



## TRANSNATIONAL MIGRANT FAMILIES, CHILD STATELESSNESS, AND DECISIONS ABOUT BIRTH REGISTRATION

### *Implications for policy and practice in Indonesia*

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#### SYNOPSIS

Findings of a study of transnational migrant families in Indonesia shed light on factors influencing family decision-making about whether to seek birth registration for children who would otherwise be effectively stateless. The study found links among an entrenched pattern of unauthorized transnational labour migration, low birth registration, and difficult access to registration services. The findings demonstrate the value of listening to families' perceptions of multiple barriers to birth registration. Families need policies to recognize accessibility issues for mobile populations, and to offer effective support with childrearing as a means to counteract the potential long-term debilitating effects of statelessness in transnational migrant families. Families also need access to alternative income development initiatives to reduce dependency on migration for future generations.

#### THE SCANDAL OF INVISIBILITY

One third to one half of all children in the world today lack birth registration,<sup>1</sup> in what has been called “the scandal of invisibility.”<sup>2</sup> Lack of investment in civil registration systems that can provide birth registration has been considered “the single most critical development failure over the past 30 years.”<sup>3</sup> Equally invisible have been parents' perspectives on birth registration decisions: parents' resources, needs, and goals regarding birth registration for their children are crucial to whether they choose to register their children, even when systems are in place for them to do so. While international and government perspectives have driven strategies intended to increase registration, gaps remain in infrastructures and, in particular, gaps remain in how to help families to ensure their children are recognized citizens of a nation-state. Filling these gaps is especially urgent for children in families engaged in transnational migration. Children of migrants tend to live in highly fragmented families, with little infrastructural support, in precarious economic conditions, and with no legal documentation of their existence.

<sup>1</sup> World Health Organization Media Fact Sheets (n.d.). <http://www.who.int/mediacentre/factsheets/fs324/en/>; UNICEF (2012) “Every Child's Birth Right” Geneva:UNICEF.

<sup>2</sup> Setel, P.W., Macfarlane, S.B., Szreter, S., Mikkelsen, L., Jha, P., Stout, S., AbouZahr, C. (2007). The scandal of invisibility: Making everyone count by counting everyone. *The Lancet*, 370, (9598), 1569-1577.

<sup>3</sup> Setel, et al. (2007).



## WHAT IS THE PROBLEM?

Without birth registration, children are at risk of being effectively (or de facto) stateless.<sup>4</sup> Birth registration can be seen as a crucial first step to preventing de facto statelessness, confirming the right to state legal protection and services. Depending on a country's laws and social policies, statelessness can lead to lifelong difficulties, often including undocumented migration, poor social protection, and lack of access to legal health care, school, work, and birth registration for offspring. Statelessness can become a multigenerational legacy of disenfranchisement. Statelessness prevents freedom of legal movement across international borders and can become a permanent obstacle to legal migration and to legal protection while working outside one's country of origin. Children born overseas to migrant parents are at extremely high risk of being stateless in their country of birth or when they return home to their mother's country.

Although few studies have focused on birth registration in families involved in transnational labour migration, there is a strong correlation between economic insecurity, labour migration, and low birth registration.<sup>5</sup> Government efforts to increase birth registration are premised on an imagined ideal of stable, married, nuclear families in fixed locations, and they provide poor service for transnational mobile families. Unless the views, actions, capabilities, and priorities of families themselves are part of the equation in designing birth registration initiatives, efforts to reduce child statelessness are likely to fail.

The study reported here was conducted in East Lombok, Indonesia, in 2014 by the authors. Among countries with high transnational labour migration and low birth registration, Indonesia stands out. Approximately 700,000 Indonesians engage in documented migration annually, and estimates suggest at least as many again travel without legal documents, mostly to Malaysia. The average family in Indonesia lives on \$1.50/day, and low-income districts tend to have high numbers of out-migration in an effort to alleviate poverty.<sup>6</sup> Indonesia has the lowest birth registration in Southeast Asia, and ranks poorly in global terms.<sup>7</sup> In 2008, the Government of Indonesia implemented a National Strategy on Universal Birth Registration with the goal of providing every child with a birth certificate by 2011. The strategy fell far short of its goal: in 2010, the government acknowledged that approximately 76% of children were still not registered,<sup>8</sup> and in 2014, despite a strong push, 71% of children in Indonesia's poorest families remained unregistered.<sup>9</sup> In Indonesia, the lower the income, the fewer births registered.

This report is based on a qualitative study conducted with rural villagers in East Lombok who have a multi-generational pattern of transnational labour migration. The research site reflects a global pattern of growing transnational migration, and offers insights into family decision-making about birth registration in the context of extreme food insecurity, unstable living arrangements, and family fragmentation.

<sup>4</sup> Massey, H. (2010). UNHCR and de facto statelessness. Legal and protection policy research series. Geneva: United Nations High Commissioner for Refugees, Division of International Protection. <http://www.unhcr.org/protect>

<sup>5</sup> Obstacles to birth registration are greatest for those who are hardest to reach including rural populations with high migration, low literacy, low parental documentation, high fostering, and low identification with the nation-state. Australia Indonesia Partnership for Justice (2014). Indonesia's missing millions: AIPJ baseline study on legal identity. Jakarta: DFAT, PEKKA and PUSKAPA UI.

<sup>6</sup> International Organisation for Migration (IOM) (2010) Labour Migration from Indonesia: An Overview of Indonesian Migration to Selected Destinations in Asia and the Middle East. Jakarta: IOM; <http://www.migrationpolicy.org/article/indonesias-labor-looks-abroad/>

<sup>7</sup> Dunning, C., Gelb, A., and Raghavan, S. *Birth Registration, Legal Identity, and the post-2015 agenda*. Center for Global Development Policy Paper 046. Washington, DC: Center for Global Development.

<sup>8</sup> Government of Indonesia (2010). Ministry of Home Affairs, based on Population Administration Information System.

<sup>9</sup> Australia Indonesia Partnership for Justice (2014). Indonesia's missing millions: AIPJ baseline study on legal identity. Jakarta: DFAT, PEKKA and PUSKAPA UI.

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## HOW WAS THE STUDY DONE?

**INTERVIEWS WITH FAMILIES.** During October and November, 2014, the authors were based in four rural villages in East Lombok to conduct semi-structured interviews with 42 members of families with at least one child in the home and a mother and/or father who had migrated overseas at least once in the past five years. It was not difficult to find family members that met our inclusion criterion because nearly all households in the rural villages of East Lombok are involved in transnational migration. In interviews, family members discussed children's birth registration and other identity documents, care arrangements, issues of food and shelter, cultural and social priorities, access to services, and hopes for children's futures.

**FOCUS GROUPS.** One-hour focus groups were held with 54 villagers in seven groups including: two adolescent groups; two adult groups; teachers; male hamlet and village leaders; and two groups of migrant men. Focus group members discussed steps taken to obtain identity documentation, experiences of migration, strategies for coping with the absence of family members, and how migration figures into aspirations for the future.

**OBSERVATIONS AND INTERVIEWS WITH REGIONAL EXPERTS.** Interviews were carried out with four village midwives and two government birth attendants. We also interviewed civil registry officers, brokers, migrant advocates, religious officials, and health workers. We carried out participant observation and informal interviews in migrant family homes, at two civil registries, at village maternal and child health clinics, at a health program for migrant fathers, and at remittance offices.

## WHAT WAS LEARNED FROM FAMILIES ABOUT BIRTH REGISTRATION AND MIGRATION?

Only 12% of interviewed family members had obtained birth registration for themselves or for a child, as evidenced by being able to show the researchers the birth certificate(s) when asked. All participants expressed awareness of birth registration, attesting to the effectiveness of Indonesia's "socialization" campaigns to educate rural communities about state policies. Participants viewed birth registration as "not set up for us" but as more beneficial to the state for administration and surveillance. Families did find birth registration useful for specific purposes: to ensure school enrolment if a school requested it at the point of seeking admission; to facilitate getting documents for authorized migration; and to legitimize through documents the social status of a child whose birth circumstances were illegitimate or unorthodox.

Most participants said they were more concerned about their immediate needs and they planned to postpone birth registration indefinitely. The most common reasons they gave for this decision were:

- the perceived complexity of the birth registration process
- money was needed instead to fund the migration of a family member and to repay a broker
- an inability of parents to pay the fines and the hidden costs of birth registration, including payment to village officials or informal brokers who process documents
- difficulties getting the documents and signatures needed when one or both parents may be out of the country at the time of the birth, or during a child's infancy
- the need for a literate family member who is comfortable interacting with officials
- the difficulty of obtaining supporting documents if the child is fostered away from their place of birth, if parents are divorced, or if the child was born out of wedlock
- a perception that parents who are not legally married cannot register a birth
- a general desire to avoid government surveillance systems
- an inability to provide documentation of the parents' own identity and citizenship.

**"WOMEN GIVE BIRTH. MEN REGISTER BIRTHS."** Although most education about the importance of birth registration is geared to women, the registration itself is usually done by men, but men are often working out of the country. Birth registration campaigns are particularly insensitive to mothers, who are typically not the family decision-makers, often confined to the home compound, often not functionally literate or proficient in Indonesian, and unable to complete the application because they do not control finances.

**“SOCIAL BELONGING MATTERS MORE THAN GOVERNMENT BELONGING.”** Families may take on the task of registering a birth if they perceive that doing so can solve a family problem associated with migration, such as a child born out of wedlock, divorced parents, or a child conceived while a mother is working overseas. When birth registration can advance family goals and maintain social status, families may collectively decide it is worthwhile.

**“SYSTEMS ARE IN PLACE; BIRTH REGISTRATION COULD BE EASY.”** Most families reported that they used the government health center when giving birth, and attended child health centers (*Posyandu*) for infant immunizations and care. These national programs could easily integrate birth registration into their effective village-level systems.

### **WHAT DO FINDINGS TELL US ABOUT MIGRANT FAMILY NEEDS WITHIN A NATIONAL SYSTEM?**

Indonesia has an ill-developed national birth registration system and sustained challenges to access. Universal access to social protection and services without requiring birth registration is a priority until there is a fully functional civil registration system that provides truly equitable opportunities for all individuals. Needs identified by research participants point to ten recommendations that can reduce the potential for statelessness among migrant families:

1. **Ensure easier access to civil registration for migrant families by linking registration to local health clinics and birthing centres.** Provide birth registration information, application forms and assistance at monthly Maternal and Child Health Clinics (*Posyandu*) and at birthing centres.
2. **Reduce the requirements** for accompanying documents to simplify the registration process.
3. **Eliminate all fines** linked to late birth registration.
4. **Monitor regulations** prohibiting civil registry officials, village cadres, or brokers from charging fees for any part of the birth registration process.
5. **Improve document processes at birth.** Make the record of birth in the Maternal and Child Health Booklet more prominent, and monitor completion of the form by midwives.
6. **Target awareness-raising efforts towards men.** Men typically have more influence over decision-making and more freedom of movement, social capital, and financial resources.
7. **Allow birth registration application forms to be signed by either parent,** or by an authorized proxy. In regions with high migration, either one or both parents are often absent during their child’s early years.
8. **Extend provisions for lone mothers** (single, divorced, widowed) who wish to register their child without a husband’s name. This would cover children whose fathers have migrated for a long period or who have been unable to return home, and for children who were conceived or born out of wedlock, including as a result of sexual assault during migration.
9. **Eliminate misunderstandings about the place of the legal marriage certificate** in the birth registration application. While civil offices do not require marriage certificates, government birth attendants continue to demand them prior to assisting with a birth.
10. **Invest upstream in integrated rural development** to generate waged work to reduce the need for transnational labour migration, increase minimum wages, reduce food insecurity, and thereby reduce barriers to birth registration in future generations.

In sum, birth registration processes need to be simplified and streamlined to allow families who are mobile, fragmented, and struggling to provide for the basic needs of their children, to cement their rights as citizens through birth registration, and to prevent statelessness in this and in future generations.

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#### **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](http://www.capi.uvic.ca/migration)*