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ACRONYMS

AIDS    Acquired Immunodeficiency Syndrome
DOLAB   Department of Overseas Labour
DOLISA  Department of Labour, Invalids and Social Affairs
EPS     Employment Permit System
HIV     Human Immunodeficiency Virus
IIC     Indian Investment Centre
ILSSA   Institute of Labour Science and Social Affairs
IOM     International Organization for Migration
LMAC    Labour Migration Assistance Centres
MIDA    Migration for Development Programme in Africa
MOF     Ministry of Finance
MOLISA  Ministry of Labour, Invalids and Social Affairs
MRC     Migrant Resource Centre
NRS     National Referral System
OSCE    Organisation for Security and Co-operation in Europe
POEA    Philippines Overseas Employment Administration
SBMI    Serikat Buruh Migran Indonesia
SONA    International Manpower Supply and Trade Company
TESDA   The Technical Education and Skills Development Authority
UN      United Nations
UNHCR   United Nations High Commissioner for Refugees
UNAIDS  Joint United Nations Program on HIV/AIDS
USD     U.S. Dollar
VCCI    Viet Nam Chamber of Commerce and Industry
VND     Vietnamese Dong
VWU     Viet Nam Women's Union
YU      Youth Union
INTRODUCTION

Labour migration is an increasing global trend, presenting opportunities for improved livelihoods and incomes in developed and developing countries, including Viet Nam. According to the Vietnamese Department of Overseas Labour (DOLAB), there are currently approximately 500,000 Vietnamese migrants working abroad under fixed-term contracts\(^1\). These migrants sent USD 8.2 billion back to Viet Nam in 2010 alone\(^2\). For families, labour migration can be a sound livelihood strategy, resulting in enhanced living standards and better work and education opportunities due to the remittances sent back by the migrant worker. For governments, international labour migration can be seen as an important component of a national development strategy, if the skills and resources which migrant workers have acquired abroad are effectively developed upon their return.

However, while much attention is given to the needs and well-being of Vietnamese migrants, including raising their awareness of migration, prior to their departure and during their time abroad, less attention is given to their reintegration upon their return to Viet Nam. Returned migrants can face a plethora of challenges, including underemployment, debt, family conflict, and health problems. Vietnamese migrants often return to unskilled work, or to jobs that are similar to jobs they held before migration and without relevance to the knowledge or skills they gained overseas.

To address this information gap and support the development and implementation of policies and effective social support for returned migrant workers, DOLAB and the International Organization for Migration (IOM) in Viet Nam implemented a project on policy support for the reintegration of migrant workers. This project included a desk review and a policy workshop on the challenges, existing support mechanisms, and potential solutions to the needs of returnees. This recommendation report, intended to provide strategic advice on how to support returned migrant workers, brings together four documents related to the activities of this project:

\(1\) MOFA 2012

Part 1: Situational analysis of return and reintegration of labour migrants in Viet Nam, by MA. Pham Nguyen Cuong with support from DOLAB.

Part 2: Summary of desk review on international practices on supporting the reintegration of returning migrant workers, by Mr. Maximilian Pottler with support from IOM Viet Nam.

Part 3: Synthesis of comments and recommendations from the Workshop on reintegration policies and services for returning migrant workers, co-organized by DOLAB and IOM on 13 August, 2013.

Part 4: Conclusion and recommendations from DOLAB

We hope this report will lead to greater attention from policy makers to the support gaps faced by returned migrant workers and ultimately result in increased policy dialogue on this issue.
PART I

SITUATIONAL ANALYSIS OF RETURN AND REINTEGRATION OF LABOUR MIGRANTS IN VIET NAM
PHAM NGUYEN CUONG and selected officials of Dolab
INTRODUCTION

The problems faced by migrants upon their return are not adequately recognized, either legally or in practice, and this has reduced the benefits of labour migration for individual migrants, their communities, and the Vietnamese economy. Returnees face a lack of employment opportunities, in addition to debts, family conflicts, health issues and other problems. A lack of both a social safety net and support for sustainable reintegration into communities compounds their problem. These factors could also explain why many workers choose to overstay their visa and work illegally in their host country. However, overstaying heightens migrants' vulnerability as illegal migrants are not entitled to social, medical and legal services. Furthermore, large numbers of Vietnamese overstayers tarnish the reputation of Vietnamese workers on the foreign labour markets.

The development of this report is timely and essential to gaining a more comprehensive overview of the inadequacies of the support available to returned migrants in the current economic climate. This report is based on a thorough review of existing legal documents related to labour migration and the analysis of other documents, including:

Legal documents on sending migrants to work abroad and their guidance for implementation, dated between 2006 and 2012 - Existing research reports on labour migration - Reports and statistical data from the Department of Overseas Labour (DOLAB) on Vietnamese migrant workers.

This research was conducted to assess the gaps and problems related to the return and reintegration of migrant workers, and to recommend policy solutions to better address the needs of returnees. This research also looks at how the experience, skills and expertise gained abroad could be employed to benefit the Vietnamese labour market and economy.

SECTION 1: SITUATIONAL ANALYSIS OF RETURNED VIETNAMESE MIGRANT WORKERS BETWEEN 2007 AND 2012
1.1 General overview of Vietnamese migrant workers between 2006 and 2010

According to data from DOLAB, by December 2012 Viet Nam had more than 560,000 migrant workers working in 49 countries and territories employed in more than 30 different occupations. On average, nearly 80,000 workers leave to work abroad each year, comprising 5% of the total Vietnamese labour force.
Vietnamese contract-based migrant workers enjoy stable incomes higher than that of their compatriots working domestically with the same qualification levels. Many earn monthly incomes in the tens of millions of VND. Workers’ annual average remittances to Viet Nam amount to nearly USD 2 billion.

The majority of migrant workers going to work abroad during 2006-2010 returned to Viet Nam during 2008-2012. The following figures paint an overall picture of Vietnamese migrant workers: the numbers, male/female ratio, employment sectors and average incomes.

a) Number of migrant workers

Table 1: Total number of migrant workers between 2006 and 2010 according to gender

<table>
<thead>
<tr>
<th>Year</th>
<th>Total Number of Migrants</th>
<th>Number of Female Migrants</th>
<th>Number of Male Migrants</th>
</tr>
</thead>
<tbody>
<tr>
<td>2006</td>
<td>78,855</td>
<td>27,023</td>
<td>51,832</td>
</tr>
<tr>
<td>2007</td>
<td>85,020</td>
<td>28,278</td>
<td>56,742</td>
</tr>
<tr>
<td>2008</td>
<td>86,990</td>
<td>28,598</td>
<td>58,392</td>
</tr>
<tr>
<td>2009</td>
<td>73,028</td>
<td>22,020</td>
<td>51,008</td>
</tr>
<tr>
<td>2010</td>
<td>85,546</td>
<td>28,573</td>
<td>56,973</td>
</tr>
<tr>
<td>Tổng</td>
<td>409,439</td>
<td>134,492</td>
<td>274,947</td>
</tr>
</tbody>
</table>

(Source: DOLAB)

b) Occupation and average income of migrant workers

According to statistics provided by DOLAB for nine receiving countries and territories (Japan, Czech Republic, Macau, Malaysia, Qatar, South Korea, South Arabia, Taiwan and the United Arab Emirates), from 2006 to 2008 Vietnamese migrant workers were employed in the following sectors:

Table 2: Occupations of migrant workers

<table>
<thead>
<tr>
<th>No.</th>
<th>Occupational sector</th>
<th>Quantity</th>
<th>% of the total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Manufacturing</td>
<td>165,332</td>
<td>72,57%</td>
</tr>
<tr>
<td>2</td>
<td>Domestic and care work</td>
<td>22,909</td>
<td>10,06%</td>
</tr>
<tr>
<td>3</td>
<td>Construction</td>
<td>18,097</td>
<td>7,94%</td>
</tr>
<tr>
<td>4</td>
<td>Fishing boat workers/ maritime transport</td>
<td>14,245</td>
<td>6,25%</td>
</tr>
<tr>
<td>5</td>
<td>Agriculture</td>
<td>3,135</td>
<td>1,38%</td>
</tr>
<tr>
<td>6</td>
<td>Others</td>
<td>2,544</td>
<td>1,12%</td>
</tr>
<tr>
<td>7</td>
<td>Service industry (hotels, restaurants)</td>
<td>1,416</td>
<td>0,62%</td>
</tr>
<tr>
<td>8</td>
<td>Textile/garment</td>
<td>132</td>
<td>0,06%</td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td>227,810</td>
<td></td>
</tr>
</tbody>
</table>

(Source: DOLAB)
Thus, the highest percentage of migrant workers, more than 72%, was employed in the manufacturing sector. Domestic and care work employed the second-highest migrants.

c) Professional qualifications of migrant workers

Table 3: Qualifications of Vietnamese going abroad from 2008 to 2010

<table>
<thead>
<tr>
<th>Content</th>
<th>2008</th>
<th>2009</th>
<th>2010</th>
<th>Total 3 years</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Total</td>
<td>Female</td>
<td>Total</td>
<td>Female</td>
</tr>
<tr>
<td>Total</td>
<td>86,990</td>
<td>28,598</td>
<td>73,028</td>
<td>22,020</td>
</tr>
<tr>
<td>Unskilled workers</td>
<td>50,990</td>
<td>18,684</td>
<td>38,439</td>
<td>13,996</td>
</tr>
<tr>
<td>Skilled workers</td>
<td>35,940</td>
<td>9,866</td>
<td>34,376</td>
<td>7,956</td>
</tr>
<tr>
<td>Experts (University)</td>
<td>60</td>
<td>48</td>
<td>213</td>
<td>68</td>
</tr>
</tbody>
</table>

(Source: DOLAB)

According to the data above, the majority of migrant workers, more than 56%, are unskilled workers. Skilled workers make up nearly 43% of the Vietnamese migrant labour force, while the percentage of university-educated and expert workers is extremely low.

(Source: DOLAB)
d) The income of migrant workers abroad

According to the data from DOLAB, the income of Vietnamese migrant workers varies depending on the level of training, work sector and host country. Between 2006 and 2010, the average monthly income of Vietnamese migrant workers was approximately USD 500 but incomes varied significantly depending on the sector and host country. The average income of migrant workers in simple occupations in Malaysia was the lowest, at approximately USD 300 per month, whereas labourers working in Malaysian electronics factories or engaged in construction work earned USD 500 - USD 600 per month. However, the income of migrant labourers working in factories in Taiwan was higher, averaging USD 750 per month. In the Korean labour market, agricultural workers and unskilled workers in the industrial sector earned incomes between USD 1000 and USD 1200 per month. In labour markets which require higher skill levels, such as Japan, the income of workers was both more stable and higher. The average income of a skilled trainee in Japan was USD 1500 per month. In this market, the Vietnamese workers who achieved the highest level of income were officers working for Japanese transport ships; they earned up to USD 5,000 per month.

1.2 General overview of the socio-economic situation for returned Vietnamese migrant workers

a) Employment and access to jobs in Viet Nam

Available research shows that the majority of workers promptly search for jobs upon their return to Vietnam. According to an Institute of Labour Science and Social Affairs (ILSSA) study (2011), 86.7% of returnees find work: 66.33% in unskilled jobs (compared to 79.1% prior to their migration), 0.8% open businesses or do “management” jobs, while just 0.3% are employed in jobs requiring “high level technical worker” qualifications. It is noteworthy that many of the migrant workers who were employed in agriculture and forestry prior to their migration transferred to the manufacturing, construction and services sectors upon their return to Viet Nam. Additionally, the number of migrant returnees using their savings for investment in production and business opportunities in Viet Nam is very low. Savings are instead mostly used to pay off debts and for home-related needs like household furniture and consumer goods, and for children’s education.

Significantly, few females access better employment opportunities upon their return, as seen from the fact that the rate of female workers in unskilled jobs is
much higher than that of males (78.9% compared to 47.8%). One reason for this is that women are often encouraged to focus on domestic duties, such as house work and taking care of families, upon their return.

Many returnees have trouble finding suitable work matching their job experience and skills gained overseas, with 57.75% encountering difficulties due to a dearth of employment information. While workers with no technical qualifications or education reported difficulties in finding work, even skilled workers struggle to find jobs relevant to the work experience gained abroad. Many spend up to six months searching for employment. A key reason for this is the lack of support from local authorities and recruitment agencies to facilitate returnees’ reintegration into the local labour market. Returnees with technical skills and languages acquired abroad could significantly contribute to local economic development if they received greater support from local authorities and agencies responsible for job counselling and creation. This failure to utilize valuable human resources is especially acute in four surveyed provinces where rapid growth has been hindered by the critical shortage of workers faced by companies and industrial zones.

Some provinces, however, have made significant efforts to address returning workers’ needs, for example with job fairs for migrant workers who returned from South Korea at the end of their contract. Such events, along with free Korean and vocational training courses, were organized by Bac Ninh province’s Department of Labour, Invalids and Social Affairs (DOLISA) in collaboration with South Korea’s Ministry of Labour and Employment. These initiatives allow workers with qualifications, skills and experience acquired in South Korea to network and find jobs with Korean firms in Viet Nam. This model is expected to be widely applied in other provinces in the future.

The system of job recommendation and employment centers run by the Youth Union (YU) and Viet Nam Women’s Union (VWU) in various provinces is also a source of, albeit limited, support and occupational counselling for returnees. Additionally, some recruitment agencies support on-time returnees by recruiting them to work domestically or by facilitating an additional work opportunity abroad. However, this is the exception rather than the rule.

b) Migrant qualifications and skills

Compared to the Vietnamese national average, migrant workers frequently possess lower technical expertise and skill levels. For example, in 2009, while the proportion of trained workers was 25% of the total national labour force, just 16.6% of migrant workers were trained. One possible explanation is that most overseas-
bound workers come from rural areas where there are fewer educational and training opportunities. However, studies on returned migrant workers note that migrants reported improved language skills, working style, discipline and social knowledge upon their return.

c) Legal dispute settlement issues

The liquidation of contracts between workers and labour recruitment companies can become complicated in cases in which deposits are returned, the migrant worker returns home before a contract’s end date, or in emergency situations. Migrant workers with low education levels often have insufficient knowledge and resources to address disputes with recruitment agencies. Few workers are aware that the inspection divisions of DOLISA, the Inspection Departments of DOLAB, and the MOLISA can provide them with assistance to help settle such problems.

d) Access to occupational counseling services

In Viet Nam the lack of job market information and resources to support returned migrant workers in looking for work is common to all provinces and companies. As a result, many workers return to jobs held prior to migration and do not benefit from their newly acquired experience and skills.

Although all provinces have job centers managed by DOLISA, YU and VWU, many returnees are either unable to access these services or find that the centers are unresponsive to their demands because they now have overseas working experiences, financial resources saved during their migration and aspirations which might not match the centres’ capabilities.

e) Access to credit

Previous studies have not addressed this issue as there is no national policy on credit to help returned migrant workers re-establish a career.

f) Access to and use of interest from the Fund for Overseas Employment Support

The Fund for Overseas Employment Support was set up with contributions from the State, recruitment agencies and migrant workers. The fund has a program that provides pre-departure training materials, legal documents and business services for migrant workers. Moreover, the Fund supports migrant workers and their families in cases of occupational accidents, death, wars, illness or incidents requiring a worker to return home ahead of schedule.
According to a report by the Fund for Overseas Employment Support, between 2007 and 2013, it supported the families of 350 migrant workers who died while working overseas (VND 10 million per case). Two hundred and ten migrant workers who faced incidents which required them to return home ahead of schedule also received an average of VND 3-5 million per case. However, many migrant workers do not benefit from this support as they have inadequate identification documents and are unable to prove that they worked abroad. Therefore, the Fund needs to provide additional and appropriate information for migrant workers before they leave. Companies should be required to provide migrant workers with the necessary documents to benefit from the Fund.

The individual management of personal documentation is an essential skill but many Vietnamese migrants do not realize the importance of keeping official documents related to their mobility or employment. They therefore encounter difficulties when they need to prove a migration-related issue or their families’ identification. Therefore, advice and training for migrants on how to collect and manage personal documents is essential.

g) Savings

According to the 2010 ILSSA survey, almost all migrant workers manage to save while they are abroad. The amount saved depends on their monthly income, pre-departure costs, living standards and amount of time spent overseas. The survey revealed big fluctuations in returnees’ savings, ranging from VND 2 million to VND 4 billion. On average, after nine months of overseas work, migrants were able to reimburse the amount they outlaid to travel. Overall, migrant workers earn a net income three times greater than that of workers in Viet Nam.

Moreover, migrant workers’ savings are much greater than reflected in collected data, as only a percentage of money earned is sent home via official remittance channels; some savings are sent home as clothes and other consumer products.

h) Impact and use of savings from migrant workers abroad

The socio-economic situation of disadvantaged and low-income households often vastly improves after a family member migrates for work. According to research conducted by ILSSA in 2010, of 155 surveyed workers considered “poor” before departure, 82% returned to a better standard of living. However, 6.45% of migrant households remained close to the household poverty level and 12.26% were still in a state of poverty. Just 7.18% of migrants found their situation unchanged. The money sent home by migrant workers is frequently divided into two portions -
one for immediate improvements to living standards, including in the domains of education and health care, and another put aside for future needs. According to MOLISA calculations, the average annual savings per worker was approximately USD 4,000, which presents a significant contribution to household consumption and private investment if multiple years are spent overseas. According to ILSSA's 2011 research, such remittances provided significant economic benefits for workers and their families. Nearly 90% of workers surveyed said their income and living standards had improved. This resulted in an improved family life and relationships, with nearly one third saying their family relationships were better thanks to savings spent on children's schooling, housing repairs and miscellaneous consumer goods.

The information collected from different reports shows that savings sent home by migrant workers were used for multiple purposes, including debt re-payment. Research by ILSSA (2011) also indicated that workers often use their savings for furniture purchases, home repairs, education and business development. Consolidated data shows that on average 34.37% of migrant workers used savings to pay off pre-departure or other debts, 28.49% spent savings on house repairs and construction, and 10.59% on furniture purchases. Only a small percentage (8.79%) was spent on business investment and 3.67% on education investment, while 12.22% were used towards bank or interest payments.

i) Relationships

Returned Vietnamese migrant workers also face a number of challenges in their interactions and relationships with their families. Research by Health Bridge (2008) conducted from May 2007 to March 2008 focused on the impact of migration on family life. Findings were based on 300 interviews with 96 people whose spouse was going to migrate, 99 with a spouse returning from abroad, and 105 migrants returning from overseas.

The research showed that the biggest challenge faced by migrant workers and their families was “emptiness” and loneliness. Children in particular were vulnerable to fears that their absent mothers no longer loved them. However, the majority of interviewees said their spouse's sentiments remained unchanged while they were apart. Some 60% reported that the time spent apart made them “love and think of each other more” and 50% said they lived “more responsibly” when the migrant returned home. However, 9.1% of husbands and 3.1% of wives said that their relationship was negatively affected by disagreements about the management and use of remittances. The report also noted that husbands who stayed home while their wives migrated were tidier, more polite and better aware of how to keep their
houses clean upon the spouse’s return.

The ILSSA report (2011) further illustrated the positive impact of labour migration on conjugal sentiments, with 41% of interviewed workers reporting that their relationships had improved and 50% saying their conjugal relationships remained normal upon their return. This report also showed how overseas work improved the status of migrants within their families, with 53% of returnees saying their roles improved as they had become more confident due to their financial contributions and increased knowledge. Just 3% of those surveyed separated or divorced after return to Viet Nam.

Small-scale research conducted in 2012 by UN Women and DOLAB showed that 60% of female returnees felt that their rights were better respected by their families and they were more confident with their financial contributions to family finances. However, in-depth interviews with a number of female returnees spotlighted their husbands’ disloyalty and lack of care for their children during the wife’s absence. Interviews with VWU representatives and numerous female returnees also brought family break-ups to light, especially in instances when female members went to work overseas. In addition, the report pointed to numerous cases of women returning with the impression that foreign men were more “gallant” and kinder to women than Vietnamese men.

j) Health and health care

According to an UNAIDS Report on migrants health (2010) and reports by ILLSA, although the majority of returnees and their families have better health care due to their improved economic situation, they still face health and health care access problems. Extensive working hours have adverse health impacts on returned migrants and can reduce the long-term benefits of migration for migrant workers. A general evaluation of how overseas work impacts the health of family members found that 50% of those interviewed reported no health impact and 44% reported a positive impact, while a very small percentage listed negative impact (6%).

**Key reasons for workers’ health issues:**

Many companies and employers do not pay adequate attention to health and safety issues and the living conditions of their migrant workers. Additionally, many migrant workers do not have health insurance and therefore cannot seek healthcare in times of need. Most employers hire foreign workers to save costs and therefore do not provide social protection like health insurance. Furthermore, linguistic and cultural barriers, unfamiliar food and climate, and difficult living conditions often
affect Vietnamese migrants’ physical and mental health. Stress and psychological distress are also caused by employment issues, concerns about financial security and health, and demands from family. At the macro level, natural disasters, armed conflicts and security issues in host countries can also expose workers to additional health and safety risks concerns and force them to return home ahead of schedule. In addition, the global economic crisis, unemployment, and salary deductions can affect migrant health.

1.3 General assessment of problems and shortcomings

a) Employment and development of skills and qualifications gained abroad

The majority of Vietnamese migrant workers go abroad to make money to “change their lives” rather than to specifically acquire knowledge and experiences for employment upon their return. Therefore, although many migrants gain skills and qualifications which could be used in Viet Nam, these are not assessed or converted upon their return and they often fail to find jobs relevant to the technical qualifications they acquired abroad. Instead, some find work near their homes or use their savings to open a business.

The Vietnamese government has yet to develop policies and establish a database covering the qualifications, experiences, and competencies of migrant workers. Critically it does not establish any linkages between demand and supply of labour despite the critical shortage of qualified and technical workers in companies throughout Viet Nam and the presence of qualified job-seeking returnees.

b) Legal dispute settlement

Although Legal Assistance Centers are available in many provinces and cities, they only provide free legal assistance services to a small group of beneficiaries designated by the Law of legal aid of 2006 and its circulars for implementation: female victims of labour exploitation or sexual abuse, women involved in legal disputes, women employees illegally dismissed, or fraud victims.

c) Access to occupational counselling services

Access to information about the domestic employment market and resources to support returnees is limited and ineffective. There is a lack of support programs aimed at helping migrants find employment which capitalizes on the knowledge and experiences they gained while working abroad.
d) Access to credit

Access to credit for returned migrant workers is limited and inconvenient to access when it is available.

e) Access to and use of interest from the Fund for Overseas Employment Support

Information on how to access this Fund has not been sufficiently provided to migrant workers. In particular, there is a lack of pre-departure education on the collection and management of the documents necessary for migrants to benefit from the Fund upon their return to Viet Nam.

f) Using savings to improve lives

Savings from overseas labour bring significant economic benefits to migrant workers and their families, enabling them to pay off their debts, improve their living standards, and access housing, education and health care. However, while some migrants also use savings to invest in production and business, the majority of returnees are unable to effectively manage and use their savings to improve their lives.

g) Relationships

Gender stigmatization and discrimination still exist in families and communities, especially in rural areas where the concept of going to abroad work is not yet considered an acceptable livelihood option, especially for women. In this respect, cultural perceptions which permeate communities and organizations constitute barriers to gender equality.

There is also little psychological preparation for workers and their family members on the relational issues of migration. This is perceived to affect children in particular. Many are not well prepared for their parent’s migration and find the lack of attention and care detrimental and challenging.

SECTION II: EXISTING LEGISLATIVE AND POLICY DOCUMENTS ADDRESSING ISSUES RELATED TO RETURN MIGRATION

2.1. Legal documents addressing issues related to return migration

1. Law on Vietnamese workers working abroad came into effect on July 1, 2007.


4. Decision No. 71/2009/QD-TTg dated April 29, 2009 of the Prime Minister approving a project to support poor districts in promoting the sending of workers abroad to assist sustainable poverty reduction between 2009-2020.

5. Joint Circular No. 08/TTLT-BLDTBXH-BTP dated July 11, 2007 of the MOLISA and Ministry of Justice providing detailed guidance on matters regarding the contents and liquidation of guarantee contracts for migrant workers.


8. Joint Circular No. 01/2010/TTLT-TANCTC-BLDTBXH-VKSNDTC dated May 18, 2010 of the Supreme People’s Court, the MOLISA and the Supreme People’s Procuracy, guiding the application of legal provisions to settle People’s Courts disputes over guarantee contracts for guest workers.


The documents listed above focus on contract-based emigration and do not address other forms of migrant labour. Therefore, they only impact certain migrant worker returnees. Vietnamese migrant workers are also subject to amendments to other Vietnamese labour policies and regulations, such as the Labour Code and Vocational Training Law.
2.2 Analysis and definition of return migration issues

Section 4 of chapter III of the ‘Law on Vietnamese migrant workers working abroad under contract’ focuses on a policy to support employment and encourage job creation upon the migrant worker’s return:

- Article 59 of this Law on “Employment support” stipulates: “1. Provincial Departments of Labour, Invalids and Social Affairs shall notify returned workers of domestic employment opportunities and shall instruct them on how to register to find appropriate jobs. 2. The State encourages enterprises to receive and recruit former guest workers or send them to work abroad.”

- Article 60, “Encouragement of job creation,” stipulates: “1. The State facilitates favorable conditions and encourages former guest workers to invest in production or business activities and create jobs for themselves and for others. 2. Workers who encounter difficulties may borrow preferential capital for the creation of jobs in accordance with the law.”

The State’s policies offer support via the Fund for Overseas Employment Support and provide other legal support to workers who must return home because of emergencies.

- Item 3, Article 3 of Decision No. 144/2007/QD-TTg regulates: “- For workers who suffer labour accidents, risks or diseases and are no longer capable of working overseas and must return home before the expiration of contracts, the maximum support level is VND 5,000,000 per case. - For other vulnerable cases as decided by the Minister of Labour, Invalids and Social Affairs at the proposal of the Fund’s Management Council, the maximum level is VND 5,000,000 per case.”

The State has a more specific support policy for workers in poor districts who have returned from working overseas. Item 3b, Section II of Decision No. 71/2009/QD-TTg details the responsibilities of the State and recruitment agencies in providing support to returned migrant workers:

“- To establish a database of workers for overseas employment in poor districts and to support the workers during the project’s implementation.
- To consult with and orient workers on employment opportunities which are suitable to their experience and skills gained overseas.
- To consult with and give guidance to workers and their families on how to make use of their savings to invest in the household, farming, and to provide training on how to establish a business.”
The joint MOLISA and Ministry of Finance (MOF) Circular No 31/2009/TTLT-BLDTBXH-BTC, dated September 9, 2009, guides the implementation of Decision No. 71/2009/QD-TTg. Its article 8 regulates the contents and expected cost for employment and job recommendation consultancy upon a worker’s contract completion and return home as follows:

“a) To establish a database of workers for overseas employment in poor districts and to support the returned migrant worker. Expected costs and details are applied according to Circular No. 137/2007/TT-BTC dated November 28, 2007 of the MOF.
b) To consult with and orient workers on employment opportunities suitable to their experience and skills gained overseas, to give guidance to workers and their families on making use of savings from overseas employment to invest in the household and farming opportunities. Cost norms for consultancy and job placement are regulated according to Joint MOLISA and MOF Circular No. 95/2007/TTLT/BTC-BLDTBXH dated August 07, 2007. Based on consulting and job placement contracts from the Ministry of Labour, Invalids and Social Affairs and job placement center, MOLISA pays consulting and job placement fees to the job placement center.
c) To provide training in business start-ups: To pay honorariums for trainers and staff, to reimburse food, accommodation, and travel costs for trainees during the training period according to regulated norms in Circular No. 51/2008/TT-BTC dated June 16, 2007 of the MOF guiding the management and use of allocated funds for training and refreshment for State officials and employees.”

Vulnerable workers in poor districts who return to Viet Nam before their contract ends are supported as follows under Point 6, Section II of Joint Circular No 31/2009/TTLT-BLDTBXH-BTC: “ - To supply workers as regulated in Item 3, Article II of Joint MOLISA and MOF Circular No. 11/2008/TTLT-BLDTBXH-BTC dated July 21, 2008, guiding the management and use of the Overseas Employment Support Fund, according to Decision No. 144/2007/QD-TTg.

- To support workers who have worked less than 12 months but have had to return home due to one of the following reasons:
  - Worker’s health is unsuitable for the job’s demands
  - Employers have business difficulties resulting in worker’s loss of employment
  - Employers’ unilateral contract termination
  - Form of support: one way economy-class flight ticket from the host country to Viet Nam.”

The ‘Law on Vietnamese workers working abroad under contract’ regulates contract liquidation.

Article 27, Term 1, Point d regulates as follows: “To unilaterally liquidate guest
worker contracts if the workers or their lawfully authorized representatives fail to show up after the enterprise has sent them three written notices by registered mail within 180 days from the date the workers terminated labour contacts.”

Article 46, Term 8 regulates the rights and obligations of contracted migrant workers: “To liquidate a guest worker’s contract with the service enterprise within 180 days from the date of termination of the labour contract.”

2.3 General assessment of the gaps and shortcomings of legal documents

The content of the legal documents, highlighted from Part II, is focused on employment and goes no deeper than recommendations made by the State. However, despite these legal provisions the reality is that financial support often never materializes, particularly in cases involving female workers. Better regulations are needed to adequately support returnees’ social integration. It must be noted that improved regulations will be insufficient if their implementation is not ensured by committed state actors. Nonetheless, greater legal guidance could be beneficial. Specific regulations and policies which would benefit migrant workers could address:

- the responsibility of State agencies to assess returnees according to their region of origin, occupation, qualifications, age, gender and aspirations, to develop appropriate plans for retraining and to effectively utilize these human resources;

- the role and responsibilities of State agencies and organizations to provide counselling and assistance to returnees who encounter psychological or health difficulties, with particular attention to the needs of female returnees;

- ensuring the well-being of returnees rather than just maximizing the number of migrants;

- guidance on financial, welfare and social affairs.

SECTION III: RECOMMENDATIONS

Policy recommendations for supporting returned migrant workers

a) Job creation and promotion of professions and skills

Additional detailed specifications (Articles 59 and 60) of the ‘Law on Vietnamese workers working abroad under contract’ are needed to ensure its implementation
through appropriate programmes to support employment and skills utilization. Furthermore, the responsibility of the MOLISA and the provincial People's Committees regarding the management of returned migrant workers needs to be further developed and clarified in Articles 8 and 14 of Decree 126/2007/ND-CP.

To manage and better meet returnees' employment needs in Viet Nam, it is essential to develop a database of workers' experience, qualifications and skills. These job profiles should be coded and include the full name, residential address, country of migration, experience, skills, occupation and gender of each migrant. Additional information on the demand for labour in Viet Nam could be incorporated into this database to provide an overview of the national labour market. Separate figures on gender and employment should be addressed and analyzed in labour management reports in accordance with the Law on Gender Equality (Item 13, Article 8 of Decree 126 amended and supplemented).

A specific policy is needed to ensure that resources are provided to support returnees' education and retraining on the skills necessary for launching a business. The policy should include steps to ensure that female and ethnic minority migrant workers are involved in these training sessions.

Specific agencies and organizations should be designated as responsible for providing counselling and assistance to vulnerable returnees, with particular attention to the vulnerabilities of female migrants.

Migrant workers' pre-departure orientation trainings should be mandatory and provide:
- Information on the accumulation of knowledge and experiences for workers' future employment both domestically and abroad;
- Training on financial literacy and money management.

A policy to encourage and facilitate the development of employment services to effectively support returnees to access jobs suitable to their skills and qualifications is also needed.

b) Access to resources

To increase returnees' ability to access resources - such as information, services, assistance, and financial support - returnees must be aware of their existence and how to make the best use of them. Therefore, the following is needed:
- Dissemination of information, for example through trainings, to raise awareness about the resources available to migrants and how to use them;
- Strengthened oversight to prevent contract liquidation between recruitment agencies and migrant workers;

- Supporting the formation of community clubs and groups to share information and to minimize the difficulties and stabilize the lives of migrant workers and their families, with attention to gender inequality issues.

c) Relationships within families, society and communities

To support the returned migrant workers in sustaining and improving their relations, the following solutions are required:

- Dissemination of information and trainings to raise awareness about gender equality to eliminate gender discrimination;
- Social organizations (ie, VWU, YU, and the Farmers' Association) should take responsibility for the psychological well-being of migrant workers and their family members. This encompasses family relationship issues, attention to children's education and well-being, and respect for children's right to participate in discussions.

d) Health and health care

Pre-departure orientations should provide information on health protection and labour safety, the benefits of health insurance and steps to take to prevent sexual harassment and violence.

Mass organizations, with the support of the State and recruitment agencies, should organize training courses on health care, family nutrition, financial management skills and consumption habits, and psychological counselling for relatives of migrant workers, with particular attention to the needs of children.

The establishment of a data collection system, documenting the health problems acquired during migration or as a consequence of migration, is needed to build suitable policies to support returnees’ health needs.
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PART II

SUMMARY OF DESK REVIEW ON INTERNATIONAL PRACTICES ON SUPPORTING THE REINTEGRATION OF RETURNING MIGRANT WORKERS
by Mr. Maximilian Pottler with support from IOM Viet Nam
ABSTRACT

When attempting to facilitate reintegration, officials must be aware of the broad spectrum of returning workers’ needs. While it is not feasible to provide individually tailored services, integrated services for broad categories of workers must be developed. Policy-makers also need to develop mechanisms to address issues related to gendered reintegration needs as the growing number of female labour migrants in Asia has created new challenges that often involve the female migrant’s entire family.

This section consists of the abridged findings from a desk review on international best practices on efforts supporting returning migrant worker reintegration. Information-based, economic, and institutional policies and practices are discussed, followed by examples of best practice from the international community. For the full report, please contact IOM or DOLAB.
POLICIES AND PRACTICES TO SUPPORT RETURNING MIGRANT WORKERS

As return migration remains a widely unexplored subfield of migration research, the development of viable policy frameworks for addressing the complex issue of reintegration is also still in its infancy. Furthermore, home governments are often primarily concerned with bilateral labour schemes to send workers abroad, the sustainability of remittances, and the legal protection of their overseas workers in destination countries. As a result, the promotion of sound reintegration measures is often overlooked.

Objectives of reintegration policies

Generally, reintegration policies are designed to improve the socio-economic well-being of returning migrants to tap into their developmental potential, as well as minimizing the incentives of overstaying and risk of involuntary return, and maximizing the benefits of migration to society and to migrants themselves. Successful reintegration considers the needs of migrants on several levels, such as economic (business creation, new employment, re-skilling or skills upgrading) and psychosocial (adaptation after a prolonged absence, reunification of the migrant family), to encourage returned migrants to actively contribute to their home country’s economy and society.

Policy dimensions

Good reintegration policies must encompass different types of migrant worker returns with respect to decision-making and timing, the individual characteristics of workers, and the pre- and post-return challenges. They also need to address the reasons for departure, the duration of the stay abroad and other elements that can affect the capacity of reintegration in the home country. The policies should consider employment and investment opportunities for returned migrants and how they will be assimilated by the local population. They should serve temporarily and permanently returned migrants with a development-oriented approach that places migrants’ skills and know-how at the centre of discussion.

Categories of reintegration policies

Policies that promote the sound reintegration of workers can be divided into three categories: information-based policies, economic incentive-based policies, and institution-based policies. Information-based policies focus on providing returning workers with information to enable their successful reintegration into
their communities. Knowledge of economic opportunities and programmes help workers make informed choices and create a prepared and more confident returning workforce. Economic incentive-based policies provide workers with additional material benefits to encourage them to return to their home country. These programmes do not necessarily burden states with increased fiscal obligations. With appropriate regulatory changes, workers can access their contributions to social insurance funds when they return to their home country. Some programmes that require government expenditure could include a variety of subsidies to returning migrants or contributions to development projects initiated by national diaspora or migrant workers. Institution-based policies refer to changing laws, responsibilities and practices that directly promote the reintegration of workers.

Considerations for the feasibility of reintegration

Policies designed to assist returning migrant workers must be flexible and tailored to the specific requirements of individual workers, as a one-size-fits-all approach is unlikely to work. The challenge facing policymakers is to develop programmes that meet returning workers' needs while being cost effective. While the large volume of labour migration makes individual counselling unrealistic, identifying the characteristics of returnees, reintegration challenges and sound data collection makes it possible to construct specific profiles associated with different types of returnees and then apply programmes relevant for larger groupings of migrants. A number of concrete policies, addressing the different types of returning workers, are presented below.

1. Information-based policies

Information-based policies focus on providing returning workers with information that allows them to reintegrate more successfully. Even though information-based schemes alone do not initiate new policies, they can create a better informed and more confident returning workforce.

a) Pre-departure

Before departure, migrants should be fully aware of risks, their rights, and existing focal points and registration procedures, so as to increase their protection against indebtedness, exploitation, and trafficking. Specific training for migrants including language and cultural courses, instructions about existing registration mechanisms and focal points, the availability of financial services for remittances and possibilities for the utilization of their savings in the home country are desirable.
b) Pre-return

Information remains crucial to helping returnees and respecting their right to make informed decisions about their return. Prior to return, returnees should be given detailed information in their host countries about the different return options available to them. In addition, consular services should be available for workers considering return, particularly for migrants who are not willing to return when their visa expires. Such cooperation requires close contact between home country officials and workers in destination countries but could help minimize the risk for irregular migration and additional assistance could be provided for the preparation of all required documents.

c) On-arrival and post-return

Finally, providing information to workers should continue after departure from the host country. Home governments could provide information via assistance desks at key airports where large numbers of workers re-enter their home country. Specific reintegration centres can also direct workers to programmes and assistance to facilitate their socio-economic reintegration back home. As these programmes are utilized by workers during the circular migration process, institutional structures can be strengthened to allow governments to provide information and assistance to larger numbers of returning workers.

International Best Practice Concerning Information-based Policies

The Philippines offers country-specific, pre-employment orientation programmes to workers leaving the country. These can be mandatory for specific groups and the purpose of the sessions is to inform workers of the legal, economic and cultural environment that awaits them in the host country and also the availability of reintegration measures on their return. Migrants also learn of possible difficulties abroad and how they can get help from governmental and non-governmental organizations for return and reintegration. Departing workers are also informed about the location of the embassy and regional consulates, migrant worker support and welfare organizations, and Filipino overseas associations.

Project Tulay, offered by Microsoft in cooperation with the Government of the Philippines, provides information technology skills training to improve communication between the migrant worker and their household as well as to help workers find employment with their new skills upon return to their home community. The Microsoft small-scale training programmes offered in Malaysia and Singapore have proved very popular, particularly for Filipino women workers.
Clerical skills, especially, make returning workers more employable. Such training could equally be provided in countries of origin and destination countries.

Meanwhile, the Philippine Overseas Employment Administration (POEA) provides legal assistance to displaced workers seeking airfare and placement fee refunds from recruitment agents and employers. ‘Help desks’ have also been established in provinces to assist retrenched returning migrant workers find jobs at home or abroad.

Smaller, information-providing programmes have been sponsored by the Organisation for Security and Co-operation in Europe (OSCE). With the help of IOM in Central Asia, and in Kyrgyzstan and Tajikistan the OSCE has formed a series of Labour Migration Assistance Centres (LMAC). These centres provide logistical assistance, orientation manuals and individualized counselling and assistance for departing and returning workers. Over time, these LMACs can acquire profound resources that can support the economic, social and psychological reintegration of returned migrant workers. Special emphasis has been placed on assisting returning female workers, in particular the relatively large number of under-employed women with academic and professional credentials. Recently, OSCE created a Guide on Gender-Sensitive Labour Migration Policies in both countries of origin and host countries (OSCE 2009). Similarly, in Viet Nam, IOM and DOLAB opened a Migrant Resource Centre (MRC) in Hanoi which provides pre-departure orientation trainings, employment and welfare services, referrals to medical providers, and legal counseling to migrant workers. Additionally, it provides a hotline which migrants in need of assistance can call. The aim of the MRC is also to raise awareness about the potential risks of labour migration among future migrants and policy-makers.

Several countries of origin, such as Ecuador, have highlighted the information and counselling services available at their missions abroad for their nationals planning to return. These services can include information on the assistance available for those who wish to return (e.g. transportation allowances/grants), legal advice and information about jobs and other opportunities available in their home country. Furthermore, the Government of Ecuador has established “Ecuadorian Houses” in four major cities (Caracas, Madrid, Milan and New York) to re-connect with diasporas and provide cultural assistance and information on the services available to Ecuadorians abroad. In addition, “Ecuadorian Houses” also collect data from potential returnees concerning their region of origin, current occupation in the host country, and occupation in the home country before migrating. The information gathered can then be used to help tailor existing and future programmes and projects.

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3 More details about a Migrant Resource Centre established in Ha Noi in May, 2012 can be found at: http://www.iom.int/developmentfund/files/infosheets/MRCInfosheet.pdf.
In Cape Town, South Africa, an Angolan help desk has been set up at the Cape Town Refugee Office and is staffed by the Department of Home Affairs, the Angolan Consulate and UNHCR officials. While this service is currently provided to arriving asylum seekers, such help desks could also be used for returning migrant workers.

2. Economic/financial incentive policies

Well informed workers are more likely to make better decisions about their economic self-interest and reintegration into their home country labour market. As well as providing information, home governments can also provide economic incentives to strengthen the material benefits and employability of returning workers. Economic reintegration is a key factor in the well-being of a worker’s family and sustainability of return.

a) Financial stability with fiscal neutrality

Home governments can initiate negotiations with the country of destination to allow expatriate workers to contribute to state-sponsored benefit programmes, such as pension systems or unemployment insurance, that would be repaid in the case of return. Migrant workers, regardless of decision-making and timing of return, could access these funds on return to their country of origin. To reduce the aforementioned risk of indebtedness upon return, migrant savings could be used more efficiently for return and reintegration and this could involve a mandatory saving programme with contributions from the host country employer and worker. Furthermore, the migrant family should be advised about the efficient management of its finances to reduce the risk of indebtedness and poor investments.

Policies need to facilitate the low-cost transfer of funds deposited in financial institutions in the host country back to accounts in the country of origin. This could involve a transfer between two distinct banking institutions or the movement of funds between bank branches. However, such a policy would require the establishment of appropriate banking and foreign investment regulations as well as a sufficient migrant worker income in the host country. Irregular labour migrants are unlikely to gain access to such economic or financial policies, but if they are granted access to such services and assistance, voluntary return might become a more attractive option.

b) Fiscal contribution to economic reintegration

In addition to linking economic incentives to workers’ private savings or social insurance contributions, governments can deploy fiscal resources to encourage
the reintegration of workers. This is particularly beneficial to involuntary returning migrant workers with a strong need for support. Economic incentive programmes can be divided into those that directly support the individual worker for return to the home country and those that link worker support to specific development projects of the country of origin. Individual support can be provided through grants or subsidized loans to returning workers. The second approach is linked to more specific development priorities. If a government has identified a need for training in specific sectors and occupations, it could provide bonuses for migrants who agree to participate in such programmes. Subsidized credit or even grants could influence returning workers to engage in projects, including public sector development projects, prioritized by the government.

c) **Governmental initiatives to reintegration and development**

Whether or not economic incentive policies require budgetary support, such programmes give an important signal that governments support workers’ return and reintegration efforts. Economic incentives are a useful tool to promote the development of areas that intensively participate in the circular migration process and encourage workers to return to their countries of origin rather than “disappear” into the markets for irregular labour.

**International Best Practice Concerning Economic/Financial Incentive-based Policies**

The Government of the Philippines provides overseas workers with health insurance when they return to the Philippines if they regularly pay into the PhilHealth system while abroad. When they reach retirement age, these workers receive lifetime coverage as long as they have paid for at least 120 months in total. This allows Filipino workers to plan for retirement and view their work outside the country as part of a coherent career path. Other programmes offered by the Government of the Philippines include housing loan programmes, which allow expatriate workers to save and then gain access to affordable mortgages or funds for housing construction. Such programmes similarly reinforce the government’s commitment to its large expatriate workforce and even encourages the outward and circular migration of its citizens.

In India, returnees benefit from preferential access to capital goods and raw material imports. India has created the Indian Investment Centre (IIC), a mechanism within the Government Investment Promotion Authority that specifically targets migrants as potential investors or trade partners. Local governments have also introduced schemes to help returning migrants. In Kerala, one of the largest
sources of migrants from India, the local government offers loan packages to help returnees from Gulf countries who lose their jobs to start small businesses on return.

Many returnee programmes do not consider the different needs of migrant women, who may have gender-related problems in accessing credit or financial services, as well as regarding their perceived role within a given local context. The Government of Nepal collaborated with UN Women and two NGOs in an Entrepreneurship Development Training programme, specially designed and conducted for female returnees. Launched in three districts of Nepal – Kathmandu, Kaski and Sunsari – the programme has trained 659 returnee migrants, 97 per cent of them women. Of that group, 441 have already started their own business in areas such as artisan handicrafts, animal husbandry, hotel and retail services.

Private actors can also play a vital role in ensuring migrants are fully reintegrated upon return. This is illustrated by International Manpower Supply and Trade Company (SONA), one of the biggest recruitment agencies in Viet Nam, which helps migrants find jobs upon their return. Furthermore, it is committed to providing migrants with job opportunities tailored to the skills they acquired abroad, which means migrants are evaluated based on their experience abroad, rather than on the education level they achieved in Viet Nam.

Another private actor is Serikat Buruh Migran Indonesia (SBMI), an Indonesian trade union formed by and composed of former and active Indonesian migrant workers. Its current membership is estimated at 25,000, with 15 focal point organizations throughout Indonesia. SBMI pursues various programmes and activities to protect migrants’ rights, raise awareness of migrants’ concerns and issues, and empower migrants and their family members. These programmes take the shape of direct interventions at national and local levels, including through dialogues with national and local government agencies. SBMI links migrant groups to such programmes either with the private sector, such as microfinance institutions, or in some cases to local government programmes often handled by the district or provincial social affairs office (as in East, Central and West Java along with Lampung). Financial literacy is a priority for SBMI in Java and other districts experiencing heavy remittance inflows.

One of the best known policy attempts to link migration and remittances to community development is the Tres Por Uno programme in Mexico. It draws on the funds of local, state and federal governments, which match the contributions of Mexican migrant workers for specific community development projects. These can range from the construction of new schools to the paving of roads. A unique
feature of the programme is that it was a migrant initiative, as it originally emerged out of activities by a community association formed by Mexican workers in the United States.

The Government of Bangladesh is also taking steps to improve the migration process for workers. These include a new bank dedicated to providing services for migrant workers such as access to soft loans, easier remittance transfer, and a number of pre-departure training centres. In the case of return, such measures help migrants be better prepared for successful economic reintegration.

3. Institutional policies

There is no distinct line between some of the economic incentive programmes outlined in the previous section and institution-based policies. Programmes that attempt to link returning workers to development priorities inherently involve new policies and regulations. Nevertheless, it is useful to focus on how institutions can change to maximize the development contributions that returning workers can make for themselves, their community and society at large.

a) Labour market reintegration

The provision of specific services for returning migrant workers could help facilitate their reintegration into private and public labour markets. However, this would require agencies to certify skills that were acquired overseas for home-based employers and job-matching mechanisms to link the returning workers with employers. Such proactive assistance to returning workers could be linked to the gathering of information during orientation programmes in host countries prior to return. In instances where migrants may not have experienced a significant skill enhancement during their migration, training programmes could be necessary to improve their employment prospects.

b) Return as trainers

For the returning low-skilled workers, employment at lower wages seems unavoidable. Given this reality, it might be more feasible to tap these workers’ skills as trainers as they can help to educate the workforce to find employment with higher remuneration. Programmes which employ migrant workers as instructors could link the signing of temporary contracts with the voluntary commitment to return to the country of origin. It should be noted that the number of trainers will be limited as the establishment of such training centres requires increased institutional efforts.
c) The importance of legal reforms

Beyond these policy and organizational initiatives, institution-based policies should equally promote legal reforms. Most of these programmes propose to facilitate the return of migrants to their country of origin. However, this does not imply that the circular migration process ceases. Workers who have successfully completed a migration cycle and improved their household's material circumstances often envisage returning to the same host country to pursue more economic opportunities. It would be difficult to develop policies to encourage temporary migrant workers to return on the expiration of their contracts without realistic prospects of new or continued job opportunities. Home governments may consider modifying immigration policies to ease requirements associated with entering and leaving the home country, while they opt for international agreements to achieve more flexible contracts and visa regulations for their overseas workers.

d) International agreements and legal assistance in host countries

Future bilateral negotiations between countries of origin and receiving countries should increasingly focus on labour protection for migrant workers. Better protective standards and greater access to basic labour rights for labour migrants would significantly increase the probability of a successful labour migration journey and subsequently improve the conditions for voluntary return and sound reintegration.

Such international agreements should contribute to the empowerment of the labour population in the host country. In the event of unjustified job loss or default of payment of salaries while abroad, migrant workers must have access to adequate legal assistance in the host country. Furthermore, financial fraud and exploitation by employers have severe consequences upon the return and reintegration of the migrant workers.

e) Health and social services

Many countries of origin need to accomplish some institutional progress towards the provision of specific services to meet the health and social needs of returned migrant workers, bearing in mind that often there are limited public resources for additional medical and social services. Nevertheless, a growing awareness of migrant workers' needs could improve and broaden the level of care.

In the case of Viet Nam, DOLAB and MOLISA could be responsible for activating and creating resources for the institutional progress in this field and could involve
stronger collaboration with international organizations and the private sector. For example, specific medical centres could provide a first examination upon return to identify common problems that need to be targeted, and then refer workers for more specialized treatment.

**International Best Practice Concerning Institutional Policies**

Home countries often encourage the acquisition of skills abroad that can allow workers to receive higher wages and experience better working conditions when they return home. With this in mind, it is particularly important for these programmes to be sensitive to different labour market conditions and gender friendly. The Technical Education and Skills Development Authority (TESDA) from the Philippines offers a good example and has developed a variety of programmes targeting workers in and out of the country, including special training sessions for women, skills assessment, e-courses and scholarships. The aforementioned Microsoft and the Government of the Philippines’ Project Tulay are also great examples of innovative gender-sensitive training programmes for Filipino domestic and hospitality workers in Southeast Asia.

South Korea, a major labour-importer in Asia, established its Employment Permit System (EPS) approach with the Government of South Korea in 2004, launching a courageous project for decent work, which today is recognized as the most important bilateral agreement for cross-border labour migration in Asia. In what was then a paradigm shift, the Government of South Korea turned away from treating foreign migrants as apprentices and accepted them as fully-fledged workers by giving them the same labour rights as Korean workers. As part of this process, agreements with 15 other regional governments were signed. The EPS was designed to help select more appropriate foreign workers, better prepare them for life in South Korea and better support them through their limited employment stays. This includes, inter alia, possibilities for additional training and language courses in South Korea, emergency call centres, increased monitoring and complaint mechanisms. In preparation for their return home from South Korea, migrant workers can participate in the ‘Happy Return Programme’, with those seeking to open their own business able to participate in specialized and free of charge vocational training courses. In addition, Korean companies located in the worker’s home country are willing to receive registration applications for jobs at these companies. In addition, returning migrant workers are provided with broad administrative support such as guidance on repatriation insurance for all participants.

Workers on temporary contracts often anticipate leaving the host country and
returning home to pursue new professional opportunities. The Berne Initiative’s International Agenda for Migration Management recognizes this by proposing that circular migration be encouraged by linking the right to return to host countries with the timely departure of workers once they have completed contracts. Some programmes for seasonal workers already make this link. The Government of Canada’s “Mexican Seasonal Agricultural Worker Programme,” which recruits workers from Mexico to be employed in greenhouses in Ontario, has succeeded because workers were assigned to specific employers who then had an interest in rehiring most when returning for another season. Evidence suggests that the more personal the linkage and the more employer and labour groups are involved in developing such programmes, the more likely successful circular migration will take place. This suggests that governments need to encourage robust institutional frameworks linking workers and employers. Legal changes encouraging legal circular migration will not be sufficient to prevent irregular employment without more direct involvement in monitoring labour flows.

The Migration for Development Programme in Africa (MIDA), organized by the IOM, has successfully utilized the business and professional skills of expatriates from Ghana, Ethiopia and the Great Lakes region (Burundi, the Democratic Republic of Congo and Rwanda). Particularly, MIDA has made a special effort to mobilize expatriate professionals residing in Italy with a particular emphasis on providing health services. What distinguishes the MIDA programme in the African Great Lakes countries from other similar initiatives is its encouragement of more coherent institutional planning and management by affected governments and non-governmental partners.

To address the increased vulnerabilities of lower-skilled migrant workers such as domestic workers, the Philippines has installed a national referral system (NRS) for the return and reintegration of victims of trafficking. This system is linked to a national anti-trafficking database. The NRS involves the identification of trafficked persons abroad through detection at Philippine border posts, building the capacity of law enforcement agencies and local reintegration assistance through the national reintegration and welfare agencies. It contains a more formal system of procedures and mechanisms, including referrals to relevant governmental agencies and authorities (e.g., the Department of Justice and local governments) as well as relevant non-governmental organisations (NGOs).
REFERENCES

PART III

SYNTHESIS OF COMMENTS AND RECOMMENDATIONS FROM THE WORKSHOP ON REINTEGRATION POLICIES AND SERVICES FOR RETURNING MIGRANT WORKERS
Co-Organized by DOLAB and IOM on 13 August, 2013
WORKSHOP OBJECTIVES

The workshop brought together experts from the Government of Viet Nam, multiple employment sectors, non-governmental organizations, consultants and trade unions to discuss issues pertaining to Vietnamese migrant workers and their reintegration into the Vietnamese society and workforce. The workshop was very timely as the law on sending contractual migrant workers abroad will be revised in 2015.

The key objectives of the workshop were to:
• Improve the evidence base to support the development of sustainable return and reintegration policies for migrant workers, focusing on the most disadvantaged and vulnerable groups.
• Discuss the needs of returning migrants, gaps in existing support and policy frameworks along with good practice in sustainable return and reintegration support.
• Develop strategic advice for policy development on return and reintegration.

The workshop included presentations on two key reports, summarized in Part I and Part II of this synthesis report. The overviews provided by these presentations were used to generate and inform debate by policy-makers on how to develop innovative policies and service to improve support for migrant workers during the rest of the workshop. Details from these discussions are available below.

GROUP DISCUSSIONS

Summary of recommendations made

(1) Improve data collection, (2) operationalize migration services, (3) determine who is best positioned to take action and encourage stakeholders, including private sector actors, to collaborate, (4) provide training and incentives to better use remittances, (5) assist successful re-employment both domestically and abroad, (6) use the Migrant Resource Centre as resource for more migrant workers, (7) increase involvement of local labour management, and (8) provide support on social and health issues.

In addition, the participants raised the following points:

a) DOLISA Lao Cai Province representative

The province trains and sends many poor, semi-skilled workers overseas with improved employment opportunities and skills to help develop communities and the
region as a whole when they return. Lao Cai is a remote and poor area where vocational training is organized by the local authority. Approximately 500 workers go abroad per year and employment centres provide consultancies under which 1,200 workers have already been trained. The province would like to see the government provide more employment and migration guidelines and make it mandatory for all workers to report to local authorities upon returning home, offer lower interest rate for loans to migrant workers to start their own businesses or pay off debts more easily (currently Lao Cai Province migrant workers have VND 1.3 billion in outstanding loans). In addition, foreign-invested companies should be regulated to prioritize the recruitment of migrant workers due to their greater cultural awareness and occupational skills.

b) DOLISA Ha Tinh Province representative

Approximately 6,000 workers migrate annually from the province to 53 receiving countries, generating USD 900,000 in remittances annually. However, these savings are often lost if families are unable to effectively manage the new income and workers encounter family problems upon their return. Ha Tinh Province has two investors from South Korea and Taiwan that operate two industrial zones which recruit migrant workers. Orientation trainings are very important to prepare migrant workers before departure, but a better relationship between recruitment agencies and migrants is needed, as is reliable data for DOLISA to work efficiently on these issues.

c) DOLISA Bac Ninh Province representative

The province boasts many industrial zones hosting 5,000 foreign companies which offer local residents opportunities to access good jobs and improve their lives. For those who leave the province, skills trainings are provided and most migrant workers head to developed countries, with 2,400 emigrating annually, and 1,800-2,000 completing contracts and returning, but just a limited number able to get skilled jobs upon return. Common problems include workers overstaying visas and anti-social issues such as gambling. Bac Ninh Province favours foreign companies that employ local workers, and a database would greatly improve the management of migrant workers as would greater cooperation between local authorities and Vietnamese and foreign companies. In addition, DOLAB/MOLISA should cultivate quality overseas labour markets and have regulations on pre-departure workers authorized by local labour management bodies.

d) Viet Nam Chamber of Commerce and Industry (VCCI) representative
Red tape makes the provision of migrant labour services more difficult and there needs to be a campaign to prevent irregular migration to protect workers. Returning migrants learn new skills and deserve recognition for this, but DOLAB cannot solve all problems faced by returning workers. A network needs to be established involving more stakeholders, to capitalize on workers’ knowledge and expertise gained abroad.

**e) Viet Nam General Confederation of Labour representative**

The role of trade unions is very important as they provide documentation, advice and international legal guidance, engage with the media on workers’ rights and share information and advice with migrant workers. Trade unions also engage with foreign companies inside and outside Viet Nam. They are eager to play a greater role in providing assistance to migrant workers and have greater access to influence negotiations when workers’ rights are violated. Local trade unions also want to cooperate with trade unions in destination countries to protect migrant workers and complete legal procedures before they return.

**f) General Office for Population Family Planning representative**

The provision of information for workers who go to Taiwan must be improved as some websites are available, but computer illiteracy is a problem. Information should be provided in destination countries as well.

**g) Salvico company from Ho Chi Minh City**

There are legal and illegal channels for migrants to go abroad and legal migrant workers can earn VND 8 million to VND 14 million per month. Labour export companies, however, also face numerous problems that need to be addressed and more stakeholders from the private sector need to enter discussions on migrant worker issues.

**h) Institute of Labour Science and Social Affairs (ILSSA), MOLISA representative**

Upon return to Viet Nam, some workers migrate internally for employment reasons. A survey in four provinces has been conducted, yet insufficient data is available. It is difficult to build a database and get information from localities about the domestic labour market to help returnees solve difficulties upon their return.
CONCLUSION

The workshop identified several key issues, challenges and areas for action to address the needs of returning migrant workers. Discussions concluded that returning migrant workers need technical assistance and increased knowledge to support their safe sustainable return and several recommendations were made. To provide these services to migrants, greater knowledge about issues facing migrant workers is needed and an integrated national database was strongly recommended by workshop attendees. The importance of developing appropriate, evidence-based polices was also highlighted, especially approaches which recognise obstacles returning migrant workers face.

Attendees also agreed that the knowledge and expertise gained by migrant workers abroad must be capitalized on and they must have access to suitable jobs on their return. It was also recognised that families and communities of migrant workers also need to be supported before, during and after their family member’s absence.

Ultimately, more effective assistance to returning migrant workers will require greater engagement by government and stakeholders, including trade unions, non-governmental organizations and the migrants themselves. All attendees agreed that Viet Nam, government, communities, families and the workers will significantly benefit from more returning migrants being supported to contribute more fully to society and the economy.
PART IV

CONCLUSION AND RECOMMENDATIONS

DOLAB
CONCLUSION

1.1. General socio-economic assessment of returning Vietnamese migrant workers

Economic assessment

According to official research papers, returned Vietnamese migrant workers bring significant economic benefits to their families and communities. In general, savings increase in correlation with the length of time spent working abroad, with skilled workers able to pay off debts from labour migration fees more quickly and efficiently than low-skilled workers. Additionally, workers under 35 years of age are often more economical than older workers.

Social assessment

The impact of labour exports is seen as positive with many migrant workers’ households enjoying increased living standards. Returned migrants, in particular skilled workers and those from rural areas, bring skills, foreign language proficiency and social awareness back to their home communities. Increased awareness of the benefits of migrant labour positively influence the well-being of workers’ families and can also improve the role and status of the workers themselves. However, a small portion of returned workers experience family troubles because of their time spent abroad.

1.2. Objectives of support policies for returning migrant workers

Viet Nam is a labour exporting country with increasing numbers of migrants heading abroad since 2005. As a result, the issue of reintegrating migrant workers into the local Vietnamese labour market upon their return is becoming a crucial issue in need of appropriate supportive policies. Because of workforce integration challenges and the ongoing global economic downturn, many workers return to Viet Nam prematurely and are faced with corresponding financial pressures. To meet these challenges, a better support system and safety net are needed to help workers reintegrate and provide for their families. Special attention should also be paid to social and psychological services as workers may have experienced significant stress while abroad. This is especially important for the growing number of female workers abroad who face specific vulnerabilities. There is also a growing trend of migrant workers finishing their contracts, but overstaying illegally in host countries. To address this issue, improved support policies are needed to encourage workers to return home once their contracts are
Completed so that their capital, knowledge, and skills can benefit the Vietnamese labour market. Improved financial literacy skills and awareness of existing support services will allow migrants to make informed choices while working overseas and to meet their migration objectives in destination countries. Overall, migration risks can be minimized through effective insurance mechanisms such as health insurance, worker’s insurance, overseas employment support, and pre-departure training sessions that workers can attend, voluntarily or compulsorily, before migrating. Support policies also aim to increase the professionalism of Vietnamese labourers and strengthen the competitiveness of the Vietnamese labour force in comparison to other sending countries in the region.

1.3. Main reintegration challenges for returning Vietnamese migrant workers

According to several recent surveys, the main problems faced by workers upon return to Viet Nam are related to employment, use of capital and the utilisation and development of skills. Some returned workers have not developed their skills and foreign languages sufficiently to access suitable jobs in Viet Nam, while others face difficulties in accessing employment support services or do not want to accept jobs which pay less and provide worse working conditions than the jobs which they held while abroad. Some returned workers also use savings from overseas work to open their own businesses upon return, which also presents inherent risks. Approximately 60% of all Vietnamese migrant workers are low-skilled workers, so they do not meet their objective of increasing their knowledge, foreign language capabilities and skills overseas, which complicates the search for employment upon return. Even before migrating, they are not interested in learning the skills and qualifications to develop their livelihoods upon their return but are primarily concerned about their immediate income.

Family and social relationships, community and culture

Gender bias and discrimination still exist in many rural areas, which results in males and females who migrate being perceived differently within their communities. Workers also encounter psychological challenges, as their families are often faced with fractured family relationships because of the time spent abroad, especially in issues related to raising children.

Health problems

Workers often encounter health problems due to having been overworked, enduring unfavourable working and living conditions, and facing hazards like disease and extreme weather while abroad.
1.4. Reasons for reintegration challenges

Workers are not equipped with sufficient information before departure to clearly plan for employment upon their return. Moreover, many fail to improve their skills abroad, prevent health hazards and manage their accumulated capital in a fiscally responsible manner. Meanwhile, many enterprises fail to adequately meet their responsibilities in helping and informing returned workers. To compound these challenges, the Government has yet to create a database on returned migrant workers.

Challenges for the reintegration of returned workers according to their different needs

To implement effective support policies for the reintegration of returned workers, it is necessary to analyse and assess returnees’ demands. Workers will have different strengths, demands and face different challenges depending on the type of return migration which they experience. According to the IOM, analyzing and assessing the demands of each type of returned migrant worker is essential to designing more effective support policies.

- Post-contract voluntary return: This is often the result of workers meeting their migration targets, with return needs related to reintegration, jobs and use of accumulated capital.

- Voluntary return before contract finishes: In this case, workers might face unacceptable/unexpected working conditions, changes in motivation or other personal reasons which lead to changes in their initial desire to work abroad. Returning before the completion of contracts can lead to economic difficulties and debts because a worker's initial savings plan has not been met and loans have been taken out to cover migration fees. In some cases, skilled workers want to switch jobs into other work sectors to achieve higher incomes.

- Involuntary post-contract return: When labourers achieve their financial plans, they often seek to lengthen their contracts or re-migrate. It is therefore essential to create policies that allow workers to return abroad a second time or to access jobs in Viet Nam. If such policies are not available, workers may overstay illegally in the host country and expose themselves to unsafe jobs and a range of vulnerabilities. Overstaying can also create a negative image of Vietnamese workers in the destination country.

- Involuntary return before contract finishes: It is unavoidable that there will be cases where an economic, political or natural crisis may force workers to
leave their jobs, sometimes even under emergency circumstances. To prepare for such cases, the Vietnamese Government must have support services in place for the safe repatriation of migrant workers.

1.5. Review of Viet Nam’s policies for returning migrant workers

**Strengths**

Currently, there are 13 legal documents related to returnees, including laws which regulate the sending of Vietnamese workers abroad but do not apply to other types of labour migration. In addition to being aware of these laws, Vietnamese migrants should be well informed about other legal documents and laws regulating labour, such as the Employment Law, Labour Law and Vocational Training Law.

The positive aspects of policies related to returned migrant workers mainly focus on employment support and services for workers to develop skills learned abroad. There are also support services for specific returnees, such as the poor and ethnic minorities, that focus on skills retraining and improving knowledge about business, legal issues and the responsible use of capital.

**Limitations**

There have been limited regulations to guide the implementation of such laws and there is unclear division of responsibilities between related agencies on collecting and assessing the demands of workers according to area, sector, age and gender. Additionally there are insufficient measures on retraining and the efficient use and skills development of returnees.

The development of support services to address returnees’ health, psychological, relationship and family issues, especially for females, needs more attention. There is no credit policy exclusively for returned migrant workers.

**Comparison with other nations’ reintegration support services**

Each sending country has its own policy towards international labor migration; the content of the policy depends on the number of migrants, their profession as well as objectives of the sending country. Policies successfully implemented address a number of elements and include the issues below.

Establishing funds and insurance programmes are key mechanisms for helping to support returnees. Ideally, migrants should be fully briefed on these support
initiatives through orientation classes before departure, with employment agencies or specialized organizations like labour force centres taking the lead. In receiving countries, consular services should be responsible for providing related information. A comprehensive registration system and updated websites could provide substantial support in identifying and accessing the demands of returned migrant workers.

Repatriation insurance, unemployment insurance and other risk insurances for returnees can play a role in ensuring the safe return of workers and fees are paid under a fixed proportion of workers’ monthly incomes. Additionally, governments of sending countries, employment agencies and employers overseas also contribute to such funds.

Requirements for successful support services

- Support services for returned workers should be enshrined in legal frameworks and information about their existence should be disseminated to workers before their departure.

- Policies should ensure safe returns for workers and help fully utilize the skills they learned abroad.

- Long term policies should encompass vocational training, job creation and credit. Support policies should be tightly designed and practically-based on the assessed needs of different types of returning workers.

- Government agencies are also recommended to establish and manage a returned worker database and develop and implement support policies to consolidate existing and related policies.

RECOMMENDATIONS
FOR DEVELOPING REINTEGRATION POLICIES IN VIET NAM

2.1. Reintegration support services

a) Design, operate, and update a database on returned workers with information related to area, age, career and skill level of returnees.

b) Make regular analysis and assessments of the situation and demands of returned workers.
c) Assess the impacts of support policies according to objectives and policies to make timely adjustments.

d) Design support policies with short- and long-term objectives.

2.2. Recommendations for developing policies

State agencies

a) A strategic plan is needed to increase the quality of workers going abroad so they can efficiently reintegrate into the labour force upon return. This can be achieved through support programmes, encouraging enterprises to seek more skilled workers to send abroad, and implementing vocational training for workers under foreign partner orders to avoid workers being unable to complete contracts because they do not meet job requirements.

b) A strategic plan is also needed to increase the awareness of workers and their families on laws related to labour migration. Moreover, workers should be prepared psychosocially so they can adapt and manage familial relationships while abroad, to avoid reintegration difficulties upon return.

c) Communication policies should be developed to increase workers' awareness of migration risks and benefits so they can improve their living standards, and also plan ahead to create sustainable, long-term livelihoods. Workers should be informed of how to transfer money to Viet Nam in a safe and convenient way via banks, with low costs and in line with the State Bank's policy on foreign currency management.

d) Training, retraining and supplemented training strategies for returned workers are required based on the different needs of returnees.

e) Strategies on domestic job-creation and the resending of workers abroad are needed to fully utilize workers' skills.

f) Priority credit and training programmes for workers with significant amounts of capital to open their own businesses and create jobs are needed.

g) Policies and instruments to manage pre-departure orientation training, including syllabuses and training programs standardized to a national level and frequently updated based on enterprises' demands, will reduce workers' knowledge gaps.

h) Effective policies are required to address and limit illegal forms of labour
migration. Support networks addressing employment, and legal and psychological needs are required for returned migrant workers.

i) A policy to develop compulsory insurance for migrant workers such as employment, medical and other risk insurances is required to reduce difficulties for workers who return before the completion of their contracts.

j) Priority policies focusing on Government-managed job support programmes and vocational training for workers finishing contracts overseas and returning on time are necessary. The Government should also encourage local authorities and other social partners (employers and civil society organizations) to participate.

k) Labour market and jobs information for returned workers must be collated and communicated, particularly in the industrial sector, manufacturing plants and industrial zones.

l) Policies should be created which encourage enterprises to offer jobs to returned workers, and instruct local authorities to build support policies for returned workers, especially in regards to skill development.

Local authorities

a) Strengthen communication and awareness-raising on issues related to illegal migration.

b) Summarize and communicate successful labour export models, using effective information sources and practical experience sharing (on destination markets, experiences in living and working abroad) for those planning to work abroad.

c) Cooperate with local service providers: 1. to improve the migration potential of the people; 2. to provide potential migrants with counseling to help them choose the most appropriate jobs based on their health, skills and financial capability.

d) Consult and organize support activities for returned workers, including policies which encourage workers to use money efficiently, use the knowledge and foreign languages they learnt abroad to find suitable jobs in Viet Nam, and open their own businesses or re-migrate.

e) Facilitate for returned workers without skills to participate in the vocational and job seeker programmes.
For other partners such as the Viet Nam General Confederation of Labour, Department of Commerce and Industry of Viet Nam and other associations:

• Participate in orienting and providing training for returned workers to improve knowledge and skills in business.
• Update and manage data on the needs for development and use of workers in domestic business and establish a mechanism for regular communication between the relevant agencies such as MOLISA and local labour management agencies.
• Participate in connecting workers’ employment profiles with business networks in order to create jobs suitable to their skills and objectives.

Recruitment agencies

a) Sign agreements with foreign partners on quantity and experience levels of workers needed. In addition, processes and recruitment information need to be transparent about the working conditions, standards and charges which migrant workers will experience. Workers’ qualifications should be vetted to ensure labour disputes are not caused by workers’ inability to meet job requirements.

b) Clarify the role and responsibilities of enterprises in managing and supporting migrant workers abroad. Service enterprises need to work with their partners to support migrants in resolving overseas labour disputes.

c) Closely manage the database on migrants, including up to date information about their skills and experiences prior to their departure, while they are abroad and upon their return.

d) Strengthen support to job creation either domestically or abroad.

Migrant workers

a) Be active in increasing skills and foreign language capabilities while abroad to secure better employment prospects upon return to Viet Nam or through re-migration.

b) Be aware of labour migration regulations to reduce vulnerability to malpractices and exploitation.

c) Reduce risks by following legal regulations whether in Viet Nam or abroad.

d) Arm yourself with sufficient knowledge and understanding of the receiving
country’s culture, customs and laws to improve your ability to defend yourself. Actively seek support from Viet Nam’s diplomatic representative offices in foreign countries and/or representatives of service enterprises when in need.

e) Take active steps towards reintegrating into the domestic labour market upon return to Viet Nam and avoid being dependent on the State and local authorities. Returnees should have a well-structured plan to use savings towards business development and/or improving living conditions.

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