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Birth Registration and Protection for Children of Transnational Labor Migrants in Indonesia

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ABSTRACT

Policies on transnational labor migration do not consider workers' needs as parents or the rights and welfare of their children, including a child's right to an official identity through birth registration. A study of birth-registration decision making by migrant parents in Lombok, Indonesia underscored the need for targeted responses to uniquely challenging circumstances and priorities of migrant parents. Free birth registration through birthing and health centers and village-level leaders can overcome problems of decentralized implementation of national strategies and an exploitive registration brokerage industry, mitigating risks of de facto statelessness for children and a multigenerational pattern of undocumented and unsafe migration.

KEYWORDS

Indonesia; birth registration; civil registry; statelessness; migrant parents; transnational labor migration; child rights; stay-behind children

Transnational labor migration affects a significant number of children, whether they accompany parents to work sites overseas, are born to mothers during overseas employment, or stay behind in migrant parents' home communities. Despite some consideration by international organizations (e.g., Abramovich, Ceriani Cernadas, & Morlachetti, 2011) regarding children in the context of migration, policies on transnational labor migration and protection of workers' rights do not address specifically workers' roles and needs as parents or the rights and welfare of children of migrant workers. The United Nations Convention on the Rights of the Child (UNCRC; United Nations General Assembly, 1989) includes several articles relevant to children of migrant parents articulating the right to a nationality; to the highest attainable standard of care, health, and education; and to freedom from discrimination, exploitation, and abuse. The United Nations Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (United Nations High Commission for Human Rights, 1990) affirms children's rights enshrined in the UNCRC. Although ratified by Indonesia in 2012, there has

been no legislation to enforce these conventions. Persisting inadequacies of Indonesia's systems for labor migration and protection of children's rights and workers' rights have been widely acknowledged (AusAID, 2012). Few studies have examined the consequences of parents' temporary labor migration on children's access to rights including birth registration, social protection, education, and quality of life or on the legacy of unsafe migration often passed on to children (Allerton, 2014; Bryant, 2005; Lynch, 2010).

This article argues that while transnational migration may be the only option for parents where there is no opportunity to earn income closer to home, much more needs to be done by governments that encourage and benefit from labor migration to address workers' roles as parents and to ensure the rights and welfare of their children. The benefits of transnational labor migration to countries, including Indonesia, that encourage out-migration are often founded on fundamental inequities (Hewison & Young, 2006). Inequities are particularly apparent when workers are undocumented and, thus, especially vulnerable to exploitation by recruiters and employers, when workers earn low wages for unskilled labor, when parents on the move do not complete birth registration of their children, and when family members who provide care for stay-behind children have few resources to ensure children's survival, wellness, and protection. This article draws attention to complex interlinkages between insecurity and poverty in the home community; low-skill, high risk and low-pay transnational migration; and the inadequacy of recent government policy and initiatives to encourage parents to register children within 60 days after birth. A focus on the challenges facing migrant families who continue to cross borders for work due to debilitating levels of poverty in the home community illustrates how birth registration comes to seem a luxury for migrant families and how lack of birth registration and risk of statelessness may be viewed as a reasonable alternative.

This article is based on an exploratory study in 2014 of birth-registration decision making by parents in Indonesia involved in transnational migration. To date, population studies and research in Indonesia have not focused on birth-registration opportunities, barriers, bottlenecks, and solutions for children of parents who migrate. As a preview, the findings suggest that, in Indonesia, the extent of birth registration is related to parent transnational labor migration, combined with other factors identified in a baseline study of birth registration in Indonesia (Australia Indonesia Partnership for Justice, 2014). Our study found that the more often and longer parents are out of the country at the time of their child's birth and during their early years, the less likely the child is to have had their birth registered, and the more vulnerable the child is to having his or her rights denied and opportunities to flourish seriously constrained (Ball, Butt, Beazley, & Fox, 2014). The findings support recent calls by labor migration advocates and child advocates in Indonesia to provide protection and access to rights for children of migrants including identity documentation, health care, education, and social inclusion (Australia Indonesia Partnership for Justice, 2014; SMERU, Sofni Lubis Coordinating Researcher, 2014).

Transnational migration trends in Indonesia

Multigenerational transnational labor migration

Indonesia has the tenth largest economy worldwide and a significant and rapidly growing population of transnational labor migrants (World Bank, 2014a). For Indonesian families, especially in poor, rural communities, transnational labor migration is multigenerational due to lack of low-skill, fixed waged, employment at home (Palmer, 2016; Randolph, 2015), amplified in recent times by climate change, natural disasters, discrimination, persistent lack of low-skill employment at home and increased demand for low-cost labor in wealthier countries (Australia Indonesia Partnership for Justice, 2014).

The feminization of transnational migration

Indonesia benefits significantly from remittances sent by transnational migrants and ranks the third highest remittance-receiving country in Southeast Asia (MED-ICI, 2015). The flow of remittances to Indonesia comprises roughly 1% of the country's GDP (World Bank, 2014b). Increasingly, labor migrants leaving Indonesia for work are women (Chan, 2014; Silvey, 2004). Currently, 76% of documented Indonesian migrants are women, many of whom take up positions as domestic workers in Malaysia and countries in the Middle East (Andreveski & Lyneham, 2014). Because Indonesian women have demonstrated commitment to sending remittances home to improve their family's standard of living, their families and government-funded migration programs encourage them to go, extolling them as "model mothers," "exchange rate heroes," and "heroes of development" (Chan, 2014; Graham & Jordan, 2011; Randolph, 2015).

Undocumented migration

Approximately 3% of the total Indonesian population of 250 million is engaged in documented transnational migration. While difficult to estimate phenomena that are not documented, the International Labour Organization (ILO; 2013) reports that approximately 700,000 documented migrants left Indonesia in 2012, with estimates of irregular/undocumented migrant workers approaching two to four times the number of regular/documented migrants (Hugo, 2008; Randolph, 2015).

Care and protection of Indonesian children of transnational migrants

Precarious care for stay-behind children of transnational migrants

Approximately one million children in Indonesia stay behind when their parents migrate overseas (Bryant 2005; SMERU, Sofni Lubis Coordinating Researcher, 2014). As the majority of Indonesian labor migrants leaving through formal channels are female, stay-behind children are most likely to grow up without the continuous presence of their mother (Andreveski & Lyneham, 2014). This

phenomenon signals Indonesia's willingness to encourage female migration despite the potential emotional, social, and practical risks for the children of migrants. In the absence of social policies providing child care services, nutrition support, developmental monitoring or protection services specifically targeting children of migrant parents, the pro-migration stance of the government of Indonesia suggests its assumption that extended family members should shoulder the burden of care and protection for stay-behind children. Presumably, it is less costly for the government to enable parents to migrate and send remittances to cover the costs of raising children by alternative caregivers than it is to amplify job-creating rural economic development or to introduce targeted out-of-home day care and after-school care programs for stay-behind children. Despite the overt political symbolism of heroic mothers, the government tacitly accepts as a necessary sacrifice the affective, nurturing parent-child relations that are possible when mothers and fathers are available to provide direct care for their children (Butt, 2015).

Although it could be argued that many parents around the world find it necessary to spend time away from their children to work, in high-income countries working parents often have access to government regulated, subsidized, out-of-home child care services, after-school care programs, and other forms of alternative care and monitoring for their children during their absence. In poor communities in Indonesia, such services are not available to extended family members who provide foster care for stay-behind children. As well, being separated from one's parent over many years at a stretch or through repeated journeys has significantly different implications for children than being separated from parents for hours at a stretch. Studies have found that stay-behind children of parents who migrate overseas for unskilled or low-skilled labor (and thus low remittances) tend to live in conditions that create vulnerability, including highly fragmented families, nonparental care, abandonment, household incomes below the poverty line, and poor communities (Allerton, 2014; Graham & Jordan, 2011). Stay-behind children have been found to have a "higher incidence of mental disorders, lower levels of school performance and impeded social and psychological development" (Whitehead & Hashim, 2005, p. 14).

Child protection policy and practice

In Indonesia, despite a Child Welfare Policy established in 1979 and the 1989 ratification of the UNCRC, there are persisting child protection risks for stay-behind children living in poor, rural communities (Boothby, Stark, Simmons, & Chu, 2009). Risks include high rates of infant mortality, domestic violence, early marriage, early school leaving, malnutrition, physical stunting, child labor, child sexual abuse, child neglect, socioemotional maladjustment and increased risk-taking behavior, and the commercial sexual exploitation of children including trafficking (Beazley, 2007; Graham & Jordan, 2011; Graham & Yeoh, 2013).

The Indonesian Child Protection Law established in 2002 strengthened the legal foundation for child protection, pledging that “the state and the government shall be responsible and accountable for respecting and guaranteeing the human rights of every child,” (Government of Indonesia, 2002, p. 8). Although no law specifically addresses the needs of children of migrants, protection for this constituency has been codified to a limited extent (Boothby et al., 2009). Notwithstanding, in the context of decentralization, there is uneven implementation of legislation and policy, with reforms less likely to affect practice in more remote regions of eastern Indonesia.

Boothby et al. (2009) suggest that effective data collection is a starting point for improved protection of children of transnational migrants in Indonesia, pointing to the comprehensive data collection system in the Philippines that allows authorities to gauge the child protection situation within the nation. Yeoh and Lam (2006, p. 138) advocate for a system of protection and support for stay-behind children implemented at “individual, household, community, region and country” levels. Additionally, Yeoh and Lam (2006, p. 139) urge state authorities to tailor child protection policies for children of varying age groups and advocate for improvements to communication infrastructure as a form of support for children of migrants, recommending that “communication between migrant mothers and their children left behind can help lessen the negative impacts of migration.”

Birth registration: Trends, determinants, and consequences

Indonesia has one of the lowest rates of birth registration in the world and the lowest in Southeast Asia (Aplan et al., 2014; KOMPAK, 2016; United Nations Children’s Fund, 2013). In 2000, 69.7% of Indonesians did not have birth registration (Sadiq, 2009). Estimates of nonregistration for children under age 18 years range from 24% (Australia Indonesia Partnership for Justice, 2014) to 33% (United Nations Children’s Fund, 2013). Indonesian survey studies point to a number of factors associated with nonregistration, including being poor (an estimated 58% of children in poor households are not registered); living in a rural area (double the number of nonregistered births compared to urban areas); having a parent with a disability (five times more likely to be nonregistered); and having no parent with a birth certificate (4.5 times more likely to be nonregistered) (Australia Indonesia Partnership for Justice, 2014). None of the civil registration surveys in Indonesia have specifically measured the rate of birth registration among children of domestic or transnational migrants.

In the province of Nusa Tenggara Barat, which has by far the highest rate of out-migration from Indonesia, with 44% of the population migrating overseas for work in 2014 (Randolf, 2015), the factors found to be associated with nonregistration characterize most of the population, including high poverty, rurality, and lack of birth registration among adults. Considering the particular difficulties faced by parents who are highly mobile and often away from their children for years, it

would be reasonable to expect one of the highest rates of nonregistration of children born to migrant parents. In Lombok, situated in Nusa Tenggara Barat, there is a common family pattern of fathers migrating shortly after their wife has conceived and mothers migrating shortly after the birth of their child. Migrant parents are likely to miss the short period after their child's birth when birth registration is free and are likely to have many other priorities during their short visits home. Repeat migration is extremely common in Nusa Tenggara Barat, where decades of high migration and remittances have not produced economic mobility for families and recent government investment in the development of tourism in Lombok and in agrobusiness in Sumbawa has not increased job opportunities for adults who traditionally work overseas (Randolf, 2015). In addition to explanations offered by others (Palmer, 2016; Randolf, 2015; Silvey, 2004), it seems likely that lack of birth registration is a contributing factor to multigenerational, low-skill, high-risk, transnational migration. Without birth registration, children cannot access secondary school, vocational training, or formal employment, consigning them to informal, temporary, and low-skilled work and persistent poverty, inability to pay for transportation to local job sites, and other barriers to accessing new formal employment sectors.

Statelessness and birth registration

Understanding determinants and consequences of birth registration is critical to gaining insight into how migration can affect child protection. Commonly, the state requires proof of identity, most often a birth certificate, linking a person to the state, which entitles the person to the rights, protection, services, and opportunities for civic participation in that state (Australia Indonesia Partnership for Justice, 2014; KOMPAK, 2016). Birth registration enables children to enroll in school, to access protection, to apply for a passport, and to arrange documented migration and employment with rights, including the right to return. Lack of birth registration as proof of identity and belonging to a family, community, and nation-state often sets the stage for de facto statelessness, with an attendant potential lack of access to protection, resources, and education (Ensor & Gozdziaik, 2010; KOMPAK, 2016; Lynch, 2010; van Waas, 2007). Children whose births are not registered are at increased risk of identity falsification, being sold into hazardous work or criminal activities or forceably recruited into military service (United Nations Children's Fund, 2013). Undocumented migration is frequently unsafe and carries a high likelihood of transmitting a legacy of no birth registration, de facto statelessness, and undocumented migration to the next generation (Bhabha, 2011).

Sedentary bias in birth-registration promotion

Responding to international pressure to increase birth registration (United Nations Children's Fund, 2013; United Nations Division for Sustainable Development,

2015), the Indonesian government recently expanded its civil registry offices, eliminated the costs for registering children within the first 60 days after birth, and exhorted local governments to enforce existing policies requiring proof-of-birth registration to children's entitlements, including social protection, primary school registration, and other services (Lucet, 2013). However, to date, these efforts overwhelmingly favor Indonesians who are sedentary, urban, literate in the national language, and familiar with civil registration bureaucracy. Efforts to reduce barriers to birth registration have been less successful in rural areas and especially in communities with high out-migration (Australia Indonesia Partnership for Justice, 2014).

The study reported in this article explored provisions for birth registration available to parents involved in transnational labor migration from rural communities on the island of Lombok in eastern Indonesia. The study sought to uncover determinants of migrant parents' decision making about birth registration and alternative care for children while they work overseas. Eastern Indonesia has not seen significant infrastructure and human resource development since decentralization in 2000 and contributes only 17% of national GDP, while Indonesia's recent economic growth is concentrated in Java (Henstridge et al., 2013). High population growth, lack of income-earning opportunities, low wages, scarcity of land, falling agricultural productivity, and food insecurity have driven migration for over three generations such that a disproportionately high number of overseas migrants from Indonesia originate from Lombok (Mantra, 1999), seeking work in Malaysia and countries in the Middle East (Lindquist, 2012).

Method

Based in four rural villages in East Lombok in the province of Nusa Tenggara Barat in eastern Indonesia, the authors conducted interviews with 22 family groups, mostly consisting of two adult caregivers and one child, and with seven focus groups consisting of 54 adults and children aged 9 to 14 years. The aim was to gather perspectives on birth registration from family members in which one or both parents had migrated outside of Indonesia for work. Participant accounts were contextualized through observation and informal interviews in the villages and nearby towns, including at two civil registry offices; a nongovernment organization providing migrant services in East Lombok; village maternal and child health programs; village birthing clinics; a preparation program for migrant fathers; and a government organization providing migrant services for all of Lombok. The team also investigated remittance financial systems and attended relevant meetings of religious officials and migrant outreach advocates.

Birth registration or other documentation was not a criterion for inclusion in the study. Interviews were conducted in Indonesian with the occasional assistance of a local Sasak language translator. Interviews lasted one to two

hours, were tape recorded, and were transcribed into English. Interviewees and participants in focus group discussions were remunerated for their time. The interviews took place in or near each family's home, where they were comfortable and would have ready access to any identity documents they possessed. Asking interviewees to show any official identity documents they said they had for themselves and their children¹ created discussion about the documents, how they were obtained, and how having the document impacted them. If they had no documents, interviewees were asked to explain why and what impacts not having them had on their life and their children's lives. More comprehensively, the interviews asked each family member to describe and explain their decisions and actions to date about their children's birth registration, other identity documentation, care arrangements, and issues of sustenance, belonging, access to services to protect children and support their well-being, and hopes for children's futures. Information was also gathered on demographics and income, migration experiences, strategies for obtaining documents regarding identity, marriages, separations, divorces, births, deaths, and family members' migration, schooling, health care, and employment.

Focus groups

One-hour focus groups were held with seven groups of villagers recruited by local village leaders, including one each with adolescent girls; a mix of adolescent girls and boys; a mix of men, women and girls; teachers in a rural school; women; male hamlet and village leaders; and young fathers on a break from work overseas. The discussions asked participants to talk about: (1) steps taken in their family to secure various forms of identity documentation; (2) their experiences of migration including the impacts it has had on them and strategies for coping with the absence of family members; and (3) how migration figures into their aspirations and expectations for their future.

Findings

Among migrant parents in the 22 family groups, at least two generations of parents and most grandparents had migrated transnationally, often concurrently, confirming a widely acknowledged multigenerational pattern. Nearly all adult respondents had an experience of migration without documentation. For most, including the few who had migrated with official documentation, their returns home were often traumatic and sudden. Many parents described failed trips involving not getting paid; underpayment; being unable to pay off debts to employment brokers; abusive employers; being arrested; having to switch from authorized to unauthorized employers; returning home with a child out of wedlock, usually the result of a sexual assault; and/or having to return secretly hidden in trucks or boats. Nine of the men gave accounts of being fired by their employers, having their pay withheld and then being jailed for

trying to leave Malaysia prior to the end of an informal employment arrangement.

Birth-registration decision making

The study confirmed low rates of registering child births by parents involved in transnational migration. Only two parents (6%) were able to show birth certificates for themselves, and only four parents (12%) were able to show birth certificates for their children. All participants expressed awareness of birth registration and explained how it was important to them as responsible parents, but nearly all viewed it as a last priority compared to more urgent, less complicated, and more attainable documentation. Birth registration was generally seen as a pathway to enabling a child to take the primary school-leaving exam; to enroll in secondary school; and to facilitate documented migration when the child would become an adult. However, the parents explained that their main priority was to borrow money from local lenders to secure their own identity documents for travel: hence, their child's identity documentation was not their most immediate objective. The priority of both mothers and fathers was often to pay back the local loan first so as not to lose face at the community level, and as a result, birth registration had become an even lower priority, especially when interest rates on loans can be as much as 100% of the amount borrowed. Several interviewees acknowledged that forged/false identity documents were needed to migrate, including birth-registration certificates and passports, and explained how brokers were able to obtain legal documents or "real fakes" using their networks and bribes. Though expensive, the process was quick and uncomplicated and often part of a package offered by employment recruiters.

Barriers to birth registration

Parents described a labyrinthine process with many challenges that were found to be particularly daunting for them while managing their migration journeys. Their reasons for not attempting to register their children were myriad including: (1) the parents did not receive a letter or completed confirmation of birth from a birth attendant when their child was born, which is required to obtain a birth-registration application form; (2) their marriage was not legally registered and they understood that this was required as part of the application; (3) they had no authentic identity documents for themselves and they understood that this is part of the application; (4) one or both parents were out of the country during the 60 days following the birth of their child when registration is free and subsequently they could not afford the registration fee; (5) the parents anticipated hidden costs, such as "cigarette money" demanded from the civil registry officer; (6) they only spoke Sasak and the civil registry office conducts its processes in Indonesian; (7) the parents were not literate and could not read the application instructions or fill out the form and could not afford to pay a broker to do it for them; (8) the parents did

not have the confidence to interact with civil registration officers; and (9) the parents did not have a fixed address, which they believed was required as part of the application. Mothers additionally noted that when their husbands were working out of the country, the mothers were not permitted to venture beyond the family compound and therefore could not undertake the journey to the public space of the civil registry office or engage in transactions with a local document broker, who is always male. As well, many mothers understood that the child's father would need to sign the application form and negotiate with the civil registry officer, and the father is usually out of the country.

Indonesia has increased its number of rural birthing centers and infant health clinics so that they are now accessible in many villages. In such centers, mothers are supposed to receive a maternal and child health (MCH) booklet that includes a completed record of the birth. In our study, some of the women who had used these facilities were able to show the MCH booklet they received. However the record-of-birth form included in the booklet—confirmation of birth and the parents' identity—was completed in only a few cases. Women who use a traditional birth attendant do not receive the MCH book and therefore do not have any written record of the child's birth. According to the village headmen we interviewed, without the completed form, a parent must obtain a letter from a village headman testifying to the child's birth and the identity of the mother and father. It is culturally expected that the father would initiate obtaining a letter, but the likelihood of the father being absent at the time of their child's birth and for months or years subsequently is high. Once their wife has conceived, fathers typically leave for work overseas. Waiting for the father to return guarantees that completing the multistep process of birth registration will incur fines for late registration.

Despite a 2013 government policy eliminating the need for a legal marriage certificate as part of birth registration (Australia Indonesia Partnership for Justice, 2014), in practice it is still variably required by birth attendants in order to give birth in a government facility and to obtain a record of birth from the government midwife. A government midwife in one of the villages where we collected data explained that she was "not brave enough" to accept unmarried couples or single mothers as clients due to stigma at the village level against children born out of wedlock. Women who become pregnant out of wedlock in Indonesia or while working overseas cannot get official statements of birth, impeding their access to a legitimate birth certificate for their newborn. As well, village leaders and study participants concurred that, regardless of changes in government policies, civil registration officers may evoke the now antiquated requirement of proof of legal marriage and/or extra "fees" in lieu of proof. Civil registry officers also acknowledged that, even though national policies and regulations may change, changes in local practices do not necessarily follow. Some registry officers pointed to document brokers who misinform village members to extract higher fees and reinforce perceptions that birth registration is very complicated to sustain a steady flow of

customers. One registry officer stated that making the process complicated requires villagers to return to the office frequently, each time supplying an extra “fee” for the civil registry officer, whose salary is so low that without bribe money the officer would not be able to sustain his family.

These findings point to a failure of government “socialization” programs intended to impress upon Indonesians the value, ease, and no cost of obtaining birth registration shortly after birth. Local government practices replicate a national model of sedentary bias that expects families to be continuously present, literate, proficient in Indonesian, and confident in their capacity to navigate civil-registration processes and, therefore, to be responsive to government birth-registration campaigns. For example, the bias toward sedentary families is evident when two signatures are required to submit a statement of birth, despite the common absence of young migrant fathers. In addition, registration takes place at the civil registry office, a building in major towns, rather than providing a mobile service in areas with highly mobile families.

Our exploratory study suggested that parents who migrate tend to be aware of the information disseminated through socialization about birth registration, and they know they are supposed to register their children at birth, but it is not always possible for them to do so for the myriad reasons cited by our study participants.

Consequences of nonregistration

Participants’ accounts linked lack of birth registration to early school leaving. Research has shown that children who are not in school are vulnerable to early marriage, early and unsafe migration with false documents, and the worst forms of child labor, including being trafficked into the sex industry (Australia Indonesia Partnership for Justice, 2014; Allerton, 2014). Among six adolescents who participated in the study, four described their own migration plans, pointing to this as a last resort but a necessary hardship because of the lack of wage-earning opportunities locally and their desire to contribute to household income, to start their own family, to build their own house, and/or to escape their low quality of life in their village.

One respondent ended her schooling before taking the primary school-leaving exam (which requires presentation of a birth certificate) and at 13 years old, was sent by her family to work overseas, and another girl was sent at 14 years old (fake identity documents were purchased from brokers stating older ages). Local Sasak culture places a high value on virginity and sexual restraint, with the result that many young teenagers are married as soon as they go through puberty and interact socially with a particular member of the opposite sex. Once married, according to local custom, they can be sent overseas to work (see also Constable, 2014).

The toll of migration on family life

Participants’ accounts revealed how pregnancy and childbirth often precipitate migration for young men who feel a strong, culturally-rooted obligation to provide

for their families. In a focus group of young fathers who were between jobs overseas, all of the young men voiced regret about not being present for their child's birth, missing their children's early years, and noticing that they did not have the close bond with their children that they longed for. Further, if both parents migrate for work, the state does not provide support for persons who take on the work of fostering their children who stay behind. It is widely understood that families will take up the work of caring for stay-behind children, but no additional policies, concessions, or assistance is organized for those families. Thus a community with high out-migration and children dependent on foster care has the same services, standards for services, and access to services as a community with low levels of fostering and high levels of two-parent households. Indonesia has a long tradition of fostering, which endures in regions with high migration. This tradition increasingly serves as a stopgap measure because no other systems are in place to provide care for children (Butt, 2015). Study participants described how, when the mother migrates, children will be cared for by a grandmother, other kin, or neighbors, not always willingly and not always attentively. For example, one young girl in our study, whose parents both were away, lived with her aunt who had three young children of her own and could ill afford to cover the costs of the fourth child without remittances sent by the child's mother.

The children of migrants who participated in our study described very negative impacts of prolonged separations from their parents, particularly their mothers. Most had been given no choice but to accept nonparental care, and most had little communication with their absent parents. They variously conveyed the effort it took for them to suppress their emotions and to wait for their parents' return. As a child in our study put it: "Like it, don't like, you have to like it."

The teachers in one of the village schools described in detail how they could easily distinguish between children whose parents or mother had migrated and those with at least one parent at home, pointing to 14 children among the 55 attending their primary school as examples of the failure of the putative "fostering" arrangement and the negative impacts of prolonged parental absence and the typical ambiguity of parents' whereabouts and dates of return. They described how stay-behind children have very high nonattendance rates at school, have poor self-regulation and high volatility, and are less attentive. They typically wander away from school at any time of the day to spend time alone in the forest, where they forage for edible leaves and use their sling-shots to harvest small animals and birds to eat. Many parents in the villages described children whose parents had been gone for more than a year as nonattached to any household and "emotionally stunted." None of the stay-behind children worked alongside family members in farming or other chores, whereas many children whose parents remained in the village stayed for the full school day and then joined their parents, where they were working in padi fields or sandpits, and helped the parents with various household chores, such as carrying water, cooking, or caring for younger children. According to the teachers,

children in these villages were not employed until they were about 13 or 14 years old, when many children, including those already married and with a child, migrated with false documents stating that they were 18 years or older.

Many of the nonregistered children and youth in our study were being raised in impoverished conditions that exacerbated protection challenges. For example, in one family, a 15-year-old girl had been raised, first, by her mother, while her father worked overseas. When he did not return after several years, her mother went away to work and the girl stayed with a neighbor. The girl explained that because she did not have a birth certificate, she did not go to secondary school. She would soon seek a broker to place her in domestic work overseas. "Our family is very poor. We need to go away to save up enough money to build a concrete house and to pay for better food and for school for my little brothers. It is my duty to go." Unable to apply for a passport without a birth certificate, she would need to use the services of an expensive broker to obtain letters from village officials. Her debt with the broker could take up to 85% of her salary for the first year or two of her employment overseas. Although she would have access to Indonesia's safe migration services, many local commentators reported that this does not guarantee safety.

Another case in our study exemplified the absence of social services or protection to support families impoverished by failed migration. A grandmother described how she had cared for her daughter's two children ever since her daughter went to Saudi Arabia and then completely disappeared. The grandmother reportedly receives no remittance from abroad or from her daughter's ex-husband. The government subsidies she received for rice covered only a small amount of the children's needs; because the children do not have birth certificates and her family (household) card is incomplete, she does not formally get government-issued rice supplements for the children (relatives and neighbors help out). She earns US\$2.00 for 12 hours of work cleaning chili peppers. She still owes money to the local lender for her missing daughter's last trip. Fracturing of families in which there may be no parent able to provide adequate care or to advocate for the child's rights, can compound the challenges of protecting children in a context in which the family is the only resource available.

Some studies suggest that some children who stay behind while mothers migrate experience an improved quality of life (e.g., Yeoh & Lam, 2006; Graham et al., 2012). Benefits depend on many intersecting factors. These include whether the parent has obtained birth registration for the child so that the child is more likely to be able to exercise the right of participation in both primary and secondary school; whether the parent has migrated safely and with documents so that there is an increased probability of accessing their rights while working abroad; whether the parent's employment is high-, medium-, or low-skilled work with the associated levels of income, job security, health and social safety; and social discrimination; whether remittances are reliably forthcoming; whether the parent is able to pay off costs of job placement, including recruitment debts; how long the parent is

away; and whether the parent is able to sustain positive communication with the child during their separation. Study participants, including many of the children, mentioned all of these factors. However, the most recurrent theme in the accounts of foster caregivers and parents was the reliability and size of remittances. If remittances were not regularly received from parents or were not sufficient to cover the child's basic needs, the child would be immediately negatively impacted. The "care triangle" involving a foster caregiver, discussed by Graham et al. (2012), only works when all parties are empowered to follow through on commitments.

From the perspective of children, the most recurrent theme was their understanding of the terms of separation from their parent—for example, their degree of certainty that the parent would eventually return, their ability to anticipate a specified date of return, and the amount and dependability of contact with their parent during the separation. Both the government civil registry system for birth registration and the migration industry are structured in ways that presume successful migration journeys, tremendous resourcefulness on the part of foster caregivers, and wellsprings of resilience on the parts of children who stay behind. While non-government organizations such as Migrant Care and Advocacy for Indonesian Migrants Association (ADBMI) do what they can to assist migrant workers, they do not address birth registration or the needs of children when an adult family member's migration journey fails. There is no government-provided service system for children whose access to rights including living in a family home, education, care, and protection are often precarious during the separation from parents.

Discussion

Gaps in child protection

This exploratory study supports hypothesized links among transnational labor migration, low birth registration, and lack of access to rights including family-based care, education, and protection for children of migrants in Indonesia. Although the Indonesian government has made recent policy reforms and programs to increase birth registration, there has been no recognition of the unique challenges to birth registration faced by migrant parents. This omission exacerbates risks for children of migrants who experience long, unpredictable separations from their parents with no identity documents, often in impoverished conditions. These children are at risk of being treated as stateless. They need their rights as citizens to be confirmed to ensure entitlement and access to the full scope of public services, including education, protection, and eventual formal employment, legal marriage, legal migration, the right to a passport, and other forms of participation in society. Nonregistration and, therefore, a risk of de facto statelessness is likely to be much more common among children of transnational migrants, in part, because of the difficulty of pursuing children's birth registration while living separately from children or with children in a country that is not one's homeland. The

exploratory study supports a view of children of transnational migrants as among those most vulnerable and most urgently in need of state policy reform.

Once overseas, transnational migrants, particularly those who are undocumented, are exposed to many risks, including labor exploitation, forced labor, extortion, human trafficking, and other human rights abuses, including the confiscation of identity documents. Reports of sexual assault, abandonment, and deportation of Indonesian women in domestic employment, particularly in the Middle East, are frequent media headlines (Chan, 2014; Constable, 2014; Killias, 2010; Silvey, 2004; Varia, 2008). In 2011, the government began introducing moratoria on labor migration to several countries in the Middle East in response to evidence of abuse and death of Indonesian migrants. President Joko Widodo declined to comment on when the moratoria would end (Jacques, 2015). Many suggest that the moratoria are the beginning of a process through which the Indonesian government will “stop Indonesians from going overseas for domestic work by 2017” (Andreveski & Lyneham, 2014, p. 3; Jacques, 2015). Clearly, the government does not support all forms and circumstances of labor migration. However, the efficacy of moratoria has been questioned, especially with regard to whether they have driven labor migration underground, with an increase in unauthorized migration.

To date, the scope of government concern has not expanded to encompass gaps in providing for the needs of migrant workers as parents and for their children who stay behind. The moratoria only address authorized migration (Randolf, 2015). They do not address the extent of undocumented migration and the negative impacts of unsafe migration on children, whose parents can suffer numerous forms of abuse and exploitation that can extend their separation from children, limit the ability to stay in contact with children, and reduce or obstruct remittances needed for alternative care of children. The long history of abuses related to low-skilled work has prompted the government to invest in skill development for prospective migrant workers so that they are more likely to gain skilled employment through sanctioned recruitment channels. A similar commitment to addressing family insecurities, access to education, and child protection has not yet been proposed.

Child rights advocates have cited a lack of investment in infrastructure that provides equitable opportunities for parents and guardians to obtain a child's birth registration² as the single most critical development failure over the past 30 years (Setel et al., 2007). International pressure and financial support to increase the number of children with birth registration may be motivated in part toward ensuring the right to a nationality enshrined in the UNCRC and toward improving surveillance, accountability, and equitable distribution of services to all children, articulated in the United Nations Sustainable Development Goals (UNSD, 2015). The United Nations Children's Fund (2013) and Plan International (Aplan et al., 2014) are global leaders in this effort. Considered in the context of families involved in transnational labor migration, these aspirational policies and programs

seem likely to fail for high migration populations because they are not based on a realistic grasp of the practical challenges to parents on the move.

Government commitment at the provincial and district levels is needed to develop an adequate safety net for the children of migrant parents, starting with assistance to obtain birth registration. Birth registration information and civil registry services could be linked to migration services and provided in ways that are responsive to migrant parents' home languages, literacy levels, resources, mobility, cultural values, and competing priorities. Birth registration could be permitted without either parents' physical presence, without parents' legal identity documents and without a birth record from a government birth attendant. For example, an extended family member could present a child for registration, or a village headman could attest to the existence of a child and complete the application process on behalf of the child who is a member of his community. This approach was being explored with some success in one of the villages where we gathered data for the current study: after we left, the village headman negotiated with the local civil-registry office for permission to file birth registration applications on behalf of migrant families. The village headman acknowledged that his intervention had provoked resentment on the parts of brokers who typically misinform parents about the supporting documents and fees required for birth registration and who charge exorbitant service fees.

Family members who care for children who stay behind must be able to access child care services for children from infancy to age 5 years and after-school care to relieve the large child care burden placed on the few adults who remain in high-migration communities. Out-of-home care programs would also enable alternative caregivers to earn money to pay for basic needs that may not be covered by migrant parents' remittances. Migration training programs and safe-migration services should include child care and assistance in developing a family plan that helps migrating parents and foster caregivers to navigate public and nongovernment programs that can help with raising children of migrants, including preschool programs, public schooling, health and nutrition services, and child welfare. These measures can reduce vulnerability, increase life opportunities for children of migrants, and increase the chances that as the children grow up they can make labor migration a choice rather than an inexorable destiny.

Conclusion

The balance of benefits and costs for families and nations involved in transnational labor migration depends on a number of factors. Key factors include whether there are protections afforded to the migrating family member based in law and policy, whether employment provides fair wages and working conditions, and whether family members who stay behind have access to documents, resources, services, and support to ensure their well-being during the wage earner's absence. In

Indonesia, these conditions are rare and the overall impact on the children of migrants is frequently negative (SMERU, 2014). Benefits from remittances accrue only over multiple, lengthy periods of parents' work abroad, while costs in terms of fractured families and abandoned children appear to be higher than has been recognized by government agencies that celebrate transnational labor migrants as national heroes and by nongovernment organizations that promote migration safety and advocate for migrants rights.

Multigenerational transnational migrant families are often caught in a cycle of high risk mobility and employment overseas that limits the choices of those in the younger generation. Many children of migrants may face a multigenerational legacy of statelessness, poverty, and unauthorized migration. Our findings showed that as children of undocumented migrants anticipate young adulthood, they may prefer to be sedentary. However, without legal identity documents enabling them to access entitlements associated with citizenship, they may have few options but to follow in their parents' footsteps on the path of unauthorized, unsafe migration for low-skilled, low wage, precarious work overseas.

An entrenched pattern of undocumented, unsafe transnational migration from Indonesia has been exacerbated in recent years by an increasing feminization of labor and deflection of responsibility for children of overseas workers from parents to other kin and community members. There are no adequate systems in place for supporting and protecting children of migrants and no targeted subsidies or practical assistance for their alternative caregivers. Birth registration can be a first step toward mitigating risks for children of migrant mothers, "the national heroes of foreign exchange earnings" (Killias, 2014, p. 890) including the risk of de facto statelessness. Like other governments in the region, civil registration is integral to the Indonesian government's current poverty-reduction strategy because it confers legal identity to citizens and is a principal source of vital statistics (KOMPAK, 2016). These efforts must respond to the uniquely challenging circumstances of parents in poor, ethnolinguistic minority, rural communities with intermittent access to civil registration and myriad competing priorities. Achievable accommodations by the state to remove the challenges of obtaining birth registration for children of parents who are constantly on the move would improve the chance for the next generation to embark on a life path with greater freedom of choice and opportunities, including choosing not to migrate or to migrate with legal documents. Findings of the study described in this article point to a need for household-level assessments in high out-migration regions to measure birth registration patterns, the impacts of parents' birth registration decision making on children who stay behind, and the effectiveness of government and nongovernment efforts to increase birth registration and improve outcomes for migrant families. This kind of study could provide national and provincial governments and nongovernment organizations with an evidence base of gap, bottlenecks, and opportunities in the civil registration system with reference to the children of migrants in order to

inform planning and implementation of solutions based on the unique needs and circumstances of families involved in transnational migration.

Notes

1. An earlier study by Australia Indonesia Partners for Justice (2014) found that a majority of people who said they had birth registration could not produce the document.
2. UNICEF defines birth registration as “the continuous, permanent and universal recording, within the civil registry, of the occurrence and characteristics of births in accordance with the legal requirements of a country” (United Nations Children’s Fund, 2013 p. 4).

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