



CHILDREN AND FAMILIES ON THE MOVE: STATELESS CHILDREN IN INDONESIA

Preliminary Field Research Report, Lombok and Jakarta, May 2014

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PATHWAYS TO STATELESSNESS: PARENTAL DECISION-MAKING AND CULTURAL PATTERNS CONTRIBUTING TO UNDOCUMENTED CHILDREN

With international migration on the rise, growing numbers of migrant children are born and raised without legal affiliation to a nation-state. Children who lack legal documentation are often described as stateless. Children of Indonesian migrant workers are a diverse population whose lack of documentation may be the result of various parental decisions, family transitions, and wider cultural, political and economic conditions. Statelessness can lead to a range of trajectories and outcomes. Some reasons that Indonesian children are stateless are: (1) they crossed borders illegally with their parents and do not have legal documents in the receiving country; (2) their births are not registered in their home communities; (3) they may have migrated independently without documentation. This report focuses on migrant parents' decision-making regarding birth registration for their child.

University of Victoria investigators Leslie Butt and Jessica Ball have initiated a pilot study (2013-2015) examining why children of undocumented migrant Indonesian mothers and fathers are often stateless, and how parents make decisions about whether to register their child as a citizen of a nation. Research has shown that cost and convenience are major reasons shaping why families do or do not register their children at birth, in Indonesia and elsewhere. The current study looks beyond cost and convenience to identify other factors shaping parental decision-making affecting statelessness among children of undocumented international migrants.

To establish key topics and priorities for the data collection phase of the study (to begin mid-2014), researchers Butt and Ball traveled to Indonesia in May 2014 to meet with regional experts, advocates, and scholars on the topic of stateless children. Knowledge-sharing meetings in Lombok and Jakarta yielded an inventory of conditions and considerations that may shape decisions parents make about children, birth registration, and migration. This report identifies eight key factors why migrant families may not register their children:

1. Entrenched undocumented migration;
2. Migrant priorities to acquire capital;
3. Patriarchal values;
4. Access and costs of birth registration;
5. Confusion with birth registration procedures;
6. Poor socialization around birth registration;
7. Local level stigma;
8. Government focus on birth registration as a national concern.



The following summary reflects views expressed by meeting participants, and not necessarily the views of the investigators or of organizations that participated in the meetings.

FACTORS IDENTIFIED BY PARTICIPANTS AS INCREASING STATELESSNESS FOR CHILDREN OF MIGRANT FAMILIES:

1. HIGH RATES OF INSTITUTIONALIZED, UNDOCUMENTED MIGRATION. Participants described high patterns of Indonesian out-migration, especially from three main sending provinces: East Java, Nusa Tenggara Timur (NTT), and Nusa Tenggara Barat (NTB). Most migrants travel to Malaysia and Saudi Arabia. In Lombok (NTB province), more men than women migrate. Men tend to travel to Malaysia, and use a long-standing land and water route via Sumatra and Riau. Women are more likely to travel to Saudi Arabia. Participants estimated that roughly 50% of migrants from Lombok are undocumented. While some participants perceived a recent decrease in undocumented migration, others perceived that numbers are still high, and that men are more likely to travel without documentation than women. Most migration is arranged by brokers who profit by lending money to enable migration.

Meeting participants perceived that children of migrant parents are very often stateless. These stateless children are most often found in three places. First, they may be undocumented and living in their home community with relatives while one or both parents travel. Second, they may be living without documentation in the receiving countries of Malaysia or Saudi Arabia, and may live there with or without parents. Third, the stateless child may be in a holding zone in the receiving country in places such as refugee camps or embassy safe houses, usually without parental accompaniment.

2. A DRIVE TO MIGRATE IN SEARCH OF SOCIAL AND FISCAL CAPITAL OFTEN TAKES PRIORITY OVER SECURING CHILDREN'S CITIZENSHIP. Participants described how migration is seen as a way for individuals – particularly young men and women – to acquire both social and monetary capital. Because of a perceived lack of employment opportunities, young men and women may go abroad to find “better work.” Often this work is similar or identical to work they would do in their home province (domestic work or manual labour), but there is a prestige associated with overseas employment – regardless of the nature of the work or financial compensation. Overseas work is also seen as a way to acquire the funds and social status required to be a valued member of their family. Young men may work overseas as migrant labourers for a time before returning home to get married. Young fathers may go overseas to make money to pay the costs associated with cultural rituals for newborn infants. Women may travel overseas in search of a husband. Both female and male migrants may send remittances in order to provide for the care of children left behind, to repair or improve homes, and to purchase luxury items such as cell phones or televisions. For these migrants, acquiring birth registration for a child appears to be less important than acquiring social or fiscal capital.

3. PATRIARCHAL CULTURAL VALUES CAN AFFECT BIRTH REGISTRATION DECISIONS FOR SONS AND DAUGHTERS. Participants at the Lombok meeting described migrant fathers as the primary decision-makers with regards to birth registration, child-rearing, and family income. If the father is working overseas, it is likely the child will not be registered. The decision to register children is often left until the child reaches school age, since birth registration is increasingly required to attend government schools. Within this patriarchal

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culture, boys' education is prioritized over girls' education, and boys are more likely to be registered than girls. The father may opt not to register his daughter and send her to school, in favour of keeping her at home to help with the family. Participants estimated that up to 90% of girls from low-income families do not have birth certificates. These girls are more likely to marry early. Some participants noted that women's status may be increasing because families increasingly see the value of girls as potential migrants with the capacity to send remittances home. Some families encourage the marriage of very young daughters, because once the daughter is married she is able to travel. Young girls are more vulnerable to rape, and may become pregnant while abroad and give birth to a child who is stateless. Women appear to be major decision-makers concerning statelessness of children when outside of Indonesia. Yet, overall, the voices of women are underrepresented in decisions made at all levels within Indonesia, from the family, to the village, to advocacy agencies and governments.

4. DISTANCE, HIDDEN COSTS, AND FORGERIES DISCOURAGE MANY FAMILIES FROM BIRTH REGISTRATION. Many participants stressed the importance of cost and convenience of birth registration. Physical distance poses one of the greatest barriers to birth registration. Birth certificates must be acquired in regional centers; this can sometimes require arduous and costly travel, especially for rural residents. Costs of birth registration may include fees associated with obtaining a marriage certificate. Participants suggested that there



may be informal "cigarette money" or "administration" costs requested within the various offices, which can add up in some cases to as much as Rp.500,000 (USD\$50). Parents may have to pay for the services of a middleman or "broker" to acquire a birth certificate, not realizing that the registration process does not require brokers, and that brokers may be delivering false documents. Falsified documents may contribute to undocumented migration patterns at a later date, if the children try to apply for a passport or an overseas work visa. Many participants noted conditions might improve if certification was moved to a sub-district or

village level, thereby eliminating the need for brokers and eradicating some of the hidden costs of registration.

5. CONFUSION OVER REQUIRED DOCUMENTATION DISCOURAGES BIRTH REGISTRATION. Changes to birth registration laws in the past two years have generated widespread confusion over criteria for birth registration. Even participants in the project meetings disagreed about what forms are needed in order to register children's birth, whether registration must occur in the child's district of birth or in the parents' region of birth, and what the process is for single mothers who wish to register their child. However, most participants agreed that the marriage certificate poses a serious obstacle to birth registration. Even though a new national law has allowed children to be registered without a marriage certificate, the certificate continues to be required at many local offices. Participants described other scenarios that are especially challenging for migrant parents to register a child, including when parents do not have legal documentation of their marriage, if the child is conceived outside of marriage, if the child is born overseas, or if the father is working overseas. Participants noted a high divorce rate among

families in which one or both parents work overseas, magnifying these birth registration challenges.

6. LACK OF INFORMATION ABOUT THE BENEFITS OF BIRTH REGISTRATION. Many parents – particularly in rural areas – do not know that they are supposed to register their children, what the registration process entails, or what positive outcomes it could have for their child or family. Information campaigns appear to have prompted an increase in birth registration among urban dwellers. Information campaigns have targeted mothers, yet fathers tend to make decisions regarding registration. Participants expressed a strong view that efforts to persuade parents about the importance of birth registration have been largely ineffective because laws and policies pertaining to birth registration are implemented in apparently inconsistent ways, and because there are benefits to not registering a child through legal channels. While birth certificates are supposed to be essential for children to access public education, civil services (including subsidized rice programs), and health services (immunizations and other publicly funded child health provisions), the reality is in many places and for many families, children are still allowed to register in school, can still access health services, and can still easily obtain some sort of birth registration document. In some cases, undocumented children cannot attend public school and have to attend private schools, including the pesantren or religious schools. Participants perceived these schools as recruiting grounds for Middle Eastern migrant brokers. Undocumented children within Indonesia are unable to acquire a legal passport when they reach adulthood unless they are able to obtain a birth certificate later in life, thus contributing to undocumented migration.

7. STIGMA DISCOURAGES SOME FAMILIES FROM SEEKING BIRTH REGISTRATION. Cultural expectations regarding marriage and children create the potential for stigmatization when migrant women do not marry and reproduce according to cultural norms. It is challenging for migrants to return home when they have a non-traditional family arrangement, such as being a single mother, a divorced parent, or the mother of a child born to a man from another country who is not her husband. Having a child outside of marriage is especially likely to result in stigma for both the mother and child, and to result in statelessness for the child. In villages and families, these illegitimate children may be called *anak haram*. Migrant women who have children while abroad may choose to leave their children as stateless in the receiving country in order to avoid stigma or because they are unable to obtain a marriage certificate as the first step towards birth registration for their children in Indonesia. Some migrant women may bring home a child born abroad and leave it with relatives, who are unlikely to pursue birth registration. Indonesians who have suffered a history of persecution may also avoid birth registration in an effort to evade stigma associated with being a member of a historically targeted ethnic or religious group.

8. A GOVERNMENT FOCUS ON INCREASING BIRTH REGISTRATION MAY CONFLICT WITH THE NEED TO PROMOTE THE WELL-BEING OF ALL CHILDREN. Some meeting participants emphasized children's well-being over birth registration, noting that the current government priority on birth registration may inadvertently exacerbate stigma, put some children at risk of persecution within Indonesia or deportation from a receiving country, cause some families to suffer more than others, and enhance inequalities due to uneven access to birth registration. Issues raised in this regard included the uneven distribution of benefits flowing from birth registration across Indonesia. Participants also noted challenges of providing care to stateless children of Indonesian parents who are outside of the country. Providing assistance to stateless children who are outside the territorial boundaries of Indonesia may require looking beyond national laws, and seeing the problem of stateless children from an international perspective.

ABOUT THE PROGRAM

The Centre for Asia-Pacific Initiatives' Migration and Mobility Program is a dynamic, interdisciplinary program housed at the University of Victoria, Canada. The program offers research, policy, and knowledge mobilization on themes pertaining to human migration and mobility within, from, and through the Asia-Pacific region: <http://www.capi.uvic.ca/migration>