



Ministry of Labour
and Social Welfare



Ministry of Foreign
Affairs



Ministry of Public
Security

Operations Manual on the Protection and the Management of Migrant Workers for three Ministries of Lao PDR

Tripartite action to protect the rights of migrant workers within and from the Greater Mekong Subregion (GMS TRIANGLE)

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Preamble

This *Procedures for Sending Lao Workers Abroad and Receiving Foreign Workers in Lao PDR* is for the implementation of three ministries - Ministries of Labour and Social Welfare (MOLSW), Ministry of Foreign Affairs (MOFA) and the Ministry of Public Security (MPS) - and aims at mutually assuring the effectiveness of their national and local services for migrant workers. The manual, under the technical and financial support from the ILO's Tripartite Action to protect the rights of Migrant Workers within and from the Greater Mekong Subregion (GMS TRIANGLE Project), was designed and published by the three ministries in order to respond to the current needs and actual trends, and lead to accelerating the effective and efficient procedure of labour migration and enhancing the protection of the rights and benefits of migrant workers, and preventing them from being vulnerable to labour exploitation and human trafficking.

The manual serves as a guidebook, in particular, for officers within the three ministries from national to local levels. It compiles all relevant legislations and procedures which are references for the mandates of each ministry to take action and facilitate in labour migration; it also assists the ministry officers to comprehend and be capable towards these following scopes:

- Government's policies and legislation on labour migration;
- Fundamental concepts and theory of labour migration;
- Models and procedure of labour migration;
- Protection and Management of labour migration;
- Mutual cooperation and coordination to ensure a good practice for labour migration from national to local levels; and
- The effectiveness and efficiency of the three ministries' operation.

This manual consists of 5 sections as follows:

- Section 1: Government's Policies and Legislation on Labour Migration
- Section 2: Fundamental Concepts and Theory of Labour Migration
- Section 3: Safety of Labour Migration
- Section 4: Protection and Management of Labour Migration
- Section 5: Monitoring, Coordination and Assessment.

These five core sections include important tutorials and messages to help improve and develop the service provision to cohere with the actual needs in society and labour market, provided the reciprocated consensus of these three organizations.

The Tripartite Action to Protect the Rights of Migrant Workers within and from the Greater Mekong Subregion from Labour Exploitation (the GMS TRIANGLE project) is a five-year project that aims to strengthen the formulation and implementation of recruitment and labour protection policies and practices. The project is operational in six countries: Cambodia, Lao

PDR, Malaysia, Myanmar, Thailand and Vietnam. In each country, tripartite constituents (government, workers' and employers' organizations) are engaged in each of the GMS TRIANGLE project objectives - strengthening policy and legislation, building capacity of stakeholders and providing services to migrant workers. These goals are interdependent, with policy advocacy and capacity building activities driven by the voices, needs and experiences of workers, employers and service providers. The GMS TRIANGLE is supported by the Australian Government Aid program.

The Lao version of the Operations Manual on the protection and management of migrant workers for three ministries is the authentic text and the English version is used as reference only.

Overview

In the changing situation caused by the global economic crisis, natural disasters, increases in population in the least developed and developing countries, and the shortage of labor in modern industrialized countries, there is also the increase in labor migration between countries globally. Almost all countries are affected by labor migration either as the origin, transit or destination country. Migrant workers are moving in search of new opportunities for decent work and human security. This has brought about the interest of policy makers and multilateral cooperation in most parts of the world.

There is an increasing trend of labor migration within Asian regions which creates both challenges and opportunities in economic development. If there is proper management of labor migration by respecting the rights of migrant workers, labor migration can significantly contribute to the movements of regional economic systems. Labor migration is seen as a driver of change in labor markets, and it can help reduce unemployment in the countries with labor surplus. Concurrently, the money sent home by migrant workers can contribute as an important factor to support economic development of their home countries.

However, the analysis made by migration specialists states that the socio-economic development disparities, unemployment rates, and the differences in labor wages between urbanized and rural areas are the reasons for labor migration.

There is an increase of foreign labourers working in Lao PDR after the Lao government introduced the open door policies for foreign investment in different economic sectors which is the reason for many companies, organizations and projects to use foreign workers as technical staff and experts in specific sectors. This creates some level of difficulty for the management of foreign labourers in different organizations and projects.

The migration of Lao labourers working in other countries is influenced by push and pull factors. The majority of Lao workers working overseas have low level labour skills and often the workers do not prepare themselves to cope with the legal situations in destination countries. Labour migration mostly brings economic stability to migrant workers; however labour migration can

also cause significant damage because of the increase in the forms of legal and illegal migration. Those who are working overseas with illegal status are faced with many problems such as being cheated, low or no wages, payment of high service charges, payment of debts, forced labour and sexual exploitation. This is because migrant workers are prepared to accept jobs that are dangerous and could make them vulnerable to physical harm which can be more unsafe compared to jobs available domestically.

One of the causes that drive Lao workers to seek job opportunities overseas with illegal status is the inconsistency of government services from central to local levels which do not provide adequate services to job seekers. As a result, job seekers do not receive enough information. There is the problem of duplication of procedures, long waiting periods and the expense of obtaining a work permit overseas. In order to reduce the problems mentioned, the Ministry of Labour and Social Welfare, in collaboration with the Ministry of Foreign Affairs and the Ministry of Public Security, has developed this manual for the implementation of activities in relation to labour migration with financial support from the GMS TRIANGLE Project. The aim of the manual is to be used as a reference document and guidelines for government staff of the three ministries at central and local levels to ensure consistency in implementation of activities to bring labour migration into formal systems and avoid illegal migration, labour exploitation and human trafficking.

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Section 1: Policies and Legislation

1.1 Policies

According to the International Labour Organization (ILO), labour migration policy should be transparent have clear objectives in such a way that it is easily understandable and practical for implementation with legislation supports and messages which can produce desirable outcomes, and have a wide range of support from all levels of government. Relevant policies and programmes in the area of labour migration must be interrelated in the country of origin. Policies objectives must be to prevent migrant workers from labour exploitation in destination countries. In order to avoid negative impacts, the government must develop a programme for migrant workers working overseas. Meanwhile, the government should support migration with legal status and must ensure that cross border migrant workers receive wages the same as local workers by introducing prevention and other measures that discourage the recruitment of workers who have irregular status.

Policies and important aspects for sending labourers to work overseas

Countries within Asia have developed policies and programmes for sending labourers to work overseas. Such policies have the following components:

- Requirement for minimum standards for employment contracts and working conditions for migrant workers. The certification of the employment contract by relevant state agencies prior to departure;
- The issuance of licenses and regulations for job recruitment agencies that include the identification of fees to be collected from workers;
- Conditions to be complied with by the recruitment agencies for overseas migrant workers or their agents;
- Monitoring and enforcement of regulations and standards as specified in the Constitution, laws and regulations within the country;
- Recruitment services provided by state agencies;
- Issuing of regulations and guidelines for recruitment enterprises;
- Adoption and utilization of model recruitment contracts;
- Implementation of measures to combat human trafficking and people smuggling;
- Dispute resolutions between migrant workers and employers;
- Establishment of institutions at the national and regional levels for enforcement of human rights;
- Establishment of regulations for labour migration and management of cross border labour migration within certain countries under multi-lateral agreements.

Policies on protection and promotion of the well-being of migrant workers

- Establishment of standards and enforcement measures.
 - Requirement for employment contracts to include minimum standards;
 - Control departure to ensure that migrant workers follow the regulations and standards on the management of labour migration;
 - Participate in bilateral agreements including the provisions on social insurance;
 - Introduction of provisions on departure of migrant workers in particular for specific selected countries for young workers and girls.
- Management of the recruitment by the private sector
 - Issuance of licenses for recruitment agencies
 - Enforcement of measures to ensure performance outcomes and penalty measures;
 - Establishment of recruitment fees;
 - Application of measures against illegal recruitment and illegal migration.
- Services
 - Gathering of information and provision of counseling services for pre-departure;
 - Appointment of a labour attaché to help the embassy to assist in the management of Lao migrant workers;
 - Provision of social insurance;
 - Establishment of support facilities and centers for overseas migrant workers;
 - Organize trainings and support for job placement for those returning home;
 - Preparation for evacuation and repatriation in the case of emergencies.

International organizations have introduced conventions and legal documents on labour migration such as the Convention on Migration for Employment Opportunities (No. 97) (revised version), the Convention on Labour Migration (No. 143) and the guidelines on labour migration and related guidelines.

The conventions as mentioned above have provisions on three main areas as follows:

(1) Regulations regarding conditions for migration

(2) General provision on protection:

- Appropriate health care and treatment;
- Allowing migrant workers to transfer their money back to home countries;
- Prohibition on the sending of migrant workers to work overseas on a permanent basis in case there is no employment opportunities.

(3) Equality for migrant workers and domestic workers in the enforcement of the legal measures and management in relation to:

- (including freedom of participation and organizing representative organizations and the rights on collective bargaining);
- Social insurance;
- Employment tax;
- Access to justice.

The legal instruments on labour migration have two main goals:

- (1) To establish conditions for the migration process.
- (2) To provide specific protection for migrant workers in countries with high risk¹

1.2 Legislation on labour migration

Labour migration is an important component in social and economic development because it can bring financial benefits and labour skills back to the country of origin to support the development of the nation. Therefore in order to facilitate the implementation, monitoring, protection and management of domestic and overseas labour migration, the government has been working in collaboration with countries in the region and at the international level in consultation meetings and workshops to exchange lessons and to find solutions concerning illegal migration and to protect migrant workers and take actions against the illegal employment brokers between countries. At the same time there are efforts to facilitate migrant workers access to services. As a result, the government has established legislation and regulations as follows:

1. The Law on Labour, No. 06, dated 27/12/2007;
2. The Decree of the Prime Minister on the dispatching of Lao workers to work overseas, No. 68, dated 28 May 2002;
3. Implementing guidelines for the decree on the sending of Lao workers to work overseas issued by the Ministry of Labour and Social Welfare, No. 2417, dated 29 July 2002;
4. Decision of Minister on the permission for the importing foreign workers to work in Lao PDR, No. 5419, dated 10 December 2007;
5. Prime Minister's decree on the management of immigration and the management of foreigners, No. 136, date 25 May 2009;
6. Instruction of the Minister of Foreign Affairs on the implementation of the decree on the management of immigration and management of foreigners, No. 4655, dated 8 August 2009;
7. ASEAN Declaration on the protection and promotion of the rights of migrant workers, dated 13 January 2007.

¹ Policy on the management and management of labour migration.

Section 2: Basic Theory on Labour Migration

2.1. Definitions

- The ILO defines a migrant worker *as* a person who migrates or who has migrated from one country to another with a view to being employed otherwise than on his own account and includes any person regularly admitted as a migrant worker². The International Organization for Migration (IOM) defines migration as “the movement of a person or a group of persons, either across an international border, or within a State. It is a population movement, encompassing any kind of movement of people, whatever its length, composition and causes; it includes migration of refugees, displaced persons, economic migrants, and persons moving for other purposes, including family reunification”³.
- Despite the term human trafficking being used in many international United Nations conventions, the definition of human trafficking through compulsory features at the international level was established for the first time in November 2000. The United Nations Protocol to Prevent, Suppress, and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention against Organized Transnational Crime (2000) , defines human trafficking as: the recruitment, transportation, transfer, harbouring 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 shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs. Human trafficking must consist of three elements as follows:
 - Component 1: The act of recruitment, transfer or receipt of persons;
 - Component 2: The way in which the act was undertaken using threat, coercion, abduction, fraud, deception, 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;

² Article 11, ILO Migrant Worker Convention No. 143,

³ Source from <http://www.iom.int/cms/en/sites/iom/home/about-migration/key-migration-terms-1.html>

- Component 3: That these acts are performed for the purpose of exploitation, which can be prostitution or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.
- The ILO's definition of **labour force** is the number of people aged 16 and above who are employed and unemployed based on a survey in a certain period.
 - **Forced labour** means the use of labour of workers who are not working on a voluntarily basis doing the job assigned to them which is not in compliance with their labour contract.⁴ According to Article 2 of the ILO Forced Labour Convention, forced labour is defined as all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily."⁵
 - Lao citizen means any person holding a Lao nationality status in accordance with the law on Lao nationality.
 - An alien means any person holding other national status having settled in Lao PDR for a long time, holding an identification card as an alien and still being recognized as a resident of his/her country.
 - A foreigner means any person holding other nationality status entering into Lao PDR to perform certain duties in a certain period, and then returning to his/ her home country.
 - A person with Lao origin means any person, foreign citizen or a stateless person, who was born in Lao PDR, has held Lao citizenship before, or a person born overseas whose parents were born in Lao PDR and used to hold Lao citizenship⁶.
 - A foreign worker is a foreigner receiving permission in accordance with the law on labour and relevant regulations introduced by government, to work in any sector or project in Lao PDR, receiving benefits in the form of salary or wages. Persons entering into the country as tourists but doing business with illegal status are not identified as foreign workers.
 - A domestic employment service provider means any person providing employment services to any workers who have graduated, who are looking for new jobs, who are unemployed and are seeking jobs in any sectors and projects within the country by using the services of recruitment agencies, Provincial Department of Labour and Social Welfare, or any person applying for any jobs by him/herself;

⁴ ILO Labour Migration Policy and Management: Training module ISBN 9221167011 (web pdf), 9221167038 cd-rom Bangkok2005

⁵ ILO Forced Labour Convention, 1930 (No. 29)

⁶ Article 4 of the Prime Minister's Decree No. 136/PM on the management of emigration and immigration and the management of foreigners,

- Registration and issuance of residing permission card is a temporary form of permission allowed by the immigration police for foreigners and non-Lao citizens entering and residing either for a short or long term stay in Lao PDR.

2.2. Immigration in Lao PDR

Lao citizens, aliens, foreigners and stateless person holding passports or travel documents, passbooks or border pass papers with valid status, can enter and depart the country through official border checkpoints. Any passport must be valid at least for 6 months⁷.

2.3. Working Visa type LA-B2

The issuance of labour visa type LA-B2 by the Lao Embassy, Lao Consular or Visa on Arrival Units must be subject to permission by the Ministry of Foreign Affairs⁸.

2.4 Types of Visas

The followings are visa types of Lao PDR:

Types of Visas	Visa Code
Diplomatic visa	D- A1
Official visa	S-A2
Multiple visa	C-B1
Tourist visa	T-B3
Short stay visa	NI-B3
Long stay visa	I-B3
Permanent visa	P-B3
Expert's visa	E-B2
Transit visa	TR-B3
Business visa	NI-B2 or I-B2
Student visa	ST-B2
Journalist visa	M-B2
Working visa	LA-B2. ⁹

⁷ Article 7 of the Prime Minister's Decree No. 136/PM on the management of emigration and immigration and the management of foreigners

⁸ Article 9 of the Prime Minister's Decree No. 136/PM on the management of emigration and immigration and the management of foreigners

⁹ Article 11 of the Prime Minister's Decree No. 136/PM on the management of emigration and immigration and the management of foreigners

2.5. Border checkpoints in Lao PDR

Lao PDR has 3 types of border checkpoints as follows:

1. International checkpoint: is a checkpoint which Lao citizens, aliens, foreign citizens and stateless persons holding passports or travel documents or passbooks or border pass papers with valid status can use for entry or departure.
2. Local checkpoint: is a checkpoint allowing Lao citizens and citizens of neighboring countries of the local checkpoint sharing borders with the province concerned and holding passports or passbooks or border pass papers with valid status, to enter or depart by using the checkpoint officially following a bilateral agreement.
3. Traditional checkpoint: is a checkpoint allowing Lao citizens and the citizens of neighboring countries with permanent residence in border areas or within the district(s) located just opposite the border checkpoint by using passbooks or border pass papers with valid status to enter or depart in accordance with the bilateral agreement¹⁰.

2.6. Regulations for Lao PDR recruitment services

- Ensure benefits of the state, workers, employers and recruitment agencies.
- There must be information on the demand and supply of labour in different sectors in order to avoid the problem of labour shortages and unemployment.
- Recruitment services must respect the law and safety of the workers without being cheated or lured into trafficking.
- Male and female workers must have equal opportunities and equal wages or salary payments for doing the same type of job.
- Services for domestic and overseas recruitment must be carried out by respecting the laws in providing recruitment services, doing competition, co-operation for providing labour force for the sectors and projects.
- All labourers working in different business units within and outside the country must have access to protection in terms of rights and benefits according to their labour contract and in compliance with the law.
- Workers and employers have rights and obligations in performing the labour contracts as agreed and signed between them.

¹⁰ Article 7 of the Prime Minister's Decree No. 136/PM on the management of emigration and immigration and the management of foreigners

- The recruitment service must have the basic legal components in accordance with laws and regulations in relation to labour issues in the Decision on the Establishment and Management of Recruitment Enterprises¹¹.

2.7. Forms of Labour Migration

According to information from UN agencies and other relevant sources, it is revealed that labour migration happens globally in all countries and all parts of the world. Countries are classified as countries of origin, destination, transit, or having these three statuses at the same time. Labour migration from the north to the south has been increasing rapidly over the last two decades. Almost half of the number of migration workers globally move from developing countries to more developed countries. Labour migration in Lao PDR is happening in three forms:

- (1) Migration from rural to urbanized areas: migration for vocational training and further study in urbanized areas, or looking for job opportunities;
- (2) Labour migration from overseas into Lao PDR with majority having legal status to meet the needs of high level of labour skills;
- (3) Out migration to work overseas.

2.8. Recruitment systems

Employment services are an important role of the Department of Skill Development and Recruitment to increase the effectiveness of work in the Lao labour markets by identifying categories of workers based on the options and types below.

The employment service carries out two functions:

- (1) Employment services
- (2) Creation of employment opportunities.
 - There are four options for employment opportunities:
 - (1) Domestic employment
 - (2) Overseas employment
 - (3) Promotion of independent jobs
 - (4) Encourage jobs which can be done at home or in the village.
 - There are five forms of employment seeking as follows:
 - (1) Employment recruited by recruitment agencies for domestic and overseas jobs
 - (2) Promotion by the state for local employment on sites

¹¹ Article 4 of the Decision No. 03 on the Establishment and Management of Recruitment Enterprises of the Minister of the Labour and Social Welfare, 2010

- (3) State joint venture with private sector to provide employment opportunities
- (4) Joint business between recruitment agencies and employment units for the jobs which can be done at home by workers
- (5) Job seeking by individuals with the support and management of the state to work with legal status¹².

¹² Article 4 of the Decision No. 03 on the Establishment and Management of Recruitment Enterprises of the Minister of the Labour and Social Welfare, 2010

Section 3: Recruitment for overseas employment

3.1 Types of migrant workers

Labour migration is a social phenomenon which cannot be prevented but we can find ways to make labour migration legal and ensure workers enjoy their benefits and safety. There are a significant number of Lao migrant workers working with irregular status in Thailand. There are different reasons for working in Thailand, such as poverty in home country, seasonal work after rice harvesting to gain additional income, being lured, voluntary migration, being pushed by parents, being eager to enjoy new developments in Thailand, uninformed decision making and other factors.

According to interviews with local people, parents, brothers and sisters of migrant workers in Thailand, there are pull factors that can lead to categorization of migrant workers into three groups as follows:

- **Group 1:** Migrant workers have relatives in Thailand. This group of people work seasonally and come home during the agriculture season. Their reason for going is because of poverty and no employment opportunities in their origin country. In some villages the whole family migrates to Thailand and some people are working in Thailand on a voluntary basis. They usually use the irregular route to cross the border to Thailand and once they arrive at their destination their relatives provide them with accommodation where they can hide themselves from authorities.
- **Group 2:** These groups of migrant workers have friends and relatives who are Lao people already working in Thailand and asking potential new workers to join them. This group of people enter Thailand with legal travelling documents and hide themselves to work in Thailand for a period of three to four years.
- **Group 3:** These groups of people are lured by recruitment agencies or brokers. There are some people locally organizing travel documents for them, and migrant workers have to pay a certain amount of money for the passports, travel costs, commission fees for the broker, transport costs and other expenses for the departing journey. The majority of these groups do not contact their families to inform them of their whereabouts.

For employment overseas thus far, the Lao government has issued permission for Lao workers to work in Thailand, and workers to go for on-the-job training in Japan with legal conditions. In order to ensure legal status for Lao workers, the Lao government has issued decree No. 68/PM and other regulations to promote and manage the sending of Lao workers to work overseas. Meanwhile, the government has issued permission for the establishment of recruitment agencies in response to job seeking for domestic and overseas employment opportunities, and

so far there have been 12 recruitment enterprises established. The Lao and Thai governments also have signed a Memorandum of Understanding on the cooperation in the field of recruitment between the two countries, dated 18 October 2002.

In most cases the jobs done by Lao workers in Thailand are ones that Thai people are not doing. Thai workers also migrate to work overseas causing the problem of labour shortages in Thailand and making it necessary to hire foreign workers. For the period of 2010 – 2011 Thailand requested 2,943 Lao workers to fill positions¹³.

The number of the Lao people working in Thailand is increasing. According to the Department of Recruitment and Ministry of Labour in Thailand, in 2011 the number of Lao migrant workers officially registered was 93,421*. In actual implementation in the last five years (2006 – 2010), the number of Lao workers sent to Thailand was 16,193 including 1,042 working in the agriculture sector, 13,396* working in the industrial and construction sector, and 1,755 working in the service sector¹⁴.

3.2 Conditions, rights and duties of Lao workers working overseas

3.2.1 Potential Lao workers wishing to work overseas must fulfill the following conditions:

- Be male or female, married or single status, aged 18 and above, primary education level as minimum
- Be a person with good health, and no criminal records.

3.2.2 The rights of Lao workers wishing to work overseas are:

- The right to receive remuneration (wage) according to the labour contract signed between the worker and employer.
- The rights to protection for their benefits according to their labour contract, laws and regulations from the local authorities, and have the right to directly sign the labour contract with recruitment agencies by themselves.

3.2.3 The responsibilities of Lao workers wishing to work overseas are:

- Follow the rules and regulations with regard to employment in destination country.
- Respect labour contract, laws and regulations, culture and traditions of the country of origin and country of destination and make obligation to the state accordingly.

¹³ Department of Labour Skills Development and Employment, Ministry of Labour and Social Welfare, Lao PDR. Figures were provided by the Ministry of Labour (Thailand) to the Lao PDR government.

¹⁴ Department of Skills Development and Employment, Ministry of Labour and Social Welfare, Lao PDR.

3.3 Conditions, rights and duties of recruitment enterprises

3.3.1 Recruitment enterprises have responsibilities as follows:

- Perform business operations with regard to recruitment to provide services to Lao workers within and outside the country according to the scope of business license under the supervision and management of relevant authorities.
- Collect necessary information and provide labour in order to plan for skills development training in response to market need within and outside the country.
- Receiving applications from job seekers and providing options for employment in accordance with capacities and potential of the enterprises under the supervision of the state organizations concerned regarding recruitment.
- Participate in meetings to provide comments and exchange of experience with other recruitment agencies or state organizations following invitations.
- Collect fees and service charges for recruitment in accordance with regulations.
- Participate or organize job fairs for employment opportunities between employers and workers.
- Provide counseling services to applicants and establish confidence for the employers by explaining to them about the system, procedure, quality of labour provided by the recruitment agency for the employer.
- Participate and encourage the testing, and competition for labour skills within and outside the country.

3.3.2 Recruitment enterprises have the following duties:

- Notify of locations, install signage of the enterprise and notification of name and personal information of the staff working with the enterprise including the branches and agents overseas and keep the relevant organizations informed to keep contacts and facilitate communication.
- ID cards must be issued for all staff to facilitate their activities and to coordinate with local level government agencies. After termination of employment with recruitment agencies all the ID cards must be returned.
- Study, coordinate and collect information on labour markets within and outside the country. Organize labour contracts with potential employers in order to supply workers depending on the demand of the labour market within and outside the country.

- Be responsible for drafting labour supply contracts, contracts between recruitment agencies, and the contract between the employers and the workers.
- Monitor and manage workers who are the clients of the recruitment agency in order to protect their rights and benefits, to ensure the safety, and be responsible to send them back to their home community after termination of labour contracts. In case there are any disputes with regard to labour or in case of any incidents occurring involving the workers, prompt actions must be taken and reports must be sent to the state authorities concerned.
- Disseminate information, give advice and counseling services to workers who are clients of the recruitment agency so that the workers have access to information and are employed safely being able to make income and thereby to reduce poverty.
- Recruitment agencies must pay for training courses, food, accommodation, documents and travel arrangements for the preparation of sending the workers to work domestically and overseas.
- Organize trainings and upgrade the labour skills of the workers who are registered in order to supply the labour to the market within and outside the country.
- Provide reports on the activity and business operational plan on a monthly, quarterly and annual basis, and submit the reports to the state relevant agencies and sectors.
- Fulfill obligations in relation to business operations in accordance with regulations and laws in a comprehensive and timely manner.
- In case of establishment of a branch, re-location of office, closure of business or changing of Directors, notification must be sent to the relevant state authorities and sectors for information.
- The recruitment agency must be a member of the social security system after receiving the permission for the establishment of the enterprise.
- Perform other roles and duties as assigned by higher authority¹⁵

3.4 List of Recruitment Enterprises in Lao PDR

The recruitment enterprises receiving permission for their business approbation within and outside the country under the supervision and management of the relevant state agencies are as follows:

¹⁵ Decision No. 03 on the Establishment and Management of Recruitment Enterprises of the Minister of the Labour and Social Welfare, 2010.

Recruitment Enterprises with business license for domestic and overseas recruitment services (as at August 2013)

<p>LAO STATE EMPLOYMENT ENTERPRISE Established in 1995 Director: Mr. Khamsen Sayavong</p>	<p>Oubmung Village, Luang Prabang Road, Sikhottabong District, Vientiane Capital -Tel: (856- 21) 222255, 250993 Fax: 222635</p>
<p>LAO LABOUR PROMOTION (CO,LTD) -No.3617/MOLSW, dated 18/10/2005 Director: Mr. Saykham Daosisavnh</p>	<p>Thatkhao Village, Sisattanak District, Vientiane Capital -Tel: (856- 21) 264084, 020 55521992 Fax: (856 -21) 353419</p>
<p>XAYA EMPLOYMENT (XE,CO,LTD) -No.1723 dated 09/11/2005 Director: Ms Viengsavanh Bounheuanghung</p>	<p>-Nakham Village, Sikhottabong District, Vientiane Capital -Tel: (856- 21) 520188, 020 55502414 ຳຳ: (856- 21) 520188</p>
<p>INTER LABOUR (CO,LTD) No.3615 Dated 17/10/2005 Director: Mr. Viphet Sihachak</p>	<p>Mixay Village, Chanthabouly District, Vientiane Capital Tel: (856- 20) 5512190, 241012 Fax: (856- 21) 244217</p>
<p>LANEXANG LABOUR STATE EMPLOYMENT ENTERPRISE (CO,LTD) No .343 Dated 19/9/2002 Director: Mr. Somvang Soulivong</p>	<p>Sihom Village, Sikhottabong District, Vientiane Capital -Tel: (856- 20) 55515932 Fax: (856- 21) 216800</p>
<p>DEAUNSAVAN EMPLOYMENT COMPANY -No.1480 Dated 27/12/2002 Director: Ms. Amphone Bounsouane</p>	<p>Dong Phosy Village, Hatsayfong District, Vientiane Capital -Tel: (856- 21) 812135, 020 55527888, 020 2225268 ຳຳ: 812148</p>
<p>BAUSAVAN EMPLOYMENT COMPANY -No.1348 Dated 29/3/2006 Director: Ms Kaenkeo Siphandone</p>	<p>Somsanouk Village, Hatsayfong District, Vientiane Capital Tel: (856 -21) 313187, 020 55517442 Fax: (856- 21) 313187</p>
<p>SINXAY EMPLOYMENT COMPANY -No.1358 ຳຳ--êó 29/3/2006 Director: Mr. Somsai Hanthanom</p>	<p>Nongbone Village, Saysetha District, Vientiane Capital -Tel: (856- 20) 55520463, 021 264120 Fax: (856- 21) 264119</p>
<p>DUANGPHACHANH EMPLOYMENT SERVICE CO.,LTD No.379 Dated 17/2/2010 Director: Mr. Douangphachanh Sihaphon</p>	<p>Sisavath Village, Chanthabouly District, Vientiane Capital -Tel: (856 20) 55513162 Fax: 021 217405</p>
<p>VIENTIANE EMPLOYMENT SERVICE No.1838 dated 30/8/2010 Director: Mr. Bounsou Chanhom</p>	<p>Thongsangnang Village, Chanthabouly District, Vientiane Capital -Tel: (856 20) 2227009, 2227008, 218869 Fax: 021 262105</p>
<p>NP EMPLOYMENT COMPANY No.1159 Dated 23/05/2011 Director: Mr. Niphonh Thanitha</p>	<p>Parkthang Village, Sikhottabong District, Vientiane Capital -Tel: (856 20) 22225482, 021 550452 Fax: 021 550452</p>
<p>KHAMMANY EMPLOYMENT COMPANY No.1160 dated 23/05/2011 Director: Ms Khammany Phommaxy</p>	<p>Oubmung Village, Sikhottabong District, Vientiane Capital -Tel: (856 20) 99991444, 021 620332 Fax: 021</p>

	620332
A.B.C Employment Co.,Ltd. Director: Ms. Phayphana Phetnouanmany	Nonkhilek village, Sikhottabong, Vientiane tel:020 59181666
Khampaseuth HouangHeuang Internal Employment Co.,Ltd. Director : Ms. Bouasone Vilayvong	Xaimongkhoun village, Kaisone District, Savannakhet. Tel :55645851
K.P Employment and Skills Development Co.,Ltd. Director: Mr. Phonexay Chanleunsouk	Hoamouang village, Kaisone District, Savannakhet. Tel :22216669

3.5. Jobs which Overseas Workers are not allowed to do

1. The jobs that are easy to do without using any tools or machines, which do not contribute to building labour skills and that do not teach technical knowledge.
2. Jobs that conflict with workers cultures and traditions and laws.
3. Jobs that are detrimental to the health and life of the workers¹⁶.

3.6. Regions and countries with prohibition for sending Lao workers overseas

1. Regions or countries which declare themselves not to be safe or with the possibility of war.
2. Regions being threatened by chemical substances as a result of wars or chemical industry accidents.
3. Countries which do not have contracts or agreements with the government in bilateral arrangements¹⁷.

3.7. Procedures for obtaining documents for working in foreign countries

The process for obtaining documents for sending Lao workers to work overseas includes the following steps:

- (1) Recruitment enterprises sign labour contracts with workers in accordance with regulations and conditions concerned.
- (2) The recruitment enterprises in collaboration with state relevant agencies (Provincial Department of Labour and Social Welfare), and local authorities advertise job vacancies and conduct interviews to select potential workers. After selection, recruitment enterprises are responsible for the process in obtaining documents for overseas workers such as ID card, criminal record, health check certificate, passport and other documents related to overseas working.
- (3) Recruitment enterprises submit the list of potential workers (Name list) to the Provincial Department of Labour and Social Welfare.
- (4) The Provincial Department of Labour and Social Welfare, in collaboration with the Provincial Federation of Trade Unions and Lao Youth Union, organizes a short pre-departure training and issues training certificates for workers. Training courses should include the topics of preparedness for working, labour law and regulations, building of industrial habits and knowing the culture and tradition of destination country.
- (5) After the approval of the name list and the provision of training certificate, the recruitment enterprises submit applications for work permits and permissions for sending Lao workers to work

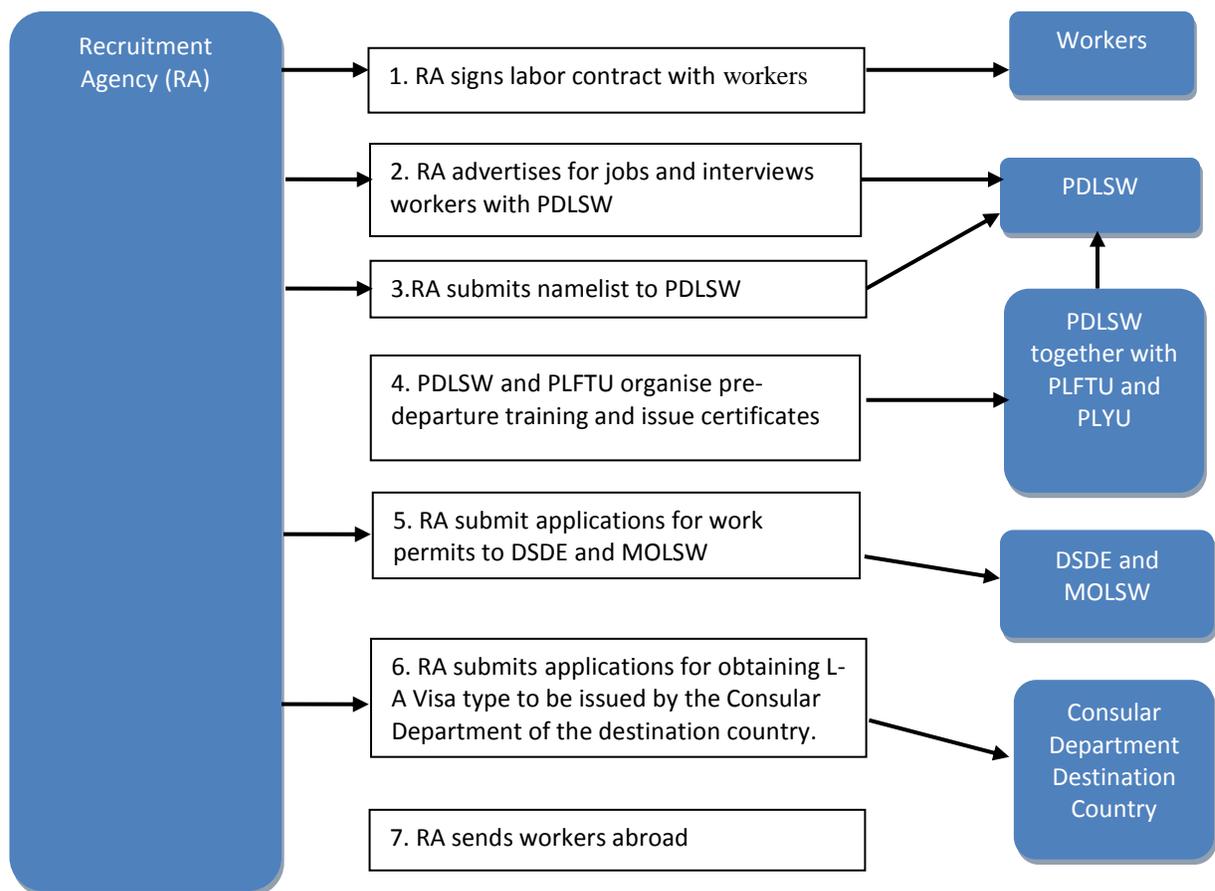
¹⁶ Article 2 of Decree of the Minister of the MOLSW on forbidden occupations and regions to export Lao labourers working abroad

¹⁷ Article 3 of Decree of the Minister of the MOLSW on forbidden occupations and regions to export Lao labourers working abroad

overseas, which are to be issued by the Department of Skill Development and Employment, and the Ministry of Labour and Social Welfare.

- (6) Recruitment enterprises submit applications for obtaining Visa type L-A (working visa with legal status in destination country) to be issued by the representative of the Consular Department of the destination country with an office base in Lao PDR.
- (7) After receiving all relevant documents, recruitment enterprises can send Lao workers to work overseas based on a timeline and appointments with the employers.

Procedures for document processing for working in Thailand



Timeline and fees for document processing

Document	Timeline	Fees
1. Application form to obtain passport to be signed at the village level by district and provincial police	6 days	100,000 Kip
2. Obtaining of criminal records certificate	3 days	20,000-40,000 Kip per person (varies in different locations)

3. Health check-up	2 days	20,000-65,000 Kip per person (varies in different locations)
4.a) Issuing of passport	10 official working days	30 Kip
	7 official working days	30 Kip + 50,000 service fee
	3 official working days	30 Kip + 100,000 service fee
	1 official working day	150,000 Kip
b) Extension of passport	3 official working days	\$10
	1 official working day	\$10 + 50,000 Kip
5. Approval of Namelist at provincial Department of LSW	3 - 5 days and short pre-departure training, 2 - 3 hours.	10,000 Kip per person
6. Department of Skills Development and Employment (DSDE) issues permission for sending labourers and issues work permit	3-5 days	100,000 per person for work permit – there is no cost for certifying the Namelist at the DSDE.
7. Department of Recruitment, Thai Ministry of Labour certifies the Namelist	5-8 days	
8. Apply for Visa L-A at the Thai Consular based in Lao PDR	1 day	2,000 Baht

Section 4: Import of Foreign Workers

4.1. The use of foreign workers

4.1.1. Conditions for foreign workers to work in Lao PDR

- Skilled workers with specific knowledge in certain professions meeting the requirement of vacant positions;
- No criminal records and not being prosecuted in any legal process in home country;
- Being aged 20 and above;
- Having intention to transfer technical knowledge to Lao workers;
- Compliant with the laws, culture and traditions of Lao PDR;
- Being a healthy person without commutable diseases.

4.1.2. Procedures for applying for quota for foreign workers

Employers wishing to employ foreign workers for their business operations must apply for quota for foreign workers to be issued by the Ministry of Labour and Social Welfare. The Provincial Department of Labour and Social Welfare and other sectors cannot issue such a quota. The issuing of the quota for foreign workers is based on the provisions of Article 25 of the Labour Law that the number of foreign

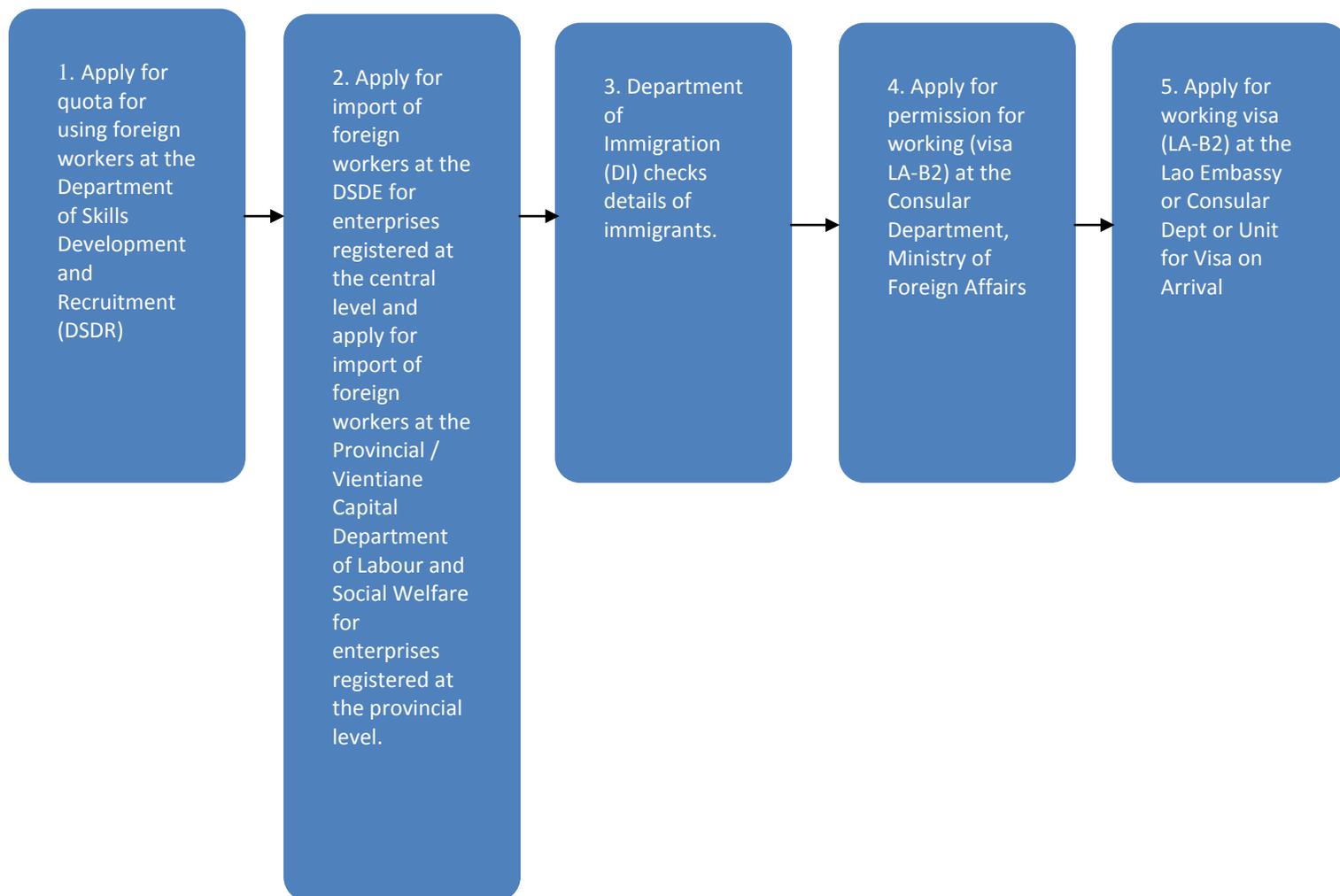
workers does not exceed 10% of the manual labour force, and does not exceed 20% of the professional work force of the total number of Lao workers in any particular work units. Therefore, the procedure for obtaining quotas must be done with the following documents:

- (1) Application for quota for foreign workers for the work units concerned;
- (2) Plan for the use of foreign workers to be submitted to the Department of Skills Development and Employment. If the foreign workers are intending to work in provinces, there is the need to receive comments from the Provincial Department of Labour and Social Welfare in the province concerned;
- (3) Copy of business license;
- (4) Copy of concession license;
- (5) Copy of salary payment records with the list of Lao workers of the latest month;
- (6) For big project needing a large number of foreign workers, permission is required to be issued by relevant sectors having authority to control the work unit concerned to verify the needs in using foreign workers.

4.1.3. Procedures for the application of import and registration of foreign workers

- (1) Submit request for import of foreign workers to the Ministry of Labour and Social Welfare for work units and projects being permitted to issue business licenses by the central level government and submit request for import of foreign workers to the Provincial Department of Labour and Social Welfare, or at the capital level for the work unit receiving business licenses by the Provincial level.
- (2) After receiving the permission for the import of foreign workers from the Ministry of Labour and Social Welfare, the work unit then submits a request to obtain approval for the name list from Immigration Department, Ministry of Public Security to certify that the foreign workers can work in Laos.
- (3) After the work unit has received the permission for the import of foreign workers then the work unit must submit a request to the Department of Consular at the Ministry of Foreign Affairs to consider the issuing of working visa type LA-B2. After that the Consular Department issues a telex number for the work unit to be able to inform workers overseas.
- (4) Foreign workers then apply for working visa by giving the telex numbers to Lao Embassies or Lao Consular Offices based overseas. The foreign workers then receive the working visa type LA-B2 from the Lao Embassies or Consular Offices base overseas. Only in special cases does the Consular Department allow for a working visa to be issued at the border checkpoint;
- (5) After entering Lao PDR foreign workers have to apply for work permits to be issued by the Ministry of Labour and Social Welfare or by the Provincial or capital Department of Labour and Social Welfare;
- (6) After receiving work permits, foreign workers have to be registered for residence permits which are issued by the Foreigner Control Department of the Ministry of Public Security;

(7) Foreign workers who have the need to exit and enter Lao PDR many times can apply for a multiple entry visa from the Consular Department of the Ministry of Foreign Affairs.



4.1.4. The renewal of work permits for foreign workers must be accompanied with the following documents

- (1) Application for renewal of work permit;
- (2) Work permit of foreign worker;
- (3) Copy of passport;
- (4) Copy of salary tax payment;
- (5) Certificate of behaviors and activities of foreign workers issued by employers;
- (6) Employment Contract (Extended);
- (7) Copy of business license;
- (8) Copy of concession license;
- (9) Photo of 3x4 size, 1 photo¹⁸

¹⁸ Ministerial Decree No. 5418/MOLSW on importing foreign workers into Lao PDR.

4.2. Management of foreign workers

- Foreign workers working in Lao PDR under any employment contract cannot exceed a period of 12 months. After the initial 12 month period they can apply for an extension for another 6 to 12 months each time;
- In case it is necessary for the foreign workers for a business operation to expand production activities to introduce new technology, consideration can be made to allow for another extension of the work permit depending on the necessity of the business operations in compliance with the employment contract;
- The permission for the foreign workers to work in Lao PDR has a term of 2 years and extension can be provided for another 2 years but the maximum period must not exceed 4 years. After the termination of the period of 4 years, foreign workers have to return to their home countries without receiving any further consideration for the extension of work permits until a period of 2 years has past whereby they can be reconsidered¹⁹.

4.3. Changing of work positions, changing of workplaces, transferring of foreign workers to other employers

- In this event, foreign workers who are registered with the work units and projects at the central level can apply for permission from the Department of Skills Development and Employment;
- Foreign workers who are registered at the provincial and Vientiane capital level can apply for permission from the Department of Labour and Social Welfare²⁰.

Section 5: Registration and issuing of residence permit for migrant workers

5.1. Registration and issuing of residence permit for foreigners and stateless persons working in Lao PDR, issued by the Police Department of the Control of Foreigners.

- 1.1.1. The registration of stay (ROS) is to be stamped on any page of the passport with signature and date specifying the period of stay for a period not exceeding 3 months together with signature of competent authorities with official seal.
- 1.1.2. Issuance of stay permit (SP) card for a period of stay in Lao PDR temporarily for 6 months or 12 months with signature from the competent authority and official seal.

5.2. Conditions, procedures for obtaining documents and registration and issuance of stay permit.

5.2.1 Conditions

Foreigners and stateless persons working and staying in Lao PDR are required to be registered and have stay permits according to Article 15, Chapter 6 of the Decree on the control of

¹⁹ Article 18 of the Ministerial Decree No. 5418/MOLSW on importing foreign workers into Lao PDR.

²⁰ Article 19 of the Ministerial Decree No. 5418/MOLSW on importing foreign workers into Lao PDR.

foreigners and immigration, No. 136/PM, dated 15 May 2009 with provisions specified as follows:

- Foreigners and stateless persons working and staying in Lao PDR for a period less than one year are subject to registration for a stay period of 3 months each time;
- Foreigners and stateless persons working in Lao PDR for a period of more than one year are subject to the issuing of stay permits for a period of 6 months or 12 months based on the request submitted by the working units concerned.

For business investors, shareholders who have family members running their businesses in Lao PDR based on an agreement signed with the Government of the Lao PDR (within the business concession period with the government more than 10 years) are required to receive the stay permit for the period from 3 to 5 years and their stay permits can be extended with the request from the concerned parties.

Foreigners and stateless persons wishing to be registered and requesting the issuance of stay permits must have the visa types NI-B2, I-B2, LA-B2, plus a letter of request from the company which has been permitted for domestic or foreign investment attached with supporting documents and submit them to the Police Department of Control of Foreigners for consideration for registration and issuance of stay permit.

Experts, volunteers, students, journalists, technical staff of embassies, project managers and representatives of organizations wishing to be registered and requesting stay permits for a temporary period, must have visa types H-A2, C-B1, ST-B2, M-B2 and E-B2. In these cases, ministries or organizations concerned must submit a request to the Ministry of Foreign Affairs (Consular Department), Ministry of Public Security (Ministry Cabinet), and the General Police Department. After this, the Police Department for the Control of Foreigners will consider the registration or issuance of stay permits.

5.2.2 Procedures for documents

5.2.2.1 For investors

The following documents must be provided:

- A letter of request must be sent to the Ministry of Planning and Investment.
- The Department of Investment Promotion issues a request and submit to the Police Department of the Control of Foreigners to request for registration and issuance of stay permits for investors attached with the following documents:
 - Letter of request issued by the Department of Investment Promotion (1 copy)
 - Application form for registration (1 copy)
 - Passport (1 copy)
 - Copy of passport with visa type NI-B2, I-B2 (1 copy)
 - Copy of business license (1 copy)
 - Copy of concession permission (1 copy)
 - 3 photos with size of 3x4 (Latest photo not exceed six months)

Documents are required to be provided in color copies.

5.2.2.2 For workers, technical persons and manual workers the following documents are to be provided

- Request from the company, projects concerned submitted to Department of Control of Foreigners (1 copy)
- Application form for registration and issuance of stay permit (1 copy)
- Passport (1 copy)
- Copy of passeport, visa type LA-B2 (1 copy)
- Copy of business license (1 copy)
- Copy of annual tax registration certificate (1 copy)
- Copy of concession permission (1 copy)
- Work permit (for the purpose of issuing of stay permit)
- Permission for the quota of using foreign workers on annual basis
- 3 photos of 3x4 size, not older than 6 months

Documents are to be provided in color copies.

5.2.3 For students, journalists, volunteers and experts, the following documents are to required

- Letter of notification from Consular Department of Ministry of Foreign Affairs to the General Police Department (Department of Control of Foreigners)
- Copy of request from organization concerned submitted to Consular Department (1 copy)
- Application form for registration and issuance of stay permit (1 copy)
- Copy of passport (1 copy)
- Copy of passport with visa type H-A2, C-B1, ST-B2, M-B2 or E-B2 (1 copy)
- Copy of employment contracts of projects, organizations concerned (1 copy)
- 3 photos with 3x4 size, not older than 6 month

Documents are to be provided in color copies.

5.2.3 Procedures for documents at Provincial Police Offices

5.2.3.1 For investors

The Provincial Police Offices register and issue stay permits for investors within their provinces, the necessary documents required are as below:

- The company to submit an application to the Provincial Department of Planning and Investment.
- The provincial Planning and Investment to send a request to the Provincial Police Office for registration and issuing stay permits for investors with the following documents:
 - Request from the Provincial of Planning and Investment (1 copy)
 - Application form for registration and issuance of stay permit (1 copy)
 - Copy of passport (1 copy)

- Copy of passport with visa type NI-B2, I-B2 (1 copy)
- Copy of Investment certificate (1 copy)
- Copy of annual tax registration certificate (1 copy)
- Copy of concession permission or business license (1 copy)
- 3 photos with 3x4 size, not older than 6 month

Documents are to be provided in color copies

5.2.3.2 For workers, technical persons and manual workers

The Provincial Police Offices register and issue stay permits for workers, technical persons and manual workers for the companies authorized by concerned authorities within their provinces, the necessary documents required are as below:

- Request of the company to Provincial Police Office (1 copy)
- Application form for registration and issuance of stay permit (1 copy)
- Copy of passport (1 copy)
- Copy of passport with visa type LA-B2 (1 copy)
- Copy of Investment certificate (1 copy)
- Copy of annual tax registration certificate (1 copy)
- Copy of concession permission or business license (1 copy)
- Work Permit Card (for the purpose of issuing stay permit)
- Permission for the quota of using foreign workers on annual basis
- 3 photos of 3x4 size, not older than 6 months

Documents are to be provided in color copies

5.3 Procedures for issuing of documents

Documents are to be approved by the relevant authority with signature for the registration and the issuance of stay permit:

- To be approved by Director General or Deputy Director General of Police Department of the Control of Foreigners, Ministry of Public Security.
- To be approved by Head or Deputy-Head of the Provincial Police Department.

5.4 Termination of missions

After termination of missions of foreigners in Lao PDR, projects, organizations, companies and sectors concerned must return stay permits to the Police Department of the Control of Foreigners no later than five days after termination in order to avoid the use of stay permits that are still valid to commit any wrong-doing activities violating the laws of Lao PDR;

In case of necessity and emergency, the stay permit can be return to the immigration police at the border checkpoint at the time of departure and then the stay permit can be sent to the Police Department of the Control of Foreigners²¹.

5.5 Procedures for application for stay permit



²¹ the Prime Minister’s Decree No. 136/PM on the management of emigration and immigration and the management of foreigners

Section 6: Application for passports and multiple entry visa

6.1. Application for new passport of Lao citizens

Applicant must have the following documents:

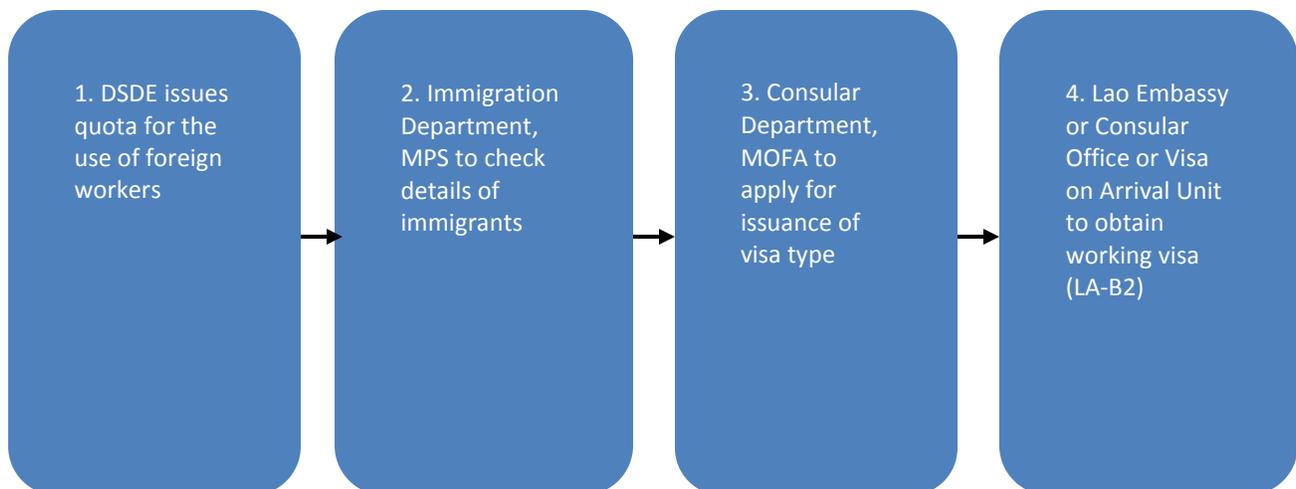
1. Application form for obtaining passport (brief personal history information signed by the local authorities: village, district, province levels) (1 set)
2. Photos with 4x6 size (white background and not older than 6 months) (3 photos)
3. Copy of ID Card (1 copy)
4. Copy of family registration book (1 copy)

After submission of the whole set of documents the applicant must be interviewed by the official(s) of the Consular Department, Ministry of Foreign Affairs.

6.2. Set of documents for application for working visa, type LA-B2:

1. Letter of request from work units or projects.
2. Permission for the use of foreign workers.
3. Permission for the import of foreign workers.
4. Business license.
5. Concession permission.
6. Copy of passport

Procedures for obtaining working visa (LA-B2)



6.3. Documents for obtaining multiple entry visa

1. Request (from company)

2. Stay permit with copy
3. Work permit, with copy
4. Copy of business license
5. Copy of concession permission

Section 7: Protection and management of migrant workers

7.1 Protection and management of Lao workers

Labour migration can bring positive benefits to the household and national economy. At the same time there can also be issues around collecting service fees from migrant workers and cheating amongst brokers. Labour migration cannot be stopped but we can protect the rights and benefits of migrant workers. This means that migrant workers must receive equal benefits, pay and holidays, and they should work in conditions without violence and other forms of exploitation, without being forced to work, and work without being involved in sexual services or dangerous occupations. Migrant workers must receive protection in the circumstances where they are working.

In order to protect and manage Lao workers, there must be conditions, circumstances and measures to ensure that workers are effectively working in safe conditions by establishing protection and management measures as follows:

Migrant workers receive training to improve their labour skills in the workplace.

- Reasonable pay for work without being taken advantage of in term of wages and other benefits as specified by laws and regulations.
- Ensure good quality of life or suitable conditions for physical and mental health of the migrant worker.
- Supply of information in a timely manner for migrant workers in case of natural disasters and other emergency situations.
- Cooperation between the public and private sectors in organizing training for the short and long term programs for returned workers in order for them to have access to employment and make use of the knowledge gained from overseas working. This will bring benefits to their families, society and the nation and to secure their future.
- Organizing volunteer groups at the regional level in order to participate in monitoring of labour migration and to ensure systematic arrangements for entering into labour markets.
- Organize training for the relevant agencies to create preparedness to provide assistance to migrant workers in case of accidents.
- Organize consultation workshops between line ministries and sectors in order to protect and manage migrant workers.
- The Consular Department of the Ministry of Foreign Affairs should have services that function as a central coordinating body in collaboration with Lao embassies or consular offices based overseas to protect the rights and benefits of Lao workers. These services should ensure Lao workers are being protected in term of safety and social welfare services but also from being exploited, and ensure that their basic human rights are being respected without physical and sexual abuse.

7.2 Protection and management of migrant workers

The government of Lao PDR facilitates the traveling in and out of the country, transit and stay for foreigners and stateless persons, and protects their life, property, rights and benefits in accordance with the laws of Lao PDR and international conventions to which Lao PDR is a party to²². Foreigners living in Lao PDR must respect its laws, culture and traditions.

Duties and scope of authorities in the management of migrant workers

- 1.** The General Police Department (also known as department responsible for management of foreign workers)
 - Organize macro level management of foreigners nationwide.
 - Specific management of foreigners who are experts, volunteers, students and officers of diplomatic missions.
 - Management of investors, technical officers, workers in factories, projects and companies with investment permission granted by the government and Vientiane Capital.
 - Conduct investigations, apply measures in technical and legal matters for the control of foreigners violating laws and regulations.

- 2.** The provincial and Vientiane capital police force (General Police Department, Division of Management of Foreigners)
 - Perform duties as macro level management of foreigners which supervise district police forces (management of foreigners).
 - Perform duties in the inspections and management directly of foreigners who have been authorized for investment by the provincial level; foreigners who are staying temporarily in the provinces.
 - Conduct investigations, apply measures, and report to authorities to apply technical and legal measures against foreigners who are violating laws and regulations.
 - Keep records of statistics of foreigners and submit a summary report of foreigners to the high authorities in a systematic manner.
 - Cases related to detention of foreigners have to be reported to the Police Department for the Control of Foreigners within 24 hours or 48 hours at the latest.

- 3.** District police force units for the control of foreigners, police of village cluster
 - Direct involvement in the inspection and management of the stay of foreigners for long term and temporary periods within the district administration areas.
 - Keep records of statistics of foreigners and provide reports to higher authorities on a regular basis.

²² Article 3: Decree No. 136/PM.

- Collect information on foreigners who are violating laws and regulations and submit the files of cases (in case of detention) to the division of the Control of foreigners at the provincial level to further process the cases within 24 hours.

4. Police officers at the village cluster level

- Perform duties as direct involvement in the inspections of foreigners staying for the long term and temporary period within the area of village clusters, organize checking the stay of foreigners, collect and summarize statistics and information on the increase or decrease of number of foreigners within the area of responsibility.
- Contribute to the management of foreigners but do not have the authority to process cases of foreigners. In cases of criminal activity found instantly with detention taking place involving foreigners, a report must be submitted to the unit of the Control of foreigners at the district police office in order to refer to higher authority in accordance with the local law²³.

Section 8: Monitoring, Coordination and Evaluation

8.1. Monitoring

8.1.1. Monitoring of Lao Workers

In conducting monitoring activities about Lao workers working domestically and overseas, and in order to ensure that Lao workers are protected under law, the following aspects of monitoring must be taken into consideration:

- Payment of salary or wages
- Payment of welfare packages
- Issuance of work experience certificate
- Cancellation of employment contract
- Implementation of social insurance system
- Changing of workplace
- Assistance and care for workers in case of occupational accidents and death
- Remittance of money back home
- Working conditions in foreign country
- Name and addresses of employers both within and outside the country
- Recruitment enterprises.

8.1.2. Monitoring of foreign workers

The monitoring of foreign workers objective is to ensure that foreign workers follow the laws of Lao PDR which include the following aspects:

- Labour use

²³ Decision on the assignment of authority for the management of foreigners, Ref. No. 1707, dated 05/11/2010

- Labour contract
- Valid working period, stay permits and entry and exit through immigration channels
- Transfer of foreign workers to other employers or changing of workplaces
- Transfer of technical skills to Lao workers
- Activities of workers in accordance with the decree on the management of immigration of foreign citizens, Ref. No. 136/PM, dated 25/05/2009
- Enforcement of other relevant laws.

8.2 Coordination

The Ministry of Labour and Social Welfare must cooperate with Ministry of Foreign Affairs, Ministry of Public Security and other relevant sectors at the central and local levels in collecting information on labour migration to be updated with labour market situations. Coordinate and collect information on the demand of labour markets within and outside the country. Issuing of contracts and supply labour to the markets. Coordinate and provide information on names, contact information and addresses of Lao workers and employers overseas to inform the Lao embassies in countries concerned.

8.3 Evaluation

The evaluations purpose is to find out information on the management of Lao and foreign workers to ensure that they are protected and receive benefits in accordance with law and in order to provide reports on labour migration to higher authorities to receive guidelines and find solutions to address problems in relation to labour migration. The purpose of the evaluation is also to keep records of experiences and attitudes of migrant workers for situation analysis and for planning in collaboration with relevant state agencies at the central and local levels in order to protect and manage migrant workers.

The relevant state agencies must follow the process, procedures and conduct consultation meetings, to share the progress and information with regard to the changing situations of labour migration. Assessment and information dissemination must be carried out in order to raise awareness on the activities of labour migration at the community level in order to be able to make informed decision on labour migration. The sectors concerned must report, conduct, evaluate, and exchange of experience or information on labour migration for planning activities to be carried out in the future.

As well as these evaluation aspects, important aspects that should be considered for the assessment of impacts must include the following factors:

- Assessment of the needs of labour forces by sectors and occupations within the country;
- Information on migrant workers in foreign countries;
- Type of jobs overseas;
- Activities carried out by recruitment enterprises that are formally registered;
- Remittance of money back home;
- Impacts of sending labourers to work overseas on labour markets and human resources;
- Illegal entry of foreign workers;
- The import of foreign labourers to work in different sectors;

- Impacts of the import of foreign workers on domestic labour markets including the impacts on unemployment rates, participation of labour forces, wages and working conditions.

Part IV: Authorities and duties of relevant agencies

Ministry of Labour and Social Welfare, Ministry of Foreign Affairs and Ministry of Public Security

Section 9: Duties and scope of authority of Department of Skills Development and Employment, Ministry of Labour and Social Welfare

9.1. Duties

1. Drafting of strategies, plans for labour skills development and recruitment and submission to the Minister for consideration and approval, or introduce them to relevant authorities for consideration, dissemination and implementation after approval;
2. Introduction and implementation of strategies and plans after approval, and translation into programmes and projects for further detailed implementation by the department;
3. Drafting of laws, presidential decrees and legislative papers in the area of labour skills development and recruitment and present them to the Minister and relevant authorities for consideration in accordance with regulations. Dissemination and inspection of implementation of activities. Making proposals to improve, amend or cancel laws, presidential decrees or legislative papers that are not suitable, and make proposals to the Minister and relevant authorities to consider amendments;
4. Establishment and management of labour skills development funds;
5. Collection and compilation of information on demands in labour markets within and outside the country in order to plan for training and development of labour skills and recruitment;
6. Coordinate with relevant sectors including the public and private sectors to encourage and support vocational training and upgrading of labour skills;
7. Dispatching of Lao workers to be trained and to work overseas;
8. Cooperate with international organizations to mobilize funding for labour skills development and recruitment activities;
9. Establish labour skills standards to conduct testing and issue certificates on labour skills for Lao workers;
10. Coordinate with relevant state and private sectors to organize labour skills competitions within and outside the country;
11. Study and make proposals for consideration on the establishment or cancellation or management of recruitment enterprises;
12. Study and consider the import of foreign workers into Lao PDR and consider the permission for the extension of work permits after termination of authorized period;
13. Registration and issuing of work permits, extension of work permits for foreign workers;
14. Promotion of employment opportunities for Lao workers;

15. Coordinate with vocational training centers of the public and private sectors in order to supply information on skills development and to collect data and information on the number of those who have been trained;
16. Implementation of policies on expenditure saving, combating excess expenditure, anti-bureaucratic working practices, anti-corruption and bribery in all forms;
17. Produce reports on an annual, quarterly and monthly basis and urgent reports to the Minister or the government to make summaries and assessments on the activities related to the labour skills development and recruitment;
18. Perform other duties as assigned by the Minister.

9.2. Scope of authority

1. Make suggestions to establish, improve or cancel organizational mechanisms and positions which are under the supervision of the department which are not suitable;
2. Suggest disciplinary measures against staff within the area of responsibility of the department;
3. Suggest issuing permissions for other sectors, organizing trainings and establishing labour skills development centers, associations, foundations and companies with the aim to support the development of labour skills and recruitment;
4. Coordinate and cooperate with relevant sectors and international organizations within and outside the country in order to mobilize funding and assistance, based on the approval of the Ministry of Labour and Social Welfare;
5. Initial documents based on the authority of the department;
6. Monitor and inspect activities regarding vocational training, skills development and recruitment within and outside the country carried out by other sectors to comply with the laws of Lao PDR;
7. Carry out other activities under the scope of authority as assigned by the Minister.

Section 10: Duties and scope of Consular Department, Ministry of Foreign Affairs

10.1 Duties

1. Implementation of general policies and guidelines of the party and state, resolution of the parties committee of the Ministry of Foreign Affairs and the committee for external relations of the party central committee and the plans of the Ministry of Foreign Affairs with regard to consular activities;
2. Preparation of strategies, guidelines and plans for management level of the ministry of consular activities;
3. Coordinate with relevant sectors:
 - 3.1. Management and protection of the benefits of Lao citizens and Lao individuals living overseas;
 - 3.2. Consider and solve the problems of cases or disputes between Lao citizens or Lao individuals and foreigners or foreign individuals if the cases happen in Lao territories of foreign countries;
 - 3.3. Management and control of the immigration and management of foreigners within Lao PDR;
 - 3.4. Consider the application for Lao nationality, application for ending the status of Lao citizens, application for permanent residence in Lao PDR and the application for marriage between the Lao citizens and foreigners or stateless persons;
 - 3.5. Issuance and implementation of decrees, decisions and regulations related to consular activities;
 - 3.6. Make suggestions around opening and closing of border checkpoints;
 - 3.7. Provide technical guidance for issuing visas;
 - 3.8. Application for over flying or landing of aircraft, water and land transportation routes through territorial areas of Laos for foreign vehicles.
4. Issuing of diplomatic and official passport and visas for government official and issuing of ordinary passport for Lao citizens traveling overseas;
5. Issue visas for foreigners entering into Lao PDR;
6. Issue travel permits and visas for foreigners who do not have embassies in Lao PDR for the purpose of returning to their home countries in the case of lost passports;
7. Coordinate with relevant sectors and organizations within and outside the country, drafting plans, applications, preparations, conducting negotiations, signing conventions and agreements related to consular activities with foreign countries or make amendments to the regulations regarding establishment, participation, ratification and implementation of conventions;
8. Provide guidance and supply of information in relation to consular activities to other relevant ministries and sectors;
9. Dissemination of information related to consular activities to the public and private sectors as assigned by higher authorities;
10. Perform other duties in accordance with the guidelines and assignments of the Ministry.

10.2 Scope of Authority

1. Give advice on consular activities of the representatives of foreign embassies and provide technical advice to Lao consulates overseas;
2. Participate in providing comments in meetings of ministries concerned regarding consular activities and other relevant activities;
3. Make proposals to higher government authorities on the opening or closure of consular offices of Lao PDR in foreign countries and the consular offices of foreign countries in Lao PDR;
4. Provide opinions and advice on policies. Disseminate information on policies, monitor and follow up the enforcement of conventions and agreements signed by Lao PDR and contact other relevant sectors and organizations within the country on consular activities as well as making proposals to cancel, amend and suspend the enforcement of conventions and agreements based on regulations and guidelines of the government;
5. Propose to higher authorities to establish or to dissolve divisions or units depending on political purposes;
6. Propose to appoint or to promote senior positions, diplomatic positions, further training, positions based overseas, rewarding and application of disciplines to government staff;
7. Staff deployment and assignment of responsibilities within the consular department depending on skills and capacities of staff members;
8. Initial and certify documents regarding consular activities based on roles and in compliance with the laws of Lao PDR;
9. Negotiate and initial memorandum of cooperation between the consular department and other countries counterparts based on assignments from higher authorities;
10. Management of utilization of budgets, vehicles, equipment provided by the state within its scope of authority;
11. Perform other duties as assigned by the management level of the ministry;

Section 11: Duties and scope of authorities of Department of Control of Foreigners, Ministry of Public Security

11.1 Duties

1. Study and understand the policies of parties, laws, decisions, regulations and plans of the Ministry of Public Security and the General Police Department for successful implementation of projects and activities;
2. Conduct political trainings for police officials in order to increase awareness on organizational issues, ensure strict discipline, suggest approaches in performing duties, and ensuring transparency and solidarity in performing political duties;
3. Supervision, control, management, monitoring, inspection, training, and strengthening the police force to increase technical skills and working principles in technical manners step by step;
4. Drafting of legislative papers and regulations related to technical activities of the department for submission to the higher authorities for official approval;
5. Planning, collecting information, studying and understanding activities of foreign citizens and stateless persons in order to maintain security and good order in Lao PDR;
6. Receive case files, conducting initial investigations, dealing with problems, escorting, detaining, arresting, verifying, taking records, warning, fining and referring cases with files to relevant bodies in accordance with the laws;
7. Supervise, manage, inspect activities within organizational structure nationwide;
8. Issue certificate of property damages and loses and apply legal measures against foreign persons and stateless persons violating the laws of Lao PDR;
9. Manage, monitor, inspect, facilitate, and provide security services for the safety of lives and properties of foreign persons and stateless persons by working in cooperation with other relevant sectors;
10. Educate, manage, inspect, train, use of intelligent forces, partners and trusted person in accordance with the laws and regulations;
11. Dissemination and introduction of legislative documents to the sectors and agencies concerned and support the effort in the implementation and working in cooperation with foreign officials in active manners;
12. Provide comments and suggestions to higher authorities for the application of marriage between Lao and foreign citizens, the application for permanent residency of foreigners, or suggest cancellation of stay permits and documents in case of illegal arrangements of marriage;
13. Coordinate with other relevant agencies to make suggestions to higher authorities to consider the cases of Lao nationals living overseas for more than 10 years with stateless status in order for them to be considered for returning to their home country;
14. Management, monitoring and inspection of activities and stay of foreigners and stateless persons in order to maintain good order and legal status in accordance with the laws of Lao PDR;

15. Planning for the use of weapons, technical equipment, transport vehicles and budget for utilization in the enforcement of duties;
16. Provide comments and suggestions to higher authorities to provide incentives for outstanding officials with good performance and apply measures against officials violating the rules and regulations within the scope of their duties in accordance with laws;
17. Draft budget plans to utilize budgets in an effective manner to provide support for staff within the scope of responsibilities;
18. Coordinate with the various departments of the Ministry of Public Security, the Police Forces of the provincial or capital levels and other ministries and organizations at the central and local levels
19. Collaborate and exchange lessons with foreign counterparts based on the approval of the General Police Department and the Minister of Public Security;
20. Perform other duties as assigned by higher authorities and in accordance with Laws.

11.2 Scope of Authority

1. Submit reports on various issues to the General Police Department and the Minister of Public Security for consideration and decision making;
2. Participate in meetings related to the activities of the General Police Department, Ministry of Public Security and organizations or sectors at the central and local levels;
3. Inspect, size and cancel temporary and long term stay permits and unlawful registrations;
4. Prepare and submit reports to higher authorities for consideration of establishment or cancellation of police offices or divisions, promotion or rotation of staff positions within scope of responsibilities;
5. Notify and disseminate information regarding the management of foreigners nation-wide and provide comments based on the roles of the department;
6. Establish under uniform officers and partners to support technical activities in accordance with laws and regulations;
7. Apply legal measures against those violating laws causing social problems and disorders to Lao PDR;
8. Encourage, monitor and inspect the organizations and activities of foreign citizens based on organizational structures nation-wide;
9. Collaborate with relevant sectors to consider the receiving or dispatching of foreigners or stateless persons for cases that have been solved by higher authorities;
10. Cooperate with foreign counterparts based on approvals of higher authorities;
11. Organize meetings to consider issues and policies and give rewards to outstanding officials and penalize those who violate the laws and regulations;
12. Perform other duties assigned by higher authorities and laws and regulations.

Part V: Forms and abbreviations

Application form for working abroad (Attachment #1)

Application for ID card (Attachment #2)

Form for importation and use of foreign workers in Lao PDR (Attachment #3)

Application Form for a stay permit for foreigner (Attachment #4)

Application form for a multiple entry visa (Attachment #5)

ABBREVIATIONS

Australian AID	Australian Government Aid program
DSDE	Department of Skills Development and Employment
GMS TRIANGLE	Tripartite Action to protect the rights of Migrant Workers within and from the Greater Mekong Subregion
ILO	International Labour Organisation
IOM	International Organisation for Migration
ID card	Identity card
Lao PDR	Lao People's Democratic Republic
LFTU	Lao Federation of Trade Union
LNCCI	Lao National Chamber of Commerce and Industry
LWU	Lao Women's Union
LYU	Lao Youth Union
MOLSW	Ministry of Labour and Social Welfare
MOFA	Ministry of Foreign Affairs
MPS	Minister of Public Security
MoU	Memorandum of Understanding
PDLWS	Provincial Department of Labour and Social Welfare
RA	Recruitment Agency
UN	United Nations