

## VIETNAM'S RESPONSE TO THE VOLUNTARY GCM REVIEW

### **1. Ensuring that migration is voluntary, orderly and regular (Objective 2; 5; 6; 12 and 18)**

#### **a. Please highlight the migration levels and trends, including drivers (if possible), and migrant experiences relevant to this cluster of objectives.**

In 2019, the number of Vietnamese citizens migrating abroad continued to increase, mainly for employment. There were 152,695 Vietnamese workers working abroad under contracts, of which 54,927 are female workers. The main destination countries are Japan, Taiwan (China), the Republic of South Korea and Romania. Recent studies have indicated that women from Viet Nam are more likely to be recruited for low-skilled work in factories, as domestic workers or as farm workers, and they are more likely to be paid less than men.

Due to the impact of Covid-19, in 2020, the number of Vietnamese migrant workers working abroad has reduced remarkably. There were 42,837 migrant workers in the first nine months of 2020, of which 22,195 departed to Japan, 17,964 to Chinese Taipei, 985 to Korea and 713 to European countries. The report from the Department of Overseas Labour, Ministry of Labour, Invalids and Social Affairs shows that by October 2020, 10,000 Vietnamese migrant workers ended their contracts as scheduled. However, the number of workers registered for return with the Vietnamese diplomatic missions abroad is much higher. In September 2020, 25,000 workers registered for return from Chinese Taipei and approximately 13,000 migrant workers registered for return from Japan. Among them are a number of women who are pregnant, injured, sick or undocumented. Many of them face wage and income reduction, according to the Viet Nam Association of Manpower Supply's (VAMAS) report.

From 2019 to August 2020, 536 Vietnamese children were internationally adopted.

There are about 190,000 Vietnamese students studying abroad, mainly in such countries as the United States, the UK, Canada, Japan, Australia, and Germany.

There are 21,000 foreign students studying in Viet Nam, mainly Lao students (16,000).

Viet Nam is one of the countries most severely affected by climate change. Viet Nam has actively implemented resettlement programme to prevent and mitigate the damage caused by natural disasters. In the period from 2018-2020, on a nationwide scale, it is estimated that Viet Nam has relocated over 20.2 thousand households. In recent years, due to climate change, natural disasters in Viet Nam such as storms, floods, landslides and flash floods have become more and more

complicated, causing great losses to land, property and even human lives. As a result, there is an increasing need for resettlement of populations in disaster-prone areas in order to avoid unmanaged migration or migration through unofficial channels. About 142 thousand households (710 thousand people) will need to be relocated in the period 2021-2025.

**b. Please highlight the concrete policy, legal, and programmatic actions taken by your government to advance these objectives in recent years (in particular since the adoption of the GCM on 10 December 2018)**

Viet Nam issued Law on Exit and Entry of Vietnamese Citizens and Law on Amendments to a number of articles of Law on Entry, Exit, Transit and Residence of foreigners in Viet Nam (at the National Assembly's 8<sup>th</sup> session in November 2019) to facilitate the entry and exit of Vietnamese citizens and foreigners while protecting their legitimate rights and interests.

Viet Nam issued the Law on Vietnamese Guest workers 2020 (hereinafter referred to as Law 69), which replaces Law on Vietnamese Guest Workers 2006 (hereinafter referred to as Law 72). Law 69 will come into force from January 1, 2022. Law 69 includes a number of new provisions on prohibiting manipulation, seduction, false promises, fraudulent advertisements, or other tactics to deceive workers, and the taking advantage of recruitment for human trafficking, exploitation, forced labour. Law 69 also reduces recruitment fees and related costs charged to migrant workers by prohibiting brokerage charges be passed on to them. Law 69 promotes gender equality, the ability for migrant workers to unilaterally liquidate contracts in situations of threats, sexual harassment, maltreatment or forced labour.

During the process of review and revision of the Law, technical assistance was provided by the International Labour Organization (ILO) including through its development cooperation projects Safe and Fair programme (joint programme of ILO and UN Women), TRIANGLE in ASEAN programme, the Fair International Recruitment against Slavery and Trafficking (FIRST) project and the Legislative Reform on Labour Migration in Viet Nam project. The ILO has reviewed and suggested technical inputs to the Law 69 and analyzed its compliance with ILO Conventions ratified by Viet Nam, and in consideration of other relevant international labour standards and comparative law and practice. ILO under the Safe and Fair programme also supported a gender assessment and a research on the experiences of women migrant workers and how Viet Nam's labour migration policies have impacted them. This was done in order to bring in the voices and concerns of women, strengthen their inclusion in policies and programmes, and enhance responses to their specific needs. The gender

assessment and research were submitted as reference for the Law 69's amendment process.

Viet Nam has ratified seven out of eight ILO fundamental Conventions which concern the abolition of forced labour, non-discrimination and equal opportunity in employment and occupation, freedom from harmful child labour, and freedom of association and collective bargaining. Viet Nam voted for ratification of the Forced Labour Convention, 1957 (No. 105) on 8 June, 2020 which will come into force after on year.

On March 20, 2020, the Prime Minister of Viet Nam promulgated the Decision No 402/QĐ-TTg on the Plan on the Implementation of the Global Compact for Safe, Orderly and Regular Migration (hereinafter referred to as the GCM Implementation Plan), in which the Government plans to consider ratifying relevant conventions between 2020-2030 including the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, and ILO Conventions including the Migration for Employment (Revised) Convention, 1947 (No. 97), the Migrant Workers (Supplementary Provisions) Convention, 1973 (No. 143), the Private Employment Agencies Convention, 1997 (No. 181) and Protocol of 2014 to the Forced Labour Convention, 1930. In addition, ILO and UN Women under the Safe and Fair programme provided technical comments to the Ministry of Foreign Affairs which included recommendations for equal access to information about labour migration opportunities, the risks and rewards of labour migration, as well as the need for sex-disaggregated data.

Viet Nam General Confederation of Labour (VGCL) officially adopted and issued its Constitution at the 12th National Trade Union Congress at the Decision 174/QĐ-TLD dated February 3, 2020. The new Constitution extends VGCL mandate to support Vietnamese migrant workers and migrant workers in Viet Nam to participate in any forms of organizing workers by VGCL. This is a remarkable step towards strengthening migrant workers' rights.

Viet Nam issued the National Plan on Climate Change Adaptation for 2021-2030, with a vision to 2050 (under the Prime Minister's Decision 1055/QĐ-TTg dated July 20, 2020) to ensure livelihoods, minimize factors that cause displacement, including a number of measures such as: issuing a set of climate risk assessment criteria, improving risk management system, strengthening the community's resilience and adaptation, etc.

Viet Nam has also strengthened international cooperation in order to expand pathways for safe, orderly and regular migration. In terms of labour migration,

in 2019, Viet Nam signed 08 cooperation agreements<sup>1</sup>. Viet Nam is in the process of developing a National Qualifications Framework for the implementation of the ASEAN Mutual Recognition Agreement<sup>2</sup>. Viet Nam has also actively participated in regional and international processes on migration such as the Bali Process, the Colombo Process, the Global Forum on Migration and Development.

**c. What are the main gaps identified and challenges faced in addressing these objectives?**

**Regarding Objective 2:**

Viet Nam is geographically vulnerable to climate change and has a large number of people whose livelihoods mainly depend on agriculture. This group becomes more vulnerable during disaster.

**Regarding Objective 18:** Currently, there is no national recognition of occupational qualifications and skills between Viet Nam and other countries.

**d. Please share some of the results of these actions, effective solutions, best practices and lessons learned by your Government in implementing these objectives.**

IOM Viet Nam implements the project “Enhancing Industry Capacity to Implement Ethical Recruitment Models in Viet Nam, Nepal and South Korea” that forms part of IOM’s wider regional Corporate Responsibility in Eliminating Slavery and Trafficking (CREST 2017-2022) initiative funded by the Embassy of Sweden in Thailand. CREST seeks to enable private sector partners to better protect the human and labour rights of migrant workers in Asia. More specifically, CREST facilitates multi-stakeholder dialogue and collaboration among governments, business and civil society, build business commitment and partnerships to maximize impact in eliminating modern slavery and provide tools to support business in addressing the vulnerabilities of migrant workers.

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<sup>1</sup> Memorandum of Understanding on human resource development signed with Chiba Prefectural Government of Japan; Memorandum of cooperation between the Ministry of Justice, the Ministry of Foreign Affairs, the Ministry of Health, Labour and Welfare and the National Police Agency of Japan on a basic framework for proper operation of the system pertaining to foreign human resources with the status of residence of “specified skilled worker”; Memorandum of Understanding on recruiting domestic helpers signed with the UAE’s Ministry of Human Resources and Emiratisation; Memorandum of Understanding on Human Resource Development signed with the Nagano Prefectural Government, Japan; Memorandum of Understanding on promoting the reception of specific skilled workers in the hospitality and accommodation services signed with the Japan Ryokan and Hotel Association; Memorandum of Understanding on Human Resource Development signed with the Kanagawa Prefectural Government of Japan; Memorandum of Understanding on Promoting Technical Intern Training Program and Specific Skilled Worker Program signed with the Ibaraki Prefectural Government, Japan; Co-operation agreement on Technical Intern Training Program and Specific Skilled Worker Program signed with Jitco.

<sup>2</sup> Mutual Recognition Agreements (MRAs) have been signed between the ASEAN Economic Community (AEC) countries in eight sectors, including engineering services, architectural services, surveying qualifications, medical practitioners, dental practitioners, nursing services, accountancy services and tourism professionals.

The ILO Legislative Reform on Labour Migration in Viet Nam project has worked with the Government to support an evidence-based, rights-based, and gender-responsive revision of the Law 69 and counter proposals that would increase the likelihood of debt bondage and workers falling into irregular status, increasing the likelihood of human trafficking.

Viet Nam has completed a review of the Nationally Determined Contribution (NDC) update, in which the adaptation component emphasizes that Viet Nam will continue to implement climate change adaptation programs and projects within the framework of the National Strategy on Climate Change to increase resilience, reduce losses and damages caused by climate change as well as protect lives and livelihoods.

The Code of Conduct Applied to Vietnamese Enterprises Sending Workers for Overseas Employment (CoC-VN) was developed by the Viet Nam Association of Manpower Supply (VAMAS) in 2010. The Code of Conduct sets standards that regulate the behaviour of the over 130 recruitment agencies that are voluntary adopters of the mechanism. With international attention on global supply chains increasing, the VAMAS has a unique opportunity to create a trusted, ethical recruitment agency industry body and demonstrate the utility of self-regulation.

In 2019, VAMAS completed the fifth phases of monitoring the implementation of the Code of Conduct involving 124 recruitment agencies. This included expanding the training of local authorities and agencies on forced labour and other abuses that the Code seeks to eliminate. With this expansion, VAMAS assessments will directly impact approximately 65 per cent of outbound Vietnamese migrant workers through recruitment agencies. Results of the fifth phases were published in January 2020. The ILO and IOM provided support for revision of the Code of Conduct (CoC-VN) in 2018 and development of monitoring and evaluating mechanism and tools to monitor CoC-VN compliance and ranking recruitment agencies.

The ILO TRIANGLE in ASEAN programme worked closely with VAMAS to develop and implement the entire plan of action on the implementation of the monitoring and evaluation of the Code of Conduct. In addition, the ILO TRIANGLE in ASEAN revised the Evaluation Form for recruitment agencies, participated in visits to recruitment agencies, and provided valuable insights to the assessment of the services that recruitment agencies provide to migrant workers

## **2. Protecting migrants through rights-based border governance measures (Objective 4, 8, 9, 10, 11, 13 and 21)**

**a. Please highlight the migration levels and trends, including drivers (if possible), and migrant experiences relevant to this cluster of objectives.**

In 2019, Vietnamese authorities discovered 192 cases involving 256 perpetrators who trafficked 309 victims. Most of the cases occurred mainly on the Vietnamese border with neighboring countries. A wide variety of tactics by human trafficking criminals includes using social networks, posing as police officers, border guards to get acquainted and deceive victims; marriage brokering, etc.

Stateless persons living in Viet Nam's territory who meet the conditions specified in Article 19 of the 2009 Law on Nationality of Viet Nam can apply for Vietnamese citizenship. Children born (whose parents are stateless; or one parent is stateless and the other is a Vietnamese citizen) or found in the territory of Viet Nam, will be registered for birth and determined to have Vietnamese nationality. By December 31, 2019, 4,849 applications under this category were submitted to the State President for citizenship consideration. In addition, Viet Nam has cooperated with Laos to respond to the issue of nationality and civil registration for spontaneous migrants who are living along the border areas between Viet Nam and Laos and get married without documentation, to help stabilize their lives.

From December 01, 2018 until now, the Vietnamese authorities have received verification applications of 16,325 Vietnamese citizens who were not allowed to reside in foreign countries or got deported. In 2019, 4,846 cases were verified and re-admitted.

**b. Please highlight the concrete policy, legal, and programmatic actions taken by your government to advance these objectives in recent years (in particular since the adoption of the GCM on 10 December 2018)**

Viet Nam has actively implemented measures to limit statelessness as stipulated in the 2008 Law on Nationality of Viet Nam. On February 3, 2020, the Government issued Decree 16/2020/NĐ-CP detailing a number of articles and measures to implement the Law on Vietnamese Nationality with a number of new provisions in handling nationality issues. In 2019, the UNHCR supported Viet Nam in conducting a review on the situation of stateless people in Viet Nam and related international experiences, including the 1954 Convention on the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness, thereby recommending effective solutions to the issue. In 2020, Viet Nam continued to cooperate with the UNHCR to implement the non-project "Continuing to raise awareness and skills in resolving citizenship for stateless people" in order to enhance the effectiveness of citizenship handling at all levels.

Law 69 includes prohibitions on prohibiting manipulation, seduction, false promises, fraudulent advertisements, or other tactics to deceive workers, and the taking advantage of recruitment for human trafficking, exploitation, forced labour (Article 7), and the requirement to include information on forced labour and prevention of trafficking in persons in pre-departure orientation trainings (Article 65.1). Recruitment agencies that violate the Article 7 are subject to license revocation.

On November 13, 2020, the National Assembly of Viet Nam promulgated Law on residence, which adds more regulations to better manage and support cases of citizens who are not eligible for permanent or temporary residence registration, (migrants, nomads, people with no identification papers, no legal residence ...). Innovative technology is being applied in the residence management system, which allows using personal identification numbers to access and update on the online national population database. The national population data center has been put into operation since August 17, 2020, sharing and connecting with specialized data of many relevant agencies and organizations to assist the residence and population management process.

Regarding the issue of human smuggling, Viet Nam issued the Law on Exit and Entry of Vietnamese Citizens on November 22, 2019 and the Law on Amendment to a number of articles of Law on Entry, Exit, Transit and Residence of foreigners in Viet Nam, These regulations enable the entry and exit of Vietnamese citizens as well as foreigners, and at the same time forms a more comprehensive legal framework for fighting and handling cases of irregular migration. In issuing passports to Vietnamese citizens, competent authorities have closely reviewed the applications in order to promptly detect cases of identity fraud for illegal exit out of the country. In addition, border control measures along border checkpoints, border and maritime areas have been strengthened to prevent irregular migration and human smuggling.

In continued response to human trafficking, Viet Nam has developed a National Programme on human trafficking prevention and combat for the period 2021-2025, with a vision to 2030, which sets out many new major tasks, including the building of a national data system on human trafficking.

Regarding cooperation in promoting safe and dignified repatriation and return as well as sustainable reintegration, Viet Nam signed 18 agreements with other countries on the citizen repatriation. Viet Nam signed with the United States the Memorandum on the return of Vietnamese citizens who had come to the United States before July 12, 1995 and received an order of deportation from a relevant US agency.

IOM also actively provided repatriation and reintegration assistance under the AVR program, including: medical, psychosocial and livelihood assistance. In 2019, IOM provided support for Vietnamese citizens returning from the UK, Australia, Cyprus, Germany, Slovakia, Denmark, Belarus, Ireland, Lithuania, the Netherlands, Norway...

### **3. Supporting the integration of migrants and their contribution to development (Objective 14, 15, 16, 19, 20 and 22)**

#### **a. Please highlight the migration levels and trends, including drivers (if possible), and migrant experiences relevant to this cluster of objectives.**

According to World Bank's data, in 2019, Viet Nam received US \$16.7 billion in remittances, up 6.4% compared to 2018. On average, in the past 12 years, the amount of remittances to Viet Nam increased on average 10-15% per year. Viet Nam ranks 9<sup>th</sup> among countries receiving the most remittances in the world. Vietnamese workers abroad belonging to the low-income group send on average 735 USD/ month to families in Viet Nam. 24% of remittances are for family's daily expenses, 25% for paying off debts, 14% for savings and the rest for education and health. Remittances are no longer a source of supplementary income, but it already becomes one of a primary source of livelihoods.

Every year, thousands of Vietnamese workers working abroad complete their contracts and return home. In addition, there are also about a few thousands of women married to foreigners returning to Viet Nam. Women returnees face difficulty in reintegration, job-seeking, and other issues related to legal procedures.

In 2019, Vietnamese authorities protected more than 7,000 Vietnamese citizens abroad. In 2020, over 20,000 citizens received support from Vietnamese diplomatic missions abroad.

#### **b. Please highlight the concrete policy, legal, and programmatic actions taken by your government to advance these objectives in recent years (in particular since the adoption of the GCM on 10 December 2018)**

##### **Regarding Objective 14:**

Viet Nam cooperated with IOM to implement the project "Strengthening the Government of Vietnam's Citizen Protection Capacity in Crisis Situations abroad" with the funding of the International Development Fund of IOM (IDF) to enhance the capacity for officials in charge of citizen protection through the development of training materials and mechanisms for protecting Vietnamese citizens abroad. In 2019, Viet Nam continued to maintain the operation of the Citizen Protection Hotline, which received and processed 5,400 calls, up 31% compared to 2018.



Every year, Viet Nam's Ministry of Foreign Affairs organizes 2 training courses for diplomats prior to their deployment at Vietnamese diplomatic missions abroad. The courses focus on migration-related issues, steps and skills for protecting the rights and interests of Vietnamese migrants, especially women and children.

The Ministry of Foreign Affairs periodically organizes consular consultation with interested countries to discuss measures to facilitate migration and protect migrants.

**Regarding Objective 15:**

In 2019, Viet Nam's Ministry of Health, together with IOM and the World Health Organization (WHO), conducted situation analysis of migrant health in Viet Nam to identify health-care needs for migrants, thereby advancing the development of a national action plan on improving migrant health in Viet Nam. In addition, IOM and the US Centers for Disease Control (CDC) have helped oversee and provided technical assistance to the Cho Ray Tuberculosis Treatment Center in Ho Chi Minh City for international migrants who require treatment.

With regard to quality and fair education for migrant children, Viet Nam always enables children, who do not have Vietnamese citizenship, to have access to school and enjoy specific entitlements. Children of secondary school and high school age returning from abroad, and children of foreigners working in Viet Nam are all eligible to school at their place of residence, and grouped according to their proficiency level. In particular, migrant children returning to Viet Nam with their families in ethnic minority areas, mountainous areas and border areas, regardless of having no proof of Vietnamese citizenship, are aided to continue to their study.

Access to education for migrant children is consistent with Viet Nam's policies and laws to protect their rights, ensuring that "no child is left behind".

**Regarding Objective 16:**

Vietnamese authorities regularly provide necessary knowledge and skills for people who work and study abroad as well as introduce to them the laws of the destination country and guide citizens to strictly abide by the local regulations, so that they can integrate and participate in the local society equally.

For women migrants, the Women's Union of Viet Nam is currently implementing the project "Strengthening Vietnamese Capacity for Sustainable Reintegration of Returning Migrants Women and their Households in Viet Nam" with funding from KOICA and technical assistance from IOM. The project focuses on 04 objectives: (i) proposing the building of a friendly and

sustainable policy environment for returning women migrants; (ii) giving recommendations on future development programs and policies, building a database on returning women migrants, (iii) strengthening the capacity of personnel working in this field; and (iv) establishing one-stop support offices for the above groups in key locations. Within the framework of the project, on October 2, 2020, Viet Nam opened an OSSO (One Stop Service Office) to support returning women migrants during reintegration by providing psychological counseling, medical assistance, legal aid, essential needs assistance, temporary housing.

Viet Nam has also participated in the implementation of the Safe and Fair Program: Realizing women migrant workers' rights and opportunities in the ASEAN region, organized by UN WOMEN and the ILO - a part of the Spotlight Initiative that has been carried out between the European Union - United Nations (2018-2022), aiming to improve the quality of assistance provided to women migrant workers, to better protect, support and empower them. In the period of 2019-2020, Viet Nam cooperated with UN Women and the ILO to organize pre-deployment training workshops for diplomats on gender violence, relevant policies, and how to respond to violence against women migrant workers. It has also conducted trainings among government officials, including justice officials on rights-based and survivor-centered approaches in response to violence against women migrant workers. Currently, Viet Nam is working on the development of a standard operating procedure (SOP) for supporting overseas Vietnamese citizens who are victims of violence and human trafficking, including migrant workers.

**c. What are the main gaps identified and challenges faced in addressing these objectives?**

Policies for supporting returning migrant workers are stipulated by laws, in which Articles 59 and 60 of the Law 72 specifies employment support and encouragement of job creation upon migrant workers' return. However, many challenges still remain in implementing these regulations, especially for women (in relation to stigma and discrimination). Migrant women are often blamed for migrating and leaving families, especially children behind. Effective reintegration needs to take these elements into account. Besides, to assist job-seekers, necessary information about returning migrant workers and recruitment agencies is required, including but not limited to age, qualifications, and job skills recruitment condition.

**d. Please share some of the results of these actions, effective solutions, best practices and lessons learned by your Government in implementing these objectives.**

Law 69 contains the new provision on maintaining a database of Vietnamese workers working abroad under contracts. Data related to workers including time of return home, profession, work experience will be shared with local labour management agency in localities in order to timely connect and support job placement. In addition, regulations on support for contract-based workers are more specific about responsibility for implementation and diversifying forms of support. Central agencies are responsible for organizing training courses so that returning workers have the opportunity to apply knowledge and skills accumulated during their time working abroad. Local agencies are responsible for providing workers with information about job opportunities. Service enterprises are responsible for counseling and offering job placement opportunities upon workers' completion of contracts. In addition, the Law 69 adds provisions on encouraging organizations and individuals to support workers' participation in psychosocial counseling services for reintegration after a long time working abroad.

In order to implement the GCM's Objectives, the Law 69 adds provisions on increasing information sharing about Vietnamese workers working abroad between authorities at home and Vietnamese diplomatic missions abroad to protect and support workers in the entire migration process (Objective 14); ensuring the right to access and carry out procedures for support from the Overseas Employment Support Fund while abroad (Objective 15); guiding workers on how to spend and safely send money home, and get access to other financial services during their overseas employment (Objective 20); allowing workers not to pay social insurance or personal income tax twice in Viet Nam and in the host country (Objective 22).

#### **4. Improving value-driven and evidence-based policymaking and public debate, and enhancing cooperation on migration (Objectives 1, 3, 7, 17 and 23)**

##### **a. Please highlight the migration levels and trends, including drivers (if possible), and migrant experiences relevant to this cluster of objectives.**

According to statistics, in Viet Nam, women migrant workers account for about 30% of all contract-based migrant workers and this number fluctuates each year. Most of them take up women-specific jobs such as domestic workers, caretakers, nurses. Women migrant workers are among the most vulnerable groups during the migration cycle, and without timely support, they may face the risk of exploitation, abuse, trafficking.

Currently, Viet Nam is collecting statistics on international migration according to different types of migration, thereby having a basis for assessing migration

trends, migrants' characteristics, each individual's motivation for migration and migration's effects. Data are disaggregated by sex and age.

**b. Please highlight the concrete policy, legal, and programmatic actions taken by your government to advance these objectives in recent years (in particular since the adoption of the GCM on 10 December 2018)**

**Regarding Objective 1:**

In 2019, Viet Nam conducted a population and housing Census (every 10 years) including information on migration status. This source of information will help evaluate the effectiveness of implementing policies on population and development in recent years, identify shortcomings especially with regard to different groups of citizens such as ethnic people, women, etc, thereby developing and improving migration-related policies.

On September 18, 2019, Viet Nam's Ministry of Labour, Invalids and Social Affairs issued Circular No.15/2019/TT-BLD-TBXH regulating the Statistical Reporting System, which standardizes forms and statistical criteria including statistics about contract-based Vietnamese migrant workers abroad and those returning home.

Currently, according to the GCM Implementation Plan, Viet Nam is taking stock of international migration from and into Viet Nam, including all types of migration, so as to assess migration trends, migrants' characteristics, push and pull factors as well as migration's impacts. The data are disaggregated by sex, age and other essential criteria by each type of migration. Under this Plan, Viet Nam needs to develop Migration Profile every two years, starting from 2020 as a reliable source for policy makers and practitioners to work out evidence-based policies on migration. Viet Nam is currently developing its 2020 Migration Profile for the period 2016-2020, based on the above statistics. Previously, Viet Nam published the 2011 and 2016 Migration Profile.

As stated in the National Action Plan to implement the 2030 Agenda for Sustainable Development (under the Prime Minister's Decision No. 622/QĐ-TTg dated May 10, 2017), Viet Nam adopted SDG indicator 10.7.1 as part of the national VSDG list (as VSDG 10.6.1). In line with the mentioned National Action Plan, Viet Nam issued the criteria set of SDG, including VSDG 10.6.1 to calculate recruitment costs borne by employees as a proportion of income earned in the country of destination. This information will be regularly reported from 2025, to monitor the country's promotion of fair labour migration and its contribution to development.

On the basis of a set of Guidelines and an Operational Manual for measuring SDG indicator 10.7.1 developed by the World Bank and ILO, the General

Statistics Office of Vietnam (GSO) with the support of the ILO piloted a “recruitment cost of international migration workers” module (country of origin module) as part of the fourth quarter of the 2019 Labour Force Survey (LFS).

Denmark is currently working to support Viet Nam in the area of migration statistics under the Viet Nam - Denmark Action Plan for the period of 2019-2020.

### **Regarding Objective 3:**

Five Migrant Worker Resource Centers (MRCs) in five provinces with high numbers of migrant workers were established in 2011 and continue to operate with support from the ILO TRIANGLE in ASEAN programme. These MRCs provide support to men and women migrant workers’ and increase access to reliable and up to date information about migration and access to justice through receiving complaints from migrant workers and members of their families. In 2019, FIRST project developed in collaboration with tripartite stakeholders a Guidance Note to establish a model for MRCs to support migrant workers’ access to justice in Viet Nam. ILO held pilot trainings in Phu Tho and Quang Ngai to provide operational guidance for MRC management and counselors on utilizing the Guidance Note to identify cases which present indicators of legal violations including exploitation, forced labour and human trafficking, and support migrant workers to access the appropriate complaints channel.

MRCs in Viet Nam serve as a first contact for potential, current and returnee migrant workers and their families. With the ILO’s support, the MRCs provided support to over 10,000 migrant workers and members of their families; over 40 per cent of those were women. This brings the cumulative total of migrant workers served through the MRC model supported by ILO to around 50,000 since 2011. In providing assistance with legal complaints, the MRCs assisted in negotiating outcomes in 12 cases in 2019, with nearly US\$4000 awarded in favour of migrant workers, bringing the total amount of compensation awarded through these MRCs to over US\$ 250,000.

Additional MRCs are being established by the ILO under the Safe and Fair programme. These MRCs will provide similar services as the ILO MRCs, with a particular focus on delivering services to women migrant workers, responding to the issues of violence against women migrant workers, strengthening coordination and referral mechanisms to other essential service providers (including legal aid centers, psycho-social services, shelters, and local women’s organizations).

The ILO TRIANGLE in ASEAN programme developed a financial literacy training for Vietnamese participants and trainers to provide VBSP and MRC

staff and partners with an overview of setting migration and financial goals, borrowing and getting out of debt, saving and investing, sending remittances, managing an income, and finances upon returning home. In the case of VBSP staff, trained participants will then utilize the training knowledge within their services and interactions with migrant workers. Given women and girls generally have less access to migration and financial information, this training will specifically address financial education and literacy for women and girls.

According to the GCM Implementation Plan, Viet Nam will publish information on migration on the Portal of the Ministry of Foreign Affairs to systematize and centralize information, allowing individuals and organizations to access, search and thus choose safe migration pathways. Currently, the Ministry of Foreign Affairs is building a new Portal to replace the current Website.

Previously established MRCs with support of IOM continue to be strengthened to provide adequate information on labour migration, job placement, orientation and capacity building for migrants. In 2019, Nghe An's MRC has provided advices and information to 1,125 migrant workers on administrative procedures, program of sending workers under contract aboard, general knowledge about receiving countries and territories such as Japan, Korea, Taiwan (China); developed leaflets on safe migration; exchanged experiences with other MRCs of countries in the region (Laos, Cambodia, Myanmar).

The Vietnamese authorities cooperated with IOM to organize 06 community-based information events for 2,600 people in provinces of Nghe An, Ha Tinh, Binh Thuan, where saw an increase in the number of irregular migrants to Australia by boat in the period of 2010-2013. 20,000 leaflets, 1,000 posters, 2,000 raincoats and bottles printed with communication messages were distributed to ship owners and fishermen. Viet Nam held 17,123 information sessions about human trafficking with the participation of 627,132 people.

### **Regarding Objective 7:**

Addressing and minimizing vulnerability to migration has been integrated in the GCM Implementation Plan. This issue is also raised and applied in the process of reviewing and amending relevant policies and laws, for example Law 72.

Every year, the ASEAN Forum on Migrant Labour (AFML) brings together stakeholders including governments, civil society organizations of workers and employers, the ASEAN Secretariat, and other organizations. International (IOM and UN Women) to discuss on issues related to labour migration. In the ASEAN Chair Year 2020, in September 2020, the MOLISA, with the support of the ILO's ASEAN Regional Triangle Program, held a National Workshop to prepare for The 13th AFML with the theme of "Supporting Migrant Workers during the

Pandemic for a Cohesive and Responsive ASEAN Community” to review national activities in the implementation of the 12th AFML Recommendation and prepare for The 13th AFML in November 2020.

At AFML November 2020, with the support of the ASEAN Regional Triangle Program, IOM and UN Women, ASEAN member states and stakeholders discussed the challenges and impacts of Covid-19 to migrant workers and discussed lessons learned to prepare for future crises such as pandemic, economic crisis or natural disaster.

### **Regarding Objective 23:**

Viet Nam has also strengthened cooperation with regional and international cooperation mechanisms on migration, such as Bali Process, Global Forum on Migration and Development, and maintained information exchange with neighboring countries (China, Laos, Cambodia) through periodic talks.

International cooperation plays an important part in realizing all of 23 Objectives.

For instance, in terms of international child adoption, Viet Nam strictly complies with the 1993 Hague Adoption Convention, the domestic law and laws of the Convention’s members, as well as bilateral agreements. In addition, for Convention non-members, Viet Nam still applies the same procedures according to the Convention’s standards and requirements.

**5. What steps has the Government taken to integrate the vision and cross-cutting and interdependent guiding principles of the Global Compact for Migration (see paras 8 to 15 of the Global Compact) into its implementation? How was this accomplished?**

<b>Guiding principle</b>	<b>Principle has been integrated</b>	<b>Explanation</b>
People-centered	Yes	Please see explanation below
International cooperation	Yes	
National sovereignty	Yes	
Rule of law and due process	Yes	
Sustainable development	Yes	
Human rights	Yes	
Gender-responsive	Yes	
Child-sensitive	Yes	
Whole-of-government approach	Yes	
Whole-of-society approach	Yes	

Viet Nam issued the GCM Implementation Plan (under the Prime Minister's Decision No. 402/QĐ-TTg dated 20/3/2020), which integrates the GCM's vision and guiding principles. In the Plan, Viet Nam affirms its consistent policy on facilitating safe, orderly and regular migration in the spirit of shared responsibility, win-win co-operation to maximize the benefits of migration, effectively address all aspects of migration, and protect the rights and interests of migrants, especially women, children and people with disabilities.

The Plan also emphasizes that the implementation must comply with Viet Nam's policies, laws, national target programs, national strategy, socio-economic development plans and programs, as well as related international commitments to which Viet Nam is a contracting party; closely follow social realities, center on human factor; and integrate gender factor and sustainable development factor.

The Plan defines target groups, including women and children, and requires the participation of all relevant ministries, agencies, localities and organizations with a whole-of-government approach and whole-of-society approach. Accordingly, the Plan lists out concrete tasks of ministries and agencies and mobilizes the engagement of all relevant stakeholders during the implementation.

**6. How is the Global Compact for Migration contributing to realizing the achievement of the 2030 Agenda for Sustainable Development? What has your Government done to integrate the implementation of the Global Compact objectives into SDG implementation?**

Viet Nam issued the Implementation Plan of the United Nations' 2030 Agenda for Sustainable Development, which contains contents related to the objectives of the GCM:

Objective 5.7: Develop training programs on economic modalities for women, high-level vocational training, and training for women on innovation, creativity and entrepreneurship.

Objective 8.7: Complete the system of policies, strengthen communication and mobilize the participation of all parties involved to eliminate forced labour, end modern human trafficking and slavery; prevent and eliminate child labour in all its forms.

Objective 10.7: Review, amend and complete current legal documents with the aim to reform administrative procedures, apply information technology in management and monitoring of the exit/ entry, transit and residence of foreigners in Viet Nam.



Objective 16.2: Continue to improve the legal system on human trafficking, implement programs to prevent and combat trafficking, strengthen management capacity, law enforcement and communication, and improve society's awareness on the preventing and combating human trafficking.

Viet Nam also set out a roadmap to study and build a database on migration through housing census as well as through periodic stock-taking of international migration from and into Viet Nam.

In the GCM Implementation Plan, the Prime Minister asks to integrate migration issues into the National Action Plan to implement the 2030 Agenda for Sustainable Development. The Ministry of Labour, Invalids and Social Affairs is responsible for reviewing, completing and promulgating socio-economic policies, including policies on poverty reduction, social security, water security, energy security, health care, and training linked to sustainable employment, gender equality and empowerment for women and girls, promotion of economic growth and social equity; social support policies for specific groups such as migrant workers, the elderly, people with disabilities, women, children during the migration cycle.

**7. From the Government's perspective, are there any objectives of the Global Compact for Migration that is of particular importance in the national context? Please name the objectives that the Government has prioritized and explain why.**

The GCM is an important step towards the increased global co-operation for a humane and comprehensive migration governance and timely migrant protection. After adopting the GCM in 2018, Viet Nam issued an Implementation Plan to fulfill its commitments. Prior to the GCM's adoption, many objectives and its actions have been implemented by Viet Nam throughout the time. Currently, Viet Nam is prioritizing the following Objectives No. 1; 2; 3; 6; 10; 23.

Objective 1: This Objective helps to assess Viet Nam's migration profile to identify shortcomings and weaknesses in policies and practice in order to work out appropriate policies and measures to improve the quality of Viet Nam's migration management.

Objective 2: This Objective is implemented based on Viet Nam's socio-economic development programs and the National Action Plan for the implementation of the United Nations Agenda 2030 for Sustainable Development in order to proactively minimize factors that cause migration, especially irregular migration.

Objective 3: This Objective will help to systematize information on migration for people to easily access and to prevent themselves from migrating through irregular pathways without full perception of migration.

Objective 6: This Objective is very important as labour migration has been the dominant type of migration in Viet Nam over the years.

Objective 10: Accelerating the implementation of this Objective will contribute further to the realization of Viet Nam's Program on human trafficking prevention and combat in the period 2021-2025 with a vision to 2030.

Objective 23: This objective helps increase the effective realization of the GCM at different levels of cooperation, not only nationally but also regionally and globally.

**8. From the Government's perspective, how and to what extent have regional plans and strategies incorporated the objectives of the Global Compact for Migration? What are the main achievements, gaps and challenges to existing regional approaches, strategies and implementation plans?**

Regional organizations and processes recognize the important role of migration and migrants in sustainable development.

ASEAN has adopted many plans to promote the protection of migrants and facilitate safe and regular migration.

Bali Process: It plans also focus on reducing irregular in the region, strengthening coordinated efforts in preventing and combating human trafficking, human smuggling, and protecting the rights of migrants. Viet Nam is an active member in the Bali Process since its inception.

To effectively realize the GCM, partnerships among countries in the region should be further leveraged.

**9. What methodology was adopted for completing this voluntary GCM review; how was a whole-of-government approach applied through engaging the various relevant ministries and other sectors of government; what mechanisms were used to engage civil society and other relevant stakeholders for a whole-of-society approach?**

The review was completed by the Ministry of Foreign Affairs through inter-agency consultation, data collection, in-depth discussions and a number of reports by relevant Ministries and agencies. Government ministries as well as related parties (international organizations such as IOM, ILO; socio-political organizations) have also actively participated in the review process.

**10. Given the outbreak of COVID-19 which has affected all countries in the region, what challenges has the Government identified in implementation of the Global Compact for Migration as part of the COVID-19 response, and what has the Government done to address the specific situation of migrants and their families?**

The Covid-19 pandemic poses a great challenge in implementing the GCM.

It has greatly affected the sending of Vietnamese workers to work abroad. According to preliminary statistics, about 8,000 workers, who have completed training courses and visa procedures, cannot migrate due to immigration control measures by countries of destination.

Migrant protection in times of crisis is also challenging. With borders temporarily closed and travel restricted, thousands of migrants got stranded; many of them lost jobs and fell in to irregular migration status. In the meantime, the increasing number of returning migrants within a short time also creates difficulties in supporting their reintegration.

During the Covid-19 pandemic, Viet Nam has put forward multiple solutions to achieve the “dual goals”, namely effectively controlling the pandemic and working towards economic recovery and socio-economic development. The solutions include measures to reduce difficulties for production and business activities, support people who have lost their jobs, while controlling the pandemic by different and flexible response scenarios.

Regarding protection of Vietnamese migrants, Viet Nam has continued to communicate closely with its migrants through the Citizen Protection hotline at home and other emergency hotlines by its diplomatic missions abroad, to respond to migrants’ needs. Viet Nam’s diplomatic mission have worked with foreign authorities to take stock of Vietnamese migrants being stranded to bring them home if requested and provided consular protection. The Ministry of Foreign Affairs has also developed a timely and comprehensive plan to repatriate citizens. For those who decide to continue their stay abroad or wait for repatriation flights, Viet Nam has asked countries of destination to ensure basic and essential services and support such as medical assistance, extension of visa and residence permit, to prevent their vulnerabilities.

Up to now, Viet Nam has brought over 280,000 Vietnamese migrants back home safely.

Vietnamese migrant workers who had to return home during the Covid-19 pandemic were reimbursed for all expenses (service fees, brokerage fees) and received other support as stipulated by relevant regulations, including job

placement opportunities. Online work exhibitions were also held to support returning migrants in finding jobs.