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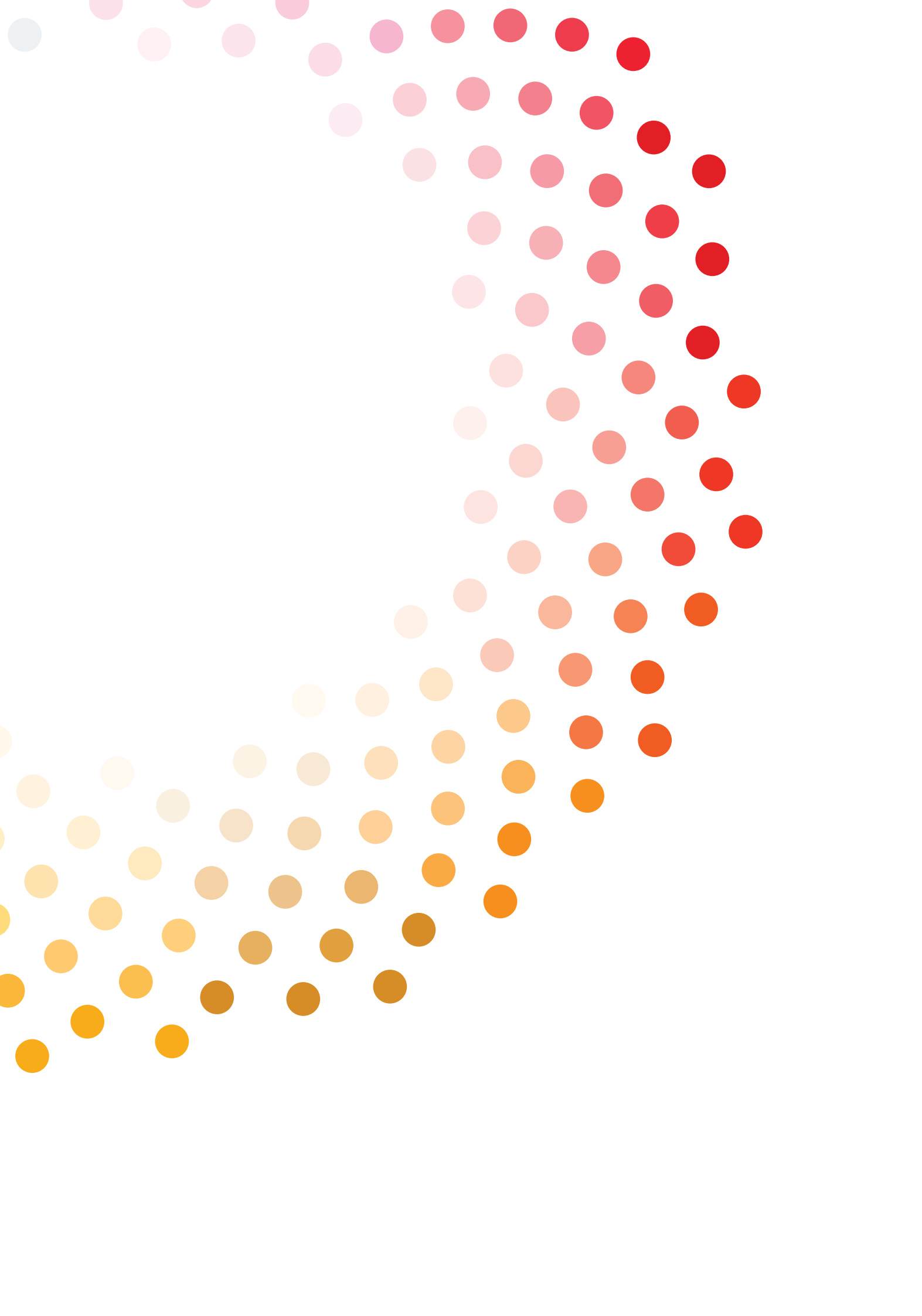


Data gaps in international labour migration statistics in Viet Nam



**Spotlight
Initiative**
*To eliminate violence
against women and girls*





Data gaps in international labour migration statistics in Viet Nam



**Spotlight
Initiative**

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A photograph of workers in a food processing facility. They are wearing white protective suits, hoods, and masks. They are working at stainless steel tables, handling food items. The background shows more workers and industrial equipment.

Foreword

This report provides an outline of the current status of international labour migration statistics in Viet Nam, using the ASEAN International Labour Migration Statistics database as a basis for the identification of core indicators and as a benchmark of coverage through comparison with other ASEAN Member States.

The report provides an overview of data sources used currently by the General Statistics Office on international labour migration as well as alternative data sources that could help improve data coverage on international labour migration statistics.

The report provides actionable steps for the improvement of international labour migration statistics for effective and evidence-based policymaking on labour migration and provides overarching recommendations.

Yours sincerely,

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► Abbreviations

ASEAN	Association for Southeast Asian Nations
GCM	Agreement on Legal, Safe and Orderly Migration
GCR	Global Agreement on Refugees
GSO	General Statistics Office
ILMS	International Labour Migration Statistics
ILO	International Labour Organization
MOFA	Ministry of Foreign Affairs
MOLISA	Ministry of Labour, Invalids and Social Affairs
UN	United Nations
UNSD	United Nations Statistics Division

1. ▶ Introduction

The process of globalization has contributed to growth in the number of international migrant workers moving between countries across the world, including into and out of Viet Nam. Accordingly, Viet Nam is both a source of international migrant workers and a destination that attracts many workers from countries around the world.

According to estimates by the Ministry of Labour, War Invalids and Social Affairs (MOLISA), on average each year, before the impact of the COVID-19 pandemic, Viet Nam had about 110,000 people¹ going abroad to work, accounting for between seven and ten per cent of all new jobs for the Vietnamese population. The number of foreign workers in Viet Nam as of March 2022 is 100,000 people. International labour migration in Viet Nam is complex and diverse with many migration channels and different types of labour migration.

For many Vietnamese, employment abroad provides wider opportunities for employment and higher income generation. Remittances received by household members abroad can also contribute to better living standards and opportunities for those in Viet Nam.

Viet Nam is a country with extensive land and sea borders, with 117 border gates and 88 border crossings, 37 sea border gates and 283 ports, located adjacent to China, Laos and Cambodia. The number of Vietnamese people migrating across the borders for employment purposes, including seasonal work and in search of employment, is significant. Therefore, besides those who officially exit through official channels (i.e., having visas and work permits), there are still a large number of people who exit the country irregularly without a work permit or visa. As a result, many of these people are not recorded among the total number of people entering, leaving or transiting the country.

Recognising the importance of international labour migration to Viet Nam, the Government of Viet Nam has developed legal policies and guidance to ensure the legitimate rights and interests of Vietnamese workers abroad as well as for foreign workers in Viet Nam. The documents guiding the management of international migrant workers are regularly revised and refined reflecting active labour migration governance.

However, informed and effective labour migration policymaking requires evidence, in the form of reliable and up to date international labour migration statistics. Different ministries and agencies collect statistics on migrant workers, however, statistics on international migration remain fragmented and inconsistent. This is due to different data

¹ Ministry of Labour, Invalids and Social Affairs (MOLISA) of Viet Nam. 2022. Available at: <http://dulieutonghop.molisa.gov.vn/so-lieu-chung-ca-nuoc>

sources, concepts and definitions, methods of data collection and reference periods used by different agencies. To date, no agency is responsible for consolidation or harmonisation of these various sources of international labour migration statistics.

The General Statistics Office (GSO), as an agency assigned by the Government to lead the field of statistics, including labour statistics, has coordinated with the International Labour Organization (ILO) to compile this report. It was developed with the aim of improved and more effective labour migration governance through evidence-based policymaking (see Appendix I for legal background). The objective is to provide an overall picture of the current situation of international labour migration statistics in Viet Nam, including data gaps and potential sources of data to close these gaps.

This report outlines where the gaps are in the Association for Southeast Asian Nations (ASEAN) International Labour Migration Statistics (ILMS) database (Section 2); it then evaluates available data sources for bridging these gaps and highlights the pros and cons of each source (Section 3), and analyses the possibilities for filling the gaps in the three modules of the ASEAN ILMS database (Section 4). The conclusions and overall recommendations of the report are presented in Section 5.

2. ▶ Data coverage for international labour migration statistics in Viet Nam

2.1. ASEAN International Labour Migration Statistics database

International labour migration is a concept that covers a wide range of target groups, from the stock of migrant workers in a country or abroad, to the flows of migrant workers into and out of a country. At the same time, international labour migration encompasses wider issues of interest, including the treatment of migrant workers, the manner in which workers migrate and the reasons, as well as occupational safety and health for migrant workers. It is difficult to collect data on all issues of international labour migration and consolidate into a single database. However, the ILO International Labour Migration Statistics (ILMS) database, is one such resource. It uses data collected and shared by countries and presents this information as an open access resource.

The ILMS database is a global resource, established in response to global commitments on labour migration to support advocacy for migrant workers' rights, to support the agenda of fair migration through high-level decision-making; to expand the visibility and accessibility to and use of official national statistics on international labour migration globally; and to support regular updates of global estimates of international migrant workers.

The ASEAN ILMS database is part of the ILO's global ILMS database, which in turn is part of ILOSTAT, the ILO global database and leading source of labour statistics. The ASEAN ILMS database is seen as an initiative to help consolidate existing international labour migration statistics of ASEAN Member States and to make these available on a common platform, compliant with common concepts, definitions and disaggregation. The ILO provides technical assistance to ASEAN Member States for the collection, processing and sharing of this data.

There are three main objectives of the database: (1) to provide an openly-available, relevant, comprehensive and tractable information source, to enable evidence-based policymaking on international labour migration in ASEAN; (2) to map the existing data sources countries collect, including their quality, scope, completeness, comparability and possible

weaknesses that can be filled through capacity building; (3) and to define a set of tables of relevance on international labour migration statistics as a standard reference-point for future data collection and reporting in ASEAN and beyond.

The database contains 21 tables, covering information on international migrant stock, outflows of international migrant workers and inflows of international migrant workers (see Table 1). There are three modules in the ILMS ASEAN database: Module A provides information on the number of migrant workers (including migrants living in the country at a given time), Module B provides information on inflows (international migration flows into the country during a given period) and Module C provides information on outflows, the number of citizens currently abroad, and returning migrant workers. Within these areas there is disaggregation, including by sex, occupation, economic activity, as well as information about the countries from which migrants are leaving, or in which they are arriving.

Table 2.1: Modules and system of tables in the ASEAN ILMS database

	MODULE A. INTERNATIONAL MIGRANT STOCK
1	Working-age population by sex, age and place of birth or citizenship (Persons)
2	Working-age population by sex, education and place of birth or citizenship (Persons)
3	Foreign-born or non-citizen working-age population by sex and country of birth or citizenship (Persons)
4	Employment by sex, age and place of birth or citizenship (Persons)
5	Employment by sex, economic activity and place of birth or citizenship (Persons)
6	Employment by sex, occupation and place of birth or citizenship (Persons)
7	Employment by sex, status in employment and place of birth or citizenship (Persons)
8	Employed foreign-born persons by sex and country of birth or citizenship (Persons)
9	Unemployment by sex, age and place of birth or citizenship (Persons)
10	Mean nominal monthly earnings of employees by sex and place of birth or citizenship (Local currency)

	MODULE B. INTERNATIONAL MIGRANT FLOW
11	Inflow of foreign-born or non-citizen working-age population by sex and country of birth or citizenship (Persons)
12	Inflow of foreign-born or non-citizen working-age population by sex and education (Persons)
13	Inflow of foreign-born or non-citizen employed persons by sex and economic activity (Persons)
14	Inflow of foreign-born employed persons by sex and occupation (Persons)
	MODULE C. NATIONALS ABROAD
15	Stock of nationals abroad by sex and country of residence (Persons)
16	Inflow of nationals returned from abroad by sex and country of previous residence (Persons)
17	Outflow of nationals by sex and country of destination (Persons)
18	Outflow of nationals for employment by sex and country of destination (Persons)
19	Outflow of nationals for employment by sex and education (Persons)
20	Outflow of nationals for employment by sex and economic activity (Persons)
21	Outflow of nationals for employment by sex and occupation (Persons)

Source: ILO, 2022.

2.2. Coverage for Viet Nam in the ILMS ASEAN database

Viet Nam's coverage in the ILMS ASEAN database system is still very limited. Many indicators and tables are not available in Viet Nam, or are available at the top level without the required disaggregation.

Table 2.2: Data coverage for modules in the ASEAN ILMS database, by country and tables, as of 2021

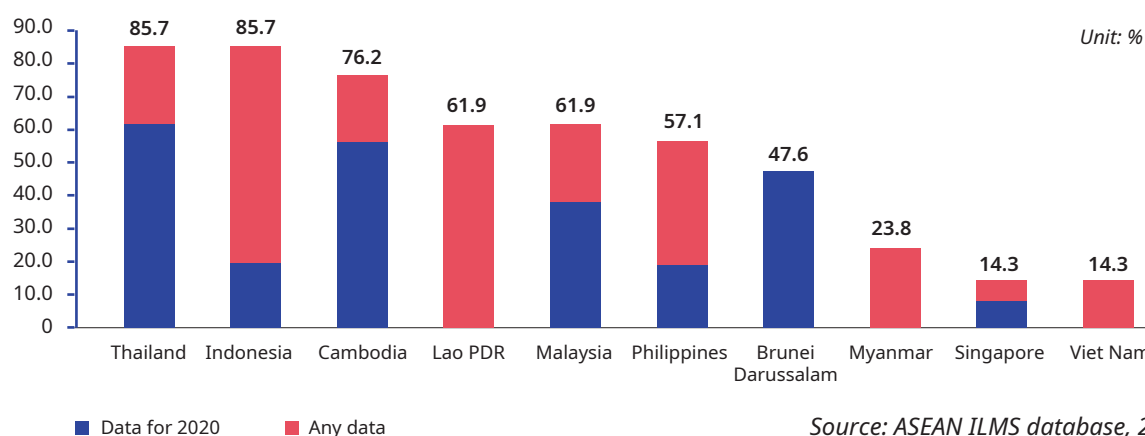
	Brunei	Cambodia	Indonesia	Lao PDR	Malaysia	Myanmar	Philippines	Singapore	Thailand	Viet Nam
MODULE A. INTERNATIONAL MIGRANT STOCK										
Table 1	●	●	●	●	●	●	●	●	●	●
Table 2	●	●	●	●	●	●	●	●	●	●
Table 3	●	●	●	●	●	●	●	●	●	●
Table 4	●	●	●	●	●	●	●	●	●	●
Table 5	●	●	●	●	●	●	●	●	●	●
Table 6	●	●	●	●	●	●	●	●	●	●
Table 7	●	●	●	●	●	●	●	●	●	●
Table 8	●	●	●	●	●	●	●	●	●	●
Table 9	●	●	●	●	●	●	●	●	●	●
Table 10	●	●	●	●	●	●	●	●	●	●
MODULE B. INTERNATIONAL MIGRANT FLOW										
Table 11	●	●	●	●	●	●	●	●	●	●
Table 12	●	●	●	●	●	●	●	●	●	●
Table 13	●	●	●	●	●	●	●	●	●	●
Table 14	●	●	●	●	●	●	●	●	●	●
MODULE C. NATIONALS ABROAD										
Table 15	●	●	●	●	●	●	●	●	●	●
Table 16	●	●	●	●	●	●	●	●	●	●
Table 17	●	●	●	●	●	●	●	●	●	●
Table 18	●	●	●	●	●	●	●	●	●	●
Table 19	●	●	●	●	●	●	●	●	●	●
Table 20	●	●	●	●	●	●	●	●	●	●
Table 21	●	●	●	●	●	●	●	●	●	●

● Data for 2020
 ● Data for pre-2020
 ● No data

Source: ASEAN ILMS database, 2021.

As of 2021, of the 21 tables in the ASEAN ILMS database, Viet Nam had provided data for three tables (see Table 2), resulting in a coverage rate of 14.3 per cent. This is the lowest of all ASEAN Member States (jointly with Singapore) (Figure 1). Member States in the region that have good coverage include Indonesia (85.7 per cent); Thailand (85.7 per cent); and Cambodia (76.2 per cent). In sum, Viet Nam has a significant gap in international migration data in general and international labour migration in particular.

Figure 2.1: Data coverage in the ASEAN ILMS database



Source: ASEAN ILMS database, 2021.



3. ▶ Data sources for international labour migration statistics

3.1. Overview of main types of data sources

According to guidance by the ILO, there are various data sources related to international labour migration as well as detailed subdivisions of international labour migration. These different data sources can be used in combination to provide complete and comprehensive statistics, including:

(a) Data sources providing information on the number of international migrants:

Population censuses, household sample surveys, particularly labour force surveys with questions to collect information about international migrant workers; thematic surveys on migration and demographics; in-depth surveys focusing on specific population groups (such as frontier population surveys, refugee camp surveys); censuses of economic establishments and related sample surveys.

(b) Data sources providing information on international migration flows: Database on issuance of border entry and exit permit/pass; residence permits; work permits; visas; and household surveys;

(c) Data sources providing information on both number and flows of international migration: Population registers; logbook of foreigners' entry and exits; tax and social security registration; and registration for use of utilities (e.g., phone, electricity); household surveys;

(d) Other data sources: Additionally, some special surveys may be conducted to collect information on particular groups of international migrant workers depending on their specific characteristics and circumstances. Depending on the situation, data sources from this survey may be used to supplement or replace existing information.

More recently the United Nations (UN) has issued additional guidance for collecting information on nationals abroad through population censuses and household surveys and recommends for countries to start collecting such data with the current (2020) round of population censuses².

Currently, Viet Nam relies on two main sources of data for international labour migration statistics: the labour force survey, and a range of different types of administrative data. However, other sources of data exist, and these may help fill gaps in data coverage of international labour migration statistics.

² United Nations Statistics Division (UNSD). 2022. Handbook on Measuring International Migration through Population Censuses. Studies in Methods. Series F No. 115. New York. Available at: <https://unstats.un.org/unsd/demographic-social/sconcerns/migration/index.cshtml>.

Box 3.1: General characteristics of data sources

Data source	Advantages	Limitations
Population census	- Comprehensive census, wide coverage; - Ensure that information can be researched for small groups of the population.	- Expensive costs; - The number of questions is limited, so it is difficult to collect more detailed and specific information; - Only surveyed once every five or ten years.
Household sample survey (eg: Labour and employment survey)	- Large coverage - Multiple questionnaires collect detailed information allowing for accurate measurement of the international migrant workforce and workforce.	- Because it is a sample survey, it is difficult to estimate for small populations (migrant workers); - Compulsory increase in survey sample size to collect information on migrant workers; - Migrants may be missed in businesses (farms, construction sites, plantations, etc.);
Economic establishments survey	- Having full information of large business establishments; - There may be information on migrant workers in business establishments; - There are sources of information on vacancies, training needs, etc.	- Lack of information on small or unregistered businesses; - Difficulty identifying small or informal businesses; - High non-response rate; - Low or ignored number of migrant workers; - The sample survey is difficult to estimate for small population groups (migrant workers).
Administrative records	- Can provide data by totals and detailed breakdowns; - Inexpensive when compiling statistics.	- Poor coverage and not updated; - Data quality may not be guaranteed; - Statistics agencies often do not have access to this data source.

Source: ILO, 2022.

In Viet Nam, there are two official data sources used by the State Statistical Office to calculate and publish general statistical indicators. These are censuses and surveys (Section 3.2) and administrative data (Section 3.3).

3.2. Census and surveys

3.2.1. Population and housing census

Responsible agency: General Statistics Office

Overview: In some countries, the Population and Housing Census is an important source of information for determining the number of international migrants residing within a country's territory because it collects data from all resident households in the country. Because of its coverage, it can help research information on small population groups such as international migrant workers. The results of census data also provide the basis for sampling frames of other household surveys, including those designed to capture information on small groups such as international migrants.

In Viet Nam, the Population and Housing Census is carried out every ten years. The last time Viet Nam carried out the Census was 2019. In this Census, Viet Nam did not collect information about foreigners who have not been naturalized but who are residing in the country's territory. Therefore, Viet Nam cannot calculate and provide information on international migration and international labour migration from the 2019 Census. It also means that Viet Nam does not have the means of developing an accurate sampling frame for international migrants in household surveys or thematic studies on this population group, and will not have such frame until the next census in 2029, or at least until the next intercensal survey in 2024.

3.2.2. Labour and Employment Survey

Responsible agency: General Statistics Office

Overview: The Labour Force Survey is a sample survey conducted by the GSO on a monthly basis to collect and publish information on quarterly employment and the labour market situation of Viet Nam. Before 2020, information on international migrant workers was not collected in the Labour Force Survey, including information about Vietnamese workers abroad and foreigners working in Viet Nam. In 2021, following technical and financial support of the ILO, an integrated module in the Labour Force Survey was included to capture information on Vietnamese migrants abroad, returnees and recruitment costs for Vietnamese migrants who had been abroad in the last three years. This was not implemented in 2022, but there are plans to integrate this module on a periodic basis.

The main objectives of integrating the module on international migrant workers in the Labour Force Survey are to: (i) Assess some key characteristics of Vietnamese workers who migrate abroad for employment; and (ii) Estimate the monitoring indicators of Sustainable

Development Goal 10.7.1 “The recruitment cost born by the employee as a monthly income earned in the country of destination.”

The subjects of information collection of the module on international migrant workers are: All persons aged 15 years and above present in the household, having changed the usual country of residence with the main purpose related to satisfying one of the following conditions: (i) Currently residing abroad for less than three years up to the time of the survey and have worked for remuneration, wages; (ii) Currently residing in Viet Nam but have resided and worked overseas for remuneration, wages within three years prior to the time of the survey.

Information provided includes: The number of Vietnamese workers abroad; median age, marital status, education level of Vietnamese workers abroad; residence status (currently in Viet Nam or abroad); the last country of destination for employment; sector (industry) and occupation of the first job when the worker migrated in the last destination country abroad; form of job acquisitions of the first job when going abroad; mode of migration to the country of first job; job application costs; and the first full-month salary of the first job.

Challenges

The integration of the international migration module is an iterative process. Sampling errors are still high, and so estimates derived from the survey results may be biased due to the small number of international migration cases collected in the survey (in 2021, the whole country collected only about 2,000 international migrant cases).

In addition, in order to fully assess the information on international migrant workers, the survey is designed to collect more information about those Vietnamese who are working abroad for the allowed period. When collecting information about these people, the enumerator has to ask through the people in the household, for content that people in the household may not know. The enumerator will have to use Facebook, viber or zalo to contact these persons still living abroad and collect key information directly from them. If migrant workers are not interviewed themselves, i.e., if proxy information is collected from other household members, this can impact the quality of information collected.

For those migrant workers who have returned to Viet Nam, the collected information refers to experience in the past, some of which may have been forgotten. This requires respondents to recall information from the last few years and is subject to recall errors, which impacts the quality of data. To avoid such memory recall, the recommendation in the guidelines for the indicator is to collect data for migration spells undertaken only within the last three or five years before the survey. In particular, due to the impact of the Covid-19 pandemic in 2021, many questionnaires were collected by phone, so the quality of the information was further reduced.

Moreover, as of 2021, the Labour Force Survey was not designed to collect information about international migrants in Viet Nam. The module on Vietnamese migrant workers abroad (as of 2021) only includes information on Vietnamese migrants abroad and not on foreign workers in Viet Nam. This means that the Labour Force Survey still does not capture all statistical indicators of international labour migration in Viet Nam.

The collection of information about foreigners working in Viet Nam can be collected by adding two questions about the 'place of birth' and 'nationality' to the survey questionnaire, and also updating the household list when implementing the survey, including the addition of foreigners residing in the survey area. All other stages of the survey will remain unchanged. This solution does not incur many additional costs, but would help Viet Nam get a more comprehensive picture of the labour market in the national territory, including both Vietnamese workers and foreigners and their attachment to the labour market. However, this has not yet been implemented.

Data sharing: The results of the Labour Force Survey are officially published on the Statistics Department's website and users can access the information for free and in a timely manner. In addition, the General Statistics Office supports the use of the microdata of this survey.

3.3. Administrative data sources

Administrative data on international migration refers to data recorded, kept and updated by state agencies in paper or electronic administrative records, typically used as part of the performance of the respective agencies' tasks. This includes statistical reporting regimes, outlined as follows.

3.3.1. *Statistical form for international migration data*

Lead agency: Ministry of Foreign Affairs

Legal basis: The reporting regime is prescribed in Decision 402/QĐ-TTg dated March 20, 2020 of the Prime Minister, promulgating the global implementation plan on lawful, safe and orderly migration of the United Nations.

Reporting units: People's Committees of provinces and centrally run cities.

Time of collection: Every six months.

Overview: There are two main components: Part A reports on international migration of Vietnamese citizens, including: (i) Data on Vietnamese citizens legally migrating, including information on Vietnamese workers going to work that have a definite term abroad under the contract and Vietnamese labourers going to work abroad in other forms; Vietnamese workers going to work abroad for a definite term, ending their contracts, returning home;

(ii) Data on Vietnamese citizens who are undocumented migrants, those who are trafficked abroad (where feasible to measure), as well as information on Vietnamese citizens working or residing abroad on an irregular basis. Part B reports on foreigners migrating to Viet Nam including statistics of foreigners licensed to work in Viet Nam by nationality and by profession, job position and illegal immigration without obtaining permission to enter Viet Nam. The required statistics are disaggregated by education level, by country, by age group, by gender, by industry, by profession, by salary, and by working time.

The report is compiled from localities with diverse statistical criteria that can help synthesize and evaluate the characteristics of labour migration types, including forms of labour migration under contract or in other types (irregular etc.). If reporting is comprehensive, it can provide relevant information at a low cost for research and management.

Challenges: Not all provinces and cities fully comply with the reporting requirements. Many do not report or report slowly, leading to a lack of data. Most of the provinces and cities only provide basic information on international migration and do not disaggregate according to the classification requirements as prescribed in the template. The quality of the data reported in the report varies from province to province and depends, in part, on the level of interest of localities in statistics. In addition, some localities shared that it was difficult to collect data because the data were scattered and frequently changed, so reporting was often incomplete.

Data sharing: There is currently no official mechanism to share aggregated data from the statistical form on international migration data between the lead agency, the Ministry of Foreign Affairs, and the Vietnamese national statistics agency, the General Statistics Office.

Box 3.2: Additional national database on migration planned by Ministry of Foreign Affairs

A national database on migration is being developed to serve as a repository for connecting and integrating data in order to exploit, use effectively, serve policy making and support legislation on migration. The development of this database is part of Viet Nam's plan to implement the global agreement on legal, safe and orderly migration with the United Nations in the spirit of Decision 402/QĐ-TTg dated 20 March, 2020.

Currently, this database is still being researched and developed, and is expected not to be deployed until July, 2023. The General Statistics Office wishes to coordinate with the Ministry of Foreign Affairs to build this database, ensuring good service for the state management of international migration and support in the calculation and publication of statistics.

3.3.2. Data collection and reporting regime on Vietnamese labourers working abroad

Lead agency: Ministry of Labour, War Invalids and Social Affairs

Legal basis: The reporting regime is prescribed in Circular No. 15/2019/TT-BLDTBXH dated September 18, 2019 detailing reporting responsibilities of MOLISA.

Agencies responsible for reporting: Service enterprises / non-business organizations / contract winning enterprises, organizations and individuals investing abroad that send workers to work abroad; and Departments of Labour, War Invalids and Social Affairs of provinces and centrally run cities.

Overview: There are two main components: Firstly, reporting on the number of Vietnamese workers going abroad to work for a definite term under contracts, including statistics by: gender, age group, professional qualifications, industry, country, and territory or region of destination. The second part reports on the number of employees working abroad with a definite term ending their contracts and returning home, including statistics by gender, professional qualifications and country or territory of destination.

The regulations on reporting and summarizing regimes related to sending Vietnamese workers to work abroad are relatively detailed. On a monthly, quarterly and yearly basis, the relevant units aggregate and send data through the database system. As a result, the database is relatively comprehensive. Data on Vietnamese labourers going to work abroad are published on the website of the Ministry of Labour, Invalids and Social Affairs on a yearly and quarterly basis.

Challenges: The database system (software) used for summarizing and reporting data is not suitable, especially in the context of the continuous development of the overseas labour market, which changes over time; reporting is not consistent and synchronous, there are good places to work, some places do not or do not do well; the infrastructure between agencies and units has not been unified, undermining the quality of data.

The source of data collected from this report is usually contractual or planned migration data, excluding those who migrate for work but not by organization, those who migrate for the purpose of education or training but stay to work in the country of destination, and migrants who are self-employed because they often do not report to the competent authorities. Therefore, this data source does not fully cover information about international migrant workers in Viet Nam.

Data sharing: There is currently no official mechanism to share the source of statistical micro data of Vietnamese workers working abroad between the Ministry of Labour, Invalids and Social Affairs, the General Statistics Office and other ministries.

Box 3.3: Database system on Vietnamese workers abroad

The database system is a collection of data and information about Vietnamese workers working abroad under contract. This system is built, managed and operated in accordance with the provisions of the Law on Vietnamese Workers Working Abroad Under Contracts and Circular 20/2021/TT-BLDTBXH on the database system of Vietnamese working abroad under contract.

Currently, this system is still in the early stages of implementation. Vietnamese labour management agencies, that are granted the right to access and use this database system for applying for permits and managing labourers are facing some difficulties, especially in issues related to funding and human resources. Many organizations have not yet taken responsibility for updating data on this database. In addition, even if the database system is completed, there are still many difficulties for the management of issues related to Vietnamese workers who migrate abroad without applying for a permit, including: (i) freelancers working abroad, who do not report to authorities as prescribed; (ii) Vietnamese who go abroad to study, research and then work in the host country who do not report to the labour management agency; (iii) employees who got their jobs through the organization or enterprise but do not report when completing the contract or renewing the labour contract with the employer; or (iv) those who voluntarily stay when the contract expires to work illegally. Therefore, the coverage of statistics on overseas Vietnamese workers is not fully captured in this database.

Source: ILO, 2022.

3.3.3. Data collection and reporting regime of foreigners working in Viet Nam

Lead agency: Ministry of Labour, War Invalids and Social Affairs

Relevant legislation: The reporting regime is prescribed in Decree 152/2020/ND-CP dated December 30, 2020 and Circular No. 15/2019/TT-BLDTBXH dated September 18, 2019.

Agencies responsible for reporting: Enterprises and organizations in Viet Nam that employ foreign workers; and Departments of Labour, Invalids and Social Affairs of provinces and centrally run cities.

Overview: Entails reporting on the number of foreign workers working in Viet Nam who are licensed, including statistics by gender, nationality, and job position. The regulations on reporting and summarizing regimes related to foreigners going to work in Viet Nam are relatively detailed. Data on foreign workers is collected based on the application for a work permit, so the information collected presents a relatively accurate and complete representation of regular migrant workers.

Challenges: The data source does not cover all foreigners working in Viet Nam such as those working without contracts and without work permits (which can be significant in number, especially in border provinces or big cities). Data collected is based on reports of agencies, organizations and enterprises and the database system for issuing work permits of localities periodically, there is no system to regularly update when there is a change. There are also not enough statistics on the working history of foreign workers in Viet Nam, for example moving from one enterprise to another. Finally, in the case of foreign workers moving between localities, the reports do not capture the movement of these workers.

Data sharing: There is currently no official mechanism to share the microdata of foreigners working in Viet Nam between the Ministry of Labour, Invalids and Social Affairs and the General Statistics Office.

Box 3.4: Labour market information system

According to the provisions of Circular No. 01/2022/TT-BLDTBXH dated January 25, 2022, the labour market information system is a collection of all data on labour supply and demand under the authority of the Ministry of Labour, Invalids and Social Affairs, in addition to the labour market information under the national statistical indicator system. This is a system built by the Departments of Labour, Invalids and Social Affairs to store information on the local labour supply and demand, collected based on the current situation and demand for information on labour supply and demand. It is, however, still in the early stages of development. The collection, storage and aggregation of information on foreign workers in Viet Nam is also regulated in Article 14 of the aforementioned Circular. This is the data that is collected based on the application for a work permit, so the information collected is accurate, complete and detailed in accordance with the statistical needs of the overseas labour situation in many categories.

The biggest limitation of this system is that this is not a national database that is built and managed uniformly but by the People's Committees of provinces and cities based on the needs and resources of each locality. As a result, it lacks consistency and receives little due investment attention. In addition, this system does not collect information about foreigners working in Viet Nam who do not apply for a work permit or are not subject to a work permit. Therefore, the coverage of statistics on foreign workers in Viet Nam from this database is incomplete. Moreover, between the General Statistics Office and the Ministry of Labour, Invalids and Social Affairs, there is no formal mechanism to share the system's micro data sources.

3.3.4. National database on immigration

Lead agency: Ministry of Public Security

Legal basis: Decree 77/2020/ND-CP dated July 1, 2020 stipulating the management and use of information in the national database on immigration and online public services for issuance, management and control of passports of Vietnamese citizens.

Overview: The national database on entry and exit (National Database on Immigration) is a collection of information related to the exit and entry of Vietnamese citizens and the entry, exit, transit and residence of foreigners in Viet Nam, that are digitized, stored, managed and used by information infrastructure.

Information stored in the database includes information about Vietnamese citizens going abroad and foreigners entering Viet Nam. Information about Vietnamese citizens going abroad is collected with details including the following: Full name, date of birth, date of entry and exit, fingerprints, personal identification number, immigration process, and other relevant basic information. Information about foreigners collected includes: Full name, middle name and first name; date of birth; sex; nationality; portrait; fingerprints; the process of entry and exit from Viet Nam; place of residence in Viet Nam; and other relevant information.

Challenges: The fields have little information as the information about immigration purposes is sometimes omitted and not provided, so it is difficult to ensure statistical work related to labour migration. This data is not based on the number of people, but instead the number of movements. That is, a person can enter and exit many times, each time is counted as one turn. The data source only includes official entry and exit people (mainly via air) and does not collect information about people entering and exiting across borders or illegally entering and leaving the country. The General Statistics Office does not have access to this data source to conduct research and analysis for the state management of statistics on the immigration status of migrants, including international migrant workers.

Data sharing: There is no sharing mechanism in place.

4. ▶ Filling gaps in international labour migration statistics

4.1. Ability to fill data gaps

As discussed in the previous section, data on international labour migration in Viet Nam is quite rich. However, there is currently a significant gap in international migration data in Viet Nam, which greatly affects the management and statistics of international migrant workers. This section provides recommendations for using different data sources to close the gaps in the ASEAN ILMS database under three main modules. Although the figures filled in the ILMS ASEAN database are not exhaustive on all matters relating to international labour migration statistics, efforts are made to provide data for these modules in a timely manner. On the one hand, it represents Viet Nam's commitment to the "Global Agreement on Legal, Safe and Orderly Migration (GCM) and the United Nations' Global Agreement on Refugees (GCR)", on the other hand it provides reliable data sources for international migration management and administration in Viet Nam.

4.1.1. Module A: *International migrant stock*

Module A includes data sheets related to the labour force, including both Vietnamese and foreigners participating in the labour market in Viet Nam.

A suitable data source that can provide information for Module A is the Labour Force Survey conducted by the General Statistics Office.

To fill the gap in Module A, the labour and employment survey needs to expand to foreigners who are actually permanently residing in Viet Nam (instead of only collecting information about Vietnamese people as at present) and to add questions in the questionnaire to collect information about the country of birth and nationality of the respondents.

In addition, it is necessary to develop detailed guidance on labour migration data collection for Departments of Labour, Invalids and Social Affairs of the provinces and cities including collaboration mechanism with other sectors, to ensure the good implementation of regulations on the management of foreign workers without work permits. High responsibility for collecting information, properly and sufficiently recording information about this subject in the "Foreign worker monitoring book" is specified in Form No. 14/PLI issued together with Decree 152/2020/ND -CP). That is the basis for completing the database of foreigners working in Viet Nam in the Labour Market Information System.

4.1.2. Module B: International migration inflows

The data sources that can be used to provide information for this module are: The database system of Vietnamese workers working abroad managed by the Ministry of Labour, Invalids and Social Affairs and the national database on entry and exit, managed by the Ministry of Public Security.

To fill the gap in this module, it is recommended to study and improve the quality of information in the database system of Vietnamese workers working abroad by connecting with the Border Guard Command to establish a national data module on foreign workers in border areas to collect and manage as part of this database system.

In addition, it is possible to study the possibility of using the national population database and the national immigration database managed by the Ministry of Public Security to obtain more information on population by place of birth and nationality.

At the same time, coordinate with the Ministry of Foreign Affairs to build a national database on migration based on the connection and integration with other relevant specialized databases in order to exploit and use effectively it to serve the policy planning and legislation on migration.

4.1.3. Module C: Nationals abroad

The two suitable data sources that can provide information for Module C, are the Labour Force Survey administered by the General Statistics Office and the database system of Vietnamese workers working abroad administered by the Ministry of Labour, Invalids and Social Affairs.

To fill the gap in Module C, the Viet Nam Labour Force Survey designed a module to collect more information about the employment status of overseas Vietnamese workers. The content of the questionnaire can be referenced to the questionnaire incorporated in the 2021 survey. However, this method is expensive and has some limitations as discussed in Section 3.2 of this report.

An effective way to improve the quality of information in the database of Vietnamese workers working abroad managed by the Ministry of Labour, Invalids and Social Affairs is by strengthening the capacity of the Departments of Labour, Invalids and Social Affairs of provinces and cities, to ensure the good implementation of regulations on management of Vietnamese labourers working abroad. Simultaneously connecting with the Border Guard Command to build a data management module on Vietnamese people working in foreign border areas to supplement and complete information sources will supplement part of the database of Vietnamese workers abroad.

Nonetheless, it is challenging for the Ministry of Labour, Invalids and Social Affairs to capture information on all nationals abroad, instead, special surveys (a thematic study on Vietnamese citizens abroad) could be explored, despite their costs and resource

requirements; as well as furthering efforts to consolidate all migration data in a single repository from different institutions, which would require the General Statistics Office to have access to all the databases.

4.2. Challenging issues in filling data gaps

Lack of sampling frame: Field-based data collection on foreigners working in Viet Nam based on survey data may provide rich information but requires high costs. Moreover, the biggest difficulty at present is that Viet Nam does not have a list of foreigners currently residing and working in the country, therefore, it is difficult to collect information about these people. The initial cost of making lists and creating a sampling frame to collect information about foreigners in Viet Nam will be very big. However, this is an important step that could not be omitted when conducting survey on foreigners in Viet Nam.

Inconsistencies in administrative data: The biggest challenge of data collection based on administrative records is the lack of a common, consistent collection of international migrant workers' data among ministries and sectors. Each agency uses its own data source, its own scope of concepts and definitions for its sectoral and field management. This can result in inconsistencies when the same standards are not applied across agencies. Further, information content is managed by various agencies. For example, information on workers entering and exiting at the same time is managed by the Ministry of Public Security, MOLISA and the Ministry of Foreign Affairs (MOFA). Each agency manages the information by different methods resulting in duplicate or incomplete data. In addition, no agency is responsible for connection and consolidation to publish this information consistently and effectively. The information provided and stored in the administrative database is the official information recorded on paper issued by responsible agencies. The information may differ much from the actual information and this makes the data not fully and accurately reflect the actual picture.

Especially, in the context of the open economy and the trend of globalization, the open economy will diversify forms of migration and forms of employment. These will create non-traditional data sources that sometimes administrative records may not be updated to use in a timely manner. This could cause a growing omission in managing the volume of data related to international migration and the indicators that reflect it.

Data sharing: The biggest challenge of data sharing is the lack of regulations on data sharing among ministries. Coordination mechanisms among ministries, and sectors relating to international data sharing are not available. In addition, incomplete and inconsistent data sources also affect the willingness to share from agencies responsible for managing them.

The role of the national statistical system in coordinating statistical methods and concepts to be used in all forms of statistical data collection and by all data producers, as well as in centralising core information (international migration) such as that needed for the national or international development agenda, may need to be re-emphasised.

5. ▶ Conclusions and recommendations

Evidence-based policymaking and effective labour migration governance requires up to date and reliable international labour migration statistics. This report has presented an overview of data coverage of international labour migration statistics, using the ASEAN ILMS database indicators as a proxy for core indicators to be collected. It highlights where gaps exist and what can be done to fill these gaps.

Nonetheless, a number of challenges exist for data gaps to be filled in this manner. These include, the lack of a sampling frame for international migrant workers in the country, owing to information not collected in the Population and Housing Census; comparability and consistency issues for the use of administrative data; and data sharing and access to data held by different ministries. Gaps in Viet Nam's international labour migration statistics hinder the effective integration of labour migration policy into socio-economic development decisions and strategies, and limits the efficiency of monitoring tools of policy implementation. Filling the gap in international labour migration statistics is an urgent requirement that needs to be completed in the near future. With that in mind, the report offers several recommendations as follows:

Recommendation 1: Improve the quality of data available on international labour migration statistics.

- Establish a sampling frame through inclusion of new variables in the forthcoming mid-term Population and Housing Census. The lack of a sampling frame on international migrant workers in Viet Nam is a major impediment to the implementation of other surveys and studies on international migrant workers in the country. Accordingly, the census questionnaire would need to interview non-Vietnamese in the country in order to allow for this. This would also require changes to the questionnaire. Such variables should also be included in all future population censuses.
- Continue to integrate the new international labour migration module into the Labour Force Survey. International labour migration has been tested and was integrated into the Labour Force Survey in the fourth quarter of 2019, officially deploying quarterly data collection in 2021 and publishing data in 2022. The General Statistics Office will continue to review and learn from the experience and endeavour to refine and improve the process, while continuing to submit information to the Government to accelerate the institutionalization of data collection on foreign labour migration. According to the roadmap for data collection to assess the implementation of Viet Nam's Sustainable Development Goals (VSDGs) issued in Circular No. 03/2019/TT-BKHDT dated November 22, 2019, Viet Nam will officially collect information on indicator 113 on the recruitment costs for Vietnamese migrants to get a job abroad compared to their average income from that job in the home country from 2025.

Recommendation 2: Enhance capacity of different ministries and agencies in the collection and processing of international labour migration statistics.

- Improve the awareness and skills of ministries and agencies on the application of international labour migration statistical standards in Viet Nam. As the national agency for statistics, the General Statistics Office will continue to coordinate with international organizations, especially the International Labour Organization, in reviewing the current information collection system. It will seek to continue developing a mechanism for collecting and sharing information on international labour migration on the basis of harmonization with international standards that Viet Nam has committed to implement. This includes enhancement of the newly initiated concept of a Labour Market Information System, which requires guidance and support from the International Labour Organization for effective implementation.
- Enhance sharing and learning from international experiences to improve the capacity for statisticians in the field of international labour migration. Utilise available resources and trainings from international organizations including the International Labour Organization, the International Organization for Migration and other stakeholders to learn from the experiences of other countries. Participation from different ministries in these trainings can also increase understanding of the importance of data held by different ministries for better labour migration management.
- Operationalise the migrant worker management databases of the Ministry of Labour, Invalids and Social Affairs and the Ministry of Foreign Affairs. Sharing this data with the immigration database, and the national population database managed by the Ministry of Public Security. This can be facilitated through the increased application of information technology to the management of international migrant workers.

Recommendation 3: Strengthen coordination and cooperation in the collection and sharing of information on labour migration.

- Establish a working group headed by the General Statistics Office to facilitate greater collaboration and to identify areas of support needed. This can help maintain accountability, improve understanding of the importance of international labour migration statistics, as well as challenges in data collection and processing, and also help assign resources appropriately.
- Develop regulations on the coordination and cooperation of information sharing among ministries, sectors and provinces to ensure that information is fully and consistently used. In the process of data connection and sharing, the General Statistics Office should be the coordination and chairing agency to ensure that all connection activities are smooth, statistics are in line with recognized international standards and recommended for application.
- Incorporate key international labour migration statistics and variables into national statistics indicators. Additional variables can be integrated into existing statistical surveys or consider organizing a thematic survey to fully collect and assess statistical information in the field of international migration.

Appendix.

▶ Legal background

1. Legal provisions on international migrant workers

Since the 1980s, the Government of Viet Nam has promoted migration overseas in order to create jobs and move towards poverty elimination. Viet Nam is one of the biggest remittance recipient countries in the world, with an estimated number of remittances reaching US\$17 billion in 2019, accounting for 6.5 per cent of GDP, which shows the economic significance of labour migration. Reasonable policies on international labour migration have helped Viet Nam effectively take advantage of the globalization process, and grow from one of the poorest countries in the world to a low middle income country in just a few decades. The legal documentation system regulating the management of international migrant workers in Viet Nam is quite diverse, including: the Labour Code, Decrees and Circulars guiding the implementation. The current legal provisions for international labour migrants in Viet Nam are divided into two groups: (i) regulations for foreign workers in Viet Nam and (ii) regulations for Vietnamese workers overseas.

1.1. Provisions for foreign workers in Viet Nam

With regards to foreigners entering Viet Nam for employment purpose (for-work international migrant), Article 151 of the Labour Code 2019 stipulates that:

- Foreign workers working in Viet Nam are persons with foreign nationality and must meet the following conditions: (i) to be 18 years of age and have full civil act capacity; (ii) to have technical, professional or occupational qualifications and experience, and suitable health as stipulated by the Minister of Health; (iii) must not be a person who is serving a sentence or has not yet had their criminal record repealed or is subject to criminal prosecution in accordance with foreign or Vietnamese law; (iv) has a work permit issued by a Vietnamese competent state agency.
- The duration of an employment contract for a foreign worker working in Viet Nam shall not exceed the validity period of the worker's work permit. When employing a foreign worker working in Viet Nam, the two parties may agree to conclude definite-term employment contracts multiple times.
- Foreign workers working in Viet Nam must comply with Viet Nam's labour law and shall be protected by Vietnamese law, unless otherwise provided for by international treaties of which the Socialist Republic of Viet Nam is a member.

The Labour Code also clearly stipulates the responsibilities of employers and foreign workers who enter Viet Nam for employment purposes in Article 153 and the validity of the work permit in Article 155, with the following responsibilities of employers and foreign workers:

- Foreign workers must present a work permit at the request of a competent state agency.
- Any foreign worker working in Viet Nam without a work permit shall be forced to leave or be deported from Viet Nam's territory as stipulated by the law on the entry, exit, transit and residence of foreigners in Viet Nam.
- Employers who employ foreign workers who do not have work permits shall be sanctioned as regulated by the law.
- The validity of a work permit shall not exceed two years. Only one extension shall be permitted, with a maximum duration of two years.

With regards to foreign workers working in Viet Nam who are not subject to work permits (international labour migrants), Article 154 of the Labour Code 2019 regulates that they must belong to one or more of the following categories:

- Owners or a capital contributing member of a limited liability company with a capital contribution value as defined by the Government.
- Chairpersons or members of the Board of Directors of Joint Stock Companies with a capital contribution value as defined by the Government.
- Heads of representative offices or projects or the main responsible persons of international organizations or foreign non-governmental organizations in Viet Nam.
- Entering Viet Nam for a duration of less than three months to undertake marketing for a service.
- Entering Viet Nam for a duration of less than three months to resolve complicated technical or technological problems that affect or at risk of affecting production and business activities that cannot be resolved by Vietnamese experts and foreign experts currently in Viet Nam.
- Foreign lawyers who are granted a professional license in Viet Nam in accordance with the Law on Lawyers.
- Cases in accordance with international treaties to which the Socialist Republic of Viet Nam is a member.
- Foreigners who marry a Vietnamese citizen and live in the territory of Viet Nam.
- Other cases as prescribed by the Government.

To guide the implementation of articles related to foreign workers in Viet Nam specified in the Labour Code, the Government of Viet Nam also issued Decree 152/2020/ND-CP dated 30 December, 2020 stipulating about foreign workers working in Viet Nam and the recruitment and management of Vietnamese employees working for foreign organizations and individuals in Viet Nam. This document guides the implementation of the Law in detail to ensure the legitimate rights and interests of foreign workers in Viet Nam as well as their responsibilities while working in the territory of Viet Nam.

1.2. Provisions for Vietnamese workers overseas

Article 17 of the 2013 Constitution stipulates: "Vietnamese citizens abroad are protected by the State of the Socialist Republic of Viet Nam". With regards to Vietnamese workers abroad, Clause 1, Article 150 of the Labour Code 2019 regulates that: "The State encourages enterprises, agencies, organizations, and individuals to seek and expand the labour market for Vietnamese workers to work overseas. Vietnamese workers working abroad must comply with the laws of Viet Nam and the laws of the destination country unless otherwise provided for by an international treaty of which the Socialist Republic of Viet Nam is a member." In order to protect Vietnamese citizens abroad, especially Vietnamese workers working abroad, the State of Viet Nam has promulgated a system of legal documents regulating social relations related to the migration of Vietnamese workers abroad. Such legal documents include:

- Law on contract-based Vietnamese workers overseas, promulgated on 13 November, 2020. This Law consists of eight chapters and 74 articles that stipulate rights, obligations and responsibilities of contract-based Vietnamese workers abroad, enterprises, non-business units and agencies, organizations and individuals related to the field of contract-based Vietnamese workers abroad; vocational skills training, foreign languages, and orientation training for the workers; the Fund for Overseas Employment Support; policies for the workers; and state management in the field of contract-based Vietnamese workers abroad.
- Decree 38/2020 ND-CP dated 03 April, 2020 detailing the implementation of a number of articles of the Law on Contract-based Vietnamese Workers Abroad.

1.3. Provisions for returning Vietnamese workers after completing an overseas employment contract

As prescribed at Point g, Clause 2, Article 6 of the Law on Contract-based Vietnamese Workers Abroad, returning Vietnamese workers, after completing an overseas employment contract must *"notify the agency which he/she registered his/her residence before going to work abroad or a new place of residence after repatriation as stipulated by the Law on Residence within 15 days from the date of entry"*.

2. Management agencies of international migrant workers of Viet Nam

2.1. Ministry of Foreign Affairs

The Ministry of Foreign Affairs is an agency assigned by the State to manage international migration as prescribed by Clause 16, Article 2 of the Decree 26/2017/ND-CP dated 14 March, 2017 of the Government and Decision No. 402 /QD-TTg dated 20 February, 2020 of the Prime Minister promulgating the Plan to Implement the Global Compact for Safe, Orderly and Regular Migration. Accordingly, the Ministry of Foreign Affairs is responsible for:

- Chairing and coordinating with other relevant agencies to develop guidelines and policies on international migration in line with the conditions of Viet Nam and international practices.
- Chairing and coordinating with other relevant agencies in providing guidance and inspection of work related to migration activities of Vietnamese citizens abroad.

2.2. Ministry of Labour, War Invalids and Social Affairs

The Ministry of Labour, War Invalids and Social Affairs (MOLISA) is an agency of the Government of Viet Nam, performing a state management function in the fields of: Labour, wages; employment; vocational education; social insurance; occupational safety and hygiene; people with meritorious services; social protection; children's affairs; gender equality; and the prevention and control of social evils. Regarding the task of management of international migrant workers in Viet Nam and Vietnamese workers abroad, as prescribed by the Decree No. 14/2017/ND-CP dated 17 February, 2017 of the Government of Viet Nam, MOLISA is an agency having the duties and authorization for:

- Foreign workers in Viet Nam: Provide guidance and implement legal provisions on employment; recruitment and management of Vietnamese workers and foreign workers working in Viet Nam (Point a, Clause 7, Article 2).
- Contract-based Vietnamese workers abroad (Clause 9, Article 2), specifically:
 - o Provide guidance and implement legal provisions on contract-based Vietnamese abroad;
 - o Develop labour markets overseas;
 - o Formulate and provide guidance on the implementation of the plan to train the labour force for overseas employment; stipulate contents, programmes and certificates of knowledge for workers before going to work abroad;
 - o Decide on the issuance, change and revocation of operation licenses for sending workers to work abroad as prescribed by law;

- o Organize and provide guidance on contract registration of enterprises and Vietnamese workers abroad under individual contracts; supervise the contract performance of enterprises;
- o Coordinate with the Ministry of Foreign Affairs in organizing and directing the management and protection of legitimate rights and interests of contract-based Vietnamese workers abroad; and
- o Manage the Fund for Overseas Employment Support.

2.3. Ministry of Public Security

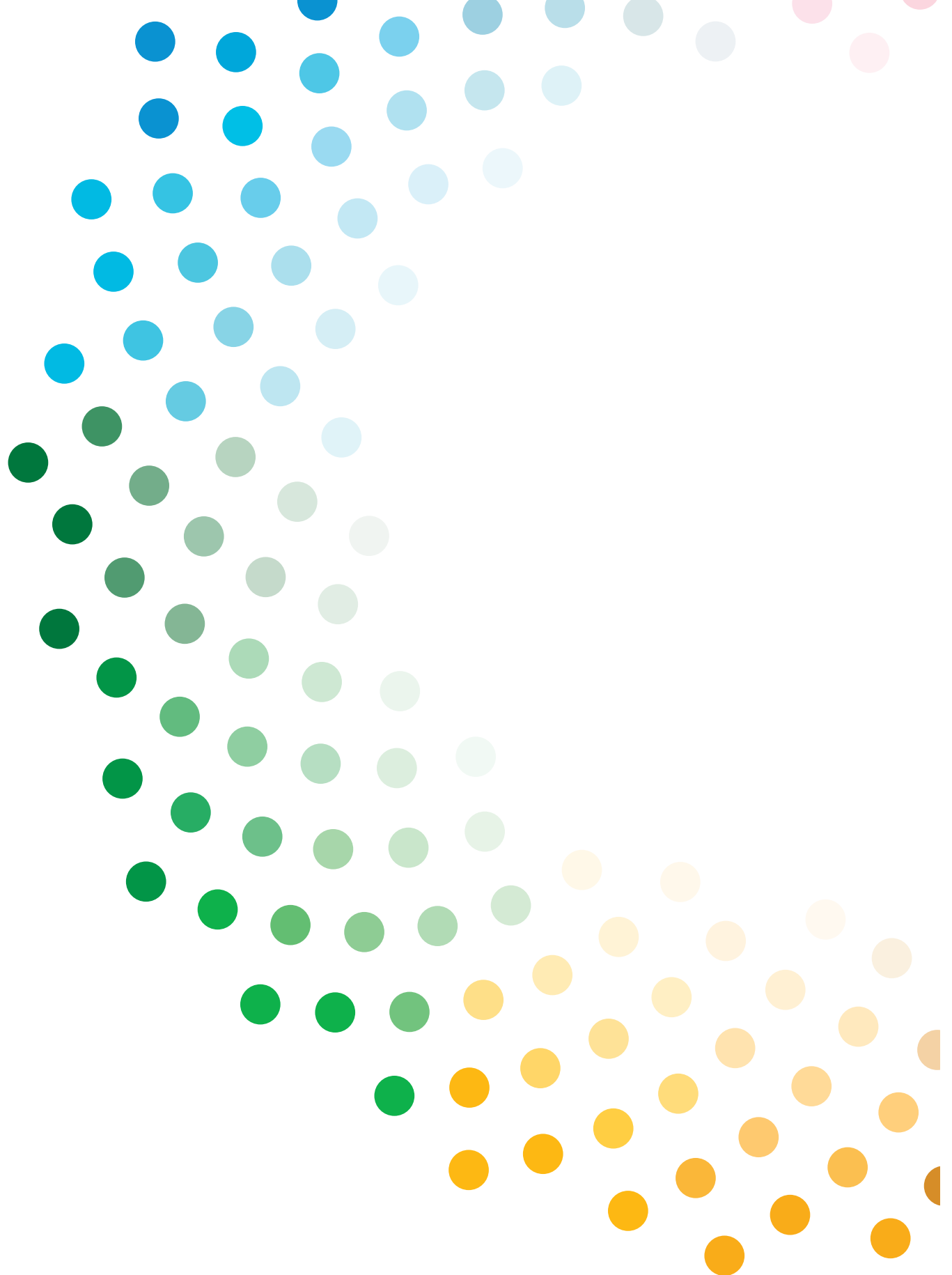
The Ministry of Public Security is the agency assigned the task of: “Being responsible to the Government, chairing and coordinating with concerned ministries and ministerial-level agencies in performing the state management function of entry, exit, transit and residence of foreigners in Viet Nam” as prescribed in Clause 1, Article 47, Law on Entry, Exit, Transit and Residence of Foreigners in Viet Nam. This is also the agency responsible for state statistics on entry, exit, transit and residence of foreigners in Viet Nam (Clause 8, Article 47, Law on Entry, Exit, Transit and Residence of Foreigners in Viet Nam).

2.4. Border Guard

The Border Guard is the People's Armed Force, a component of the Viet Nam People's Army, and is the core force in charge of managing and protecting the national borders and frontier areas. The Border Guard has the function of advising the Minister of National Defense to promulgate by its competence or propose to the Party and State, policies and laws on border guards; perform the state management function of national defense, security and foreign affairs, chairing and coordinating with other agencies and organizations in maintaining security, social order and safety in frontier areas and the border gates as prescribed by law.

Conclusion

Viet Nam has a system of legal normative documents in general to manage and regulate immigration and international labour migration activities in order to protect and defend legal and legitimate rights and interests of Vietnamese workers overseas and foreign workers in Viet Nam. Particularly, on 20 March 2020, the Prime Minister issued the Decision No. 402/QĐ-TTg promulgating the Plan to Implement the United Nations Global Compact for Safe, Orderly and Regular Migration. This is evidence affirming Viet Nam's responsibility for migration issues and addressing migration challenges to create a transparent and safe migration environment as well as to protect the legal rights and interest of migrants.



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