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# **SOCIAL PROTECTION FOR RURAL-URBAN MIGRANTS IN VIETNAM: CURRENT SITUATION, CHALLENGES AND OPPORTUNITIES<sup>1</sup>**

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## **I. INTRODUCTION**

Over the past decade, Vietnam has rapidly accelerated into the ranks of the fastest growing economies in Asia, with the annual growth rate remaining around 7-8%.<sup>2</sup> Not only has the economic growth outpaced that of other low-income nations in the region, but also the country has been perceived as a successful model for poverty alleviations. Perhaps less widely recognized is the quality of growth, sustainable investment and social protection of vulnerable populations, who have lagged behind the country's robust growth.

One integral process of the overall economic development has been the steady increase in rural-urban migration. Results of the 1999 census show that 7.7% of the population (6.6 million people) aged over 5 migrated before 2009, up from 6.5% in the 1999 census. Moreover, many types of migration, such as short-term, temporary and circular movements, are not included in these figures. Increasing migration reflects not only economic growth but also important regional socioeconomic disparities, particularly between the cities and the countryside, and the growing labor market in large cities and the expanding industrial zones. For example, the net migration rates are highest for Ho Chi Minh City (116‰) and Hanoi (50‰), the two largest cities, and Binh Duong (341.7‰), Da Nang (77.9‰), and Dong Nai (68.4‰), which are the most industrialized provinces. At present, 29.6% of the population live in the urban areas, compared to 23.7% in the 1999 census (CSCPHC, 2009). Clearly, these figures do not include unregistered migrants. It is estimated that the share of urban population will rise to about 45% in the next ten years (Koesveld, 2001).

Various research studies in Vietnam conclude that migration is among key household and individual strategies in response to both economic difficulties and livelihood opportunities. Since the market reforms in the late 1980s, migration has been for a source of poverty alleviation and development of the sending communities. In the receiving areas, migration provides a sustained labor force to satisfy the labor needs in various economic sectors (Le et al, 2005). But migration is also associated with the social costs of being away from family and the familiar social support networks, formal and informal, in home communities. Although migrants are adaptive to the new

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<sup>1</sup> This research project was carried out during two years, from July 1<sup>st</sup>, 2008 through June 2010, by the Institute for Social Development Studies (ISDS), a local NGO in Hanoi. The project is part of a much larger scientific inquiry, namely the Research Program on Social Protection in Asia (SPA), initiated by the Institute of Development Studies (IDS), United Kingdom, that brought together research studies on various aspects of social protection for vulnerable populations of East, Southeast and South Asia. The program was funded by the Ford Foundation (United States) and the International Development Research Center (IDRC - Canada).

<sup>2</sup> Only with the impact of the recent global crisis that this rate has decreased to about 6.5 percent for the year 2008.

working and living environments, because of the absence of a formal framework of social protection, including legislation, institutionalized measures and formal institutions, migrants are exposed to multiple risks, particularly during the time of economic and social turbulences (Le & Bach, 2008). The shocks generated by the recent world financial crisis are the most recent experience whose lasting impacts remain strongly felt.

This paper presents the findings of a research project entitled *Social Protection for Rural-Urban Migrants in Vietnam*. The central discussion of this research is that the lack of adequate policies and institutional programs for social protection for migrants in general, and the residence-based nature of the current social policies are largely responsible for the vulnerability and marginalization of rural-urban migrants. Unless the gaps in this policy and legal framework are effectively addressed, migrants will continue to be socially excluded, creating a growing urban poor stratum. Policy implications should therefore rest first on the recognition of the legal status of the migrants themselves in the places of destination and second on increasing migrants' access to key social and economic resources. In most instances, a strategy based on this proposition should call for a significant departure from current approaches, practices and institutional arrangements underlying the government's social protection policies.

Overall, therefore, the development of the appropriate policy and legal framework can be seen as part of the 'life-cycle of social protection interventions' discussed by Kabeer and Cook (2010): *"We can therefore conceptualise social protection interventions in terms of different stages of their evolution: the recognition of specific forms of vulnerability; the design and piloting of responses; the establishment of entitlements and programmes; the incorporation of lessons from experience and the scaling up of efforts and their institutionalisation. At any point in time, in any given context, we are likely to find some combination of long-established programmes, those undergoing contraction or expansion, interventions in the making, and still others that are at an early stage of ideas and advocacy."* As being argued in the subsequent sections, the present situation regarding social protection for migrants in Vietnam still at the stage where state interests of controlling over movement of the population are sustained in policy framework. Yet, as the country's transition to a market economy is irreversibly underway, new challenges have forced policy makers to adopt new approaches. In this paper we also aim to describe these challenges and to discuss the way the policy framework has evolved.

## **II. DATA AND RESEARCH METHODS**

Although migrants can be affected by different vulnerabilities associated with different points in the migration process (at origin, in transit, at destination), for this research we focused on the situation in places of destination only. We are particularly interested in two groups of migrants. The first consists of rural-urban migrants coming to cities to work in the informal sector. The second group comprises of rural migrants employed in industrial zones. These two groups are the most common types of rural-urban migrants in Vietnam today.

For the first group of migrants, we re-analysed the data previously collected in the 2008 Migration Impact Survey (hereafter named 2008 MIS). This survey, funded to the Institute for Social Development Studies (ISDS) by the Rockefeller Foundation, was carried out in two sending provinces of Thai Binh (in the North) and Tien Giang (in the South) and two major

receiving destinations of Hanoi and Ho Chi Minh City. This research makes use of the data drawn from a sub-sample of 967 temporary migrants interviewed in Hanoi and Ho Chi Minh City out of an overall sample of over 5,000 migrants of all types under the 2008 MIS study.

For the second group of migrants, we carried carry out a qualitative study to get in-depth information about forms of social protection provided by employers. Given resource limitations, we selected only enterprises in Hanoi. In total, we interviewed 100 migrant workers. At the time of the interviews in the summer of 2009, a half of them were employed, and the other half were already laid off due to the impact of the world financial crisis. In addition, we had 20 in-depth interviews on the issues of social protection for migrants with managers and trade union workers of some enterprises in the industrial parks, as well as with government officials.

Finally, we reviewed the available literature on migration and social protection. The review paid special attention to government legislation and reports regarding social protection in general and migration in particular.

### **III. POLICY GAPS**

#### **Social protection for rural-urban migrants: the absence of a legal framework**

Social protection in Vietnam is provided through various social policies. For decades, social protection has largely been confined within the framework of poverty reduction policies, social assistance and social relief for people in specially difficult situations, support for disadvantaged populations, and benefits for families/persons with national merit. Essentially, social protection is designed more as a safety net for critically poor populations, and measures are primarily structured to cope with difficult situations once they have arisen. Prevention and mitigation strategies are not well embedded in the country's social protection structure. Over the last two decades, the government has also introduced social insurance and health insurance into the country's social security system.

The current legal structure, however, does not cover spontaneous migrants.<sup>3</sup> The government's overall view is to discourage this form of migration which is considered to be counterproductive to the national development. Spontaneous migration, or unorganized migration, is deemed to create pressures on the overloaded urban social services and infrastructure and employment capacity, as well as social orders. Institutionally, there is no government agency that is responsible for matters relating to spontaneous migration. The Ministry of Agriculture and Rural Development (MARD) is only responsible for organized migration; the Ministry of Public Security deals with registration; and the Ministry of Labour-Invalids and Social Affairs (MOLISA) does not have a policy tailored to the particular risks posed to these migrants.

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<sup>3</sup> The government classifies migrants into two categories, namely organized migrants and spontaneous migrants. Organized migrants are those who migrate within government plans due to the loss of land caused by natural calamities, extremely difficult living conditions in their original residences; households that voluntarily go to new economic zones to promote agricultural, forestry and aqua-culture production and other trades; households that move to communes in border areas and on islands; families of the personnel of the armed forces, youth volunteers and intellectuals that are working in project areas of organized migrants.

### ***Ho khau* as an institutional barrier to social protection for spontaneous migrants**

Imported from China, *ho khau* or the household registration system was formally implemented in urban areas in 1955, and extended throughout the countryside in 1960. Under the system, each household is given a household registration booklet (*so ho khau*) which records the names, sex, date of birth, marital status, occupation of all household members and their relationship with the household head. In principle, no one can have his or her name listed in more than one household registration booklet. The *ho khau* of a person is intimately tied to place of residence. If a person changes place of residence, his or her *ho khau* should follow.

During the war time and the period when the national economy was centrally planned and managed, *ho khau* was an effective mechanism that helped the government to mobilize people for national objectives and to assure relatively efficient distribution of resources and welfare. The system was also a critical management tool for the government to regulate the geographical movement of the population (Le, 1998). Since the market reforms, often known as *doi moi*, initiated in the mid-1980s, the function of *ho khau* in controlling the mobility of people has been gradually declined, due largely to the rapid growth of employment opportunities in the non-state sector. Yet, the *ho khau* of any person remains the prerequisite for his or her access to housing ownership and key public social services. As described by Hardy (2001): “*During the heyday of Vietnam’s centrally planned economy, people often joked that there was no fear like the loss of your so gao, a person’s individual book of food ration coupons... That fear no longer exists [with Doi moi] but there are new worries over another kind of book; the so ho khau (a household registration book) that contains rights of a citizen... To buy a house or land, to get married, to be employed, to register for a training course, to borrow from a bank, to register your child’s birth, to get a motorbike license, to go abroad, or to install a phone line if you are Vietnamese, you need a so ho khau*”. In the view of the government, as stated in the Decree No. 51/CP issued on 10 May 1997 and the Circular 06/TT/BNV issued in the same year by the Ministry of Internal Affairs, *ho khau* is considered as “*a measure of administrative management of the State to determine the citizens’ place of residence, ensure the existence of their rights and obligations, enhance social management, and maintain political stability, social order and safety*”. As such, spontaneous migrants who do not have *ho khau* in places where they live and work are therefore exposed to multiple institutionalized vulnerabilities and risks.

It should be noted that at the highest level of legislation, the Constitution of Vietnam confirms the freedom of all the citizens to move with their equal economic, social and political rights secured regardless of their whereabouts (Vietnam Constitution, 1946, 1959, 1980). Nonetheless, at the lower level, different laws, ordinances, decrees, decisions and circulars create strong barriers to spontaneous migrants accessing critical resources, services and support programs. A shared feature of social protection policies in Vietnam is their residence-based principle, by which a person is entitled to housing ownership and various economic and social entitlements only when they are permanent residents of the locality.

## IV. POLICY IMPACT ON WELL-BEING OF MIGRANTS

### *Ho khau*–induced risks as major challenges to the well-being of spontaneous migrants

Based on the framework of Social Risk Management (SRM) proposed by the World Bank, this research provides evidence showing that because of the *ho khau*-based social policies, spontaneous migrants are typically exposed to diverse risks while they themselves have the fewest instruments to deal with these risks. These risks can be macro risks which affect the entire region or nation. But the most immediate impacts are brought about by covariant risks that affect migrant populations and idiosyncratic or micro risks that affect every individual migrant. From this perspective, we now show that residence-based social policies and institutional practices can induce critical risks that affect the spontaneous migrants at both the covariant and idiosyncratic levels.

#### **Covariant risks**

At the covariant level, the spontaneous migrants as a group receive no policy attention and assistance. In fact, there are a number of residence-based policies that effectively deny their access to key social, economic and political entitlements. Table 1 provides a map of government-defined categories of population with their concordant rights and obligations, as stated in various laws.

Table 1: Categorization of citizens, their status, rights, obstacles and restrictions

Category	Status	Rights	Obstacles/Legal restrictions
KT1	Residents (including both non-migrants and migrants) with permanent household registration at place of current residence.	<ul style="list-style-type: none"> <li>• Purchase and sell land and housing and have land/house ownership certificates.</li> <li>• access to public facilities and social services at current place of residence</li> <li>• access to formal financial loans</li> <li>• access to employment</li> </ul>	<ul style="list-style-type: none"> <li>• access to public social services including education and health care <i>only within their district of residence</i></li> </ul>
KT2	Intra-district migrants who have permanent household registration in the province/city of current residence;	<ul style="list-style-type: none"> <li>• Purchase and sell land and housing and have land/house ownership certificates.</li> <li>• access to public facilities and social services</li> <li>• access to formal financial loans</li> <li>• access to employment</li> </ul>	<ul style="list-style-type: none"> <li>• access to education and health care <i>only within the district where they are registered</i></li> <li>• lack of access to financial loans/formal financial services</li> </ul>
KT3	Migrants who do not have permanent registration at the place of current residence but have temporary registration for 6-12 months with the possibility of extension;	<ul style="list-style-type: none"> <li>• access to public facilities and social services</li> </ul>	<ul style="list-style-type: none"> <li>• lack of access to legal housing</li> <li>• KT3 children can go to public schools only when they are not used to full capacity (by KT1 and KT2 children). If the schools are overcrowded, KT3 children have</li> </ul>

			to go to private schools, where they have to pay higher school fees •lack of access to financial loans/formal financial services
KT4	Migrants who do not have permanent registration at the place of current residence but have temporary registration for 1-6 months	Do not have the right to purchase land and access to public social services and financial loans	
Non-registered residents	Those who do not belong to any of the above category	Do not have the right to purchase land and access to public social services and financial loans	

As can be seen, spontaneous migrants (categorized as KT3 and particularly KT4 residents) face a number of vulnerabilities and risks. It should be noted that this table does not reflect the deprivation of some important entitlements of these migrants by institutional practices at the local level. Four critical risks severely affecting spontaneous migrants are employment, housing and living conditions, health care, and education for their children. Indeed, without *ho khau*, some other rights of the migrants are also deprived, such as voting in the local community, registration for a marriage licence, birth certification for their newborns, and military service.<sup>4</sup>

### **Employment**

Most notably is the risk of being rejected from the formal sector of employment. Findings of the 2008 MIS show that nearly 70% of the spontaneous migrants (N=967) who approached employers in the formal sector were rejected because they did not have *ho khau* in the city. The interviews with the migrant workers at the industrial parks in Hanoi area also show that enterprises usually give employment priority to the local labour force. As confirmed by a manager at an industrial park, “*We were instructed by the provincial government to recruit only workers who are local people [having permanent resident status]. This is because the local people should be given priority in terms of employment so that local economy and the [local] well-being can be promoted*”. In fact, sometimes pressure comes from city authorities who want to address the problems of redundancy of laborers who are permanent residents. Labour recruitment of enterprises with foreign investment is often undertaken through Department of Labour, Invalids and Social Welfare (DOLISA) which is likely to introduce only local labourers.

### **Housing**

As spontaneous migration is discouraged by the government, housing policy creates barriers to temporary migrants to purchase and possess dwellings at the place of destination. As reflected in the data collected in the 2008 MIS, almost all the migrants (93%) have to rent a dwelling place. For the migrant workers of the industrial parks, the situation is not much better as quite a few enterprises provide

Rented boarding house	93%
Live with friends/relatives	3.5%
Own place	3.5%
Semi permanent or temporary house	81%
House with no toilet	14%
House with no pipe water	76%
Health-damaging cooking energy	17%
<i>N</i>	967

<sup>4</sup> Without a birth certificate, children are not able to register for schooling at public schools in the city, free health check and treatment at place of residence.

housing for workers. As such, it is a typical that most of migrants seek accommodation in the so-called boarding houses of low quality in poor neighborhoods with poor physical infrastructure (Table 2). Another critical problem migrants face is the much higher charges applied to temporary residents (without *ho khau*) with respect to prices of electricity and pipe water, and other charges such as fees for community sanitary, garbage collection, road/lane reparation, security etc.

**Health care**

Restricted access to affordable health care services due to the absence of *ho khau* is another direct consequence for migrants of the residence-based social policies. Evidence of this policy impact on the health conditions of the migrants can be found in the research data. As revealed in Table 3, the most common strategies that the migrants adopt are doing-nothing or self-treatment (7% and 81%

Do nothing when being ill	7%
Self-treatment when being ill	81%
Go to community clinic when being ill	2%
Go to public hospital when being ill	9%
- Pay with pocket money	67%
- Covered by health insurance	33%
Go to private hospital when being ill	1%
<i>N</i>	967

respectively). Indeed, the migrants we interviewed have no social mechanism to protect their health. They face their health problems and deal with them as isolated individuals without any formal support. For a small portion (9%) of those who were sick and treated at health facilities, most (67%) have to pay for the costs of service and medication from their own pocket money. Many of them have health insurance but cannot use it to cover the costs, as this entitlement is designated to be used at their home community. Only migrants working in the formal sector have some of their medical cost covered by insurance. A common situation experienced by the migrants is described by a respondent: *“Insurance cards in general, including those of my children, are complicated to use. Like recently, I took my youngest son to examination, I decided to use paid-service to be fast. If using insurance card, I have to start from the commune clinic [at home village], then get transferred to the district, and then to the province while I do not have time. I would rather pay to make it simple, even though it was much more expensive”* (Female migrant, interviewed in Hanoi)

**Education for children**

Without *ho khau*, migrants are not allowed to send their children to schools in the public system. As such, they have to send their children to private schools and bear much higher costs. In fact many migrants cannot afford to pay, thus access to school of many children are not possible. Data from the 2008 MIS show that 43% of the children of the migrants in the sample cannot go to school. Of those children, 84% cannot go because they do not have *ho khau* at the place of residence. For the migrants who sent their children to school, paying higher school fees (tuition and other school-related expenses) than the standard rates cut considerably into their earning, thus having adverse impact on their living conditions. Migrant workers employed in the industrial parks also face a similar situation.

**Idiosyncratic risks**

At the idiosyncratic level, *ho khau*-induced problems of the spontaneous migrants include deteriorating health, poor working and living conditions, low and unstable income, little or no welfare at the workplace, as well as social exclusion among the receiving community.

### Employment

Because of the practice of many employers in the state sector not recruiting laborers who do not have *ho khau*, many migrants turn to the job market of the informal sector in the cities. Data from the 2008 MIS show that the majority of the migrants (94%) found precarious and temporary jobs in the informal sector, particularly the so-called 3D-jobs (dirty, dangerous, and difficult) (Table 4). The most critical problem is that the migrants in the informal sector are not subject to protection provided by the Labor Code.

Findings of the survey also show that 95% of the migrants in the sample do not have a labor contract. Their income is also low (median income is 1.5 million VND or 83USD per month). Insufficient income results in very low level of saving. *"It's very hard and expensive to live here in this city. Prices of rent, electricity, water, all keep rising without warning. We have no saving at all.... You know, my husband sometimes has a job, sometimes he does not.... After unavoidable expenses on food and other necessities, we have nothing left. I try to save, but have nothing"*, said a migrant wife. In fact, close to a half of the migrants (41.5 percent) have no saving at all; 58.2 percent save up to 500,000 *dong* (31USD), and only one person out of 287 of those 44 migrants have a saving of 1 million *dong* (62.5USD). It should be noted that any saving, even small, that the migrants try to make is at the cost of their own well-being and social protection at the cities.

Migrants often work in difficult or dangerous jobs and generally have no social protection: one in three migrants (33%) in the sample reported being exposed to toxic substances related to their works; close to one in five migrants considered their job to be "dangerous" including the possibility of work accidents (faced by 44% of the migrants; and one in every twenty migrants has already had labor accidents), life-threatening tasks, rapid deterioration of health, exposure to chemical substance, and frequent contact with violent situations. Even so, only one in ten migrants have accident insurance provided by employers. Regarding social insurance, only 2 percent is covered (see Table 4).

### Health conditions

**Table 4. Employment characters of migrants**

Employed in the formal sector	6%
Employed in the informal sector	94%
Ever worked in 3D-jobs	70%
Have written labor contract	5%
Income less than 1 million dong	14%
Income from 1 to less than 2 million dong	63%
Income from 2 to less than 3 million dong	16%
Income from 3 million dong or higher	7%
Exposure to toxic substance	33%
Performing 'perceived' dangerous tasks	17%
- Possibility of work accident	44%
- Life-threatening	11%
- Rapid health deterioration	19%
- Exposure to chemical substance	27%
- Frequent contact with violence	9%
Have accident insurance	9%
Have health insurance	3%
Have social insurance	2%
Have other insurance	1%
<i>N</i>	967

**Table 5: Health conditions of migrants**

Very good health	4%
Good health	23%
Normal health	57%
Bad health	10%
Very bad health	6%
Better health than before migration	5%
Same health as before migration	57%
Worse health than before migration	38%
<i>N</i>	967

Poor working conditions in the informal sector also expose migrants to health problems. Close to two third of the migrants reported that their health was affected by working and living conditions, and very few respondents rated their health as being very good. The results of the comparison of health status before and after migration provide equally disturbing results, with close to 40% of migrants reporting that their current health was worse compared to their level of health before migration.

It is clear that migrants are more susceptible to illness and disease as they lack access to timely and adequate health care. Given the increased use of cash-based health services, the rising cost of medication, and residence-based health insurance, poor migrants are vulnerable to health risks without being protected by the formal system of health care. Indeed, other factors also contribute to the health-related vulnerabilities of migrants. Since most rural-urban migrants are poor, they have difficulties to pay for health care service (Nguyen, 2004).

### *Social exclusion*

As temporary residents with no *ho khau*, migrants' access to local community's institutions and activities are severely limited. Their general social exclusion and isolation are well reflected in several ways: almost all of the migrants had difficulties, ranging from finding employment, low and unstable income, poor living arrangements, home sickness, poor health, money defraud, labor exploitation, etc. (Table 6). Yet, when asked, a half of them took no action to address the problem, and most of the rest relied on the pre-existing social network of kin and friends for some sort of support. Almost no migrant sought help from official sources, even about their safety, which was one of their key concerns (Table 7).

Qualitative evidence show a shared attitude found among migrants: they consider themselves as 'outsiders', thus having minimum or no contact with local residents. From the view of local residents, it is not uncommon that migrants are stigmatized and labelled negatively. Migrants can be viewed as making the community "dirty", "polluted" "noisy", "disordered", "over-populated", "congested", "unsafe", etc. Yet the research also found that in some communities, the attitudes are more open and friendly: Migrants are viewed as basically

	Reporting as a problem	Reporting as major problem
Unable to find a stable job	82.3%	78.1%
Low and unstable income	55.2%	31.3%
Labor exploitation	28.9%	15.4%
Poor housing	49.0%	12.3%
Poor conditions for health	61.0%	8.7%
Home sickness	33.7%	15.5%
Money defraud	10.4%	3.4%
Others	6.2%	1.5%
<i>N</i>	967	

Doing nothing to address difficulties	48.3%
Seek support from friends and relatives	49.2%
Seek help from local authorities	0.7%
Seek help from mass organizations	0.2%
Seek help from local civil society organizations	0.1%
Others	2.5%
Participation in community activities	3.2%
Participate in community meetings organized by local authorities	1.2%
Reasons for not attendance	
- Not allowed to participate	92.7%
- Do not think it is important	65.6%
- Do not know about these activities	35.8%
- Others	24.7%
<i>N</i>	967

“good” people, contributing to local economy through rents, purchases, and social contributions.

As ‘outsiders’, migrants are officially not entitled to local resources and government support. In fact, the *ho khau* based nature of social policies and many other support programs for the poor, such as credits from hunger eradication and poverty reduction program, school fee reduction or exemption, free medical care booklets, etc. explicitly exclude migrants from being qualified recipients. In addition, some policies and urban order programs such as prohibition of cyclos and street vendors or forced repatriation of migrants further alienate them.

The studies also find a very low level of community participation among the migrants. For example, less than 5% of the interviewed migrants participated in community events, such as sports and cultural activities, or local meetings to learn about government policies and programs, as well as local programs. In so doing, migrants effectively excluded themselves from useful information and potential support. When asked why, the majority of the migrants said they did not fit the official categories that would permit them (Table 7). They are thus generally not invited by the local authorities. At best, they are informed about the local news and activities through their landlords, who attend the local meetings. At some surveyed communities, the landlords are requested by the local authority to “keep an eye on tenants [migrants]”. Issue of security of the local community is often mentioned by local police in the regular meetings of residential clusters. Migrants are sometimes referred to as ones among those making the community “unsecured”. This indeed reinforces the negative view of the community towards them.

## **V. LIMITED SOCIAL PROTECTION FRAMEWORK AND MEASURES**

Against this backdrop of risks and vulnerabilities, migrants access to social protection are limited. At the individual level, social network of migrants has been documented to be a crucial form of social protection at the place of destination (Le and Bach, 2008). At the structural level, migrants can be protected by the labor law and some recent policy changes developed by the government in response to the situation in which the well-being of migrants are at risk. This process is part of the ‘policy life-cycle’ and can be seen in terms of two levels of meso and macro.

### **Micro level:**

Findings of the 2008 MIS study show that up to 80% of the migrants said that their social networks provided critical information and assets in helping their settlement and incorporation into the urban economy (Table 8). Similarly, of the 100 migrants we approached in the industrial parks in and around Hanoi, the majority knew about employment opportunities through their social networks of friends and relatives, some of whom are workers of these enterprises themselves. Migrants typically use informal social protection mechanisms to help minimize risks and respond to opportunities at the places of destination.

Yet, it should be noted that while social networking is the primary source of support for migrants, it at the same time limits their life choices, including employment choices. This is because migrants are more likely to be introduced to the same kind of jobs that the others of the network are doing and to the same social cohorts to which the others belong.

### Meso level

Social protection at the meso level is mostly provided by employers in the formal sector under the framework of the country's Labor Code. Under the Code, laborers in formal paid employment must be provided with labor contracts by their employers, and these contracts must be written,<sup>5</sup> with clear stipulation of working conditions and the rights and obligations of each party in the labor relationship.<sup>6</sup> Labor contracts provide some level of protection for employees, for example, guaranteeing that laborers should receive salaries which should not be under the minimum level defined by the government, be protected by the Trade Union, or have other entitlements such as working hours and overtime, work safety and hygiene conditions, holidays, maternity leave, social insurance, etc.

Even so, our in-depth study of 100 migrant workers working at the industrial parks in Hanoi show systematic violations of the Labor Code. The most critical violation is relating to the labor contract. While most of the migrant workers interviewed have a labor contract, very often these documents do not clearly stipulate all the benefits that employees are entitled to.

Also, it is common that the migrant workers do not have a copy of the contract, as required by the law. In fact, some migrant workers do not know that they should keep a contract to assure their legal protection. There are two major reasons explaining this situation. First, as explained by a trade union cadre, "*...contract-based employment is new in Vietnam. Previously all workers were employed by the government, and there was no need for contract, as most received life-time employment*". Second, legal 'literacy' of workers in general and migrant workers in particular is low. "*In general, workers are not trained about the legal documents that are relevant to their well-beings and their rights.... It is not introduced through the mass media.... Trade union usually do not inform workers about the labor laws*" (Union worker, interviewed in Hanoi).

One serious problem is the term of the contract. Many workers in the industrial parks received only short-term contract for a regular employment. This practice is in fact prohibited by the labor laws. Yet by providing workers with only short-term contracts, employers are in the position of being able to 'dispose' of workers at will, with no commitment of providing social protection to them as required by the laws. This is particularly obvious during a period of economic downturn, such as during the recent financial crisis. As mentioned, in the study we interviewed 50 migrant workers who are laid off because of the crisis. As reported by these respondents, workers with short-term labor contract were among the first groups to lose their job (other groups were apprentices; whose labor contract would soon be completed; and "rule breakers"). In so doing, the employers can reduce employment while at the same time minimizing the costs for their companies.

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<sup>5</sup> An oral agreement may be entered into in respect of certain temporary works which have a duration of less than three months, and in respect of domestic servants. In the case of an oral agreement, the parties must comply with the provisions of the Labor Code.

<sup>6</sup> A labour contract must contain the following main provisions: work to be performed, working hours and rest breaks, wages, location of job, duration of contract, conditions on occupational safety and hygiene; and social insurance for employee.

Because of the poor enforcement of the Labor Code, the low “legal literacy” of the workers, and the dysfunction of the Trade Union, the migrant workers face multiple vulnerabilities at the workplace. These include:

- *Poor working conditions:* Most of the migrant workers reported hazardous working conditions. Although most of them receive extra payment, called “hazardous allowance” (*tro cap doc hai*), the compensation is extremely low (e.g. 10 to 20 thousand *Dong*, or 0.6 to 1.2 USD per month). Working accidents occurred occasionally. Yet not all of them are entitled to accident insurance and labor safety provision. In general, labor inspection rarely takes place, and when it does happen, the quality of the inspection is questionable. In our study, we found that at some places, workers are forced (by managers) to provide incorrect information about their working and living conditions, time of work, and other welfare.
- *Low payment:* The mean salary of the workers at the industrial parks is about 1 million *Dong* a month (63 USD). In addition to salary, there are allowances for overtime work, night shifts, diligence, meals, housing and transportation subsidies. However, these allowances are nominal and not all the workers receive these payments.
- *No insurance:* Employers are requested by law to provide social insurance and health or accident insurance for workers. In fact, our research finds that many enterprises ignore this regulation. For example, regarding social insurance, employers in some enterprises establish their own norms according to which some workers receive no insurance.
- *Poor welfare:* Legally required welfare such as annual and sick leave are also often neglected by employers. Even when workers are aware of their entitlements, they are not always in the position to demand them. Also, although all employers are required to provide yearly health check for workers, it is often not taken seriously.

During the period of the financial crisis, the social protection of the workers was further compromised. Besides massive lay-offs, employers undertook various measures to survive the crisis with detrimental affects on the well-being of the workers.

- *Reduce/increase workload:* Workers were forced to take many days off and their salaries, bonus and allowances were substantially cut. Instead of being openly fired, workers were asked to stay home “without pay” to be “called up when work is available”. The workers also no longer had the opportunity to work overtime to gain additional income. But workers could also be subject to increased workloads. In some other enterprises, due to the shortage of labor (because of lay-offs), the remaining workers were forced to work overtime, increase shifts, perform more loads, etc. Yet for this work, the workers did not receive any additional or higher pay as required by the laws.
- *Reduce/delay payment:* Many workers got paid as low as a half of their regular income. Paying salary late from several months to a year is also a common method that the employers use. Low income due to working time reduction and late pay made the situation of the migrant workers particularly hard.
- *Welfare deduction.* To survive the crisis, many enterprises significantly reduced the welfare of workers, such as not increasing salary or reducing bonuses for holidays. The regulations concerning health care for workers, especially regular health check, have been ignored as well. Also, insurances for workers were not maintained by the companies

during the crisis. Those with short-term work contracts were more likely to work without insurance. Therefore, when losing their job, they did not receive any welfare. Also, workers no longer received various benefits such as tourism, entertainment, recreation etc., which used to be covered by the enterprises.

It should be noted that in all the enterprises where we conducted the study, the role of trade union was quite limited. According to the respondents, the union does not protect the workers, even though they have to pay regular membership fees. *“It means the trade union does not care about working and living conditions of workers. If we have some needs, requests or demands, we do not receive sufficient care from them.... Trade union leaders are those allocated from above [not elected from the workers themselves]... Our strikes, we organized ourselves, not by them... I would say that the role of the trade union is zero”* (Male worker interview in Bac Ninh). *“Talking with the trade union is like to talking with the enterprise [employers/manager]”* (Female worker interviewed in Dai Tu).

Two additional issues relating to the social protection of the migrant workers are access to recruitment information and housing. Regarding the first issue, it is common that migrants are not well aware of employment opportunities in the formal sector through official channels of information. Of the 100 migrants we interviewed, the majority only knew about employment opportunities through their social networks of friends and relatives.

Even so, some initiatives have already been undertaken at the community level. For example, since 2009, the Department of Labor in Ho Chi Minh City has run a center that provides information on job opportunities and vocational training classes. Initiative can also be taken in enterprises as well. In our research, we found that some enterprises worked with commune authorities to broadcast recruitment opportunities via the commune loudspeaker system. In fact, many migrants coming to cities to find job know about employment opportunities through this channel of information.

Regarding housing, the situation of migrant workers in the industrial enterprises is not much better than that of those migrants working in the informal sector. Because of their low income, the majority of the migrant workers we interviewed rented cheap dwellings in proximity to their factories.

A few enterprises however provide the workers with boarding houses which are of better quality. Still, the living conditions at these boarding houses are far from being comfortable. Usually these are lines of one-story buildings, divided into separate rooms, with shared bathrooms and toilets attached. Sometimes, the roof is made of metal, making the rooms hot during the summer. Meanwhile, electricity is not always available, especially in the evening, so fans cannot be used. These rooms are also cold during the winter. For other necessary utilities, namely electricity and water, the migrant workers have to pay themselves. One serious problem is that, as temporary residents, a much higher rate is charged for migrants.

## **Macro level**

### ***New Residential Law***

As already discussed, *ho khau* creates institutional barriers for migrants to access their social and political entitlements, services and support programs (Catherine, 2008; GSO, 2006; Dang et al., 2003; Hardy, 2001). The migrants' unprotected legal status leads to their vulnerabilities and social exclusion in urban areas. A common public concern is that the *ho khau* system has violated the freedom of residency stipulated in the Constitution. It also creates discrimination between migrants and non-migrants as *ho khau* has been misused in many activities such as in real estate transactions, job applications, and school registration. A report by the National Assembly estimates that there used to be over 420 legal documents on transactions that require *ho khau* of involved parties, of which 380 documents is presently still in effect (Lao Dong, 2007).

Over the last few years, there have been some positive revisions regarding *ho khau* policies and the *ho khau* system. In order to amend and revise some impractical articles of the Government Decree No.51/CP on household registration, the Prime Minister issued the Decree No.108/2005/ND-CP on August 19 2005. In implementing this Decree, the Ministry of Public Security promulgated the Circular No.11/2005/TT-BCA-C11 on 7 October 2005, guiding the new practices of household registration in accordance with the Government Decree No.108. According to the new regulations, migrants who want to change status from temporary to permanent residents need to meet three conditions in order to be issued a registration book (*so ho khau*) in a city: (i) residing in a legal house; (ii) having a stable income; (iii) having continuous residence in the city at least three years. It is widely recognized in the media and society that the conditions for issuing *ho khau* for migrants have been relaxed. The new relaxations are as follows. First, the minimum residence duration has been reduced from five years to three years. Second, the term "legal" house does not just mean a land-use certificate or house-ownership certificate; it can be a certification from the sub-district People's Committee about the legal status of the house or a house-renting contract. Third, in the past, only spouses and children were eligible for application for permanent residence status; nowadays, application can be widened to include nieces and nephews. As such, in general these new regulations have created a more open legal framework for migrants to have *ho khau* (Weibel, 2008; Le, 2006).

Most recently, an important step forward in the improvement of the legal situation of migrants was made on 1<sup>st</sup> July 2007, when a new Residential Law came into effect. The new law generally covers two major issues, these are the rights to residence and the order and procedures for residential registration and control. This new law is believed to open a door for temporary migrants to apply for permanent residency status far more easily in major cities. Now, the beneficiaries, who are the KT3 migrants, are only required to provide proof of their uninterrupted employment status for at least one year, as well as a continuous legal residence for the same period of time. This stipulation is also applicable to those who do not own a house but just rent or borrow a housing unit, as long as they can show the written agreement of the owner, lender or host thereof. Previously, migrants had to reside in the cities for three consecutive years (until 2005 the requirement was even five years). The law also provides that a holder of permanent residence register is eligible to admit his/her spouse and children to his/her current accommodation.

However, a major remaining problem that this law has created for migrants is not related to legal residential issues, but to proving that they have had an uninterrupted stable job for one year

(Weibel, 2008). In most cases, migrant workers are provided with no or short-term written work contracts that rarely extend over one year. Also, the majority of migrants are working in the informal sector where having labor contract is largely impossible. Nevertheless, this new Residential Law has resulted in better conditions for migrants to apply for permanent *ho khau*. For instance, the new Law allowed more than 230,000 migrants from other provinces to register as permanent residents in Ho Chi Minh City in the year of 2007 alone (Vietnam News, 2007).

It should also be noted that those that are qualified for the new, easier conditions are mostly people belonging to the KT3 category. These regulations still deny spontaneous migrants (KT4) to cities to have permanent household registration, as long as they have not resided continuously for at least three years. Without permanent household registration, migrants continue to be barred from rights granted to them by the Constitution and other laws.

The debate about the *ho khau* system still continues. On one side, anti-*ho khau* legislators suggested either abolishing this system and using identification cards to which is added the holder's household information or combining the *ho khau* and the identification card into what they called "a resident permit" or "an electronic resident card" – a more modern management method. On the other side, a majority of the National Assembly Standing Committee, as well as senior officials from the Ministry of Public Security (MPS) (the agency responsible for drafting the Residential Law and managing the *ho khau* system) successfully argued that it is "very necessary" to maintain the current administrative system using *ho khau* for the sake of social order and security. They also recommended that the procedures for registration should be improved and simplified, rather than systematically replacing it with a new system, such as "a resident permit" because it would create complicated procedures for the people and because the present infrastructure, technical facilities, budget and human resources capacity are insufficient. One positive development is that many representatives suggested that the new law must provide concrete stipulations for banning the "exploitation" of *ho khau*, which means *ho khau* must be considered as a residence certification only, but not be linked to any other economic, social and political interests of the citizens. In discussion on which government agency should take responsibility for managing the *ho khau* system, one deputy suggested a civil agency instead of the Ministry of Public Security.

### ***Labor market information***

As mentioned earlier, lack of job information on the local, regional and national labor market is a critical problem for migrants to access employment opportunities in the formal sector of the economy. In this research, many migrants workers told the researchers that they have no access to formal information channels. Local authorities, the People Committees at three levels (provincial, district, and commune) often do not have labor market information, especially employment opportunities in other localities. In fact, People's Committees at all levels have offices (provincial level) and officials (district and commune) that are responsible for labor issues. More relevant government bodies are the provincial Departments of Labor - Invalids and Social Affairs (DOLISA), district Bureaus of Labor - Invalids and Social Affairs, and commune labor officials (based at the commune People Committees). Yet, so far these state institutions do not function well in providing labor market information to the population. Although at the large cities, like Hanoi and Ho Chi Minh City, there are a few Centers for Employment Introduction administered by DOLISA (*Trung tam gioi thieu viec lam*). Yet it is not at all useful for migrants

as they are located in the cities and have no access through internet or other forms of information provision. Even when migrants approach these centers to get job information and purchase services, the experience turns out to be very disappointing. *“These centers are not at all helpful. They have almost no information about various job opportunities. And the information is not always updated.... Their service attitude is also not friendly”* (Male worker, Nhu Quynh industrial park).

As yet a labor information system does not exist in Vietnam. According to our interviews with government officials of MOLISA and Hanoi DOLISA, the government plans to construct a comprehensive system in the years to come. *“....The labor information system should be national, connecting national and local markets, and should include employment opportunities in both state, private and foreign invested sectors into a unified structure accessible through internet so that any laborers in need for employment to search for jobs that match his/her professional skills”* (Government official, interviewed in Hanoi). At present, MOLISA is undertaking a project with technical and financial support from the International Labour Organization (ILO) aiming at creating such a system (EU-funded/ILO-managed Labor Market Project). It is believed that once the system is in place, it will harmonize both supply and demand ends of the national labor market. In addition, MOLISA has also worked with the US Department of Labor on various labor issues, including labor market information system.

### ***Housing***

According to the official data, at present Hanoi has 16 industrial parks and 39 industrial complexes. Of them 8 industrial parks are already in operation. Most of the parks, however, do not have housing for workers. Nationwide, only 2 percent of the workers can rent houses provided by employers; and 90 percent have to live in temporary boarding houses of low quality and poor living conditions. Most of these houses do not meet the housing standards issued by the Ministry of Construction.

Realizing the housing needs of workers at the industrial parks, Hanoi Construction Department has worked with the employers and managers of these parks to make a plan of building housing complexes for workers at all the localities where the factories are located. According to statistics provided to the researchers by the city officials, by 2015, the number of workers employed in the industrial parks in Hanoi will be 465,000, of them 50 percent will need to rent dwellings, making a demand for 28,750 apartments (8 workers/1 apartment), requiring an investment of at least 500 millions USD.

At present, some developments have already been underway. For example, at Kim Chung Commune, Dong Anh District (Hanoi), five blocks of buildings housing 1,000 workers are already constructed. The plan is to build another 15 blocks, enough to house 9,000 workers working in North Thang Long industrial park. Regarding policy, on 24 April 2009 the government issued Decree 18/NQ-CP and the Decree 66/2009/QD-TTg that provide favorable conditions to build housing for workers. The goal is to build enough housing for about 50 percent of all the workers of the industrial parks in Hanoi by the year 2015.

Clearly, up till now the planning and development of the industrial parks is far from comprehensive and integrated into the overall master plan of urban development, including the

construction of residential areas, physical and social infrastructure, making urban development unsustainable. Particularly, the construction of the industrial parks does not taking into consideration housing, as well as other physical and social utilities for employees, especially migrants from other areas. Only recently in some localities, such as the provinces of Bac Ninh, Hai Duong (in the North) or Dong Nai, Long An and Binh Duong (in the South), development plans in which the construction of housing complex for employees going hand in hand with the construction of industrial parks themselves are being designed.

A number of solutions to the issues of housing have been discussed over the past few years in the National Assembly, conferences, and in the mass media, including:

- Develop and pass the country's overall plan for the development of industrial parks to the year 2015 with a vision to 2020 that emphasizes the comprehensiveness of industrial parks complemented with physical and social infrastructure and residential buildings, as well as other utilities.
- Housing for workers should be integrated into the development of industrial parks in particular and urban development in general;
- Favorable policies or enabling legal framework for the construction of housing for the poor in general and for workers in particular; encourage various sectors to participate in building housing for workers through tax exemption/reduction policies;
- Minimum standards for housing for workers should be established;
- Establish funds for housing for workers to support workers to rent/purchase housing; the funds should come from the local budget, with other contributions from businesses and organizations in the locality;
- Establish mechanisms to oversee rent levels to avoid speculation;
- Clearly defined responsibilities of local authority, industrial parks, businesses and workers themselves in the construction, management, utilization of housing for workers.

**Table 9: Summary of risks and social protection structure for spontaneous migrant workers**

<i>Ho khau</i> induced restrictions	Risks and vulnerabilities	Social protection structure		
		Micro level	Meso level	Macro-level
Lack of access to employment in the formal sector	<ul style="list-style-type: none"> <li>- 3D jobs in the informal sector</li> <li>- Unstable jobs</li> <li>- Low and unstable income</li> <li>- No or little employment related welfare</li> <li>- Labor exploitation</li> </ul>	Social network of relatives or friends to get employment	<ul style="list-style-type: none"> <li>- City authorities establish labor market information system</li> <li>- Employers recruit labor regardless of laborers' whereabouts</li> <li>- Employers collaborate with local authority for labor recruitment</li> <li>- Employers use of media for recruitment</li> </ul>	<ul style="list-style-type: none"> <li>- Constitution confirms rights to residency and rights to work of every citizen</li> <li>- New Law on Residence delinks <i>ho khau</i> with employment, social welfare, and rights</li> <li>- Possibility to abolish <i>ho khau</i> system</li> <li>- Social protection structure under the Labor Code</li> <li>- Government to establish a national labor market information system</li> </ul>
No access to land and housing ownership	<ul style="list-style-type: none"> <li>- Poor living conditions at boarding houses</li> <li>- Social isolation in local</li> </ul>	- Support of social network for settlement	<ul style="list-style-type: none"> <li>- Employers provide housing</li> <li>- Subsidy from</li> </ul>	<i>Solutions of National Assembly to be implemented:</i>

<p>Higher fees for services (electricity, water supply, garbage collection etc.)</p>	<p>community - No social protection at local communities - Homelessness</p> <p>- Increased cost of living - Less saving/remittance - Cut into social protection - Cut into health care and children's education</p>		<p>employers for housing - City authority builds housing complexes for migrant workers</p>	<p>- National plan for development of industrial parks including housing for workers. - Favorable policies or enabling legal framework for the construction of housing for workers - Encourage various sectors to participate in building housing for workers through tax exemption/reduction policies; - Establish funds for housing for workers - Establish mechanism to oversize rent to avoid speculation;</p>
<p>Lack of access to public school for migrants' children</p> <p>No access to financial support for poor and disadvantaged students</p>	<p>- Access only to private school - Higher education cost - No education for migrants' children - Cut into social protection of migrants' families</p>			
<p>Health insurance is not accepted at place of destination</p> <p>Difficulties to access free health examination and treatment for children aged under six</p>	<p>No- or self-treatment and self-medication - Higher cost for health care - Health deterioration</p>		<p>Employers provide health insurance and regular health check for workers</p>	<p>- Government health insurance policy - Labor Code requires employers to cover social and health insurance for workers - Free health care for children under 6 years old</p>

## VI. CONCLUSION

In terms of the 'policy life-cycle' perspective, our analysis shows that Vietnam is in the early stages of development. The issues are getting clear to the government regarding needed measures to protect the migrants and some of the challenges are being addressed. But in overall, government policies and institutionalize measures remain limited by the sustained perception of free migration as being harmful to development and the state's need to control movement of their citizens.

The findings of this research suggest a number of policy recommendations. Ultimately they are all boiled down to one relating to the current situation of the country's social security structure. Up till now, Vietnam still lacks a comprehensive framework of policies and programs regarding social protection for the general population and for spontaneous rural-urban migrants in particular. Although the government has issued various economic and social policies that provide some social security for rural population, ethnic minorities and other vulnerable groups, in general the social security system remains biased and fragmented. Particularly, the system lacks a comprehensive approach based on rights, entitlements, and inclusion. Social protection policies and programs continue to be viewed by the government as a sort of charity, not as a long-term investment in human capability and development.

Clearly, future efforts to improve social protection in Vietnam should be based on a clear definition of social protection, as it will serve as a necessary framework not only for policy formulation, implementation, supervision, progress monitoring but also for building a consensus with the society. The declared socialist orientation means that the government should comply with the principle that economic growth must be linked with the promotion of social progress and equity at every stage of development.

Employing such an approach to social protection, this research identifies the major policy gaps that for decades have sustained the disadvantages of rural-urban migrants. In particular, our research focuses on the various implications of *ho khau* policies and *ho khau* based social policies on the well-being of the general population and of spontaneous migrants coming to work and live in the urban centers, and on the current social protection practices in workplaces for migrants working in the industrial parks. Evidence from quantitative and qualitative data in this research have shown that spontaneous migrants have faced various risks caused by *ho khau* policy and *ho khau* based social policies and institutional practices as well as the poor enforcement of the Labor Code, while the social protection mechanisms available for them is nominal at all three micro, meso and macro levels. Findings of the research suggest that even if the residence-based principle of the current national social security system is relaxed, rural-urban migrants will continue to be excluded and marginalized from the social progress brought about by the market reforms. Policy revision should rest first on increasing migrants' access to key social and economic resources and second on recognizing the legal status of the migrants themselves in the places of destination.

For the migrants employed in the formal sector, including the industrial parks and the export processing zones, their vulnerabilities are caused by the poor oversight and implementation of the labor laws. The problem is that the government does not have a strong institutional mechanism to enforce the laws for the employers, and the workers themselves do not have sufficient knowledge of the laws and their rights, while the channels to voice their concerns are severely limited. The research find that the key problems that the workers of the industrial parks face include, poor working conditions (including a lot of critical issues ranging from the kind of work to perform, working conditions on shop-floor, labor regulations to wages and other fringe benefits), poor living conditions (including the physical conditions of dwelling-places and other socio-cultural aspects of life structured around it), lack of understanding and inadequate implementation of labor laws, and ineffective grievance mechanisms. Meanwhile, the trade unions do not function. There are many criticisms of the failure of the trade unions in protecting

workers' rights and buffering labor disputes. As a consequence, workers are at the disposal of employers and have no protection during periods of economic down turn.

Obviously, social protection for the migrant workers in the industrial parks should be addressed through better supervision of the labor laws, through effective trade unions, and also through the participation of the workers themselves. In addition, being migrants, who are temporary residents at the place of destination, they are exposed to risks and difficulties caused by residence-based social policies. As such, any efforts to improve the *ho khau* system will have direct positive impact on the social protection for these migrant workers.

Back to the starting point of this paper, which is the adoption of the policy-life cycle perspective in analyzing social protection interventions, we can see that the government of Vietnam has made some progress moves towards a better legal framework for improving the well-being of migrants. Yet opportunities, and challenges, remain in changing the state's overall approach towards migration in a fundamental way in which the state should make unrestricted migrants agents of development through providing socioeconomic opportunities and protecting all their constitutional rights and entitlements.

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