



The Impacts of Labor Migration on Family Unity for Migrant Construction Workers in Thailand

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EXECUTIVE SUMMARY

This study explores the relationship between migration for construction work in Thailand and the right to family unity of migrant workers.

This is a secondary and primary research study, with a literature review framing the key variables that tend to dictate how far voluntary family separation has a negative impact on the child. The primary research explores how the literature around migration and family unity applies to the construction sector specifically, which is an area that requires more research, especially when focusing on Thailand and neighboring countries.

The primary research was conducted in three phases, first exploring the characteristics of family separation in the construction sector in Thailand, including how far these characteristics could indicate negative outcomes for the children involved. The findings confirmed that **parent-child separation is a challenge in the construction sector in Thailand**. However, there were **significant variations found between Chiang Mai and Bangkok**, with a considerably higher number of parents in Bangkok living separately from their children, while much fewer parents in Chiang Mai were living separately from their children. The precise factors accounting for this variance between the two destinations was not investigated in this study and should be prioritized in future research.

Given the large variation between Bangkok and Chiang Mai, and therefore also between Myanmar and Khmer migrant workers, it is difficult to make generalizations on a national scale. Compared with national level and multisectoral trends, the construction sector in Chiang Mai seems to represent an outlier in terms of family unity. **However, since about 25% of all children with parents working in construction grow up separated from their parents, the sector should still treat family unity as a priority issue related to worker well-being and child rights.**

For those children residing in their home country, they were separated from their parents for a period of **over 5 years, which can have negative effects on the child**. The vast majority of children living separately from their parents live with their grandparents or other relatives. Depending on the resources of the grandparents, in terms of nutritional understanding, income and child protection understanding including internet safety, this could have further negative effects on child development and protection.

The second phase of the study describes the lived experiences of parents who have separated from their children from focus group discussions and in-depth interviews, including the reasons they have had to separate. This phase illuminates the relationship between migration for construction work in Thailand and family unity. Phase two found that working parents face multiple legal, economic and social barriers to migration, **leaving many parents compelled to leave their children behind when migrating to Thailand**.

The third phase of the study identifies how children could be protected throughout their parents' migration, including what are the major risks to be aware of around alternative care options, and what are the implications of the socio-political landscape around child protection and family separation.

In conclusion, this study finds that migrant workers in the construction sector **face significant dilemmas and challenges in realizing their right to family unity**. The greatest barrier is **Thailand's labor migration framework** which provides **no legal channel for dependents to accompany working parents**. This policy stands in contradiction with the national verification system which allows irregular migrants and their dependents to register as well as other domestic policies which grant children, **regardless of migration status, access to education**. Such contradictions create greater incentives for parents to **leave children behind in source countries** or embark on **irregular journeys** and face **high financial and legal penalties for attempting to keep their families together**. The study also finds that **businesses in the construction sector have a role to play** in accommodating children in construction site camps as well as providing support in **facilitating access to public services for both workers and children**. By adopting a **family-friendly workplace**, construction companies are better positioned to secure and retain migrant labor and mitigate risks in their supply chain. Phase 3 focused on the border areas, where migration is often more on a daily basis and workers mostly either work in agriculture or manufacturing, and some in construction. Parents who leave their children in such residential facilities tended to do so out of a (at least perceived) lack of capacity to look after their children. Migrant families in border areas, nonetheless faced similar challenges in terms of **lack of birth registration, documentation or legal status**, resulting in restricted access to education and healthcare.

KEY CONCEPTS

Alternative care

According to the UN Guidelines for the Alternative Care of Children, alternative care is “where the child’s own family is unable, even with appropriate support, to provide adequate care for the child, or abandons or relinquishes the child, the State is responsible for protecting the rights of the child and ensuring appropriate alternative care, with or through competent local authorities and duly authorized civil society organizations. It is the role of the State, through its competent authorities, to ensure the supervision of the safety, well-being and development of any child placed in alternative care and the regular review of the appropriateness of the care arrangement provided” (UN General Assembly, 2009). Additionally, the UN Guidelines for the Alternative Care of Children, further details that alternative care is, “any arrangement, formal or informal, temporary or permanent, for a child who is living away from his or her parents” (UN General Assembly, 2009).

Child / Children

Article 1 of the Convention on the Rights of the Child defines children as every human being under 18 years old unless, under the law applicable to the child, majority is attained earlier (UN General Assembly, 1989).

Child protection

Safeguarding of children from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s), or any other person who has the care of the child, through all appropriate legislative, administrative, social, and educational measures as specified in Article 19 of the Convention on the Rights of the Child (UN General Assembly, 1989).

Migrant workers

A person to be engaged, is engaged, or has been engaged in a remunerated activity in a State of which he or she is not a national (UN General Assembly, 1990). In this study, this term refers to individuals migrating from Cambodia or Myanmar to Thailand to look for work, especially those working in the construction sector in Thailand.

Family

While there is no universally agreed upon legal definition of ‘family’, the Convention on the Rights of the Child in its General Comment No.14 (2013) states the term “parent” should be interpreted broadly in scope to include not only biological, foster or adoptive parents but also where applicable, extended family members or community based on local customs. The UN Guidelines for Alternative Care of Children, in defining the family, similarly refer to the care of the child’s parents or other close relatives.

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LITERATURE REVIEW

1.1 Labor migration

Labor migration is a complex and global phenomenon, providing both host and home countries with significant economic and technological gains. A migrant worker is defined as “a person who is to be engaged, is engaged or has been engaged in a remunerated activity in a State of which he or she is not a national” (UN General Assembly, 1990). There were an estimated 169 million migrant workers worldwide in 2019, of which 7.2% of these workers were in the Southeast Asia and Pacific regions (International Labour Organization (ILO), 2021). These migrant workers accounted for 3.4% of the total labor workforce in these regions, highlighting the significant role that they provide to national and regional economies (ILO, 2021).

Migrant workers contribute to economic growth for host countries by filling shortages in labor markets, often in low skilled or low paid jobs that are unwanted by domestic workers (Asia-Pacific RCM Thematic Working Group on International Migration including Human Trafficking, 2016). Consequently, labor migration in Southeast Asia and the Pacific is often characterized by the flow of migrant workers from low income countries to higher income countries, where they are recruited for low paid, labor intensive jobs like manufacturing, private household services, and construction (OECD & ILO, 2018). Host countries, therefore, have an incentive to facilitate the inflow of migrant workers to targeted sectors of their economies.

Financial gains are also an important incentive for labor migrants leaving their home countries for employment (OECD & ILO, 2018). Due to a lack of employment opportunities or low wages in low income countries, young people often migrate to more developed countries in search of jobs and higher incomes, as well as the opportunity to learn new skills through technological exchange and employment training (ILO, 2016; Bryceson, 2019). Labor migrants often send a portion of their income back home to their families - often called “remittances” (ILO, 2016). Remittance flows in the Asia Pacific region have risen dramatically in recent years, increasing from \$104 billion in 2006 to \$244 billion in 2016 (Asian Development Bank & World Bank, 2018). These remittances contribute to economic development, poverty alleviation and technological improvements in low-income countries across the region (Asian Development Bank & World Bank 2018). Studies from Southeast Asian countries suggest that labor migration has a positive impact on household incomes, resulting in increased spending on housing, food, and children’s education (UN Women Regional Office for Asia and the Pacific (UN Women), 2013; Ducanes, 2015). However, labor migration also has social implications.

1.2 Thailand's labor migration framework

Due to Thailand's central geographic location within the Greater Mekong Subregion (GMS), it has long been a destination for migrants seeking economic opportunities from China, India and the neighboring countries of Myanmar, Laos and Cambodia. Recent large-scale migration from the latter three countries began as Thailand experienced an economic boom in the late 1980s which lasted throughout the 1990s and elevated Thailand in just one decade to middle-income status, thereby also transforming it into a highly attractive destination for prospective economic migrants from its neighboring countries (IOM, 2019).

As of December 2021, the Thai Ministry of Labour estimates there to be around 2.1 million registered migrants, while other estimates range up to 4.9 million (ILO, 2022) with around 3.9 million of those workers estimated to originate from Cambodia, Lao PDR, Viet Nam and Myanmar. The number of undocumented migrants is thought to be much higher.

Due to the consistently high demands for cheap migrant labor from the private sector, combined with the military government's desire to securitize migration, Thailand's labor migration governance framework is a patchwork of legislation, directives and Cabinet Resolutions offering amnesty periods, which reflect the tension between needing migrant labor while at the same time seeking to restrict their movement. This was exemplified in 2019 when the government enacted the Royal Ordinance on the Management of Foreign Workers Employment B.E 2560, which sought to bring coherence to Thailand's labor migration laws and clarify that the bilateral MoUs were to be the single formal channel for prospective migrants and reflected a desire to end amnesty directives based on the idea that they merely encouraged irregular migration (IOM, 2019). Backlash and criticism from both UN agencies and civil society, as well as a large exodus of migrant workers fearing prosecution, led to the government easing somewhat the strict penalties laid out in the Royal Ordinance, as well bringing the legislation in closer alignment with international standards, notably on the concept of zero recruitment fees to be paid by migrant workers (ILO, 2020).

The MoU system however remains complex and costly for migrant workers and there is no evidence that workers accessing this channel experience better outcomes or face less exploitation than workers migrating to Thailand irregularly (ILO, 2017). One of the many disadvantages that migrants face in using the MoU system is that dependents are not permitted to join migrant workers, rendering the official channel of migration a primary driver in forcing regular migrant workers to leave behind their children. Those wishing to bring their children are conversely forced to use irregular channels and risk arrest, deportation and ironically, family separation via detention (Save the Children, 2021).

1.3 International law on family unity in the context of migration

Although the following human rights conventions do not explicitly address the rights of transnational families, they do recognize and aim to protect the rights of migrant workers and their children. For example, the Universal Declaration of Human Rights acknowledges the family as the fundamental unit of society, stating that the “family is the natural and fundamental group unit of society and is entitled to protection by society and the State” (UN General Assembly, 1948, p. 5). The Convention on the Rights of the Child (CRC) also recognises the importance of the family unit to the wellbeing of children (UN General Assembly, 1989).

The right to family unity can also be defined as the right to family integrity, with Article 12 of Universal Declaration of Human Rights (1948) classifying family integrity within the right to privacy, as does the ASEAN Human Rights Declaration with Article 21 (2013). Within both of these documents, it is stated that this right is protected against ‘arbitrary interference’; similarly Article 16 of the Child Rights Convention, states that a child shall be protected from ‘arbitrary’ or ‘unlawful’ interference with his or her family.

Article 5 of the CRC states that governments should respect the right and responsibilities of families to provide for and teach their children; Article 7 states that children have the rights to know their parents and, if possible, to be cared for by their parents; and Article 18 states that governments should assist parents to care and provide for their children, particularly if both parents work (UN General Assembly, 1989). According to Article 10 of the CRC, states must respect the rights of children separated from their parents by national borders to “allow sufficient freedom of movement to enable the families to see one another regularly”. As one legal scholar notes however, Article 10 does not go far enough in mandating that receiving states permit children the right to enter a foreign country for the purpose of family reunification (Starr & Brilmayer, 2003).

The extent to which international human rights law recognises involuntary family separation as a violation of human rights has received little attention in academia. Despite this, Starr and Brilmayer were able to demonstrate the various ways in which states remove or forcibly separate families violate several international conventions. However, there is little room for interpretation to extend to a state’s obligation to prevent “voluntary separation”. Indeed, when it comes to labor migration systems leaving no room for family unity, domestic sovereignty appears to take precedence with international human rights norms only extended as far as preventing forcible separation or removal of children.

The rights of migrant families are addressed in the International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families (UN General Assembly, 1990). This Convention explicitly recognizes the rights of migrant family members by stating that governments and societies must protect the unity of the families of migrant workers, facilitate the reunification of migrant workers with spouses and children, and extend equal treatment and rights as presented in the Convention to family members of migrant workers (UN General Assembly, 1990).

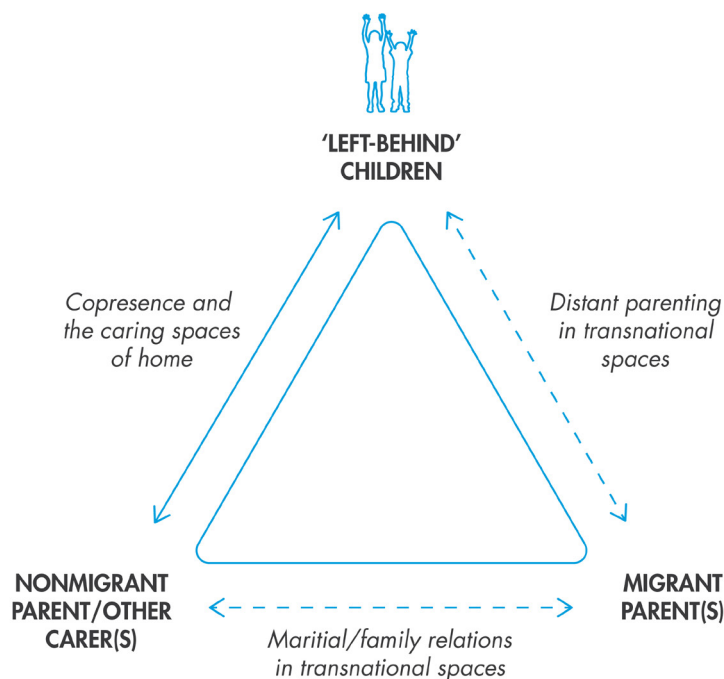
A UNICEF working paper on family unity in the context of migration represents an attempt to re-affirm the right to family unity within the nexus of child rights and migrant labor rights via the Global Compact for Safe, Orderly and Regular Migration (GCM). The brief acknowledges the lack of attention paid by states to the importance of family unity in the context of migration and highlights the ways in which immigration systems tend to allow only the families of skilled migrants. However, the GCM offers language which places a commitment for states to promote the realization of the right to family life and best interests of the child, and facilitate procedures for family reunification (UNICEF 2018).

References to the best interests of the child in the context of labor migration can be found in general comments of aforementioned conventions. Under section I of the Joint General Comment No.4 (2017) of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families and No.23 (2017) of the Committee on the Rights of the Child on state obligations regarding the human rights of children in the context of international migration in countries of origin, transit, destination and return, states that the right to family unity should not be violated by refusing a family member to enter or remain in the territory. This violation may amount to arbitrary or unlawful interference with family life and is considered by the Committee to be disproportionate to the possible advantages for the state in restricting migration to parents only.

1.4 Parent-child separation

Most labor migrants move abroad during their childbearing years, with approximately 84% of all migrant workers in Southeast Asia and the Pacific aged between 25 to 65 years old (ILO, 2018). This situation often leads to the creation of the “transnational family” or “family separation”, where one or more parents migrate internationally for work and leave their children in the care of non-migrant parents or other care, such as family members (Graham & Jordan, 2011). This situation has the potential to change family dynamics, disrupting the traditional structure of the family unit and the individual roles of parents and children (UN Women, 2013). One conceptual model used to understand the changing dynamics of the transnational family is the “Care Triangle” (see Figure 1). This model posits that transnational family care arrangements exist within three central relationships: 1) the child living separately from their parents (adapted from [Graham et al. 2012 study], 2) migrant parent(s), 3) the non-migrant parent/other carers (Graham et al., 2012). This model is useful for examining the inputs and deficiencies of child care within transnational families, as well as for understanding the changing roles and relationships that transpire between migrant parents, non-migrant parents/other carers, and children during periods of migration. However, as critics have pointed out, there is a lack of incorporation of cultural diversity in the observation of child-parent separation in the context of migration. There is thus a need to understand the ways in which psychological outcomes can be affected by social norms where extended family members play a close role in child rearing, as opposed to relying on Euro-American models of the family (Graham & Jordan, 2011).

Figure 1. Care Triangle (Source: Graham et al. 2012)



1.5 Impact on children living separately from their parents

1.5.1 Physical and psychosocial health outcomes

During periods of labor migration, children may be separated from one or both of their parents for extended periods (Penboon et al., 2019). These changing family dynamics may have implications for children's wellbeing, with research demonstrating the impact of family separation on their health. Research has shown that parental migration was negatively associated with children's nutrition (Cameron & Lin, 2011; Zhen, 2013; Lei et al., 2018), health outcomes (height and weight) (Viet Nguyen, 2016), and cognitive abilities (Hewage et al., 2011). Similar results have also been identified for risk behaviors, with research demonstrating that children living separately to their parents were more likely than children living with parents to report tobacco smoking (Gao et al., 2010; Wen & Lin, 2012).

The literature has also demonstrated that family separation has potentially negative impacts on the mental health of children living separately from their parents. For example, studies have shown that children who are living separately to their parents had an increased risk of mental health problems compared to children living with their parents (Senaratna et al., 2011; Graham & Jordan, 2011; Wickramage et al., 2015; Penboon et al., 2019). This literature suggests that family separation can have adverse effects on children's physical and mental wellbeing. These impacts may occur due to changes in family dynamics during periods of migration by one or both parents, resulting in the breakdown of support and childcare between the different members of the care triangle. However, Graham & Jordan, warn against generalizations in their paper and highlight the inherent Euro-centric bias of prioritizing nuclear family members as primary caregivers over extended family members, as is common in Asia (Graham & Jordan, 2011).

1.5.2 Outcomes on child development

There is a substantial body of literature that has explored the relationship between parental migration and the education of children living separately. This research shows mixed results. First, studies have shown that increased remittances due to labor migration have benefits for children's education, with children living separately from their parents shown to have higher enrolment rates than children in non-migrant households (Morooka & Liang, 2009), as well as increased test scores for English (Bai et al., 2018) and school progression (Kuhn, 2006; Asis & Ruiz-Marave, 2013). These studies could indicate that remittances due to parental migration are invested in children's education.

However, other research demonstrates conflicting results. Compared to children living with their parents, children living separately from their parents had lower school enrolment (Wang, 2014, 2019), school engagement (Wen & Lin, 2012), poorer language and mathematics test scores (Zhang et al., 2014; Zhao et al., 2014; Viet Nguyen, 2016), and were more likely to fall behind in school (Cortes, 2015). One possible explanation for this is that when a parent migrates for employment, children take up additional household duties to help around the home, which reduces the time and energy available for education. For example, research shows that children often increase the time they spend on farm work and household duties during periods of parental migration (Chang et al., 2011; Meyerhoefer & Chen, 2011).

While remittances may increase children's access to education, research demonstrates that labor migration may disrupt family dynamics and hinder children's opportunities to spend time on their education. To reduce the negative impacts of family separation on children living separately from their parents, then, future research should aim to understand how parental migration influences family dynamics, as well as identify ways that migrant parents and non-migrant parents/caregivers can be supported to care for their children during periods of separation.

1.5.3 Variables that may affect child development

Literature suggests that three factors may influence the impact that family separation has on children's development, as discussed below.

Length of separation: Chenyue Zhao (2017) explored the impact of parental migration on the psychosocial wellbeing of left-behind children in two Chinese provinces. The results showed that longer periods of separation were associated with poorer psychosocial well-being among children living separated from their parents, including emotional distress, primarily through disrupted attachment relationships.

Communication between separated children and parents: There is a body of literature that has explored how children living separately from parents experience periods of parental migration. First, studies reveal that it is not common for children to be included in discussions or consulted with when parents are deciding whether to migrate for employment; they are often informed of their parents' decision to migrate, likely to forestall any adverse emotional reaction of children to their parents' departure (UN Women, 2013). Moreover, studies have explored how children maintain contact with their parents during periods of separation. These studies reveal

that regular communication is crucial for migrant parents to maintain a presence in their children's lives, with extended gaps in communication potentially resulting in uncertainty, anxiety, or estrangement for both parents and children (Hoang & Yeoh, 2012). Research shows that left-behind children and migrant parents use a range of communication technologies to maintain regular contact during separation, such as cell phones, email, and Skype. However, use of these mediums is often limited by financial and practical constraints, like poor Internet connections or a lack of electricity (UN Women, 2013). Understanding these barriers and creating strategies to overcome them may be useful for improving communication between left-behind children and migrant parents during a period of separation.

Caregiver: The literature is clear that institutional care is often not the best option for children and that family-based care is far preferable in terms of a child's outcomes (Browne, 2009; Williamson, 2010, McCall, 2012). In cases where parents migrate for work and children will live separately from them, alternative caregivers take on an essential role in children's lives and well-being. Thus, it is crucial to identify what resources informal caregivers need to support children. In several Asian countries, studies reveal that replacement carers are usually the left-behind children's grandparents (Hoang et al., 2012; UN Women, 2013; Mahidol University & UNICEF, 2016). Research from Mahidol University Thailand conducted by Thachadanai Sittisart (1997) revealed that of those left-behind children, the majority live with grandparents. This research demonstrates the need for family support responses to family separation (e.g. cash assistance) to extend to informal kinship care arrangements, as well as to the original family unit.

1.6 Context of alternative care in Thailand

As per the United Nations Guidelines for the Alternative Care of Children, alternative care is defined as, "any arrangement, formal or informal, temporary or permanent, for a child who is living away from his or her parents" (UN General Assembly, 2009). This includes residential or institutional care, such as orphanages or shelters, or family-based care, such as foster families, or wider kinship networks (for example, the child's grandparents). Informal alternative care is any private arrangement initiated by a child or his/her parents or guardian, in which an administrative or legal authority is not involved in the decision-making process. This type of arrangement largely results in care provided in a family environment, where the child is looked after by relatives, friends (informal kinship care), or another individual (informal foster care). Formal care is arranged with the involvement of an administrative or legal authority and encompasses any care which is provided in a residential environment, including private or government-run institutions, or family-based care (including formal foster care and formal kinship care).

In UNICEF's (2014) study on the alternative care system in Thailand, focus group discussions, and in-depth interviews were held with 136 providers of alternative care, including residential care, foster care, and kinship care across Thailand. Findings from this study showed the majority of resources in alternative care were directed to residential care, which is seen as a long-term care solution, with limited options and investment in family-based care.

Additionally, the UNICEF study noted that several residential care trends that tend to create institutionalization - as established in international reviews - were apparent in residential care facilities visited. These trends include:

- Isolating or limiting the participation of children from the mainstream community and providing little opportunity for inclusion in everyday life and experiences;
- Housing relatively large groups of non-family members who are compelled to live together;
- Prolonged periods of separation from the child's family, friends, and community;
- Organizing daily life according to a regimented routine that cannot respond to individual needs and wishes of children; and
- Segregating children from the community based on a diagnosis of a disability or chronic illness.

The literature proposes a multi-leveled approach to prevent family separation. First, primary prevention level interventions address root causes that contribute to family separation – in other words, policies and actions with general applications to tackle societal factors that can lead a parent to be separated from their child (Cantwell et al., 2012). Interventions at this level include:

- Implementing anti-poverty strategies, including the provision of financial assistance, so children do not need to be separated from their families due to financial reasons such as poverty, low income, unemployment, and the impact of disability or ill health;
- Strengthening child protection services so that the assessment process fully considers measures to prevent separation of family; and
- Addressing the social norms and attitudes that perpetuate inadequate care through, for example, public information campaigns and legal reform. This approach includes tackling discrimination associated with disability, gender, and ethnicity as well as sexual violence and harmful traditional practices such as physical and humiliating punishments and child, early, and forced marriage.

Secondary prevention level interventions essentially consist of a safety net, with services catering to those for whom primary prevention has failed. In particular, this consists of affordable and effective individualized support to children and families who are either identified or have self-declared as struggling and at risk of separation. At this stage, parents need to be informed about the alternatives available to them in order to prevent the placement of the child in formal alternative care (Csaky, 2014). Interventions at this level include:

- Family strengthening support, including conflict resolution and mediation, counselling, substance abuse treatment, and family case conferences;
- Parenting courses and education, supporting access to trained professionals who support families, home visits, or parent support groups; and
- For families in poverty, providing greater access to social protection systems to strengthen their capacities to care for their children. If cash transfers are provided, they should be combined with broader social services such as support groups, parenting advice and assistance, employment advice, and addiction therapy.

Tertiary level interventions are implemented when primary and secondary prevention interventions have been unsuccessful, resulting in the child being removed from the family (Florence, 2012). However, this intervention level aims to secure sustainable family reintegration, and thus to prevent both long-term alternative care and a return to care following an unsuccessful family reunion. Again, individualized responses are required, consulting with the child and, notably, setting in place a multi-dimensional program to prepare the family (including siblings) for the child's return and to support all involved once that takes place.

Family strengthening is the core of the prevention strategies mentioned above, even when the child's separation from the family has become inevitable. As established through these interventions, poverty itself should not be considered a viable reason for family separation. The UN Guidelines on Alternative Care of Children make clear that financial or material poverty are not conditions for the separation of a child from his/her family, and that all other child rights must be protected in the case of alternative care placement, including access to education and health, the right to identification, and freedom of religion. Despite this, data collected by the Bureau of Women and Child Protection & Welfare (BWCPW) for the 2015 fiscal year shows abandonment and poverty as the main drivers behind children being placed in government residential care facilities in Thailand (UNICEF, 2014). These two main drivers appear to influence the highest proportion of children being placed in government residential care facilities (more than 30%) and two times higher than the remaining drivers. These findings indicate a lack of social protection for families and their children, including community-based alternatives to residential care.

1.7 Impact on children living within institutions

As with extended separation between parents and caregivers, noted above, the detrimental effects of institutional care on a child's well-being are widely documented. Research dating back to the 1940s has repeatedly shown that institutional care is associated with a negative impact on children's growth and development, regardless of their age (Williamson and Greenburg, 2010; Berns and Nelson, 2015). Studies show that children in institutions face immense, often overwhelming challenges in all areas of development (Williamson and Browne, 2009; Nelson et al., 2007). Findings suggest that the lack of a one-to-one relationship with a primary caregiver is a major cause of harm to children in residential care. This risk is perhaps most profound for children under three years of age, who face the risk of permanent damage to their physical and mental development. It is widely recognised children under the age of three should not be placed in residential care (Williamson and Greenberg, 2010; Bilson 2009; Johnson et al., 2006) and that infants who are placed in institutional care will suffer harm to their development if they are not moved to family-based care by the age of six months (Johnson et al 2006).

Even after children are placed from residential care to permanent family-based care, the effects of alternative care continue. Long-term impacts of children who have lived in residential care include the underdevelopment of critical areas of the brain, which can be related to attention, activity, learning, memory, emotional regulation, and behavior problems (McCall, 2012). Additional risks include attachment disorders, reduced intellectual, social, and behavioural abilities, poor health, deteriorated brain growth, developmental delays, and physical underdevelopment (Browne, 2009).

The evidence base similarly indicates that children living in alternative care facilities are especially vulnerable to violence and abuse, prior to and during their care experience and also in the longer term. There is extensive evidence of abuse in large-scale institutions, usually defined as establishments caring for more than 10 children (Brodie & Pearce, 2017; Sherr et al., 2017). In a large five country study involving 1,053 participants, Gray et al. (2015) noted that 50.3% of children in institutional care reported physical or sexual abuse, with increased instances of abuse occurring among younger age groups.

The UN Guidelines for the Alternative Care of Children were introduced in 2009 in response to such evidence of abuse, exploitation, and the long-term impact of alternative care. For instance, the established detrimental impact of institutional care on young children informs one such guideline, which states, “in accordance with the predominant view of experts, children aged under three who need alternative care should be placed in family-based settings” (Cantwell et al., 2012). The guidelines implicitly exclude all residential care options, except for emergency placements, which are used as a short-term (less than three months) last resort when all other options have been exhausted. In such cases, there should be planned family reintegration or an appropriate long-term care solution identified before beginning.

The Guidelines are underpinned by the United Nations Convention on the Rights of the Child (UN General Assembly, 1989), which asserts in Article 20 that a child temporarily or permanently deprived of his or her family environment, or in whose own best interests cannot be allowed to remain in that environment, shall be entitled to special protection and assistance provided by the State. States therefore have a fundamental role in implementing children’s rights in all aspects of legislation, policy and practice, which should be reflected in support and services to all children who require alternative care (Cantwell et al., 2012).

1.8 Rationale for research

Thailand’s economy has experienced significant growth in recent decades, resulting in the country advancing from lower-middle-income status to upper-middle-income status (World Bank Group, 2020). Economic growth and relatively high wages have attracted migrant workers from neighboring countries (such as Cambodia, Myanmar, and Lao PDR) to take up employment in the construction sector (OECD & ILO, 2017). Given that most labor migrants in the region are of childbearing age (ILO, 2018), this situation may be contributing to instances of young children separated from their parents as they migrate to work in Thailand. A recent study identified that parent-child separation was common among migrant workers living in construction camps in Thailand, demonstrating that workers’ children often lived separately from them, usually in the care of a spouse or relative elsewhere in Thailand or their country of origin (Baan Dek Foundation and UNICEF Thailand, 2018).

With the potential and serious negative impact of parental-child separation on children demonstrated in the above literature review, further research was required to determine whether family separation was an issue among labor migrants in the Thai construction sector and if so, what are the characteristics and risks to child development, in terms of the variables that affect child outcomes from the literature review.

Further phases of research explored the lived experiences of migrant construction workers in terms of family separation and the decisions they have had to make, and the alternative care options available to migrant construction workers. With these 3 major phases of research, this paper develops a picture of the challenges and risks involved in migrating for construction work and the right to family unity, and offers recommendations for policy makers to realize this right.

Research aim: To explore the relationship between migration for construction work and family separation, especially where it might have a negative impact on the child, and to synthesize practical recommendations for parents to protect their children, and to other responsible stakeholders who can support child protection throughout migration.

1.9 Methodology

This mixed-methods research was carried out over three phases. Using primary and secondary data, the objective of each phase was to:

1. Explore the characteristics of family separation among migrant construction workers in Thailand (**Phase ONE**);
2. Describe the lived experiences of migrant construction workers who live separately from their children (**Phase TWO**); and
3. Identify the alternative care options available for migrant construction workers in Thailand, including any protection considerations parents may wish to make when selecting care options (**Phase THREE**).

Research findings aim to formulate recommendations for different actors in the child protection and construction ecosystems in Thailand. Findings could also provide evidence for advocacy purposes concerning child protection, human rights, and equality, in line with the United Nations Partnership Framework 2017-2021 (UN Thailand, no date).

2

FAMILY SEPARATION AMONG MIGRANT CONSTRUCTION WORKERS IN THAILAND: PHASE ONE

2.1 Research Objective

The research objective for Phase One was to **explore the characteristics of family separation among migrant construction workers in Thailand.**

2.2 Research Question

The research questions for phase one of the study was:

What are the characteristics of family separation in Thai construction camps? Is family separation a common issue in the construction sector? If so, is this family separation likely to have negative effects on the children (in terms of the variables that significantly affect child outcomes)?

2.3 Method

2.3.1 Study design

Phase one was conducted using quantitative surveys with labor migrants in Thai construction camps.

2.3.2 Participants

Individuals were recruited using non-probability, convenience sampling. Participants were identified from construction camps that Baan Dek Foundation currently supports (40 locations in Chiang Mai and six locations in Bangkok). To take part in the research, individuals had to meet the following eligibility criteria:

- Labor migrant (international or Thai)
- Parent of at least one child
- Currently employed in the construction sector
- Currently living in a construction camp in Bangkok or Chiang Mai

2.3.3 Data collection

Data was collected using a qualitative, interviewer-administered questionnaire. Using closed- and open-ended questions, the questionnaire covered the following topics: whether or not participants lived with their children in the construction camp; who looked after their children during periods of separation, if they did not live with their children; the main reasons they chose to migrate without their children; the time they had been separated from their children; how they communicated with their children during periods of separation; whether their children were attending school in their home country. All interviews were conducted at construction camps in Chiang Mai and Bangkok, with data collection taking place between February and March 2020.

2.3.4 Data analysis

Data was uploaded to SPSS for cleaning and analysis. Descriptive statistics were calculated to identify the proportion of participants who lived separately from their children, the average length of time that participants were separated from their children, who looked after their children during periods of separation, how regularly and by what means participants communicated with their children during periods of separation, and their children's school enrolment status.

2.3.5 Ethical considerations

All participants were provided with the study's plain language statement (PLS) and consent form, or had details provided to them verbally by the research assistants if participants had limited literacy. This form lists their rights and responsibilities as a participant, and provides participants with information on how to make a complaint or ask further questions. The study maintained the participants' confidentiality and anonymity by removing all identifiable information from the data and results. Data was stored in password protected hard-drive storage and only shared via email with a confidentiality notice. Identifiable data was only handled by the research team.

2.4 Results

2.4.1 Participant characteristics

A total of 141 participants completed questionnaires (Table 1).

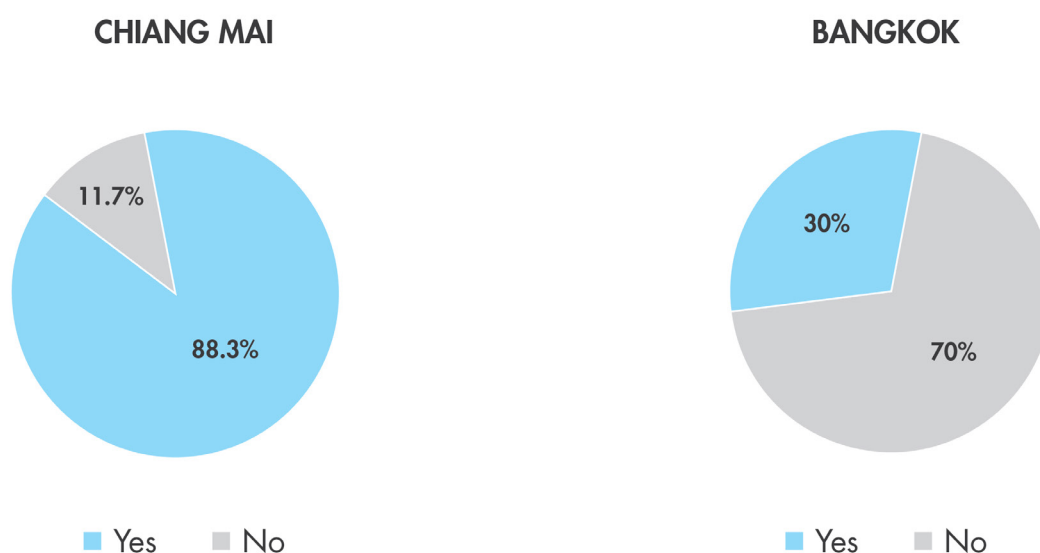
Table 1. Characteristics of respondents

CHARACTERISTIC	NUMBER	PERCENTAGE
GENDER		
Female	104	74.1
Male	37	25.9
Av. number of family members	4	/
Av. number of children overall	2	/
ETHNICITY	NUMBER	PERCENTAGE
Bamar	9	6.5
Shan/Tai Yai	69	48.9
Dara-Ang	19	13.7
Pa-O	2	1.4
Khmer	18	12.9
Other	24	16.6
LOCATION	NUMBER	PERCENTAGE
Chiang Mai	111	78.7
Bangkok	30	21.3
TOTAL	141	

2.4.2 Proportion of families experiencing family separation

- From the sample of 141 parents, 75.9% lived with their children. Breaking down the data by location, demonstrated a significant variance, with 88.3% in Chiang Mai camps stated that they live with their children, compared to 30% in Bangkok camps (Figure 2).
- It is important to note that of the 34 parents who left their child behind, only 2 mentioned that their children were staying in a temple school, no other type of residential facility was mentioned.
- It is also crucial to point out that virtually all the children who were left behind were attending school (97%). This was one of the reasons some parents cited for leaving their children behind, to keep them enrolled in school in their home countries.

Figure 2. Participants who are currently living with their children



Ref: Do all your children live with you in camp?

2.4.3 Length of separation, communication, and caregiver situation

The literature found that three variables of family separation have a significant effect on child outcomes: length of separation, communication frequency and the caregiver situation. Therefore these variables were included in the Phase ONE study, to understand not just if family separation applied to the construction sector, but also whether one could infer negative effects on the children involved.

From the study we found that:

- **Length of time separated:** On average, families were separated for 63 months or 5.25 years.
- **Communication method:** The majority of participants used Facebook Messenger and Line applications to communicate with their children. Khmer participants seem to prefer using these applications more than Tai Yai participants, while Tai Yai participants visited their children more often than Khmer participants.

Table 2. Communication method

COMMUNICATION METHOD	PERCENTAGE
Visit	10.7
Call	14.3
Facebook Messenger/Line (chat/call/video call)	71.4
No contact	3.6
Total	N=28

- **Communication frequency:** The majority of parents contact their children every day. Khmer participants contacted their children more often than Tai Yai participants (although this finding could not be generalized due to small sample size).

Table 3. Communication frequency

COMMUNICATION FREQUENCY	PERCENTAGE
Every 2-3 day	10.5
Everyday	74
Every two week	5.2
Every month	5.2
Once every 3-4 month	5.1
Total	N=19

Table 4. Type of caregiver

CAREGIVER	PERCENTAGE
Grandmother	51.7
Grandparents	20.7
Mother	3.5
Cousin	10.3
Aunt	10.3
Grandfather	3.5
Total	N=29

2.4.4 Reasons for Family Separation

- Participants cited a number of reasons for leaving their children behind (Table 5):
 1. Around **48%** said they either did not have adequate financial resources or time to care for their children properly
 2. Around **21%** stated that they preferred to enroll or keep their children in the education system of their own country
 3. Only **9%** stated that the reason was related to construction, interestingly, only one respondent mentioned that their employer explicitly did not allow children in the camp. The other two respondents stated that either the living conditions were better in their home country or cited the need to frequently move as a factor.
 4. Other reasons were cited such as the child themselves preferring to stay in their home country, or other family dynamics impacting their decision.

Table 5. Participants’ reasons for leaving their children behind

REASON	PERCENTAGE
Lack of money or time to look after children	48.5
Prefer to keep child in home country’s education system	21.2
Construction sector not suitable for bringing children	9.1
Other	21.2
Total	N=33

2.5 COVID-19-related family separation

An additional factor cited by families in their decision to separate from children was the onset of the COVID-19 pandemic and the associated economic impacts. In a survey of 84 families in February 2020, 18% reported separating from a child as a result of the pandemic, with a higher proportion reported in Chiang Mai (16%, as compared to 2% in Bangkok). Within these families, 21 children were reported as separated, with the majority of children cared for through informal kinship arrangements with relatives or extended family (52%). The remaining children were reported as residing in varying residential care facilities. These included temple schools (24%), shelters (14%), or boarding schools (1%).

Of those families surveyed who had not separated from their children, 17% stated that, in the event of another government lockdown, they intended to separate from their children. Reflecting the existing trend, half of this group (50%) stated they would send their children to stay with informal kinship carers (relatives or grandparents), while the remaining families either planned to leave their child at a temple school or had not yet decided on an alternative care placement.

A rapid needs assessment conducted in January 2021, with 398 families living in construction site camps in Chiang Mai (85 %) and Bangkok (15%), found that only 14.3% would move back to their country of origin temporarily if borders reopened. Of those that planned to move only 2 (0.5%) families stated they would look for an institution, while 88% would have at least one parent with the child and the remaining families would have the child stay with extended family members.

It is therefore reasonable to conclude that COVID-19 has had a negligible effect on family separation. The length of separation, communication and caregiver arrangements are all likely to be similarly affected by the pandemic, considering the closed borders and reduced income of parents and grandparents/other kinship carers.

2.6 Conclusion

The findings demonstrate that parents working in construction tend to bring their children with them, however due to the significant difference in sample size between Chiang Mai and Bangkok, it is difficult to generalize this trend beyond Chiang Mai. Due to the distinct patterns of Khmer migrants working mostly in Bangkok, and Myanmar migrants working mostly in Chiang Mai, it is also difficult to identify which factor plays a bigger role in parents deciding to either leave their children behind with caregivers or bring them to Thailand.

With the majority of workers in Chiang Mai originating from Myanmar, and the majority of workers in Bangkok coming from Cambodia, this finding is consistent with IOM data from 2020 which showed that (n=5,630) of workers with children, 80% left their children behind in Cambodia, 24% traveled with their parent to Thailand and only 5% were already in Thailand (IOM, 2020).

A similar survey for Myanmar migrants (IOM, 2019) found that 20-25% (n=11,466) had at least one child in Thailand, while over 80% had at least one child in Myanmar, and overall less than 10% had children living in different locations. More recent data from Myanmar (IOM, 2020) only covers migrants living in Ranong, however it showed that 41% of migrants had at least one child living with them in Thailand and 71% with at least one child living in Myanmar.

Comparing this dataset with the sample of workers in construction suggests that construction workers are more likely to have children living with them than migrant workers in general, especially those working in Chiang Mai. This is likely due to the fact that workers in construction are more likely to live with their partner than in other sectors.

In terms of the reasons why parents left their children behind, having enough time or financial resources were the most commonly cited by respondents. This is consistent with the fact that bringing children on the migration journey incurs extra costs, as well as the hidden costs associated with attending school in Thailand and extra costs such as food, clothes and other basic necessities which would otherwise be sent as remittances. In terms of time, an ILO study from 2021 showed that construction workers on average work 6 days a week, 10 hours a day, leaving very little time for child rearing.

Around one fifth of respondents cited education as the main reason for leaving their children behind, mentioning that they would prefer their children to study in their own language and stay in their state education system. This is expected as the length of stay in Thailand may not be perceived as long enough to justify switching education systems and language of instruction. This is likely coupled with the fact that migrants tend to be unaware that their children have the right to education in Thailand regardless of migration status, nationality or ethnicity.

Those parents living away from their children are often separated for a relatively long time, around five years on average. It seems that the frequency of communication between parents and separated children depends on the country of origin. This situation may be due to internet connection issues or phone tariff prices in the country of origin, providing barriers to regular communication. As for the caregiver, the findings match the literature in that most children living separately to parents are living with a grandparent in an informal care arrangement.

Phase ONE has found that parent-child separation is an issue of concern in the construction sector. Yet due to the difference in sample size it is difficult to make generalizations. Compared with studies that have larger sample sizes, it appears that both Myanmar and Khmer migrants are just as likely to either leave or bring their children. When there is separation of parents and children, it is long, and communication is not always frequent, depending on local connectivity in the country of origin. This infers negative effects on child outcomes, due to family separation linked to construction migration.

COVID-19 was found to have little to no impact on families' capacity to remain together and in fact made it less likely to separate as travelling back to their origin country was made more difficult due to travel restrictions.

In Phase TWO this study explores in more detail the lived experiences of migrant workers related to family separation, to understand the decisions they have made and where the best entry points may be for prevention programming in the tertiary, secondary or primary level.

3

LIVED EXPERIENCES OF MIGRANT WORKERS LIVING SEPARATELY FROM THEIR CHILDREN: PHASE TWO

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3.1 Research Objective

The phase two research objective is to **describe the lived experiences of migrant workers who live separately from their children.**

3.2 Research questions

The research questions for phase two were:

1. What are the lived experiences of migrant workers in terms of family separation?
2. What barriers do migrant workers face when considering migrating with their children? Are these related to migrating for construction work? If so, how?
3. What support services or facilities do migrant construction workers think would assist them in migrating with their children to Thailand?

3.3 Method

3.3.1 Study design

Focus group discussions (FGDs) and in-depth interviews were conducted with migrant construction workers.

3.3.2 Participants

A convenience sampling method was used to identify participants. Snowball sampling was also used to identify participants during on-site recruitment. The selection criteria for this sample was:

- Labor migrant and parent
- Currently working in the construction sector
- Currently living separate from at least one child, or currently living with at least one child but had considered living separate from their children

3.3.3 Data collection

FGDs and in-depth interviews were conducted at construction camps in Chiang Mai and Bangkok during July 2020. Depending on the language of participants, FGDs and interviews were conducted in Thai, Tai Yai, Khmer, or Burmese. Data was recorded using note-taking and observations. For FGDs, one member of the research team facilitated the discussion, while another member took notes.

The topics discussed during FGDs and interview included the current situation of migrant families related to separation, the challenges related to migration with children, as well as support needed to facilitate family reunification. Before beginning the discussions, the research team asked participants for consent for the information to be used for research purposes. The data was recorded by the research team, which divided the roles within the team; roles included facilitator, note-taker, and observer.

3.3.4 Data analysis

Deductive thematic analysis was used to identify common themes and patterns in the data (Hansen, 2006). This process focused on the reasons why participants chose not to bring their children with them during periods of labor migration to Thailand, including the barriers and facilitators they identified with their decision to bring their children with them. This process was carried out over four stages: immersion, coding, categorizing, and generation of themes (Green et al., 2007). A constant comparative approach was also used to compare themes and findings for different groups in the sample (Charmaz, 2006), such as between ethnic groups and participant location.

3.3.5 Ethical considerations

Participants were recruited using the same ethical processes described in phase one.

3.4 Results

3.4.1 Participant characteristics

A total of seven FGDs were conducted, which included 27 participants (Table 6). Most participants were between the ages of 31-40 years old.

Table 6. Participant characteristics by age, gender, ethnicities, and number of children

Age	Number	N (%)
21-30	10	37
31-40	13	48
41-50	2	7
51-60	1	4
Upper 60	1	4
Total	27	100
Gender	Number	N (%)
Female	25	93
Male	2	7
Total	27	100
Ethnicity	Number	N (%)
Thai	1	4
Shan/Tai Yai	13	48
Dara Ang	2	7
Bamar	4	15
Khmer	7	26
Total	27	100
Number of children	Number	N (%)
1	11	41
2	7	26
3	8	29
4	1	4
Total	27	100

3.4.2 Themes of Lived Experiences and Barriers involved in Migrating with Children

FGDs and in-depth interviews surfaced varied stories and journeys among migrants, but with common themes, especially around barriers to migrating with children. These themes inform the sections below and answer research questions 1 and 2.

3.4.2.1 Legal status of migrant workers

The vast majority of participants from Myanmar and Cambodia migrated to Thailand with no legal documents, such as a passport or work permit, due to the high costs of identity documents, visa and travel, as well as costs for using a broker service. Parents with irregular status tended to be wary of bringing their children with them, considering the risk of migrating irregularly. Consequently, they migrated to Thailand without their children. Parents often factored in the extra costs of bringing their child, in addition to the extra costs of living. This often played a significant role in the decision-making process, with parents concluding that bringing their children would result in greater debt and reduced income. In addition to the financial costs, parents did not consider traveling and living in Thailand without legal status to be safe for their children.

For workers from Myanmar and Cambodia, using the MoU process is inhibited by the cost of acquiring documentation and the cost of brokers to navigate the process. Even when migrating irregularly, workers rely on brokers to facilitate the trip across the border.

In addition, many migrant workers are not well informed of how to use legal channels to migrate to Thailand. They are often unaware of official recruitment agencies or any point of contact for information on migrating legally. For example, migrant workers from Myanmar often rely on brokers to facilitate their migration, which is usually done illegally. They lack information on which government agencies to contact and which documentation is needed. Only one participant had been hired directly by their company and thus did not require brokers.

Moreover, participants without legal status also believed that if they gave birth to a child in Thailand, they would not be provided with a birth certificate for the child, limiting their access to essential services and social protection in the country. Children born in Thailand to irregular migrants are indeed at risk of arrest and deportation, despite the Royal Thai Government signing a Memorandum of Understanding on alternative approaches to detention of children in immigration detention centres.

Despite their initial illegal entry into Thailand, most of those interviewed had become regularized during their time in Thailand, however there appeared to be a lack of awareness of the process or even the option to register their children as dependents.

3.4.2.2 Barriers in home country

Participants stated that it was difficult to travel from their home countries to Thailand with their children due to language barriers and government restrictions. For example, parents from Myanmar wishing to move to Thailand with their children need to notify the Burmese government of this and children attending school in Myanmar need

to be granted permission to leave the country. This process must be done in Burmese and many parents from Myanmar are not of Bamar ethnicity and cannot speak the language. Some participants also noted that children in Myanmar registered in school are required to graduate primary school or complete grade six or else parents will be fined the equivalent of approximately 20,000 THB by the government, so many parents migrate without their children if their children have not yet completed grade six. Participants also mentioned a second fine of 10,000 baht if they are unable to prove to the school in Myanmar that they will ensure the child continues their education in Thailand. It is possible that these fines are the result of corruption also. Nonetheless, these fines represent significant costs, which are then added to the extra costs of bringing children and the resulting higher costs of living, leading to greater vulnerability to debt and debt bondage.

3.4.2.3 Construction sector and the best interests of the child

Migrant workers employed in the construction sector follow available work and move frequently to new construction sites. Participants claimed that this transient lifestyle made it difficult to accommodate children's needs. School-aged children are often required to change schools when their parents move to a new location, disrupting their education. This factor of construction work presents a barrier to migrating with children whilst accommodating their best interests. Participants consistently cited the unsuitable conditions in construction as a reason for leaving their children with grandparents.

However, the most common factor cited was the lack of time available to look after the children, emphasizing that their parents are able to look after their children full time while the workers cannot. The combination of long working hours and the commuting distance means there is very little time available to look after their children, added to the fact that they often feel too tired to actively engage their children.

This was especially true for parents with infants or newborns, mothers are well aware of the cost of reduced income from not working and this often plays a decisive role in either leaving their infant children or taking them back so they can continue work.

Otherwise, mothers with infants are forced to stay home and are unable to earn. This can exacerbate challenges for the family related to debt bondage, due to the reduced income. Families are then often unable to pay back debt to subcontractors (sometimes at a 20% interest rate) in a timely manner. Such economic challenges and vulnerability to exploitation can result in negative coping mechanisms such as excessive drinking and domestic violence.

Additionally, some participants noted that several employers would not hire parents, especially those with young children (for this very reason), which encouraged them to send their children back to their home countries.

3.4.2.4 Risks in construction site camps

Participants cited the living conditions in construction site camps as another reason for leaving their children behind. Construction camps can often be unsanitary and hazardous, and some participants felt that by comparison, their homes in their countries of origin were much more suitable for children.

In addition, the camps often lack community members that are available to help watch young children, especially community members of the same country or community of origin. There is usually no one available to watch young children during the day when workers are away at construction sites. Many parents also work on weekends, so school-aged children are often left alone on these days.

3.4.2.5 Costs of migrating with children

There are many costs associated with migration, which act as another barrier to migrant parents wishing to move to Thailand with their children. According to a staff member from an NGO in Chiang Mai, whose husband is a migration broker, migrant workers that come to Thailand legally are required to pay 20,000 - 30,000 THB. If they intend to bring their children with them, they are required to pay 5,000 - 10,000 THB per child. The individual interviewed stated during her time working with the NGO, she had seen no instances of children moving to Thailand legally.

Participants also indicated that travel costs were high; moving from Myanmar or Cambodia to Thailand cost migrant workers 10,000 - 15,000 THB. Some participants from Cambodia noted that it cost them 20,000 THB to travel to Thailand, including legal fees. This cost is higher if children accompany their parents.

Migrant workers often borrow money to cover the costs of migration from brokers, relatives already living in Thailand, or individuals from their communities. In some cases, migrant workers borrow money from the companies they are employed with, leaving them in debt before they even begin working in Thailand. Leaving children behind is a way for many parents to reduce costs related to migration.

If children follow migrant workers to Thailand, parents' cost of living will increase. Parents need to cover costs related to their children's education, daily expenses, and food. In addition, migrant children often lack legal documents, and therefore lack access to essential services in Thailand. As a result, parents will be required to pay for such services directly.

3.4.2.6 Grandparent's Influence

Participants claimed that their families also influenced their decision-making related to whether or not they should migrate to Thailand with their children. For example, some participants noted that the children's grandparents tried to convince participants to leave their children in their home country. The grandparents offered to care for their children while the parents were working in Thailand. One participant stated that her mother was concerned about the difficulties her child would face in Thailand, so she agreed to leave her child with her mother. In instances where the migrant workers lived with their own parents, they often chose to leave their children behind so that the children could assist older family members with their daily lives.

3.4.3 Support services and facilities to mitigate separation

The themes below surfaced from FGDs and in-depth interviews, specifically when migrant parents were asked what kinds of services might support their families to migrate together.

3.4.3.1 Arrangements to meet children temporarily

During FGDs, migrant workers indicated that they needed support in arranging temporary visits with their child living separately. Parents that moved from Myanmar or Cambodia to Thailand for work without their children rarely had an opportunity to visit them. Some participants indicated that they had only visited their children once in six years, due to the high cost of traveling back to their home country.

Migrant workers are required to travel to a nearby border to renew their visas and work permits, providing them with an opportunity to meet their children somewhere near the border. Participants requested assistance arranging a meeting with their children in these locations. In addition, participants requested assistance arranging for their children to visit them at the construction site camps where they live, as they rarely have time off from work.

3.4.3.2 Support for communication between parents in country of destination and children in countries of origin

Participants indicated that during periods of labor migration, regular communication with their children was important. However, the cost of this communication presented a barrier to regular communication. Migrant workers separated from their children usually chose to communicate with them through the Facebook Messenger and Line mobile applications, which have become popular methods of communication among migrant workers in the last two or three years.

The cost of communication is an especially prominent barrier for participants from Myanmar, where the cost of a mobile phone and Internet is much higher than in Thailand. Communication infrastructure is also much more stable in Thailand; children in Myanmar often have an unstable Internet connection in remote areas. Some areas completely lack an internet connection or cellular signal, so children are forced to communicate with their parents by borrowing a neighbor's phone.

Many participants requested financial assistance to cover the cost of this communication, so they can maintain relationships with their left-behind children.

3.4.3.3 Legal support

As mentioned above, most migrant workers move to Thailand irregularly and register as legal workers after arrival. However, some migrants are unable to register upon arrival and have no legal documentation to live and work in the country. This is due to the Thai government's recent changes to the labor migration framework, which is expected to end amnesty periods (ILO, 2022). Some migrant workers considering bringing their children to Thailand chose not to do so, as they want to be able to live legally in Thailand with their children. Without the option of using the National Verification process, parents migrating with their children will have no choice but to migrate irregularly, leaving themselves and their children without social or legal protection.

Participants noted that they also need assistance contacting government agencies to obtain the documents needed to register as a legal worker in Thailand.

3.4.3.4 Financial support

There are several costs associated with migration, namely transportation costs, legal documentation fees, and broker fees. These costs, which increase when children are involved in the migration, are one of the main deterring factors for parents considering bringing their children to Thailand. Parents that are already separated from their children and wish to reunite with them also need to cover the costs of their children's legal fees and transportation.

3.4.3.5 Language support

Participants noted that they needed language support to help facilitate the migration process. In particular, participants from Myanmar indicated that they needed assistance completing legal documents in Burmese. Many participants from Myanmar are of Tai Yai ethnicity and are unable to communicate in Burmese.

3.4.3.6 Childcare

In order to migrate to Thailand with their children, participants indicated that their normal working hours would leave children unsupervised for prolonged periods of time during the day. This issue is exacerbated for children that require extra care and support, or for parents who have less capacity to care for their children or to work. One participant of an FGD indicated that her child was disabled, which prevented her from being able to adequately care for her child.

This often means that older children in the family take the role of primary caregiver, if and when families do not separate and send children back to their country to live with their grandparents.

Participants also indicated that they need support in accessing health and education services in Thailand for their children, as protocols are unclear and sometimes parents lack the confidence to access services without support.

3.5 Conclusion

Participants that joined the FGDs indicated that they faced multiple legal, economic and social barriers to migration, which made it difficult for them to move with their children. These issues include the costs of migration, unsafe living conditions in camps and a lack of care for their children while they work long hours.

Participants also stated that Thailand's laws and policies related to migrant workers make it difficult to migrate legally. Visa costs are high and parents are barred from bringing their children through the MoU mechanism. In addition, parents often struggle to cover their basic living expenses, especially if taking care of children. As a result, many parents are compelled to leave their children behind when migrating to Thailand.

It was found that parents are well aware of the risks of migrating irregularly and tend to choose not to bring their children on this basis, recognising that a lack of legal status of their children will result in a lack of access to services and lack of legal protection. Despite the amnesty period allowing irregular workers to register along with their dependents, it appeared that parents were unaware of this option to register their children, but more importantly were deterred

by the costs of acquiring documentation even in the pre-migration phase. The low rate of regularizing dependents appears to be congruous with findings from the IOM (2019) that employers tend to only register their workers and not their dependents. Data on the number of migrants who had entered the regularization process in 2013 showed that children represented 0.7% of the total migrant population entering the process (IOM, 2014).

The results indicate that the decision over whether to bring children with them is the result of a cost-benefit analysis for the social and economic well-being of the household. Parents consider the significant extra financial costs in bringing children, together with the social cost of disrupting their education, the expectation of poor living conditions in Thailand and their lack of capacity to provide care due to work commitments. The emotional cost of being separated is also factored in; however, many participants felt they had no choice but to leave children with grandparents due to the various legal, economic and social barriers.

Digital communication is the principal mitigation strategy, with most participants communicating several times a week with their children in their home country. Traveling to meet them is considered too costly, even at border areas where they may renew documents.

4

ASSESSMENT OF ALTERNATIVE CARE OPTIONS FOR MIGRANT WORKERS: PHASE THREE

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4.1 Research Objective

The Phase Three research objective was to **identify the alternative care options available for migrant construction workers in Thailand, including any protection considerations parents may wish to make when selecting care options.**

4.2 Research Questions

The questions for phase three of the research project are as follows:

1. What are the alternative care options available for construction sector migrants who do separate from their children?
2. What are the risks associated with alternative care that parents should consider if they do separate?

4.3 Method

4.3.1 Study design

The study conducted structured observations of alternative care providers in Thailand to identify the suitability of these for children of migrant construction workers. The UN Alternative Care Guiding Principles and Better Care Network guiding principles were used as an evaluation framework for the assessments by using a 26-question checklist. The study also conducted in-depth interviews with NGOs working on child protection in Thailand, especially those located in border areas, as well as with migrant worker families directly and indirectly. These interviews aimed to obtain information on alternative care providers that are available to labor migrants in the Thai construction sector.

4.3.2 Data collection

A mapping of organizations was conducted to identify those doing work related to the protection of child rights and family separation. Identified organizations were contacted to arrange visits and interviews, and visits to five alternative care providers were arranged in early 2020. Four of these organizations provide residential care for children (three in Chiang Mai and one in Bangkok) and one organization in Bangkok provides foster care under the family-based care model. Alternative care providers were evaluated using a 26-question checklist, based on the United Nations Guidelines for the Alternative Care of Children (Cantwell et al., 2012) and the Thai Child Protection Act. Interviews with organizations working directly or indirectly with children of migrant workers were also conducted.

Due to restrictions on movement and social distancing measures, visits and interviews to organizations in Mae Sot were delayed until March 2022. During this data collection period, a further eight organizations were visited, four of which are NGOs specialising in either child protection or migrant's rights, in addition to two community-based organizations and two residential facilities, one religious-based and another community-based.

4.3.3 Data analysis

Data obtained from the checklists was reviewed and analyzed to assess alternative care providers effectiveness and suitability. Documents related to alternative care options were reviewed to compare findings from the visits and interviews.

4.3.4 Ethical considerations

Participants were recruited using the same ethical processes described in phase one.

4.3.5 Limitations

For this study, the sample of alternative care providers working on child rights issues was smaller than planned. Due to travel restrictions related to the COVID-19 pandemic and outbreaks of the virus, the research team was unable to visit and interview several identified alternative care providers. Therefore, the findings and recommendations from this phase of the research provide a limited representation of the services available to migrant workers.

4.4 Results

4.4.1 Sample of institutions visited and Child Protection Agencies Interviewed

Informational interviews were conducted with 15 organizations working in the alternative care landscape, including NGOs working with migrant children, agencies providing alternative care and NGOs working with separated families. Additionally, five alternative care providers were visited - three in Chiang Mai and two in Bangkok - who provided either residential care or family-based care to children.

Table 7. Types of organizations that were visited and interviewed

TYPE OF ORGANIZATION	NUMBER
NGOs working on child protection for separated family	1
Agencies providing alternative care for children	11
NGOs working on migrant’s rights	10
Schools	1
Total	23

4.4.2 Alternative Care Options and Protection Considerations

It was found that while the majority of migrant workers in the sample of this study had children living with their grandparents, some migrant workers tended to leave their children in temple schools or Migrant Learning Centers, which double as residential care facilities. It’s also clear that many children are left in orphanages and boarding schools throughout Thailand, with a few in detention centers where family separation occurs inside as part of differing protocols for males, females and younger children.

4.4.2.1 Institutional Care around Chiang Mai and Bangkok

As per the UN Guidelines on institutional care, this option should only be used when in the best interests of the child, when necessary and when care can be suitable for the child’s needs (UNICEF, 2014). The institutions were therefore assessed according to these three criteria.

Necessity: Of the five alternative care providers visited, two reported having a process to determine the necessity of alternative care and one had a partial system in place. Three had internal assessment criteria to assess the child and their situation, whereas two reported no assessment criteria.

From informational interviews with advocacy NGOs, participants confirmed the literature stating that the primary reason for alternative care in Thailand is still poverty, which is of course preventable with systemic support such as social safety nets.

Suitability: When examining the age of the children who were accepted into alternative care, it was found that four of five accepted the children under the age of three - counter to established best practice due to the recognized detrimental effect of residential care on children below the age of three. Children under the age of three years old were accepted by four of the five alternative care providers visited, specifically three residential care facilities and one foster care provider.

Three of the four residential care facilities provided accommodation that was appropriate and hygienic, as well as nutritious and sufficient meals for children residing in the facility. Four out of five alternative care facilities reported ensuring access to healthcare, education and sports, and leisure activities in line with children's needs.

Only one facility confirmed that they had a child safeguarding policy.

It was found that four of the five alternative care providers facilitated the adoption process to international families and one of them facilitated adoption to local families as well. Moreover, there was markedly limited consultation with children prior to adoption, as the government completely dictated this process without consulting the children involved. This aligns with the significance noted in previous studies, which state that there is "very limited involvement of children in decision-making about their future" (UNICEF, 2014).

From informational interviews with NGOs working on child protection, there appears to be many shelters or orphanages with underqualified and 'strict' caregivers, which is often unsuitable care for children, especially those dealing with complex trauma or those with disabilities or neurological differences, as is the case with many separated children. They mentioned that there is often no clear reintegration plan for children who are not orphans and their parents and that shelter and care can be based on behavior, with no clear after-care plan for when children leave institutions.

Best interests of the child: Three alternative care providers reported they encouraged parents to make only short-term arrangements and worked with parents and children to prepare for reunification and/or adoption. However, only one organisation - that which provided foster care - reported a clear reunification plan or strategy. The other two alternative care providers - both of which provide residential care - cited length of stays which ranged between 3 months and 6 years, exceeding the recommended length of stay. Both of these providers stated part of their role in supporting the children under their care was to prepare them for adoption, which does not follow the guidance recommended in the literature to prevent separation (primary and secondary prevention) and reintegrate families where possible (tertiary prevention).

Alternative care providers caring for children placed there by the government noted the government largely dictated whether a child would be adopted. Of particular note here is the limited consultation with children prior to adoption. A respondent from one such residential care provider commented specifically on the limited time given to prepare children for adoption, stating that their team would only be informed a child was being adopted two days before the adoption took place, at which point they would have to tell the child of the decision and prepare him/her accordingly.

Although there was limited indication that the alternative care providers supported reintegration of children, all five reported facilitating contact between children and caregivers or, in the case of one facility, contact with the origin community during school and summer holidays.

4.4.2.2 Institutional Care in Mae Sot

According to interviews with NGOs supporting migrant workers and their families in Mae Sot, the majority of migrants work in either manufacturing or agriculture, with the former being seasonal-based work. Construction work was also fairly common and was often resorted to during off-seasons for agricultural workers. Children's profiles were a mix of those who migrated with their parents, were born in Thailand or abandoned by parents. One NGO representative estimated that there were around 15,000 migrant children living in Mae Sot, with around 70 Migrant Learning Centres to support them as well as migrant adults.

According to NGO representatives, Parents who brought their children across the border typically either send their children to a school or learning center and pick them up on a daily basis, or the children would reside there and the parents pick them up at the end of the semester. According to one NGO, low income migrants were forced to leave their children at boarding schools, while wealthier migrant workers pick their children up daily.

The most common issue cited by representatives of NGO's and CBO's in Mae Sot was the lack of documentation for migrant children, most commonly, this was the lack of a birth certificate; interviewees also mentioned that children who lacked the G code¹ were excluded from accessing services. Beyond documentation, many of the service providers revealed that migrant families living on the border commonly experienced domestic and intimate partner violence, sexual abuse, child marriage and child labor. According to one community-based organization, child labor was typically in the form of children either selling goods at a local market or collecting trash at construction sites, another organization indicated that older children often worked as caregivers for younger siblings while their parents worked.

Access to information about migrant's and children's rights and access to education and healthcare was deemed to be low among the majority of the interviewees, this appeared to tie in with the lack of birth certificates, with families often assuming that with no certificate their children did not have the right to go to school, or simply being unaware of the process of registration.

According to one youth club's experiences, family separation was more closely associated with violence within the family rather than migrating for work, with women often leaving their husbands and taking the children with them as a survival strategy.

4.4.2.3 Family-based care along the Thai-Cambodian border

Conversely to the information found about the situation along the Myanmar border, there was no clear need identified in SaKaeo province, the major crossing between Cambodia and Thailand for migrant workers, for residential care for children.

According to the organizations surveyed in SaKaeo, most parents that migrated from Cambodia leave their children to live in Cambodia, whilst children commute daily to school within Thailand near the border. Before the outbreak of COVID-19, there were many migrant workers and their children migrating from Cambodia in this area. Near this border crossing there are many schools that provide education to Cambodian children; one of these border schools has more than 70% of students originating from Cambodia. However, due to the outbreak of COVID-19 students from

¹ The G code is a 13-digit number generated by Thai Public Schools for migrant children who are lacking a national identity number.

Cambodia are no longer allowed to cross the border to attend school. Migrant parents in this group primarily relocate to Bangkok for work, working in general labor positions.

According to a respondent from one of these schools, students often finish school after completing year 6 to pursue employment in factories, so there could be child labor prevention support.

Further research could focus on whether children separate from their families at other points further into the country towards Bangkok, where the distance is larger from grandparents living close to the border in Cambodia.

In SaKaeo, there were no residential care facilities, as far as could be found through convenience and snowball sampling, but there was a temporary shelter for children and families. The average stay in this shelter is 10 days and the shelter has strong child safeguarding, best interests, and family reintegration policies and systems.

An informational interview with a Cambodian-based child protection NGO stated that one reason for there being perhaps less institutional care near the Cambodian-Thai border could be that there has been a strong public campaign encouraging family-based care and highlighting the risks of institutional care in the past 5 years. This means that there is more awareness around this issue and less likelihood of Cambodian parents choosing to use institutional care, and therefore less institutional care options in recent years.

4.4.2.4 Risks of Alternative Care Options

From informational interviews with NGOs working around child protection many risks were identified for children living in institutional care, and even in kinship care with grandparents or relatives.

Child neglect: Interviewees stated and literature confirms that separated children can experience increased neglect, especially in residential care institutions or if staying with elderly grandparents who are not aware of the needs of children or the risks they may be exposed to, including the risk of sexual exploitation.

Increased risk of exploitation and abuse: According to a social worker at a residential care facility in Chiang Mai, two cases of children involved in drug trafficking were identified. These children were living in construction site camps and were pushed into the drug trade by a dealer. These cases illustrate the risk of children living in construction site camps without supervision while their parents are at work.

A respondent from an NGO in Chiang Mai working with male youth involved in the sex industry noted that children who were left in border areas or in their communities of origin were at an increased risk of labor exploitation, sexual abuse, child labor, entry into the sex industry, etc.

Limited access to education: Along the Mae Sot border, a respondent from a local NGO estimated that for approximately 90% of separated children in the area, it is difficult for them to access education. The primary causes for this include a lack of legal documentation and grandparents acting as carers that are unable to support access to education.

Lack of access to basic health services: The respondent from the NGO working along the Mae Sot border also noted that separated children also have trouble accessing basic health services, such as vaccinations or the health care system.

4.5 Conclusion

The results of phase 1 and 2 indicate that parents living separately from their children is less common in the construction sector than overall trends. Even in cases of separation, only 2 participants had left their children in a temple school. Phase 2 demonstrated that migrant workers in construction in Chiang Mai and Bangkok usually do not even consider leaving their children in any kind of facility and only consider the option of leaving them with relatives, mostly grandparents.

Phase 3 revealed a different dynamic along border areas, where migration is often more on a daily basis and workers mostly either work in agriculture or manufacturing, and some in construction (often for low-season agricultural workers). The profile of migrants who resort to alternative care was only explored in Mae Sot. According to NGOs and shelters, parents who leave their children in such residential facilities do so out of a (at least perceived) lack of capacity to look after their children. This likely arises from either poverty (low income typically in agricultural work), having their children as adolescents (resulting from child marriage) or violence within the household sometimes leading to parental separation.

Similarities in terms of challenges in Mae Sot with those experienced in Bangkok and Chiang Mai tended to center around lack of birth registration, documentation or legal status, resulting in (a often perceived) restricted access to basic services, including education and healthcare. Child labor was also found to be a high risk in Mae Sot, with children often selling goods, collecting trash at construction sites or acting as caregivers for younger children.

According to the evaluation of the five alternative care facilities that were visited and interviewed, most residential care facilities were registered and all were privately run. Only one operated under a family-based care model (a private foster care organization), whereas the remainder provided residential care, including institutional care. This reflects findings from UNICEF's (2014) study, which found that Thailand's current implementation of alternative care contrasts with the UN Guidelines on Alternative Care, which recommend prioritizing family-based care and stress that residential care should be a measure of last resort, used temporarily while seeking to ensure placement in family-based care.

It was also found that children who live separately to their parents along the Thai-Cambodian and Thai-Myanmar borders are at an increased risk of involvement in drug trafficking and human trafficking, and lack access to basic education and health services.



5

OVERALL CONCLUSION

The findings confirmed that parent-child separation is a challenge in the construction sector in Thailand. However, there were significant variations found between Chiang Mai and Bangkok, with a considerably higher number of parents in Bangkok living separately from their children, while much fewer parents in Chiang Mai were living separately from their children. The precise factors accounting for this variance between the two destinations was not investigated in this study and should be prioritised in future research.

The interviews found that the majority of parents who decide to leave their children in their country of origin choose to do so due to a lack of either time or adequate care options to look after their children, or a lack of financial resources for the extra costs of bringing their children. It is unclear as to why these factors affect one group more than the other, future research could investigate the differences in knowledge, attitude and behaviour of Myanmar and Khmer migrants with children. Interestingly, very few participants stated that the construction company prevented them from doing so.

The vast majority of children remaining in their country of origin live with grandparents or other relatives. Of the two families who had left children in non-family based care, these children were staying in a temple school. Virtually all of the children left behind were attending school in their home country; attending school in their home country also appeared to be a major driver for leaving children behind for parents.

From these results, and compared with national level and multisectoral trends, the construction sector in Chiang Mai seems to represent an outlier in terms of family unity. **However, since about 25% of all children with parents working in construction grow up separated from their parents, the sector should still treat family unity as a priority issue related to worker well-being and child rights.**

COVID-19 was not found to have any significant impact, at least on families already in Thailand, as only 18% of parents interviewed in a separate survey were found to be living separately from their children. In the majority of these cases, children were staying with other relatives, although this majority was smaller than in the initial survey. A follow up survey in 2021 found similar results about families intention's in the event of a full lockdown, with virtually no families even considering the option of leaving their child in a residential facility.

In terms of lived experiences of migrant workers with children, there are various intersecting barriers that prevent safe migration and access to public services. The majority of participants had entered Thailand irregularly through the use of brokers and had found work in construction after arriving and subsequently registered. These findings further

validate the extensive literature on the difficulty that migrant workers have in accessing legal channels for labor migration and heavy reliance on regularisation process. Parents were found to be aware of the risks of migrating irregularly and these risks often appeared to play an important role in deciding not to bring their children with them, understanding that a lack of legal status would result in a lack of access to services and protection. Parents also believed that if they lack legal status in Thailand, any children they have would not be able to acquire birth certificates, thereby also limiting their access to services and protection.

The significant extra costs of acquiring documentation (passport) and facilitating travel for children was also cited as a major barrier, some parents mentioned that these costs, in addition to higher costs of living would drive them further into debt and could prevent them from sending remittances back home. Parents from Myanmar also faced significant fines from the Myanmar government for withdrawing their children from the education system.

Next to cost, parents also frequently cited their lack of time to look after their children while working in construction, especially for those with infants and young children. In these cases mothers often felt that they had no choice but to leave their children with grandparents. The unsuitability of the construction site camps also appeared to be a deterring factor for parents.

To mitigate this parental separation, most parents frequently communicated with their children using their mobile devices several times a week, however costs in Thailand, in their home country and often poor internet connection represented barriers to this.

While Phase 3 of the research was originally conducted on the assumption that parents in construction were resorting to leaving their children in residential care facilities, interviews conducted with such organizations operating in border areas revealed that this was not the case. Findings on alternative care arrangements in this study are consistent with other studies, finding that the main driver for leaving children in such facilities is poverty and lack of social welfare for parents and that most facilities lack child safeguarding procedures and adequately trained staff.

Interviews in Mae Sot revealed that issues relating to documentation, especially lack of birth registration and certificates were common and inhibited children's access to services, especially school enrollment. According to NGOs in Mae Sot, most adult migrants worked in agriculture and manufacturing, their work sites would often be too far from schools or MLCs or care facilities, forcing many parents to leave their children for the duration of their school semester. Such an arrangement would also help keep childcare costs down for migrants with particularly low incomes.

6

RECOMMENDATIONS

Based on the findings of this study, it can be said that migrant working parents face a serious dilemma in acting in the best interests of their children. This dilemma is ultimately a manifestation of the contradiction between two policy frameworks related to migrant children, one which seeks to grant universal access to public services and one which seeks to restrict migrant children's entry to the Kingdom. While the Royal Thai Government has made commendable efforts and progress in guaranteeing universal access to education and healthcare for all children, there remains significant gaps between policy and practice.

6.1 Royal Thai Government

The recommendations below are guidance for the Royal Thai Government to fill in both policy and practice gaps, which could allow for migrant worker parents to fully exercise both their rights and agency in seeking employment without having to sacrifice their right to a family unit.

It is recommended therefore that the Royal Thai Government:

- Ratify the International Convention on the Protection of the Rights and All Migrant Workers and Members of their Families (1990)
- In line with General Comment No. 23 of the CRC on State obligations regarding the human rights of children in the context of international migration, revise the MoU system for labor migration with CLMV countries to allow dependents of migrant workers to migrate to Thailand
- In line with Article 3 of the CRC, government entities with the responsibility for migration management, registration and enforcement shall give primary consideration to the best interests of the child
- Fulfil objective 5 of the Global Compact for Safe, Orderly and Regular Migration, 2018, to enhance availability and flexibility of pathways for regular migration and article 21 section i to promote the realization of the right to family life and the best interests of the child
- Ensure dissemination of information in CLM languages concerning the processes to register migrant workers and their dependents at One Stop Service Centres
- Ensure that information on universal access to education and healthcare is disseminated in CLM languages throughout migrant communities; using workers' employers as conduits of dissemination can be a good practice

- Ensure that policy guidelines on universal access to education and healthcare are effectively communicated throughout all levels of local government, specifically at the provincial and district level to frontline service providers
- The Bangkok Metropolitan Administration in particular should follow examples set by provinces with large concentrations of migrant workers and disseminate guidelines to local schools and hospitals to allow for the registration of migrant children
- The Ministry of Education, in pursuit of its Education for All policy, should ensure that local education authorities support schools in allowing greater flexibility for the registration of migrant children throughout the school year

6.2 Construction companies

While the Royal Thai Government is the principal duty bearer for protecting the rights of migrant workers and their families, business enterprises, in line with the UN Guiding Principles on Business and Human Rights, have the corporate responsibility to respect and support the human rights of people affected by their activities and business relationships. Furthermore, as the construction sector is reliant on migrant workers, 40% of whom are women, the sector should recognise their role in creating conditions for family-based migration. Noting this, construction companies can play a positive role in promoting the family unity of migrant workers by building worker camps in a family-friendly manner. Construction companies should also note the [potential benefits](#)² in terms of labor retention of workers in improving conditions and services within camp for both workers and children.

It is therefore recommended that construction companies

- In line with the Child Rights and Business Principles
 - Meet their responsibility to respect children's rights and commit to supporting the human rights of children
 - Contribute towards the elimination of child labor, including in all business activities and business relationships
 - Provide decent work for young workers, parents and caregivers
 - Ensure the protection and safety of children in all business activities and facilities
- Shall not undermine Article 16 of the Universal Declaration of Human Rights and the protection of the family unit by discouraging migrant workers from bringing their children to live in construction site camps
- Should ensure that construction site camps are designed and constructed in alignment with the best interests of the child
- Should ensure that construction site camps include a community safe space for children to gather and play
- Follow examples set by other companies in the sector, such as Visavapat, Syntec, Areeya Property, LPN Development, Thai Polycons and MQDC and dedicate personnel and space for informal care-giving of young children

² The Centre for Child Rights and Business, 2021, WeCare Programme Info and Achievements (Including Child-Friendly Spaces), found at [https://www.childrights-business.org/public/uploads/files/20211104/2021%20WeCare%20Programme%20Info%20and%20Achievements%20\(Including%20Child%20Friendly%20Spaces\).pdf](https://www.childrights-business.org/public/uploads/files/20211104/2021%20WeCare%20Programme%20Info%20and%20Achievements%20(Including%20Child%20Friendly%20Spaces).pdf)

- Should provide information and assistance upon arrival of migrant workers, their and their children's rights to access social protection, healthcare and education
- Should provide assistance and information to workers who give birth to children on birth registration
- Should, in line with with Section 41 of the Labour Protection Act B.E. 2541, ensure that women migrant workers receive maternity leave of not more than ninety days for each pregnancy
- Should, in line with Section 59 of the Labour Protection Act B.E 2541, ensure that wages are paid for maternity leave equivalent to wages of a working day throughout the leave period
- Should, in line with Section 65 of the Social Security Act B.E 2533, ensure that workers covered under the Social Security Fund with newborn children are aware of and are to receive the maternity benefits listed under section 66
- Should, in line with Section 54 of the Social Security Act B.E 2533, ensure that all migrant workers under the Social Security Fund, are aware of and able to receive the relevant benefits, especially child benefits

6.3 Civil Society

The recommendations for civil society are intended as guidance for both advocating for and directly supporting migrant workers who arrive in Thailand as families to maintain their family unity by overcoming the barriers to safe and fair migration.

It is therefore recommended that civil society, in both Thailand and source countries

- Provide support to aspirant migrants in source countries to mitigate the high costs associated with family-based migration, especially regarding the migration process itself and maintaining contact with family members across borders
- Support access to information on registered recruitment agencies in source countries and the rights of workers to not pay recruitment fees in the migration process, as well as rights in Thailand, including having possession of a contract in one's native language
- Provide support to migrant workers with children in Thailand to relieve the burden of extra costs such as school fees, transport fees, extra food, debt incurred in migration etc
- Increase awareness of left behind children and investigate including long-term impact
- Implement and advocate for suitable support services aimed to maintain contact and facilitate visits for the duration of their separation, as well as follow up and support to grandparents and kin when needed
- Engage constructively with businesses employing large numbers of migrant workers to develop family-friendly policies to better accommodate workers with children, as well as workers with children living in source countries
- Raise the profile of children accompanying migrant workers on the agenda of labor migration governance in national level forums and consultations with government stakeholders
- Continue to address knowledge gaps on the scope and nature of migrant children accompanying working parents

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