



Australian Government
Refugee Review Tribunal

Country Advice

Vietnam

Vietnam – VNM38140 – Women – Single
mothers – Children born overseas –
Internal relocation – State protection
21 February 2011

1. Is there any information about the treatment of single women with children in Vietnam, or single women with children born overseas?

Some information was located regarding the treatment of single women with children in Vietnam, in particular single mothers. Sources comment on the legal status of unwed mothers and their children, stigmas associated with single motherhood, associated issues of abortion and infant abandonment. Sources also indicate that single mothers generally fall towards the lower end of the socio-economic scale in Vietnam.

Single motherhood was ‘legalised’ in Vietnam in June 2000 with an amendment to existing family law passed through the National Assembly. This amendment legislated against discrimination towards children born out of wedlock. *Asian Political News* reported at the time that unwed mothers would “no longer have to hide their faces in public because single motherhood has ‘finally been legalized in the country’”.¹

Sources indicate that, in practice, single mothers are still likely to experience social stigma and feelings of shame, as alluded to in the *Asian Political News* article. In 2005, UNICEF reported that Vietnamese single mothers “...hesitate to register their children out of embarrassment or because they mistakenly believe that only children of married parents can be registered”.² A 2004 article includes a quote that “in rural Vietnam... women who have no husband but have children will be condemned and denigrated.”³ In November 2009 UNICEF again reported on single mothers in Vietnam, this time stating that they may face discrimination within their communities due to conservative cultures and religious views.⁴ A March 2010 article on the Union of Catholic Asian News website details the operations of a Church-run home for unwed pregnant women. Most of the girls featured in the article initially planned to have abortions, but then decided to have their children at the home and entrust the newborn to the nuns so that they may return to their families without shame. A Sister from

¹ “Single motherhood legalized in Vietnam” 2000, *Asian Political News*, 12 June – Attachment 1

² “Situation Analysis of Institutional and Alternative Care Programmes in Viet Nam” 2004, UNAIDS Viet Nam website, January, p. 36

<http://www.unaids.org.vn/resource/topic/children/Published%20AC%20SITAN%20June%202005.pdf> – Accessed 9 February 2011 – Attachment 2

³ “Women Of Vietnam...Disability in Motion” 2004, *Disability World*, issue 22, January – March
http://www.disabilityworld.org/01-03_04/arts/vietnam.shtml – Accessed 22 April 2010 – Attachment 3

⁴ “Adoption from Viet Nam – Findings and Recommendations of an Assessment” 2009, UNICEF Viet Nam website, November, p. 16 http://www.unicef.org/vietnam/Eng_Adoption_report.pdf – Accessed 22 April 2010 – Attachment 4

this home is quoted as saying “[w]e try to maintain their dignity by keeping their pregnancies secret.”⁵

Vietnam is reported to have one of the highest abortion rates in the world. According to facts cited in a 2006 book on reproductive rights, each woman in Vietnam will have an average of 2.5 abortions in her lifetime.⁶ Attitudes towards abortion are reportedly liberal, with abortions available at most hospitals. This social condemnation of unwed motherhood, combined with the acceptability of abortion, makes abortion a strong option for single women faced with an accidental pregnancy. Illustrating this point, an article in *The Christian Science Monitor* reports: “[m]ost pregnant unmarried Vietnamese women have few options. Abortion is a welcome choice for many who simply cannot afford to care for a baby or are unwilling to risk being disowned by their families. The Communist government calls premarital sex a “social evil.” Abortion, however, is legal and performed at nearly every hospital. And unlike in some Western countries where the issue is hotly contested, the practice stirs little debate here.”⁷

Information was also located which indicates that abandonment, or “baby dumping” is common in Vietnam and associated with single motherhood. A 2008 *Inter Press Service* article states that “although accurate figures are hard to come by, babies continue to be routinely abandoned in Vietnam because out-of-wedlock pregnancies are socially frowned upon”. Those interviewed in the article associate incidents of abandonment with both condemnation of and lack of practical support available for single mothers.⁸ A 2009 UNICEF report also noted that children of single mothers were at a higher risk of separation from their mother due to both economic reasons and the discrimination faced by the mother.⁹

In contrast, online news source ‘VietNamNet Bridge’ published an article in 2008 which stated that an increasing number of Vietnamese women are choosing to become single mothers. It is noted that these women tended to be financially independent. Whilst ongoing prejudice towards single mothers was said to persist, the article quotes survey findings that suggest that negative attitudes are not prevalent across the entire social spectrum:

Viet Nam has no official statistics on the number of single mothers in the country but the first nationwide survey on family structure...revealed that the elderly (aged over 61) were more sympathetic towards single mothers than younger generations.

⁵ “Vietnam – Nuns stop women terminating pregnancies” 2010, Union of Catholic Asian News website, 3 March <http://www.ucanews.com/2010/03/03/nuns-stop-women-terminating-unwanted-pregnancies/> – Accessed 22 April 2010 – Attachment 5

⁶ Knudsen, L. 2006, *Reproductive Rights in a Global Context*, Vanderbilt University Press, Google Books website, pp. 139-140
<http://books.google.com/books?id=7St292R99PAC&lpg=PA167&ots=GgORAUeO45&dq=Contextualising%20reproductive%20rights%20challenges%3A%20The%20Vietnam%20situation&pg=PA146#v=onepage&q&f=true> – Accessed 22 April 2010 – Attachment 6

⁷ Trang, N. 2008, “A Vietnamese man shelters unwed mothers”, *The Christian Science Monitor*, source: Associated Press, 28 May <http://www.csmonitor.com/World/Asia-South-Central/2008/0528/p04s01-wosc.html> – Accessed 22 April 2010 – Attachment 7

⁸ Clark, H. 2008, “Infant Abandonment Worse Than Adoption Fraud?”, *Inter Press Service*, 23 May <http://ipsnews.net/news.asp?idnews=42479> – Accessed 22 April 2010 – Attachment 8

⁹ “Adoption from Viet Nam – Findings and Recommendations of an Assessment” 2009, UNICEF Viet Nam website, November, p.16 http://www.unicef.org/vietnam/Eng_Adoption_report.pdf – Accessed 22 April 2010 – Attachment 4

The survey of 9,300 randomly selected households in all 64 cities and provinces of Viet Nam found that those who had benefited from higher education and those living in urban areas were more tolerant of single mothers.

The survey revealed that just 4 per cent of those educated to primary school level approved of single mothers, while 17.3 per cent of high school graduates and 25 per cent of university graduates approved.¹⁰

Little information was located specifically pertaining to single women with children born overseas. An October 2010 article in *The Korea Times* reports on 63 cases where Vietnamese mothers have divorced Korean fathers and returned to Vietnam with their children. The mothers then return to Korea to find work, leaving the children with extended family. The report notes that, in these cases, these children are not generally well looked after “due to lack of the family’s financial resources and state childcare support programs, with many being neglected or even abandoned.”¹¹ Also of note is a publication by the Vietnamese government for victims of human trafficking. The report advises victims who have born children that these children might experience negative attitudes and treatment from others, and guides mothers to stand up against perpetrators. It is noted that this guidance is given to all victims of trafficking with children, rather than exclusively to single women who have been trafficked beyond and subsequently born children outside Vietnamese borders.¹²

A common theme throughout the sources is the link between single motherhood and poverty. For example, a joint report between the Vietnamese Government and UNDP focusing on Ha Tinh (North) and Dak Lak (South) provinces states that single mothers face a particular set of barriers in gaining access to land and other means of self-sufficiency. The report found that single-mother households were the poorest in the case study areas.¹³

2. Is there any information about the willingness to provide effective protection and the availability of effective protection to such persons in the event they faced threats or harm from family or neighbours?

No individual cases of women facing threats or harm from family or neighbours on the basis of their status as a single woman with a child or children were located.

Regarding the treatment and protection of women in Vietnam, the US Department of State reported that in 2009 “Violence and discrimination against women...continued to be significant problems, despite laws and government efforts to combat such practice.” The

¹⁰ “On Single Mothers” 2008, VietNamNet Bridge, source: VNS, 2 July

<http://english.vietnamnet.vn/social/2008/07/791664/> – Accessed 14 February 2011 – Attachment 9

¹¹ “Half Korean Kids Abandoned in Vietnam” 2010, DTiNews, source: *The Korea Times*, 21 October http://www.dtinews.vn/news/news/vietnam/half-korean-kids-abandoned-in-vietnam_5479.html – Accessed 14 February 2011 – Attachment 10

¹² Ministry of Labor, Invalid and Social Affairs, Department of Social Evil Prevention 2008, “Policies and Regulations on Social Assistance Services for Returned Women and Children Victims of Human Trafficking”, IOM website, p.17

http://www.iom.int/jahia/webdav/shared/shared/mainsite/activities/ct/policies_regulations_vietnam.pdf – Accessed 9 February 2011 – Attachment 11

¹³ “The Environment, Gender, Migration and the Poor” 2008, Vietnam Ministry of Natural Resources and Environment, 6 November, p.17 [http://povertyandenvironment.vn/UserFiles/File/Goi%20thau%201/bao%20cao%20gioi%20va%20di%20dan_tie%20anh\(CMYK\).pdf](http://povertyandenvironment.vn/UserFiles/File/Goi%20thau%201/bao%20cao%20gioi%20va%20di%20dan_tie%20anh(CMYK).pdf) – Accessed 9 February 2011 – Attachment 12

report also states that “many women remained in abusive marriages rather than confront social and family stigma and economic uncertainty.”¹⁴ In 2010 the Immigration and Refugee Board of Canada stated that domestic violence is reportedly present across all geographic areas and socioeconomic groups in Vietnam. Furthermore, implementation of protective measures can be slow; for example 6-9 months are required to prepare the necessary paperwork to send a perpetrator of domestic violence to education classes.¹⁵

A recent article on the Viet Nam News website asserts that authorities are not effective in preventing domestic violence in Ho Chi Minh City.¹⁶ The latest Human Rights Watch World Report states that Vietnam has refused access to some UN special procedures, including those on violence against women.¹⁷

Sources indicate that, in general, effective support specifically available for single mothers and unwed pregnant women in Vietnam is limited, with individual Non-Government Organisations playing a key role. For example, the Church-run home described on the Union of Catholic Asian News website in 2010 provides shelter for women during pregnancy and also allows them to leave their children with the nuns after birth so they can pursue education, employment or marriage.¹⁸ Similarly, *The Christian Science Monitor* reports that Tong Phuoc Phuc provides shelter for unwed mothers across two private houses in Nha Trang, and cares for their children after birth until such time as mothers can afford to care of the children themselves. At the time of publication, Tong Phuoc Phuc had taken in 60 children in total. The article notes that such shelters are rare.¹⁹ Targeted support for mothers who are returned victims of human trafficking exists in the form of financial assistance to procure school materials for their child.²⁰

¹⁴ US Department of State 2010, *Country Reports on Human Rights Practices 2009 – Vietnam*, 11 March – Attachment 13

¹⁵ Immigration and Refugee Board of Canada 2010, *VNM103322.E – Viet Nam: Domestic violence*, 8 January – Attachment 14

¹⁶ “Officials Fail to Stop Domestic Violence” 2010, *Viet Nam News*, 24 December
<http://vietnamnews.vnagency.com.vn/Social-Issues/207037/Officials-fail-stop-domestic-violence-.html> – Accessed 14 February 2011 – Attachment 15

¹⁷ Human Rights Watch 2011, *World Report – Vietnam*, 24 January
<http://www.unhcr.org/refworld/docid/4d429eff2.html> – Attachment 16

¹⁸ “Vietnam – Nuns stop women terminating pregnancies” 2010, Union of Catholic Asian News website, 3 March <http://www.ucanews.com/2010/03/03/nuns-stop-women-terminating-unwanted-pregnancies/> – Accessed 22 April 2010 – Attachment 5

¹⁹ Trang, N. 2008, “A Vietnamese man shelters unwed mothers”, *The Christian Science Monitor*, source: *Associated Press*, 28 May <http://www.csmonitor.com/World/Asia-South-Central/2008/0528/p04s01-wosc.html> – Accessed 22 April 2010 – Attachment 7

²⁰ Ministry of Labor, Invalid and Social Affairs, Department of Social Evil Prevention 2008. “Policies and Regulations on Social Assistance Services for Returned Women and Children Victims of Human Trafficking”, IOM website, p. 22
http://www.iom.int/jahia/webdav/shared/shared/mainsite/activities/ct/policies_regulations_vietnam.pdf – Accessed 9 February 2011 – Attachment 11

3. Is there any up to date information about the ability of Vietnamese citizens to relocate to other parts of the country?

Freedom of movement and residence is protected under the Vietnamese constitution. As no one ministry in Vietnam explicitly has carriage of internal migration issues the needs of internal migrants are arguably not adequately captured in current government policies.²¹

A census recorded that there were 6.6 million internal migrants in Vietnam during the 2004-2009 period.²² Since the 1990s, state-sponsored migration programs have been in decline, meaning that the majority of migrants are now 'spontaneous economic migrants' who relocate independently.²³

Sources indicate that whilst internal migration in Vietnam is a common occurrence, a migrant's status under the household registration system, or *ho khai*, is an important factor in determining their practical ability to live in and access public services at their destination. *Ho khai* divides citizens into residential categories, with residents of each category having different rights to access government services at all levels. Prior to 2007, 4 residential categories existed (referred to as KT1, 2, 3 and 4 categories). In 2007 legislation was passed streamlining the system to comprise just 2 categories: permanent and temporary. Temporary residents require tenancy in a legal house, stable employment and continuous residence (for one year in centrally administered cities) before they may successfully apply for permanent status.²⁴

Migrants without permanent *ho khai* status face institutional barriers in accessing government services. A resident's ability to access public services at all levels depends on their *ho khai* status, effectively meaning that migrants with temporary status often need to outlay non-refundable sums of money in order to access services which are granted to residents with

²¹ *Internal Migration: Opportunities and Challenges for Socio-economic Development in Viet Nam* 2010, United Nations Viet Nam website, July, p.16-17 http://www.un.org.vn/en/publications/publications-by-agency/doc_details/173-internal-migration-opportunities-and-challenges-for-socio-economic-development-in-viet-nam.html – Accessed 15 February 2011 – Attachment 17

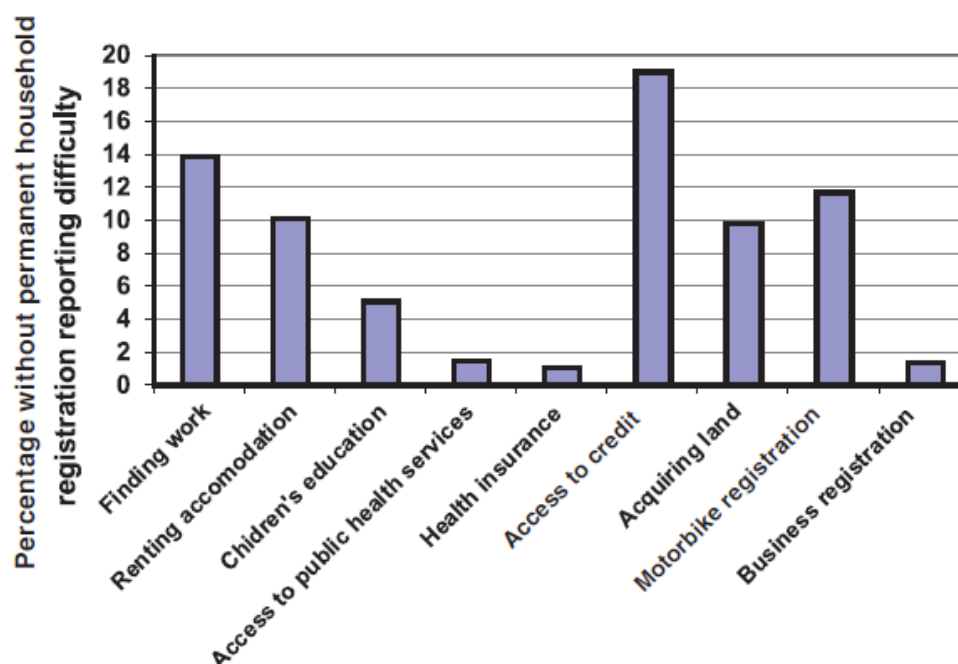
²² Marx, V. & Fleischer, K. 2010, *Internal Migration: Opportunities and Challenges for Socio-economic Development in Viet Nam*, United Nations Viet Nam website, July, p.6 http://www.un.org.vn/en/publications/publications-by-agency/doc_details/173-internal-migration-opportunities-and-challenges-for-socio-economic-development-in-viet-nam.html – Accessed 15 February 2011 – Attachment 17

²³ *Internal Migration and Socio-economic Development in Viet Nam: a Call to Action* 2010, United Nations Viet Nam website, July, p.5 http://www.un.org.vn/en/publications/publications-by-agency/doc_details/151-internal-migration-and-socio-economic-development-in-viet-nam--a-call-to-action.html – Accessed 15 February 2011 – Attachment 18

²⁴ Marx, V. & Fleischer, K. 2010, *Internal Migration: Opportunities and Challenges for Socio-economic Development in Viet Nam*, United Nations Viet Nam website, July, p.18-19 http://www.un.org.vn/en/publications/publications-by-agency/doc_details/173-internal-migration-opportunities-and-challenges-for-socio-economic-development-in-viet-nam.html – Accessed 15 February 2011 – Attachment 17

permanent status.²⁵ Furthermore, it is noted that temporary migrants are not eligible for state-sponsored poverty reduction measures, including loans.²⁶

Migrants are reported to often face difficulties in accessing services even when not technically precluded. For example, children of internal migrants are able to attend schools in their new district of residence if there is space after children with permanent residency status have enrolled. The UN advocacy paper states that there is evidence to suggest that this leads to some migrant children being unable to access education.²⁷ A United Nations Population Fund report from 2007 contains the following graph, which charts various difficulties faced by migrants without permanent household registration.²⁸



Applying for a different residency can be an administratively confusing and onerous process for migrants. Legislative reforms have reportedly not been uniformly implemented across the country, with some areas such as Ho Chi Minh City still allegedly working to the old 4 category system with more onerous conditions for those applying for permanent status. The

²⁵ Marx, V. & Fleischer, K. 2010, *Internal Migration: Opportunities and Challenges for Socio-economic Development in Viet Nam*, United Nations Viet Nam website, July, p.7
http://www.un.org.vn/en/publications/publications-by-agency/doc_details/173-internal-migration-opportunities-and-challenges-for-socio-economic-development-in-viet-nam.html – Accessed 15 February 2011 – Attachment 17

²⁶ *Internal Migration and Socio-economic Development in Viet Nam: a Call to Action* 2010, United Nations Viet Nam website, July, p.7-8 http://www.un.org.vn/en/publications/publications-by-agency/doc_details/151-internal-migration-and-socio-economic-development-in-viet-nam--a-call-to-action.html – Accessed 15 February 2011 – Attachment 18

²⁷ *Internal Migration and Socio-economic Development in Viet Nam: a Call to Action* 2010, United Nations Viet Nam website, July, p.7-8 http://www.un.org.vn/en/publications/publications-by-agency/doc_details/151-internal-migration-and-socio-economic-development-in-viet-nam--a-call-to-action.html – Accessed 15 February 2011 – Attachment 18

²⁸ United Nations Population Fund 2007, *Internal Migration in Vietnam: The Current Situation*, UNFPA Vietnam website, p.28
http://vietnam.unfpa.org/documents/2008/Internal%20Migration_Current%20situation_e.pdf – Accessed 19 June 2009 – Attachment 19

United Nations reports that this is likely to mean that some migrants who are eligible for permanent residency status are unable to access it in some areas.²⁹ The 2004 Vietnam Migration Survey showed that of migrants surveyed who did not re-register their temporary status at their destination (to extend temporary status), 48 per cent believed that they had no permission to re-register, while 22 per cent thought it was not necessary to register and 9 per cent did not know how to re-register.

Many migrants simply do not register at their destination at all, instead remaining on the *ho khau* book in their place of origin.³⁰ Human Rights watch states that *ho khau* documents are “essential for legally obtaining a job, collecting food rations, attending government schools, receiving health care, travelling, voting and contesting administrative abuses...” Moreover, children who do not have appropriate *ho khau* registration are more likely to experience negative interactions with the police.³¹

Migrants who have been absent from their place of permanent residence for more than 6 months without notifying authorities of their temporary absence and without explanation may have their names struck from the local *ho khau* registry. However, it is noted that practices relating to *ho khau* paperwork may in fact vary from province to province. Migrants who have had their permanent residency removed from the *ho khau* registry can apply to have their residency re-instated. According to a state-sponsored online news article, based on Article 2 of the Law on Residence, Vietnamese people who live in a foreign country for a period of time but still retain their Vietnamese citizenship can apply for a *ho khau* when returning to Vietnam.³² The UK Home Office quotes a dated (2001) yet pertinent source in relation to this matter, specifically pertaining to Vietnamese emigrants:

“For people who emigrate from Vietnam, the government considers them no longer part of their original household and they would lose their registration.” An individual could apply for restoration of his name to the household registry only after returning to Vietnam, but those considered undesirable by the government would not be eligible.”³³

Attachments

1. “Single motherhood legalized in Vietnam” 2000, *Asian Political News*, 12 June. (FACTIVA)

²⁹ Marx, V. & Fleischer, K. 2010, *Internal Migration: Opportunities and Challenges for Socio-economic Development in Viet Nam*, United Nations Viet Nam website, July, p. 19 http://www.un.org.vn/en/publications/publications-by-agency/doc_details/173-internal-migration-opportunities-and-challenges-for-socio-economic-development-in-viet-nam.html – Accessed 15 February 2011 – Attachment 17

³⁰ *Internal Migration and Socio-economic Development in Viet Nam: a Call to Action* 2010, United Nations Viet Nam website, July, p.7 http://www.un.org.vn/en/publications/publications-by-agency/doc_details/151-internal-migration-and-socio-economic-development-in-viet-nam--a-call-to-action.html – Accessed 15 February 2011 – Attachment 18

³¹ UK Home Office 2010, *Country of Origin Information Report: Vietnam*, 19 May, p. 65 – Attachment 20

³² “Online Exchange between Police Leader and SGGP Readers about Residence Law Implementation” 2007, “Saigon Giai Phong Daily” website, 29 June <http://www.saigon-gpdaily.com.vn/Law/2007/6/56583/#> – Accessed 12 August 2008 – Attachment 21

³³ UK Home Office 2010, *Country of Origin Information Report: Vietnam*, 19 May, p.67 – Attachment 20

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<http://www.unaids.org.vn/resource/topic/children/Published%20AC%20SITAN%20June%202005.pdf> – Accessed 9 February 2011.
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<http://books.google.com/books?id=7St292R99PAC&lpg=PA167&ots=GgORAUeO45&dq=Contextualising%20reproductive%20rights%20challenges%3A%20The%20Vietnam%20situation&pg=PA146#v=onepage&q&f=true> – Accessed 22 April 2010.
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8. Clark, H. 2008, "Infant Abandonment Worse Than Adoption Fraud?", *Inter Press Service*, 23 May <http://ipsnews.net/news.asp?idnews=42479> – Accessed 22 April 2010.
9. "On Single Mothers" 2008, VietNamNet Bridge, source: VNS, 2 July
<http://english.vietnamnet.vn/social/2008/07/791664/> – Accessed 14/02/2011.
10. "Half Korean Kids Abandoned in Vietnam" 2010, *DTiNews*, source: *The Korea Times*, 21 October http://www.dtinews.vn/news/news/vietnam/half-korean-kids-abandoned-in-vietnam_5479.html – Accessed 14 February 2011.
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[http://povertyandenvironment.vn/UserFiles/File/Goi%20thau%201/bao%20cao%20gioi%20va%20di%20dan_tiang%20anh\(CMYK\).pdf](http://povertyandenvironment.vn/UserFiles/File/Goi%20thau%201/bao%20cao%20gioi%20va%20di%20dan_tiang%20anh(CMYK).pdf) – Accessed 9 February 2011.
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