

Labor Migration and Trafficking among Vietnamese Migrants in Asia

By
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Asia is known as a continent where human trafficking is particularly prevalent. Departing from the bulk of research on trafficking in Asia that focuses on illegal migration and prostitution, this article examines the embeddedness of human trafficking in legal temporary migration flows. This analysis uses survey and interview data to document the experiences of Vietnamese migrants who worked in East Asian countries. It identifies a continuum of trafficking, abuse, exploitation, and forced labor, and examines how exploitation begins at the recruitment stage with the creation of bonded labor. Guest-worker programs in destination countries put migrants in particularly precarious situations, which do, in some cases, qualify as trafficking. I argue that temporary migration programs may create the conditions that lead to extreme forms of exploitation among many legal migrant workers in the region.

Keywords: labor migration; unskilled labor; Vietnam; Southeast Asia

In 2010, approximately half of all international migrants migrated for the purpose of labor (International Labour Organization [ILO] 2010). A significant proportion of these migrants labored as temporary workers in unskilled or low-skilled jobs. The ILO identifies these migrants as a particularly vulnerable group, along with migrant women, trafficked persons,

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domestic workers, child migrants, and migrant workers with irregular status (ILO 2010). The vulnerability of temporary migrant workers needs to be situated in the context of a growing two-tier global migration regime that sorts migrants into rights-holders with access to social and legal citizenships and temporary workers with very limited or no rights whatsoever (Piché 2012; Piper 2005). This two-tier system is based on complex sets of policies and migration regimes that actively seek to include or exclude migrants. According to Zolberg (1987, 37), imported foreign labor “is not merely foreign, but representing for the receiving society an undesirable ‘otherness.’” In addition, the import of foreign labor is characterized by “mode of procurement, preference for certain places of origin and individual characteristics, as well as sectoral allocation and mechanisms of labor control in the place of destination” (Zolberg 1987, 37). In general, the forms of control over low-skilled foreign labor include the impossibility of changing jobs, limited or no freedom of movement outside the workplace, restrictions or prohibitions on organizing, and considerable debt incurred to be able to work abroad. These strategies of foreign labor control form the basis of systemic problems that lead to workers’ exclusion, exploitation, forced labor, and, in some cases, trafficking.

Temporary legal workers migrating and laboring within Asia, along with workers in Middle Eastern countries, are among the most susceptible to exploitation in the world (ILO 2010). Research underscores the highly commercialized and privatized system of recruitment and placement that manages workers as a particular feature of this region (Hugo 2005). The high degree of commercialization would be responsible for both the efficiency of the system in moving a large number of workers across borders and the high frequency of fraud and abuse, “making migration a risky and costly undertaking” (ILO 2006, 43). Asis (2005, 18) argues that “the scheme has given rise to irregularities and abuses at all stages of the migration process, exacting costs to migrants and their families.” Rather than singling out brokers as the evils of an imperfect system, these problems must be situated within the structure of guest worker programs, including modes of recruitment, modes of placement, the management of workers abroad, and working conditions abroad.

Based on survey and interview data collected in 2009, this article examines how various forms of exploitation are situated within labor migration flows, with specific reference to Vietnamese migrant workers in labor-importing Asian countries (Japan, Malaysia, South Korea, and Taiwan). The focus is on labor, excluding entertainment and sex work. I build on previous work, arguing that human trafficking needs to be reframed as a labor migration issue (Kempadoo, Sanghera, and Pattanaik 2012; Parrenās 2011, 2012), and migration and trafficking cannot be studied as independent processes. Critical to this argument is the role of state policies and state actors in creating conditions whereby workers may be exploited. Situating coercion, exploitation, and trafficking as labor migration issues calls for transforming the “trafficked victim” into a “rights-holder labor migrant” (Chin and Finckenauer 2012; Ford, Lyons, and van Schendel 2012; Kempadoo, Sanghera, and Pattanaik 2012; Parrenās 2011). To put negative experiences in the broader context of this migration flow, I also discuss the link between returnees’ experiences abroad and their postmigration self-assessment of their labor

migration. The connections between labor migration and trafficking in Southeast Asia, and Asia more broadly, is a recently developing field of inquiry to which this article contributes.

Conceptual Framework

In attempting to bridge the concept of human trafficking with labor migration, a number of observers have criticized the narrow definition of trafficking. The phenomenon of trafficking, its scope, and its protagonists have been criticized as the social constructions of governments and various types of organizations that have specific agendas. Far from ignoring problems with the violations of migrants' rights, it is a reconceptualization of trafficking for which these critiques advocate (Chin and Finckenauer 2012; Kempadoo, Sanghera, and Pattanaik 2012). Particularly problematic is the tendency to equate trafficking with prostitution and, subsequently, failing to distinguish among a wide variety of situations and individuals' agency. Furthermore, the "moral crusade" against prostitution has given way to nebulous estimates of trafficked victims and gaps in knowledge filled by imagination rather than by sound empirical studies (Weitzer 2007; Zhang 2009). Despite repeated calls for the inclusion of agricultural work, construction work, and domestic work when looking at human trafficking, the bulk of research continues to focus on prostitution. Also, because most studies focus on female participants, analysts have called for more research into men's experiences (Derks, Henka, and Vanna 2006).

Another criticism points to the difficulty of using the Palermo Protocol's broad definition of trafficking with clarity and certainty in empirical research. The definition links the act, the means, and the purpose; therefore, the connections among the actors become a condition of identifying a trafficking case. The complex transnational process of recruitment and placement of legal migrant workers in Asia involves several actors, both formal and informal, so tracking a direct connection among them and their intentions is next to impossible. For example, although domestic workers in the Middle East frequently experience abuse during transit and abroad, "there is little evidence of a systemic conspiracy between the middlemen and employers that is clearly trafficking," and the trafficking framework is considered inappropriate when analyzing the migration of domestic workers (Jureidini 2010, 143).

The definition of trafficking generally excludes legal migrants, although, in fact, they are just as likely to be trafficked as illegal migrants once in the destination country, as Tigno (2012) shows for the case Filipino migrant workers. The trafficking framework groups migrants into mutually exclusive categories that do not neatly fit the reality of their experiences:

"Trafficking" discourse also contributes to a more general tendency to imagine the global population of migrants as divisible into a series of distinct and hierarchically ordered subcategories in terms of their needs and entitlement to rights and protection and their capacity for agency and political participation – VoTs [victims of trafficking],

unaccompanied child migrants, asylum-seekers, legal migrant workers, illegal immigrants, and so on. Within this, the threshold of victimhood is set extremely high. (O'Connell Davidson 2010, 257)

In an attempt to situate human trafficking within labor migration, the ILO has developed the forced labor framework. As of 2012, the ILO estimates that nearly 21 million people were in a forced labor situation, with Asia alone accounting for 56 percent of these cases (ILO 2012). The concept of forced labor refers to work or service “exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily” (ILO 2005, 5). Forced labor, therefore, refers to work imposed on individuals who do not have the ability to remove themselves from the situation. In addition, forced labor is defined as a continuum whereby it is “a process rather than a state: a person is not a victim of forced labor from one moment to the next, but he/she becomes one over a period of time” (Andrees and van der Linden 2005, 65). In applying this concept to empirical cases, Andrees and van der Linden (2005) suggest using three categories: successful migrants, nontrafficked victims of forced labor, and trafficked victims of forced labor. While useful, the logic of the forced labor framework continues to view migrants as victims in need of rescue and fails to fully recognize migrants’ agency.¹ In addition, as argued by Lerche (2007), it does not incorporate the broader relations of production that lead to forced labor.

The strategy of the ILO is to isolate the “worst forms of ‘un-decent labor’” so that these incidents can be dealt with in isolation, without challenging the overall system that created the conditions for their occurrence in the first place. The focus is on dealing with what is seen as “exploitation,” namely forced labor and child labor; standard “free” labor relations are not seen as exploitative (Lerche 2007, 431).

This forced labor approach does not recognize the role of states and their migration policies in producing the context and the legitimization of situations of forced labor, but rather conceptualizes perpetrators of forced labor as isolated rather than embedded in labor market relations. Rogaly (2009) argues that this approach may be “in the interests of states that would like to see the continued expansion of the power of capital in relation to labor because it shifts attention away both from the ironic combination of unfreedom and insecurity associated with actually existing labor-capital relations and from ways of challenging them” (p. 1433).

In this analysis I broaden the notion of “involuntariness” to include situations of debt bondage that prevent workers from leaving, even when faced with extremely exploitative working conditions. Other workers may find themselves coerced into staying and working and may not be able to leave a workplace as well. Temporary migrant workers are mobile internationally, but, once in their destination, they become immobile because they have no freedom of movement in the labor market (Derks 2010b).

Governments’ inertia in dealing with systemic guest worker problems in Asia led to the endorsement of the “labor migration as trafficking approach” by some

advocates and NGOs (Ford, Lyons, and van Schendel 2012). While this stance aims to mobilize the public and governments, it highlights again the limitations of the trafficking concept and its shortcomings in not accounting for broader labor migration processes. This avenue victimizes a large number of migrant workers and, in some cases, equates an entire migration flow—such as the migration of domestic workers, sex workers, and migrant spouses—with trafficking. Moreover, the difficulty with equating temporary labor migration with trafficking lies in the implementation of solutions. Once firmly anchored in the trafficking framework, migrant workers/trafficking victims must be rescued and repatriated, an outcome undesirable to the majority of migrant workers, even to some in extremely difficult situations.

In this analysis, I pay particular attention to the role of debts in making sense of migrants' trajectories and experiences. Indeed, the cornerstone of migrant workers' precariousness in the Asian context is the large financial or material debt contracted by migrants to cover premigration related costs. Contributing to the workers' debt bondage situation are exorbitant recruitment fees, safety deposits required by the sending country to prevent overstay and unauthorized work, unforeseen salary deductions, mandatory savings imposed in receiving countries, nonpayment for work done, failure to be paid according to the labor contract, and failure to be paid adequately for overtime work.² Migrant workers' precarious situation is compounded by their dependency on employers for housing and other basic needs, the impossibility of switching jobs, and their inability to organize and bargain collectively. The debt undertaken by Southeast Asian migrants to work abroad has been estimated to take, on average, between four and eighteen months of full-time work abroad to repay (see Martin 2009). Once they become dependent on an employer, workers find themselves in what Lan (2007) calls "legal servitude," since their debt prevents them from claiming their rights for fear of being fired and deported. An analysis of bounded and indentured labor in Southeast Asia reports that

from brokers, labor recruiters, transport agents, employers, house owners, shopkeepers, creditors, and banks to police, migration officials, and states more generally, a range of actors have been able to profit from the aspirations, needs, labor, and earnings of migrants. These different actors play an important role in facilitating the migration and employment of aspirant migrant workers, but may also cause migrants to highly indebted themselves to finance their migration, to be transported and treated as "commodities," and/or to face severe restrictions in their autonomy, as well as conditions of subordination and abuse. (Derks 2010a, 843)

With respect to Vietnamese migrant workers in Malaysia, Lê (2010) argues that the bondage is multifaceted, with migrant workers being indebted toward their employer, the state, their recruitment agent, and their family. These various "contracts" lead to a complex web of obligations and debts.

Research on labor migration in the Southeast Asian context provides further evidence of the blurred lines between legal and illegal status, voluntary and involuntary migration, and migration and trafficking. Legal migration does not

necessarily offer migrants protection and labor rights, and, in some cases, researchers have documented cases where Southeast Asian migrants in Japan and Taiwan were better off as free undocumented migrants than as indentured legal migrants (Bélanger et al. 2011; Lan 2007; Ness 2011). Illegality can thus take the form of resistance to an oppressive legal regime, as shown by Killias's (2010) work on Indonesian domestic workers in Malaysia. Studies of migrants underscore how legality does not necessarily prevent precariousness and insecurity, particularly among legal temporary migrant workers who work with the constant reminder of their deportability (Basok, Bélanger, and Rivas 2013; Goldring, Berinstein, and Bernhard 2009; Parreñas 2012).

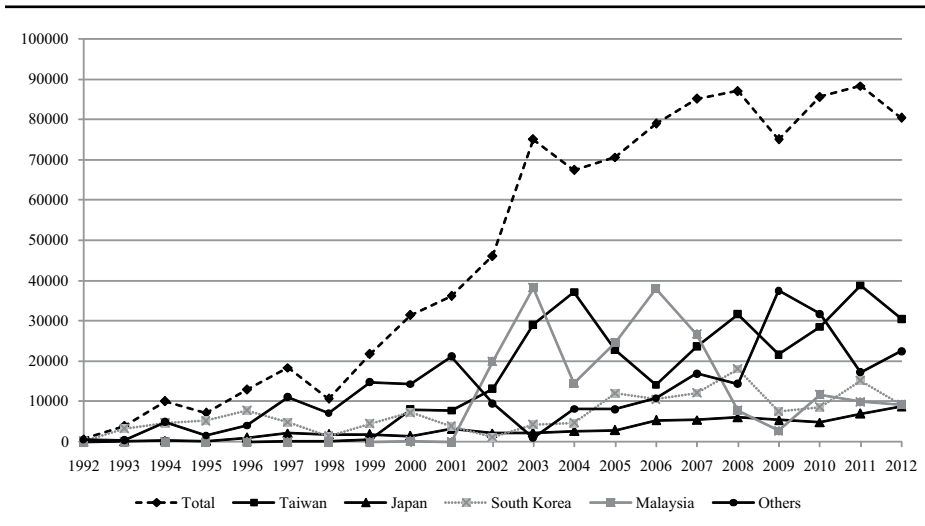
This analysis, thus, situates trafficking-like activities within the context of legal migration flows. Beginning with debt bondage, all migrants are indebted to cover migration-related fees and costs, paid prior to emigration. Credit may be an initial source of empowerment to access geographic and labor mobility. However, for many, it becomes a burden that increases their precariousness and shapes their trajectories, and, for others, leads to forced labor and coercion. Finally, a small group of migrants can be considered trafficked persons. In this framework, based on migrants' experiences and narratives, elements of trafficking (i.e., deception, fraud, or coercion) are not separate from labor migration, but can be embedded in it and potentially encountered at various stages of the migration process, from recruitment to return.

Labor Migration and Trafficking in Vietnam

Compared with other contract-labor migrant-sending countries of the region, Vietnam sends a relatively small number of migrant workers abroad. Both annual outflows and current stocks of international migrants are significantly lower than those in large sending countries, such as the Philippines, Indonesia, and Bangladesh. In 2005, for instance, the Philippines sent close to one million workers abroad, Indonesia about 400,000, and Bangladesh and Sri Lanka more than 200,000 each. For the same year, Vietnam sent only 70,000 to 80,000. According to the latest published estimates, there are approximately 500,000 Vietnamese contract workers in the world (Abella and Ducanes 2009). In 2012, 74 percent of Vietnamese workers were deployed in Malaysia, Taiwan, South Korea, and Japan. The Vietnamese government's objective was to have one million workers abroad by 2010 (stock, not annual flow; Abella and Ducanes 2009). Despite this ambitious target, recent deployment indicates that Vietnam, with a total population of nearly 90 million and its large pool of potential migrants, remains a small sending country. In 2012, 80,320 migrant workers were deployed, and since 1992 the largest annual outflow was in 2011 with 88,298 workers (see Figure 1). Of the total number of migrants that left Vietnam in 2008 and 2009, approximately 30 percent were women. Figure 1 depicts out-flows of migrant workers from Vietnam between 1992 and 2012.

Much research on trafficking from and within Vietnam has been conducted with funding from international organizations (ILO and IOM) and has focused

FIGURE 1
 Vietnamese Contract Migrant Workers (in Thousands) Deployed,
 by Year and Destination



SOURCE: Unpublished data provided to author by MOLISA (Vietnamese Ministry of Labour, Invalids and Social Affairs)..

on trafficking in women and children for the purpose of prostitution. Hot spots where previous research took place include the Vietnam-China border where women might be trafficked into China as wives or sex workers (see Le, Bélanger, and Khuat 2007) and the Vietnam-Cambodia border with a flow of Vietnamese women into Cambodia as sex workers (Derks 1998; Lainez 2011a). Lainez (2011b) also studied Vietnamese women working in prostitution in Singapore. Despite the general disconnect between labor migration and trafficking research, the 2011 *Trafficking in Persons Report* highlights exploitation in labor export as a salient issue in Vietnam (U.S. Department of State 2011).³ In a 2012 study based on a survey of 357 returnees (former migrant workers having returned from any country), 13 percent of respondents were classified as trafficked person (Center for Studies and Applied Sciences in Gender 2012).

Data and Methods

This article relies on data collected as part of a project on the process and impact of international labor migration in Vietnam in 2009. The data include a survey of 646 returnees (former migrant workers) who had worked during the 2000s in Malaysia, South Korea, Taiwan, or Japan—the four main destinations of Vietnamese migrant workers—and who had returned at least six months prior to the survey (see Bélanger et al. [2010] for more detailed information on the survey sample and methodology). The survey was conducted in three provinces (Ha Tay,

Ha Tinh, and Thai Binh) that send a large number of migrants abroad, but it is not representative of all former migrant workers. The research team selected three districts and three communes per province and surveyed all returnees who were available and willing to participate in each of these localities. In addition, ninety-nine in-depth interviews were conducted with returnees, family members of migrant workers abroad at the time of the survey, and local political leaders.

During the course of this study, we came across cases that involved various degrees of deception and exploitation. The objective of this study was not to measure the magnitude of trafficking within legal migration, but to document the variety of experiences along a continuum. The study also includes ethnographic fieldwork conducted in Taiwan, where we interviewed migrant workers in public places (parks, public transit), in their workplaces (domestic workers), and in a refuge where particularly abused workers who had run away from their workplaces found shelter. Cases of forced labor were most common among returnees from Malaysia, Taiwan, and Japan, while trafficking-like situations prevailed among returnees from Malaysia and Taiwan. Migrants who returned from South Korea showed the highest rate of “success” as assessed by the interviewees themselves. In this analysis, I focus on the general characteristics of guest worker programs in East Asia and Malaysia and do not provide information on the specifics of each receiving country.⁴ Migration or predeparture costs include all the money paid by candidates toward migration, including recruitment fees, plane fare, passport and visa fees, training fees, and a safety deposit. Throughout this analysis, I weave the 2009 survey results with some summary case studies from the interviews.

Collecting data from returnees requires caution. The benefit of this approach is that the survey participants have completed the entire migration cycle and can, thus, provide information about all aspects and steps of the labor migration process. The drawback is that returnees had left Vietnam a number of years earlier; therefore, the information concerning the predeparture period reflects the situation that prevailed a few years prior to the study, a situation that inevitably changes and evolves over time. Despite the limitations, the data provide unique insight into and evidence of key issues with respect to international labor migration flows from Southeast Asia.

While this analysis focuses on exploitative practices, including human trafficking, that exist within legal labor migration flows, it is important to note that a majority of former migrants surveyed did not report experiences of abuse, deception, or severe exploitation during their migration, although all of them were in debt bondage as a result of incurring a large debt to go abroad. Of the total returnees surveyed, one-half reported at least one negative experience in the workplace and the other half, more than one. On a series of subjective measures on the impact of their migration, two-thirds of returnees reported a neutral or a positive effect, including migrants who had some negative experiences abroad. At the time of the survey, in response to questions about the impact of their migration, between 48 and 52 percent of returnees assessed their experience positively with respect to their postmigration financial situation (debts paid, money saved) and housing conditions (houses built or renovated). For the other questions

(employment of self, employment of family members, education, health care, social status), the largest group was the one that reported no effect at all, followed by those reporting a positive effect. Negative effects were the highest for debts, savings, education, and employment. Overall, our survey results indicate significant polarization between those who failed and those who succeeded during their temporary labor migration from Vietnam to East Asia. Below, we explore how migrants describe successful migration upon return.

Findings

Recruitment: Misinformation, debts, and bonded labor

Martin (2009) estimates that, compared with migrants from other Southeast Asian countries, Vietnamese migrant workers incur among the highest debts so that they can migrate. He reports that debts incurred to finance migration often exceed the earnings for the first year of a three-year contract. Our previous analysis of Vietnam to Taiwan labor migration showed how a transnational “for profit” recruitment and placement system charges fees—including authorized and unauthorized fees—to workers, who take an average of 12–18 months of work abroad to pay back these fees (Wang and Bélanger 2011). Our survey data in this study corroborate this earlier qualitative study.

Migrants going to the most desirable destinations with higher expected earnings incurred higher average premigration costs: the highest being for Japan (US\$11,989) and lower for South Korea (\$6,534), Taiwan (\$4,419), and Malaysia (\$1,519) (averages for departures between 2006 and 2008). These actual costs surpass official fees established by the Ministry of Labor, but this information was not available to our study participants. The difference in cost is mostly attributable to private layers of brokers, corruption, and extra unauthorized fees charged by some recruitment agencies and private recruiters, both in Vietnam and in receiving countries.⁵

The particularly high debt incurred by Vietnamese migrant workers is central to their experiences as migrant workers in their workplace abroad. In fact, debt bondage is the cornerstone whereby abuse, coercion, forced labor, and trafficking are more likely to occur. Workers are under pressure because their entire families depend on their ability to free themselves from this debt as quickly as possible. To finance their migration, all respondents borrowed money at monthly interest rates ranging from 1 to 2 percent; 62 percent of the survey respondents had to mortgage their homes and their residential land, some (20 percent) mortgaged their agricultural land. In addition, the debt bondage is compounded by the Vietnamese government’s sanctioned practice of asking workers to make a safety deposit to prevent them from running away from their jobs. Their contract stipulates that they must complete their labor contract to get this safety deposit back. Respondents who worked in Japan paid a safety deposit that could reach US\$6,000 to \$10,000.⁶ Workers forcibly sent back by a broker or an employer before the end of the contract (8 percent of the survey respondents were forcibly

sent back, and 11 percent returned because their contract was terminated earlier than originally agreed upon) struggled to prove that their return was not their choice or the result of some wrongdoing. Once back in Vietnam, workers are by default treated as having deserted their workplace. To recover their safety deposit and their property certificate (which is held by the creditor), they must prove that they were sent back against their will, which is extremely difficult to do. Some do, however, succeed in making a case for themselves.

The seriousness of the debt bondage problem is further exacerbated by the uncertainty that migrants will be able to pay their migration-related debts with their earnings. Among our survey respondents, a third returned to Vietnam with their debt entirely or partially unpaid. The likelihood of paying one's debt is correlated with the length of stay abroad. Of those who worked abroad less than 12 months, three out of four (17 percent of the sample) had a migration-related debt upon return. While most workers believed they had signed a three-year contract, they often had only a one-year visa, and many failed to renew their visa and extend their work contract. Some were sent back by their broker without explanation, while others were out of work because their employer no longer needed them (a frequent scenario in manufacturing when orders are down). Since salaries tend to be the lowest in the first year of work abroad due to higher salary deductions (see Wang and Bélanger [2011] for analysis of Taiwan), it is advantageous for brokers to have a short-term rotation of workers and, therefore, maximize benefits on labor recruited.

Experiences of coercion and forced labor abroad

Abusive working conditions have been widely reported in the case of persons involved in domestic work, fisheries, agriculture, and construction. Common scenarios involve the confiscation of passports, withholding of wages, and non-payment for overtime work (ILO 2010). Table 1 reports our findings: 75 percent of migrants had their passports confiscated, while between 15 and 30 percent suffered from threats of being fired, deported, or having their salary reduced. Being prevented from leaving the workplace, having mandatory savings deducted, losing salary for sick days, and not being allowed to use a phone were also common experiences.

Interviews revealed cases of forced labor whereby a worker expressed the desire to leave a job but was not allowed to return to Vietnam. In the case below, the workers were legally recruited by a legitimate recruitment agency to work on a Taiwanese cruise ship. Once in the workplace, however, the situation deteriorated until the workers were held captive by the employer and had to go on a hunger strike to be able to return home.

Case 1

In 2002, Minh was introduced to a labor export company by her brother and friends. She registered with the company to work overseas, and arrangements were made for her to work as a waitress on a tourist ship in Taiwan for 11 months.

TABLE 1
Vietnamese Returnees Reporting Abusive Situations, by Type of Situation , 2000–2009

Type of Situation	Percent Who Experienced Situation
Passport confiscated	69.7
Threatened with firing	28.9
Prevented from leaving workplace	28.8
Threatened to send back to Vietnam before end of the contract	27.9
Deducted mandatory savings from salary	27.9
Threatened with reduced salary	23.8
Deducted salary for sick days	21.8
Not allowed to use a phone at any time	16.6
Deducted salary for using the washroom	1.1

NOTE: Returnees ($N = 646$) are former Vietnamese migrant workers who worked for a few years between 2000 and 2009 in Japan, Malaysia, South Korea, or Taiwan.

SOURCE: B elanger et al (2010).

Minh paid a total of US\$1,500 for predeparture costs. The work contract clearly stated that she would receive a monthly wage of \$250, with a deduction of \$50 for a brokerage fee. Minh traveled abroad with a group of forty-seven Vietnamese workers. After nine months of work, the workers had been paid only for the first four months of work. It became obvious that the ship's owner was experiencing business difficulties and that their claims to be paid would not succeed. Half of the workers on the ship were sent home prior to the end of their contracts. Some ran away to seek work onshore, but were arrested and forced to return to Vietnam. Minh and the other female workers stayed on the ship, where their work duties were sporadic. During their second year abroad, almost all the workers requested terminating of their contracts and to be able to return home, but the ship's owner convinced them to remain working for him. The lives of the workers became increasingly miserable: they were detained on the ship, became the victims of unpaid forced labor, and did not have enough food. When Minh became severely ill, the ship's owner agreed to let her go ashore for treatment, but she was required to pay for the hospital fees and medicine herself. In an effort to force the ship's owner to pay them and improve their working conditions, the workers went on a hunger strike for nearly one week. They also alerted representatives of the labor export company, the media, and other relevant organizations of their situation. Despite these efforts, the workers' situation did not change. Eventually, they asked the ship's owner to allow them to leave, without the pay they were owed. Ultimately, the workers were paid for only seven-and-a-half months of work, receiving nothing for the remainder of their second year on the ship. After arriving home, Minh immediately contacted the labor export company, but the company refused to bear any responsibility for her ordeal.⁷

Cases of forced labor, similar to Minh's experience, occur in several sectors, most frequently in small enterprises where the owner can directly supervise and

exercise control over workers. In Japan, for instance, one young female worker reported being under the control of an extremely abusive employer. The employer was the owner of a small enterprise that manufactured car seats. All the workers were Vietnamese trainees. She and her co-workers experienced forced labor, nonpayment of wages, and the inability to communicate with anyone outside the workplace. They lived in constant fear of being deported without pay.

Similar to other research findings, domestic workers in this study were at risk of confinement and forced labor. In interviews conducted in a shelter for abused migrant workers in Taiwan in 2006, I encountered a group of thirty-one Vietnamese men and women. Among them, nineteen women shared the experience of being recruited by a Vietnamese state-owned recruitment agency as domestic workers, but, once abroad, they found themselves in a situation of forced labor. Workers were rotated to a new employer every month (replacing the regular worker who was on holiday or filling in while a new worker was being selected) and did not receive wages. Workers reported being treated brutally and being threatened and coerced by their broker. Two had been sexually abused by a broker. They were transported and moved, often in the middle of the night, unexpectedly and against their will. Those living at the refuge had managed to escape, in some cases with the help of the employer who realized that the worker was being abused by the placement company or broker.

The experience of rotating workplaces, with moves taking place forcefully at night and without prior warning, was reported by five other interviewees in other sectors (agriculture, construction, and service). This scheme is embedded in legal migration flows because workers are short-term replacements for other legal workers who are on holiday or back home between contracts. Since employers ask a broker to provide a short-term replacement, this window provides an opportunity to exploit workers assigned to the stream of short-term replacement employment.

Extreme negative cases

From migrants' narratives, it is impossible to establish a link among the recruiter in Vietnam, the broker abroad, and the employer. In some cases, however, deception and abuse took place both in the sending country and after arrival in the destination country. The most common scenario began with fraudulent recruitment with a fake work contract without the migrant's knowledge.

Case 2

Because Thinkh was introduced to a recruiting agent by his uncle, he felt confident, and he gave the agent the requested US\$6,000 recruitment fees in exchange for the promise of a three-year contract for a job in a Taiwanese factory. Without being aware of it, Thinkh received a tourist visa (the visa was in English and Chinese, two languages Thinkh could not read). Once abroad, he was forced to work on a remote farm and had to live in a container. He was underfed, completely isolated, forced to work 16 hours a day, and never paid. Every month the

employer promised to pay him the following month. After a few months, he was forcefully taken to the airport and deported. Not wanting to go back because of his debt, he managed to run away while at the airport. He worked as an undocumented worker for six months, but he was then caught by the police, detained briefly, and deported. Once back in Vietnam, he could not find the labor export agency that he had dealt with. He came back with his \$6,000 debt entirely unpaid. To assist him, the People's committee⁸ found him a job in a nearby factory where he earned the equivalent of \$40 per month for working 12 hours a day, six days a week. This salary was less than the monthly interest he owed his creditors. Think did not have any hope of improving his situation unless he could work abroad. He kept contracting more debts to pay his interest and to feed his family. When interviewed in 2006, he had sold his television and all his furniture, and none of his children could go to high school.⁹

Case 3

Duong went to Malaysia in 2006 and returned to Vietnam in 2007 after eight months of work in Malaysia. Before departure, he signed a contract for three years to work in construction with a salary of US\$1,000 per month. He paid \$2,000 in recruitment and predeparture fees. When he arrived in Malaysia, he was not paid and was moved four times to different construction sites. Each move occurred at night, in secret, and workers were not warned ahead of time. Once he realized he had been cheated, he managed to secretly contact the Vietnamese consulate in Malaysia. Consulate staff said they could not do anything for him. When he contacted his placement agency and complained, he was informed that he was on a tourist visa and, therefore, had no labor rights at all. He contacted his family who had to send him money, so he could pay his way home. He finally managed to escape and return home. Once back in Vietnam, he contacted his recruitment agency, but the office had vanished. To pay part of his debt back, he had to sell his land. His family was experiencing great poverty at the time of the interview and had not received any assistance from the government or compensation from the recruitment agency in Vietnam.¹⁰

Case 4

When a recruiter came to his village, Lam and a few other villagers signed a three-year contract to work in construction in Malaysia. When they arrived at the airport in Kuala Lumpur in April 2008, no one was there to pick them up. They waited for two days before someone arrived. Fortunately, the recruiter in Vietnam had told them to bring food for a few days just in case. They were first taken to work in forestry for three months, for which they received no wages and were held captive the entire time. They were then taken to a fish factory where they were forced to work in extremely difficult conditions; they were then taken to a third job in the automobile industry, and eventually they returned to Vietnam after a year. During this ordeal, they received no pay and were constantly threatened and brutally treated.¹¹

In the examples above, migrant workers were fraudulently recruited and ended up in situations of forced labor without pay. Upon returning to Vietnam, they found that their recruitment company had vanished: what they call “ghost agencies.” They entered *blind migration*, which is uninformed or ill-informed migration (Derks, Henka, and Vanna 2006, 17), but, like many of their fellow villagers, they were convinced they were part of the export labor migration program. Legal labor export programs may provide an opportunity for traffickers to disguise themselves as lawful recruitment agents. In a context such as rural Vietnam, where people have very limited access to information, it is difficult for migration candidates to make sense of who is a legitimate actor and who is not (Bélanger and Wang 2013).

Exit strategies from abusive situations

The most common exit strategy a worker may resort to is to seek early return—that is, before the end of their contract. The cost of this option, however, is often the burden of a heavy financial and social debt difficult to pay back with Vietnamese incomes.

The 2009 survey showed that 10.6 percent of the workers surveyed overstayed their visa, became undocumented, and worked in unauthorized employment. Based on in-depth interviews with six overstayers in Japan, I found that the failure to receive the expected pay led workers to run away and work in unlawful employment because they wanted to send remittances to their family and repay their premigration debts (Bélanger et al. 2011). This pathway shows how policies and labor practices may produce illegality. Outcomes of overstay varied between success in finding a stable job and earning income, switching jobs frequently due to nonpayment of wages or hazardous working conditions, and being severely abused and coerced. Among all survey participants, 12 percent reported having worked as undocumented workers (falling out of status after leaving their workplace or overstaying). Among them, more workers felt that their situation had improved rather than deteriorated.¹²

As mentioned, part of the study involved interviewing migrant workers in Taiwan who had run away and managed to reach the refuge run by a faith-based organization.¹³ The shelter assisted migrants in filing complaints. While the migrants were waiting to hear back about their cases—many for months, even an entire year—they were unable to leave the shelter because they were considered “runaway” workers by the Taiwanese government. Since it was impossible to be placed quickly with a new employer, the migrants’ debt bondage situation worsened.¹⁴ Staff running the shelter reported high rates of depression among clients. Migrants felt caught in a “no-rights” zone. Most did not tell their family they were no longer working, too ashamed to have failed in their attempt to lift their family out of poverty. Their sense of failure and the shame they felt about it was often more difficult for them to handle than their experience of abuse and coercion.

Exit strategies speak to workers’ agency despite very constraining situations. From the migrants’ point of view, the most acceptable exit from failed migration was overstay and unauthorized work because they generally provided them with

employment and income. In all other instances, workers felt their experience had been a failure, especially if they still had unpaid migration-related debt, which could not be repaid with the money earned in Vietnam. The shelter offered a short-term solution, but it did not empower workers who hoped for a new job as soon as possible.

Experiences abroad and postmigration assessment

The question arises, Why is there such a continuous flow of emigrants when the risks are apparently so high? One explanation is that people migrate, despite uncertain outcomes, because they have few opportunities or alternatives to make a living at home. But another key factor lies in how returnees assess their experience abroad and portray it to their family members and fellow villagers. First, the shame of having failed and suffered is often covered up. Some returnees who had terrible experiences while abroad will borrow money upon their return to make purchases (such as a scooter) or renovate their houses to convey an image of success. Second, for migrants who return with a large unpaid migration-related debt, the only way to repay their creditors is to remigrate. If already indebted with little borrowing capacity to pay new predeparture costs, these candidates to remigration are likely to enroll in even riskier schemes.

It is therefore important to disentangle various processes: (1) some migrants succeed, have good employers, are paid according to their contracts, and return with savings; (2) some migrants become undocumented workers, suffer various degrees of abuse and exploitation, earn income, return home, and assess their migration as neutral or positive because they were able to earn money; (3) some migrants fail, return home early or upon contract completion with a large debt, and cover up their failure to anyone beyond their immediate family members; and (4) some migrants fail miserably and are reminders to the community of the risks involved in labor migration. The cases discussed above fall under scenarios 2 to 4, but this article would be incomplete without a discussion of positive cases as well (scenario 1).

First, contrary to much literature on female migrant domestic workers, our data show that, relative to men and women working in manufacturing, construction, and fisheries, female domestic workers were more likely to report positive experiences (Bélanger and Tran 2013). Women who got along with their employers were less likely to experience various forms of abuse, labor insecurity, and early return, or become undocumented (running away from their employer). Once a positive working relationship was established, many felt part of the families for whom they were working (see Lin and Bélanger 2012).¹⁵ In some cases, the workers were even protected by their employers to overstay their contracts and continue to work beyond the authorized period. Second, the most successful migrants had been proactive at the recruitment stage. Young, single men and women who were 30 years of age or under tended to be more educated, more resourceful, and more involved in identifying a good entry point in the recruitment web. I explore the relationship between recruitment and migration outcomes elsewhere (Bélanger and Wang 2013). After migration, those who

possessed a basic knowledge of the language in the destination country and had a network of workers already abroad were more successful than those who did not have either of these. As expected, social and human capital provided migrants with resources to enter migration in a safer manner. If abused while abroad, they had a greater capacity to change their situation. Running away and becoming undocumented proved to be markers of success if income was earned and saved; this type of successful migration could only be achieved by the most resourceful, networked, and healthy migrants.

Interestingly, returnees who reported a very positive experience abroad did not question debt bondage and having to work 6–18 months to reimburse expenses incurred to have the “privilege” of becoming a migrant worker. The high cost of migration has become such a normalized part of the process that workers rarely considered it a form of abuse or exploitation. An interesting question lies in the relationship between the experiences at recruitment and while abroad and returnees’ assessment of their overall experience. In fact, these stages of the migration process may or may not be connected. The social construction of failure relates to migrants not receiving wages as stipulated by the contract or having been sent home early (before the end of the contract) rather than to having experienced forced labor and deception. In sum, despite risk factors of success versus failure among our study participants, postmigration assessments depended primarily on the economic outcome of migration and not necessarily on the experience abroad.

Conclusion

The findings presented in this article are consistent with previous studies that argue that human trafficking needs to be recognized as a phenomenon embedded in legal labor migration flows. Based on empirical data with former unskilled and low-skilled migrant workers from Vietnam, the analysis documents a continuum of experiences situated within a legally sanctioned labor export program. While using the concepts of “forced labor” and “trafficking” with caution, many elements of these notions are salient in the stories of a significant number of Vietnamese migrant workers who worked in Malaysia, Japan, Taiwan, or South Korea. The findings also speak to broader discussions of exploitation in guest workers’ programs in Asia and other regions of the world, as well as the intersection of human trafficking and voluntary economic migration.

First, in analyzing coercion, abuse, exploitation, and trafficking, it is crucial to consider how temporary labor programs provide a structure conducive to these outcomes. In Asia, this situation is exacerbated by the lack of rights protection offered to migrants throughout the migration process. In the sending countries, corruption and high recruitment fees put migrants in a debt bondage situation. Once at their destination, mechanisms of labor control put workers in precarious situations. Interestingly, temporary foreign worker programs have been advocated as a solution to curbing undocumented migration and human trafficking. In fact, the severe constraints and workers’ lack of mobility in the labor market

can serve to produce illegality, exacerbating risks of trafficking and forced labor. This analysis supports previous research showing how migration policies may produce precariousness and illegality.

Second, the analysis shows a continuum between abusive working conditions, forced labor, coercion, and, finally, trafficking. In some cases, workers were legally recruited and ended up in forced labor. In other cases, they were trafficked at the recruitment stage but managed to run away and earn income as undocumented workers. The trajectories of migrants show how they can move between stages and maneuver despite extreme constraints.

Finally, despite the risks involved in legal labor migration within Asia, a large share of migrants report successful migration and assess their experience as neutral or positive. The relationship between experiences abroad and how migrants construct their migration upon return reveals an important discrepancy between the way researchers and migrants may assess failure or success. The emphasis on the ability to earn income reinforces the economic motive of migration and the willingness of migrants to take risks to achieve this objective. In addition, the profile and stories of successful migrants indicate that, despite severe constraints and high risks, migrants deploy strategies to maximize success. Far from being only the victims of an abusive system, migrants display a strong will to better their lives through international labor migration. Temporary labor migration programs may provide a source of income to workers and their countries of origin, but the benefits of these programs can only be improved if migrants' rights are enhanced. Antitrafficking efforts will miss the mark if they do not take into account temporary legal migration flows.

Notes

1. Andrees and van der Linden acknowledge that "perhaps victims have some agency up to a certain point" (2005, 65). In his critique of the forced labor framework of the ILO, Rogaly notes that "rather than being represented as knowing agents, migrant workers who are employed in conditions defined by the authors of the report as forced labor are portrayed as victims. Indeed, the report uses the word 'victim' 180 times in its 87 pages" (Rogaly 2009, 1432).

2. The ILO defines debt bondage as "the status or condition arising from a pledge by a debtor of his personal services or of those of a person under his control as security for a debt, if the value of these services as reasonably assessed is not applied towards the liquidation of the debt or the length and nature of those services are not respectively limited and defined" (ILO 2001, 11). For legal migration within Asia, debt bondage can correspond to the ILO definition when brokers withhold the salary of a worker for a definite or indefinite period of time in exchange for having found them a job abroad. This is often the case for domestic workers who do not necessarily pay upfront, but who repay their debt to their creditor with their labor. In general, the employer pays the broker directly. In the cases of workers in construction, manufacturing, agriculture, fisheries, and services, the migrant incurs a personal debt, and he or she is the one who has to pay the debt back in cash to the creditors. This case differs from the ILO definition, but we include it under debt bondage in the current analysis.

3. The U.S. Department of State notes, "Vietnam's labor export companies, most of which are affiliated with the state, as well as unlicensed middlemen brokers, may charge workers in excess of the fees allowed by law, sometimes as much as \$10,000, for the opportunity to work abroad. This forces them to incur some of the highest debts among Asian expatriate workers, making them highly vulnerable to debt bondage and forced labor. Upon arrival in destination countries, some workers find themselves compelled to work in

substandard conditions for little or no pay, despite large debts and no credible avenues of legal recourse. ... While the Vietnamese government demonstrated some efforts in addressing transnational sex trafficking, it demonstrated overall inadequate law enforcement efforts to combat all forms of human trafficking during the reporting period, including in particular labor trafficking" (U.S. Department of State 2011).

4. Regarding Vietnamese migrant workers in Malaysia, see Lê (2010); in Taiwan, see Wang and Bélanger (2011); and in Japan, see Bélanger et al. (2011).

5. Officially, all recruitment of workers for deployment abroad in Vietnam is done by a state-owned agency. Several private actors, however, are involved in this state-owned recruitment.

6. While the safety deposit is a government sanctioned policy, the amount might be higher than legally allowed due to local corruption of brokers who could take advantage of the policy. Workers rarely have access to information on fees for a safety deposit. Interestingly, the amounts varied a great deal in our data, with province of departure in Vietnam being an important determinant of migration costs.

7. Author's interview, 2009, with female, 29, never married, Ha Tay Province, Vietnam.

8. In Vietnam, each commune is led by a People's committee, which is the local organ of the Communist state power.

9. Author's interview, 2006, with male, 28, married, Hay Tay Province, Vietnam.

10. Author's interview, 2009, with male, 33, married, Thai Binh Province, Vietnam.

11. Interview by Nguyen Thi Van, 2012; transcription made available to author.

12. This is measured on three variables: working conditions, housing conditions, and regular pay.

13. We were not allowed to take photos, audio record, or take notes. We could only informally converse with residents and observe their daily lives in the shelter. Shelter staff believed that all residents were clear cases of trafficking. Our visits took place in 2006 and 2007.

14. Taiwan amended its Employment Service Act in 2011 to facilitate workers' transfer to new employers in case of problems (information obtained from Taiwan Council for Labor Affairs, April 1, 2013). This policy change took place after we conducted this research.

15. This finding applies for the destination countries included in this study only. The case of domestic workers in the Middle East is very different; see Bélanger and Rahman (2013).

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