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Becoming stateless in Thailand

Birth registration of irregular migrants' and refugees'
children

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Abstract

There are millions of children in the world without having their birth registered. The lack of birth certificate, however means the lack of legal identity and nationality, which leads to statelessness. This phenomenon tends to be overlooked, given that such people are effectively invisible to the countries due to the lack of their social contract with the state.

Thailand is one of the leading countries in the world with hundreds of thousands stateless people within its borders. It is also among the top destination countries for migrant workers in Southeast Asia with serious issues related to irregular migration. Therefore, the research question of this paper stemmed from the consideration that undocumented foreign labourers do not register the birth of their children in Thailand.

After studying the most relevant academic literatures, and those international agreements and domestic legislative acts that govern the lives of migrants in Thailand, it was concluded that there are special regulations in the country regarding irregular migrants and refugees. Consequently, this Thesis paper attempted to investigate how the above-mentioned people are trying to navigate in Thailand and how it affects their decision not to register the birth of their children, even though the Convention on the Rights of the Children suggests that every child should be registered immediately after birth.

It was found that the anti-immigrant attitudes in Thailand are rooted in the nationalist movement when ‘Thai-ness’ and ‘otherness’ were created. One of the main victims of these distinctions have been immigrants, especially those coming from the neighbouring countries. They are considered to be unable to get integrated into the Thai society and with the support of the population, the Thai government introduced strict measures against those who migrate to the country irregularly. According to the Thai regulations these people can be deported to their country of origin. Therefore, it is argued that irregular migrants and urban refugees tend to live underground in order to avoid revealing their status. In doing so, they do not register the birth of their children.

A significant portion of this paper deals with the legislative acts that regulate the registration of foreign workers, asylum seekers and the birth of their children. As a consequence of strict and inconsistent rules, as well as the bureaucratic obstacles, migrants tend to evade the registration. Although displaced people in refugee camps have access to the birth registration of their children, due to their alternative livelihoods there, they are not fully aware of the

consequences of the lack of birth certificate and thus the lack of nationality. Therefore, non-governmental organizations and their awareness-raising programs are crucial in this issue.

The main findings indicate that the outcome of the Thai regulations regarding immigration and foreign labour, irregular migrants and refugees rather stay underground and do not register the birth of their children. However, as a consequence, children become effective stateless which entails many vulnerabilities. It is a further question, if these children can reposition themselves from the margin of the society.

Key words: statelessness, birth registration, structure, agency, Thailand, refugee, irregular migration

Table of content

Abstract	iii
Abbreviations	vi
1. Introduction	1
1.1. Research Design	2
1.2. Conceptual Framework	4
1.2.1. The best interest of the child	4
1.2.2. Statelessness	5
1.2.3. Structure – agency	6
2. Where to belong?.....	7
2.1. Birth right	7
2.2. Social imaginary.....	8
2.3. Detention & deportation.....	11
2.4. What parents want?	14
2.5. Effects on the children.....	16
3. Obstacles to register the birth of the child.....	20
3.1. Undocumented migration in Thailand.....	20
3.2. How to register the birth?.....	23
3.3. Role of the civil society.....	26
4. International agreements	29
4.1. Human Rights treaties	29
4.2. The ‘refugee-issue’	30
4.3. Camp life	32
4.4. Regional cooperation.....	35
Conclusion.....	38
Bibliography.....	42

Abbreviations

ASEAN – Association of Southeast Asian Nations

CAT – Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment

CMW – International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families

CRC – Convention on the Rights of the Children

HRW – Human Rights Watch

ILO – International Labour Organization

MoU – Memorandum of Understanding

NGO – Non-governmental organization

SEA – Southeast Asia

UN – United Nations

UNHCR – United Nations High Commissioner for Refugees

US – United States of America

1. Introduction

Imagine life without legal identity! No access to education, health care, employment, and the right to enjoy the freedom of movement or to own property, just to mention a few of the consequences of the lack of legal identity. Although, it sounds impossible for people living in high income countries in Europe or in North America, there are millions of people around the world without nationality, therefore without legal capacity. As a result, they are invisible for the state, which leads to the lack of protection and provision of their basic rights. Even though, it is very difficult to measure the number of stateless people due to its hidden nature, according to statistics, most of them (more than 40%) can be found in the Southeast Asian region (ISI, 2014, p.78). After Myanmar, Thailand is among the leading countries with the most stateless people within its territory, among whom more than 1 million are children (UNICEF, 2009, p.5).

One of the reasons that children end up stateless is the lack of birth registration. UNHCR estimates that the birth of some 135 million children under the age of five have never been registered in South and Southeast Asia, thus they are in huge risk of becoming stateless (European Parliament, 2016). Even though the Convention on the Rights of the Children (1989), the most widely ratified international agreement, clearly states that birth registration must be universal, and it has to take place upon birth (Art. 7.), in many countries it does not come into realization, leaving 30% of the children in Southeast Asia unregistered which leads to their lack of legal capacity (UNICEF, 2009, p.4). With record-high statistics like these, it is clear to see why the subject of statelessness and lack of birth registration have been subject to increasing concern and focus. However, in this paper I will look at the issue from a different angle. In doing so, I will use the ‘best interest of the child’, one of the four principles of the CRC, as a lens to find out the approaches to birth registration focusing on children in Thailand. Therefore, I attempt to answer the following research question:

“Why does the concept of the ‘best interest of the child’ have a less significant role in the birth registration procedure in Thailand than the state’s and the parents’ interest; and why these children become victims in this context?”

To study this, I will reveal that due to the answers parents give to some state regulations, children might end up stateless which has serious consequences. States and parents both consider themselves as the guarantor of the best interest of the child, but is it really the children's best interest? We will see that in many cases they act in order to defend and promote their own interest, which is not necessarily the same as the child's.

1.1. Research Design

This sub-chapter presents and discusses the ways in which this study has been carried out. This is done to make the research process transparent.

The research was initially driven by an interest in the vulnerability of stateless children in Southeast Asia. As it was mentioned earlier, one of the main reasons that they do not have nationality is because they were not registered upon birth even though the best interest of the child suggests it. Given the fact that the extent of migration is high in the region, the number of children of migrant parents are also high, which status entails vulnerability (Crush & Ramachandran, 2009) and unpredictability. By researching more and more about birth registration in Thailand, I found that sometimes children are deliberately not registered by their parents and the state creates barriers to birth registration too, even though it would be beneficial to Thailand to be able to monitor the population in its territory. Thus, my research question stemmed from the consideration that neither the parents, nor the state prioritize the best interest of the child.

The main research method was the study of academic literature with some of the most central pieces within the field. Moreover, I have used relevant non-academic literature such as law texts and conventions in order to seek understanding of the different actors governing the birth registration of children. However, the main limitation of the research was the hidden nature of statelessness and factors playing big role in avoiding birth registration, such as irregular migration. Even though there are statistics and literature on them, they should be carefully used. Although, it is difficult to find data on the issue even in Thai language, the unfamiliarity with this language was another obstacle in this research. Notwithstanding, there are many studies conducted in the topic by UN agencies and non-governmental organizations which enabled this research to gather proper information.

Initially, two countries were supposed to be analysed in a comparative analysis. However, the hidden nature of statelessness and the states' deliberate attempt to ignore the problem led to a huge limitation of the research. Therefore, my focus remained only on Thailand. The choice to analyse this country was made due to the significant number of stateless people in its territory. Moreover, a recent exchange semester in Bangkok inspired me to research more about the situation of migrants in the country, and a field visit to an informal school for young Burmese people, gave me an insight to the lives and aspirations of irregular migrants.

The structure of the paper reflects on different state regulations and obstacles that influence the parents' decision when it comes to the registration of the birth of their child. In doing so, I analyse some of these regulations and actions that either deliberately or unintentionally affect parents' decision not to register the birth of their children. Thus, I investigate how parents' reactions put children in vulnerable position and make them the victims. For this, I use the structure – agency nexus, how the actions of parents are affected by the immigration policies, and how much agency they have in navigating within the system. I argue that parents mainly pursue their own interest and try to protect their family's livelihood by not registering their child.

Therefore, I grouped my arguments into three chapters that reflects the actions of the state. I begin the first chapter with the analysis of Thailand's motives behind its policies and arguments for deporting irregular migrants, and how it is rooted in historical events. Having this in mind, I bring the concepts of nationalism and national security into the picture and parents' reaction to immigration control. Also, in this chapter, I analyse the difficulties migrant parents' children might face in their future. In the following chapter, I claim that Thailand sometimes deliberately raises administrative obstacles towards birth registration and not because of the lack of their capacity, making it even more difficult for parents to register their new-born. In doing so, I argue that the Thai regulations regarding both the registration of migrants and of the birth of their children lead to the parents' decision to avoid the registrations and thus evade being monitored. In the last part of this section the main emphasis is on the ineffectiveness of civil societies and what impact it has on birth registration procedures in Thailand. In the third chapter, I examine the outcomes of the external relations of Thailand, regarding its participations in international

agreements and conventions. Moreover, I argue that some bilateral agreements contribute to the phenomenon of irregular migration to Thailand.

1.2. Conceptual Framework

1.2.1. The best interest of the child

In order to answer the research question, childhood and the ways in which children are perceived become important as their status is a part of the legal instrument governing their lives. Thailand rarely signs or ratifies human rights conventions, but the CRC, which covers the rights of the children, is one of the few treaties it has ratified. Thus, the Convention has a very important role in this paper. It has evoked childhood as a universal category, however, in practice childhood is constructed socially and so it takes different forms in different societies. Since in this paper I mainly talk about infants' birth registrations who clearly do not have agency, the social construction of them is not too complex either.

Children are generally perceived as a precious and vulnerable group embodying innocence and therefore, their care and protection are prioritised (Lancy, 2015, p.16). From these considerations, countries allow children to be privileged in the sense that they get special treatment compared to adults (Prout, 2005, p.35). However, if the children fail to live up to the expectations they will be perceived as 'problem' children (Bordonaro & Payne, 2012, p.368). These 'problem' children can be those ones who are not considered as citizens of any countries since their birth was never registered.

Given these considerations the CRC (1989) incorporated the 'best interest of the child' according the following:

“In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration” (Art. 3)

Therefore, it is the state's obligation that during any activities, the best interest of the child must be taken into consideration. However, it is not clearly defined what it means and it evokes broad interpretations. Since children's agency is also a very disputed question and infants do not have any on their own, they might end up invisible along with their interests

and viewpoints. Thus, the first step to have rights and legal capacity is birth registration and it entirely depends on the intentions of the parents and the state. The lack of registration and thus, the lack of nationality indicates that these children are not recognized as the members of the society and it entails the invisibility in the eyes of the state. Consequently, as the CRC (1989) also suggests, “*the child shall be registered immediately after birth and shall have [...] the right to acquire a nationality*” (Art. 7.) to avoid statelessness.

1.2.2. Statelessness

According to the 1954 UNHCR Convention, stateless person is someone “*who is not considered as a national by any State under the operation of its law*” (Art.1), therefore there is no legal bond between the individual and the state. Throughout this research I use nationality and citizenship interchangeably. Countries have different citizenship acts that define the criteria of becoming a citizen. In general, there are three ways citizenship can originate: descent from parents (*jus sanguinis*), birth place (*jus soli*), and naturalization. In this paper I only analyse the first two instances, since naturalization cannot happen upon birth.

Here, I regard statelessness as an outcome of the lack of birth registration, which is called effective statelessness. Although there are many situations and causes that leave millions of people stateless in Southeast Asia, this paper will not include them. In most cases members of indigenous and hill tribes and irregular migrants are the most affected ones, but discrimination, state succession and conflict of law can all play big roles in the lack of birth registration. I greatly lean on Hannah Arendt’s work on statelessness and Jacqueline Bhabha’s reflection on it. Bhabha (2009) argues that Arendt’s stateless children are minors (under the age of 18), separated or risk being separated from their caregiver, and non-citizens or children of non-citizen parents. These elements completely correspond with the definition I use throughout this paper. However, in her work, Bhabha’s definition of stateless children includes every minor who are in a vulnerable position due to the migrant history in their own or in their families’ background. Thus, she does not necessarily use statelessness in the same meaning as the UNHCR definition states. Sometimes she extends, sometimes narrows it down according to her interest. In the following pages I analyse the nexus between birth registration and statelessness and how parents and states over-prioritize their own interests to the children’s.

1.2.3. Structure – agency

Structure and agency nexus plays a very vital role throughout this paper, since the core of this research is to explore the way parents navigate in the system. Therefore, I analyse the answers they give to the Thai regulations and policies and identify the space they have in the manoeuvring. For this, I lean on the studies of Anthony Giddens and Jonathan Rigg to a great extent.

While agency tells us the “*the degree to which individuals have control over their lives*” (Rigg, 2007, p.24), structure “*emphasise[s] the extent to which people are constrained in their actions*” (ibid.). Therefore, I intend to analyse to what extent migrant parents have freedom in shaping their here- and nowness in a country with many regulation regarding immigration and foreign labour. Inspired by Anthony Giddens (1984), I do not separate the two concepts. He argues that agency and structure co-exist and that they are affecting each other. In other words, they constantly influence and shape one another. People are the agents who create the structure, and by their actions they are continuously reshaping it. However, it happens vice versa as structure gives power to the people and also limits them (ibid.). Therefore, structure and agency help us to explore the relationship between the individuals and the environment around them.

2. Where to belong?

This chapter serves the core of the research. Its first section explores the value of citizenship and the importance of birthplace and the parents' citizenship status. Deportation is one of the most direct consequences of irregular migrants' attempt to register the birth of their child. Before I discuss it in the third section of this chapter, I am going to present why Thailand makes distinctions among people living in its territory, creating 'desirable' and 'undesirable' populations (Rygiel & Walton-Roberts, 2015, p.211). In the fourth section, I study the parents' answer to the Thai regulations, namely why they try to avoid deportation and how their actions lead to not register the birth of their child. I will afterwards explore what psychological impacts Thailand's distinction of people has on the focused children. Finally, I argue that as a consequence of either being deported or trying to avoid it, children become the victims of the state's and the parents' decisions.

2.1. Birth right

The place of birth and the citizenship of the parents define the whole life of a person, regardless a country grants citizenship based on *jus soli* (soil) or *jus sanguinis* (blood), as it implies a set of values and norms children are taught to. Ayelet Shachar (2009) considers citizenship as a property that can be inherited. This statement is rational, since by now it is extremely rare that states grant citizenship on the basis that a child was born on their territory, as does the US and Brazil. Thus, the overwhelming majority of the world's population inherits their parents' citizenship or the lack of their citizenship. As a consequence, this inheritance creates inequalities between wealthy and poor states, since citizenship of the latter is worth less (*ibid.*, p.69). However, as the place of birth is out of the child's control, a part of their future is predetermined according to where they were born and how their parents navigate within the system. Having this in mind, that citizenship of the parents hugely influences the possible life chances of the child, there are many parents who migrate to a more developed country where they can provide more opportunities to their children than in their home country.

Migration is a phenomenon that has always existed in the history of the mankind. Some people wrongly argue that it is the production of globalization due to the lowering importance of borders, as a result of direct interactions between people across the borders without state interventions (Annan, 2001). Although globalization has changed the nature of migration, it is not a new thing. On the one hand, globalization creates more opportunities for people, for instance by cheaper and faster transportation and communication. On the other hand, states are keener on migration control than ever before, since immigration is considered as a threat to their sovereignty (Nah, 2012). Therefore, due to its political nature, they introduce more and more national laws and take part in international agreements in order to regulate the flow of people (Dauvergne, 2014, p.75). Thus, globalization involves restrictions and at the same time possibilities for those who want to migrate. While, migrant parents take advantage of the opportunities, they have to face the restrictive regulations states introduce. However, citizenship and membership in a particular community start with birth registration. In the followings, I will argue that people migrating in Southeast Asia, often deprive their children from the chance to acquire citizenship by not registering their birth. However, this deprivation is an outcome of the restrictive immigration policies in Thailand and the parents' answer to it.

2.2. Social imaginary

Developed countries are famous for their anti-immigrant attitudes and social exclusionism. States create a so-called imaginary national community, which is defined as the unified national identity (Ramachandran, 2015). Thus, they use different indicators to describe social membership. In doing so, states distinguish 'we' (people who belong to the national community by following the same values and speak a common language), from 'them' (people who cannot fit into the classification) (ibid.). Although, in the Global South the social membership is not so exclusive, in Thailand we can also find elements of exclusiveness to preserve the country's cultural-national identity and the wellbeing of its society. Therefore, it serves as an explanation for its strict immigration policies.

In Thailand, nationalism was not something coming from the people like in Europe, but it was consciously invented by those in the power in the end of the 19th century. In the time when Western powers were scrambling to colonize more and more territories in Africa and

in Asia, Thailand had to defend itself by showing integrity (Laungaramsri, 2003, p.161). It was more possible to conquer territories with culturally different people, since they could be easily turned against each other, risking the national stability. As a consequence, nationalism began in Siam¹, to cover everyone who shared a set of characteristics, in order to show a unified Thai nation (ibid.). The collective identity of 'Thai-ness' was defined as a "*shared commonality of language, religion and monarchy*" (ibid., p.157). In other words, being Thai means the belonging to the Thai nation, following Buddhism, and being devoted to the king, aka the monarchy (ibid.). Therefore, those who did not follow any of the three above mentioned principles, could not be Thai national and were regarded with suspicion. Moreover, regardless nationality, even until today, it is very important in Thailand to respect the monarchy, and those who talk about the king with a bad manner may face severe consequences, even life sentence. Likewise, tourists can be fined for using Buddhist symbols as decoration.

Simultaneously with the creation of 'Thai-ness', the identification of non-Thai people took place, who were "*considered as problematic and threat*" to the nation (Laungaramsri, 2003, p.161). At that time, Chinese people were regarded as one of the main threats to the Thai nation – apart from the expansion of the colonial powers -, just like in many other countries in the Southeast Asian region (Rigg, 2003). The big Chinese influence in the Thai commerce industry was seen as a threat to the Thai sovereignty and stability, thus it entailed an anti-Chinese campaign during the 1930s that resulted in stricter immigration regulations (ibid.). Ramachandran (2015) said "*social construction of fear helps people shape their identities and locate themselves in relation to others through acts and discourses of exclusion*" (p.126). Putting Ramachandran's quote in context, the creation of Thai nationalism and thus the ethnic and cultural homogeneity was an answer to two different phenomena: to the considered threat by an immigrant group to the national sovereignty, and to the expansion of the colonial powers in the region. Therefore, in some sense, both of the causes were linked to external actors.

Nevertheless, since the beginning of the 21st century, the main concerns of the Thai government regarding ethnicities have been on the hill tribe people, Thai Muslims in the Southern provinces, and the refugees from Myanmar (Laungaramsri, 2003, p.162).

¹ Former name of Thailand.

Moreover, when it comes to migration from the neighbouring countries, Thais consider Burmese and Cambodians to be rather unable to adapt to the life in Thailand (Tunon & Baruah, 2013), creating suspicion regarding their integration to the Thai society. Therefore, they are regarded as threat to the socio-cultural integrity of Thailand, given their different cultural background (ibid.).

Due to the distinction within the populations and the identification of ‘undesirable’ and ‘problem’ people in Thailand, ethnicity and migration have become a matter of national security. People different from the rest of the society are considered disloyal to the nation (Lakoff, 2006). In 2000, Watanachai Chaimuanwong, the Commander of the Royal Thai Third Army told in a public speech that “*Burmese refugees from camps sneak out to fell trees for Thai and hill-tribe timber poachers. There are also thieves and drug addicts among them, and they are a crime problem in towns and bordering villages*” (Rajaram & Grundy-Warr, 2004, p.53). To put it in another way, according to the Commander, Burmese refugees do not only pose a threat to the national sovereignty and security, but they also have destructive effects on the surroundings, including on the nature and on Thai people.

Local population may see their presence as a threat to their access to the resources, which creates tension and competition between them (Esses, Jackson, *et al.*, 1998). According to a survey, a significant number of Southeast Asian people consider migrants as uprooted, while “*irregular migrants [are] labelled as illegal or unlawful and allegedly produce risk*” (Ramachandran, 2015, p.121), therefore they pose a “*threat to the integrity and security of the host country*” (ibid., p.123). As a consequence, states usually argue that they are protecting their nation, hence their citizens, from migrants, particularly from irregular migrants by introducing strict regulations, such as deportation and fines. With these kinds of arguments, the government can easily find support for its actions among the citizens. However, more than 80% of the population of Thailand argues that the government should create even stricter immigration policies, despite the fact that the majority of the Thai people does not have any connections with immigrants (Tunon & Baruah, 2012, p.157). Therefore, anti-immigrant voices may be an outcome of the government’s propaganda to strengthen its position in the power. By creating fear in the society, and positioning itself

as saviour of the nation, the government expects more support from the population and, thus legitimation for their immigration policies derives from the people.

As a consequence of the negative public attitude and criminalization of migrants, particularly irregular migrants, Thailand is able to label them as ‘undesirable’ people. In doing so, once their status is revealed, irregular migrants get deported to their home country.

2.3. Detention & deportation

Due to the above-mentioned considerations, Thailand (just like any other countries) wants to deter unwanted or irregular migrant from entering its territory. In doing so, it has introduced many punishments for migrants who move across the borders without documents or unauthorized. The most feared penalties that irregular migrants try to evade, are high amount of financial fine, imprisonment, and deportation to their country of origin. This sub-chapter will focus on Thailand’s viewpoint and I will discuss why it wants to deport irregular migrant families in the name of the ‘best interest of the child’. Irregular or undocumented migrants are staying in a country illegally, without documents or visa. Therefore, when it comes to the registration of the birth of their child, the parents’ status would be revealed too, which in most cases entails severe consequences regarding their future in Thailand. However, without having registered the birth of the children, they become effective stateless since there would be no proof of their existence.

Stateless people are among the world’s most vulnerable groups, still they are often considered as strangers and unwanted populations by the majority of the countries (ISI, 2014). Moreover, when it comes to handling the ‘stateless problem’, Thailand prioritizes national security, and thus migration control, over the phenomenon of statelessness and irregular migration, whether or not it actually threatens its sovereignty (Bhabha, 2006, p.1529; Koser, 2005, p.4). In doing so, Thailand considers deportation as a solution for the problem. The Thai Immigration Act (1979) empowers the state officials to deport irregular migrants since according to it, *“any alien who enters or come to stay in the Kingdom without permission or when such permission expires or is revoked, the competent official will deport such alien out of the Kingdom”* (Section 54).

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Thailand however, does not apply different regulations to the children of irregular migrant when it comes to deportation. In the name of the best interest of the child, children are deported with their parents, which is regarded as a good practice since it ensures the family unity. By doing so, Thailand fulfils one of the requirements of the CRC (1989), as it states, *“the child, for the full and harmonious development of his or her personality, should grow up in a family environment”*. Children are considered as adults’ belongings, who can be easily and cheaply moved across the borders and due to the parents’ irregular status they are often end up criminalized as well (Bhabha, 2015, pp.133-6). Therefore, those children who were born in Thailand and their parents are undocumented migrants, are considered to be illegally in the territory of the country, and their deportation is justified by the Immigration Act. As a consequence, children are basically punished because of their parents’ actions, putting all the responsibility on the parents and blaming them for not being able to take care of their children.

Nevertheless, while waiting for the deportation, children can be detained with their family. Although many states occasionally detain children, they usually set a maximum time limit for it. By contrast, in the Thai legislation, there is no time limit at all regarding the detention of children, which is not entirely in accordance with the CRC. It states that *“no child shall be deprived of his or her liberty unlawfully or arbitrarily. The arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time”* (CRC, 1989, Art. 37b). In recent years, many governments have been introducing shorter and shorter time limits for holding children in custody. Notwithstanding, in Thailand, it has been reported that children had been detained even for years (HRW, 2012). Although, children can stay with their parents, their freedom of movement is violated to a huge extent which have serious consequences on their psychological and social well-being. According to investigations, frustration and fear caused by detentions can result in the delay of the child’s development, including its psycho-social and emotional aspects. Older children tend to show symptoms of depression, anxiety, and post-traumatic stress disorders during detention. All of them contribute to the difficulty of concentrating or learning (Triggs, 2015).

Thai authorities argue that by deporting children to their parents' country of origin, they will have access to healthcare and education which establish their future potentials and lower the risk of becoming stateless. Moreover, in doing so, they allegedly reduce the chance of a whole generation to become stateless (Bhabha, 2009). If someone without birth certificate had his/her own child born in a country where citizenship is not granted on the basis of *jus soli*, and the other parent cannot pass his/her citizenship, the child would end up stateless as well. Although there are fewer and fewer states with gender discrimination regarding nationality law, it still has not been eliminated entirely. It is even more worrying since more and more women take part in the international migration in Southeast Asia (Huguet & Punpuing, 2005, p.2). There are many Nepali and Malaysian women working in Thailand, however, in their nationality laws we can still trace elements of gender discrimination. Thus, children born to a Nepali or Malaysian mother and foreign or unknown father in Thailand can face difficulties regarding acquiring citizenship (Nowack, 2015). Therefore, Thailand considers deportation as the best interest of the child as it allegedly contributes to their access to nationality.

On the other hand, despite the birth registration in the host country, there are usually no safeguards that the children could acquire citizenship upon return to their parents' country of origin. It may also leave them stateless, especially when the deportation is informal. It means that migrants are brought to a border crossing, where is no one from the authorities of the neighbouring country. However, persecution of returnees is more likely at formal border crossings (UNHCR, 2006). Furthermore, there are sometimes even more restrictions in the home countries regarding granting citizenship to those who were born abroad, as it will be discussed in the third chapter. Thus, deportation can be seen as a dereliction of Thailand's duty to handle the issue of statelessness or to find durable solutions to irregular migration. In the name of repatriation, Thailand tries to get away with its non-recognition of statelessness, and ejecting irregular migrants is more important than ensuring that a child is granted citizenship.

As a conclusion, from Thailand's point of view, strengthen measures, such as detention and deportation of children, due to their parents' irregular migrant status, are legitimized by the best interest of the child (Bhabha, 2009, p.439), as it ensures the family unity. Moreover, in doing so, it condemns the parents for not being able to properly take care of

the children. Thus, deportation of irregular migrants and their children is rather an outcome of securitizing migration and allegedly preserving the national integrity than serving the best interest of the child. In other words, irregular migrants are perceived as threat to the integrity and stability of the nation, given their different socio-cultural background. Therefore, extraordinary means, such as detention and deportation are justified (Wæver, 2010, p.11). Moreover, the negative public attitudes towards irregular migrants affect the legislation, which gives an even greater justification for the above mentioned measures.

2.4. What parents want?

In the followings I will discuss the reasons behind the parents' decision why they do not register their children's birth in Thailand. Therefore, I will argue that they do not prioritize their child's need of legal identity but rather act in order to protect themselves and secure their family's livelihood. It might mean a better life for the child in terms of finances as well, albeit in long-term the lack of birth certificate implies many limitations, such as the lack of access to healthcare and education.

Due to Thailand's exceptional economic achievement, the country is highly popular with migrants from the neighbouring countries (Chalamwong, 2004, pp.352-7). People from other Southeast Asian countries regard Thailand as a way to escape poverty and therefore, by migrating, they attempt to live with the wide range of job opportunities. In doing so, they are not only able to establish a considerably better life in Thailand but also send remittances to those family members who are left behind in their country of origin (Hewison & Young, 2006). However, due to the strict immigration policies and regulations in obtaining residence and work permit in Thailand (see in Chapter 3), many people migrate and work without documents therefore their stay in the country is unauthorized. Thus, when they are having a child, there are many things to keep in mind to secure their livelihoods.

One of the root causes that parents deliberately avoid the registration of the birth of their child stems from the parents' fear of drawing attention to their own status (Lynch & Teff, 2009, p.1). It can both refer to their unauthorized stay in Thailand and to their own statelessness, since according to estimates there are around 1.5 million recognized stateless people in the region (UNHCR, 2016) while many other do not have birth certificate leaving

parents also effective stateless (UNICEF, 2012). However, it is not rare that even though Thailand wants to deport these people, the country of origin does not accept the return of minors, who are lacking birth certificate or adequate documents (Bhabha, 2009, p.439), that leaves them in legal limbo.

Therefore, by registering the child's birth, the parents' status would be revealed, and it would result in huge amount of fine and their deportation to their country of origin (Lynch, 2010, p.121), causing one of the biggest fears of migrants. As a consequence, they rather stay underground and try to navigate in the system without drawing attention to themselves. However, in doing so, they get into the margins of the society (Howard-Hassmann, 2015, p.12). Given that they fled from poverty, unemployment, household debt, etc., upon returning they are risking of being jobless, and not having enough food, shelter and access to medical care. Moreover, the end of remittances would lead to more widespread consequences, leaving entire households in financial debt (Bylander & Reid, 2017). Therefore, parents' argument for not registering their child can stem from the consideration that they might be worse off in their country of origin. Even though in Thailand their children become stateless, they have more opportunities and chance to live a better life by having a considerably good employment.

Furthermore, according to a study, many refugees and migrants who cannot see a worthwhile future in Thailand due to the hopeless situation of being in the shadow of the states, and without any protection, commit suicide while unwanted pregnancy. Although, it is very difficult to accurately measure the number of these women, figures suggest that between 1998 and 2005, 9% of the causes of maternal deaths of refugees and migrants were documented as suicide (Fellmeth, Paw, *et al.*, 2016). This number is much higher than the average (1-2%) in low and middle-income countries (*ibid.*). It is the consequence of multiple factors, such as the illtreatment of migrants, including the negative attitudes towards them and strict regulations in immigration control. Several cases were reported that in refugee camps for Burmese people, pregnant women had committed suicide due to the uncertainties, limited freedom of movement, and financial difficulties (*ibid.*). It suggests that many migrant women in Thailand, including refugees in camps, rather end their life than bring their child into a world, where even her own life is practically in limbo.

As a conclusion, parents' consideration is usually based on financial and safety issues. They believe that their children are better off in Thailand even without citizenship than going back to their home country where they would live in deeper poverty and their chance to return to Thailand legally would be very low (Bylander & Reid, 2017). On the other hand, parents might consider their children as a threat that could negatively affect their life in Thailand. Therefore, instead of registering them, parents rather try to stay out of the sight of the state in order to survive. However, in the worst case, when they see no escape from the constraints surrounding their life, pregnant migrant and refugee women commit suicide to escape the difficulties they may face when their child is born.

2.5 Effects on the children

As it was previously mentioned, the Thai state has been distinguishing the population on its territory, and those who allegedly cannot fit into its society, may face arrests and deportation. However, making such distinctions, children of irregular migrant parents who are not welcomed by the state, are exposed to identical and emotional difficulties.

“The fact of belonging to a country fundamentally affects a child’s family and private life” (Bhabha, 2009, p.448). The place where we socialize defines to whom we grow, what values we share, norms we follow. Although, we can be raised in a country else than our country of origin, citizenship adds an extra layer to our identity. Thus, citizenship is not only a status, but also provides an identity as it means the belonging to the community of a nation (Ramachandran, 2015). Usually, when we meet new people, the first question we ask is their nationality. It helps us identifying them but at the same time people also position and regard themselves as a member of a nation which is built into their personality. As it was mentioned before, in Thailand there are three principles to be respected to be considered Thai, according to their socially constructed rules. However, belonging to an ethnic minority means that a person can identify his/herself in a more complex way and he/she can be both Thai citizen and for instance, an ethnic Karen². Similarly, in India, due to the structure of the country, people not only have one cultural identity, but more, which entails membership in more nations. Since India consists 29 different states and 7 unions, people living there are members of both the Indian nation, and of the community of their

² Sino-Tibetan ethnic group migrated to Thailand from Myanmar.

own state. It gives them a more complex identity as they not only describe themselves as Indian but also for instance, someone from Karnataka³.

However, the situation is quite the opposite when it comes to the children of irregular migrants who were born in Thailand. Without having their birth registered, instead of belonging to more communities, they are excluded and end up living in citizenship vacuum. As it was discussed, they either live underground with their parents to avoid drawing attention to their irregular status in Thailand, or they get deported to their parents' country of origin. First, I am going to discuss the former one.

Those who grow up in Thailand without having their birth registered, thus without legal identity, may face social or psychological identity crisis. They do not belong either to their host society, or to their parents' (Bhabha, 2009). Although, they grow up in Thailand and get influenced by the Thai way of living and values, their parents have different cultural background. Furthermore, culture and nation have many interconnections and it is often place-based (Malkki, 1992) but children do not belong to their parents' home country because they do not have any relation with it. As it was also mentioned earlier, irregular migrants do not dare leaving Thailand because of the fear that they cannot return. Therefore, children never see the country of their parents and they live in the shadow of both countries. Thus, these children are uprooted from both the Thai and their parents' culture and are basically excluded from both societies (Bhabha, 2009, p.415). In Thailand their family tries to live underground, and children even stay out of school where they could integrate with Thai children, albeit it was a great progress in the Thai legislation that there is no need to show the birth certificate for starting primary school anymore (Nawarat, 2012, p.957). However, due to the inconsistent regulations, there were cases when children of migrant parents even with birth certificate were refused to start school (Equal Rights Trust, 2014). However, the lack of education implies the vicious circle of poverty that leads to marginalization.

It might lead to clashes and difficulties within the children where to position themselves culturally and nationally. Into the Thai society that tries to exclude them and keeps them in constant fear of deportation, or to their parents' country where they have never been to?

³ Karnataka is one of the states in India where the official language of India, Hindi is only a minority language given that more than 66% of the population speaks Kannada.

Moreover, they need to deal with the fact that they are labelled as ‘illegal migrants’. Thai authorities regard them as criminals in the making who stay in Thailand illegally or unauthorized and have different background than Thai children. Given these distinctions, the state finds no reasons to treat them the same way as their ‘own’ children (Bhabha, 2009, p.416). What is more, the creation of ‘otherness’ stigmatizes the children of irregular migrant parents and they also suffer daily fear of raids by the immigration authorities (Willen, 2010). Living in constant anxiety, however leads to the violation of their psychological well-being.

As a conclusion, these children cannot entirely belong to the Thai nation since they are marginalized and stigmatized by the Thai state, but they cannot belong their parents’ nation either. Thus, as Jacqueline Bhabha (2009) formulated it, they are “*living between, rather within states*” (p.415). Although they live in Thailand, they are legally not Thai, but they do not know any other countries since they have never left Thailand. Therefore, it is difficult for them to identify themselves and it a very good question what they would answer if we asked their nationality.

On the other hand, once irregular migrant families are deported to their home countries, children might be worse off, since there are no safeguards that they would get citizenship there and they might end up being stateless. Also, as it was mentioned, the place of residence determines the future of the child. Those people who migrated to Thailand, did so in order to seek better life. However, when they are returned to a less developed country, children and their family have less opportunities. In the neighbouring countries from where the most people migrate to Thailand, there are shortage of employment and even if people get job, they earn way less than in Thailand. The minimum daily wage in Thailand is 9.2 USD, while in Cambodia it is approx. 5.6 USD and in Myanmar 3.6 USD (Trading Economics, 2018). Thus, it is frequent that upon return children do not go to school because they are expected to contribute to the family earning, assisting to the difficulty to get out of poverty.

Moreover, either being a deportee or staying in Thailand as unregistered child of irregular migrants, they are more exposed to 3D (dirty, dangerous, difficult) jobs and are vulnerable to human trafficking, prostitution, child begging and drug usage (Ragazzi & Balalovska, 2011; Bhabha, 2009). The Universal Declaration of Human Rights (1948) does not contain

minimum age or citizenship requirement. Thus, human rights do not start with citizenship, but at the same time, they are to be respected and provided by the states and if there is no state to do that, these children's human rights are not only violated but do not even come to realization at the first place due to the lack of their social contract with the state (Bhabha, 2009). Since there is no evidence of their existence, the state cannot protect their rights.

In this chapter the interconnection of citizenship, culture and identity was mainly discussed and how they are usually rooted in the territory of a state. I presented how citizenship defines one's identity and that it predetermines the future of the people. However, those who seek better livelihood migrate to more developed countries. We could see the history of the Thai nationalism and why it excludes people coming from different cultures and nations, especially those who migrate to the country without documents. I argued that deportation and detention are the most feared penalties by irregular migrant parents, but also considered as the best exercises of the state to preserve its national identity. Thus, to avoid such punishments, parents try to hide from the state authorities. However, going underground also means that when their family extends, they do not register the birth of their children, making them vulnerable to becoming stateless.

As a conclusion, due to the actions of Thailand and irregular migrant parents, children become victims of the system. Thailand created policies that makes parents not wanting to reveal their status, thus they avoid the registration of their children's birth. However, growing up in both legal vacuum and identical limbo has severe consequences on the well-being of the children, not to mention that they are invisible in the eye of the states, thus their human rights are often overlooked. Nevertheless, even upon deportation it is not certain that the children would get citizenship and due to the lack of job opportunities and household debts, they are more exposed to dangerous occupations.

3. Obstacles to register the birth of the child

This section serves as a technical background of birth registrations in Thailand, focusing on the situation of irregular migrants. After examining the historical and theoretical background of nationalism, exclusionism and deportation in the country in the previous chapter, this part is intended to focus more on the legal and regulatory aspects. First, I will discuss the negative consequences of immigration and foreign labour acts and how they affect people to become undocumented migrants in Thailand. Then, the birth registration procedure and its conditions will be introduced, emphasising the deficiencies that contribute to the lack of birth registration of many children of migrants. Finally, I will focus on what extent irregular migrants are aware of the importance of birth registration, and what roles non-governmental organizations have in it.

3.1 Undocumented migration in Thailand

In order to understand the situation of migrant workers in Thailand, we need to have a look at the policies governing their life. As it was already mentioned there are approximately 3.5 million migrants working in Thailand among whom more than a million is undocumented. During the 19-20th century, migrants moved across the borders without documents, either with the help of human smuggles, labour brokers or on their own (Bylander, 2017). Due to this historical practice, there are still many people migrating irregularly to Thailand from the neighbouring countries, lacking the legal permit to stay. Consequently, upon having children in Thailand, they cannot register their birth without revealing their own status.

There are two main legislative acts governing the lives of migrant workers in Thailand. The immigration act was introduced in 1979, and the foreign employment act in 1978, which prohibited migrant workers to be employed in 39 kinds of jobs in many provinces (Kampana & Tanielianb, 2017). Although Thailand has gradually extended the areas of permitted jobs and living spaces, many people over the years could not register themselves without facing the consequences of working in one of the prohibited areas of jobs. The big changes however, came in the 1990s, when Thailand got transformed to a destination country from a sending country as a result of its sudden economy boom (Chantavanich &

Jayagupta, 2010, p.304). Therefore, there was a huge need for workers in the agriculture, fishery and in other manual labour work (*ibid.*), and the flow of foreign workers was needed to be monitored and managed by the government to counter illegal and irregular migration.

However, there are many negative consequences of the frequent changes in the policies. During the period of 1992-2001, the government introduced more than ten changes in the regulations regarding the registration of migrant workers (Chantavanich & Jayagupta, 2010, p.314). Not only for migrants but also for the employers and immigration officers, it was impossible to always keep up with the latest changes, often causing confusion in them (Chantavanich, Vungsiriphisal & Laodumrongchai, 2007). What is more, officers regularly misused their power. Therefore, it was possible to bribe them, but in return of the money, migrants did not get registered, they were only temporary allowed to stay where they were, prolonging the constant fear from immigration raids. Moreover, language barrier often prevented migrants from registering themselves in Thailand, along with the unwillingness of employers to help them in the registration (*ibid.*, p.11). Up until 2004, workers were not allowed to register themselves without their employers. Not to mention that the latter often confiscated the documents of their workers, entailing their inability to change job (Bylander, 2017). Consequently, they depended on the goodwill of their employers and the immigration officers to a great extent.

However, the government published its latest royal decree on managing the work of aliens in 2017, which attempts to eliminate irregular and unauthorized migration. In order to avoid a mass exodus from the country (as it happened after the introduction of the previous act in 2014), the government introduced a grace period for irregular migrants to comply with the new rules, giving them a chance to verify their status before immigration and police officers begin the systematic crackdowns. Although it was planned to come into effect in January 2018, the government postponed the implementation of the decree until the summer of 2018, after they realized that there are more changes needed. Therefore, not being able to analyse the outcomes of the new decree, it is wiser to discuss the errors of the previous ones and how it could not solve the problem of irregular migration and see if there are any improvements in the new one.

One of the biggest weaknesses of the previous royal decrees was that they mainly focused and punished irregular migrants. In the eye of the state, they were the only criminals or law breakers, thus they suffered all the consequences if their status was revealed. However, the new act deals with the employers to a great extent and they are severely penalized, once they are caught for employing migrants without work permit or if they withhold migrants' documents (Ministry of Foreign Affairs of the Kingdom of Thailand, 2018). Therefore, the new decree recognizes the vulnerability of irregular migrants and attempts to protect them, but in turn they are expected to go through a verification procedure.

However, there are some reasons that irregular migrants do not want to or cannot take part in regular migration authorized by their home and host states. First of all, the high costs of registration and obtaining work permit in Thailand are two of the deterring factors. In order to legally work in Thailand, a Cambodian for instance, is expected to wait at least 3 months to get the permits and for it, he/she has to pay more than 700 USD for the papers and fees (Bylander, 2007). However, the minimum monthly salary of people working in textile, garment and footwear industries is 153 USD in Cambodia (Ministry of Labour and Vocational Training of Cambodia, 2016). Since most of the people migrating to Thailand are manual labourers, for them it would mean years of savings to be able to afford the expenses of work permits in Thailand. Nevertheless, if they use the help of a broker to migrate to Thailand it costs approx. 150 USD and due to their experiences and routines, they can arrange the departure within days (Bylander, 2017). In the view that people typically migrate to Thailand from the neighbouring countries to escape poverty, it is quite unlikely that they could afford hundreds of dollars just to pay the fees and gather the needed documents for the permit, not to mention the further expenses once they arrive to Thailand, such as accommodation. Moreover, the *“lack of coordination between the different levels of authorities”* (Chantavanich, 2007, p.11) results in a long registration procedure and inconsistencies. Therefore, they are more likely to discover irregular methods to migrate to Thailand in order to avoid the high costs and long waiting period.

Another key thing to remember is that by registering themselves, migrants get into a database in Thailand and can be traced. In order to avoid it, they are hiding from the authorities. Likewise, when it comes to the registration of the birth of their children, parents have the same presumption that documentation leads to some limitations and risks.

Therefore, by not registering the child, parents can avoid the presumed surveillance and control which can be interpreted as protection for the family in the future to avoid constraints. In some of the studied cases (Bhabha, 2009; Ramachandran, 2015; Chantavanich, 2015), parents wanted to avoid being monitored. Thus, not having documents can be perceived as advantage for instance when it comes to illegal employment (Ramachandran, 2015, p.116). Moreover, many of the children are also required to contribute to the household income. As a consequence, when they work illegally as minor (in Thailand the minimum age of work is 15 years), it is better not having papers that can prove their age and therefore their minor status. Also the parents' identity cannot be traced if the children are caught by the authorities.

As a conclusion, Thailand might have the best intention to register irregular migrants, which contributes to the elimination of statelessness when it comes to the registration of the birth of foreigners' children. However, with the constant changes in the rules, it is difficult for the stakeholders to be always updated. Therefore, by not registering themselves, they illegally left their home country and also entered their host country without legal permission – or in other cases they overstay their visas. Consequently, it entails a life in the shadow of two countries and prevents them from enjoying their rights and having access to social services.

3.2 How to register the birth?

The aim of this section is to present the birth registration procedure of the children of migrant parents and to find out why so many parents have not registered their children, either it is a deliberate decision or an outcome of rules and conditions in the registration procedure.

For many years, Thailand had reservations towards the CRC regarding the birth registration which depended on the Thai nationality law, regulations and practices (UN Committee on the Rights of the Child, 1994), therefore not everyone could obtain birth certificate. As it was mentioned in the previous chapter, Thai people tend to regard migrant workers with suspicion and feel their security and livelihood to be threatened by them, due to their engagement in criminal activities that stems from the unemployment of immigrants (Chantanavich & Jayagupta, 2010, p.316). Moreover, migrants' reluctance to integrate into

the Thai society, coupled with the language barriers, widened the gap between migrants and locals (*ibid.*). Although, they could live next to each other, many Thai people are said to be tolerant as long as migrants do not have legal status in Thailand, thus do not have access to the social services (Chantanavich & Jayagupta, 2010, p.316), for instance to the free healthcare. Since the registration of migrant workers and the birth of their children give them legal status, registrar officials tend to avoid granting birth certificate to the children of immigrants. It was an outcome of the lack of consistent regulation, due to the concern that such children would later use their birth certificate to apply for Thai nationality (*ibid.*, p.318).

However, in 2008 Thailand changed some elements in its legislation that introduced non-discrimination in birth registration. Through the Civil Registration Act, the country committed itself to register all the children born in its territory regardless the status and nationality of the parents (UNHCR, 2017). Although it is a good attempt to reduce the risk of becoming stateless, birth certificate in itself does not provide citizenship, but it is an essential document for the application for it.

In order to obtain a birth certificate, parents need to get a delivery certificate upon the birth of the child and then take it to one of the District Offices to begin the birth registration procedure (*ibid.*, p.25). However, the certificates are issued in Thai, hence the parents need to take it to a translator office to have a copy in their own language, with which they can register the birth in their home countries as well. Apart from the translation cost they also have to pay 100 Thai Baht (3 USD) for each copy at the District Office (Civil Registration Act, 2008). The new Civil Registration Act introduced many improvements in order to reduce the risk of becoming stateless in Thailand. Therefore, measures have been taken to give technical support and guidance, build the capacity of registration officers, and to establish online connections between hospitals and District Offices (UNHCR, 2017, p.24). In 2015, 5 years after its launch, nearly 700 hospitals joined to the online registration program (*ibid.*, p.25), making the communication easier between the hospitals and District Offices that enables the simultaneous registration (UNHCR, 2012). In other words, each time the hospitals issue a delivery certificate, they indicate it on the online platform, therefore the District Office is able to track those parents who do not show up within a

given time to begin the birth registration procedure. Although it has attempted to make birth registration universal in the country, parents might be concerned of being monitored.

Although hospitals have been improving to help parents in the birth registration procedure, there is still a huge gap in issuing delivery certificate, which can only be released in the hospital where the child was born. Therefore, if the mother gives birth in an NGO-run medical facility or at home, she will not receive delivery certificate, which makes it impossible to get birth certificate (Huguet & Punpuing, 2005, p.135). Moreover, many irregular migrant mothers do not have access to healthcare, and they cannot afford to go to hospital to give birth. It implies that they either deliver the baby at home or at an NGO facility, leaving them without the certificate. The only exception from it is the case of Burmese displaced persons in refugee camps, as it will be discussed in Chapter 4.

There is an assumption that parents would register their children, but they do not have access to the registration facilities (Bhabha, 2009). There are many barriers, which concern high costs, long time and linguistic difficulties that make the registration inaccessible for irregular migrant workers. The necessary forms in the registration procedure are mainly in Thai (Huguet & Punpuing, 2005), therefore those who do not speak the language may face a lot of difficulties while filling them out. Moreover, there is a very small number of people in Thailand who speak English or any of the neighbouring countries' languages, thus there is a low chance that officers could effectively help in the procedure. Consequently, what legally considered the 'best interest of the child' and requires various laws and conventions to be guaranteed by the host state, in reality, the necessary support for them might not always be easily accessible and migrants face many difficulties.

What is more, according to a study conducted in 2012 – thus, 2 years after the implementation of the Civil Registration Act -, the lack of knowledge on the new act was still a significant reason for the non-registration of birth, both from the parents and the officers side. It was reported that even after the non-discriminatory act, some migrants were refused to get birth certificate to their child, because of their own foreigner status (Equal Right Trust, 2014, p.63-4). Moreover, in some isolated settlements, it is still difficult to access the District Offices, making the parents unable to register their children. Finally, the study also found that irregular migrants are afraid to reveal their own status by registering the birth of their child. Therefore, they rather stay away from the authorities,

which leads to the ineffectiveness of the implementation of the new act (Equal Right Trust, 2014, p.63-4).

On the other hand, even with birth certificate, children may still face difficulties in acquiring residence permit in Thailand and nationality because of their vulnerable status. Despite having registered their birth in Thailand, the Thai government places the responsibility of giving nationality to the children on the country of the parents. Therefore, parents need to keep in mind both the Thai and their country of origin's rules regarding birth registration. In almost every case, after obtaining the birth certificate in the District Office, they have to bring it to their home country's embassy, or consulate, or to other "*organizations prescribed by the Ministry of Home Affairs*" (Burma Citizenship Law, 1982, Art.10) to register the birth in the parents' country of origin as well to apply for citizenship.

3.3 Role of the civil society

On the one hand, irregular migrant parents are not fully aware of the consequences of the lack of birth certificate. On the other hand, even if they are, they are more concerned about their present situation than their future. Therefore, they are trying to navigate in the current context, which leads to the non-registration of the birth of their children, in order to secure the present livelihood of the family.

The fact that irregular migrants do not want to draw attention to their status, goes through this paper. However, it has a significant meaning in relation to awareness raising programs too. In order to evade authorities and therefore the penalties, they often go underground. As a consequence, it is difficult to reach them, that makes awareness raising programs ineffective. Nevertheless, there have been many attempts in Thailand to make migrants know the consequences of birth registration (Huguet & Chamrathirong, 2011). In such programs, NGOs have a very important role. One of the characteristics of governments with repressive activities, is the absence or powerless civil societies, which could have the capacity to draw attention to human rights violations and to make pressure on governments to fulfil their responsibility to protect human rights (Bhabha, 2009). Although Thailand has a military government and there are many violations on the freedom of press and speech, to a certain extent the government tolerates non-governmental organizations on its

territory. Therefore, they can use ‘naming and shaming’ to create public pressure on the government to end the human rights abuses (Roth, 2004). In our case to persuade the government to introduce more viable and widespread birth registration procedure and to raise awareness on the issue of statelessness. Irregular migrants often end up being invisible to the states, who therefore, tend to overlook their need for protection (Ong, 2004, p.69). Regarding their situation, the efforts of the civil societies are even more crucial. The most effective way human rights organizations can work is the use of the public which means raising awareness and reaching out to the people. One of the great achievements of the civil societies was the fight for the new Civil Registration Act in 2008 (UNHCR, 2017, p.24), which made universal birth registration possible in Thailand.

Moreover, the Thai government itself attempts to raise awareness to the importance of birth registration by creating community networks and an online promotion of the issue, where people can find the relevant information (ibid.). However, one of the downside of such online platforms is that many people in Thailand, especially in the remote areas, are lacking Internet connection. Therefore, those people who have no access District Offices, it is very unlikely that they can check the online program.

Therefore, there are two main reasons of the lack of awareness of birth registration in Thailand among irregular migrants: the lack of access to the relevant information, given the hidden status of unauthorized migrants; and the language barriers. As we will see in the next chapter, UNHCR tries to raise awareness by launching campaigns, they mainly take place in the refugee camps.

The purpose of this chapter was to find out why are there so many irregular migrants in Thailand, and how the legislative acts on immigration and foreign workers affect the decision-making of migrants when it comes to their own registration and the birth of their children.

Migration management is more than just economic issue. The huge flow of immigrants has impacts on the culture, society and politics. Due to the high number of migrant workers, more and more children have been born in Thailand, who needed legal status, education and access to healthcare (Chantavanich & Jayagupta, 2010, p.304). Therefore, the

government needed to address the issue of irregular migration and the birth registration of the children of migrant parents. However, the findings suggest that the frequent changes in the regulations were the main reasons for the low participation in the registration of labour migrants and the lack of birth registration. Such amendments caused confusion in the migrants, employers and also in the officials. Apart from it, the high costs, long waiting period and the language barriers all deterring migrants from the registrations.

Nevertheless, both the royal decree on migrant workers and the new Civil Registration Act have some improvements regarding the reduction of the risk of children becoming stateless. While the decree recognizes the responsibilities of the employers who hire undocumented migrants, the registration act enables universal birth registration.

It was also found that due to the hidden nature of irregular migration and to the migrants' deliberate attempt to stay away from the authorities, awareness-raising campaigns are very unlikely to become effective. One solution for it could be to conduct such programs in the home countries, from where the potential migrants are coming to Thailand.

4. International agreements

This chapter serves as a foundation to understand how much alignment the Thai policies regarding undocumented migrants and refugees have towards the international treaties and agreements. It will be discussed what are the consequences that Thailand has not signed the major international agreements that attempt to protect international migrants, asylum seekers, refugees and stateless people. Therefore, it is interesting to examine how it treats refugees and what is the procedure of the registration the birth of their children. On the other hand, the Convention on the Rights of the Child will help us to analyse Thailand's attitude towards children and their birth registration. Moreover, in the last part of this chapter, I will explore the bilateral agreements Thailand signed with its neighbouring countries to manage and monitor migration across its borders and how all of these affect the decision of migrants to avoid the birth registration of their children in Thailand, putting them in vulnerable position.

4.1. Human Rights treaties

First of all, we need to see Thailand's position in those international conventions that include elements of the protection of migrants. Although, Thailand ratified the major human rights treaties, such as the Convention Against Torture, or the International Covenant on Civil and Political Rights, it has not signed the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (CMW). Even though the CMW is one of the most complex international conventions regarding the protection of migrant workers, there are roughly 50 states that have ratified it so far. However, most of these countries are the migrant producing ones. Therefore, all of those countries that host the majority of migrant workers, have not signed or ratified it, avoiding the obligation to fulfil its requirements. Regarding this paper, where the focus is on the birth registration of the children of migrants, it is important to highlight that CMW involves a very relevant point. According to Article 29., "*each child of a migrant worker shall have the right to a name, to registration of birth and to a nationality*" (UN, 1990). One might notice the similarity to Article 7 of the CRC, however there is a big difference between the two. Article 29 obliges state parties to first register the birth of the children without discrimination and, then provide citizenship for those who cannot obtain the

citizenship of their parents. It is the case when parents lack nationality, or they cannot pass it to their children. Nevertheless, this is a very sensitive issue which might be in contrast with national legislation, particularly in those countries where the citizenship is granted through *jus sanguinis*, and not *jus soli*. Therefore, countries might consider this requirement as a violation of their sovereignty. On the other hand, Article 7. of the CRC (1989) only talks about the “*right to acquire citizenship*”, which is not the right to *actually* have citizenship (Rhoda & Howard-Hassmann, 2015, p.8), but the right to have the opportunity to get it. This ‘soft’ wording of the CRC might mean that the international community, including Thailand, does not endorse the elimination of statelessness, as the lack of nationality is the cause of statelessness. However, at the same time, stronger wording might have resulted in a less widely ratified Convention.

Another key thing to remember is that Thailand is a member state of the ASEAN, therefore it is party to some regional human rights committees and treaties. Being a member in such bodies entails the legal duty of Thailand to protect refugees and stateless people on its territory. It stems from the fact that Thailand has signed the ASEAN Human Rights Declaration (2012), which states that “*every person has the right to seek and receive asylum in another State in accordance with the laws of such State and applicable international agreements*” (Article. 16). Nevertheless, due to the inadequate implementation and to the gap between Thailand’s obligations in the ASEAN and its national legislation, the protection of refugees and asylum seekers does not come into realization in many cases (Equal Rights Trust, 2014, p.25). Moreover, the lack of enforcement process from the ASEAN is another reason for the insufficient protection of refugees in Thailand.

4.2. The ‘refugee-issue’

Thailand has been a destination country for many decades for those people who had fled their country of origin because of the fear of being persecuted, for reasons of race, religion, nationality, etc. These people are called refugees. However, Thailand is not state party of either the 1952 Refugee Convention or the 1967 Protocol. In addition to this, there is no element in the Thai legislation that deals with refugees and asylum seekers (Huguet & Punguing, 2005, p.7). What is more, instead of calling such people refugees or asylum

seekers, they are labelled as ‘displaced persons’ (Rajaram & Grundy-Warr, 2004, p.55), indicating that it is rather a humanitarian issue than a legal one (Chantavanich, 2011). Therefore, asylum seekers are treated in the same way as other migrants, without providing special protection for them (UNHCR, 2006, p.9). To that end, the government puts more focus on migration control than on the protection of vulnerable populations (Equal Rights Trust, 2014, p.14).

However, there is one group of people who are in an exceptional position in Thailand. Due to the fightings in Myanmar, people started to flee the country in 1984 and were looking for refuge in Thailand. To handle the situation, the Thai government set up some temporary shelters for them, assuming that the conflict in Myanmar would end soon, and the people could be returned. However, after more than 30 years, the camps are still standing, providing ‘temporary’ protection for displaced people from Myanmar. Therefore, Thailand only recognizes people fleeing from Myanmar, but all the other nationals who seek asylum are concern to the UN Refugee Agency. Although, UNHCR is the responsible authority that conducts refugee status determination in Thailand, non-Myanmar people recognized by the Agency, might still be seen as illegals by the government (Alexander, 1999). Even though they possess identification documents claiming that they are concern to the UNHCR, they can be arrested, detained and deported by the Thai authorities (UNHCR, 2006, p.10). Therefore, they have limited protection and their future depends on the Thai officials and their mercy (ibid., p.33). Consequently, those displaced people from Myanmar in the refugee camps are the only legally residing refugees, or ‘displaced people’ in the country, in the eye of the Thai government.

However, when it comes to the deportations, the principle of non-refoulment should be respected by the Thai immigration authorities. Although Thailand has not signed the Refugee Convention, non-refoulment is also included in the CAT, in Article 3, and it is considered as an element of international customary law. Therefore, either Thailand recognizes refugees per se or not, a person claiming asylum should not be returned “*to the frontiers of territories where his [or her] life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion*” (UN General Assembly, 1951). Nevertheless, in practice, the principle of non-refoulment is not always secured since Thailand often sends people back to their country

of nationality without proper safeguards that they will not be exposed to abuses. Recently, for the request of Turkey, Thailand returned a Turkish citizen, M. Furkan Sökmen to his home country, where he ended up in the detention of Turkish authorities (HRW, 2017).

In another case, even though Laos had expressed its willingness to repatriate some Lao children from Thailand, and reunite them with their families, the children also ended up in custody (UNHCR, 2006). Thus, the lack of monitoring system and safeguards that would protect the deportees upon return, leads to their mistreatment. Furthermore, it had been reported that some of these deportations took place secretly, during the night, when UNHCR could not fulfil its duty to protect those people in concern (ibid.). Therefore, high number of people get deported to their country of origin, without even the chance to get protection from the Refugee Agency. As a consequence, refugees do not trust either in the Thai authorities or in the UNHCR and they try to avoid drawing attention to themselves by getting into the sights of the state. Thus, when it comes to the registration to their child, being afraid of the negative consequences and discriminatory actions of the immigration authorities, some of the refugees, especially the ones in the urban areas, avoid the registration of the birth of their child.

4.3. Camp life

As it was mentioned earlier, people fleeing from Myanmar are the only nationals who can stay in one of the refugee camps in the western border areas of Thailand. Everyone else from different nationality is called urban refugee. They can stay in Thailand on the condition to be able to present their personal identification documents issued by UNHCR to prove their 'legal' status in the country, which is meant to protect them from detention or deportation. As urban refugees mainly navigate their life in Thailand in the attempt to hide from Thai authorities, there is not much difference from the situation of irregular migrants. Thus, in the following, I will focus on the circumstances in the refugee camps.

Since their opening in the 1980s, refugee camps have gone through a lot of changes in every sense. The number of registered displaced persons varies on a daily basis, while new administration procedures and regulations regarding the camps have been introduced with a much lower frequency. The latest change in the rules was almost a decade ago. Prior to it, refugees were widely allowed to go outside of the camps in order to get some medicines

or to work with some conditions (Chantavanich, 2011, pp.120-1). However, due to the stricter regulations introduced by the Thai government, it is almost impossible to leave the camps now. In order to be allowed to go outside, refugees have to have a very strong reason to obtain a permission from the authorities, such as visiting hospital or attending high school. Likewise, it is strictly monitored who can get a green light (ibid.). Moreover, catching refugees outside the camps without valid permission, often entails arrests or even deportations. The government argues that displaced people are only tolerated in Thailand, and not welcomed. Although they can get temporary protection, they are regarded as threat to the national security, which justifies their 'lock up' in camps (ibid.), or deporting them if they break the rules. Therefore, "*camps have produced trapped populations living in limbo, relatively secure but without any real say in their futures*" (Rajaram & Grundy-Warr, 2004, p.55). As a consequence, there are many people fleeing from Myanmar who rather stay in Thailand undocumented but with more opportunities and relatively greater freedom, than living in a closed camp, being isolated from the rest of the society (ibid.). However, in doing so, they do not get protection from the Thai Kingdom and they cannot register the birth of their children without further consequences as it will be discussed later in this sub-chapter.

Nevertheless, there are some refugees who take their chances and leave the camp on daily basis to take on jobs. It also benefits the local employers because refugees are usually willing to work for less money than Thai people. However, such refugees are not only risking of getting arrested, but they are also under-paid, if payed at all. Moreover, according to UNHCR (2006, p.23) reports, many of the refugees, especially children, are held back from returning to the camps. Given their already vulnerable position, it can lead to becoming victims of human trafficking, slavery, begging, and military recruitments. Therefore, by leaving the camps without permission, refugees are exposed to greater vulnerability, and exploitive and 3D jobs. Moreover, they have to trust in the goodwill of their employers and often please them, along with the corrupt police and immigration officers to avoid arrest and deportation (Rajaram & Grundy-War, 2004, p.55). In the light of the assumption that immigration raids are more probable and frequent in the areas close to the camps where refugees can sneak out to get jobs, refugees might not go to the camps in the first place. Alternatively, they become urban refugees for slightly higher salaries and more job opportunities but in turn, they become 'illegals' in the eye of the state.

Refugee camps were established in 1984 and many of the current residents have been living there ever since then. Coupled with the many other thousands who got registered in the meanwhile, there are hundreds of children who were born in these camps to Burmese parents (Chantavanich, 2011). Therefore, it was very important to provide birth registration within the camps. As it was mentioned in the previous chapter, the Civil Registration Act in 2008 made birth registration universal, regardless the nationality of the parents. Prior to this amendment new-borns could only get delivery certificates in the camps. However, it did not mean the automatic registration of the birth. In order to get birth certificate, hence registering the birth, parents had to bring the delivery certificate they got in the refugee camp, to one of the District Offices to prove the existence of their child. Nevertheless, for leaving the camp, they had to obtain a permission which took some time. What is more, prior to 2003, not even delivery certificates were issued in camps. Only refugees who gave birth in hospitals could register the birth of their children, leaving all the other children born in the camps de facto stateless. Although the children received delivery certificate in the hospitals, making it possible to register their birth, the Thai Ministry of Interior did not record the birth of refugees in their national registration system. Thus, the birth certificate parents received was the only evidence of the existence of the child. If it had got lost, it would have been impossible to make verification (Huguet & Punpuing, 2005, p.21) and the child would have ended up stateless with no chance to acquire nationality.

Hence, there is a huge improvement in the birth registration of refugee children due to the new legislation which facilitates the universal registration and the elimination of statelessness in Thailand. Despite this, many refugees in camp do not see the benefits of birth registration. As it was already mentioned, there are people living there for decades, among whom there are many second-generation refugees. On the territory of the camps, they have free access to healthcare, children can go to primary school and even some sort of employment is possible with a very small salary (Chantavanich, 2011). Therefore, many refugees have spent their whole life in the camp and they do not see a life outside it. To that end, they may be unable to see the wider benefits of birth registration, hence the advantages of having a nationality. They have spent many years in one of the camps in Thailand, implying a rather long-term protection, albeit the assistance and protection they get is only temporary according to the Thai government. Consequently, when they are told that eventually their camp life might come to an end, they do not necessarily believe it.

4.4. Regional cooperation

Sailing to different waters, this sub-chapter discusses the cooperation between the neighbouring countries and Thailand. Namely, some of those policies and regulations that influence the decisions of immigrants in Thailand to go underground. More than 50% of the immigrants in Thailand are people from Myanmar, while 45% are from Laos and Cambodia (UNICEF, 2013). Hence, it is crucial to have a look at the bilateral agreements and unilateral actions of these states.

When more than 3.5 million low- and unskilled workers have immigrated to Thailand (UN, 2017, p.22), and most of them are from the neighbouring countries, it is very important to establish some channels of communication between the countries. In order to deal with the phenomenon of illegal and irregular migration, the ASEAN countries committed themselves to try to jointly manage international migration. Therefore, Thailand has signed agreements with Myanmar, Cambodia and Lao People's Democratic Republic. Such agreements are officially called Memorandum of Understanding (MoU), and are less formal than other bilateral agreements, given their non-binding nature. Hence, it is easier for the parties to renegotiate some elements of the content, in order to adapt to the changing conditions in the economy and labour market (Huguet & Chamrathirong, 2011).

Sending countries tend to prefer signing MoUs for multiple reasons. With such agreements, they can lower the high unemployment rates in their countries, booster their economies by the incoming remittances, and at the same time establish minimum standards of protection for their nationals in Thailand. From Thailand's point of view, it is also advantageous because MoUs set timeframes of the maximum duration a foreign worker can spend in its territory. In each of the MoUs, it is stated that migrant workers can only stay in Thailand for a maximum of two years, with a possible extension of two years. After this time, they are obliged to return to their country of origin, and stay there for three years at least, before applying again for work permit in Thailand (McGann, 2013). To make it possible, migrant workers need to pass a national verification procedure to register themselves in the system, enabling the authorities to monitor their presence in Thailand. However, there are still many people without officially registered in Thailand. It is due to the high fee of registration and corruption. Thus, officials often charge multiple price of the already expensive fee. On the other hand, most of the stateless people in the world are

from Myanmar, which is the consequence of the non-recognition of certain ethnic groups in the country. Therefore, for such groups it is impossible to obtain registration in Thailand, since they are lacking citizenship and thus the recognition of Myanmar (ibid.). Consequently, they are not supported by their government to take part in labour migration, which leads to irregular border-crossing.

As a conclusion, Thailand has not signed the most important international agreements regarding the human rights of people crossing borders. Nevertheless, it is a member state of the ASEAN, which entails membership in the regional human rights bodies. Therefore, Thailand cannot argue that it has not signed the Refugee Convention and the Protocol when it neglects the protection of refugees. By signing the ASEAN Human Rights Declaration Thailand has recognized the right of the people to seek asylum. Nevertheless, it only provides temporary protection for people fleeing from Myanmar, who are labelled as displaced persons, instead of refugees. All the other nationals are concern to the UNHCR, albeit Thailand regards them as regular migrants, who can still face detention and deportation to their country of origin. To that end, Thailand puts more focus on migration control, than protection, neglecting the legal aspects of asylum-seeking. Since UNHCR is often unable to stand up against the abuses and deportations of ‘urban refugees’, such people often stay underground. In doing so, they do not register the birth of their children, contributing to their effective statelessness.

On the other hand, people fleeing from Myanmar are placed in refugee camps. There have been many improvement recently regarding birth registration of children born to refugee parents. Although in the past the Thai regulations highly contributed to the increased number of stateless people, now it is not only possible to receive birth delivery certificate, but the birth of children can also be registered in the camps. However, due to the isolation from the world, and being trapped in closed camps for many years, parents are not aware of the consequences of lacking legal identity. Therefore, many children are still without birth certificate.

In light of the huge number of immigrant workers in Thailand, it was necessary to hold dialogues with the neighbouring countries to manage the flow of the people. In doing so, Thailand has signed Memorandum of Understanding with Myanmar, Cambodia and Laos.

Although, it is considered to protect migrant workers, in practice it is very controversial. Once migrants are registered in the national verification system they face many restrictions. Moreover, for those people who are not recognized by their home country, it is impossible to get registered in Thailand. Consequently, if they want to work in Thailand, they need to do it irregularly, in which case, they cannot register the birth of their children without facing possible deportation.

Conclusion

In this Thesis paper, I have investigated why are there so many children in Thailand without birth certificate, that makes them effective stateless. Since migration is incredibly extensive in Southeast Asia, and Thailand is one of the most popular host countries in the region, my focus was on the birth registration of children of immigrant parents in Thailand. Therefore, I concentrated on irregular migrants and on refugees as a particularly vulnerable group of people. It was discussed how these people are treated in the country, and how it affects their decision to not register the birth of their children.

Thailand is famous for its strict immigration policies and visa requirements. It was found that due to these strict and inconsistent immigration and foreign labour regulations, immigrants tend to choose to work in Thailand without permissions. Therefore, irregular migrants and asylum seekers who once get into the country tend to go underground to evade state surveillance. However, it entails that in every aspect of their lives, they need to navigate in Thailand without drawing attention to their status. Living in the shadow of the states entails that they cannot register the birth of their children without revealing themselves.

The most widely ratified international convention, the CRC suggests states need to keep in mind the ‘best interest of the child’ whenever they handle child-related issues. Therefore, in many situations regarding birth registration of children of immigrant parents, Thailand argued that it acted in order to secure the well-being of the child. However, in reality the country was more engaged in immigration control, than in the elimination of statelessness. The hypothesis was that the Thai state and the immigrant parents overprioritize their own interest instead of the children’s. In doing so, they act in order to pursue their own benefit, which means that they overlook the children’s need for nationality. According to the findings it was partly true. However, it came to light that the reason parents do not register the birth of their children in Thailand is because of the Thai policies that attempted to govern their lives.

Although the number of sources on the researched topic is very limited, I have sought to answer the research question by combining academic literature, law texts and other non-academic sources, such as press releases to support my arguments.

I decided to answer the research question by first looking at the relation between citizenship, culture and identity, and how much they are place-based. I argued that citizenship reflects the culture of a country, and belonging to a country or community affects one's identity. Furthermore, I investigated the origin of nationalism in Thailand and how it created the Thai identity and at the same time the 'otherness' that covered the 'undesirable' people in the country. These unwanted people are considered to be the ethnic minorities and migrants. Many of the Thai people regard migrants as criminals and rootless people who are unable to integrate into the Thai society. Building on this anti-immigrant attitude, the government could introduce measures, such as detention and deportation of undocumented migrants in order to protect the Thai integrity. Although the Thai state considers them as good practice to ensure the family unity and it allegedly serves the best interest of the child, in reality children are punished for their parents' actions. Moreover, in many cases Thailand deports children to their parents' home country without providing safeguards that they can get citizenship there.

Next, I analysed the parents' answer to these measures, how and why they try to avoid deportation and detention. They have migrated to Thailand from the neighbouring countries mainly because of financial reasons. Therefore, once their irregular status is revealed due to the birth registration of their children, they would get deported and might end up worse off in their country of origin.

Later, I argued that without having their birth registered, children may get into identical limbo in Thailand. On the one hand, they feel excluded from the country where they live and are labelled as illegals. On the other hand, the only country they know is Thailand because they have never been to their parents' country. Consequently, they have no place to truly call home. It was discussed that these children tend to stay out of school in order to avoid drawing attention to their irregular status in Thailand, or to contribute to the household income by working. Therefore, the lack of education pushes them into the vicious circle of poverty.

In the second chapter, I decided to focus on the legal background regarding the registration of migrant workers and the registration of birth. Therefore, I have sought to find what regulations govern the lives of irregular migrants and how they try to navigate in this context.

Due to the huge economy boom in the 1980-90s many migrant workers arrived to Thailand from the neighbouring countries. Therefore, the country had to introduce some acts to regulate the flow of people. During the years these regulations, however went through many changes. It caused huge confusion in the migrants, employers and also in the immigration officers since they seemed to be unable to always be updated with the latest changes. The most recent royal decree on foreign workers is considered as a great improvement since it provides a grace period before the implementation for those migrants who has not registered themselves yet, and it abandoned the previous views that only the undocumented migrants can be punished. Therefore, employers who hired irregular migrants can also face penalty. Although the new decree has not yet come into effect, migrants' reasons might remain the same for not registering themselves. High costs, language barriers, long waiting periods and corrupt officials all contribute to the migrants' decision to work in Thailand without documents. Moreover, they try to avoid getting into the database, thus being monitored by the state, that entails limitations on their lives. Hence, they consider that sometimes it is more advantageous not to have documents.

We could also see that the public attitude strongly affects the policy-making. The fact that many Thai prefer migrants without having legal status in the country, was reflected in the regulations and procedures in birth registration. As a consequence, some officials were unwilling to register the birth of the child of foreign parents, even though the new Civil Registration Act introduced universal birth registration in Thailand. Although the act made significant improvements regarding the registration facilities, it mainly focuses on hospitals. However, irregular migrants, who already navigate underground do not have access to hospitals, therefore they give birth at home or in NGO facilities where they cannot get delivery certificate, hence they cannot register the birth of their child either. Moreover, it is very important that the birth of the child has to be registered both in Thailand and in the parents' home country where the child is expected to acquire nationality.

The second chapter moreover served to analyse the effects of awareness-raising programs in Thailand regarding birth registration. It was found that due to their hidden nature, irregular migrants are hard to be reached. However, since they are invisible to the states, there is a huge need for the help of NGOs both to raise awareness among migrants and to put pressure on the state to introduce more effective regulations regarding the registrations.

In the third chapter the focus was on Thailand's relation to international and bilateral agreements. Although the country has not signed the 1951 Refugee Convention, the 1967 Protocol and the 1954 Convention on Statelessness, it is a member state of the ASEAN, and party to its Human Rights Declaration, which obliges the states to protect asylum seekers on their territory. However, it was found that there is a gap between Thailand's international commitments and its domestic legislations. It only recognizes people fleeing from Myanmar but labels them as 'displaced persons' instead of refugees. People seeking asylum from other countries are concern to the UN Refugee Agency and can still face deportation, since for the Thai state they are regular migrants. Therefore, being unable to trust in the mechanisms and to secure their livelihoods, they are trying to avoid the authorities, which also entails that they do not register the birth of their children.

On the other hand, there are nine refugee camps along the border for people fleeing from Myanmar. It was explored that since the opening of the camps, there have been many improvements regarding the birth registration of children born to refugee parents. Consequently, infants can not only get delivery certificate, but they can also be registered in the camp, thus there is no need to commute to a District Office. However, it turned out that refugees have been living in the camps for many years, even for decades. They are isolated from the society around them, that implies that they do not see the benefits of registering the birth of their children.

In the final section it was investigated what effects the Memorandums of Understanding have on migrants in Thailand. It was found that such communication channels were long needed due to the high number of migrants coming from the neighbouring countries. Although these agreements are considered to protect the migrants, in practice migrants do not see them as protection. Therefore, in order to avoid the long waiting time for the permissions, the corruption, and the time limit they would have regarding their stay in Thailand, they rather migrate to the country unauthorized.

In this paper it was attempted to find out why are there so many children of irregular migrants and refugees lacking birth certificate, and how the regulations regarding migration in Thailand contribute to it. Furthermore, it would be fascinating to discover what consequences would softer immigration policies have on birth registration and on the number of irregular migrants in Thailand.

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