

Policy and legal framework for Vietnamese labor and marriage emigration

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Rationale

- Labor emigration trend: increase and change in direction
- Many stories on mass media showing negative aspects of emigration
- Regional context: labor demand changes, marriage norms and costs
- Knowledge and research on those topics are limited
- Consequently, one should think of legal and social protection for Vietnamese emigrants, especially in the context of greater regional integration

Scope

- Emigration only, not all types of international migration
- Two focus groups:
 - Labor emigrants
 - Marriage emigrants

Objectives

- to provide an overview of labor and marriage emigration
- to review policies and legal documents on labor emigration
- to review policies and legal documents on marriage emigration
- to discuss policies and legal frameworks on labor and marriage emigration in conjunction to legal and social protection for Vietnamese export laborers and brides
- to provide recommendations for further improvement of policies and legal frameworks to ensure better legal and social protection for export laborers and brides

Overview of labor and marriage emigration

Labor emigration

- > 500,000 Vietnamese migrant workers in 40 countries and territories, 70,000 annually
- Major places of destination: Eastern European to Asian countries
- Emigration increases constantly but not stable
- Average income varies substantially
- The share of low skill labors increases sharply over time

Marriage emigration

- Emerged as a new phenomenon
- Increases sharply since early 2000s
- Spatial concentration
- Major places of destination: South Korea and Taiwan
- Images of marriage emigrants: living in rural and/or remote areas, economically poor, low education low access to information, poor legal knowledge

Labor vs. Marriage emigration

- Spatial concentration and variation
 - Labor emigration is dominant in the North and the Central
 - Marriage emigration is dominant in the South, especially rural areas of Mekong Delta areas
 - Concentrated in some districts

Policy and legal frameworks

Overview of policy and legal framework

- Legal emigration is encouraged
- Legal framework for labor emigration has been developed and strengthened very recently
- Marriage emigration is not so much encouraged but it is legally and socially accepted
- Simpler legal procedures for marriage with foreign factors are introduced

Key legal documents on labor emigration

■ Before 2007:

- Labor code with 8 articles regarding labor exporting activities
- Decrees, decisions, circulars on:
 - Remittances
 - Loan
 - Implementation of labor code
 - Intermediary fees for labor export

■ Since 2007:

- Introduction of Law on labor exporting (passed in 2006)
- 11 legal documents under the law to support it
- All collected in a book
- Fund for supporting labor export
- Regulation of broker fees, training fees, services fees

Social protection under the law

- Areas that have been covered:
 - Regulation and compliances for labor exporting enterprises
 - Wage and income
 - Conditions of contract including wage
 - Fee regulations and financial mechanisms
 - Protection of rights and benefits under laws
 - Insurances for labor export
 - Rights to information access
 - Right to complain, denounce or sue for violating acts
 - Responsibilities of emigrants to comply the laws
- Critical areas that need further attention
 - Health protection
 - Social protection
 - Social protection for families of emigrant labors

Key legal documents on marriage emigration

- Marriage and family law
- Decree 68 & 69: Regulations for implementation of some articles in the Law on marriage and family with foreign factors
- Other decrees, circular, orders:
 - Guidelines for implementation
 - State management
 - Household management and registration
 - Prevention and protection of women and children trafficking
 - Provincial, e.g. Long An and Khanh Hoa, orders on state management

Social protections under the law

- Areas that have been covered:
 - Conditions to get married
 - Legal rights and benefits
 - Exploitation of marriage
 - State management
 - Fees
 - Health check
 - Regulations and duration to get permission
 - Interviews in-person with the bride and groom
 - Marriage supporting centers for non-profit purposes
- Critical areas that need further attention:
 - Legal and social protection for exploited brides
 - Right supports for brides in host countries
 - Legal and social protection for family of emigrant brides
 - Rights and responsibilities of emigrant brides
- MOJ and PPC have responsibility to collect statistics
- Recognize marriage certificate from abroad

Discussions of further issues

relating to policy and legal framework on labor and marriage
emigration and social protection for the relating population

General issues for both types of emigration

- In general
 - Responsibilities of Government agencies
 - Responsibilities of intermediate agencies
 - Rights and responsibilities of emigrants
 - Cooperation and coordination for management
- Aspects that need further attention
 - As mentioned
- Institutional issues
- M&E
- Policies and legal framework in host countries
- Legal awareness and knowledge of emigrants

General issues for both types ...

- Knowledge of the tone and impacts of social protection for emigrants
- International legal frameworks are available for reference
- International integration and cooperation
 - Understanding and the use of international conventions
 - Ratification of Vietnam to international conventions
 - Ratification of host countries
 - International cooperation and coordination

Labor emigration

- Stability of labor export market
- Social security for the return emigrants
- The need of some more specific guidelines
- Policy to gain and to attract remittances
- Legal protection for those who are left behind

Marriage emigration

- Legal framework and social protection for those who left behind
 - Families of emigrant brides
 - Gender imbalance and its consequences
- Citizenship and legal protection
 - Of emigrant brides and their children
- New types of slavery /exploitation
 - Sexual exploitation
 - Labor exploitation
- Marriage disruptions and consequences

Recommendations

- Strengthen laws, legal and guiding documents on neglected issues
- Enhance law enforcement
- Improve awareness of international treaty and communities
- Strengthen state management
- Enforce actual involvement of institutions
- Strengthen international cooperation

Recommendations ...

- Promote research on impacts and social protection
- Enforce implementation of regulations
- Improve legal knowledge and awareness of emigrants
- Enforce language requirements
- Develop and ensure legal and social protection policies for those who are left behind by emigrants

Thank you!