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ANGIE NGOC TRẦN AND VICKI CRINIS

Migrant Labor and State Power: Vietnamese Workers in Malaysia and Vietnam

The demands by global labor markets for foreign migrant workers to do the jobs unwanted by local citizens play an important role in transnational labor migration. The Vietnamese state has responded to these global labor demands by sending workers to fill jobs overseas in order to address the unemployment and poverty issues at home. With an estimated 1.1–1.5 million Vietnamese citizens entering the labor market each year, the Vietnamese state has policies to promote global labor migration through 2020 as a poverty-reduction strategy.¹

As of 2016, the state has signed intergovernmental agreements to send more than 520,000 contract-based migrants to work in over sixty countries and territories in East and Southeast Asia, the Middle East, North Africa, and the former Eastern Bloc countries. In particular, demands for domestic and factory workers attracted about two hundred thousand Vietnamese migrants to East Asia and forty thousand (for construction and service jobs) to the Middle East and North Africa. Between 2000 and 2010, the top five labor markets for Vietnamese migrants included Taiwan (237,643 workers), Malaysia (184,614), South Korea (90,744), Japan (42,299), and Africa and the Middle East (54,014).² The 2016 top five global labor markets for Vietnam show increasing flows of workers to the Middle East and to high- and

middle-income states in Asia: Taiwan (58,659 workers), Japan (33,593), Korea (7,265), Saudi Arabia (3,748), and Malaysia (1,673).³

International organizations such as the International Labor Organization (ILO) and the Greater Mekong Subregion (GMS) Triangle project—partially funded by the Australian government—have been providing technical assistance and facilitating the monitoring of Vietnam's global labor migration process. Since 2015, international NGOs and trade union bodies have managed to bring international focus to the exploitation of migrant workers, including Vietnamese workers in Malaysia. International activists have pointed to Malaysia's poor human rights record in the lead-up to the Trans-Pacific Partnership (TPP) Agreement with the United States and outlined the exorbitant recruitment costs, human trafficking, modern-day enslavement, detention, injury, and even death of thousands of poor migrant workers.⁴

There have been a few studies of Vietnamese migrant workers in developed countries based on fieldwork interviews conducted primarily in northern Vietnam. Hong-Zen Wang and Danièle Bélanger delve into the complexities of international labor export and import through fieldwork conducted in Taiwan and northern Vietnam from 2003 to 2007. They demonstrate that transnational recruitment intermediaries along with migration and work policies of Vietnam and Taiwan dictate the migration process and lead to a vicious cycle of debt-bondage of Vietnamese migrant workers.⁵ Another study shows that host countries such as Japan, Korea, and Taiwan are desirable because they offer higher wages, but poor workers cannot always meet the requirements of education, skills, and pre-departure training costs (language and legal instructions) needed to migrate to these countries.⁶ Lan Anh Hoàng and Brenda S. A. Yeoh's study of Vietnamese female migrant workers in Taiwan finds interesting contradictions between stereotypes of Vietnamese women's sexuality and actual sexual practices in real-life contexts, thus making a significant contribution to scholarship on migration and sexuality.⁷ In another article, Lan Anh Hoàng and Yeoh provide a critical study on remittances and the significance of debts incurred when financing transnational labor migration and how these debts affect migrant workers and their families.⁸

The Malaysian labor market is attractive to low-income Vietnamese migrants due to the lower requirements.⁹ A large number of labor migration studies on Malaysia focuses on domestic workers and highlights the lack of protection against exploitation that foreign domestic workers receive in Malaysia.¹⁰ Christine Chin's work highlights the ways developmental states encouraged Indonesian and Filipino domestic workers to work in Malaysian homes so Malaysian women could enter and remain in the workforce. Juanita Elias looks at the rights of foreign domestic workers and how the Indonesian government placed an embargo on Indonesian domestic workers going to Malaysia. Killias examines what it means to be an Indonesian worker in Malaysia and the "illegal" migrants' resistance against coercion and exploitation in Malaysia. Other studies focus on foreign workers (including Indonesians, Bangladeshis, Vietnamese, Nepalese, and Cham Muslims from Vietnam) in factories and the lack of enforcement of government levies, minimum wages and procedures in managing migrant workers beyond recruitment, as well as the migrants' agency. Most of the literature has focused on Indonesian and Bangladeshi migrant workers because they were the first to come to Malaysia to work in the agricultural and construction sectors and the textile industry. They were thought to be more suited to working amidst a predominantly Malay population, since they shared the same religion with Malays. However, Indonesians proved to be problematic, demanding higher wages and better conditions, causing a few riots in the process. Bangladeshi workers were exploited by corrupt middlemen; these recruitment agents continued to bring in workers during the Global Financial Crisis (GFC) and left large numbers stranded at the Malaysian airport. Therefore, the Malaysian government decided to diversify its intake of migrant workers and recruit other ethnicities such as Vietnamese and Nepalese.¹¹ After the GFC, the Malaysian government did not allow Bangladeshi workers to come to Malaysia for six years and increased the numbers of Vietnamese and Nepalese workers. These workers were assumed to be more suited to factory discipline and less likely to cause riots. Few studies focus on Vietnamese workers in Malaysia. Vicki Crinis discusses how social relations of production were transformed through neoliberal trade policies and transnational labour migration. Lê Thu Huong focuses on the impacts of the recruitment process to Malaysia on migrant

workers. Angie Ngọc Trần uncovers how Cham Muslims responded to the Vietnamese labor export policy.

This article contributes to the transnational labor migration literature by focusing on Vietnamese factory workers in Malaysia. By conducting multi-sited interviews in Vietnam and Malaysia between 2008 and 2015, we sought to understand how the transnational labor system works and how migrant workers navigate this process.

We argue that the two emerging economies of Vietnam and Malaysia, as part of a global neoliberal system, produce citizens and non-citizen subjects who comply with labor export and foreign worker policies. Within this transnational governmentality, the two states manage labor migration to ensure both government and individual accumulation so they can sustain their policies. Vietnamese migrant workers in the Malaysian labor market negotiate their roles throughout this process, and at times even benefit from it. We find evidence that our interviewees want to accumulate capital in order to “change their lives” [*đổi đời*]. Conscious of the exploitative working conditions in the Malaysian labor market, workers engage in acts of resistance against the different levels of power and discipline directed at them. But workers are also aware of opportunities and prepare for subsequent work in higher-paying countries such as Taiwan, Korea, and Japan, where they can find more favorable conditions. Through multi-sited interviews in Vietnam and Malaysia we document both open and covert resistance. When in Malaysia, some migrants became undocumented and built religious support networks. Upon returning home, many dragged their feet to pay back loans, while aspiring to work in Taiwan, Korea and Japan.

Regarding the organization of this article, first we develop an integrative theoretical framework for examining migrant work and state power. Second, we explain our transnational methodology, which includes interviews with workers in both the sending and receiving countries. Finally, we analyze the migrant workers’ agency while in Malaysia and upon their return to Vietnam.

Theoretical Framework

Both Vietnamese migrant workers and the states that send and receive them are tied to the neoliberal market system. In the 1970s, free market

fundamentalism restored the power of capitalism, which allowed for the privatization of most welfare state structures and the decline of trade unionism in the West.¹² This philosophy implied that “good” government could not interfere with economic and financial mechanisms, and therefore little was done by national governments to regulate the flow of globalization and the inequality between rich and developing countries, which set the stage for global labor migration.

As noted in the introduction, we recognize earlier literatures on the exploitation of migrant workers and their resistance. None of those studies used Foucault’s concepts, so we use a Foucauldian framework to explain transnational state power and migrant workers’ negotiations. In particular, we draw on the concepts of biopower, governmentality, and biopolitical subject formation.

Foucault introduced the concepts of biopower and governmentality to describe the ways in which governments manage populations and produce citizens best suited to fulfill government policies. The function of biopower is productive: “no longer to kill, but to invest (in) life through and through”¹³; modern state power is a series of productive rather than repressive networks (as per Foucault’s micro-power theory).¹⁴ Modern state power is dedicated to governing populations to ensure the right to life, health, happiness, and growth. But through diverse disciplining techniques, state administration and surveillance create the biopolitical subject, governable as citizens.¹⁵ These subjects are mobilized by the state as resources, workers, citizens, and family members to care for and to reproduce the next generation of workers. In particular, state power includes disciplining institutions such as schools, hospitals, and immigration and labor agencies that mold citizens. The government also creates systems and technologies that teach subjects to control their behaviors.¹⁶

Modern power is not only localized in the state but can also be reflected at the everyday level; where there is power, there is resistance.¹⁷ The idea of modern power helps us examine various forms of power and resistance used by individuals and groups of migrant workers in Malaysia and, upon their return, in Vietnam. While these acts of resistance do not overthrow the system, they may bring about change. In the era of globalization, management of biopower is also a matter of crossing borders to maximize profits. Nation-

states attempt to regulate these border crossings, and workers attempt to increase their earnings by crossing national borders to work in higher-paying countries.

The Vietnamese and Malaysian states construct citizens and non-citizens to promote transnational labor migration. In Vietnam, the government wants its citizens educated and employed so they can earn money to support themselves and their families. The state encourages citizens who are unable to do so to seek overseas employment and save money to finance their future. Female workers are considered to be the right kind of migrant worker for Malaysia because they will work long hours to earn as much money as possible to send home to their families. According to the Malaysian government, the suitable guest worker enhances the manufacturing sector in Malaysia by providing a disposable labor force. These workers cover their own travel and recruitment costs, without any expense to the government or employers. They are more desirable than native/citizen workers because they are willing to work longer hours. They save employers the expense of paid benefits, and can be easily dismissed in times of recession.

In the context of transnational migration, governments invest in techniques of control such as coherent infrastructure and state agencies designed to derive benefit from migrant workers. Robyn Magalit Rodriguez discusses this concept in the case of the Philippines, a labor-sending country. She argues that the Philippine state has invested in developing and maintaining a labor export bureaucracy by establishing a global network of embassies and consular offices that shape migration patterns of Filipinos, labor agencies, and workers' movements worldwide. As such, the state benefits from migrant workers' remittances, recruitment, and processing fees.¹⁸ In Vietnam, the state administrative powers that govern biopolitical subjects and manage global migration include the state regulatory system (labor export policies to promote global migration as an employment and poverty-reduction strategy), the recruitment system (which is carried out by a combination of private, state-owned, and privatized state companies) and the state bureaucracies that control communication (the complex role of the state media).¹⁹

In addition, migrant workers themselves have interests that drive transnational labor migration. Clare O'Farrell states, "Foucault argues that the

subject is an entity who is self-aware and capable of choosing how to act.”²⁰ We integrate the concept of workers’ agency into this integrative framework to examine workers’ responses, remittances, and forms of resistance. This concept can take various forms of structural and internal empowerment. Nana Oishi’s research focuses on how low-capital female migrant workers in manufacturing and domestic/service types of work have consciously engaged in activities that reflect both forms of empowerment.²¹ Moreover, Anju Mary Paul explains how workers aspire to climb a hierarchy of destination countries and to accumulate capital along the way.²² In this essay, we show how migrant workers improve their capabilities by investing in themselves. Migrant workers who labor for manufacturing and construction companies acquire new skills, languages, and self-confidence to invest in their future. Broader worldviews create new aspirations and desires to go to other countries for upward mobility.

In the neoliberal context, the remittance economy is essential due to the widening of the income gap among countries in the region that participate in the global labor market system. Remittances are important forms of agency that have been studied by many scholars. Hai Anh La and Suiwah Leung argue that remittances are motivated by two purposes: altruism towards family members (with the largest shares sent to lower-income groups as poverty alleviation) and “exchange motive” (remittances sent to high-income households as an investment on behalf of the senders/migrant workers).²³ International remittances were being sent to 4.6 percent of rural households and 10 percent of urban households by 2006—the disparity is due to households in the cities being more likely to have members migrating to work overseas.²⁴ Other scholars stress the importance of social meanings of remittances. Md Mizanur Rahman and Lian Kwen Fee argue that remittances are not a simple monetary transaction, but also a social transaction with motivational aspects that are co-determined by the migrant workers and their extended families.²⁵ Yeoh et al., in their study of thirty Vietnamese women who married Singaporean men through commercial matchmaking agencies, argue that remittances can be considered as acts of recognition that involve the performance and negotiation of their multiple roles (as wives, mothers, daughters, or sisters) to maintain transnational (natal and marital) family ties across distances.²⁶ Scholars also argue that remittances can serve

to reinforce status and networks in the migrant workers' original communities. Some agree that men and women negotiate remittances in multiple ways.²⁷

Methodology

To emphasize the transnational dimension of this study, we conducted multi-sited surveys with migrant workers in their home and host countries. We identified our interviewees based on convenience sampling, which created a snowball effect. We conducted the interviews off the factory floor to ensure anonymity. The interviewed workers are identified in this article only by pseudonyms.

Overall, our sample includes fifty informants—thirty-four workers and sixteen government officials and expert informants—who were interviewed between 2008 and 2015 by both authors (see Table 1 and Appendix I). With the help of a state-owned recruitment company in Hồ Chí Minh City, Angie Ngọc Trần began the multi-sited survey in 2008 by interviewing fifteen Vietnamese worker returnees then living in Hồ Chí Minh City to understand their circumstances and to obtain information about their Vietnamese friends who were still working in Malaysia. We feature four of the fifteen interviewees in this study. These four interviewees worked in Malaysia with thirty other Vietnamese workers on the same assembly line in a cookie factory in Batu Pahat, a province in Malaysia. Then, based on the leads of these returnees, we went to Batu Pahat to interview their friends. Additionally, we went to Johor Bahru, an area with high concentrations of foreign migrant workers, producing over forty percent of Malaysia's textiles and garments, furniture, foodstuffs and rubber gloves. We stood in front of the shopping centers where workers shop on their days off and interviewed several migrants, two of whom are featured in this study.

We conducted follow-up interviews through 2015. In 2010, Crinis returned to Batu Pahat to organize a focus group interview with twelve young male and female Vietnamese workers—all of whom were recruited by government agencies—after church services in a hostel with translation help from a Vietnamese female garment worker. With the support of a local Christian-based NGO, Crinis also conducted interviews with five workers in Penang, another location with a high concentration of Vietnamese migrant

TABLE 1: Interviews with Workers in Vietnam and Malaysia

Pseudonyms/Hometown/ Recruitment Company	Work, Location of the interviews	Interview Year
Ms. Lan (Hải Dương) (VSC)	(cookie factory, Batu Pahat)	2008
Ms. Hương (Hải Dương) (VSC)	(cookie factory, Batu Pahat)	2008
Ms. Phương (HCMC) (SULECO)	(cookie factory, HCMC)	2008, 2013
Ms. Mai (Cần Thơ) (SULECO)	(cookie box label factory, Batu Pahat)	2008
Ms. Minh (Cần Thơ) (Milaco)	(garment factory, Batu Pahat)	2008
Ms. Chương (Thanh Hoá) (Vilimex)	(garment factory, Johor Bahru)	2008
Ms. Nga (Thanh Hoá) (LATUCO)	(restaurant worker, Batu Pahat)	2008
Ms. Nhân (HCMC) (SULECO)	(electrical parts, HCMC); wanted to work for Clisal in Vietnam	2008
Ms. Xuân (HCMC) (SULECO)	(making accessories for car seats, HCMC)	2008
Ms. Trâm (Xuân's sister)	(received 700R/month from Xuân to go to college on accounting, HCMC)	2008, 2013
Mr. Đông (Hà Tĩnh) (TRACONSIN Hà Nội branch)	(plastic containers and bags factory, Batu Pahat)	2008
Mr. Anh (Hà Tĩnh) (Công ty Việt Hà)	(plastic sheets factory, Batu Pahat)	2008
Mr. Dương (Nghệ An) (LATUCO)	(plastic/paper factory, Batu Pahat)	2008
Ms. Nguyệt (private agency)	(apparel, Penang)	2010
Mr. San (private agency)	(apparel, Penang)	2010
Ms. Phương (private agency)	(apparel, Penang)	2010
Ms. Phạm (state agency)	(apparel, Penang)	2010
Ms. Chi (state agency)	(apparel, Penang)	2010
12 male and female Vietnamese workers (state agencies)	Focus group interview in Batu Pahat	2010
Mr. Nghĩa (An Giang) (private agency)	Electronic factory in Malaysia	2013
Mr. Vũ (An Giang) (Sao Thái Dương)	Wood furniture company in Malaysia	2013
Ms. Hoa (An Giang) (Latuco)	Electronic factory in Malaysia	2013
Ms. Huệ (An Giang) (Airseco)	Machine parts factory in Malaysia	2013

workers. Angie Ngọc Trần conducted some follow-up interviews with two returnees in Hồ Chí Minh City in 2013 and broadened the geographical coverage by interviewing four returnees in An Giang province in the Mekong Delta region.

To understand the function of the state in transnational migration systems, we include fifteen experts and special informants who played important roles in both countries. Between 2008 and 2015, Angie Ngọc Trần interviewed ten recruitment company directors, as well as officials from labor unions and the Ministry of Labor, Invalids and Social Affairs (MoLISA) in Hồ Chí Minh City, Quảng Ngãi, Hà Nội, and An Giang. She also interviewed state bank officials and journalists in An Giang and Hồ Chí Minh City. Between 2007 and 2014, Crinis interviewed six employers, trade unionists, social activists and religious organizations in Johor, Batu Pahat, Negeri Sembilan, Malacca, Selangor, and Penang. Moreover, we complemented our sample with secondary data, including government and union reports, and newspaper articles from both countries that reveal the strengths and weaknesses of labor export policies and worker protests.

Malaysian Governmentality and Institutions

The Malaysian government produces and manages non-citizens—foreign workers such as Vietnamese migrants—best suited to fulfill their labor demand, as reflected in their migrant worker policies.²⁸ These temporary foreign migrant workers toil in the jobs Malaysian workers no longer want. The new global gender order means women in less-developed countries perform the domestic and factory labor that allows Malaysian workers to seek higher-skilled and higher-paying jobs.²⁹ A managed migration program requires workers to have a passport, work permit, and employer contract for one to three years; pay levies; and to return home at the end of the contract.³⁰

To visualize the *transnational* nature of this labor migration case, Figure 1 portrays elements seen from Malaysia's and Vietnam's perspectives.

The government has been pressured by Malaysian employers to allow migrant workers from poorer countries in the region to fill low-skilled jobs in the manufacturing sector. This has run counter to the argument raised by the Malaysian Trades Union Congress (MTUC) that the

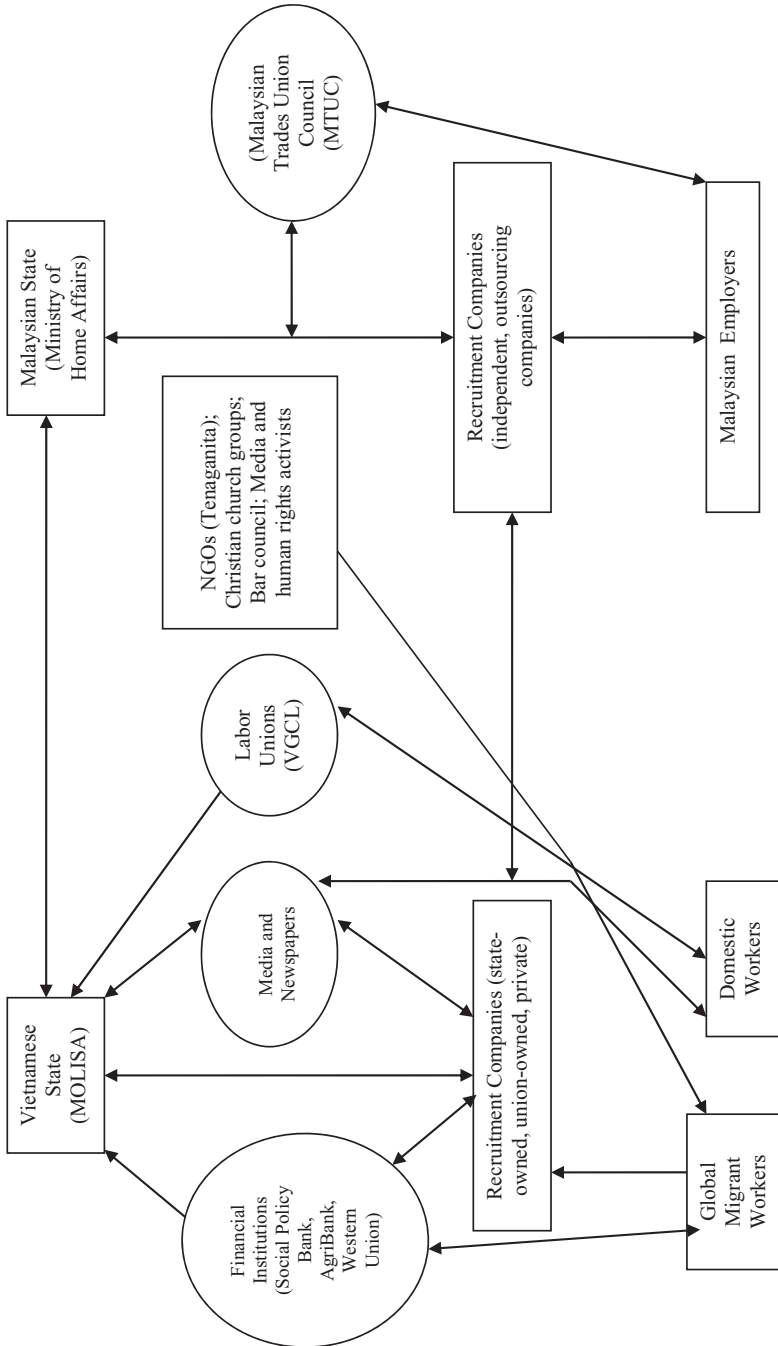


FIGURE 1 : Transnational Labor and Governmentality: Vietnam and Malaysia.

Malaysian government and employers should increase pay and enhance skills for local Malaysians rather than hire more foreign workers. But since manufacturing jobs were mostly in the export industry, manufacturers wanted the government to keep the wages low to entice foreign investors.³¹ Unfortunately, as more and more unskilled transnational migrant laborers filled these low-paying jobs, labor abuse became rampant in the global commodity chains, especially in the less-transparent small and medium enterprises.

The Malaysian government has allowed two recruitment systems to manage foreign workers: 1) the government's one-stop recruitment center and 2) a system of privately owned outsourcing companies for employers who require less than fifty workers. The outsourcing companies lack accountability in fulfilling contracts and are reported to engage in corrupt practices.³² The government's one-stop recruitment center is better and more reliable than the private outsourcing system, because when a worker is employed via the government system, the factory employer listed on the contract is responsible for the worker, allowing for compensation claims if the worker is injured on the job. By contrast, the factory owner has no responsibility to the worker if the worker is employed by a private outsourcing company.

The media in Malaysia reports some of the excesses of labor injustices, but overall there is little criticism directed at employers and the Malaysian government due to the Printing Presses and Publications Act of 1984. Under this legislation, the Home Affairs Minister is given "absolute discretion" in the granting and revocation of printing and publication licenses, and can also restrict or ban outright publications that are likely to endanger national security interests or create social unrest. There is a substantial fine of RM30,000 and jail terms for those considered offenders by the Home Ministry. These penalties have discouraged the reporting of migrant worker exploitation in mainstream newspapers. MTUC's quarterly *Labor Bulletin*, published online, reports abuses of migrant workers by employers and frequently calls for the government to protect migrant workers from labor exploitation. Malaysiakini, an online media outlet operated by a human rights activist, also calls for government action to address labor violations and discrimination against migrant workers.

The Malaysian government established a levy system in 1991. Though the levy was originally intended to be paid by Malaysian employers, the government allowed employers to deduct money from employees' wages to cover the cost of the levy. Employer practices such as wage deductions, the deportation of migrant workers, and unfair dismissals, are mostly overlooked by the state.³³ In 1993, the government charged Malaysian employers a levy of RM1,200 per annum for each foreign worker they hired as a way to protect jobs for native workers, who are exempted from this tax. Not long after the levy was introduced, employers immediately deducted RM100–130 per month from workers' salary. This practice only ended in 2008 after the Textile, Clothing and Footwear Workers Union of Australia and the Committee to Protect Vietnamese Workers exposed the Malaysian employers (Nike suppliers) for deducting the levy from workers' wages.³⁴ However, in 2012, the Malaysian government agreed that employers could resume the deduction practice to recoup some of the extra wages migrant workers received under the new (higher) minimum-wage legislation. The government justified this action by claiming that the move to impose a levy on foreign workers would not be a burden to them as the levy paid is less than the salary increase.³⁵

Thus, foreign workers in the manufacturing, construction, and service sectors have since 2012 been paying the doubled rate levies via payroll deduction, serving the interests of the Malaysian government.³⁶ In 2014, the government collected about RM2.6 billion (or about US\$579 million) in levy revenue.³⁷ This revenue is expected to increase in 2018 with the government decision to raise the levy to RM1850 (from RM1,200) to be paid by the employers.³⁸ However, these statistics do not include revenues accumulated by the Malaysian brokers, the counterparts of Vietnamese labor brokers, and Malaysian Airlines.

Vietnamese Governmentality and Labor Export Policies

According to Foucault, modern state power can be a series of productive networks, which in the case of Vietnam has created the Vietnamese migrant subjects, the *lao động phổ thông* [low-skilled workers]. These networks started with a bilateral governmental agreement signed between Vietnam and Malaysia in 2002 to establish a legal framework that

stipulates the three-year contracts, wages, taxes/levies, and working conditions for migrant workers. Subsequent policies stipulated specific conditions to send Vietnamese migrants to work there and to return to Vietnam at the end of their contracts. In 2006, the state ratified the Law on Vietnamese Workers Working Overseas According to Labor Contracts,³⁹ which set out the procedures to deal with all stages of the labor export process and established contracts with state-owned, private, and privatized state recruitment companies.

In 2009, the Vietnamese state further developed its labor export policy through the Prime Minister Decision 71/CP (2009–2020), which aims to eradicate hunger, reduce poverty, and create jobs for poor citizens in designated rural districts. As such, the government produces biopower, which benefits its citizens (through remittances) and the state itself (through recruitment fees and interests). In 2015, at least US\$13.2 billion was remitted to Vietnam.⁴⁰ Specifically, the 71/CP policy allocates funding and support, such as low-interest loans, language and skills training, and health checks to send migrants from the sixty-five government-designated poor rural districts (mostly in the north and central provinces such as Thanh Hoá, Nghệ An, Hà Tĩnh, Quảng Ngãi, and three poor districts in the south) to work primarily in Malaysia, and to a lesser extent in the UAE and Libya.⁴¹

Between 2005 and 2015, the Vietnamese government sent 220,000 Vietnamese workers to Malaysia,⁴² 104,948 in 2007, and 68,433 in 2010, when thousands of Vietnamese migrants lost their jobs due to the 2008 global financial crisis.⁴³ Starting in 2009, Malaysia resumed accepting Vietnamese workers for low-skilled jobs in electronics, mechanics, sewing, jewelry, latex gloves, construction, restaurants, and seafood farming.⁴⁴ Many Malaysian outsourcing companies preferred female workers. Mr. Paul Wong, president of a Malaysian outsourcing company, stated: “We want to recruit female workers because they are hard-working, smart, and disciplined.”⁴⁵ Indeed, the 2016 statistics show that out of 51,000 Vietnamese migrants working in manufacturing, garment, and construction in Malaysia, more are women (26,000) than men (25,000).⁴⁶

Global actors also contribute to the management of border crossings to work in higher-paying countries. The Migrant Resources Center (MRC), part of the Department of Overseas Labor (DOLAB), received support from the

ILO, which has an influence on the Vietnamese state broker system. With financial support from the International Organization for Migration, the MRC main office in Hà Nội works with DOLAB to provide small brochures in Vietnamese and English to inform potential migrant workers of their rights and responsibilities and to provide general information about the receiving countries and addresses of DOLAB offices there. While visiting this MRC office, we learned that the staff had received complaint by phone from migrant workers in Malaysia and connected them to the proper recruitment companies to facilitate resolution for those migrant workers.⁴⁷ But these efforts were insufficient in resolving complaints.

NEWSPAPERS AND INVESTIGATIVE JOURNALISTS

The mass media, as a part of the state, plays an important role in creating Vietnamese low-skilled workers appropriate for Malaysia as a “potential market for the poor” [*thị trường tiềm năng với người nghèo*].⁴⁸ Major news outlets such as *Người Lao Động* [The Laborer] and *Lao Động* [Labor] have been the official forums of the state for broadcasting labor export policies. They encourage work in Malaysia by advertising the low requirements needed to work there, in contrast to entering the labor markets in Japan, Korean, or Taiwan.⁴⁹

However, some investigative journalists sharply criticized the flaws of this system, particularly weak state investigators who turned a blind eye to corruption and irresponsible recruitment companies. Since 2004, the media have reported the wrongdoings of many Vietnamese state and privatized state recruitment companies, unauthorized labor recruiters, and their Malaysian outsourcing company counterparts.⁵⁰ Owing to these media efforts, the state sanctioned these practices and DOLAB has improved its website by listing “bad” recruitment companies whose licenses were withdrawn.⁵¹

In September 2014, Nguyễn Duy, an investigative journalist specializing in labor export and Vietnamese labor migration around the world, sharply criticized the 71/CP policy for failing to help the poor rural districts for which it was designed. In an article titled “Failure of a Project Worth Thousands of Billions of Vietnamese Dong,” he shows that after six years of implementation of the labor export policy in 2009 with a budget of

US \$250,000, the state was able to send only nine thousand migrants from a few of the sixty-five targeted poor districts nationwide to work overseas, mostly in Malaysia.⁵²

The migrant returnees often called and sent letters, not only to *Người Lao Động* and *Lao Động* newspapers, but also other news outlets such as *Tuổi Trẻ* and *Tuổi Trẻ Online*, *Thanh Niên*, and *VietNam Net*. They complained about the irresponsibility of recruitment companies and the DOLAB office in the Vietnamese Embassy in Kuala Lumpur; most of these organizations did not respond to their concerns and complaints. In short, the media in Vietnam has had to strike a difficult balance between serving the state by promoting labor export policies, and advocating for the rights of migrant-workers by exposing abuses.

RECRUITMENT COMPANIES, BROKERS, BANKS

The Vietnamese state governs low-skilled migrant subjects through MoLISA, together with the Ministry of Foreign Affairs and the Ministry of the Interior. DOLAB, an administrative unit under the Ministry of Labor, oversees all stages of this labor export policy: pre-departure, the time overseas, and the return home. Its offices are stationed in the sixty countries that host Vietnamese migrant workers working on temporary labor contracts. This is similar to the function of the Philippine International Labor Affairs Service, which has representatives in their embassies and consular offices worldwide.⁵³

DOLAB works closely with the Ministry of Foreign Affairs' consular departments to explore foreign labor markets and to address under- and unemployment in Vietnam. DOLAB monitors the trends in labor demand around the world and publishes country-specific requirements for temporary workers on their official website.⁵⁴ In Malaysia, the DOLAB office is located in the Vietnamese Embassy in Kuala Lumpur, which is a long distance—hundreds of miles away—from Johor Bahru and other manufacturing centers. This office is charged with resolving grievances and complaints lodged by the Vietnamese migrants there, but has often failed to respond to the issues.

To aid in understanding the “productive networks” of the recruitment system with its strong state influence, below is an analysis of the sources of labor brokers.

STATE RECRUITMENT COMPANIES AND THEIR BROKERS

Geographical distribution of recruitment companies in Vietnam reveals sustained state influence in governing labor export policy. MoLISA grants licenses to 247 labor export/recruitment companies, of which 193 are in the north, six in the center, and forty-eight in the south of Vietnam. Most companies concentrate in the north because most recruitment companies were formerly state-owned corporations originating in northern Vietnam. These formerly state-owned companies are called “Tổng Công Ty 91” or “the 1991 general corporations,” after the year they were inaugurated. These state corporations controlled production and export of strategic products such as steel, coal, oil and natural gas, but also had their own “labor export” departments. For instance, two interviewees (Ms. Lan and Ms. Hương) were recruited by the Vietnamese Steel Company [Tổng Công Ty Thép Việt Nam] (VSC), one of the state-owned “1991 general corporations.”

Under pressure from the International Monetary Fund and the World Bank, the state had implemented a privatization process [*cổ phần hóa*] from 2002–2013 to transform state-owned enterprises. This resulted in varying levels of private ownership: from joint-stock companies (with over 50 percent of state shares so the state maintains control), to joint ventures, to one-member companies (the state as the sole owner with limited liabilities). However, many privatized state recruitment companies are still connected to the original ministries or the provincial people’s committees. One example is the Suleco company, where we interviewed many returnees who gave us leads to their friends who were still in Malaysia at that time. During our interviews in 2008, Suleco was still a state-owned overseas employment service company under the management of the Hồ Chí Minh City labor department.⁵⁵ By mid-2008, Suleco was slated to become a joint-stock company, but that did not happen because, according to Mr. Trần Văn Thạnh, “the HCMC labor department still had to find employment for war invalids and redundant [laid-off state] workers in HCMC.”⁵⁶ Seven years later, in 2015, following the privatization trend, it became the Export Labor and Professionals Service Joint Stock Company [*Cổ phần Dịch vụ Xuất khẩu Lao động & Chuyên Gia*], which focused on training workers

and professionals to work in Japan. Four of our interviewees, Ms. Phương, Ms. Mai, Ms. Nhân, Ms. Xuân, were recruited by Suleco.

Another interviewee, Mr. Đông, was recruited by Traconsin Investment and Construction and Transportation Joint Stock Company [Công ty cổ phần đầu tư và xây dựng giao thông Phương Thành – Traconsin]. The company had nominally privatized in 2004, yet it remains connected to the Ministry of Transport.⁵⁷ Another interviewee, Ms. Chương, was recruited by Vilimex Joint Stock Company in Nghệ An province, north-central Vietnam, which specializes in agricultural products. This company is still connected to the Ministry of Agriculture and Rural Development. Yet another interviewee, Mr. Anh, was recruited by Việt Hà joint-stock company in Hà Tĩnh province, north-central Vietnam—another company privatized since 2004 that remains connected to the People’s Committee of Hà Tĩnh Province. This company exports wood products as well as labor to Taiwan, Malaysia, and the Middle East.⁵⁸

Even the Vietnamese General Confederation of Labor (VGCL) and parliamentary committees created recruitment companies for profit. For instance, Latuco-International Labor Supply Company, which previously belonged to the VGCL and was headquartered in the north, recruited and sent workers to work overseas, including Malaysia, beginning in the early 2000s. It quietly ceased to exist as of 2010 due to many complaints from migrant workers. Three interviewees (Mr. Dương, Ms. Nga, Ms. Hoa) were recruited by Latuco and expressed their dissatisfaction with the recruitment company. Moreover, parliamentary committees can also create recruitment companies. For instance, the Ethnic Parliamentary Committee had a labor export department, which it privatized to become Milaco Joint-Stock Company in 2007.⁵⁹ One year later, it started sending thousands of migrants to work in Japan, Taiwan, Korea, Brunei, Malaysia and the Middle East. Ms. Minh, one of our interviewees, was recruited by Milaco to work in Malaysia.

Some workers we interviewed met the criteria established by Decision 71/CP and were recruited by the same state-owned company; they traveled together because they came from the same hometown. Ms. Lan and Ms. Hương came from the same village in Hải Dương and were recruited by an employee of the Vietnamese Steel Company (VSC). Some

came together as siblings, even when being recruited by different companies in Vietnam. The two sisters from Cần Thơ province, Ms. Mai (recruited by Suleco) and Ms. Minh (recruited by Milaco Joint-Stock Company) supported each other when Ms. Minh faced robberies in her dormitory.

STATE EMPLOYMENT AGENCIES AND THEIR LABOR BROKERS

Many brokers come from state employment agencies, such as city/provincial employment centers [*trung tâm giới thiệu việc làm*] overseen by city-level labor departments of MoLISA, or district employment centers [*phòng giới thiệu việc làm*] under district-level labor departments. Brokers can come from employment centers of the labor federations [*Trung tâm việc làm của Liên Đoàn Lao Động*] who acted as liaisons for recruitment companies. In rural areas, labor brokers are from mass organizations, such as peasants' and women's unions, and also have their own employment centers, such as peasant employment centers [*Trung tâm giới thiệu việc làm Nông Dân*].⁶⁰

To meet the labor export quotas discussed above, labor brokers from local mass organizations, including women's unions and peasants' unions, would visit potential migrants and their parents at their homes to recruit them. For this small, non-generalizable sample, we did not have information about the role of labor brokers from local mass organizations at the point of recruitment, but we did find evidence for their role in demanding debt payment after these migrants had returned to Vietnam, as discussed below.

At the local level, the labor federations' employment offices recruit potential migrant workers for some recruitment companies. Mr. Nghĩa, Mr. Vũ, and Ms. Hoa from An Giang Province were first recruited by state brokers from the Employment Office of the An Giang Labor Federation for the 71/CP program; they were eligible for low-interest loans from the state banks. After that, the An Giang Employment Office referred them to work directly with the private recruitment companies: Mr. Vũ worked with Sao Thai Duong Company, a private company based in Hồ Chí Minh City; Ms. Hoa worked with the now-defunct Latuco Recruitment Company; Mr. Nghĩa worked with an unnamed private recruitment company in An Giang.



IMAGE 1: An Giang Province Employment Center, overseen by the labor department (Angie Ngọc Trần, 2014).

PRIVATE RECRUITMENT COMPANIES AND THEIR LABOR BROKERS

Given the active role of state recruitment companies and state employment agencies, the Vietnamese labor market is only partially deregulated, unlike other countries such as Indonesia.⁶¹ To be sure, private recruitment companies in Vietnam do exist, but they often have some connections to the state. Many retired state officials in some ministries set up private recruitment companies, which lends the companies valuable state support.

For instance, we interviewed administrators of Trường Giang Company in Hồ Chí Minh City, a private recruitment company that has been sending workers to Malaysia since 2010. Mr. Hồ Trường Sơn, the administration president, told Angie Ngọc Trần that he had worked for fourteen years and had “received their trust and support.” While he did not provide specific details, the forms of “state support” the company received included access to

low-interest loans for the migrants they recruited, mostly from the Mekong Delta provinces such as Đồng Tháp and Sóc Trăng. The company also posted available jobs in Malaysia on an important state media outlet, *Người Lao Động*.

Additionally, Ms. Mã Bạch Phụng, the general president who is ethnically Hoa and speaks Chinese, Vietnamese, and French, has tight-knit connections with the Hoa communities in Malaysia: “It is easy to deal with Chinese Malaysians because we understand each other well. I only deal with ethnic Chinese (Malaysian) recruiters.” With her established ethnic network, Ms. Phụng has been able to secure job orders but not enough migrants to fill them: “The Hoa migrants often work in restaurants [with knowledge of the Chinese language] whereas the Kinh workers often work in factories [owned by Chinese Malaysians]. My company provides free Hoa language classes.” The company has a permanent representative, who is also Hoa, in Malaysia to respond promptly to the migrants’ needs. Ms. Phụng herself often goes to Malaysia for several days to set things up.

FINANCIAL SOURCES FOR FEES AND DEBTS

The state creates “systems and technologies” of finance to ensure that migrants have the means to work overseas, to repay debts, and to send money home. Two state banks—the Social Policy Bank and the Agriculture and Rural Development Bank—can lend up to 80 percent of the total fees/costs to work overseas. Starting in 2009, MoLISA recommended that the Social Policy Bank lend to selected poor residents (those in “revolutionary families” with children of parents who are veterans) 100 percent of total labor export costs not exceeding VND30 million (about US\$1,400). These state banks offer low-interest loans (0.325 percent per month) to entice poor residents to work in Malaysia, if they: 1) use land ownership as collateral; 2) come from one of the sixty-five poor rural districts; and 3) have parents who could co-sign the loan application.⁶² Private banks do exist, but they lend money to potential migrant workers at higher commercial interest rates.⁶³

However, the loan amount was barely enough for the migrants to pay the recruitment and outsourcing companies the US\$1300–\$1500 required for fees, passports, visas, and orientation classes. Moreover, it costs more for

migrants from far-flung provinces, because they have to pay room and board in cities such as Hà Nội and Hồ Chí Minh City while attending orientation classes on language (such as English for working in Malaysia) and culture to qualify for a work visa.

In Southeast Asian contexts, most migrants borrow money to finance their travels to the destination countries. Lan Anh Hoàng and Yeoh stress the need to pay attention to the significance of debts incurred to finance transnational labor migration and how they affect the migrant workers and their families. These scholars highlight differences in transnational labor migration processes in Latin American and Southeast Asian contexts. In their qualitative study of thirty-seven migrant households interviewed in 2009 with family members migrating to work in Taiwan, Korea, Malaysia, and Japan, Lan Anh Hoàng and Yeoh show the importance of debt payment in remittance usage, and the “perception of migration venture as a gamble.”⁶⁴

A 2010–2011 nationwide study by the Institute of Social and Labor Science supports this finding. Over 91 percent of 1,450 migrant worker returnees (from Japan, Taiwan, Korea, and Malaysia) had to borrow money to work abroad.⁶⁵ Of these, two-thirds had to acquire 100 percent of the amount. The main sources come from their family networks, and banks. About ten percent had to borrow money from loan sharks who charged interest rates above official limits.⁶⁶

Indebtedness is widespread in our sample and also confirmed in our interview with Mr. Trần Văn Thành.⁶⁷ The migrant workers we interviewed resorted to a variety of sources, including their families, to finance their journeys. Mr. Nghĩa, Mr. Vũ, and Ms. Hoa received low-interest loans (0.325 percent monthly interest) from the Social Policy Bank, having met the criteria to get low-interest loans from the 71/CP program. For those who did not meet the criteria, borrowing money from their families, friends, or relatives was a common practice. Ms. Lan and Ms. Hương each paid VND19 million for all the fees and the one-way plane ticket to Malaysia. Ms. Chương (from Thanh Hóa province) received money from her parents—who own land and generate income by growing rice and vegetables—to pay for all the fees. Ms. Phương (recruited by Suleco) got funding from private sources.

Seeing a decline in the number of migrants going to work in Malaysia, Vietnamese recruitment companies and Malaysian outsourcing companies

did not collect recruitment fees in 2009, equaling about USD\$833 to Vietnamese recruiters and USD\$304 to Malaysian outsourcing companies.⁶⁸ This reduced the total migration cost of each migrant to about USD\$1,600.

To force loan repayments, Vietnam and Malaysia have developed technologies within the transnational banking system to deduct a monthly amount from the worker's paycheck. State bureaucracies from both sides work closely with each other: DOLAB, the banks, labor export companies from Vietnam, and one-stop centers and private outsourcing companies from Malaysia. Interviews with Mr. Nghia and Mr. Vũ (in An Giang) in 2013 confirmed that as soon as they started working in Malaysia, a monthly loan payment was deducted from their paychecks.

REMITTANCES AND DEBTS

According to Foucault's concept of governmentality, the remittance economy fits with the Vietnamese government's goal of reducing unemployment and creating "good citizens" who can earn money to support themselves and their families.⁶⁹ Empirical evidence shows that remittances play an important role in the Vietnamese economy. The inflow is estimated to have increased by some 10 percent in 2015 and is forecast to continue to grow in 2016, given record-high global migration numbers in 2015.⁷⁰ Between 2000 and 2015, international remittances received as a percentage of GDP increased from 4 percent to 6.8 percent.⁷¹ La and Leung point out that the peak of international remittance inflows of 8 percent of the GDP in 2007 was more than three-quarters of foreign direct investment and more than double the aid flows for that year.⁷² A potential reason for the 2007 peak was that the Law on Vietnamese Labor Working Abroad Under Contract, ratified in 2006, went into effect.

However, Lan Anh Hoàng and Yeoh show that in many cases, workers have to repay debts before they can send money home.⁷³ We found similar experiences expressed by our migrant interviewees: most migrant workers have to use their first-year earnings to repay their debts. This estimate of a one-year average for migrant workers to repay debts is also within the range estimated by other scholars.⁷⁴

Consistent with Lan Anh Hoàng and Yeoh's arguments, findings from the Institute of Social and Labor Science show that over 90 percent of

migrant workers send money home periodically (every two to three months) to address the most pressing needs of their families: about 34 percent of total remittances were used to pay back “old” debts and “new” debts that were accumulated to fund the global migration; about 28 percent used to fix or build houses, and the rest used to buy household appliances and to save and invest.⁷⁵ It is very difficult for the migrant workers to escape debts even when they send money home.

The first year of working in Malaysia is especially difficult financially and emotionally. As Ms. Hương and Ms. Lan related, “the first year of separation is the most difficult. We miss our families, have to repay the recruitment fees, and sometimes [there are] accidents on the job. But we get used to our job by the second year, and endure our third year [when the contract ends].” Mr. Dương (from Nghệ An) said: “I came here hoping to make money, but given the hard working conditions [a twelve-hour work day with low pay], I told my parents not to expect my remittance, but think of this as a gambling loss.”⁷⁶

REMITTANCES AND OPPORTUNITIES

Despite these risks, remittances can also act as an investment since migrant workers are aware of the opportunities these money transfers generate for their families. The overall aspiration expressed by both male and female interviewees is to send remittances home to their parents and families, a finding corroborated by other studies.⁷⁷

While the monetary aspect of remittance is important, the non-monetary aspects are equally significant. Many interviewees remitted money as “altruism towards family members” but not so much for their own savings or investment.⁷⁸ Ms. Hương (from Hải Dương) said:

I work continuously from 6:00AM to 3:30PM without break or food. I come early to check the [cookie factory] machine and work continuously. That is the only way to catch up with the speed of the machine and to make more money because the base pay here is very low. Very hard work but I don't stop. With savings, I can send money home: every month I remit VND2 million. Well, I have an eleven-year-old son [she proudly showed us her son's photo] who is being cared for by my parents.

Ms. Lan (from Hải Dương) had a similar goal: “Our main goal is to make money and send money home for our parents to take care of our children and to send them to schools. Then, later on, we use our savings to build a house for our children.” Neither mentioned saving money for themselves.

Ms. Hương and Ms. Lan escorted us through a neighborhood in Batu Pahat, with shops, restaurants, and rows of worker hostels owned by Chinese Malaysians, to a hostel where we could carry out a focus group interview with male workers. Our guides knocked on the gate of the hostel where their fellow migrant workers stayed. We were early, and the men had just woken up, but they greeted us and invited us to sit on the veranda where we conducted the interview. In a strong showing of native-place bonding, all fifteen men came from the north and north-central provinces of Vietnam; many worked in plastic and paper factories. They were smoking cigarettes and drinking coffee, with their mobile phones constantly ringing while we talked.

Our male interviewees were also very motivated to send money home to their families. Mr. Đông (from Hà Tĩnh), who worked in a plastic factory, said:

“I miss my family a lot, but because of our circumstance, I had to go work in Malaysia. My wife and our two children—one in grade 9 and the other grade 7—are still in Hà Tĩnh. My wife is working in the field. When I return home, I’ll help her till the land, with an “iron buffalo” [*trâu sắt*, i.e. a tractor]. Every month, I send home 400–500 ringgit.”

As such, Mr. Đông not only performed altruism and reinforced his status in his family, but he also invested in a means of production, the tractor. Mr. Anh (from Hà Tĩnh), who worked in a paper factory, said:

I have my wife and our four-year-old daughter at home. My wife and extended family work in the paddy field, growing rice and potatoes, and raising chickens and pigs. My parents are still healthy: they are in their sixties. I’m sure I will find a job when I return. I miss my family a lot: calling them three to four times per week, the phone calls are very costly, at least 100–200 ringgit per month. Still, every month I send them 800 ringgit. Now that the boss needs work, I am trying to renew my contract for one more year.

Apparently, Mr. Anh’s boss wanted to keep him for one more year, since he paid Mr. Anh’s roundtrip airfare so he could visit his family after three years

of separation. Mr. Anh seemed to be very confident about finding a job upon returning home.

For women, transnational labor migration can be a positive experience as they become financially independent and more confident in working overseas.⁷⁹ Ms. Hương and Ms. Lan, the two friends from Hải Dương, went to Malaysia even though their husbands were opposed to this decision. Both women told us that working overseas allows them to become independent wage earners and to have more influence in family matters. Ms. Lan said:

We decided to improve our financial situation. In Vietnam, most of us are confined to the home; we only go to the market to get food and cook our meals. But here, every month we can save and send home VND1–2 million. Many husbands did not want their wives to go, but we decided to go.

These findings are similar to a study on Bangladeshi female migrant workers in the UAE.⁸⁰

Ms. Chương's story demonstrates an example of the social meaning and motivational aspects of remittance, where the use of remittance is co-determined by the migrant workers and their extended families.⁸¹ Ms. Chương (from Thanh Hoá province) worked at a garment factory in Johor Bahru. She paid off her debt to Vilimex (a state recruitment company from Nghệ An) after the first year of working in Malaysia:

I make 18.5 ringgit per day and receive only 1.5 ringgit for lunch. But for two years now, I always cook rice and bring lunch to work to save money. It is very expensive to eat out, and plus I can't eat Malaysian food. In two years, I had sent home a total of VND46 million [about US \$2,300] to my parents. I wanted to send the first year's earnings to my parents, and the second's year's earnings to send my younger sister to college, but my mother refused to take it, because it came from my hard work. I tried to convince her by saying that we can only gain by putting all our money into my younger sister's education, because if her future is good, then our whole family's is also good. Then my mother said they could pay for my sister's education [using their income from growing rice and vegetables] and put my remittance money in the bank for me to use in the future. I think I may take it in the future, but it is not necessary . . . I still believe that it is better for my parents to use the money for my sister's education.

Ms. Chương is able to negotiate her dual responsibilities transnationally: as a daughter who wants her parents to have an easier time in their old age, and as a sister who wants her younger sister to be successful in college.

DISCIPLINING TECHNIQUES WHILE WORKING IN MALAYSIA

To cope with the Malaysian state's discipline and other challenges while in Malaysia, Vietnamese migrant subjects have resisted, individually and collectively. Our in-depth interviews with workers in Malaysia before and after the 2009 global financial crisis gave us firsthand accounts of a range of adversities they faced upon arrival in Malaysia.

Most interviewees worked for suppliers in construction and manufacturing industries that serve as subcontractors for global supply chains. The most common complaints we heard include the humiliating recruitment process that subjected female migrants to pregnancy tests—which continued periodically even after they had started working in Malaysia.⁸² Other complaints include the uncertainty of job placement—because workers had no direct contact with the Malaysian companies hiring them, they had little protection or recourse when their contracts were violated. Vietnamese migrant workers, like other foreign migrant workers, had their passports impounded by their employers upon arrival. They were issued temporary legal employment ID cards, but this made them vulnerable to the local Malaysian police and limited their mobility.⁸³

Fear of robberies is the most palpable sense of insecurity caused by the 2008 financial crisis.⁸⁴ According to Lan Anh Hoàng and Yeoh, as the crisis heightened, many Vietnamese workers lost their jobs, received a reduction in wages, or were repatriated.⁸⁵ The interviewees mentioned widespread robberies, but could not determine whether local Malay, Vietnamese, or other overseas ethnic groups took part.⁸⁶ Some were Vietnamese male workers who lost or left their jobs before their contracts ended and thus were unable to work legally in Malaysia and could not afford to return to Vietnam.

We interviewed Ms. Chương in Johor in 2008. She signed a three-year contract with a Malaysian company called Sing Lun Garments, a subsidiary of Sing Lun Holdings of Singapore, which manufactures different types of garments and employs around five hundred workers in the Johor Bahru

factory. While taking a taxi to meet us at a shopping mall, Ms. Chương was almost a victim of an attempted robbery. She recounted the incident and told us that she did not plan to extend her contract:

Unlike other companies, this [Sing Lun] is a pretty good company. They keep all their promises on the labor contract . . . I paid my debt to a Vietnamese recruitment company in Hà Nội . . . But I will never return to work here. Good men from Vietnam turn bad here. They did not like their jobs, or their jobs did not provide enough overtime work for them to earn enough to pay back debts and save a little; those men ended their contracts early, went underground, and many joined gangs as a way to make money, or got into drinking and gambling, which got them further into debt.

The Malaysian government has a vested interest in some modicum of welfare for their foreign migrant workers. They require that employers provide basic accommodations for foreign workers. However, in reality, MTUC points out that many foreign workers have been forced to live in unsafe, substandard, unhygienic, and overcrowded conditions that subject them to high levels of stress.⁸⁷ Foremost among these sources of stress is the fear of robberies, which has terrorized many female workers because sexual violence often accompanies these robberies.⁸⁸

In the next section, we explain how workers overcome their fear and seek help to solve problems of sexual violence and robbery.

DEVELOPING CHRISTIAN MIGRANT SUBJECTS

Under the Malaysian government, Vietnamese workers participated in some Christian networks in both Batu Pahat and Penang for support, faith, and friendship. As a result of these activities, some migrant workers converted to Christianity and, at the same time, found a safe space in their new churches.

The Christian umbrella allowed the Vietnamese workers to see themselves as subjects of Vietnam and as part of a large Christian family facing a complex and culturally diverse urban environment. Ms. Chương told us that she found comfort in this religious refuge after the robbery attempts. When working in Johor, she found a supportive community and joined a Protestant group called “The Vietnamese Family in Malaysia.” The group is run by a Vietnamese couple who are pastors in Malaysia along with some

visiting pastors who would come for short-term visits from Canada and the United States. Every weekend, she participated in Bible classes and activities with other Vietnamese migrant workers.

Religious organizations have also provided a space for migrant workers to think of themselves as a collective group, to help each other, and to appeal to Malaysian trade union and civil society groups.⁸⁹ In Kuala Lumpur, the Migrant Ministry allows Vietnamese workers to operate a helpline on their days off or after work hours. One Vietnamese worker we interviewed spoke English and acted as a volunteer and translator for other Vietnamese workers who were experiencing difficulties regarding court attendance and detention. Some proactive workers from this Christian-based group also went to the Trade Union Office to report labor violations and injuries. These Vietnamese workers provided a platform for workers to connect to Malaysian labor institutions and to meet other workers to discuss their experiences and problems.⁹⁰

But not every migrant worker can get access to religious support networks or wants to be part of a religious group. In some cases, workers engaged in other forms of collective action, at times in the hostels where they stayed, to force their employers to provide safe accommodation.

RESISTING ROBBERIES

The following case demonstrates an instance of migrant workers being aware of their vulnerability and acting in solidarity to demand safety for all the workers in a hostel. In this case, the threat of rape and violence that accompany robberies, led female Vietnamese workers to become active agents resisting male domination at the grassroots level. Different levels of power and resistance exist among migrant workers of different ethnicities and genders.

Batu Pahat is an industrial town in the state of Johor that produces around 40 percent of Malaysia's clothing and textiles and is home to a large number of short-term foreign migrant workers. It was here that we met Ms. Minh, who had come to visit her sister Ms. Mai, who was staying at one of the hostels we visited.

Ms. Minh came to say goodbye to her sister because she was returning home at the end of her contract. "No more working here due to robberies," she told us. She recounted how the Vietnamese female workers led a two-day

protest in the hostel of the Gimmill garment factory in Batu Pahat to demand timely measures for the safety of all workers living there. While she complained about the low pay at this factory, the scariest thing was the unsafe living conditions in the hostel:

I earn piece-rate, making clothes to export to Singapore. Most workers are Vietnamese women, with only six Vietnamese men; the rest are from Malaysia, Myanmar, and Sri Lanka. It happened once before: the robbers came on pay day, demanded workers' ATM cards and the PIN numbers. This is a small hostel, and we were nervous because there is a night shift and the alley leading to the front gate is always dark. One day in April 2008 we had just gotten paid; then we heard someone yelling "robbery, robbery!" We then used our mobile phones to call the Malaysian police, who came to stop this attempt. But after that, we staged a two-day protest in the hostel, demanding more guards, a more secure gate, and better lighting in the alleyway. I do not know who sparked the protest, but I know that someone called the company's office, and then all of us [three hundred migrants lived in the hostel] went on strike for our safety. We elected several Vietnamese representatives who could speak Malay to talk to the foremen. Then we walked together to the factory and sent our representatives inside to talk to the management . . .

The image of hundreds of Vietnamese migrants walking together to the factory to talk to management is powerful. Their collective action brought a temporary solution, although some workers still voted with their feet due to continuing lack of security in the long-run:

Well, it turns out that the company only provided one additional guard (so there are two now), and they added barbed wire surrounding the hostel's wall. Nothing sturdy! Nevertheless, since then, nothing has happened, and we feel pretty safe. But after this incident, some Vietnamese workers moved out to bigger hostels; some even returned to Vietnam.⁹¹

These migrants utilized technology (mobile phones) and language skills (speaking Malay to the boss) to empower themselves to fight back. While this was only a short-term solution to their living conditions, these Vietnamese workers successfully forced management to improve safety in and around their hostel.

BECOMING “UNDOCUMENTED” IN MALAYSIA AS A FORM OF
RESISTANCE

As the migrant subjects were controlled by the disciplining systems of Vietnam (such as debts and labor contracts) and Malaysia (such as levies and impounded passports), some workers resisted by leaving their jobs before the end of their contracts, becoming undocumented migrants. When all else fails, becoming undocumented in Malaysia gives migrants some control over their chance of improving their conditions before eventually finding a way home. To be sure, this could increase their vulnerability or further exploitation. But for many runaway migrants, they can find short-term, under-the-table, paid employment, which gives them a way to obtain proper documentation, especially a passport, buy a plane ticket home, and pay other fees to the Malaysian government.⁹²

While doing fieldwork in Batu Pahat in Malaysia in 2008, we spotted a female worker, Ms. Thanh from Thanh Hoá, who was peeling garlic and washing dishes for a Chinese-Malaysian restaurant. We learned from her that she had left a garment factory before the end of her contract, had become an “undocumented” migrant worker, and was working underground for this restaurant.

According to her, “the Vietnamese agency [Latuco] sold us here. We sold ourselves to work here.” Recognizing the act of “commodifying” herself, she took an active step by becoming “undocumented” to escape exploitative working conditions and violation of the terms that she agreed to in Vietnam. Her awareness pushed her to flee, seeking employment without a work permit, and receiving help from a network of documented workers living in hostels nearby. In our follow-up phone conversation with Ms. Hương in 2008, we learned that an informal migrant network had been giving clothes and food to Ms. Thanh and other undocumented female workers who had left the same garment factory.

Ms. Thanh’s complaints against this VGCL-owned recruitment company had fallen on deaf ears: “I called them [the two Latuco officials: one in Vietnam and the other in Malaysia] many times but only got their excuses that they will have to investigate this problem. So far, they have not gotten back to me.” The Malaysian government also took advantage of these underground migrants by charging them a fee to return their passports. Ms. Thanh complained about



IMAGE 2: An undocumented worker receives support from other migrant workers in Malaysia (Angie Ngọc Trần, 2008).

these high costs, plus an air ticket home, to reunite with her family and child (cared for by her parents at the time of the interview):

There are many workers like us who no longer have our passports due to our ending the contracts early. But we all know that it would cost a worker between RM1,200 to 1,400, paid to the Vietnamese Embassy personnel who would handle all the transactions to get back our passports, to pay the airfare (about RM500 for a one-way ticket on Malaysian Airlines, which is a requirement), the levy owed to the Malaysian government, and other fees. So I could save RM400 per month; then I can find my way home in the next several months.

Unfortunately, we have no way of knowing how she and other undocumented migrants fared, but we do know that she received support from the documented community, and found some way to make money to reunite with her family. The bigger picture is the inability of the Vietnamese state to protect the migrant workers. An ILO study found that only a third received responses to their formal complaints and 100 percent of this subgroup considered the settlement to be unsatisfactory.⁹³

Subjects' Productive Power: Debt Payment and Multi-stage Migration

Modern power is localized at the everyday level. The Institute of Social and Labor Science found that about 10 percent of migrant returnees, mostly from Malaysia, did not repay their debts.⁹⁴ This may be a form of feet dragging to pay off the debts and an act of resistance against having to repay the low-interest state loans, of which they received only a small percentage.

DRAGGING FEET TO REPAY DEBTS

In another critical assessment of Decision 71/CP, we found that many Cham Muslim migrants who sign the loan documents to borrow money to work in Malaysia refused to pay the low-interest state loans.⁹⁵ The justification was that they only received a small fraction of the loan (around 15–25 percent of the total amount) from state banks, while transnational state institutions (Vietnamese recruitment companies and Malaysian outsourcing companies) received the lion's share.

Kinh migrant workers had similar experiences. Mr. Nghĩa received a low-interest loan of VND21 million from the Social Policy Bank and had paid off all his debt in the first year working in Malaysia. Mr. Vũ received a low-interest loan (a special dispensation from the Social Policy Bank for former soldiers like himself), but he still owed VND20 million. Ms. Hoa received a low-interest loan from Social Policy Bank, but she still owed VND7 million. Ms. Thanh, the undocumented migrant, dragged her feet to pay the interest demanded by a state bank in Thanh Hoá.

To those who borrowed money from state banks, the state creates an elaborate system, including local government offices and mass organizations, to demand debt repayment. The Debt Collection Team [*Ban chỉ đạo thu hồi nợ*] is one such apparatus that has members from the women's unions and local state officials (down to the ward level); together they visit the returnees and their families at home every month to pressure them to repay.⁹⁶ But the returnees resist when they can. Ms. Hoa, who is an ethnic Chinese, only paid when she had work, using a legitimate excuse: being poor and taking care of an old mother.

STEPWISE MIGRATION

Migrant workers in Malaysia are eager to explore better options, while still remaining within the constraints of the neoliberal transnational state system. The Institute of Social and Labor Science found that on average the total savings of migrant returnees from Malaysia is the lowest of Vietnamese migrants: VND51 million, compared to VN145 million for migrants from Taiwan, VN243 million for migrants from Korea and VN312 million for migrants from Japan.⁹⁷ Many of our interviewees knew those facts and used Malaysia as a stepping stone to prepare them for other desirable destinations.⁹⁸ Consistent with Wang and Bélanger,⁹⁹ we found a similar hierarchy of destination countries from our interviewees. Migrants aspired to engage in an incremental upward-mobility strategy.¹⁰⁰ They had plans and goals to work their way up, starting with Malaysia as the first step, then Korea, Taiwan, and Japan as successive steps—countries that demanded higher fees and skill sets, but also paid higher wages and benefits. Their expectations are to improve their living conditions and to save and invest along the way. These workers want to accumulate capital to help their families and to travel to new places in the hope of improving their futures.

About one-third of all our interviewees, upon their return from Malaysia, expressed interest in going to Korea, Japan, Hong Kong, or Macau to improve their lives. Still, as migrant subjects, they rely on state power, which requires differentiated fees—VND50–60 million to Korea, and VND80–100 million to Japan, using 2005 prices; language requirements; and a college education. The migrants' preferred mobility sequence seems to follow what they can afford (the fee levels) and their competencies (language and education levels): first to Korea, then Taiwan, then Japan.

Ms. Huệ (from An Giang) was very excited about the possibility of stepwise international migration even with some reservation about her age:

If there is an opportunity, I still want to work overseas, in a different country to learn new things. For example, I'd go anywhere offered by the [recruitment] company—but not Malaysia again—another country such as Korea. But I'm concerned that with my "old" age [43 years old], I can no longer go.

Her broader worldview and love for learning was inspired after the Malaysia trip.

Mr. Vũ (from An Giang) expressed his cautious aspiration for the destinations of Korea and Japan:

I also want to go to work in Korea, hearing [from some recruitment companies] that salaries were high over there, but the fee is also high: VND 50–60 million. If there is no work in Korea, how can I repay this huge debt? As of May 2005, I learned that it costs VND80 million to go to Japan. Well, if I can't even repay VND19 million [to go to Malaysia], then I'd be doomed if there is no work in Korea while incurring such a big debt!¹⁰¹

With the Malaysia experiences under their belts, many worker interviewees became self-confident while being realistic about their employment and living conditions. Mr. Nghia from An Giang, a successful entrepreneur, seems to be more confident with his technical and language skills and was ready to take on another overseas job in a better labor market: “I really want to go to Korea to work: any job would be fine with me, as long as the wage is high, and especially for jobs that deal with fixing mobile phones. After returning home from Malaysia, I learned to speak a little English and have been improving it in a language class.”¹⁰² Ms. Hoa, the ethnic Chinese woman, had a very realistic assessment of whether she can climb this ladder: “When I returned here [from Malaysia], I want to go to work in Korea. Some of my friends [from Malaysia] had registered to go to Korea. But they all said that Korea requires a lot of money [for fees] and a language exam [Korean].”¹⁰³

Follow-up conversations with Ms. Phương in Hồ Chí Minh City¹⁰⁴ show that she maintained close contact with her friends to get information on job availability in Malaysia and to sustain friendships and support. Ms. Phương came from a big family of twelve people. Her older siblings were educated, but her parents could not afford to pay for the younger kids. She only finished grade 6. Returning to Vietnam from Malaysia, she continued to search for better-paying jobs, while still hoping to work in other countries with better pay and conditions:

At the end of my contract in Malaysia in 2008, the company wanted to renew my three-year contract, but I declined because I wanted to go home and apply to work in different countries. But with my old age [being old is her perception since she was only 30 at the time of the 2010 interview], I don't have many opportunities. When I contacted a representative of another recruitment

company, they told me straight out that I'm too old now to work overseas. In general, it is easier for young women to find jobs. Most employers seek young women between 18 and 25.

In sum, the migrant subjects choose to engage in stepwise upward mobility to improve their situations.

Conclusion

At the time of this writing, two recently signed MOUs demonstrate that Vietnam and Malaysia control migrant workers while also investing in them. In August 2015, in response to complaints by Vietnamese migrant workers, the Malaysian government signed an MOU with the Vietnamese government to rectify some loopholes that have enabled labor exploitation. In particular, Vietnamese workers now have the right to retain their passports and personal documents.¹⁰⁵ It is mandatory that Malaysian employers—not labor brokers—come to pick up the Vietnamese workers from the airport within six hours of their landing in the country. This new form of labor contract regulates the responsibility of Malaysian employers, labor brokers, Vietnamese workers, and recruitment enterprises, and contains regulations on wages and working hours. The second MOU was signed by the VGCL and the MTUC in February 2017. The two unions moved forward by developing plans to implement this MOU and to identify priorities for collaboration and implementation.¹⁰⁶

What makes this Malaysia-Vietnam configuration of labor migration and globalization distinctive from other cases—such as Indonesian and Bangladeshi migration by people who share the same religion with the Malays—is the sustaining control of the Vietnamese state in all aspects of the labor migration process: funding/debts, recruitment, and remittances. This transnational case study yields a new insight into globalization: even with over twenty years of market reform, the Vietnamese labor market is *not* completely deregulated (or as fully deregulated as that of Indonesia, Bangladesh and the Philippines). State formal institutions (such as ministries, state banks, labor brokers from state agencies, mass organizations, people's committees, and state media) and informal entities (such as privatized state recruitment companies still connected to their former ministries and people's committees) continue to manage labor migration. Moreover, the state power in Vietnam

is not complete, given a pro-labor state media which at times sides with the social body—the migrant subjects—to criticize the state. As such, the state sometimes faces counterattacks by its subjects and also by the media, which are part of the state itself. This form of state power, counterbalanced from both within and without, is conceptually different from that of the other labor sending countries, such as Indonesia, Bangladesh, and the Philippines.

Still, the Vietnamese system of governmentality is stable and self-reinforcing, allowing control over migrant workers. Recent developments demonstrate that the transnational state power of Vietnam and Malaysia is productive and both governments benefit. The Malaysian state benefits from an increase in tax revenue due to doubling the levy amount paid by migrant workers starting 2016, and from having unwanted jobs filled by Vietnamese citizens and other foreign workers. The Vietnamese state continues to send poor rural migrants to Malaysia to address unemployment problems, as well as making money on the backs of their subjects by way of fees, interest payments and remittances.

Insights learned from interviewing in situ in Malaysia and in Vietnam confirm Foucault's modern power at the everyday level: where there is power, there is resistance. Migrant workers negotiate their ways to send money home, form religion-based groups to support each other, appeal to newspapers, and fight back to protect themselves. As subjects who are capable of choosing how to act, workers also want to accumulate capital for a better life. For poor migrants, the Malaysian labor market is what they can afford to gain some internal empowerment: new skills, new languages, self-development, self-confidence, and independence.

The disciplining of the transnational governmentality in Vietnam and Malaysia has created a global context and a larger worldview for the migrant returnees. Many enterprising migrants aspire to engage in upward mobility beyond Malaysia, in a multistage global migration to their preferred destinations. This demonstrates that the hegemony of the transnational labor migration infrastructure is never fully achieved.

In conclusion, there are two areas for further research: First is the making of Christian subjects (the Vietnamese migrants in Johor Bahru). This topic requires more study on the intent and implications of these religious groups for migrant workers in Malaysia—would a Christian subject be in conflict

with a migrant subject? Second is the rise of new labor markets in the Middle East, where the demand for women workers has been increasing, yet protections (from the state and the unions) against sexual abuses are not yet in sight.

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ABSTRACT

Drawing on Foucault's concepts of biopolitical subject formation and governmentality, this article seeks to understand transnational state power and how Vietnamese migrant workers negotiate within a transnational framework both while working in Malaysia and upon their return to Vietnam. By conducting multi-sited interviews in Vietnam and Malaysia between 2008 and 2015, we contribute to the transnational labor migration

literature by focusing on Vietnamese factory and construction workers in Malaysia and their resistance to transnational state power. We argue that these two emerging economies, as part of the neoliberal world, use their systems, media, and technologies to produce and manage citizens (in Vietnam) and non-citizen subjects (migrants in Malaysia) who comply with labor export policy and foreign worker policy, respectively. These two states ensure both government and individual accumulation to sustain their power. Meanwhile, Vietnamese migrant subjects negotiate their roles, resist when necessary, and at times, even benefit from overseas labor migration.

KEYWORDS: *Migrant labor, Vietnam, Malaysia, Labor Export Policy, Governmentality, Subject Formation*

Interviews and Correspondence with Expert/Special Informants

- Interview with Trần Văn Thạnh, then deputy director of SULECO Company, 2008, HCMC (Author 1)
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- Interview with Hồ Văn, journalist, August 2012, 2013, HCMC (Author 1)
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- Email correspondence with Mr. Nguyễn Hải Lý, April 2015, Director of the Japan, Europe and Southeast Asia Bureau – DOLAB – MoLISA (Author 1)
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- Interview with Soma, Migrant Worker Department MTUC, Malaysia (Author 2)
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74. Lê Thu Hương, "A New Portrait of Indentured Labor: Vietnamese Labor Migration to Malaysia," *Asian Journal of Social Science* 38 (2010) estimates 11 months and Bélanger et al., "From Foreign Trainees," estimates 18 months.
75. Institute of Social and Labor Science, "A Brief Report: Assessment of the Realities of the Overseas Labor Returnees in Vietnam," Hà Nội: Ministry of Labor, Invalids, and Social Affairs (June 2012): 13–15.
76. Interview with Mr. Dương, Batu Pahat, 2008.
77. Mary Beth Mills, "Gender and Inequality in the Global Labor Force," *Annual Review Anthropology* 32 (2003): 41–62; Alejandro Portes, "Migration and Development: Reconciling Opposite Views," *Ethnic and Racial Studies* 32, no. 1 (2009): 5–22; Lin Lim and Nana Oishi, "International Labor Migration of Asian Women: Distinctive Characteristics and Policy Concerns," *Asian and Pacific Migration Journal* 5 no. 1 (1996): 85–116.
78. La and Leung, "Remittances from Migrants."
79. Oishi, *Women in Motion*.
80. Rahman and Fee, "Towards a Sociology of Migrant Remittances."
81. *Ibid.*

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83. Vicki Crinis, "Continuities and Discontinuities: Malay Workers and Migrant Workers in the Manufacturing Industries," *Intersections: Gender and Sexuality in Asia and the Pacific* 36, 1–10.
84. interviews in Johor Bahru in 2008.
85. Hoàng and Yeoh, "Transnational Labour Migration."
86. In February 2008, the police arrested a gang, comprised of six Vietnamese men and two locals, who were responsible for at least eighteen robbery-and-rape cases involving female Vietnamese factory workers in Kuala Lumpur and surrounding areas. "Rape Robbery Gang Busted," *New Straits Times*, January 10, 2008, <https://www.thestar.com.my/news/nation/2005/11/15/robbery-rape-gang-busted/> (accessed January 10, 2016).
87. Ibid.
88. "Three Rape Vietnamese Worker after Robberies," *New Straits Times*, August 18, 2013, <http://www.nst.com.my/nation/general/three-rape-vietnamese-worker-after-robberies-1.339624#ixzzzYm51Yy6> (accessed June 16, 2014).
89. Vicki Crinis and Angie Ngọc Trần, "Migrant Workers in the Clothing Industry: Networking in Christian Spaces," in *Labour in the Clothing Industry in the Asia Pacific*, eds. Vicki Crinis and Adrian Vickers (London: Routledge, 2017).
90. During the interviews with Tenaganita and the Secretary of the Malaysian Knitting Manufacturers Association, Dr. Crinis learned that Christian support groups organized by local Vietnamese Malaysians and Americans had invited the Vietnamese migrant workers to congregate and form friendships and connections, and to learn crafts, language, music, and money management skills.
91. Interview with Ms. Mai, Batu Pahat, 2008.
92. Lê Thu Hương, "A New Portrait of Indentured Labor."
93. This ILO study, "Complaint mechanisms for migrant workers: An overview of law and practice," reviewed laws on complaints, and actual complaints made by Vietnamese migrant returnees from Malaysia and Libya. Kristin Letts, "Complaint Mechanisms for Migrant Workers: An Overview of Law and Practice," PowerPoint Presentation, Hà Nội: ILO Country Office for Vietnam, 2015).
94. MoLISA, "A Brief Report," 17.
95. The Cham Muslims are one of the poor ethnic minorities in the sixty-five poor districts. Angie Ngọc Trần, "Weaving Life Across Borders: The Cham Muslim

- Migrants Traversing Vietnam and Malaysia,” in *International Migration in Southeast Asia: Continuities and Discontinuities*, eds. Lian Kwen Fee, Mizanur Rahman, and Yabit bin Alas (Singapore: Springer, 2016).
96. Interview with Ms. Hoa, An Giang, Vietnam, 2013.
 97. MoLISA, “A Brief Report,” 13–15.
 98. Interview with Mr. Thanh (Suleco), September 2008.
 99. Wang and Bélanger, “Exploitative Recruitment Processes.”
 100. Paul, “Stepwise International Migration.”
 101. Interview with Mr. Vũ, An Giang, 2013.
 102. Interview with Mr. Nghĩa, An Giang, 2013.
 103. Interview with Ms. Hoa, An Giang, 2013.
 104. Interviews in 2008, 2009, 2010.
 105. Vietnam News Agency, “Malaysia issues new rules for Vietnamese workers,” VietnamPlus (November 2, 2015), <http://en.vietnamplus.vn/malaysia-issues-new-rules-for-vietnamese-workers/84073.vnp> (accessed April 23, 2017).
 106. Nguyễn Thị Mai Thủy, “GMS Triangle II Quarterly Briefing Note.”