



International Organization for Migration (IOM)
Organisation internationale pour les migrations (OIM)
Organización Internacional para las Migraciones (OIM)

Terms of Reference

A national consultant to conduct and write a gap analysis under the project

'Policy Support for the Reintegration of Returning Migrant Workers'

I. Background

Viet Nam is experiencing a rapid transformation of its labour market structure and workforce, with a recent transition to Middle Income Country status and an estimated 1.1-1.5 million people entering the labour market every year.¹ These changes pose significant challenges to policy makers and actors in the Vietnamese economy. Managing the labour market influx requires a deep understanding of employment trends, the creation of a vast number of new jobs, and establishment of conditions that facilitate the movement of workers.

The changing labour market presents opportunities that, if well managed, can lead to significant and widespread livelihood improvements. Migration is one such management mechanism that has a documented positive effect on individual livelihoods and national socio-economic development. Countries that have successfully managed shifting labour market demands are those that have made migration easier, in tandem with enacting labour and social protection programmes.² The Government of Viet Nam considers promoting labour migration of Vietnamese nationals a means of alleviating pressure on the labour market as well as of leveraging the benefits of migration to enhance the socio-economic development of the country.

There are an estimated 500,000 Vietnamese migrants working overseas on organized labour contracts.³ The Government has expanded its labour dispatch program through bilateral agreements primarily with partners in Asia and the Middle East, and the result of these efforts is a near threefold increase in the number of overseas workers in 2011 from a decade earlier in 2000. More than 88,000 migrants were sent abroad in 2011, and the Government plans to increase this number by 10 per cent a year until 2015. With foreign work comes foreign currency. Overseas workers contribute to annual remittances, which grew by 16.4 per cent from 2009 to 2010 and amounted to USD 8.6 billion in 2011.⁴ Along with their earnings, workers return with new technical skills, workplace knowledge, language ability, and cultural awareness to inject into the Vietnamese economy.

¹ MOLISA 2009.

² Van Arkadie et al. 2010.

³ Statistics on overseas migrant workers are found in MOLISA 2011.

⁴ World Bank 2011 and World Bank 2012.



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Despite the many advantages of labour migration, a critical challenge remains in the reintegration of migrant workers upon return to Viet Nam, where migrants can face debt, unemployment or underemployment, social alienation, family conflicts, and physical or mental health problems related to migration. One in three returning migrants have unpaid pre-departure loans.⁵ Twenty per cent report continuing health problems related to migration.⁶ Underemployment is another significant challenge. The majority of Vietnamese migrants return to unskilled work, in jobs that are similar to jobs they held before migration, and without relevance to knowledge or skills gained overseas.⁷

The impact on family members remaining in Viet Nam is an overlooked dimension of overseas labour migration. Family members can experience negative impacts of migration such as dealing with separation while the parent, spouse, or adult child is away and potential conflict upon his or her return. Women migrants face greater problems with family reintegration than men, especially in households with children, because the household is more likely to experience negative impacts by the absence of a woman, the primary care giver.⁸

There is a lack of counselling and support mechanisms for migrants to leverage savings and remittances. A survey by MOLISA and the World Bank found that savings from overseas work are used for immediate family needs such as payment of debt resulting from migration costs (34 per cent of total savings), building or repairing houses (28 per cent) and household furniture and appliances (11 per cent).⁹ Only 13 per cent of savings and remittances are used for business and other productive investments or training and education.

As a result of the lack of opportunity or prosperity for returnees, Vietnamese migrants are opting to stay abroad. A recent study found one in ten migrants overstay their contract, although the number is suspected much higher given the perceived risks of exposing illegal work.¹⁰ The phenomenon of overstaying past the contract period can be damaging for host and sending governments, and especially for individual migrants. Overstaying can distort the host country labour market and cause other social problems, making the Vietnamese workforce less attractive as a result. On the other hand, migrants who overstay forfeit a valid visa and therefore hold irregular status, meaning they face greater vulnerability to exploitation and other risks to well-being. With an irregular status migrants cannot easily access health, legal and other services because of administrative restrictions, fear of deportation, and other barriers.

⁵ ILAMI 2009.

⁶ ILAMI 2009.

⁷ MOLISA and World Bank 2012.

⁸ MOLISA and World Bank 2012.

⁹ MOLISA and World Bank 2012.

¹⁰ ILAMI 2009.



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There are currently few policies and programmes designed to assist returning migrants to effectively use their savings and to utilize their knowledge and skills obtained overseas. Support remains poor for the family left behind on how to manage and balance the household when a family member migrates overseas. The policy challenges are accompanied by gaps in awareness and understanding of policy makers on the needs of returning migrants and consequently, on the type of policy support the Government can provide.

II. Project Summary

The overall project objective is to strengthen the development and implementation of programmes and legislative and regulatory frameworks to effectively manage the return and reintegration of Vietnamese migrant workers, in line with international standards.

This project aims to improve the social and economic well-being of returning migrants, and thereby minimize the incentives of overstaying and maximize the migration benefits to migrants and to society. The difficulty in providing better support for returning migrants is that little is known about their needs. There is no systematic data collection on returning migrants and there is low awareness among government officials about the challenges of reintegration and the mechanisms for support. Project outputs will therefore raise awareness among policy makers and other stakeholders on the situation of Vietnamese returnees and create a forum for the government and other stakeholders to develop a plan of action for reintegration support. The key outputs include a gap analysis report on existing policies and services for returning migrants, a policy workshop to discuss report findings, and draft recommendations to improve return and reintegration management. The project supports Government priorities contained in national strategies such as the Socio-economic Development Plan 2011-2015 and the Employment Strategy 2011-2020, and in key legislation including the Law on Vietnamese Guest Workers (2006).

This project will consist of three interlinked activities. These are a gap analysis, a policy workshop and draft policy recommendations.

Activity 1: Conduct a gap analysis

Specific objective: To raise the awareness and understanding of policy makers and other stakeholders on the social and economic challenges faced by returning migrant workers

The first project activity is a gap analysis that will use existing literature and consultative meetings to report on the current situation of returning migrant workers and the policies and support services available. Attention will be given to the distinct challenges faced by women and men, and by other groups including ethnic minorities, people living with HIV/AIDS (PLWHA), and people living with a disability, including highlighting where data do not exist. The report will then provide a gap analysis of current policies that is based on the challenges faced by returning migrants and informed by regional



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and global good practices in return management. Finally, the report will summarize the recommendations developed in the existing body of literature.

Activity 2: Organize a policy workshop

Specific objective: To build the capacity of policy makers to design and implement policy on returning migrants through demonstration of specific management strategies and global good practices, and to strengthen the evidence base and data management on returnees

A follow-up policy workshop will be held on the desk review findings. Participants will include policy makers and other stakeholders in migration management including national experts, representatives from international organizations, mass organizations and civil society, and regional officials and experts. The first function of the workshop is to present the desk review findings. The second function is to engage participants in discussion on the findings and to share experiences from within Vietnam and other sending countries in the region. The third function is to gather input on how to apply the experiences and desk review findings to the Vietnamese policy context. The workshop will also serve as a forum to present, in a key note speech, a joint advocacy paper on the needs of returning migrant workers that will be prepared by IOM, ILO and UNWOMEN under the One UN Migration Working Group.

Activity 3: Develop draft recommendations

Specific objective: To provide strategic policy advice on the development and implementation of policies designed to enhance the socio-economic reintegration of returning migrant workers

The final activity is a report on draft recommendations that will draw on findings of the desk review and discussions during the policy workshop. The draft recommendations will provide strategic advice on how to support the reintegration of migrant workers, for the purpose of improving their well-being and prosperity, through policy. The recommendations will function as a plan of action to integrate returning migrant workers into national strategies and to create new policies and services as needed. They will serve as a foundation for the work of MOLISA in the agency's role of providing guidelines to provincial authorities and stakeholders such as PSPMOs, recruitment agencies, and private partners on provision of better support services for returning migrant workers. The report on draft recommendations will be presented at the closing strategic workshop for the MRC project and relevant recommendations regarding assistance services for migrant returnees will be added to the MRC's services.

III. Purpose of the gap analysis

As indicated above, the general objective of the gap analysis is to raise the awareness and understanding of policy makers and other stakeholders on the social and economic challenges faced by returning migrant workers. While this necessitates an overview of the current situation faced by returning migrants, the objective should be met primarily through a thorough analysis of gaps in the



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current legislative and policy frameworks related to return management. It should also look into the gap in research and program/service for returning migrant workers. The international good practices will be collected and analyzed. The gap analysis is one of three interlinked activities under the project and findings will be used to inform the latter activities, the policy workshop and draft recommendations.

The gap analysis will be an evidence-based portrayal of the socio-economic challenges faced by returning migrant workers to Viet Nam. The report will highlight distinct challenges and vulnerabilities faced by people with different socio-economic or demographic characteristics, for example, challenges faced by men and women, ethnic minorities, unskilled workers, PLWHA, and people living with a disability. The distinct challenges faced by people who experienced a negative migration outcome, including exploitation during the migration process, will also be covered.

IV. Scope of the gap analysis

The gap analysis will be informed by existing literature and research on the overall management of overseas migrant workers and on returning migrant workers specifically. The thrust of literature and research on the needs of returning migrant workers will be specific to the Vietnam context, but key literature on global or regional good practices in return management will be integral to fulfill the purpose of the gap analysis. The key laws and policies of the Government of Vietnam on overseas migration management and related socio-economic development strategies will be analyzed.

The gap analysis will cover the following elements under these subject areas (although this is not an exhaustive list):

Challenges faced by returning migrant workers

- Challenges related to needs:
 - o Employment and skills transfer
 - o Debt, savings, investments
 - o Physical and mental health
 - o Familial relations and social or community
 - o Legal disputes or redress
 - o Psychosocial counseling
 - o Information availability or accessibility
- Challenges / vulnerabilities related to demographic or socio-economic factors:
 - o Gender
 - o Age
 - o Income (individual, household)
 - o Skills or education level
 - o Ethnicity
 - o Health, including HIV/AIDS status and disability



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Gaps in return management

- Gaps in the legal and policy framework – including bilateral agreements between Vietnam and a host country
- Gaps in programs/ services support for returning migrant workers provided by government, employers or other stakeholders such as civil society groups
- Gaps in information and data collection and research to inform the policy making process.
- Gaps in the implementation of existing laws and policies to address the challenges faced by returning migrant workers (challenges which will be identified in the report)

Recommendations

- Recommendations in existing literature specific to Vietnam
- Recommendations in existing literature on return management at the international or regional level, including good practices in other countries that may be relevant to the Vietnam context

V. Roles and Responsibilities

The consultant will work with the IOM project coordinator and Department of Overseas Labour representatives throughout the research, writing and review of the issue paper.

The consultant will:

- Conduct all necessary research and analysis;
- Prepare a draft outline of the report;
- Write a first, second draft report and receive feedback from IOM project staff and MOLISA/DOLAB representatives and consultative meetings at the necessary stages;
- Integrate feedback and make necessary changes to produce a final report that will be published by IOM and DOLAB.

MOLISA/DOLAB representatives will:

- Provide timely technical input throughout the review process;
- Provide all necessary logistical support for the completion and publication of the report;
- Obtain necessary approvals.

IOM project staff will:

- Recruit the consultant;
- Provide good practices;
- Review key outputs;
- Provide timely support, feedback and guidance.

VI. Methodology



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The consultant will conduct independent research and analysis using existing sources including reports, studies and data, legal and policy documents, and other literature. All sources will be reliable and reputable, suitable for use in a publication that is consistent with DOLAB and IOM publication principles. The report will be produced in Vietnamese.

VII. Experience and Qualification

- Master's degree or equivalent academic qualification is required in a relevant discipline;
- Strong experience in conducting research and analysis;
- Proficiency in technical and report writing;
- Knowledge and understanding of Vietnamese migration trends and dimensions of migration management in general;
- Specific experience and expertise on migrant worker needs and policy development;
- Understanding of human rights and awareness of gender analysis and mainstreaming;
- Presentation capacities;
- Demonstrated ability to deliver quality results while committing to respect deadlines;
- Proficiency in English to communicate with IOM

VIII. Time Frame

The consultant will work for 20 working days intermittently during the March – April 2013 period with the time frame as follows:

Activity	Components	Estimated completion date
Research, analysis and first draft report	<ul style="list-style-type: none">- Conduct research and analysis- Prepare and share a draft outline- Liaise with IOM and MOLISA/DOLAB as needed- Write a first draft report- Send the draft to IOM and MOLISA/DOLAB for comments	20 March 2013
Second draft report	<ul style="list-style-type: none">- Integrate IOM and MOLISA/DOLAB comments- Integrate comments from consultative meetings- Prepare an 'almost finalized' second draft report and send to IOM and MOLISA/DOLAB for comments	15 April 2013
Final report	<ul style="list-style-type: none">- Integrate comments and	30 April 2013



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	necessary changes for the publication required by IOM and MOLISA/DOLAB - Prepare the final report ready for publication and circulation in advance of the policy workshop	
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Expression of interest, CV and an example of a research report (preferably on migration), all in English can be sent to thuyvu@iom.int by 1 March 2013. Only shortlisted candidates will be contacted.