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Czech Embassy in Hanoi, Part 2 – Peace and Quiet

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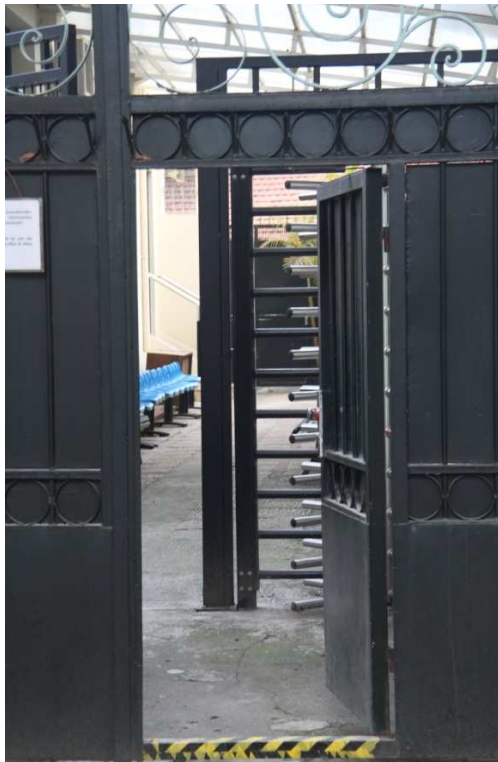
Abstract:

The article reports on the situation in front of the building of the Consular Section of the Embassy of the Czech Republic in Hanoi, in January 2011, and compares it with the times before the crisis. It describes the impact of regulation measures implemented by the Government on the number of Vietnamese visa applicants, as well as their effect on the perception of the Consular Section by the general public.

In recent years the Consular Section of the Czech Embassy in Hanoi has been suspected of corrupt practices, used both within and without, on a number of occasions. The media scandals culminated in 2008, when the public in both the Czech Republic and Vietnam could follow regular reports on the situation in the Vietnamese capital. However, the suspicions have never been officially confirmed or denied. To improve the untenable situation, the Czech Ministry of Foreign Affairs decided to adopt radical measures in late 2008. These were adopted in response to frequent criticism aimed at the embassy and receiving a lot of media attention. In particular, the consulate was criticised for not being able to handle the large numbers of applications for Czech visas and the long queues of applicants, who were consequently served by middlemen. In addition, the officials were suspected of corruption. The Ministry of Foreign Affairs changed the ambassador and the consul, and tried to streamline the visa application process by introducing a registration Call Centre, which was replaced by the on-line VISAPOINT system a year later. At the same time the Czech Republic adopted measures limiting the number of Vietnamese labour migrants coming to the Czech Republic. These included a temporary freeze (late 2008) and subsequent restrictions on the number of long-term employment and business visas. The measures had a large impact on the number of visa applications and, more generally, calmed the situation both within the embassy and on the street in front of the building.

Today, the crowds of people standing, sitting or even sleeping on the pavement with piles of documents in their hands, as we know them from 2008 news reports, are nowhere to be seen. And there are no suspicious-looking individuals organising this ‘performance’.

Indeed, the scenario taking place today, under the direction of the on-line VISAPPOINT system, has nothing in common with the pre-crisis drama. Outside the two-meter high wall with a steel gate, monitored by the watchful eyes of two CCTV cameras, only a few applicants are hovering along with a young Vietnamese guard in a green uniform, carrying a truncheon and a handgun. Chaos and crowds were replaced by peace, quiet and organisation.



Before the Crisis

The greatest number of applicants came to the Czech Embassy in Hanoi between the Czech Republic's accession to the EU and the year 2008. "Before the crisis the street in front of the embassy was crowded. There were people everywhere," says the young guard who has been protecting the Czech Embassy for over two years. "Then the crisis came and there are no more jobs for Vietnamese people in the Czech Republic, that's why there are so few of them," he adds to explain the dramatic drop in the number of applicants. There is not much left to remind you of the pre-crisis era, except the double line of faded white squares, 50 cm by 50 cm, painted on the pavement in front of the embassy – one of the embassy officials' first attempts to get the applicants organised. The Vietnamese are not very good at queuing up in a line, they prefer clustering. The squares were there to show them how to wait in an organised manner," explains a Czech citizen who lives permanently in Vietnam. According to the statistics kept by the Ministry of Foreign Affairs, 13,601 applications for long-term visas (over 90 days) were filed at the Czech consulate in Hanoi in 2007. There are about 200 working days in a year, which means that every day the visa officials working behind two counters had to handle seventy applications during the five hours reserved for visa processing. This makes less than ten minutes per applicant. Unlike the current system, under which the applicants must file their applications themselves, the old system allowed applications through a middleman. The situation became chaotic and unsustainable. The Consular Section

was losing control over what was going on outside the embassy, where middlemen were organising everything and allegedly were even selling places in the queue. The fact that the then Prime Minister Mirek Topolánek called the situation at the Czech embassy untenable during his official visit to Hanoi in March 2008 illustrates the extent of the problem. Soon after this visit the procedure started to be restructured.

On 31 March 2008 the Ministry of Foreign Affairs launched the Call Centre, a system administered by IOM that made it possible to make an appointment to file an application and aimed to reduce the number of applicants waiting outside the embassy, while making the process more transparent. But callers found it virtually impossible to get through. Czech and Vietnamese media reported that someone had been tampering with the line, which could only be accessed from a few preferential numbers – for a fee in the thousands of dollars. This is why in 2009 the line was replaced by the on-line VISAPPOINT system which has proved to be the most efficient tool in making the process more transparent.

Following these changes, there was a dramatic drop in the number of applications. However, this drop is also due to measures adopted on the Vietnamese side. On 16 July 2008 the Foreign Labour Department of the Vietnamese Ministry of Labour, Invalids and Social Affairs stopped recruitment of workers for Czech employers, declaring such recruitment illegal.¹ However, employment agencies were still advertising jobs in the Czech Republic in August 2008. Four months later the Czech Government, speaking about growing crime among the Vietnamese community in the Czech Republic and increased unemployment rates among the Czech population, suspended issuing long-term employment and business visas to Vietnamese nationals (this ban applied until October 2009, when the issuance of visas was renewed on a limited basis). This put a definitive end to the queues in front of the Consular Section of the Czech Embassy in Hanoi.

What the Internet Says

These days², if you type “work in the Czech Republic” in Vietnamese in an internet search engine, an information leaflet of an organisation called La Strada, published in 2007, comes as one of the first hits. The Czech brochure written in Vietnamese is meant for labour migrants and warns them about the risks they might be exposed to, without knowing the local language and their own rights, if they use the services of agencies that offer work in foreign countries. The link to the leaflet is followed by links to companies offering jobs or study in the Czech Republic, such as Vinaconex, Sovilaco, Chau Hung, Napeco and others, and newspaper articles providing information on work opportunities and wages in the Czech Republic.³

¹ Document no. 1462/QLLĐNN-TTLĐ, issued by the Foreign Labour Department of the Vietnamese Ministry of Labour, Invalids and Social Affairs of the Socialist Republic of Vietnam.

² The text refers to the situation in January 2011.

³ More recent reports related to Vietnam and the Czech Republic focus mostly on expulsions of irregular Vietnamese immigrants, on worsening living conditions in the Czech Republic and on crime associated with unlawful or deceitful employment intermediation.

Due to the economic crisis and a stricter visa policy of the Czech Republic, most of the websites offering work in this country were started in 2007 or 2008 and are outdated now, yet they are still accessible. When looking at the job offers, we learn that the average wages for Vietnamese workers were between 500 and 700 dollars, that suitable male candidates were between 18 and 45 years old, at least 160 cm tall and weighed at least 50 kg, while suitable female candidates were between 18 and 40, over 150 cm and over 40 kg, and that good health was a necessary precondition.⁴

Although some of the websites provide a detailed description of the procedure to apply for an employment visa and work permit, they still recommend using the services of a specialised agency. The employment intermediation was supposed to cost approximately 6,000 dollars. According to some of the websites this amount would be used to cover travel costs and administrative fees, but no more specifications are provided. The situation is not very different for study offers: the websites list the advantages (studying in the Czech Republic is free, the State provides financial support to students, diplomas from Czech universities are valid throughout Europe) and conclude that to be admitted to a Czech university, the easiest way is to use the services of a specialised agency – for the same fee as in the case of employment intermediation.

Despite the fee – approximately sixty times the average monthly wage in Vietnam – a great majority of the Vietnamese who wanted to work or study in the Czech Republic came to the country with the help of an intermediation agency. There are several reasons for this.

“In Vietnam it is common for people to rely on family and friends to deal with all kinds of problems. Without them it is impossible to arrange anything, especially in dealing with authorities. This is associated with a sophisticated system of reciprocal services and services for which ‘unofficial’ fees are charged. There is a good reason why the Vietnamese say that Uncle Ho, whose portrait you can find on every Vietnamese banknote, shows the way. In short, a paid service is a good service. And an expensive service is better than a cheap one”, says Marta Zatloukalová, a scholar specialising in Vietnamese studies who lives in Hanoi.

In addition to this cultural context we need to take into account the fact that most of the Vietnamese population is computer illiterate. People interested in working abroad will usually learn about job offers from their friends, or from ads published by intermediation agencies. But even those who decide to find information on, say, long-term visa applications themselves, will face difficulties sooner or later. The website of the Czech embassy in Hanoi is available in three language versions (Czech, English and Vietnamese), but basic information about long-term visas and residence can only be found on the website of the Ministry of Foreign Affairs, which exists only in Czech and English. Therefore, the applicant can download the forms, for example, but won’t find the essential information that to apply for a long-term visa, he/she needs to log in to the VISAPOINT application. For someone who has never heard of a VISAPOINT application and can’t speak Czech or English, applying for a visa becomes an impossible task.

⁴ <http://vietbao.vn/Viec-lam/Tu-van-Di-lao-dong-tai-Cong-hoa-Czech/40090415/267/>

In Front of the Embassy

It is Friday, 14 January 2011. According to the official information panel this day is reserved for short-term visa applications and follow-up interviews. The temperature is slightly above 10 degrees Celsius and a handful of applicants - mostly women accompanied by their brothers or husbands - are waiting patiently in front of the consulate gate. Every now and then a person jumps off a passing motorcycle, looks at the information panel, makes a phone call and disappears.

The information panel says that the Czech consulate in Hanoi is open to the public every working day from 9 a.m. to 4 p.m. (except Czech and Vietnamese national holidays). But perhaps 'open' is not the right word – 'accessible' would be more suitable. Although there is a waiting room with some twenty chairs on this little piece of Czech territory in Vietnam, people are admitted one by one, and the remaining applicants must wait on the pavement in front of the building.

While waiting, they chat with each other and with the guards, or examine the information panels which, compared to those at the Slovak and Polish embassies, are of very good quality. Except for two documents – one listing the number codes of applicants who have been granted permanent residence and the other listing those who need to supply health insurance documents – the panel provides all information in both languages, Czech and Vietnamese. It tells you how to fill in your short-term visa application correctly, specifies that you need to make an appointment through VISAPOINT, and informs that as of 1 June 2009 the application file must include a medical report certifying that the applicant does not suffer from tuberculosis and syphilis. There is also a price list (a visa under ninety days costs 60 Euros, over ninety days 100 Euros), instructions concerning the format of passport photographs, a list of health insurance companies recognised in the Czech Republic, and information on required health insurance coverage. The panel includes a model long-term visa application form which, unfortunately, is not completed. A completed model of the form – which has five pages and exists only in a Czech/English version – might eliminate the need to use paid assistance, a practice that has been widely criticised.

It is 9 a.m. The time when the consulate gate should open – but nothing happens. Instead, a pick-up truck brings a group of uniformed guards to relieve the one who looks chilled to the bone. The new guard immediately takes his place and gives us a sharp look that says: 'No photographs'.

Meanwhile, a young girl with a pink hat, wrapped in a scarf, arrives and rings the reception bell. No response. "This is the third time I've been here. My husband is in Prague and I want to join him. Before, the Consulate didn't let me file an application because to do that, you need to be twenty years old. Now I am twenty, so I can have an interview," she says. "Today I'm here to get the form," she adds, and starts a lively conversation with the guard.



Half past nine – the first person is let in. Then the door opens again every half an hour and the waiting people immediately cluster around it. Those coming out of the door share their impressions, often by a mere shake of the head. Then they talk on the phone, walk about thirty meters from the Consulate gate to the reception window, cross the street to speak to a group of men sitting on their motorbikes, and come back.

Their patience is admirable. The Consulate officials send them from one place to another, with no success. For the third time the girl with the pink hat is turned down at the gate and sent to the reception window, where – again – she is not given the documents she needs. A Czech would probably fly off the handle and call the staff a few names. But not the Vietnamese. Nobody looks angry or irritated. Quite the opposite: they all look calm and resigned. Since most bureaucratic procedures in Vietnam are simply absurd, there is nothing exceptional about waiting for several hours to get a form. “In Vietnam people know they have to pay if they want to be served. If you don’t pay, you have to wait. They know that complaining doesn’t help. They take it as a fact, and that’s why they are so calm when they wait”, explains Marta Zatloukalová.

Two hours later the girl finally gets her forms and looks happy. When we asked for the same documents at the reception, we got them in seven minutes. The girl is relieved and starts a conversation with us. We are joined by her brother, who is accompanying her, and – quite surprisingly – the young guard. The girl tells us she has been learning Czech for a month and shows off her progress: ‘how are you’, ‘what’s your name’, ‘one, two, three’. Unlike her, the couple of Vietnamese teenagers who have come with their aunt and uncle to apply for a long-term family reunification visa do not even know in which country their parents live. After some five minutes the older sister says something like ‘Sahara’. We put heads together and

finally work out she means ‘Sapa, Praha’ – the largest Vietnamese marketplace and business centre in Prague. When we ask if they will study or work in the Czech Republic, they just give us a shy smile. After two hours of standing in front of the consulate, without even trying to speak with the officials, the four of them get on an old scooter and ride away.

Eleven a.m. It seems the day is over. Altogether nine people came to the reception window, four of whom managed to get through the consulate gate. The girl with the pink hat says goodbye: ‘See you on Monday!’ Monday is the day reserved for long-term family reunification visas.

A Monday Full of Changes

On Monday 17 January 2011 something is different. Half of the information on the panel is gone. We can’t see the information sheet saying that applicants need to have a medical certificate proving they don’t suffer from TB or syphilis and a health insurance certificate, nor the list of recognised insurance companies – although the information is still valid. The office hours have been reduced from five days to just three, from 2 to 4 p.m. On Mondays and Wednesdays ‘passports are issued’ and applicants are informed about decisions concerning their applications; Thursdays are reserved for receiving and issuing other documents. Although this information didn’t appear on the panel until 17 January 2011, the notification has the date 17 November 2010 on it. The consulate’s website still lists the old office hours.

A line of about ten applicants has formed in front of the consulate gate. From time to time some of them cross the street to approach a group of warmly dressed men sitting on their motorcycles and discuss their documents with them. The atmosphere is much more nervous than on Friday. Even the files the applicants are carrying look much thicker.



At quarter past nine the first three people are let in, and come out an hour later. All of them cross the street towards the group of men, most probably middlemen, who take them away. Within half an hour all of them are back, coming from different directions with their escorts. They are holding more documents and go directly through the consulate gate. The escorts on their motorbikes take their places across the street. At regular intervals, one of them comes to the consulate gate to check the situation, and goes back.

A Vietnamese man around forty starts a conversation with us. He speaks fluent Czech with a Moravian accent. He tells us that until 1998 he lived in Brno, where his wife still lives and runs the family business – a fast food takeaway selling gyros and Vietnamese soups. “I live 150 km from Hanoi. I had to get up at 4 a.m. to get here on time, but now I have to wait anyway. The embassy wants the number of a document I had in the Czech Republic before I left, but I don’t remember it and my lawyer is still asleep. In the Czech Republic the time difference is minus six hours. I have to wait until he wakes up.” After an hour of trying, he finally gets through to his lawyer and, with a smile on his face, calls: “I’ve got it!” He is let in. After an hour he comes out, silent. “I don’t have the right insurance. In autumn my wife paid for my yearly insurance with Slavia, worth 1,200,000 Czech Crowns (medical insurance – author’s note). That is 48,000 Euros,” he shows us the proof of payment, “but they say there is a new law under which I have to pay 60,000 Euros. I don’t know what to do. I haven’t seen my wife for five years,” he adds and leaves, disappointed. On Friday the consulate’s official information panel said the minimum insurance amount was 30,000 Euros.

In the meantime another applicant comes out of the gate – this time, the 22-year-old man from the Ha Tinh province, seeking a long-term family reunification visa, is smiling. “It went fast. Today is my first time here, and it’s over. They helped me to fill in the form, and then they made an interview,” he tells us excitedly. “They mainly asked about my wife. They asked if I love her. Of course I love her, I wouldn’t go anywhere if I didn’t. They wanted to know how many courses there were at our wedding reception and what the whole wedding was like,” he recalls the interview with surprise. His wife left for the Czech Republic in 2008 and settled in Vimperk. Last autumn she made a short visit in Vietnam, during which they got married. “I want to live in the Czech Republic with my wife until we’re old, but then I want to come back. To be really happy, I need to be in my home country, with my family and friends,” he shares his ideas about living in the Czech Republic. “I would like to live in the Czech Republic because of the economy, environment, and my love. And also because there is better public protection and less corruption. In your country the State protects you and also takes care of your health.” He concludes that if he had a monthly income of 2 million Dongs (about CZK 2000, or \$ 100 – author’s note), he wouldn’t want to work abroad at all.

A Priori Distrust on Both Sides of the Wall

The pre-crisis era is often associated with corruption and dishonest practices on both sides of the wall – the Czech as well as the Vietnamese. Both Czech and foreign media have brought a number of testimonies of Vietnamese people who paid astronomical sums to get a visa. However, it has never been proved where this money went and who bribed whom.

There are several actors: the consulate, Czech and Vietnamese authorities, the Aliens Police, etc.

A negative side effect of this affair is that no-one trusts anyone anymore. On the one hand, the Consulates look at every new application with suspicion. On the other hand, the general public, the media and NGOs, who tend to think every official is a crook, see every change as a sign that something suspicious is going on. The atmosphere of arguments, mutual suspicion and distrust has resulted in the consulate being virtually inaccessible from the outside.

A multilevel decision-making procedure which lacks transparency also contributes to the overall lack of trust. Before January 2011 it was not possible to lodge an appeal against the decision; now the latest law amendment gives applicants the possibility to ask for a review. An application goes from a Vietnamese official who receives the file to a Czech official who checks whether it meets formal requirements and conducts an interview through an interpreter. The completed application goes to the local consul, who issues a recommending opinion. The application is then sent to the Czech Republic. The role of the Ministry of Foreign Affairs ends when the file is sent to the Aliens Police in Prague (since 1 January 2011 to the Ministry of the Interior), who issue the final decision; the consulate only communicates the decision of the Ministry of the Interior to the applicant. And that is the sticking point. Not only has the official at the Ministry of the Interior never seen the applicant, but the official's job is to promote national security in the first place. This underlines the discourse in our society which sees migration as a security threat and perceives it a priori as a negative social phenomenon. This is reflected in the attitude of civil servants and the public to immigration as such. The fact that follow-up interviews are called 'interrogations', speaks for itself.

Quite paradoxically, the protective measures meant to cover the consulate's back lead to even more suspicion. The current image of the consulate – one of an impregnable fortress – only adds to the perceived lack of transparency and keeps alive the myths of corruption. Communication with the public is insufficient, no statistics on the number of successful and unsuccessful candidates are available, and the Vietnamese don't get clear information about the types of visas they can apply for. In general, no effort is made to provide anyone with any information beyond consular matters. Yet it would be very helpful, in the context of Vietnamese migration, if applicants received some basic information about travelling to the Czech Republic, for example in the form of a well-organised brochure. Some facts that are obvious to us – that you have to pay taxes and insurance contributions, that you can't drive without a licence, or that it is not allowed to bribe people – may not be so obvious to the Vietnamese. Although a number of such brochures and leaflets have already been published in the Czech Republic, mutual distrust between NGOs and the embassy prevents cooperation and distribution of information materials to those who want to come to the Czech Republic.

On the other hand, the life of an embassy official in a country like Vietnam is not easy. They can't make friends with the locals without immediately raising suspicion. One example for all: when the embassy organised an event to celebrate the Czech national holiday, the new consul, Tomáš Kadlec, first introduced himself to the Vietnamese public and the Czechs

living in Vietnam. From the moment he entered the room he was constantly surrounded by a crowd of people who wanted to know about the visa situation.

Pressure from the Vietnamese, whose society is based on a complex network of friends and acquaintances, as well as from Czech NGOs, which ask for more transparency, forces the consulate officials to close their public and private lives behind the doors of their flats and houses. This is perhaps why their social life is limited to contacts with other embassy and consulate officials. And it is also one of the reasons why they are completely cut off from the Vietnamese reality, a fact that is reflected in their intercultural competencies and their lack of understanding, resulting from the absence of culture-based communication skills.

Whether the suspicions of corrupt practices within and without the embassy were justified or not, they have had a great impact on the visa procedure and on how the Vietnamese are perceived by Czech authorities. This has led to a drop in the busy immigration exchanges between Vietnam and the Czech Republic, and the gradual cooling of the Czech-Vietnamese relations in general. Nothing suggests at the moment that the peace and quiet should be replaced again by busy crowds and piles of applications for long-term Czech visas.



Overview of Developments:

- **2007:** the Czech Consular Section in Hanoi records an **enormous increase in the number of long-term visa applications**. The number of visas issued in 2007 was six times higher than the number of those issued before the Czech Republic joined the EU (2003).
- **12 September 2007:** a readmission agreement⁵ is signed between the **Czech Republic and the Socialist Republic of Vietnam** on mutual handing over and admission of nationals of both parties. The agreement enters into force on 21 March 2008.
- **21 March 2008:** Prime Minister **Mirek Topolánek visits Vietnam** and points to the untenable situation at the Czech consulate in Hanoi in relation to the surge in long-term visa applications.
- **31 March 2008:** the **Call Centre in Hanoi is launched**
- **May 2008:** the Minister of Foreign Affairs Karel Schwarzenberg admits a surge in the number of visa and residence applications, and voices the **Ministry's concern about the lack of transparency in the visa procedure outside the embassy**
- **16 July 2008:** **Vietnamese media inform that recruitment of workers** for the Czech Republic by the Vietnamese Ministry of Labour, Invalids and Social Affairs **has been suspended**.
- **August 2008:** **Michal Král becomes head** of the Czech embassy in Hanoi
- **28 August 2008:** the Czech internet daily **iDnes reports** that Miloslav Zeman, President of the Economic Chamber of the Plzeň Region, suspects the **price of visas on the black market has increased** from \$ 1,500 to \$ 2,800 as a result of launching the Call Centre
- **16 November 2008:** the Czech public news server **ČT24 reports on a temporary freeze on long-term visas for Vietnamese citizens**. Arguments supporting the Government's decision are based on the need for security measures and the protection against organised crime and increasing crime rate among the Vietnamese community in the Czech Republic
- **1 April 2009:** Government Decree no. 171 of 9 February 2009 **suspends the issuance of long-term employment and business visa** for Vietnam, Mongolia, Thailand, Moldova and Ukraine.
- **17 February 2009:** VISAPPOINT – a new online registration system for long-term visa and residence applications – is launched, replacing the problematic Call Centre
- **1 June 2009:** based on a recommendation from the head of the National Public Health Authority, the **Ministry of Health introduces the obligation to provide a medical**

⁵ A readmission agreement is a **mechanism for returning people who refuse to use the possibility of voluntary returns**. See for instance: <http://www.mvcr.cz/clanek/migrace-novy-clanek-890951.aspx?q=Y2hudW09OQ%3D%3D>

report certifying that the foreigner does not suffer from TB or syphilis. This applies to applications for long-term visas over 90 days and for long-term residence.

- **26 October 2009: to a limited extent, processing of applications for long-term employment and business visas over 90 days starts again**
- **1 January 2010:** the Vietnamese internet daily Bao Moi reports that **ten Vietnamese citizens were arrested at the Prague airport** and charged with visa forgery
- **May 2010: over 130 Vietnamese citizens sue the Czech Republic** for acting against the law when it refused to process their long-term visa applications
- **May 2010: the Aliens Police is criticised for unlawfully expelling Vietnamese citizens** without giving them the possibility of appeal. Two of the Vietnamese who were expelled sue the Aliens Police. Their lawyer Marek Sedlák points to the conflict between the Czech and English version of the readmission agreement between the Socialist Republic of Vietnam and the Czech Republic. While the first mentions a ‘final’ decision, the second speaks about an ‘enforceable’ decision. The English version has precedence over the Czech text.
- **August 2010: a new consul, Tomáš Kadlec, is appointed to the Consular Section in Hanoi.**

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