trafficking (UNIAP).

The survey was conducted in the three northern Vietnamese provinces of Hung Yen, Ha Nam and Thai Binh, all of which feature high numbers of laborers going to work abroad. The objective of the research was two-fold: first, to learn more about the labour migration experiences of returned Vietnamese migrant workers, with a particular focus on those having encountered problems abroad; and two, to better understand their assistance needs as they return and continue their lives in Vietnam. The intension has been to help relevant stakeholders to improve services to prevent such negative experiences in the future, and to better assist Vietnamese migrant workers in need.

Human trafficking for the purpose of labor exploitation is not a new phenomenon at the global level. In Vietnam, however, a lack of related information and data has complicated addressing this complex issue to date. With this report, we hope to make a contribution to overcoming the knowledge gap, thus allowing us to more effectively combat trafficking in persons domestically and beyond. We also hope that this report will inspire individuals and organizations with an interest in this topic to conduct follow-up research on human trafficking for labor exploitation in Vietnam.

The report benefitted from the cooperation and contributions of many people.

We would like to thank all people involved from the Departments of Labor, Invalids and Social Affairs in Ha Nam and Thai Binh; the Kim Bang District Social Evils Control Office; the Vu Thu District Labors, Invalids and Social Affairs Office; the Phu Cu District Labors, Invalids and Social Affairs Office; as well as the communes in the survey areas. We greatly appreciated their support in facilitating this project, and their comments and advise on the results.

We would like to express our gratitude to the returned Vietnamese migrant workers who participated in this study. The experiences and information they shared with us are at the core of this report. Without their participation, none of this would have been possible.

We would like to thank Ms. Nguyen Thi Van, consultant with CSAGA and leader of the research group; the involved CSAGA and UNIAP officers who facilitated the process from the start by reviewing the research instruments, supporting data collection and accompanying the report writing with high levels of enthusiasm and professionalisms.
Last but not least, we would like to thank Mr. Nguyen Ngoc Anh, UNIAP Vietnam National Project Coordinator, and Ms. Nguyen Van Anh, CSAGA Director, for supporting and guiding this study.

CSAGA
Executive Summary

This research seeks to understand the experiences of Vietnamese migrant workers, focusing on those who have faced difficulties in their labour migration. While many migrant workers successfully improve their economic circumstances, this study focuses on the more difficult experiences in order to find ways to better assist stakeholders to address weaknesses in the systems and to better meet the needs of Vietnamese migrant workers.

Data collection focused on the three provinces of Ha Nam, Thai Binh and Hung Yen in northern Vietnam, with primary research supported by secondary materials, including reports and statistics on overseas labour migration provided by authorities. Primary data collection was conducted in June-July 2012 through both a quantitative survey and an in-depth interview questionnaire with returned migrant workers. 357 respondents completed the initial survey, and of these 55 indicated that they had encountered problems during their migration process. The 55 were then invited to respond to in-depth interviews to gain a more detailed insight into their experiences. A separate in-depth interview was administered for local authorities with 16 officials responding, in order to understand more broadly the situation of labour migration and migrant workers.

The experiences of those interviewed indicate that Vietnamese migrant workers face challenges in all stages of their overseas labour migration, that is: a) the recruitment and migration stage; b) the work at destination stage; and c) the return and (re)integration stage. The key findings at each stage are summarized below:

✓ Recruitment and journey stage:

• **Lack of information about recruitment and related conditions:** Respondents reported a lack of information on the migration process and the costs involved, while some were not accurately informed of the type of work at destination. Others enlisting services of non-registered recruitment agencies were not even able to go abroad despite having paid money.

• **Contractual issues:** Some migrants were not given contracts prior to departure, while others received contracts in foreign languages. Moreover, these were regularly described as not reflecting the actual terms and condition of work at destination.

• **Lack of occupational and other pre-departure training:** Several of those interviewed reported that they had no pre-departure training despite official requirements, while others found the training they received of little value at the destination.

• **False or no visa given:** Some respondents reported receiving false or tourist visas instead of employment visas, which left them vulnerable to exploitative working

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1 One district in each province was targeted, namely Phu Cu District in Hung Yen Province; Vu Thu District in Thai Binh Province; and Kim Bang District in Ha Nam Province.
conditions; put them at risk of arrest, punishment and deportation; and limited their entitlement to rights and services.

- **Insufficient travel arrangements**: In some cases respondents reported long waits at the destination airport, up to several days.

A higher number of those who felt deceived or exploited during this stage had used non-registered agencies, sometimes without knowing this. However, such experiences also occurred to those using official labour export companies.

**Work abroad stage:**

- **Seized passports and ID documents**: Withholding of passports by employers was a common complaint. Some agents allegedly withheld all relevant documents, making it impossible to know if the real employment terms and conditions were being met, including for example deposit repayments.

- **Discrepancies between jobs stipulated in contracts and actual work**: This was often reported and appeared more prevalent in countries where jobs required lower skill levels, with little assistance provided by agencies when requested.

- **Unpaid overtime**: Some reported having to work overtime, particularly those in smaller companies or domestic work. Beyond no further payment, overtime was often enforced through the withholding of documents, wages or food, with some reports also of physical and verbal abuse.

- **Receiving lower salaries than stipulated in contracts**: Whilst the majority of respondents said that they had received salaries as agreed upon in the contracts, there was still a concerning number who reported they did not, received their salaries much later, or in some cases received nothing. This was most common amongst those who worked in small factories, domestic work, and farms.

- **Unsafe working and bad living conditions**: Concerns were expressed by some respondents about unsafe and unhygienic living quarters, and working in toxic workplaces without required safety devices.

- **Physical, psychological and other forms of violence**: There were some reports of verbal and physical abuse, most commonly related to domestic work. Others also reported not being allowed to leave the workplace, even when sick.

- **Language barriers**: Language barriers were described by some migrant workers as an obstacle to their protection. Not being able to speak the same language as employers or supervisors made it difficult for people to react to situations of being scolded or even beaten, or seek external assistance.
Return and (re)integration stage

Non-repayment of deposits was a commonly reported issue, with agencies citing additional fees for labour agents, costs for air tickets, or otherwise having disappeared. In other cases, migrant workers did not always keep their contracts or receipts, or thought the deposit was actually a fee. Few interviewees sought assistance from public institutions or other stakeholders for disputes with recruitment agencies.

The financial situation of several returnees had worsened as a result of their labour migration, and some fell into debt on return and struggled to find work. They found their capacities were not sufficiently recognized upon return; few opportunities existed to develop their careers; and local businesses were often not attractive employers. Health problems relating to their stay abroad, both physical and psychological, were an issue for some returnees too.

In addition, the research seeks to capture the needs of returnees, both at the time of their return as well as at the time of the interview. On return, respondents were most interested in receiving legal support, from reclaiming deposits to seeking justice for deceptive recruitment or coercive labour. As time progressed however, finding a job ranked as the most pressing need at the time of data collection.

Recommendations

As a result, the analysis proposes the following key recommendations to authorities and other developmental actors for their consideration and action:

1. Further develop anti-trafficking legislation in Viet Nam, including a definition of human trafficking in compliance with international standards, which would allow for a more holistic response to this complex and evolving crime.
2. Improve labor migration management, including reducing time and costs of formal labour migration processes in order to reduce the risk of migrants using non-registered agents.
3. Increase oversight of labor recruitment companies in order to ensure compliance with national laws and regulations.
4. Review laws and regulations relating to non-registered agents to ensure effective deterrent against deceptive and exploitative recruitment practices.
5. Build the capacity of relevant authorities, tailored to their respective roles, to identify and respond to potential trafficking cases effectively.
6. Recognize the various individual assistance needs of people who have experienced forms of deception and/or exploitation. Tailored reintegration services may entail legal support, but also assistance in gaining employment, treatment for physical and psychological healthcare needs, and others.
7. Engage relevant destination countries for Vietnamese migrant workers to establish systems and mechanisms that improve their conditions at destination. Such cooperation
should also include preparations for cases of emergency, so that effective assistance can be provided when needs arise.

8. Raise awareness and provide training to potential migrant workers on the process to migrate safely, including their rights and obligations in order to empower them to protect themselves from deception and/or exploitation during the recruitment and migration process.

9. Actively engage recruitment enterprises in combating human trafficking and labor exploitation, as their role in the migratory and employment processes is crucial.

10. Engage the media and public in anti-trafficking efforts through spreading information.

11. Develop a complaints mechanism to report abusive recruitment and labour practices.

12. Ensure sufficient pre-migration preparation through appropriate training.

13. Conduct more research on human trafficking for labour exploitation in order to better understand the phenomenon affecting Vietnamese migrants, and to be able to design effective responses.
1. Introduction

This research was the first part of a two-phased project called ‘Improving access to support services for victims of labor trafficking’, targeting the three provinces of Ha Nam, Thai Binh and Hung Yen in northern Vietnam². The study attempted to provide a better understanding on the experiences of Vietnamese migrant workers, with a particular focus on those having encountered problems and potential situations of exploitation or even human trafficking. It is recognized that the range of experiences is wide, and that many migrant workers do succeed in improving their socio-economic situation. The research, however, aspired to capture the stories of those less fortunate, helping stakeholders to improve services to prevent such problems in the future, and to better assist Vietnamese migrant workers in need.

On the basis of the findings, an information and communication campaign was designed and implemented to raise awareness on overseas labour recruitment and safe migration, and legal support services were provided to those in need in the target areas. The project was implemented by CSAGA with support from UNIAP, the Departments of Labor, Invalids and Social Affairs in Ha Nam and Thai Binh, as well as the Department of Social Evils Control in Hung Yen. In addition, Legal Support Committees in the three provinces supported the provision of legal assistance. Funding for the project was provided by USAID.

The legal framework on human trafficking

Internationally, human trafficking is defined in the ‘Palermo Protocol’³ as “the recruitment, transportation, transfer, harboring, or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation (…) include[s], at a minimum, the exploitation of the prostitution, of others or other forms of exploitation, forced labor or services, slavery or practices similar to slavery, servitude or the removal of organs.”

The legal foundation to deal with human trafficking in Vietnam is provided by the Penal Code (2010) and the Anti-Human Trafficking Law (2012), with the latter drawing on the former but at the same time going beyond. The framework partly relates to the abovementioned ‘Palermo Protocol’, but it does not as such provide a definition for human trafficking and instead lists a number of prohibited acts under the law. Article 3 of the Anti-Human Trafficking Law identifies these acts as follows:

- Trafficking in persons under Articles 119 and 120 of the Penal Code;

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² One district in each province was targeted, namely Phu Cu District in Hung Yen Province; Vu Thu District in Thai Binh Province; and Kim Bang District in Ha Nam Province.

• Transferring or receiving persons for sexual exploitation, forced labor or removal of human organs or other inhuman purposes;
• Recruiting, transporting or harboring persons for sexual exploitation, forced labor, removal of human organs or other inhuman purposes or for committing an act specified in Clause 1 or 2 of this Article;
• Forcing others to commit an act specified in Clause 1, 2 or 3 of this Article;
• Acting as a broker for others to commit an act specified in Clause 1, 2 or 3 of this Article.

The legal framework for overseas labour migration
Vietnam records lower numbers of migrant workers abroad than other countries in South or Southeast Asia, such as the Philippines, Bangladesh or Indonesia. Still, according to statistics from the Department of Overseas Labor at the Ministry of Labor, Invalids and Social Affairs (MOLISA), approximately 500,000 Vietnamese laborers worked overseas at any given time between 2000 and 2009, 90% of who were based in other Asian countries, mainly Taiwan, Malaysia, and Korea.4

Laws and provisions on labor export have been established or improved in recent years. The recruitment, training and exporting of labor, and financial relations between labor export companies and workers have been institutionalized, creating a more transparent and protective framework for labor export. In 2007, a Law on Vietnamese Guest Workers (Labor Export Law) entered into force, which was an important step in this regard.

The Labor Export Law applies to 4 constituencies: (1) Enterprises and non-business organizations sending workers abroad on contracts; (2) Guest workers on contracts defined in Article 6 of the law: enterprises providing guest worker services or non-business organizations licensed to send workers abroad; contract-winning or -receiving enterprises or offshore-investing organizations or individuals that send workers abroad; guest worker contracts in form of skill-improvement internship contracts, signed by enterprises sending workers abroad for internships to improve their skills; (3) Guarantors for guest workers on contracts; (4) Organizations and individuals involved in the sending of workers abroad on contracts.

The management of labor export companies has become more sophisticated, especially the related legal framework regulating guarantees, broker fees, service fees, deposits, etc. The law protects workers rights and interests. At the same time though, if workers violate the law, such as by terminating the contract on their own, they will be fined administratively or forced to come back. In addition, the government has issued legal documents to guide the law’s enforcement, e.g. for the recruitment of workers, signing contracts, terminating contracts, managing workers working abroad, and to protect workers’ interests when they return to Vietnam.

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Whilst the overall legal framework on labor export is quite comprehensive in some ways, it does not clearly regulate cases involving fraud or labor exploitation. In addition, Vietnamese law does not provide serious sanctions for violations, especially when workers have been cheated, and it insufficiently protects the rights and interests of workers with such experiences.

In 2004, the Vietnam’s government also established the so-called Labor Export Support Fund under MOLISA. This fund has been used to further the country’s international labor migration; to improve the quality and competitive capacity of Vietnamese labor in the international market; and to provide risk support for laborers and companies working in the field of labor export.
2. **Methodology**

Data collection involved both primary and secondary research. Secondary materials consulted were mostly reports and statistics on overseas labour migration, etc. provided by the authorities in the concerned provinces. Primary data was collected through both quantitative and qualitative methods, that is, a survey instrument as well as an in-depth interview questionnaire. The survey and interviews were conducted in June and July 2012. Further details on primary data collection is provided below:

*Quantitative survey instrument*

With support from the Departments of Labor, Invalids and Social Affairs, a list of former overseas workers who had returned from abroad in the previous three years was compiled, and local authorities invited them to participate in the survey, particular those who were known to have encountered problems during their stay abroad. In addition, further potential interviewees were identified through the help from respondents. Criteria for selection included: a) having been a Vietnamese overseas migrant worker; b) having returned within the last three years; and c) being present in the districts at the time of the survey. In addition, priority was given to respondents who had encountered problems during their stay abroad.

The questionnaire consisted of 79 questions with 191 variables, and was divided into 11 parts. These covered the following categories:

- Demographic information;
- Countries and length of stay;
- Experiences in the recruitment and training processes;
- Experiences when travelling back and forth;
- Work and living conditions abroad;
- Debt dependence;
- Current service needs.

*Qualitative, in-depth interviews*

Qualitative interviews were conducted with those in the survey who appeared to have had experiences of exploitation and potentially trafficking. In addition, local authorities at district/commune levels, such as officers in the Departments of Labor, Invalids and Social Affairs were involved as well. Interviews with authorities allowed researchers to gather additional information on the labor migration framework in the three provinces, the roles of different agencies in this context as well as available legal support services for returning migration workers, if need be.

*Research sites*

The study was conducted in Phu Cu district (Hung Yen province), Kim Bang district (Ha Nam province) and Vu Thu district (Thai Binh province). The sites were chosen by CSAGA in
coordination with the Departments of Labor, Invalids and Social Affairs, based on the following criteria:

- Provinces with relatively high rates of labor export;
- Diversity of industries and jobs covered in destination countries;
- High numbers of migrant workers having returned in the last three years (2009-2012).

**Research sample**

357 respondents completed the survey instrument, of whom 55 appeared to have encountered various problems during their migration process. The latter were then invited to take part in additional, in-depth interviews. Moreover, 16 officers from local authorities were asked to participate in in-depth interviews as well. Overall, a total of 71 in-depth interviews were thus conducted for this study.

<table>
<thead>
<tr>
<th>Province</th>
<th>District</th>
<th>Commune</th>
<th>Survey</th>
<th>In-depth interviews (Returned migrant workers)</th>
<th>In-depth interviews (Officials)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Thai Binh</td>
<td>Vu Thu</td>
<td>Minh Lang, Vu Tien, Tan Hoa, Bach Thuan, Song An, Minh Khai, Vu Hoi</td>
<td>172</td>
<td>20</td>
<td>5</td>
</tr>
<tr>
<td>Hung Yen</td>
<td>Phu Cu</td>
<td>Phan Sao Nam, Minh Tan, Tran Cao</td>
<td>103</td>
<td>16</td>
<td>8</td>
</tr>
<tr>
<td>Ha Nam</td>
<td>Kim Bang</td>
<td>Que, Kha Phong, Lien Son, Ngoc Son, Van Xa, Dai Cuong</td>
<td>82</td>
<td>19</td>
<td>3</td>
</tr>
<tr>
<td><strong>Overall</strong></td>
<td></td>
<td></td>
<td><strong>16</strong></td>
<td><strong>357</strong></td>
<td><strong>55</strong></td>
</tr>
</tbody>
</table>

**Limitations and Challenges**

The original aim was to get 130 survey responses in each province. But, although the requests for participation made exceeded this number, only 103 and 82 forms were received in Hung Yen and Ha Nam respectively. Amongst the reasons for lower response levels probably was that data collection took place during the rice harvest season, making it hard for people to return for this purpose. Others worked far away in factors and thus faced similar issues. It should also be noted that local authorities invited the returned workers to public places for data collection purposes, which might have been intimidating or inconvenient to some. Interestingly, many invited people on the list of potential respondents rejected to come, whereas others who had not been invited showed up and actively asked to participate in the research.

It is important to point out that the study is exploratory and not taken to be representative of the wider population of former Vietnamese overseas workers. Sampling and analysis were tailored to targeting those with indications of exploitation and potentially trafficking.
during their overseas work process. The report hence focuses on understanding more about labour migration experiences that involved problems of different kinds, thereby contributing to more tailored prevention and assistance programs be developed in the 3 provinces.
3. Research Results

3.1 Respondent characteristics

Out of the 357 returned migrants, 68.6% were male and 31.4% female. The average age was 34 years old, with most people thus having gone to work abroad in their most physically healthy and productive years. More than 54.7% of respondents had completed lower secondary education, and 33.7% had finished higher secondary education. Only 5% had completed primary education only, and the same percentage had finished vocational training. More than 50% had been farmers and small business owners prior to their migration, with another 20% having worked in factories. More than 84% were married, and 1% divorced or widowed. 86.1% of the participants had 1 to 2 children, and 13% had 3-4 children.

Box 1: Recruitment agency did not help with problems in destination country

“He [the labor agent] was from the same commune as me. When I found out that he worked at a recruitment company, I asked him for information. I completed all procedures and paid money through the agency. But when I worked in the destination country, I coped with many difficulties. I tried to contact the recruitment company but they did not answer.”

(Male, 23 years old, Thai Binh, going to Czech Republic)

61.2% of workers had an average monthly income of around 500.000VND before they went abroad, which is broadly in line with the average monthly income in the areas. The number of families with higher incomes was relatively low in the sample, around 3%. Some 31% of households would be classified as poor by the government with incomes of 200,000-500,000 VND. Percentages for the latter differed between the provinces, with 41% in Ha Nam province and 26% in Thai Binh province being ‘poor’. The above statistics help illustrate that one key pull factor for Vietnamese overseas migrant workers was to improve their family’s income and living standards.

The relative majority of survey respondents, that is 36.2%, had moved to Taiwan for work, although significant variations existed between provinces (e.g. 45.8% in Ha Nam province, 40.7% in Thai Binh and 20.8% in Hung Yen). South Korea came second (23.6%), recording very high percentages in Hung Yen (43.6%). In addition, Malaysia accounted for 14%, and Russia and Japan each attracted 5-7% of the surveyed respondents, with others having gone to Qatar, Thailand and China.
Table 2: Destination countries for migrant workers, overall and by province

<table>
<thead>
<tr>
<th>Destination countries</th>
<th>Overall</th>
<th>Thai Binh</th>
<th>Ha Nam</th>
<th>Hung Yen</th>
</tr>
</thead>
<tbody>
<tr>
<td>Taiwan</td>
<td>36,24</td>
<td>40,70</td>
<td>45,78</td>
<td>20,79</td>
</tr>
<tr>
<td>Korea</td>
<td>23,60</td>
<td>20,35</td>
<td>6,02</td>
<td>43,56</td>
</tr>
<tr>
<td>Malaysia</td>
<td>14,89</td>
<td>16,86</td>
<td>9,64</td>
<td>15,84</td>
</tr>
<tr>
<td>Libya</td>
<td>7,02</td>
<td>4,07</td>
<td>13,25</td>
<td>6,93</td>
</tr>
<tr>
<td>Russia</td>
<td>5,90</td>
<td>3,49</td>
<td>14,46</td>
<td>2,97</td>
</tr>
<tr>
<td>Japan</td>
<td>5,34</td>
<td>7,56</td>
<td>2,41</td>
<td>3,96</td>
</tr>
<tr>
<td>Other (Czech, Bulgaria, Belarus, etc.)</td>
<td>4,21</td>
<td>4,65</td>
<td>3,61</td>
<td>3,96</td>
</tr>
<tr>
<td>Saudi Arabia</td>
<td>1,97</td>
<td>2,33</td>
<td>3,61</td>
<td>0,00</td>
</tr>
<tr>
<td>China</td>
<td>0,28</td>
<td>0,00</td>
<td>1,20</td>
<td>0,09</td>
</tr>
<tr>
<td>Thailand</td>
<td>0,28</td>
<td>0,00</td>
<td>0,00</td>
<td>0,00</td>
</tr>
<tr>
<td>Qatar</td>
<td>0,28</td>
<td>0,00</td>
<td>0,00</td>
<td>0,00</td>
</tr>
</tbody>
</table>

About 62% of returned migrants in the sample worked in factories and plants, 13% engaged in construction work and 11.7% worked as maids. Together, these three sectors covered almost 90% of all respondents. More details are provided in Table 3.

Table 3: Employment sectors at destination, overall and by province

<table>
<thead>
<tr>
<th>Employment sector in destination country</th>
<th>% Overall (N=357)</th>
<th>% Thai Binh (N=172)</th>
<th>% Ha Nam (N=83)</th>
<th>% Hung Yen (N=102)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Factory workers</td>
<td>62,57</td>
<td>63,74</td>
<td>48,78</td>
<td>72,16</td>
</tr>
<tr>
<td>Construction workers</td>
<td>12,86</td>
<td>11,70</td>
<td>10,98</td>
<td>16,49</td>
</tr>
<tr>
<td>Housework maids</td>
<td>11,71</td>
<td>11,70</td>
<td>23,17</td>
<td>2,06</td>
</tr>
<tr>
<td>Crafts artisans</td>
<td>3,43</td>
<td>4,68</td>
<td>1,22</td>
<td>3,09</td>
</tr>
<tr>
<td>Manual work laborers</td>
<td>3,14</td>
<td>2,34</td>
<td>8,54</td>
<td>0,00</td>
</tr>
<tr>
<td>Nurses (at health clinics)</td>
<td>2,29</td>
<td>2,34</td>
<td>4,88</td>
<td>0,00</td>
</tr>
<tr>
<td>Farmers</td>
<td>1,71</td>
<td>0,58</td>
<td>1,22</td>
<td>4,12</td>
</tr>
<tr>
<td>Services</td>
<td>1,71</td>
<td>2,34</td>
<td>1,22</td>
<td>1,03</td>
</tr>
<tr>
<td>Fishery</td>
<td>0,29</td>
<td>0,58</td>
<td>0,00</td>
<td>0,00</td>
</tr>
<tr>
<td>Entertainment</td>
<td>0,29</td>
<td>0,00</td>
<td>0,00</td>
<td>1,0</td>
</tr>
</tbody>
</table>

3.2 Overall research results

Among the 357 survey respondents, 32.21% reported having encountered situations in which they felt cheated, deceived or exploited during their labour migration experience. Such conditions appeared to occur in all stages of the migration process, that is, before, during and after the work period abroad. Still, findings suggest that the time spent working at destination may be the stage most prone to such negative experiences.

There was not much of a difference between men and women in this regard, with 32.24% of men and 32.14% of women reporting such problems. At provincial level, Thai Binh recorded
the highest share of respondents who indicated any of the above experiences (41.28%), followed by Hung Yen (26.47%) and Ha Nam (20.48%).

**Chart 1: Percentage of laborers having felt cheated, deceived or exploited during their labour migration experience, by gender, province and overall**

Results also suggest that perceived experiences of cheating, deception or exploitation amongst former overseas workers were reported in all destination countries, although to different degrees. The highest percentage of laborers pointing to such problems had returned from Libya followed by Taiwan, with experiences between both genders differing from country to country (See Table 4).

**Table 4: Percentage of laborers feeling cheated, by destination country and gender**

<table>
<thead>
<tr>
<th>Country</th>
<th>Number of interviewees</th>
<th>Percentage of people reporting to have been cheated</th>
<th>Gender</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>General</td>
<td>Men (N = 245)</td>
</tr>
<tr>
<td>Russia</td>
<td>21</td>
<td>23,81</td>
<td>23,53</td>
</tr>
<tr>
<td>Taiwan</td>
<td>129</td>
<td>34,11</td>
<td>35,38</td>
</tr>
<tr>
<td>Malaysia</td>
<td>53</td>
<td>30,19</td>
<td>30,23</td>
</tr>
<tr>
<td>South Korea</td>
<td>84</td>
<td>26,19</td>
<td>23,81</td>
</tr>
<tr>
<td>Libya</td>
<td>25</td>
<td>44,00</td>
<td>44,00</td>
</tr>
<tr>
<td>Japan</td>
<td>19</td>
<td>31,58</td>
<td>27,27</td>
</tr>
</tbody>
</table>

The educational levels of laborers seemed to relate to their experiences of deception, cheating or exploitation. The lower their education was, the more likely they were to report encounters of this type. In the sample, 43.8% of laborers who had completed primary education reported to have felt cheated, while only 21.7% of those with secondary and junior college education indicated such experiences. The rate dropped further to 14.3% for
laborers with high school education (See Chart 2). Similar tendencies, albeit less clear-cut, were also identifiable when examining people’s living conditions, with those classified as ‘poor’ recording higher levels of negative experiences than others in the sample.

Chart 2: Percentage of laborers reporting to have been deceived, cheated or exploited, by educational levels

![Chart](image)

3.3 The pre-work stage: Recruitment and travel arrangements in Vietnam

The Vietnamese government has introduced a number of measures to ensure that the recruitment of Vietnamese migrant workers occurs transparently and lawfully, hence seeking to prevent any negative experiences in the process. Labor export companies must register their operations with the local government, obtain a license to be able to run their business, and publicize all information about conditions of contracts, etc.

In addition, MOLISA and local governments have applied what is referred to as the ‘labour export model’ since 2004. Under the model, local governments cooperate closely with labor export businesses to communicate relevant laws and policies, recruiting candidates, and introducing selection criteria to e.g. prioritize poor families and descendants of war veterans. According to the assessment of local governmental offices, it is due to this model that going abroad for work has developed strongly in the provinces, with limited risks of negative experiences.

Some problems appear to have remained though, certainly from the perspective of migrant workers. Such experiences are described further below:
Box 2: Work and salary differed from agreements
“They said they would arrange good jobs for us with a salary of USD 1,000 per month. We were determined to go and work, but in fact the salary was totally different. When we complained, they gave us about VND 400,000 (USD 20) for eating, while we did not receive any money for eight months.”
(Male, 50 years old, going to Malaysia)

“They said we would have to pack candies and cakes, but in fact we had to pack medical gloves. Others were told that they were going work in the garment industry, but in reality they had to work in the electronic industry. Everything mixed up. In contracts, it was stipulated that we would work eight hours per day but we had to work from 7 am to 7 pm. We were paid in products, not in working hours. They promised us about basic salary and meals, but we had to care for everything ourselves.”
(Female, 24 years old, Thai Binh, going to Taiwan)

“It was written clearly in the working contract that I would work eight hours per day and have Sundays off; and that, for the first three months, I would get USD250 per month and get more if I worked extra hours. But everything was different. I had to work on average 14 hours per day, sometimes 15 – 16 hours, while I did not get any money.”
(Male, 20 years old, Ha Nam, going to Russia)

Lack of information about recruitment and related conditions
The required information transparency does not appear to have been fully upheld by labor export businesses, especially in the case of small businesses and private recruitment agents. 23.54% of respondents in the survey said that they did not receive full information about the work they would do in the destination country⁵, with a similar problem having been a perceived lack of transparency about the real expense of the trip. Almost a quarter of survey participants said that they did not know clearly about travel and other costs as part of their recruitment.

Box 3: There was a lack of adequate bills and receipts obtained
“I paid USD 11,000, but in the company receipt, there was only USD 6,500. They told me to sign onto that receipt.”
(Male, Thai Binh, going to Czech Republic)

“I did not know anything when I made my documents. They just gave me some temporary receipts, but they also took them back when I travelled. There were some things that were not documented on paper; I paid money without any bills or receipts. When I asked them about that, they said these amounts were not on the list.”
(Male, Thai Binh, going to Taiwan)

A number of migrant workers also enlisted services of recruitment agencies that did not have the required registration or legal status. Many of the respondents in the in-depth interviews suggested that they had been recruited through illegal agents, yet often without

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⁵ It must be noted that it was not always clear if the lack of knowledge amongst respondents was entirely due to the lack of information provided. Migrant workers may at times not have memorized important information. For example, it seems surprising that 18.23% interviewees did not appear to know the name of the company that recruited them to work abroad.
prior knowledge about it. In some cases, this resulted in their paying for recruitment without ultimately being able to go abroad for work.

**Box 4: Documents were in a foreign language and no explanations given**

“Before I went, I was required to sign a document in a foreign language. I asked people there but they said ‘Don’t ask, you should keep silence once you decide to go.’ I questioned about the salary in Taiwan, but they said ‘Do you want this job? If not, please leave.’”

*(Female, Thai Binh, going to Taiwan)*

**Contractual issues**

A number of respondents indicated that contracts did not accurately reflect the actual terms and conditions of work at destination. In the in-depth interviews, approximately half of the interviewees said they were required to do jobs and received salaries that were different from their contracts (See Box 2). Moreover, contracts were regularly described as fairly specific about the implications of potential wrongdoings of laborers, while there were generally no articles outlining compensation that workers would be entitled to under certain circumstances, nor generally about liabilities of recruitment companies and their partners abroad.

**Box 5: Language barriers limited protection**

“I learned English at home, but people there [Syria] did not speak English at all, while I could not speak their language. My two employers did not speak English. When they scolded and beat me, I could not speak back. They even said I stole their money but at that time I did not understand what they were saying.”

*(Female, 40 years old, going to Syria)*

In other cases, contracts were reportedly written in foreign languages and migrant workers did not receive adequate information or explanations about their contents. In the survey, about a quarter of respondents (23.9%) said that they were required to sign contracts, which they did not fully understand. A number of people were apparently threatened with cancellation of the trip, if they didn’t sign the contracts despite uncertainties about their content (See Box 4). Others were not even given their contracts for signature before departure, putting them in unfavorable positions for negotiations at destination. The scope for discussions about terms and conditions of contracts was generally described as low.
Lack of occupational and other pre-departure training

17.05% of respondents in the survey said that they did not take part in any occupational training or classes such as on language, laws and culture of the destination country. This was despite MOLISA requiring migrant workers to have at least one preparatory training course prior to departure. Moreover, courses’ quality and usefulness varied between labor export companies. Many laborers said that they had not been provided with necessary knowledge about laws, etc., especially information that would be useful in urgent cases. The prevalence of such experiences was reason for concern about the overall quality of pre-departure preparations.

False or no visa given

Evidently, having valid travel and work papers is prerequisite for a migrant to enter and take up work legally in a foreign country. But companies without registration to be engaged in the labour export business often used short-term travel visas to send migrant workers to the destination countries. This put laborers at risk of arrest, punishment and deportation; made them vulnerable to exploitative work conditions; and limited their entitlement to rights and services.
Still, even some legally registered labor export companies did not obtain the right visas for their clients. Some migrant workers going to Thailand and Malaysia only received short-term travel visas as well, forcing them to cross borders every month to legally stay in Thailand whilst also having to accept that their work remained unlawful (See Box 6).

**Box 8: Workers had to change jobs without notification**

“When I asked for my salary from the employers at the construction site, they immediately sent me to another site. We had to change the sites various times in 28 months. They told us that moving to other sites meant getting more money. But we did not get anything. We had to move at night as if we were escaping.”

*(Male, 50 years old, Hung Yen, going to Malaysia)*

**Insufficient travel arrangements**

Larger and well-known labour export business usually organized good journeys for migrant workers to their ultimate destination. They arranged for people to welcome them upon arrival, and supported them with such practical matters as arranging accommodation. But smaller recruitment businesses that worked with unofficial foreign agencies often organized trips of lower quality.

**Box 9: Expelling to the home country, deducting salary, refusing to pay salary**

“When I made just one mistake, my salary was deducted straightaway. But there were no rewards for when I worked well. All of us had our salaries deducted, so much, some even by millions of VND. They scolded us all the time, but when we spoke back, they deducted our salary immediately. If they hated someone, they would follow all their actions to find a way to deduct from their salaries.”

*(Male, Thai Binh, going to Malaysia)*

**Box 10: Workers experienced discrepancies in salaries and deductions**

“I saw a different salary table at home, not the one in Taiwan. The salary table at home was VND 4 million while the one there was only VND 2 million. I asked them but they did not give me a reasonable answer.”

*(Female, Thai Binh, going to Taiwan)*

“The recruitment company told me that, when I worked as a housekeeper in Taiwan, I would not pay anything except an amount of VND 18 million for studying and accommodation. Furthermore, I had to give the company a deposit of VND 2 million and USD 650 for the air ticket. When I signed the salary table and the letter of pledge, I saw a debt of VND 45 million. I asked staff there and they said all people had to sign that document, that was preparation money, and it would be deducted month by month from our salary. It would take about one year to complete all the deductions.”

*(Female, Thai Binh, going to Taiwan)*

3.4 Working and living abroad: Challenges in foreign countries

The returned Vietnamese migrant workers taking part in this study spoke about a whole rage of challenges faced during their stay abroad. The most relevant problems are further illustrated below:
Seized passports and ID documents
Half of the 357 respondents in the survey said that their foreign employers seized their passports on the first days at work and only returned them as workers prepared to go home. This practice is illegal in many countries and puts migrant workers at higher risk of exploitation. Even worse, some private agents and export companies reportedly withdrew all contracts, documents, bills and receipts from the Vietnamese workers upon arrival in the destination countries. Without these documents, they found it hard to compare their real jobs to the jobs described in the contracts, in addition to experiencing many other complications such as with contract termination, return of deposits, etc. upon return. Other workers managed to keep documentations abroad, but did not bring them back to Vietnam also causing problems with deposits and terminations upon return.

Discrepancies between jobs stipulated in contracts and actual work
Discrepancies were often reported about the work agreed upon in contracts and the job reality at destination. In the survey, an overall one-third of migrant workers did allegedly not do the work as outlined in the agreements, with Russia and Malaysia recording the highest shares of 40% and 35% respectively. There were fewer discrepancies in markets where higher skill levels for workers were required, such as in Japan and Libya.

Employment contracts appeared least in line with the actual terms and conditions for domestic work or jobs in small factories. Some workers reported requesting assistance from their recruitment agencies in Vietnam in such or other cases, sometimes even to seek a change of employer due to bad work conditions, however no action was taken as a result. Migrant workers returning from Malaysia and Taiwan occasionally suggested that their jobs were only temporary, and that they had to change employers many times, in one case multiple times a month. 20% of respondents in the survey had to change their employers, of whom more than a third said that were not notified prior to the move.

Unpaid overtime
Respondents indicated having worked overtime hours, which had not been agreed upon and for which there was often no pay. This was especially the case in smaller companies and for domestic work. About 25% of the 357 respondents in the survey said that they had to work from 9 to 12 hours a day, others had to work 14 to 16 hours a day, and a few even 18 to 20 hours. Those working in larger scale factories often managed to get extra money for additional working hours, but workers in small factories and families tended to receive nothing. Some private hosts and employers used abusive measures to control the migrant workers in these and other cases of disagreements, such as through threatening to sack them or to send them home, seizing their passports, deducting wages, scolding, beating, withholding food, or not allowing them to go out or call home (See Table 5).
Table 5: Percentage of forms of abuse or exploitation experienced amongst survey participants

<table>
<thead>
<tr>
<th>Forms of abuse and threats experienced</th>
<th>General (N=357)</th>
<th>Men (N=245)</th>
<th>Women (N=112)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Threatened to be sent home</td>
<td>17.78</td>
<td>17.87</td>
<td>17.59</td>
</tr>
<tr>
<td>Threatened to have wages deducted/not get any money</td>
<td>16.33</td>
<td>19.57</td>
<td>9.26</td>
</tr>
<tr>
<td>Threatened to be sacked</td>
<td>11.08</td>
<td>12.77</td>
<td>7.41</td>
</tr>
<tr>
<td>Had to work extra hours without extra money</td>
<td>9.14</td>
<td>9.05</td>
<td>9.35</td>
</tr>
<tr>
<td>Had salary deducted</td>
<td>8.85</td>
<td>10.34</td>
<td>5.61</td>
</tr>
<tr>
<td>Received salary late</td>
<td>13.57</td>
<td>15.52</td>
<td>9.35</td>
</tr>
<tr>
<td>Were verbally abused</td>
<td>9.73</td>
<td>10.34</td>
<td>8.41</td>
</tr>
<tr>
<td>Were beaten</td>
<td>1.77</td>
<td>1.72</td>
<td>1.87</td>
</tr>
</tbody>
</table>

Receiving lower salaries than stipulated in contracts

77% of respondents in the survey said that they had received the right amount of money as indicated in their employment contracts, while almost a fifth reportedly got lower salaries and 4.06% did not get any salary (See Chart 3). As with other indicators of exploitation or abuse, the latter experiences were more common amongst migrant workers in smaller factories, working as maids or, in this case, on farms. Many had to wait for months before they received their payment, or their employers promised to pay them when they returned home, but in reality that did not happen.

Chart 3: Percentage of people in the survey who reportedly received the same amount of money as agreed, less or no money at all

![Chart 3: Percentage of people in the survey who reportedly received the same amount of money as agreed, less or no money at all](chart3.png)

Whilst most migrant workers received salaries as agreed upon, those working additional hours without extra pay still had hourly wages below contractual terms. Some workers were also made to pay for tools, clothes and devices for work, resulting in further deductions in actual salary. It is noteworthy that 4 respondents in the in-depth interviews cases argued
that their employers had cooperated with recruitment agents to change the salary table or reduce their salary levels.

**Box 11: Workers received no safety equipment and had to work despite injuries**

“I worked in a tire and tube factory but I was provided nothing but a mouth mask. After that, they even asked me to buy the mouth masks myself. These were medical mouth masks, which could only be used once. The factory was so dusty and smelly. I was not injured at work, but many co-workers had accidents such as breaking their arms, legs and fingers. They were just allowed to take some hours off, waiting for people to bring medicine there, and then still had to go to work as normal, eight hours a day. Some only had one hand and had to use that hand to work. For example, a man had two fingers cut by a machine, but he was just given first aid. The other hand was broken, but the employer said he could use that hand to sweep the floor or clean the machine.”

*(Male, over 30, Ha Nam, going to Taiwan)*

**Unsafe working and bad living conditions**

While the majority of respondents in the survey found their accommodation to be normal or better than normal, some expressed concerns about being accommodated in what they perceived as unsafe and/or unhygienic places. In more detail, 13.6% described the quality of their housing as ‘very good’, 36.8% as ‘good’, and 35.7% as ‘normal’. However, 8.7% considered the quality as ‘bad’, with another 5.2% saying it was ‘very bad’ *(See Box 12)*. One in eight respondents in the survey thus voiced concerns about the standards of the accommodation provided abroad.

**Box 12: Workers complained about bad living conditions**

“We ate in the company canteen but the food there was terrible. We complained to the company and said we would cook ourselves, but they would not allow it. They said even if we cooked ourselves, they would still deduct our salary. We bought rice cookers, etc. but they seized all of them and locked them in their room. We had to eat their food. We asked the agent to help but he did not. When we were ill, we had to go by bike to the clinic.”

*(Male, over 30, Thai Binh, going to Taiwan)*

“Our house was an old container, and six of us had to live in there. At first, I worked in the night and slept in the daytime. I had to sleep under the tree because it was terribly hot during the day in Malaysia. When I could not stand the heat anymore, my two friends and I bought an air conditioner. I think it was like a public prison.”

*(Male, over 30, Thai Binh, going to Malaysia)*

Moreover, 12.7% of survey respondents suggested having had to work in polluted environments without the needed labor safety devices *(See Box 11)*. Work conditions were described as particularly concerning amongst those migrant workers who ended up moving abroad irregularly. Many of them had to work 12 to 14 hours per day, sometimes in very cold weather without warm clothes. Some were allegedly not provided with enough food, and men and women at times had to sleep on the floor in the same place with no beds and blankets *(See Box 13)*.
Physical, psychological and other forms of violence
9.7% of survey respondents indicated that they had been verbally abused, and 1.77% reported having been hit by their employers. In the in-depth interviews, female domestic workers had suffered more often from physical and/or psychological violence than those working in other sectors.

9.44% respondents in the survey described not being allowed to go outside their workplace, returning from a variety of different destination countries. (See Box 14). In the in-depth interviews, some respondents indicated that they did not receive any support when they were ill and were not allowed to seek medical attention. Instead, they were sometimes required to continue working as normal (See Box 15).

Language barriers
Without sufficient, relevant language skills, migrant workers often found it difficult to protect their rights. Some respondents in the in-depth interviews said that, when they were being physically or psychologically abused by their employers, the lack of language skills made it very hard for them to react to such behavior, or indeed look for support elsewhere. Language barriers also limited the extent to which they were able to integrate socially into the destination society (See Box 5).

Box 13: Migrant worker complained about deception and exploitation
“The labor agent said at home that we would work in a factory, so there was no need to worry about cold weather. But when we were there, we had to work in minus 40 degrees Celsius, about 12 hours a day. We did not have enough food, and the living conditions were extreme. We had to eat boiled potatoes almost every day. Just sometimes we had a little meat and vegetables. In the first two or three months, 30 of us had to share a small room, both men and women. All of us had to sleep on the floor, no beds. The man who took us there sold us to Chinese employers. For each of us, he received USD 500 as commission. He also collected VND 31.5 million from us, and required us to give him VND 20 million for travel expenses.
(Male, Ha Nam, going to Russia)

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6 It is noteworthy that, before 1990s, each team of 30 labourers going to USSR and eastern Countries had a team leader and translator who were responsible to manage their team, communicate with employers and support their team members with the challenges faced abroad.
Box 14: Workers were badly treated by their employers or supervisors
“Our employers usually scolded us. I had to work at an assembly line. At the beginning I was not familiar with that such machines, so I caused products to get jammed on the line. The supervisor scolded me so badly, he even threw things towards me.”
(Male, Ha Nam, going to Taiwan)

“I kept silent, but the more I resigned, the more badly he beat me. He said ‘Once I speak, you have to say something,’ but I did not know what to say. I was afraid others would laugh at me, so I just kept silent. He beat me, threw a walking stick at me and pulled me on my hair. He even wanted to throw a knife toward me.”
(Female, Ha Nam, going to Syria)

3.5 Upon return to Vietnam: Challenges faced when home again
For many Vietnamese migrant workers, additional challenges linked to their migration experience were awaiting them upon their return to Vietnam. Problems often related to financial concerns, be it because of debt or non-refunded depots. Others, sometimes derived from such concerns, had to do with a lack of knowledge about where to seek needed assistance. In addition, health problems, both psychological and physical, at times also lingered on upon return. Further details are provided below:

Box 15: Workers found themselves pressured to work whilst being ill
“I was ill and had to go to the doctor. But on the second day, they deducted my salary, so I had to continue going to work. But I had a terrible pain in my back, which prevented me from working normally. I suffered this pain for one year. After that, they assessed me as a lazy worker. When I tried to explain, they said I was arguing with them. Another man in my work place had two fingers cut by a machine, but he was just bandaged and still had to continue working.”
(Male, Ha Nam, going to Taiwan)

Two-thirds of survey respondents had to pay a deposit before going abroad, an average of VND 44 million. Upon their return to Vietnam, some labor export companies and labor agents refused to pay this money back. In fact, only 33.5% reportedly had their full deposits returned to them, while 66.5% lost parts or even all of their money. Sometimes, recruitment agencies argued that additional money had to be paid for taxes, for labor agents abroad or on air tickets. It is noteworthy that some migrants had only managed to collect the required amount for deposits, etc. by selling their house and/or land.

Box 16: A lack of support through the labour agent
“I lived there for five years but I never saw the labor agent. I went to work legally but the labor agent never protected or supported me. I did not need financial support, but I did need psychological support.”
(Note: ‘Psychological support’ here meant assistance needs when the respondent faced difficulties in communicating with the landlord or boss, or when she felt down after being treated badly)
(Female, Ha Nam, going to Syria)
A factor in the non-return of deposits may sometimes also have been that migrant workers did not always keep their contracts, monitor the amount of money paid in advance, or keep a record of their receipts and bill. Only 4 out of 55 in-depth interviewees kept working contracts, receipts and other documents. Some, in fact, thought at first that deposits were part of their payments for being able to go abroad.

**Box 17: Companies did not pay deposits back**

“The labor agency said they could not do anything, and I did not know what to do either. I went there three times to ask for help, but the last time they had disappeared and other people were renting their office. I got VND 2 million back the second time. I did not know where to find them. They took almost VND 40 million from me, such a big amount of money.”

*Female, Thai Binh, going to Malaysia*

“The company told us to go home and that they would find ways to solve the situation, but we did not. We stayed and slept there for five days. They could not work and were afraid that the police would come. We even called a hotline, so they paid us one third of our deposit back, VND 8 million.”

*Male, Ha Nam, going to Bulgaria*

Many returned workers did not know either how to go about getting their deposit back, particularly in cases of disputes about such payments. Sometimes, the recruitment companies had disappeared, with workers spending much time, money and efforts to look for and/or appeal against them, mostly unsuccessfully. Interestingly, such problems did not result in their seeking assistance from relevant public institutions. At all three research sites, officers reported that no returnees had turned to the Communal Department of Justice or the provincial Legal Aid Centers for support. One exception was in Ha Nam, where the Department of Labor and Occupation and Police investigated the case of 40 laborers who allegedly had been treated badly whilst working in Russia, but progress remained unclear.

Moreover, 13% of people in the survey sample had their financial situation worsen as a result of labour migration and only a few respondents indicated that their income allowed them to pay back debt accepted to be able work abroad and save money in addition. Some fell into debt upon return and ended up having to sell their houses and/or land to service the liabilities. This was sometimes exacerbated when migrants struggled to find jobs on return. Some in fact felt that their capacities were not sufficiently recognized upon return; that few opportunities existed to develop their careers; and that local businesses were often not attractive employers.
Finally, some migrant workers’ had their health seriously compromised due to the circumstances of work and life at destination, as has been illustrated above. Implications were of both physical and psychological nature, at times with long-term implications affecting former migrant workers’ lives upon return as further illustrated in Box 18.

### 3.6 Support needs of respondents

Respondents were also asked about their assistance needs both immediately after returning from abroad and what they would benefit from at the time of data collection.

#### Box 18: Migrant workers saw their health deteriorate

“From 50 kg, my weight reduced to 42 kg when I came back. No one could recognize me.”
*(Female, Thai Binh, going to Malaysia)*

“I weighed 68 kg before I left, but after one month there, when I stood on the scale, with a thick warm coat, my weight was only 58 kg.”
*(Male, Ha Nam, going to Russia)*

#### Box 19: Labour migration was a burden on some families’ economic situation

“They, both husband and wife, did not have any money, their family had to send them USD 1,000 to go home. Now they have a debt of VND 50 million (USD 2,500) and don’t know how to pay that back.”
*(Female, Thai Binh, going to Russia)*

“I had to sell 70m² of land to pay my debt. After that, I had to sell all the land and lived in the hills.”
*(Male, 50 years old, Hung Yen, going to Malaysia)*

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**Stable income through jobs**

It is interesting to note how the importance of having a job changed over time. Immediately upon return, other assistance needs appeared to be more pressing than finding a job, with only about 14% of survey respondents indicating this as key. This changed quite radically though as time progressed, in that some 36% of survey participants referred to a job as one of their key concerns at the time of data collection, more than twice as many as the second most mentioned assistance need at the time.
Legal assistance
Different types of legal support formed a particularly urgent assistance need immediately upon return from abroad, when many survey respondents wanted to hold employers, recruitment companies or agents accountable for potential cases of cheating, forced labour or withheld salaries. Withheld salaries were a particular concern to many, with some 41% of survey participants mentioning it as a key concern requiring assistance. However, priorities shifted over time, with jobs, as suggested above, sharply increasing in importance while legal support needs dropped to around and below 10% each.

Box 20: Migrant workers faced issues getting their deposit back
"Many people could not get their deposits back. I had to sell all my land to pay for debts and moved to a small hill land. I needed money for business. Whom could I complain to now?"
(Male, 50 years old, Hung Yen, going to Malaysia)

"I gave a deposit of VND 12 million. When I came back, the recruitment company was bankrupt and I could not demand anything back."
(Female, 31 years old, Thai Binh, going to Malaysia)

"I asked some people about the amounts that I paid them, but three years on I have not gotten anything back. I do not know who took it from me, Taiwanese agents, Vietnamese agents or the Taiwanese government. I do not know about that and do not know where I can ask for information."
(Male, 35 years old, Thai Binh, going to Taiwan)

Self-protection needs
Many migrant workers, particularly amongst the 55 respondents in the in-depth interviews, lacked knowledge on safe migration and human trafficking. They were insufficiently aware of potential risks during their stay abroad, often did not know who to contact for help if
need be, and at times did not realize that they had potentially become victims of different crimes. Such lack of awareness was an apparent barrier to seeking compensation and/or justice as well as potentially other forms of support. Some 49% of respondents in the survey said that they did not seek help when their difficulties occurred. For some though, this also had to do with concerns about complicated or lengthy procedures, or perceptions that seeking help from local authorities and services would be hopeless.
4. **Key Findings**

Focusing on three northern Vietnamese provinces, i.e. Thai Bing, Hung Yen and Ha Nam, this exploratory research attempted to help better understand the labour migration experiences of returned Vietnamese overseas workers, with a particular focus on those having encountered problems during the migratory process. The results revealed that former migrant laborers faced different challenges during all stages of their overseas labour migration, that is, a) the recruitment and journey stage; b) the work at destination stage; and c) the return and (re)integration stage. The key findings by stage are summarized below:

✓ **Recruitment and journey stage:**

- *Lack of information about recruitment and related conditions*
  
  Respondents reported a lack of information about policies and information related to the labour migration process. In the case of non-registered agencies, some workers paid money without being able to go abroad to work in the end. Others voiced concerns about the export companies’ non-transparency on the type of work at destination and the costs involved in the process.

- *Contractual issues*
  
  Some migrants were presented with contracts in foreign languages without sufficient explanations about their contents. Asking for more information, they were at times threatened with cancellations of their trip. Others were not even given a contract prior to their departure. Moreover, contracts were regularly described as not reflecting the actual terms and condition of work at destination, in addition to being biased towards workers obligations and responsibilities without establishing liabilities, etc. of recruitment companies and employers.

- *Lack of occupational and other pre-departure training*
  
  A fair number of respondents suggested that they had not participated in any occupational training or classes such as on laws and culture of the destination country, although some pre-departure training is required by the authorities. Others, who did take part in preparatory classes, voiced concerns about their quality and usefulness. E.g., whilst the majority spent at least some time learning a language as preparation, many felt that the time was insufficient for such purposes. Others in fact studied languages that were of little use in their destination country.

- *False or no visa given*
  
  Some respondents suggested that they had not been given the appropriate visa to be able to work legally abroad, that is, they were either issued a false or a tourist visa. Whilst this problem seemed to have been of particularly concern for those having enlisted services of non-registered recruitment agencies, some cases of this type were also reported for registered companies. This is a serious concern, seeing that it puts migrant workers at risk of arrest, punishment and deportation; makes
them vulnerable to exploitative work conditions; and limits their entitlement to rights and services.

- **Insufficient travel arrangements**
  Some respondents voiced concerns about the travel arrangements, particularly for smaller recruitment businesses that worked with non-registered foreign agencies in the destination country. In extreme cases this reportedly led to migrant workers waiting at the airport to be received for days.

It was noteworthy that a higher number of those people who felt cheated, deceived or exploited during this stage had enlisted services of non-registered recruitment companies, at times reportedly without knowing about this. However, such experiences were not limited to these agencies and also occurred with official labour export companies.

- **Work abroad stage:**
  - **Seized passports and ID documents**
    Many respondents suggested that their passports were seized by their employers and only returned to them as they were preparing to go home. Some private agents or companies allegedly withdrew all relevant documents from migrant workers, such as contracts, bills, receipts, etc. As a result, workers found it hard to compare their real job terms and conditions to those described in the contracts, in addition to experiencing other complications such as about contract terminations, return of deposits, etc. At the same time though, some migrant workers also simply left relevant documentation in the destination country, thereby themselves causing problems with deposits and terminations upon return.

  - **Discrepancies between jobs stipulated in contracts and actual work**
    Respondents often referred to differences between the work to be done at destination as agreed upon in the contracts and the actual job reality upon arrival. This experience appeared more prevalent in countries, where jobs tended to require lower skill levels than in other countries. Employment contracts were least in line with the actual terms and conditions for domestic work and in small factories. Some workers requested assistance from the recruitment agencies in Vietnam, but found these to be of little support.

  - **Unpaid overtime**
    Some migrant workers raised concerns about having had to work extra hours. This appeared particularly pressing in smaller companies and for domestic service, where many respondents complained that such additional work did not lead to higher salaries. Some laborers were allegedly made to work longer hours by abusive means, such as the withholding of documents, wages or food, as well as through scolding and beating at times. Such reports are of much concern.
• *Receiving lower salaries than stipulated in contracts*
  Whilst the majority of respondents said that they had received salaries as agreed upon in the contracts, there was still a concerning number who allegedly did not, with some even arguing that they had not received any money at all. Again, migrants having worked in small factories or as maids, but also those on farms, reported such experiences more often than others. Some interviewees indicated that they had had to wait for months until payments were finally received, whilst others complained about unmet promises to be given their money upon return to Vietnam. It is also noteworthy that working extra hours without additional payments, as mentioned above, or being obliged to pay for work tools or clothes were also ways to lower people’s salaries.

• *Unsafe working and bad living conditions*
  A number of respondents in the survey expressed concerns about being accommodated in what they perceived as unsafe and/or unhygienic places. In addition, some migrant workers said that they had to work in toxic environments without being given the required safety devices. This, again, was more mentioned amongst interviewees who had moved abroad through non-registered recruitment companies or middlemen.

• *Physical, psychological and other forms of violence*
  Some respondents suggested that they had been scolded at work, with some even reporting of being beaten. Such negative experiences were more often reported amongst female housekeepers than by people working in other sectors. Migrant workers also explained at times that they were not allowed to go outside their workplace, sometimes not even when they were ill and needed to see a doctor.

• *Language barriers*
  Language barriers were described by some migrant workers as an obstacle to their protection. Not being able to speak the same language as employers or supervisors made it difficult for people to react to situations of being scolded or even beaten, let alone to seek external assistance. In other cases, such barriers were described as a problem to workers’ social integration in the destination country, which may severely affect people’s wellbeing during their stay abroad.

✓ **Return and (re)integration stage**
  Many respondents suggested that they never got their full deposit back after their return; some even said that they had lost all their money. Recruitment companies allegedly produced various reasons for withholding deposits, such as additional fees for labour agents, costs for air tickets, etc. In other cases, getting deposits back was further complicated by labour export agencies having disappeared in the meantime.
At the same time though, migrant workers did not always keep their contracts, monitor the amount of money paid in advance, or sometimes paid insufficient attention to keeping their receipts and bills. Some, in fact, thought at first that deposits were part of their payments for being able to go abroad. Moreover, few interviewees appear to have sought assistance from public institutions or other stakeholders for disputes with recruitment agencies.

Several respondents suggested that their financial situation had worsened as a result of their labour migration. Some people fell into debt after their return, which was further exacerbated for those who struggled to find jobs back in Vietnam. For the latter, interviewees at times felt that their capacities were not sufficiently recognized upon return; that few opportunities existed to develop their careers; and that local businesses were often not attractive employers.

There were also returned migrant workers who continued to suffer from health problems, relating to their stay abroad. Such issues were of both physical and/or psychological nature.

In addition, the research attempted to capture two levels of assistance needs amongst returned migrant workers, that is, support required immediately after their return as well as help that was needed at the time of data collection. Results suggested changing assistance needs over time: upon return to Vietnam, respondents were most interested in receiving various forms of legal support, from help to claim deposits back to wanting to seek justice for what they perceived as being cheated or forced to work. As time progressed though, such needs shifted towards employment, with finding a job ranking as the most pressing need for assistance at the time of data collection.

In response to these findings, the report defined the following key recommendations to authorities and other developmental actors for their consideration and action:

1. Further develop anti-trafficking legislation in Viet Nam, including a definition of human trafficking in compliance with international standards, which would allow for a more holistic response to this complex and evolving crime.
2. Improve labor migration management, including reducing time and costs of formal labour migration processes in order to reduce the risk of migrants using non-registered agents.
3. Increase oversight of labor recruitment companies in order to ensure compliance with national laws and regulations.
4. Review laws and regulations relating to non-registered agents to ensure effective deterrent against deceptive and exploitative recruitment practices.
5. Build the capacity of relevant authorities, tailored to their respective roles, to identify and respond to potential trafficking cases effectively.
6. Recognize the various individual assistance needs of people who have experienced forms of deception and/or exploitation. Tailored reintegration services may entail legal support, but also assistance in gaining employment, treatment for physical and psychological healthcare needs, and others.

7. Engage relevant destination countries for Vietnamese migrant workers to establish systems and mechanisms that improve their conditions at destination. Such cooperation should also include preparations for cases of emergency, so that effective assistance can be provided when needs arise.

8. Raise awareness and provide training to potential migrant workers on the process to migrate safely, including their rights and obligations in order to empower them to protect themselves from deception and/or exploitation during the recruitment and migration process.

9. Actively engage recruitment enterprises in combating human trafficking and labor exploitation, as their role in the migratory and employment processes is crucial.

10. Engage the media and public in anti-trafficking efforts through spreading information.

11. Develop a complaints mechanism to report abusive recruitment and labour practices.

12. Ensure sufficient pre-migration preparation through appropriate training.

13. Conduct more research on human trafficking for labour exploitation in order to better understand the phenomenon affecting Vietnamese migrants, and to be able to design effective responses.