

# Access to Education for Stateless Persons in Thailand

---



© UNICEF Thailand/2024/Phutpheng



unicef   
for every child

© United Nations Children's Fund (UNICEF) Thailand Country Office, United Nations High Commissioner for Refugees (UNHCR). Child Protection, May 2025

This publication may be reproduced as a whole or in part, provided the sources are acknowledged. Notification of such would be appreciated.

Suggested citation: UNICEF, UNHCR and TORI. 2025. Access to Education for Stateless Persons in Thailand, May 2025.

For further information, contact:

UNICEF Thailand. 19 Phra Atit Rd., Pranakorn, Bangkok 10200, Thailand.

Telephone: +66 2 356 9499





## Acknowledgements

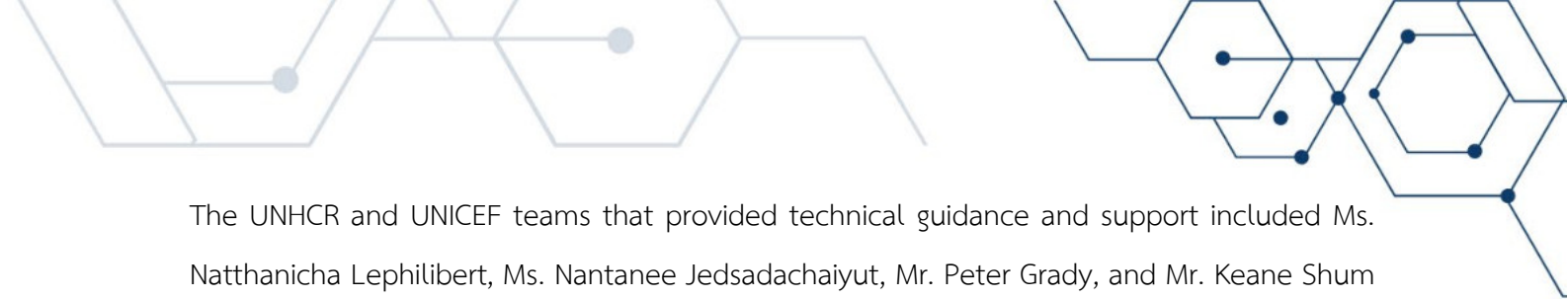
We are proud to present this joint UNHCR-UNICEF research study, *Access to Education for Stateless Children in Thailand*. This report reflects our shared commitment to ensuring that every child, regardless of nationality or legal status—can realize their right to quality education.

We are deeply grateful to the stateless children and families who generously participated in this research. Their courage in sharing personal stories, often shaped by hardship, exclusion, and perseverance, formed the very heart of this study. By opening their lives to us, they shed light on challenges that too often remain unseen and voices that are too often unheard. It reminds us that this work is not only about data or policy, but about real lives, futures, and the urgent moral responsibility we all share to ensure that no child is left behind.

We extend our sincere appreciation to the Ministry of Education, the Ministry of Interior, and local authorities in *Umphang, Mae Chaem, Chiang Dao, Than To, and Bannang Sata* districts for their valuable cooperation. We also thank the many school administrators, teachers, community leaders, local officials, interpreters, and civil society organizations who contributed through interviews, focus group discussions, and validation meetings. Their engagement made this collaboration meaningful and far-reaching.

We commend the authors, Assistant Professor Vong-on Phuaphansawat and Assistant Professor Pisith Nasee, for their dedicated and thoughtful work in undertaking this important research.

We would like to extend our sincere thanks to Professor Phunthip Kanchanachitra Saisoonthorn, Retired Lecturer, Faculty of Law, Thammasat University; Assistant Professor Bundit Grivijitr, Lecturer, Department of Social Science, Prince of Songkla University (Pattani); Mr. Pisuth Kasem from the Internal Security Affairs Bureau; Ms. Chaleeya Takaeng; Mr. Aphiban Somwang; and Mr. Vorapat Manoonsumrit for their valuable contributions and kind support in coordinating and facilitating this research. Their expertise and commitment were instrumental in bringing this study to fruition.



The UNHCR and UNICEF teams that provided technical guidance and support included Ms. Natthanicha Lephilibert, Ms. Nantanee Jedsadachaiyut, Mr. Peter Grady, and Mr. Keane Shum from UNHCR, and Ms. Parinya Boonridrerthaikul, Mr. Muhammad Rafiq Khan, Ms. Aarti Saihjee, and Ms. Rubkwan Tharmmapornphilas from UNICEF.

Lastly, we reaffirm our shared commitment to work in close partnership with the Royal Thai Government, civil society, and local communities to ensure that all children in Thailand—regardless of legal status—can learn, grow, and thrive.





## Table of Contents

List of Abbreviation	I
Executive Summary	IV
Chapter 1: Introduction	2
Chapter 2: Royal Thai Government's Public Policy Design on Access to Education for Stateless Children and Youth	12
Chapter 3: Literature Review on Experiences and Obstacles Faced by Stateless Children and Youth in Accessing Education in Thailand	32
Chapter 4: Research Methodology and Sample	41
Chapter 5: Overall Educational Access Opportunities for Stateless Children	52
Chapter 6: Issues and Obstacles in Accessing Educational Services for Stateless Children and Youth	94
Chapter 7: The Status Development of Stateless Children and Youth Affecting Access to Education	102
Chapter 8 Conclusion and Recommendations for Relevant Agencies	115
References	124
Appendix	131



## List of Tables

	<b>Page</b>
Table 1 Estimated number of stateless children and youth in Thailand	9
Table 2 Summary of categories of stateless children included in the scope of this study and their defining characteristics	10
Table 3 List of international agreements and commitments made by RTG which concern access to education for stateless children and youth	13
Table 4 Examples of clause in National Security Policy and Plan (2023 - 2027) which reflect contradictory assumptions about stateless persons as a potential group toward national security threat VS target of human rights protection	14
Table 5 List of country-level policies and plans that concern access to education for stateless persons	17
Table 6 List of important laws and regulations which regulate the provision of access to education for stateless children	23
Table 7 Summary of Interviewees in Group 1 (April – July 2024)	33
Table 8 Summary of Interviewees in Group 2 (April – July 2024)	35
Table 9 Details of Civil Registration Status and Ethnicity of Stateless Children and Youth in the Sample	36
Table 10 Number of Stateless Children in Schools Under the Tak Primary Education Service Area Office 2 (2017–2023)	53
Table 11 Comparison of Educational Access Between Thai Children and Youth and Stateless Children and Youth	95
Table 12 Recommendations for Relevant Agencies to Improve Educational Access for Stateless Children and Youth	97

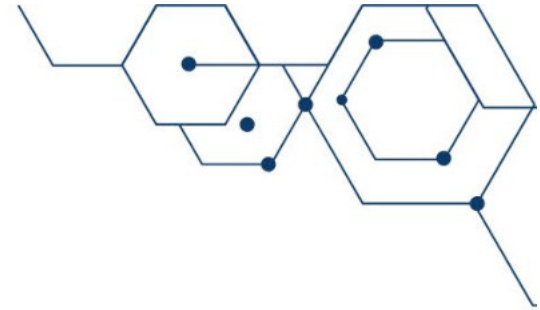
## List of Figures

	<b>Page</b>
Figure 1 Conceptual Framework	2
Figure 2 Sample ID Cards of Stateless Children in the survey	86



## List of Abbreviation

ARCM-CE	Asian Research Center for Migration-Center of Excellence
BPP	Border Patrol Police School
CERD	Convention on the Elimination of All Forms of Racial Discrimination
CI	Certificates of Identity
CLC	Community Learning Center
CRC	Convention on the Rights of the Child
CSR	Corporate Social Responsibility
DLPW	Department of Labour Protection and Welfare
DMC	Data Management Center
DOLE	Department of Learning Encouragement
DPA	Department of Provincial Administration
DSI	Department of Special Investigation
ECDC	Early Childhood Development Center
EEF	Equitable Education Fund
ESAO	Education Service Area Office
FRY	Foundation for Rural Youth
HTCLC	Hill Tribe Community Learning Centers
ID	Identification
IOM	International Organization for Migration
ISOC	Internal Security Operations Command
JICA	Japan International Cooperation Agency
LAO	Local Administrative Organization
LEC	Local Education Center Information System
MCRU	Mahachulalongkornrajavidyalaya University
MHESI	Ministry of Higher Education, Science, Research, and Innovation
MLC	Migrant Learning Center
MOE	Ministry of Education
MOI	Ministry of Interior
MOU	Memorandum of Understanding



NFE	Non-formal Education
NGO	Non-Governmental Organization
NHRC	National Human Rights Commission
NSC	National Security Council
OAG	Office of the Auditor General of Thailand
OBEC	Office of the Basic Education Commission
OCSC	Office of the Civil Service Commission
ONIE	Office of the Non-Formal and Informal Education
RT	Reading Test
RTG	Royal Thai Government
RU	Ramkhamhaeng University
SAO	Subdistrict Administrative Organization
SDGs	Sustainable Development Goals
SLF	Student Loan Fund
STOU	Sukhothai Thammatirat Open University
UDHR	Universal Declaration of Human Rights
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations International Children's Emergency Fun





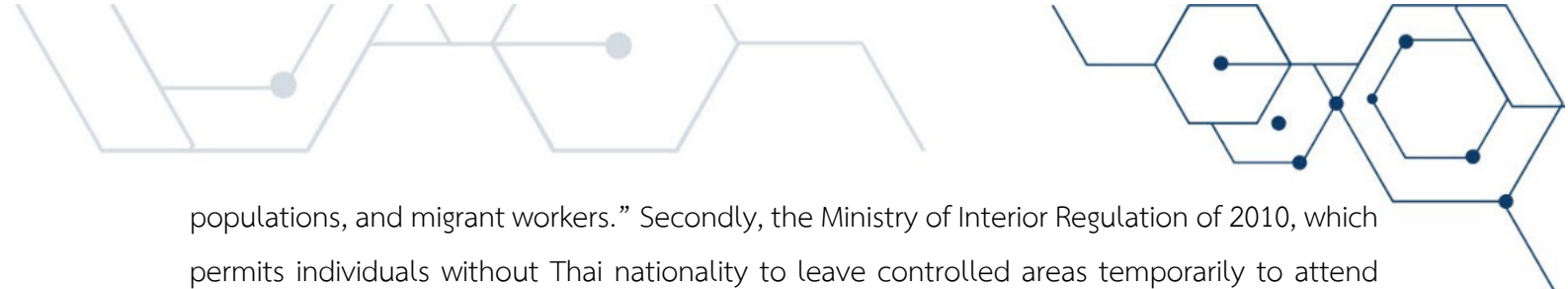
## Executive Summary

This research aims to examine the experiences of stateless children and youth in Thailand in accessing educational services, exploring how their experiences differ from those of Thai children and youth. It also compares access to educational opportunities among various groups of stateless children and youth, including those holding ID number starting with 7, 0, and G-code, using the concepts of public policy and human-centered policy design to understand their experiences. Stateless children or youth holding ID numbers starting with 7 are descendants of ethnic minority groups who were born in Thailand. Those holding ID numbers starting with 0 are persons with legal status problem who have no tie with another country and have been registered by the RTG. Finally, G-code students are school-age children or youth enrolled at a Thai educational institution but not having a Thai nationality and unable to present any civil registration evidence.

The study employs qualitative research methods, including an analysis of policy documents related to the education of stateless individuals and in-depth interviews with stakeholders. The interview data come from two groups of stakeholders. The first group are stakeholders at the policy level, including representatives from government agencies, civil society, and academics. The second group are local-level stakeholders in three areas with significant stateless populations: Umphang District, Tak Province; Mae Chaem and Chiang Dao Districts, Chiang Mai Province; and Than To and Bannang Sata Districts, Yala Province. A total of 65 participants were interviewed.

The key findings of the research are as follows:

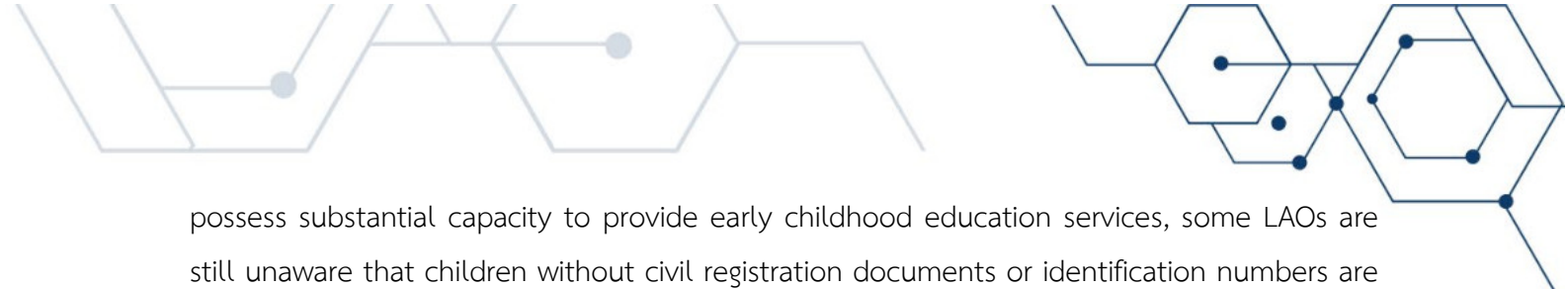
**At the policy design level**, there has been significant progress over the past three decades in clarifying guidelines for educational institutions to implement policies ensuring that all children, regardless of nationality or legal status, have access to education. This aligns with the intent of the Cabinet Resolution of July 5, 2005, through the issuance of subordinate legislation and various operational manuals for education personnel under the Ministry of Education and the Ministry of Interior. However, challenges remain. Initially, National plans and policies do not explicitly use the term “stateless persons” but instead employ other descriptors, such as “persons with legal status problem,” “persons without civil registration records or Thai nationality,” or “ethnic, religious, and cultural minority groups, marginalized



populations, and migrant workers.” Secondly, the Ministry of Interior Regulation of 2010, which permits individuals without Thai nationality to leave controlled areas temporarily to attend educational institutions, may pose legal barriers rather than facilitate access for stateless children and youth. This is due to the discretionary authority required from administrative officials at multiple levels for approval. Thirdly, there is a lack of coherence between policies formulated by security and administrative agencies and those of educational authorities. This misalignment may lead to confusion among practitioner-level staff, parents, children, youth, and societal stakeholders about whether stateless children and youth are perceived as a security risk whose rights should be restricted or as a vulnerable group requiring urgent protection and special rights. Clarifying this issue, particularly by security agencies, would enhance the effectiveness of educational provisions for children with legal status problems.

**In terms of the opportunities for stateless children and youth to access education,** the study found that overall improvements have been observed in both formal and non-formal education systems. This progress can be attributed to three main factors. Firstly, schools and institutions under various administrations are now admitting more stateless children than in the past, as they have gained an understanding that they are eligible to receive per-student funding for these children. Moreover, there is wider dissemination and recognition of policies and practices regarding the education of stateless children. Educational personnel have become more aware and experienced in admitting students without civil registration documents or Thai nationality. However, misunderstandings, uncertainties, and discretionary interpretations of guidelines by practitioners persist. These issues are evident even in areas with significant stateless populations, leading to cases where stateless children are denied entry to schools or are required to provide documentation they cannot access, thus being excluded from education despite the intent of the policy. The regions where stateless children and youth can more easily access education are primarily border areas. These regions tend to have robust mechanisms for inter-agency collaboration involving security, administrative, and educational entities. Furthermore, there is close and ongoing cooperation between governmental bodies and civil society organizations. Nonetheless, such collaborative mechanisms often remain informal and depend heavily on the individuals involved.

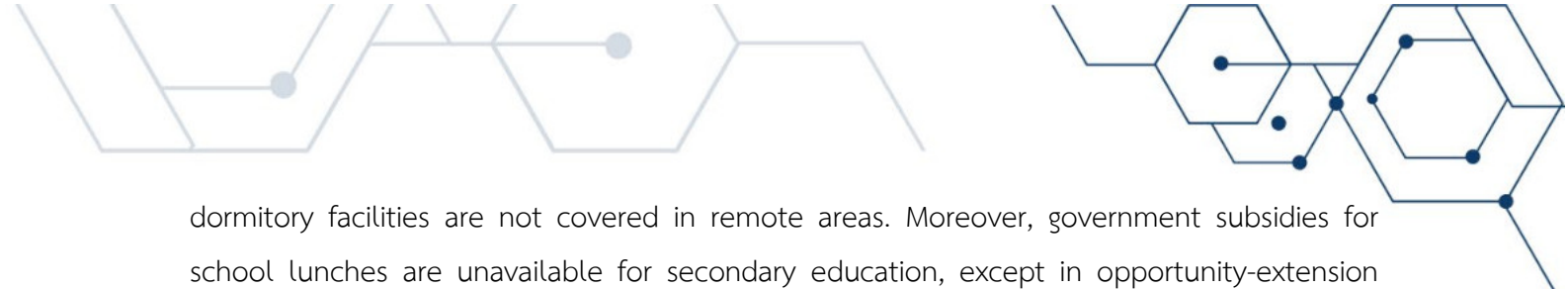
**In the context of formal education, early childhood education for stateless children remains a significant challenge.** While local administrative organizations (LAOs)



possess substantial capacity to provide early childhood education services, some LAOs are still unaware that children without civil registration documents or identification numbers are eligible to enroll in Early Childhood Development Centers (ECDCs). Additionally, most LAOs lack knowledge of the procedures for assigning G-code due to a limited understanding of the Ministry of Interior's regulations concerning stateless persons. This gap persists despite the fact that both LAOs and ECDCs operate under the Ministry of Interior, which issued the relevant regulations. This situation underscores the need to enhance communication mechanisms between central and local agencies within the Ministry of Interior to improve their operational effectiveness.

**In terms of access to primary education for stateless children and youth,** the obstacles they face closely resemble those encountered by Thai children from lower socioeconomic backgrounds. Within the context of educational inequality in Thailand, the quality of education a child receives depends significantly on their socioeconomic status and is correlated with the “competitiveness rate” of schools. Parents with better socioeconomic status can plan for their children to enroll in more competitive public schools. Although parents of stateless children and youth can access primary education in schools under the jurisdiction of the Office of the Basic Education Commission (OBEC) and receive an education aligned with the national core curriculum, similar to Thai students, the quality of education stateless children receive remains a point of concern. Schools that admit stateless children are often located in remote areas or are less favored by Thai parents. These schools frequently suffer from chronic shortages of personnel and funding, making it difficult to provide high-quality education. Additionally, teachers and school administrators bear the added burden of coordinating with district registrars to resolve the legal status of their students. Most teachers, however, are not experts in administrative law or civil registration processes. These additional responsibilities negatively impact the quality of educational services stateless children and youth receive compared to their Thai students.

**Regarding access to secondary education for stateless children and youth,** their situation does not differ significantly from that of Thai children. The transition from primary to secondary education is marked by a high dropout rate due to limited school options and increased costs. The scarcity of secondary schools, particularly at the upper secondary level, forces students to travel longer distances, imposing additional travel expenses on families. In some cases, families must also bear the cost of renting accommodation, as schools with



dormitory facilities are not covered in remote areas. Moreover, government subsidies for school lunches are unavailable for secondary education, except in opportunity-extension schools which are limited to lower secondary grades. Poor economic conditions compel older stateless children to leave school to work and support their families, often sacrificing their education so that their younger siblings can attend school. However, stateless students who excel academically have opportunities to enter competitive secondary schools and higher education institutions, similar to Thai students. A significant barrier for these high-achieving stateless students, however, is their ineligibility to apply for loans from the Student Loan Fund (SLF) under the 2017 Student Loan Fund Act. This legislation stipulates that only Thai nationals are eligible for educational loans.

**For non-formal education targeting stateless children and youth,** the Department of Learning Encouragement (DOLE) has undertaken efforts in several regions of the country to expand services and address the specific educational needs of stateless children. Notable programs include the 200-hour Thai Literacy Promotion Course, adapted from an adult literacy curriculum to suit children whose mother tongue is not Thai, and the Thai Literacy Promotion Program for the Mani ethnic group (Orang Asli), which was initiated and implemented for the Jahai community in Yala Province. The DOLE's activities are characterized by flexibility in curriculum design and teaching methods, incorporating and respecting the ethnic and cultural identities of both children and adults. Nevertheless, the department continues to face challenges due to inadequate and insufficient support in terms of personnel and budget.

**Regarding access to higher education for stateless youth,** most higher education institutions and the Ministry of Higher Education, Science, Research, and Innovation (MHESI) remain largely unaware of the educational rights of stateless persons and the related legal provisions. As the number of stateless youths in the basic education system continues to grow, with some poised to enter higher education soon, it is imperative for relevant stakeholders to take proactive measures to foster understanding and collaboration with higher education institutions. Nevertheless, some higher education institutions have already implemented proactive measures to attract, support, and promote stateless youth. Notable examples include Chiang Mai Rajabhat University, Mae Fah Luang University, and Rangsit University. Common strategies employed by these institutions to assist stateless youth include modifying scholarship criteria to remove the requirement for Thai nationality and establishing




mechanisms to support students undergoing legal status verification or development processes, such as “legal clinics.”

**The employment opportunities for stateless youth who complete education beyond the secondary level have significantly expanded, as outlined in the Prime Minister's Office announcement on November 15, 2016, concerning permissible jobs for foreigners under Section 13 of the Alien Working Act, B.E. 2551 (2008).** This regulation allows youth with identification numbers starting with 7 and 0 (excluding those with the G-code) to work on par with Thai nationals in all respects except for government service. The research also indicates that stateless graduates engage in a wide range of occupations similar to their Thai counterparts, including professional fields such as nursing, teaching, engineering, interpreting, and roles in civil society organizations addressing statelessness issues. These improved labor market opportunities have become a driving force encouraging stateless youth to pursue higher education.

**However, limitations in the labor market remain a significant obstacle to the further education of stateless youth.** First, there is a widespread misconception among employers that individuals with 7 or 0 identification numbers are only eligible for low-skilled jobs typically associated with migrant labor. Second, employing stateless individuals involves more bureaucratic complexities than hiring Thai citizens. Under the Immigration Act B.E. 2522 (1979), stateless person is classified as “alien,” which means that even if stateless youth complete their education and obtain qualifications from Thai educational institutions, they must apply for an alien work permit if they have not yet obtained Thai citizenship. This additional administrative burden often leads employers to prefer hiring Thai nationals to avoid complications. Lastly, regulations issued by the Civil Service Commission do not allow stateless individuals to hold civil service positions. Consequently, even if stateless individuals hold qualifications as nurses or teachers, they can only work as temporary or contractual employees in government agencies. This research also indicates that even hiring stateless individuals as temporary employees still poses challenges for these agencies.

**In comparing access to education among different groups of stateless children,** this study found that children with the G-Code face the most significant limitations among all stateless children and youth. The first aspect of inequality concerns opportunities for legal status development. Currently, the Thai government has a policy not to grant civil registration status (particularly the 0-00 identification number) to G-Coded children who reside in border



areas of neighboring countries and commute daily to attend Thai schools. This policy effectively deprives this group of children of opportunities to pursue education beyond the basic level, as educational services at higher levels are concentrated in areas outside border zones.

The second aspect of inequality pertains to the right to travel. According to the *Guidelines issued by the Department of Provincial Administration concerning the permission for certain categories of aliens residing temporarily in the Kingdom to travel outside designated controlled areas, as outlined in the Cabinet resolution dated January 26, 2021, regarding the “Criteria for Determining the Status and Rights of Long-Term Migrants,” effective February 1, 2022,*<sup>1</sup> individuals with legal status problem or those holding ID number 0 can request permission to leave controlled areas only after having been registered for five years. In contrast, ethnic minorities and indigenous groups (children and youth with ID number 7) can request permission to travel outside controlled following the *Ministry of Interior’s Regulation on temporary permission for persons without Thai nationality to attend educational institutions outside restricted area B.E. 2553 (2010)*. This discrepancy results in stateless children and youth with 0-00 identification numbers, who have been granted the right to attend schools outside controlled areas, losing the opportunity to enroll if they have not held their identification for at least five years. This situation conflicts with the intent of the Cabinet resolution dated July 5, 2005, which aimed to expand educational opportunities for stateless children.

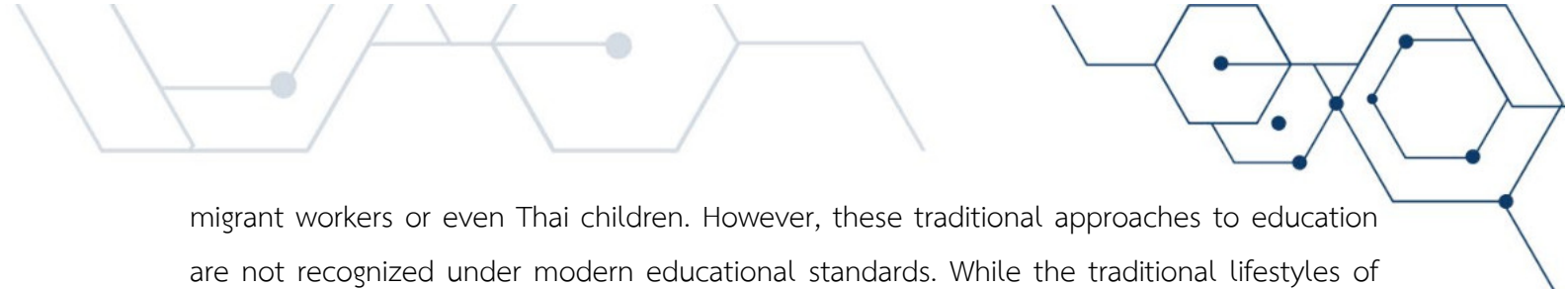
The third aspect of inequality concerns the continuity of education. Stateless children with ID number 0 and G-code are at a higher risk of dropping out of basic education compared to those with ID number 7. This is primarily because many are the children of migrant workers who frequently relocate with their parents to follow work opportunities in different areas. Thus, children in migrant worker families that have settled permanently in one location experience greater continuity in their schooling.

On the other hand, stateless children who continue to live traditional lifestyles may have access to more meaningful learning opportunities<sup>2</sup> than those who are children of

---

<sup>1</sup> The document is provided in the appendix.

<sup>2</sup> These are more like informal learning opportunities, defined by UNESCO-UIS 2011 as “Informal learning is defined as forms of learning that are intentional or deliberate, but are not institutionalized. It is consequently less organized and less structured than either formal or non-formal education. Informal learning may include learning activities that occur in the family,



migrant workers or even Thai children. However, these traditional approaches to education are not recognized under modern educational standards. While the traditional lifestyles of certain ethnic communities may be perceived as obstacles to accessing education, such as nomadic living or reverence for ascetic practice, traditional ways of life offer unique forms of learning and personal development that modern education systems cannot provide, for instance the Moken learn the skills of fishing as part of their cultural heritage<sup>3</sup> and the Jahai develop the ability to interpret insect sounds to predict rainfall.<sup>4</sup> Yet, modern education systems and the current core curriculum often fail to accommodate the needs and cultural richness of these ethnic groups.

The lifelong process of pursuing legal status during one's schooling years has significant negative mental impacts on stateless children and youth. This study supports Cheeva-Isarakul's (2019) argument that anxiety among these children becomes more pronounced during adolescence when they begin to understand the critical role of legal status in shaping life opportunities. They also become aware of the lengthy and unpredictable nature of identity verification and legal status development processes. Although the Ministry of Interior's announcement, dated March 14, 2017,<sup>5</sup> in accordance with the Cabinet resolution of December 7, 2016, allows individuals born in the Kingdom to non-Thai parents to apply for Thai nationality upon completing a bachelor's degree, the process remains fraught with delays. It is well-known that the verification process takes at least a year. Additionally, students with ID number 0 cannot submit nationality applications until they have received their degree

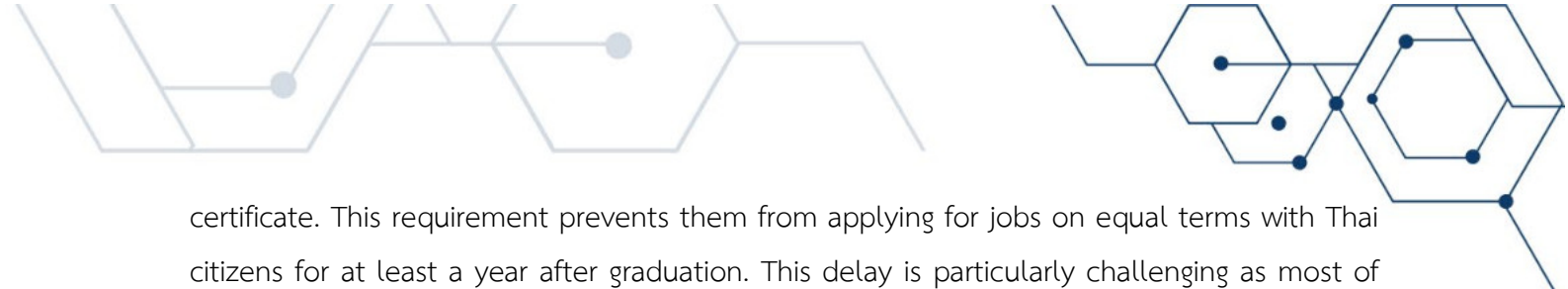
---

workplace, local community and daily life, on a self-directed, family-directed or socially-directed basis". (UNESCO Institute of Statistics, 2011, p. 12)

<sup>3</sup> The Moken are an indigenous sea nomad group with a distinct language and culture closely tied to the sea and coastal livelihoods. Most members of this group continue to engage in occupations related to the sea. In Thailand, the indigenous sea nomads can be categorized into three main groups: the Urak Lawoi, Moklen, and Moken. They primarily reside along the coasts, on islands, or in areas not far from the shore, spanning the provinces of Ranong, Phang Nga, Phuket, Krabi, and Satun. It is estimated that the total population of these three groups in Thailand is approximately 12,000 people (Arunotai, 2014: pp. 27-29).

<sup>4</sup> The Jahai are an indigenous people (referred to as Orang Asli in Malay) belonging to the Negrito group. They are distributed across the Sankalakhiri Mountain Range, which spans five northern states in Malaysia and three southern border provinces of Thailand: Pattani, Yala, and Narathiwat. Currently, the Jahai population within Thailand's borders numbers only a few hundred individuals. The Jahai residing in these three provinces continue to lead a traditional lifestyle of foraging and hunting, relocating their communities every 3-4 months. They are often mistakenly identified as the same ethnic group as the Mani, another forest-dwelling community found in the Banthat Mountain Range in the provinces of Satun and Phatthalung. However, the Mani and the Jahai speak entirely different language groups.

<sup>5</sup> <https://www.ratchakitcha.soc.go.th/DATA/PDF/2560/E/079/10.PDF>




certificate. This requirement prevents them from applying for jobs on equal terms with Thai citizens for at least a year after graduation. This delay is particularly challenging as most of these students come from low socioeconomic backgrounds and urgently need to enter the labor market. The study highlights advocacy efforts by civil society networks calling for policy reforms to enable identification number 0 students to apply for Thai nationality during their first or second year of university, ensuring the process is completed by the time they graduate.

In summary, while access to education for stateless children and youth has improved at both policy and practitioner levels, the complexity of policies and the multitude of related laws hinder practitioners' understanding and awareness of the true intent of policies concerning the educational rights of stateless children and youth. A significant issue arises from the fragmented approach of the Thai government in managing basic human rights. Education rights are granted before legal status, education rights are provided without the right to travel, and education rights are allowed without the right to engage in financial transactions (such as obtaining student loans). These restrictions on the rights of stateless children and youth beyond education limit the full realization of the investments made in their education, both for the individuals and for the Thai state.

The study recommends that relevant government agencies enhance integration in their work by recognizing stateless children and youth as individuals with the potential to contribute to Thailand's development as much as Thai children and youth. More specific recommendations are as follows.

The Ministry of Education should propose a new Cabinet resolution to protect the educational rights of stateless persons that is more up-to-date than the Cabinet resolution of July 5, 2005. It should consider setting up a special task force dedicated to addressing the needs of stateless children and youth under the Ministry of Education. The task force should focus on driving progress in three key areas: 1) resolving legal status issues and improving personal data systems 2) promoting cultural integration; and 3) integrating support mechanisms at the local level. The MOE should allocate more resources to address issues related to students with G-code. It should also allocate additional budgets and personnel to enhance the DOLE's mission in remote areas, border regions, and the three southern border provinces. For the Student Loan Fund (SLF), the Thai nationality requirement should be eliminated to expand educational opportunities for stateless children and youth to study at a higher level according to their potential.



For the Ministry of Interior, it should consider improving the travelling rights of stateless children and youth by revoking or revising the *Ministry of Interior's 2010 regulation on granting temporary permission for stateless individuals to leave controlled areas to attend educational institutions* and the officials' interpretation of *Department of Provincial Administration's guidelines on granting permission for certain categories of aliens temporarily residing in the Kingdom to leave controlled areas, in line with the Cabinet resolution of January 26, 2021, on the criteria for determining the status and rights of long-term migrants, effective February 1, 2022*. These two policy documents are currently the key obstacles for stateless children to access educational opportunities outside their controlled areas. Additionally, the Department of Local Administration should educate personnel of local administrative organizations (LAOs) in strategic border areas about regulations concerning the educational rights of stateless children and youth. Clear guidelines should also be established for LAOs to allocate budgets to support stateless children within their jurisdictions.

For the Ministry of Higher Education, Science, Research and Innovation (MHESRI) and Higher Education Institutions, statistics of stateless students should be developed and tracked as it is not systematically recorded. The MHESRI should integrate collaboration with the Ministry of Education to establish policies and guidelines for the admission, support, and graduation of stateless students. A framework should be developed for institutions to assist in the legal status development of stateless students, with mechanisms in place starting from their first year of enrollment.

Finally for the Ministry of Labour, it should educate and create understanding among employers that individual with identification numbers 0 and 7 are eligible to work under the same conditions as Thai nationals. It should also consider reducing the requirements for obtaining work permits for stateless individuals with identification numbers 0 and 7.






## Chapter 1: Introduction

### 1.1 Research Background and Theoretical Framework

The purpose of this report is to evaluate the situation regarding access to education in Thailand, along with identifying the gaps in the education policy design and obstacles for stateless children and youth in accessing educational services in Thailand. Moreover, this report also aimed to provide recommendations for stakeholders to enhance educational opportunities for stateless children and youth. The scope of this study covered four groups of stateless children and youth: those with identification number 0, identification number 7, G-code, and the Jahai ethnic group, who are still in the process of civil registration but have not yet been granted Thai nationality. This study does not cover unregistered stateless persons (stateless children and youth for whom the Thai government has no data), children and youth accompanying migrant workers (holding identification number 00), and children and youth in refugee camps. The research is guided by the following questions:

- What is the current situation of access to education for stateless children and youth?
- How has stateless children's and youth's experience of accessing education differed from the Thai children and youth?
- What are the differences in the situation of access to education among stateless children of different categories/classes? (children with ID number 7, 0, and G-code)

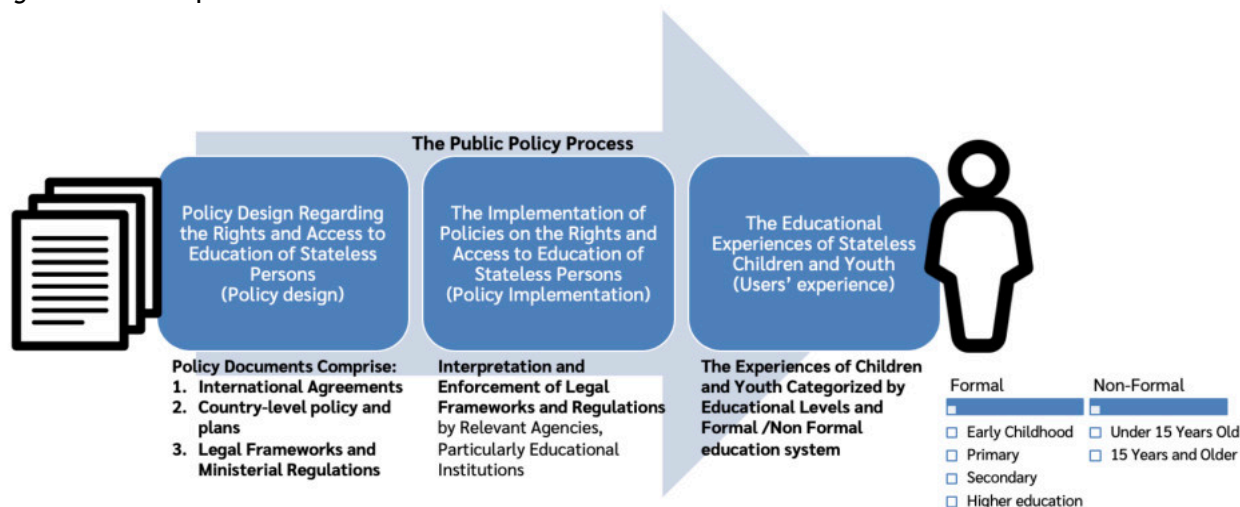
This report is written with a human-centered public policy framework. This framework holds that the experience of a stateless child or youth in obtaining education is a composite result of what has been written in the policy documents as well as the implementation processes and cultural practices that constitute those processes. The human-centered approach assumes that public policy success is conditioned upon its capacity to address what is needed by the people who are the policy's target populations or those being affected by the policy. Public policy usually fails because it places too much emphasis on solving a conceptual problem or achieving numerical indicators and does not recognize people involved in that problem as individual human beings with unique circumstances, needs, aspirations and fears. This approach attempts to make public policy work better from the perspective of the lived experience of those affected by the policies.



Birkland (2016) defines public policy as “a statement by government – at whatever level, in whatever form – of what it intends to do about a public problem.” Based on this definition, public policy in this report is classified into three types of government’s statement, differing by level of enforcement authority. The first type of public policy is international law and agreements to which the Royal Thai Government (RTG) is abide by as well as statements that express the RTG’s commitment to the international community. This type of public policy has the least enforcement authority because it needs many more actions at the national level to be implemented on the ground. The second type of public policy is country-level plans and policies. Public policy in this category expresses the government’s visions, intentions, goals, lists of projects to be carried out, and key policy success indicators. The third type of public policy is legal documents ranging from the Constitution and principal laws (Acts) to secondary/administrative laws (Ministerial Regulations, Announcements, and Rules). In Thailand, this type of public policy also includes miscellaneous Ministerial Orders and Implementation Guidelines which aim to instruct or standardize decisions and actions of implementing agencies and personnel. This type of public policy can be referred to as ‘regulatory framework’ because they directly regulate practices on the ground.

All the three types of public policy considered together can be called ‘policy design and is distinguished from ‘policy implementation’ which refers to the actual interpretation of these policy statements and regulations by government officials in making decisions on behalf of the government when in contact with stateless persons. Interpretation is influenced by other things than what is written in the policies, including norms, local practices, circumstances specific to each case which inform whether stateless children can claim access to education or not and may not directly reflect the overall policy objectives. This is further complicated by the presence of multiple education service providers and personnel involved in the decision-making. For example, key policy agencies in providing access to education for stateless persons include the Ministry of Education (MOE) and Ministry of Interior (MOI). Officials in the MOE alone include those working in Education Service Area Offices (ESAOs), government school principals, and government schoolteachers. Not all these individuals would interpret one policy statement in the same manner, notwithstanding that the policies are many more than one sets of documents.

Figure 1 Conceptual Framework



## 1.2. Who are Stateless Children and Youth in Thailand?

Stateless persons as a populational category are elusive in Thailand’s public policy design. Different government agencies use different terms and categories to address the problems of stateless persons from their own functional perspective. The legal definition of stateless persons in Article 1 of the 1954 Convention Relating to the Status of Stateless Persons is “individuals who are not considered citizens or nationals under the operation of the laws of any country.” In the Thai language, the notion of statelessness is conveyed through the term ‘nationalityless persons’ (คนไร้สัญชาติ). As nationality and citizenship are treated as the same in the context of Thai laws and regulations, an absence of nationality is legally the same as an absence of citizenship, and the two terms can be used interchangeably (Park et al., 2009, p. 506). The first appearance of the direct translation of the term ‘stateless’ (ไร้รัฐ) is found as a prefix to ‘nationalityless persons’ in the Thai regulatory framework in 2012 (B.E. 2555), in the National Social Welfare Promotion Commission’s Rules on Designation of Individuals or Groups of individuals who are the Target Recipients of Social Welfare Section.<sup>6</sup> Section 10 of this Rule identifies ‘stateless-nationalityless persons’ (henceforth ‘stateless persons’) as one of the target recipients of social welfare among the 9 sub-categories of

<sup>6</sup> ข้อกำหนดคณะกรรมการส่งเสริมการจัดสวัสดิการสังคมแห่งชาติ ว่าด้วยการกำหนดบุคคลหรือกลุ่มเป้าหมายเป็นผู้รับบริการสวัสดิการสังคม พ.ศ. 2555 (ราชกิจจานุเบกษา เล่ม 129 ตอนพิเศษ 173 ง 16 พฤศจิกายน 2555)



‘People with legal status problems and ethnic groups.’ Clause 36 defines ‘stateless persons’ as

*“individuals who are not recorded in any civil registration of any state, so their legal status is not recognized by any legally authorized state agency, which consequently leave them with no identification document issued by that agency.”*

Later, a broader definition of ‘stateless persons’ is provided in 2019 in the Regulation of The Bureau of Registration Administration (under the MOI) on Civil Registration Record for Persons with Legal Status Problem B.E. 2562 (2019) which defines ‘stateless persons’ as

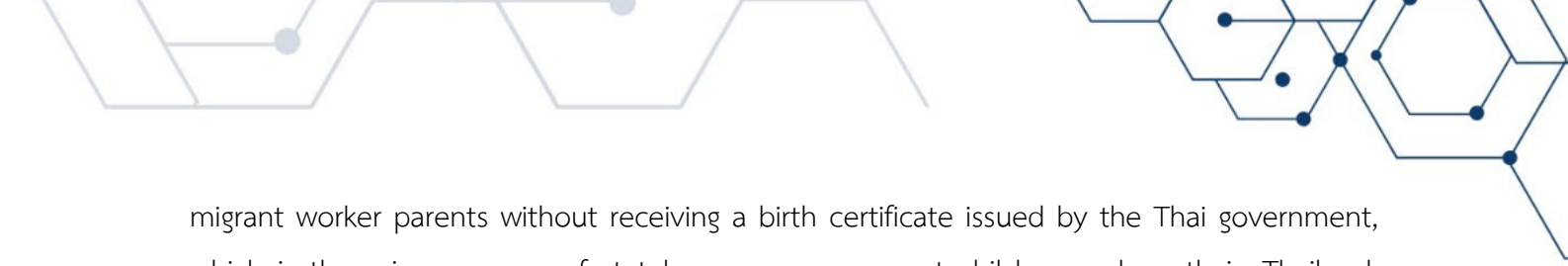
*“natural persons who have no evidence of proof that a country has acknowledged that person to be its citizen OR natural persons who have no nationality of any country.”*

Under this definition, the important factor that makes a child or youth stateless in Thailand is an absence of citizenship document or nationality granted by the Thai or any other national government. Technically speaking, they are children or youth who hold no Thai ID card or birth certificate which identifies their nationality as ‘Thai,’ nor do they have an ID card or birth certificate issued by another national government. They might hold a 13-digit ID number as a result of the RTG’s registration projects aiming to solve the problem of undocumented persons, but they are not granted the Thai nationality. Their nationality could be identifiable (but needs proving) – when their parents are identifiable and hold an identification document that specifies their nationality. Or their nationality could be unidentifiable, in the cases of foundlings or those having parents with no identification document at all. In addition to the status of ‘illegal aliens,’ they might be granted the status of ‘temporary resident’<sup>7</sup> or ‘permanent resident’, but not ‘Thai nationals.’

There is a variety of reasons that lead a child or youth into the abovementioned circumstance, that is, not holding a Thai ID card or birth certificate which identifies their nationality as ‘Thai,’ while having no such documents issued by another national government. The first reason that applies to the majority of stateless children and youth in Thailand is being the entourage of documented or undocumented migrant workers from the four neighboring countries (Myanmar, Lao, Cambodia and Vietnam) or were born in Thailand to

---

<sup>7</sup> This includes the permit for “ผู้ได้รับการผ่อนผันให้อาศัยอยู่ในราชอาณาจักรเป็นการชั่วคราว”



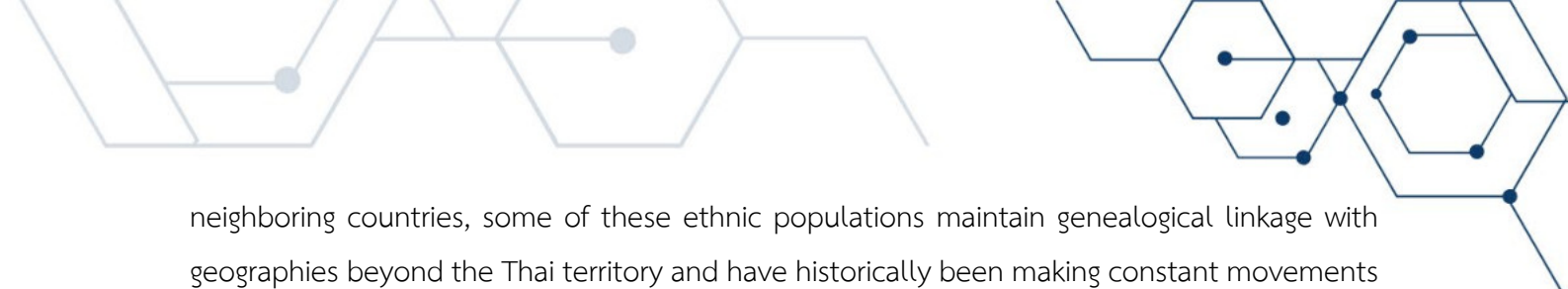
migrant worker parents without receiving a birth certificate issued by the Thai government, which is the primary cause of statelessness among most children and youth in Thailand. According to Selvakumaran et al. (2020, p. 364), the failure to register births among irregular migrants<sup>8</sup> is a prevalent cause of statelessness in the Southeast Asian region. A survey in 2018 found that three quarters of babies born to migrant workers in Thailand are not legally registered and do not have a birth certificate (Bangkok Post, 2018). While a baby or a child without a birth certificate or any other authorized document specifying her nationality could have been a ‘national’ of one country by Thailand’s or a neighboring country’s laws, her parents’ prolonged inaction to obtain her such authorized document would put her at risk of being stateless. Cheeva-Isarakul (2019) states that because the Thai government and UNHCR view stateless children and youth who are descendants of migrant workers as “unauthentic stateless persons,” the issue of statelessness among the second generation of migrant worker families remains an underexplored topic.

The second reason pertains to the large portion of stateless children and youth originally lived in the remote, mountainous, or island border areas of Myanmar, Lao, Cambodia and Malaysia that are adjacent to Thailand’s border areas (Yakorn, 2017, p. 176). Being far-away from state authorities in both sides of the territory, and sometimes outrightly renounced by its national government as in the case of Rohingya, these populations had difficulty obtaining identification documents and nationality even back home. A series of political and economic crises in Myanmar have driven these populations, especially women and children, to escape local wars and seek better life opportunities in Thailand (UNICEF Thailand & Terre des homme, 2022). Many of these (illegal) immigrants from the border areas have cousins or friends living within the Thai territory who provides them residence (ibid.).

The same reason of being too difficult to reach by state authorities is also applied to the third reason in which the populations in the similar geography within Thailand’s territory which also put them at risk of being stateless despite being born and raised in Thailand (Yakorn, 2017). A majority of these children and youth are born to hill-tribe or ethnic parents such as Karen, Akha, Hmong, Lahu, Lua, or Moken. Otherwise, they are born to parents of other ethnic groups whose (great)grandparents had migrated from other countries (e.g. China, Lao, Vietnam, Myanmar, Nepal) sometime in the past 50-80 years due to war or other reasons and had settled in the remote highlands. Like the immigrants crossing natural borders from

---

<sup>8</sup> A legal/documented migrant can become irregular migrant when they overstay their visas or change employers.

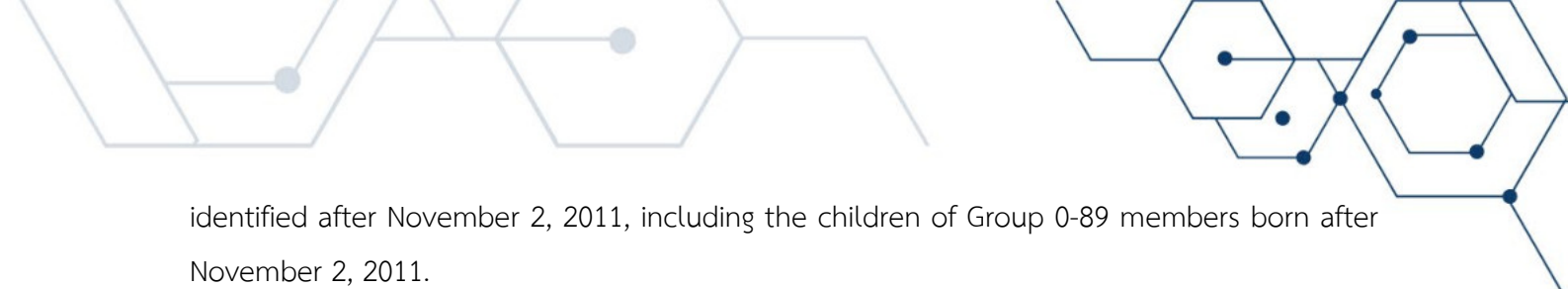


neighboring countries, some of these ethnic populations maintain genealogical linkage with geographies beyond the Thai territory and have historically been making constant movements across the borderline to visit friends and family (ibid., p. 172). This group of stateless persons is in a better position than the first and second groups because the RTG has already recognized them as “ethnic minorities” who have established themselves within Thailand's borders, rather than having permanent residences in other countries. Members of this group, in the grandparent generation, were assigned identification numbers starting with 6, categorized as “aliens,” with the sixth and seventh digits ranging from 50 to 72, indicating 22 recognized ethnic minority groups. Their descendants, who possess birth certificates, are assigned identification numbers starting with 7, signifying children of aliens born in Thailand.

In the past 60 years, the RTG has implemented policies to make systematic efforts to grant descendants of these ethnic minorities the Thai nationality under section 7 (paragraph 2) of the Nationality Act (Chiang Mai University & UNICEF Thailand, 2021); however, Park et al. (2009, p. 498) argued that still over 40% of qualified ethnic people who have not entered or gone through the long process of proving their identity and remained without Thai nationality. This has made their offsprings children and youth with legal status problem and hence stateless just like their ancestors.

Finally, a portion of stateless children and youth in Thailand are those born to parents of Thai nationality but were abandoned, making them foundlings whose nationality is difficult to prove. Sometimes, Thai parents did not acquire their offspring at birth a birth certificate out of ignorance, physical distance from the district office, or travel difficulties (Chiang Mai University & UNICEF Thailand, 2021). This group of children and youth is referred to as “rootless persons.”

Since 2005, the RTG has adopted a strategy to address issues of rights and legal status under the Cabinet Resolution of January 18, 2005. When the Thai state identifies children and youth without identification documents or whose lineage as descendants of migrant workers, ethnic minorities, or rootless people cannot be verified, they are assigned an identification number as “persons with legal status problem,” beginning with the digit 0. Currently, there are two main groups: Group 0-89: Individuals whose fifth and sixth identification digits are 89, representing those identified by the Thai state between July 1, 2005, and November 2, 2011; and Group 0-00: Individuals whose fifth and sixth identification digits are 00, representing those



identified after November 2, 2011, including the children of Group 0-89 members born after November 2, 2011.

As a result of the systematic efforts by the RTG to universalize access to public education for all children regardless of nationality, the G-code system was developed by the MOE to provide 13-digit ID (starting with “G”) to school-age children or youth wishing to enroll at a Thai educational institution but whose nationality is not Thai and unable to present other civil registration evidence (MOE, 2017; 2020). In practice, the G-code grants children and youth with the specific right to access educational service in Thailand even when they hold no legal document. In other words, unlike their parents, children and youth can be granted a ‘learner ID’ before obtaining a legal status and entering the identity verification process, for which their parents were not eligible.

From the perspective of rights to education, the G-code is the RTG’s important, innovative policy tool to grant stateless children and youth access to educational services. With the G-code, stateless children and youth are, in theory, treated inside the school domain equally to children with Thai nationality, despite having no citizenship or Thai residency (i.e. their absence of identity in the eyes of Thai nationality laws, civil registration laws and immigration laws). Therefore, the G-code becomes an additional system under the MOE’s administration for accounting stateless children and youth in Thailand. The only group of children and youth which are not allowed to obtain G-code is those in the temporary shelters along the Thailand-Myanmar border or “asylum seekers” (MOE, 2017, p.10; 12). The table below shows the number of stateless children, including identification numbers 0, identification number 7, and G-Code, as recorded in 2021.

**Table 1 Estimated number of stateless children and youth in Thailand**

Category	Number (persons)
1. Children or youth with legal status problem (born in Thailand during 2001-2021. ID number 0-00 which assigned through birth registration whose birth certificate does not identify their nationality as ‘Thai’ and hold no ID card/birth certificate issued by another national government)	87,291*
2. Children or youth of ethnic groups with birth certificate (ID number starting with 7)	36,943*
3. Children or youth with G-code (do not hold any documents and not yet registered as a person with legal status problem) **	134,821**
Total	259,055

\*(Chiang Mai University & UNICEF Thailand, 2021, p. 8)

\*\*This number is as of 8 December 2023 as per MOE’s ICT and Communication Center, provided by informants from the Office of the Permanent Secretary, Ministry of Education. However, it must be noted that this number includes students holding Thai VISA in international schools but does not include G-code students in higher educational institutions.

The above estimate is lower than reality. The number of children and youth with legal status problem show above does not include those with identification numbers 0-89 or those assigned identification numbers 0-00 through surveys. The latter group has increased significantly after 2021. For children or youth with G-code, the number was only 73,389 in 2021, but by December 2023 it has almost doubled to 134,821. Of this amount, 81,889 are in the schools under the Office of the Basic Education Commission (OBEC). It must be noted however that these number include non-Thai students holding a Thai VISA in international schools too.

As of 31 December 2022, the number of registered stateless persons in Thailand is 573,898 (UNHCR Thailand/MOI, 2023). Of this number, 85% (491,633 persons) reside in the Thailand-Myanmar border provinces. Chiang Mai, Chiang Rai and Tak are the top 3 provinces with the largest stateless population, accounting for 23%, 21% and 20% respectively.


It must be noted that the abovementioned number does not include “unregistered stateless persons.” Importantly, it means the above number does not include children of migrant workers who were not registered at birth when they were born in Thailand, nor having received access to Thai education services. Therefore, they have neither birth certificate nor G-code). It is estimated that around 200,000 or half of migrant children in Thailand are not in the education system (Chulalongkorn University & UNICEF Thailand, 2022a)<sup>9</sup>. Thus, the above estimate does not count a large number of children who are at a high risk of becoming stateless and are deprived of access to education the most.

**Table 2 Summary of categories of stateless children included in the scope of this study and their defining characteristics**

Category	Characteristics
1. Children or youth with ID number starting with 0 or “ <i>person with legal status problem</i> ”	Children or youth who have been living in Thailand for longer than 6 months and hold no ID card/birth certificate issued by the RTG or another national government. The RTG have found them through a survey and recognized that they are residents by leniency and have them registered but have not entertained them a Thai nationality. There are two big subgroups under the 0 category: 0-89 and 0-00. These two sub-groups signify the two periods of which the national strategy to solve the legal status problems was implemented. Subcategories of the 0 category include “nationalityless person” and “rootless person,” for example.
2. Children or youth with ID number starting with 7 or “ <i>offsprings of ethnic minority groups born in Thailand</i> ”	Children or youth born in Thailand to parents of 22 ethnic minority groups officially recognized by the RTG as having the rights to apply for temporary and, later on, permanent residency. Their parents hold ID numbers starting with 6 with the sixth and seventh digits ranging from 50 to 72.
3. Children with G-code	Non-Thai children or youth enrolled in a Thai educational institution who do not hold any legal status documents and not yet registered as a ‘ <i>person with legal status problem.</i> ’

<sup>9</sup> Thailand Migration Report in 2019 estimates 200,000 migrant children did not receive any form of education while around 145,379 were studying in a public school (Harkins, 2019 cited in UNICEF Thailand, 2019, p. 17)





## Chapter 2: Royal Thai Government's Public Policy Design on Access to Education for Stateless Children and Youth

This section maps the policy framework regarding access to education for stateless children and youth in Thailand. Compared to other ASEAN countries, RTG's policies for stateless children and youth to access education are advanced in doctrinal aspects and intention (Rostam et al., 2022; Selvakumaran, 2020); however, there remains room to improve in terms of regulatory design and project initiatives to translate principles and intent into practical experiences for stateless children and youth. It has been observed that the provisions governing the implementation of policies exhibit inconsistencies between concerns about stateless individuals posing a national security threat and concerns about potential violations of their human rights. Moreover, those responsible for implementing policies to promote the educational rights of stateless children and youth must navigate complex and difficult-to-understand documents related to policy guidelines, civil registration, nationality, and immigration. This complexity often leads to misunderstandings and misinterpretations among both frontline officials and the parents or guardians of stateless children and youth. As a result, issues surrounding policies on the educational rights of stateless persons in Thailand predominantly stem from challenges in policy implementation (Park et al., 2009; Selvakumaran et al., 2020).

### 2.1 International Agreements and Commitments

To date, Thailand has endorsed many international agreements that aims to protect the right to education for stateless children and youth. These include Universal Declaration of Human Rights (UDHR), Convention on the Elimination of All Forms of Racial Discrimination (CERD), Convention on the Rights of the Child (CRC), Jomtien Declaration on Education for All, the SDGs. Additionally, there is specific obligations related to stateless persons—#Ibelong campaign. Most recently, at the 2nd Global Refugee Forum on 13-15 December 2023, the RTG has made 8 voluntary pledges which mark significant progress in its policy outlook on stateless children and youth (Department of Government Public Relations, 2023). These commitments have played an important role in bringing changes in the Thai education system to the benefit of stateless children and youth. The table below lists relevant agreements RTG has made with the international community.

Table 3 List of international agreements and commitments made by RTG which concern access to education for stateless children and youth

Agreement	RTG's commitment date	Details
1. Universal Declaration of Human Rights (UDHR)	1948	<p>Article 26</p> <p>1. Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.</p> <p>2. Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.</p> <p>3. Parents have a prior right to choose the kind of education that shall be given to their children.</p>
2. Convention on the Rights of the Child (CRC) 1989	1989	<p>Article 28(1)</p> <p>States Parties recognize the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity, they shall, in particular:</p> <p>(a) Make primary education compulsory and available free to all;</p> <p>(b) Encourage the development of different forms of secondary education, including general and vocational education, make them available and accessible to every child, and take appropriate measures such as the introduction of free education and offering financial assistance in case of need;</p> <p>(c) Make higher education accessible to all on the basis of capacity by every appropriate means;</p> <p>(d) Make educational and vocational information and guidance available and accessible to all children;</p>

Agreement	RTG's commitment date	Details
		(e) Take measures to encourage regular attendance at schools and the reduction of drop-out rates.
3. Jomtien Declaration on Education for All	1990	<p>Article 3</p> <p>1. Basic education should be provided to all children, youth and adults. To this end, basic education services of quality should be expanded and consistent measures must be taken to reduce disparities.</p> <p>4. An active commitment must be made to removing educational disparities. Underserved groups: the poor; street and working children; rural and remote populations; nomads and migrant workers; indigenous peoples; ethnic, racial, and linguistic minorities; refugees; those displaced by war; and people under occupation, should not suffer any discrimination in access to learning opportunities.</p>
4. Convention on the Elimination of All Forms of Racial Discrimination (CERD)	2003	<p>Article 5(e)(v)</p> <p>Prohibit and eliminate racial discrimination in all its forms and guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law, notably in the enjoyment of the right to education and training.</p>
5. Sustainable Development Goals (SDGs)	2016	<p>SDG4</p> <p>Ensure inclusive and equitable quality education and promote lifelong learning opportunities for all.</p>
6. Pledges at the 2019 High-Level Segment on Statelessness (a mid-point event of the #IBelong Campaign)	2019	<p>To provide stateless persons better protection, the Royal Thai Government has pledged to do our utmost in the following seven areas; <b>first, to promote access to education</b>; second, to enhance social protection; third, to adjust regulations for granting nationality and civil rights to equally and equitably cover target groups; fourth, to enhance access to civil registration services and</p>

Agreement	RTG's commitment date	Details
		effectiveness of the systems; fifth, to expedite process to address statelessness among the elderly; sixth, to enhance partnership among all sectors to raise awareness regarding birth and civil registration, especially the hard-to-reach population; and lastly, to promote international and regional cooperation in addressing statelessness.
7. Pledges at 2 <sup>nd</sup> Global Refugee Forum	2023	<ol style="list-style-type: none"> <li>1. Improve the enforcement of screening system</li> <li>2. Solve the problem of statelessness</li> <li>3. Revise and improve the detention protocol at immigration checkpoint for children and their families</li> <li>4. Promote access to education and skill development among asylum seeking children</li> <li>5. Develop healthcare system that is responsive to the need of persons without Thai nationality including refugees, stateless and those receiving protection under the Screening Regulation</li> <li>6. Enhance collaboration with Third State party in finding sustainable solution for various groups of refugees in Thailand</li> <li>7. Provide support for the Rohingya through consistent humanitarian assistance for Rohingya in Bangladesh in the next 4 years and development aid to Myanmar</li> <li>8. Recant the country's reservation for CRC Article 22<sup>10</sup></li> </ol>

<sup>10</sup> On August 30, 2024, RTG withdrew its reservation on Article 22 of the Convention on the Rights of the Child (CRC), as previously pledged. Article 22 of the CRC states as follows:

1. States Parties shall take appropriate measures to ensure that a child who is seeking refugee status or who is considered a refugee in accordance with applicable international or domestic law and procedures shall, whether unaccompanied or accompanied by his or her parents or by any other person, receive appropriate protection and humanitarian assistance in the enjoyment of applicable rights set forth in the present Convention and in other international human rights or humanitarian instruments to which the said States are Parties.

2. For this purpose, States Parties shall provide, as they consider appropriate, co-operation in any efforts by the United Nations and other competent intergovernmental organizations or non-governmental organizations co-operating with the United Nations to protect and assist such a child and to trace the parents or other members of the family of any refugee child in order to obtain information necessary for reunification with his or her family. In cases where no parents or other members of the family can be found, the child shall be accorded the same protection as any other child permanently or temporarily deprived of his or her family environment for any reason, as set forth in the present Convention.

Source: Compiled by authors

## 2.2 Country-level Policies and Plans

At present, National Strategy B.E. 2561-2580 (2018-2037) and Master Plan under National Strategy B.E. 2566-2580 (Revised) (2023-2037) are the key pillars of all public policies in Thailand. It is required that any policies and plans at the ministerial and local levels align with the visions and goals specified in these two documents. Three areas out of six in the National Strategy are concerned with access to education for stateless persons: security, human capital development, and social equality and equity. However, nowhere in the document directly addresses stateless persons/children or their right to education. The most directly related clause is under the strategy on security where “illegal immigration” and “outflows of capital and migrant workers” are addressed as existing security problems requiring integrated effort to solve (National Strategy Secretariat Office, 2018, p. 13).<sup>11</sup> This strategy will be elaborated in more detail in the National Security Policy and Plan (2023 - 2027) and the National Education Plan (2017-2036) (discussed below).

Not to the advantage of stateless children, the National Strategy on Human Capital Development refers to “*Thai people*” and “*Thai citizens*” as its policy target<sup>12</sup> as its policy target, implying that the policy goals are not applied to non-Thais/non-citizens, and stateless persons (National Strategy, p. 8).<sup>13</sup> The Master Plan under National Strategy issue 11 on

---

<sup>11</sup> “4.2.1 Solving existing security problems to successfully bring existing problems to an end or to the point where they have limited impacts on governance and development of the country by adopting systematic problem analysis approach from all sectors to seek the actual causes of problems; promoting integrated consultation, planning and problem solving, with the pool of resources and personals between related parties; promoting collaboration between main and supporting agencies in problem prevention and solving, aiding people in threatening circumstances, and any other problems that may have impacts on national security, such as terrorism, cybercrime, money laundering, human trafficking, illegal immigration, goods and narcotic smuggling, intense economic power expansion or unfair competition, rapid establishments of multinational corporations, disruptive technology, in and outflows of capital and migrant workers which can potentially impact national and human security, and natural disaster; ensuring principles, policies, strategic and flagship projects are successfully implemented and yield outcomes as planned” This statement highlights Thailand's approach to addressing security issues across multiple dimensions, emphasizing integrated problem-solving and collaboration among various agencies. In fact, issues related to illegal immigration and migrant labor are classified as security concerns that require resolution.

<sup>12</sup> 1.1 คนไทยเป็นคนดี คนเก่ง มีคุณภาพ พร้อมสำหรับวิถีชีวิตในศตวรรษที่ 21

<sup>13</sup> “4.3 The National Strategy on Developing and Strengthening Human Capital aims to develop **Thai people** of all ages in a multidimensional manner to become good, skillful, and quality citizens. The scope covers promotion of physical, mental and intellectual qualities, adequate multidimensional developments, sustainable welfare at all stages of life, promoting public

Development of human potential at all stages of life, and issue 12 on learning development also refer to “*Thai people*” as policy target.<sup>14</sup> Stateless children and youth stand to benefit most from the National Strategy on Social Equality and Equity, which aims to promote “*equitable access to public health services and education,*” specifically for “*low-income and underprivileged people.*” The Plan, however, does not discuss whether stateless persons are considered “*low-income and underprivileged people.*”

The National Security Policy and Plan (2023 - 2027) is another key policy document that address the “*border areas,*” “*illegal immigrants*” and “*irregular migrants.*” In particular, the Plan’s clause 6 deals with the “*management of illegal immigrants and irregular migrants.*” It proposes to expedite a complete database of illegal immigrants and “*enforce the relevant laws for investigating and arresting illegal alien workers, the employers and the brokers of illegal alien workers.*” (Office of the National Security Council, 2022, p. 5)<sup>15</sup> which the Plan reflects and treats stateless persons as a potential national security threat rather than

---

mindedness, and generating social responsibility. **Citizens** are also expected to be frugal, generous, disciplined, and ethical, equipped with logical thinking and 21st century skills, communication skills in English and a third language. Furthermore, **citizens** are also encouraged to preserve local languages while encouraged to acquire lifelong learning and development habits. Developments following this Strategy will help promote modern innovators, thinkers, entrepreneurs, farmers, and so forth based on personal skills and abilities.” (National Strategy, p. 8)

<sup>14</sup> “แผนแม่บทภายใต้ยุทธศาสตร์ชาติ (พ.ศ.๒๕๖๖ – ๒๕๘๐) (ฉบับแก้ไขเพิ่มเติม) ประเด็น (๑๑) การพัฒนาศักยภาพคนตลอดช่วงชีวิต มีเป้าหมายเพื่อให้คนไทยทุกช่วงวัยมีคุณภาพเพิ่มขึ้น ได้รับการพัฒนาอย่างสมดุล ทั้งด้านร่างกาย สติปัญญาและคุณธรรมจริยธรรม เป็นผู้ที่มีความรู้และทักษะในศตวรรษที่ ๒๑ รักการเรียนรู้อย่างต่อเนื่องตลอดชีวิต” (p. 11-1)

“แผนแม่บทภายใต้ยุทธศาสตร์ชาติ(พ.ศ.๒๕๖๖ - ๒๕๘๐) (ฉบับแก้ไขเพิ่มเติม) ประเด็น (๑๑) การพัฒนาศักยภาพคนตลอดช่วงชีวิต จึงเป็นกลไกส่งเสริมให้**ครอบครัวไทย**มีความเข้มแข็ง มีจิตสำนึกความเป็นไทย เด็กเกิดอย่างมีคุณภาพ มีการเจริญเติบโตและพัฒนาการสมวัย สามารถเข้าถึงบริการด้านสุขภาพและสวัสดิการทางสังคม รวมทั้งเด็กตั้งแต่ช่วงวัยเรียน/วัยรุ่น มีทักษะที่สอดคล้องกับทักษะในศตวรรษที่ ๒๑ สามารถเติบโตเป็นแรงงานที่มีศักยภาพ สอดคล้องกับความต้องการของตลาดแรงงานเพิ่มขึ้น” (p. 11-1)

“แผนแม่บทภายใต้ยุทธศาสตร์ชาติ (พ.ศ. ๒๕๖๖ - ๒๕๘๐) (ฉบับแก้ไขเพิ่มเติม) ประเด็น (๑๒) การพัฒนาการเรียนรู้มีเป้าหมายเพื่อให้**คนไทย**มีการศึกษาที่มีคุณภาพตามมาตรฐานสากลเพิ่มขึ้น มีทักษะที่จำเป็นของโลกศตวรรษที่ ๒๑ สามารถแก้ปัญหา ปรับตัว สื่อสาร และทำงานร่วมกับผู้อื่นได้อย่างมีประสิทธิภาพเพิ่มขึ้น มีนิสัยใฝ่เรียนรู้อย่างต่อเนื่องตลอดชีวิต รวมทั้งเพื่อให้**คนไทย**ได้รับการพัฒนาเต็มตามศักยภาพตามความถนัดและความสามารถของพหุปัญญาดีขึ้น” (p. 12-1)

<sup>15</sup> นโยบายและแผนความมั่นคงที่ ๖ การบริหารจัดการผู้หลบหนีเข้าเมืองและผู้โยกย้ายถิ่นฐานแบบไม่ปกติ มุ่งเน้นการบริหารจัดการผู้มีปัญหาสถานะและสิทธิบุคคล แรงงานต่างด้าว กลุ่มที่มีความเปราะบางต่อความมั่นคง และความสัมพันธ์ระหว่างประเทศ ผู้โยกย้ายถิ่นฐานแบบไม่ปกติ รวมถึงผู้ได้รับการคุ้มครองหรืออยู่ระหว่างคัดกรอง สถานะที่ไม่สามารถเดินทางกลับประเทศภูมิลำเนาได้ ให้มีความสมดุลระหว่างมิติความมั่นคง ความสัมพันธ์ระหว่างประเทศ และหลักสิทธิมนุษยชน โดยเร่งดำเนินการจัดทำฐานข้อมูลเกี่ยวกับสถิติผู้หลบหนีเข้าเมืองในกลุ่มที่มีปัญหาสถานะและสิทธิบุคคล การบังคับใช้กฎหมายที่เกี่ยวข้องในการตรวจสอบและจับกุมแรงงานต่างด้าวผิดกฎหมาย ผู้ประกอบการ รวมถึงผู้จัดหาแรงงานต่างด้าวผิดกฎหมาย การบูรณาการความร่วมมือระหว่างส่วนราชการ ภาคส่วนที่เกี่ยวข้อง และประเทศต้นทางในการเร่งรัดกำหนดมาตรการแก้ไขปัญหากลุ่มผู้ติดตามแรงงานต่างด้าว (กองอำนวยการรักษาความมั่นคงภายในราชอาณาจักร เป็นหน่วยงานเจ้าภาพ) (p. 5)

underprivileged ho must be protected with basic rights. While the goal is stated as to “*strike the balance between national security, international relations, and human rights*” (p. 5, 60), the Plan identifies the Internal Security Operations Command (ISOC) – a military agency – as the focal point for achieving the objectives under clause 6.

To elaborate, the Plan proposes to increase the number of “*people with problematic identification status who receive a residency status*” by 30% by 2027, and to increase the number of “*registered migrant workers of Cambodian, Lao, Myanmar and Vietnamese nationalities*” by 30% by 2027. The Plan also details many strategies to manage illegal immigrants and irregular migrants. These strategies reflect the tension between security concerns and human rights concerns toward stateless persons in the Thai public policy framework. The table below shows some examples which reflect contradictory assumptions about stateless persons as a potential national security threat on the one hand, and target recipients of human rights protection on the other hand (National Security Policy and Plan 2023-2027, p. 60-62).

**Table 4 Examples of clause in National Security Policy and Plan (2023 - 2027) which reflect contradictory assumptions about stateless persons as a potential group toward national security threat VS target of human rights protection**

Clauses reflecting national security and international relations concern	Clauses reflecting human rights concern
Sub-strategy 2.1 <i>Continuously enforce relevant laws in investigating and arresting alien workers, the employers as well as the brokers of illegal alien workers.</i>	Sub-strategy 1.2 <i>Revise, improve and develop existing laws to eliminate the regulatory obstacles or conflicting rules, regulation and standards regarding illegal immigrants whose identification status and personal rights are problematic.</i>
Sub-strategy 3.1 <i>Intensify effort to deter and prevent illegal immigrants with high security and international relations risk, as well as the irregular migrants.</i>	Sub-strategy 1.3 <i>Provide and support protection and welfare of people whose identification status and personal rights are problematic, such as the right to education, the right to healthcare and the right to work. This shall be done in accordance with domestic laws and the international obligations Thailand has signed. There shall also be a fund to finance such operation.</i>

Clauses reflecting national security and international relations concern	Clauses reflecting human rights concern
<p>Sub-strategy 3.2</p> <p><i>Organize and make available an <b>effective tracking and monitoring system of movements of illegal immigrants and irregular migrants</b> who would pose high security and international relations risks.</i></p>	<p>Sub-strategy 2.3</p> <p><i>Enhance integrated collaboration among government agencies, relevant sectors, and the governments in countries of origin, to solve the problem of alien workers' entourage, e.g. offsprings, father, mother and cousins of alien workers who accompany the workers to Thailand but do not work. Specific measures shall be adopted to handle alien workers whose nationality has not been proven at the country of origin.</i></p>

Source: Compiled by authors

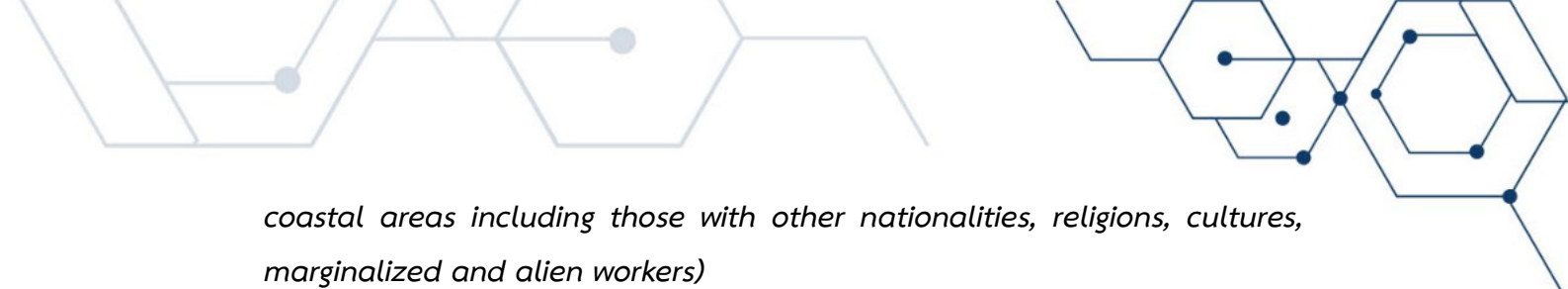
The national security concerns also reflected in the National Education Plan (2017-2036), which addresses ‘special areas,’ ‘marginalized groups,’ and ‘alien workers,’ but not ‘stateless persons’ particularly. All the clauses that concern education for stateless persons can be found in Strategy 1: Education for National and Social Security, some of which read as follows.

*Objective 1.4 To promote security in the Special Economic Zones in southern border provinces and **special areas (highland, borderland, island and coastal areas)**, and to promote people of different ethnicity, religion and cultures, marginalized people, and alien workers to obtain education and learning of quality and standard suitable for their identities and area’s needs.*

*Objective 2.2 Humans at all stages of life in the Special Economic Zones in southern border provinces and special areas obtain quality education and learning*

*Indicator 5 An increase in the number of educational facilities which offer education for people of different ethnicity, religion and cultures, marginalized people, and alien workers*

*Objective 3.3 Improve the educational quality and opportunities to educational access in the special areas (highlands, borderlands, islands,*




*coastal areas including those with other nationalities, religions, cultures, marginalized and alien workers)*

- 1) *Improve the opportunities to educational access of **people of all ages in the special areas** to accommodate geo-social identities and community's and area's needs.*
- 2) *Improve infrastructures to accommodate the special area's physical condition so to generate jobs and income based on the self-sufficiency philosophy.*
- 3) *Facilitate people of all ages in the special areas to be literate in Thai and local language including **the language of the neighboring countries**.*
- 4) *Improve the educational quality and standards by level/types of education to support educational services for people of all ages in the special areas.*
- 5) *Build and improve **Learning Centers for children, youth and adults in the special areas**.*
- 6) *Improve teachers' knowledge and skills in **high-risk areas**.*
- 7) *Improve the salary and remuneration system for talent teachers and teachers or assisting teachers in the special areas, and boost the morale of educational personnels working in the special areas.*
- 8) *Allocate scholarships for disadvantaged students to enjoy access to quality public or private educational services.*

Unfortunately, nowhere in the National Education Plan's Strategy 4 (Equal Opportunities and Educational Equity) addresses the needs of stateless persons despite being the most relevant section. There is only a broad statement which proposes that "learners of all groups, all locations, and all levels of education receive education in educational institutions with similar standards and quality in accordance with their respective potential."

In line with the National Security Policy and Plan (2023-2027) and National Education Plan (2017-2036), the MOE also drew the Education Development Plan for Border Areas (2017-2021) which had direct implications for stateless children and youth. The Plan identified the targeted areas as "the border areas of provinces/districts adjacent to Myanmar, Lao and Cambodia," which included 27 provinces and 108 districts. This document stated that the educational inequity coefficient in the provinces adjacent to Myanmar had been higher than average, and the MOE recognized the border areas' lack of educational opportunities, low learning achievement especially in Thai literacy, unmet curricular needs due to ethnic and



cultural differences, poor allocation of educational resources, and poor infrastructure (p. 2). The Plan set out to reach by 2021 100% enrolment of children of compulsory school ages (7-14 years old), 3% improvement on the average O-NET, N-NET and V-NET scores, and to achieve 3% illiteracy rate in the provinces with border areas (p. 11). Although it is yet to evaluate the policy achievement under this Plan, these objectives and goals imply the MOE’s intention to improve the educational opportunities for stateless children.

Despite the ambitious goals and indicators, the list of projects carried out under this Plan indicates that most budget allocated toward achieving the Plan’s goals goes to universities, not schools or basic education facilities. Among 83 projects across 5 years, 38 projects belonged to universities, 9 projects belonged to Office of the Non-Formal and Informal Education–ONIE (currently Department of Learning Encouragement – DOLE) and only 5 projects belonged to OBEC which runs public schools (p. 21-34). Many of the 38 projects executed by universities are “Projects to improve quality of Border Patrol Police Schools” – the type of schools that has served ethnic children in the highland since the 1950s (Park et al., 2009, p. 531). One project run by Chiang Mai University is called “Project to develop education and communities in the highland.” This indicates that local universities are placed as key implementers of educational development in the border areas.

So far, the data suggests that, even within the MOE’s policy framework, stateless children and youth pose security concerns rather than equity/rights concerns. Moreover, there seems to be a gap between the Plans and the projects implemented to achieve the Plans’ stated goals.

**Table 5 List of country-level policies and plans that concern access to education for stateless persons**

Plan / Policy	Effective period	Summary
1. National Strategy & Master Plan	2018-2037	National Strategy on Security <ul style="list-style-type: none"> <li>● There shall be integrated effort to solve the problem of illegal immigration and migrant workers.</li> </ul> National Strategy on Social Equality and Equity

Plan / Policy	Effective period	Summary
		<ul style="list-style-type: none"> <li>● Low-income and underprivileged people shall enjoy equitable access to public health services and education.</li> <li>● National Strategy does not address stateless persons exclusively.</li> </ul>
2. National Security Policy and Plan	2023-2027	<p>Clause 6</p> <ul style="list-style-type: none"> <li>● Revise, improve and develop existing laws to eliminate the regulatory obstacles or conflicting rules, regulation and standards regarding illegal immigrants whose identification status and rights are problematic. (Sub-strategy 1.2)</li> <li>● Provide and support protection and welfare of people whose identification status and rights are problematic, such as the right to education, the right to healthcare and the right to work. This shall be done in accordance with domestic laws and the international obligations Thailand has signed. There shall also be a fund to finance such operation. (Sub-strategy 1.3)</li> <li>● Strengthen the management of illegal immigrants and irregular migrants. (Sub-strategy 2.1)</li> <li>● Organize and make available an effective tracking and monitoring system of movements of illegal immigrants and irregular migrants who would pose high security and international relations risks. (Sub-strategy 3.2)</li> <li>● Strike the balance between national security, international relations, and human rights.</li> <li>● The number of people whose identification status and rights are problematic who receive legal residency increases by 30% by 2027.</li> </ul>
3. National Education Plan	2017-2036	<p><b>Strategy 1: Education for National and Social Security</b></p> <ul style="list-style-type: none"> <li>● To promote security in the Special Economic Zones in southern border provinces and <b>special areas (highland, borderland, island and coastal areas)</b>, and to promote <b>people of different ethnicity, religion and cultures, marginalized people, and alien workers to obtain</b></li> </ul>

Plan / Policy	Effective period	Summary
		<p><b>education and learning</b> of quality and standard suitable for their identities and area's needs (Objective 1.4)</p> <ul style="list-style-type: none"> <li>● <b>An increase in the number of educational facilities offering education for people of different ethnicity, religion and cultures, marginalized people, and alien workers</b> (Indicator 5)</li> <li>● Facilitate people of all ages in the special areas to be literate in Thai and local language including <b>the language of the neighboring countries</b> (Objective 3.3 (1))</li> <li>● Improve infrastructures to accommodate the special area's physical condition so to generate jobs and income based on the self-sufficiency philosophy. (Objective 3.3 (2))</li> <li>● Facilitate people of all ages in the special areas to be literate in Thai and local language including <b>the language of the neighboring countries</b>. (Objective 3.3 (3))</li> <li>● Build and improve <b>Learning Centers for children, youth and adults in the special areas</b>. (Objective 3.3 (5))</li> <li>● Improve the salary and remuneration system for talent teachers and teachers or assisting teachers in the special areas. (Objective 3.3 (7))</li> <li>● Allocate scholarships for disadvantaged students to enjoy access to quality public or private educational services. (Objective 3.3 (8))</li> </ul>
4. Education Development Plan for Border Areas	2017-2021	<ul style="list-style-type: none"> <li>● 27 provinces and 108 districts are considered border areas.</li> <li>● Reach 100% enrolment of children of compulsory school ages (7-14 years old) in border areas by 2021.</li> <li>● Achieve 3% improvement on the average O-NET, N-NET and V-NET scores</li> <li>● Reduce illiteracy rate in border areas to 3%.</li> </ul>

Source: Compiled by authors


## 2.3 Regulatory Frameworks

Many progressive principal laws and regulations have been installed during the 1990s and 2000s to align domestic laws with the international agreements listed in 3.1, which help to guarantee the right to education for stateless persons despite changes in the ruling party and existing implementation gaps. First, the Constitution B.E. 2560 (2017) (section 49) deemed that every person (not just “Thai people”) shall enjoy equal rights to receive at least twelve years of comprehensive and quality public education free of charge. At the level of principal law, the National Education Act reiterates this right of all individuals and further identifies that children aged seven to sixteen must receive basic education. It also states that “*those destitute or disadvantaged*” have the right to receive basic education specially provided.<sup>16</sup> Very inclusive in wording, the National Education Act B.E. 2542 cannot be read to discriminate anyone from accessing public education in Thailand.

The 5th July 2005 Cabinet Resolution on “*Educational Provision for persons with no civil registration evidence or not having Thai nationality*” is an important milestone for the implementation of the National Education Act B.E. 2542 – and the CRC more specifically (MOE, 2017, p. 16) – among stateless children and youth. To enforce the 2005 Cabinet Resolution, the MOE issued the *Ministerial Regulation on “Evidence to be collected when educational institutions enroll students,”* B.E. 2548 (2005) which essentially aimed to remove the regulatory obstacles faced by undocumented and stateless children in enrolling into educational institutions from pre-primary to tertiary levels (ibid., p. 22, 23). First, it clarifies that all children in Thailand have the right to receive education regardless of citizenship status. Second, it allows educational institutions to enroll a child or youth with no civil registration evidence at all, and even without the presence of a parent, guardian or an NGO, by means of asking the child to fill the “*Personal Record Form.*” This provision precedes the initiative of G-code, as discussed earlier. Third, it calls for educational institutions to halt the practice of breaking unregistered children down to 9 ethnic groups, as well as the practice of putting a discriminatory red stamp or other special notes about the child’s citizenship status on her study records such as the certificate of graduation (MOE, 2017). With the 2005 Ministerial Regulation, a more concrete procedure has been laid down for public school personnel to enroll stateless children and youth.

---


<sup>16</sup> In 2008, the MOE has listed *Children not having Thai nationality* as one among six categories of ‘disadvantaged children’ (Office of the Education Council, 2019, p. 19).



However, due to the Ministry of Education's lengthy chain of command, communicating regulations and ensuring standardized practices for the enrollment and management of stateless children in schools nationwide has been a challenge since the issuance of the relevant ministerial regulations (Park et al., 2009, p. 540). Park et al. found several practices in schools that did not comply with the 2005 ministerial regulations, particularly for hill tribe children. These included denying enrollments, refusing to issue graduation certificates, or claiming that the school's "quota" for hill tribe children was already full. Additionally, some schools were uncertain whether they could claim per-student subsidies for stateless children, leading many schools to avoid admitting such students.

Therefore, to further standardize the practice and fine-tune educational personnels' understandings on enrolling stateless children, the MOE has subsequently issued many announcements and guidelines which provide more specific details about what the schools should do in enrolling stateless children. These details are incrementally developed rather than predefined at the issuance of the 2005 Regulation. These include the *"Manual and guidelines for providing education to persons with no civil registration evidence or not having Thai nationality"* (MOE, 2017), the MOE's *"Announcement on enrollment of students with no civil registration evidence or not having Thai nationality dated 31 October 2019,"* *"Guidelines for managing subsidy for lunch and supplementary diet (milk) for students with no civil registration evidence or not having Thai nationality (G-code students) dated 12 June 2020* (sent to LAOs), and a letter with an infographic dated 23 July 2020 to all ESAO administrators on *"Clarification on educational provision for students with no civil registration evidence or not having Thai nationality and protocol to solve the problematic legal status of G-code students."*

The above timeline suggests that "G-code student" has become a new administrative category which refers specifically to stateless children first 'legible' to the Thai state in the domain of education. This underscores the role of the MOE in solving the problem of statelessness in Thailand. In particular, the MOE's *Announcement dated 31 October 2019* deems that school personnel use the G-code system to first identify and enroll stateless children and later coordinate with stateless students' parents and the district office under the MOI to arrange for a civil registration for the students and obtain them an ID number (category



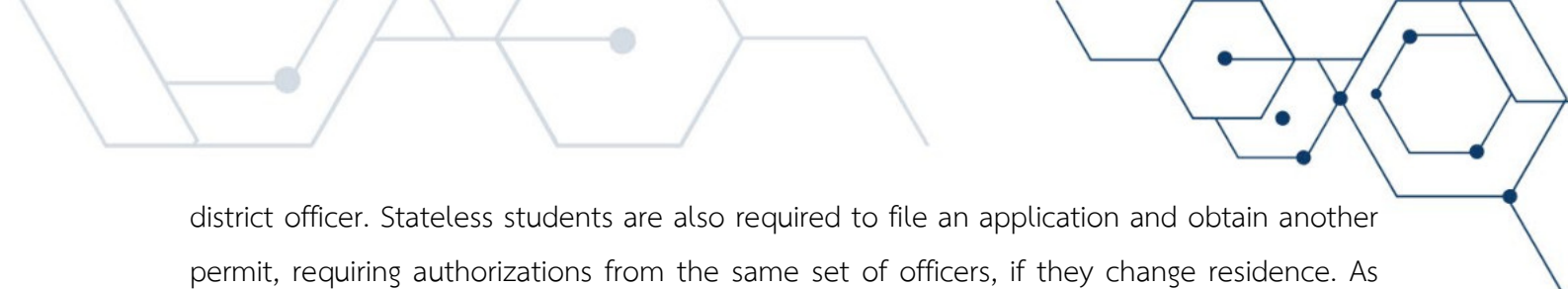
0-00).<sup>17</sup> The more specific protocol to operate the G-code system and collaborate with district offices in fixing the legal status of G-code students was communicated in the letter sent to ESAOs in 2020. In 2023, the MOE is also revising its manual issued in 2017 to keep up with the new provisions that have been gradually introduced in recent years. (Transborder News, 2023a).

There is a discrepancy from the security standpoint in the regulatory framework. The *MOI's Regulation on temporary permission for persons without Thai nationality to attend educational institutions outside restricted area B.E. 2553 (2010)* is the case in point. This Regulation is issued to comply with the 2005 Cabinet Resolution which requires the MOI to adjust its regulation on travel restriction for stateless persons to “accommodate” stateless children and youth to attend educational institution for the whole curriculum period. Under the immigration laws, most stateless persons who have already been registered would be granted ‘permanent residency,’ or ‘temporary residency’ that comes with a restriction of movement only within one’s registering district. If they are found outside the registering district without an MOI’s permit – applied and granted on a case-by-case basis – they shall be arrested with a criminal charge. The MOI’s 2010 Regulation was issued to exempt this requirement in the case of travelling for receiving education.

However, a close reading of the Regulation suggests that the requirements and conditions for obtaining this ‘temporary permit’ would likely play out as an obstacle of access to education for stateless children and youth rather than a facilitating tool. First, this permit is likely to cost stateless children a lot of effort and waiting time. For example, to authorize the permit, the village head, the district chief officer, and the provincial governor must sign off and comment on the student’s request. In the case of Bangkok residence, the comments of the Director of Internal Security Affairs Bureau and the Director General of DOPA must be obtained. The Regulation also gives these authorities the discretion to decide the length of the permit (Chuntong, 2014). Further, the students are required to report to the district head every 6 months. In the case of Bangkok residents, the students must report to the Director General of DOPA. For tracking and monitoring purposes, the permit holders need to sign in their *Record Form for Temporary Permit of Students without Thai Nationality* kept by the

---

<sup>17</sup> Moreover, in 2020 the MOI has created a new pathway in which stateless persons who have acquired or are obtaining tertiary education can obtain Thai nationality. It could be viewed as the RTG’s incentive for stateless persons to obtain high level of education so they can make high contribution to the Thai economy.



district officer. Stateless students are also required to file an application and obtain another permit, requiring authorizations from the same set of officers, if they change residence. As there are facilities/schools at the primary level in every district, stateless children do not need such temporary permits while at primary school. However, they would likely need these permits at the secondary and tertiary levels because secondary schools and universities are more concentrated in only some districts.

Most importantly, to follow the protocol as laid out by *the MOI's 2010 Regulation* would likely make stateless children feel like they are criminals, stigmatizing them. In addition to reporting to the authorities, the students need to put their finger stamp on the permit. Moreover, there is a clause in the Regulation that criminalizes children. Clause 11 states that:

*“In case a [stateless] student travels outside the restricted district without a permit, or fails to report to Director General of DOPA, or district chief officer, or the responsible authority, when he/she arrives at the district which they reside while receiving education, or when he/she changes residency, or when he/she has returned to his/her original restricted district, **he/she shall be considered a breacher of district restriction and subject to a legal charge**”*

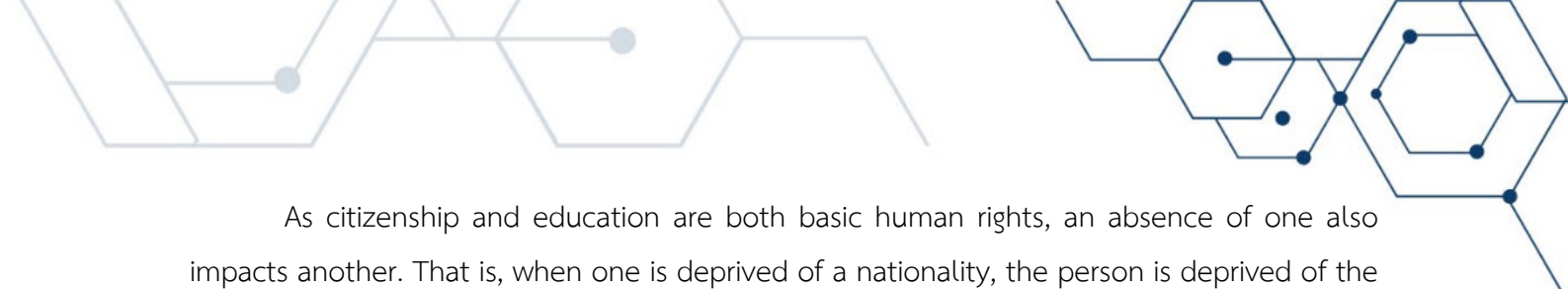
Undoubtedly, the MOI's regulatory framework is designed from the perspective of security concerns, not human rights or equity concerns. However, these procedural requirements reflect a misalignment in RTG's regulatory design for access to education for stateless children, and potentially cause confusion among street-level officers and stakeholders including stateless children and their family. In fact, the Immigration Act B.E. 2522 section 64 stipulates punishment of up to 5-year imprisonment or a fine up to 50,000 baht for those who assist or provide illegal aliens refuge or residence. As long as this clause remains enforced, it is reasonable for educational administrators to hesitate enrolling unregistered stateless children, because the Act is a principal law, while the MOE's Regulations are just secondary/administrative laws. So, from a policy design perspective, the Immigration Act B.E. 2522 (1979) and the *MOI's 2010 Regulation* are the key regulatory obstacles for enrolling stateless children and youth into educational facilities.

**Table 6 List of important laws and regulations which regulate the provision of access to education for stateless children**

Law / Regulation	Summary
1. Constitution B.E. 2560	<p>Section 49</p> <p>Every person shall enjoy equal rights to receive at least twelve years of comprehensive and quality education provided by the State free of charge.</p>
2. National Education Act B.E. 1999	<p>Section 10</p> <p>All individuals shall have equal rights and opportunities to receive basic education provided by the State for the duration of at least twelve years. Such education, provided on a nationwide basis, shall be of quality and free of charge.</p> <p>Those destitute or disadvantaged shall have the rights and opportunities to receive basic education specially provided.</p> <p>Section 17</p> <p>Compulsory education shall be for nine years, requiring children aged seven to enroll in basic education institutions until the age of 16.</p>
3. Cabinet Resolution dated 5 July 2008	Extend educational access and opportunity to stateless children
4. MOE's Regulation on evidence to be collected when educational institutions enroll students (2005)	<p>Clause 5</p> <p>Educational Institutions shall take as its responsibility to enroll children at compulsory school age.</p> <p>Clause 6</p> <p>In the extreme case where a child who has never enrolled at any educational institutions has none of the civil registration evidence (e.g. birth certificate, delivery certificate, ID card, Thor Ror 14, Thor Ror 13 etc.), and there is no accompanying parent or guardian or a Non-Governmental Organization, the educational institution may just ask the child to fill and sign a "<i>Personal Record Form</i>" and use it as evidence to enroll that child.</p> <p>Clause 9</p> <p>Schools shall not put discriminatory marks or notes regarding citizenship status on personal study records of stateless children.</p>
5. MOI's Regulation on temporary permission for persons without Thai nationality to attend educational	Require stateless children and youth who were already granted temporary residency to apply for a permit for traveling to school out of the district where they are registered.

Law / Regulation	Summary
institutions outside restricted area (2010)	
6. MOE's Manual and guidelines for providing education to persons with no civil registration evidence or not having Thai nationality (2017)	<p>Explain the background and rationales of <i>Cabinet Resolution dated 5 July 2005</i> and <i>MOE's Regulation on evidence to be collected when educational institutions enroll students B.E. 2548</i> and clarify that:</p> <ol style="list-style-type: none"> <li>1) Stateless children must receive education.</li> <li>2) Stateless children can receive as high as tertiary education.</li> <li>3) Upon completing a curriculum, stateless children must receive evidence of completion.</li> <li>4) Educational institutions would receive per-student subsidies for stateless students.</li> </ol> <p>Stateless students must obtain the permit from the MOI only once to complete the whole curriculum to reduce the burden and barriers to accessing education, stateless students should not be required to repeatedly seek permission during their studies.</p>
7. MOE's Announcement on enrollment of students with no civil registration evidence or not having Thai nationality dated 31 October 2019	<p>Registered stateless children and youth shall receive the same treatment as Thais when enrolled into educational institutions. School personnels shall use the G-code system to first identify and enroll stateless children, and then coordinate with stateless students' parents and the district office under the MOI to arrange for a civil registration for the students and obtain them a legal status by obtaining a 13-digit ID number (category 0-00).</p>
8. MOE's Guidelines for managing subsidy for lunch and supplementary diet (milk) for students with no civil registration evidence or not having Thai nationality (G-code students) dated 12 June 2020 (MOE, 2020)	<p>Clarify Local Administrative Offices under the MOI that schools under their supervision can claim per-student subsidies for lunch and supplementary diet (milk) for stateless children</p>
9. Immigration Act 1979 (Revised as of 2018)	<p>Those who assist or provide illegal aliens refuge or residence will receive punishment of up to 5-year imprisonment or a fine of up to 50,000 baht.</p>

Source: Compiled by authors



As citizenship and education are both basic human rights, an absence of one also impacts another. That is, when one is deprived of a nationality, the person is deprived of the right to education (Park et al., 2009). Vice versa, a lack of access to education further puts a stateless person in a position where (s)he has no knowledge or socio-economic means to obtain a nationality. Therefore, both the CRC and the International Covenant on Civil and Political Rights (ICCPR), also acceded by the RTG, emphasize the right to acquire a nationality and right to education for all children within the territory of state parties (Selvakumaran, 2020). So, the ultimate solution to effectively solve the problem of access to education for stateless persons is to solve statelessness itself (Park et al., 2009).

In this matter, the RTG has shown commitment in its international agreements and country-level policy and plans as reviewed earlier. However, while many pathways to obtaining Thai nationality has been created for almost all groups of stateless persons, the actual process of proving one's eligibility is too long and burdensome for most stateless persons. So, registering people of nine ethnic groups in the highland as 'Thai' has continued for over 20 years since 2000 (UNICEF Thailand, & Terre des hommes, 2022, p. 11). In many cases, the obstacle to obtaining a Thai nationality is simply a mismatch of information in the MOI database as a result of street-level officers' misunderstanding or mistake when inputting the person's information at the time of registration, leaving a person/child in a limbo state of uncertainty (see UNICEF Thailand, & Terre des hommes, 2022, p. 30-34). In fact, De Groot (2014, p. 160) argues that the period which a nationality of a person is classified as 'under investigation' should only be used as 'transitory measure during a brief period of time,' not prolonged into years or a lifetime as in the case of many stateless persons in Thailand.





## Chapter 3: Literature Review on Experiences and Obstacles Faced by Stateless Children and Youth in Accessing Education in Thailand

Education in Thailand is divided into three categories: formal education, non-formal education, and informal education. Formal and non-formal education are structured in the form of curricula or modules, while informal education refers to learning that occurs outside of structured curricula, such as participation in museums or libraries. Formal and non-formal education differ in terms of flexibility, with non-formal education offering greater flexibility in terms of learning locations and schedules. Currently, non-formal education programs under the MOE are mostly implemented through DOLE's Learning Encouragement Center (Non-Formal Education), which are generally available to youth aged 15 and older.

Learners in Thailand can complete primary, secondary, and higher education either through formal or non-formal education systems. The main providers and regulators of formal education are the Ministry of Education (MOE) and the Ministry of Higher Education, Science, Research, and Innovation (MHESI). The Ministry of Education oversees and manages most general education schools, vocational schools/colleges, and community colleges. The remaining public schools are operated by local administrative organizations (LAOs) under the Ministry of Interior or other ministries, such as Border Patrol Police Schools, which fall under the Royal Thai Police. Private providers account for only about 20% of all students in the formal education system at the basic education level (K 1 to K12). MHESI is responsible for overseeing higher education institutions. Before 2019, higher education was under the jurisdiction of the Ministry of Education and thus had to comply with the MOE's regulatory framework concerning access to education for stateless persons. More than half of higher education providers are state-funded, similar to basic education, though some operate as "autonomous universities."

The following are key issues from the literature review on access to education for stateless children and youth in Thailand.

### **3.1 Understanding among policy implementers has improved in recent years, resulting in increased access to formal education services for stateless children and youth.**


Recent literature suggests a continuous improvement in the implementation of providing educational access to stateless persons. This has led to a significant increase in the enrollment of stateless children in public schools since 2005 (UNICEF Thailand, 2019, p. 11) as a result of RTG's continuous policy formulation at various levels, along with the MOE's efforts to communicate with its subsidiaries and stakeholders. In addition, the financial pressure on public school administrators caused by a constant decline in the enrollment rate of Thai children has made enrolling stateless children an opportunity to claim funding from the government and other organizations, especially schools in rural areas. Although the implementation of on-the-ground practices remains inconsistent, the implementation success tends to concentrate in the areas populated by stateless children. However, these facilities, especially in the border areas, are facing new challenges associated with an increase in irregular enrollment and annual drop-out from war-fleeing children, as well as the challenge of complying with laws and regulations (Transborder News, 2023a).<sup>18</sup>

### **3.2 Most public preschools and child development centers still do not admit children without identification documents**

The literature indicates that most public preschools and child development centers are operated by local administrative organizations (LAOs) and generally only admit children with identification documents (Chulalongkorn University and UNICEF Thailand, 2022, p. 43). However, in certain areas, such as Mae Sot District, it has been observed that LAOs can admit children without identification documents (ibid.), highlighting operational gaps among child development centers under LAOs. Nonetheless, this also reflects progress compared to the past, when most LAO-run schools would not admit children without documentation (Phuaphansawat, 2021).

---

<sup>18</sup> Those educational facilities are encountering high fluctuation and disruption in children's attendance as one facility reports nearly one-fourth of students drop out each year because they are in a constant move. According to Help Without Frontier's director Siriporn, a systematic strategy to manage an influx of children with no ID document from Myanmar into Learning Centers in Tak is in need (Transborder News, 2023a).



**3.3 DOLE’s curricula seem to be a viable choice for stateless children to access secondary and tertiary education because most stateless children would need to work at a young age. However, the information has been less accessible than formal schooling in public schools.**

Japan International Cooperation Agency (JICA)’s leaflet (2023), which aims to provide migrant youths with information about educational pathways in Thailand, suggests that stateless youths who have successfully progressed to tertiary education mostly attended non-formal schooling on weekends at Learning Centers run by DOLE (previously ONIE). According to Chulalongkorn University & UNICEF Thailand (2022a), DOLE’s curriculum is equivalent to the national curriculum and the student would receive a certificate upon completion which they would need in accessing tertiary education. Moreover, there is currently DOLE’s curriculum designed specifically for migrant children. The flexibility offered by DOLE’s curriculum would accommodate stateless children and youth who are under financial pressure or those who do not want to be put in the cohort of smaller Thai children due to their low proficiency in Thai language, which would be the case for the public schools.

There have been many initiatives in the past under the Office of Non-formal and Informal Education (currently DOLE) to design and deliver special curricula for hill-tribe people, which also covered ethnic stateless children. The most important initiative was the *Hilltribe Thai Community Learning Center “Mae Fah Luang”* which currently has 778 centers in 13 provinces where hill-tribe populations reside.<sup>19</sup> However, recent statistic indicates a decline in the number of school-aged students enrolling in these Learning Center, that is 68.7% of these centers do not have any children (only adults) or have only 1-9 children enrolled. This suggests that, among the hill-tribe populations too, formal schooling is the more popular choice, if they can secure access.

DOLE Pang-Nga branch has also run the Moken Community Learning Center in the Surin islands for Moken stateless children and adults since 2005, an initiative of Her Royal Highness Princess Maha Chakri Sirindhorn. Recent data suggests that currently Moken children can access to pre-primary education offered by the LAO and continue their primary and

---

<sup>19</sup> The 13 provinces include Mae Hong Son, Chiang Mai, Tak, Nan, Chiang Rai, Lamphun, Lampang, Phayao, Phrae, Kanchanaburi, Prachuabkhirikan, Petchburi and Ratchaburi.



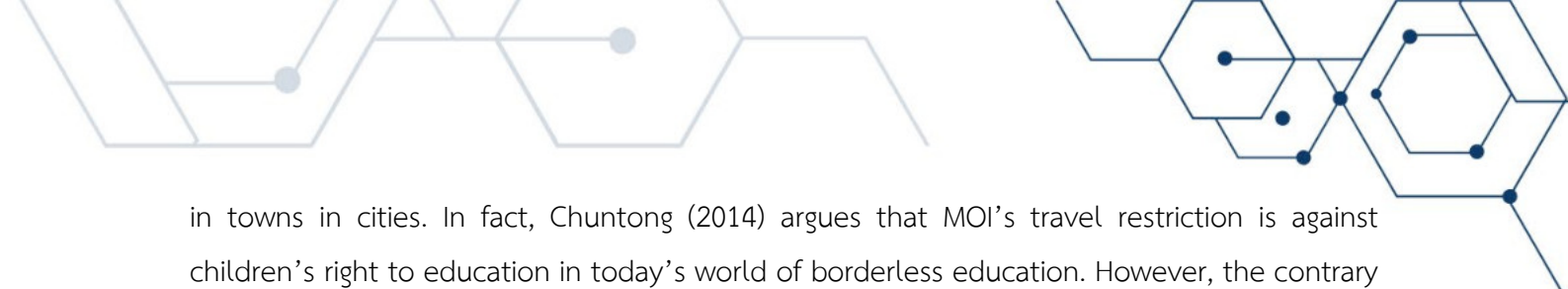
secondary education in the Center. The branch also run a Thai literacy programme for stateless persons particularly (Technology Chaoban, 2022).

### **3.4 Stateless children in the education system usually drop out at the secondary level. The first barrier is the cost of secondary education and the economic pressure to work. The second barrier is traveling restrictions.**

Stateless children who managed to access primary education would mostly drop out before entering upper-secondary education, partly because they are old enough to work and support the family's shore, and partly because access to secondary education is generally more limited and more costly than primary school. In Thailand, secondary schools offering upper secondary education are not available in all the villages. The quality ones concentrate in cities, large cities and metropolitan Bangkok (highly competitive schools). To afford upper secondary schooling, stateless children must travel beyond their village, enduring more traveling expenses than primary schooling. On average, schools would charge a tuition fee of 8,000-14,000 at upper-secondary level (Office of the Education Council, 2019). Particularly, for hill-tribe stateless children, distance to school and traveling effort associated with lack of infrastructure in the remote highland was an important obstacle (Park et al., 2009, p. 541).

Most stateless children and youth who remain in the schooling system after primary education work part-time to fund their study (UNICEF & Terre des homme, 2022). Among a few stateless youths who made it to tertiary education, open universities (especially Ramkhamhaeng University–RU and Sukhothai Thammathirat–STOU) seem to be a more rational choice than normal universities, because their flexibility allows them to earn a living and self-fund their study (Japan International Cooperation Agency, 2023). Those who made it into a normal university had a record of less work experience in their school age, supposedly under less economic pressure (ibid.). The ethnic stateless children who had managed to progress to higher education are less likely to be under the same economic pressure experienced by those of stateless migrant children.

Apart from the costs, travel restriction is a key barrier for stateless children to access secondary education (Chuntong, 2014; Park et al., 2009, p. 542). To travel outside the district where one is registered, stateless children and youth must apply for a permit in compliance with the *MOI's 2010 Regulation*. As secondary schooling options are often faraway from stateless children in the remote areas, this restriction affects them more than those residing




in towns in cities. In fact, Chuntong (2014) argues that MOI's travel restriction is against children's right to education in today's world of borderless education. However, the contrary is applied to the case of unregistered stateless children and youth who are the entourage of migrant workers. For this group, the barrier for them to study and complete any curriculum is the frequency of their parents' movement from one place of employment to another, tagging them along. So, they are unable to settle in any educational institution and soon lose motivation to learn (UNICEF Thailand, 2019).

### **3.5 Stateless children and youth's language and motivation are also a barrier of access to education**

The language used in education has much to do with children's motivation to learn and their learning outcomes, which affects their future educational opportunities. The language problem seems to be less severe in the border areas which have a long history of multiculturalism such as Tak, Mae Hong Son, and Chiang Rai. These areas also enjoy interventions from International Organizations and CSOs in implementing a multi-lingual curriculum (UNICEF Thailand, 2022). In some schools, as many as 4 languages are encouraged (Wannaopas & Kerdnak, 2021). The barrier to learning due to language differences also depends on the child's ethnic background. For example, Shan stateless children can learn Thai better and quicker than other ethnic groups due to linguistic similarity (UNICEF Thailand, 2019). Moreover, older children and youth would take more time to learn the Thai language than small children, making it easier for them to be discouraged (*ibid.*, p. 26).

The low motivation also has to do with stateless children's 'illegal' status in the other domains of life beyond education. Stateless persons are not legally eligible to apply for a driving license and do many jobs in Thailand (Moong-Ngam, 2023). Due to implementation deficit in RTG's policy to solve statelessness, this uncertainty about their future has discouraged many stateless children from trying hard in their study at a higher level than primary education. From a security perspective, a drop-out of stateless children does not benefit the country because it means a potential loss of human capital.

Sometimes the lack of motivation to receive education has to do with the drive to preserve the ethnic community's way of life. The Mani ethnic people in the southern region is the case in point. While many of the Mani have acquired a Thai ID and are not stateless



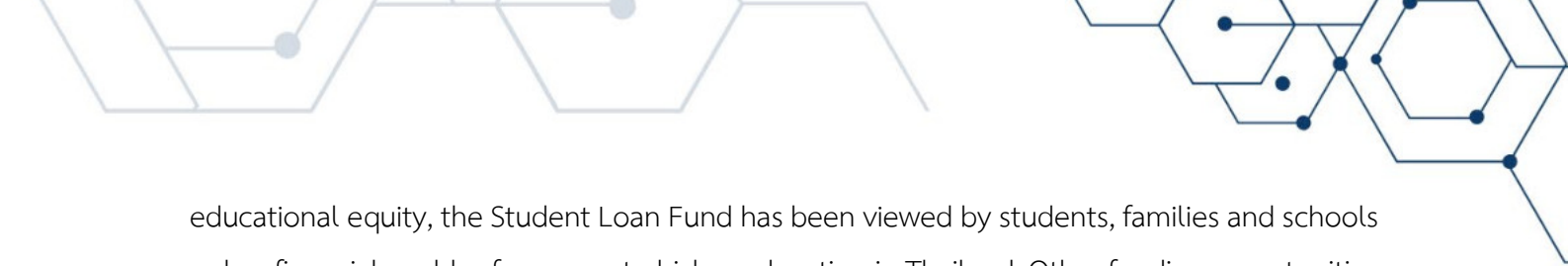
anymore, most Mani children do not attend schools (Thanalertsomboon, 2023). Their livelihood is quite isolated from the modern community, despite daily access to town and easy access to public schools. In this case, the model of the Community Learning Center (CLC) currently available to the Moken and highland communities could be a possible solution.

### **3.6 Many barriers are structural barriers in the Thai education system (biased against rural areas and the poor)**

Thai education system suffers from poor structural design which discriminates children and youth in poverty and in the rural areas, regardless of nationality, from accessing education at the levels higher than compulsory education (K1-K9). Phuaphansawat (2021) argues wealth is the underlying factor for educational inequity in Thailand. Quality education and better educational opportunities tend to concentrate in locations with a high level of wealth, e.g., the city, making it a superior environment to be educated for both Thais and non-Thais. Literature suggests the experience of stateless children in accessing education could be hugely influenced by the location where the children and youth reside. Because a large number of stateless children and youth reside in remote, rural areas, their problems in accessing education have to do partly with this structural bias against children born and raised in rural areas regardless of nationality. So, Park et al. (2009, p. 499) argue that the quality of schools in hill-tribe villages where stateless children of ethnic groups attend is far inferior to Thai public schools in large cities. Because educational opportunities in the urban areas are far better than in the rural areas, being stateless in the city could mean a better chance to access and progress in the Thai education system

### **3.7 While disadvantaged economically, stateless children and youth cannot access study loans, although they can access some government assistance**

Another key barrier identified in the literature is stateless children's and youth's ineligibility to access the Student Loan Fund (Chuntong, 2014; Moong-Ngam, 2023), aiming to help students finance their upper secondary and tertiary education. The Fund is set up and regulated by the Student Loan Fund Act of 1998 (revised 2017 and 2023). The Act stipulates in section 39 that the eligible student must be of Thai nationality. In 2017, the Loan Fund further narrowed the criteria of eligibility to only those studying in the shortage fields. In 2023, the criteria is expanded to allow adults to apply, but the Thai nationality clause remains. Despite questions on the Fund's sustainability and its effectiveness as a tool to improve



educational equity, the Student Loan Fund has been viewed by students, families and schools as key financial enabler for access to higher education in Thailand. Other funding opportunities usually come with the Thai nationality condition for eligibility as well. For example, Bangkok Metropolitan Administration's 600-baht scholarships allocated to 300 students each year are also limited to students with Thai nationality, disallowing non-Thai students (Intorn, 2023).

Another funding opportunity for stateless children to access education is the Equitable Education Fund, established in 2017. The fund is only available for compulsory education (K1-K9) and comes in the form of yearly subsidy for students from families earning less than 3,000 baht/person/month and passing other criteria. The subsidy is 1,000 baht/year for primary students and 3,000 baht/year for lower secondary students. Very poor students can receive an extra subsidy at the maximum of 4,200 baht/year. Targeting at all groups of disadvantaged children, the Fund has the goal of 'zero drop-out' and takes migrant children, children in remote areas, as well as teachers serving these children, as their target groups<sup>20</sup> (UNICEF Thailand, 2019, p. 12). However, in practice it seems that stateless children can hardly benefit from EEF subsidy because the process of proving the students' eligibility is too burdensome for teachers working in those remote schools (UNICEF Thailand, 2019, p. 54).

Another relevant Fund is the Development Fund for Children and Youth in Remote Areas set up by Her Royal Highness Princess Maha Chakri Sirindhorn. This can be further explored.

### **3.8 Stateless novices have a unique problem in accessing education whereas stateless girls do not have access to education offered in the temple like boys.**

Stateless novices who reside in temples are a group of stateless children who are facing a unique problem in accessing education. These stateless children and youth were never included in any registration projects and do not have any identification; hence they are considered unregistered stateless children. The MOE's *Phra Pariyadhamma* curriculum which is for novices is only available at the secondary level (K7-K12) while the DOLE's curriculum is also available for those 15 and above. Also, because of monkhood, these stateless novices cannot attend public primary schools. This has left the novices at younger ages with no educational option. Recently, stakeholders in Chiang Mai have recognized this problem and

---

<sup>20</sup> <https://www.eef.or.th>



initiated the *Bhodiylai Learning Center* in Chiang Mai city to fill this opportunity gap (ThaiPBS, 2023c).

The above information also suggests that, while stateless girls do not have to face this unique problem at primary-school ages because they are not allowed to become novice, they are discriminated against boys from secondary-school ages onwards. This is because boys would have more pathways to education than girls due to the availability of *Phra Pariyadhamma* curriculum offered in temples.

From the above review, the literature on access to education for stateless persons is written from a legal/doctrinal and human rights perspective. Few has incorporated perspectives of public policy which would allow analysis to be more in-depth in terms of implementation protocol and processes, and more balanced between human rights and other public values, including order and security. Also, most literature focuses only on the MOE as the sole government agency relevant to access to education. Few has taken into account the role of other government agencies which effectively hinder or enable the access to education for stateless children and youth, for example, the MOI and the MOL, whose regulations/practices are an important factor.



## Chapter 4: Research Methodology and Sample

To evaluate the current situation regarding the educational access experiences of stateless children and youth, this study employed a qualitative research methodology, gathering in-depth interview data from a total of 65 stakeholders divided into two groups as follows:

The first group consisted of 12 participants from 10 organizations, including academics, representatives from central government officials, and representatives from civil society organizations. Data were collected through semi-structured interviews lasting approximately 1–3 hours. The researchers have chosen not to disclose the names and positions of interviewees from government agencies to protect their identities.

**Table 7 Summary of Interviewees in Group 1 (April – July 2024)**

No.	Type of Informant	Name	Organization	Number of Informants
1	Academic	Associate Professor Dr. Bundit Grivijitr	Faculty of Humanities and Social Sciences, Prince of Songkla University, Pattani Campus	1
2	Academic	Associate Professor Dr. Pantip Kanchanachitra Saisoonthorn	Faculty of Law, Thammasat University	1
3	Government Agency	Representative from a Border Hospital in Tak Province, Ministry of Public Health	Tha Song Yang Hospital, Tha Song Yang District, Tak Province	1
4	Government Agency	Representatives from the Office of the Permanent Secretary, Ministry of Education	Regional Educational Administration Promotion and Development Division, Office of the Permanent Secretary	2
5	Government Agency	Representatives from the Office of Department of Learning Encouragement	Division for the Promotion and Support of Learning for Disadvantaged Groups, Department of Learning Promotion	2

No.	Type of Informant	Name	Organization	Number of Informants
6	Government Agency	Representative from the Minority Group Division, Department of Provincial Administration, Ministry of Interior	The Bureau of Registration Administration Department of Provincial Administration	1
7	Government Agency	Representatives from the Minority Oversight Division Immigration Affairs Group Department of Provincial Administration, Ministry of Interior	The Bureau of Registration Administration Department of Provincial Administration	2
8	Government Agency	Representative from the Office of the National Security Council	Office of the National Security Council	1
9	Civil Society Representatives	Ms. Preeda Kongpaen	Representative from National Human Rights Commission of Thailand	1
10	Civil Society Representatives	Ms. Jummalee Kaewkanya (Stateless persons at present)	Northeastern Thailand Stateless Persons Network	1
Total Number of Informants in Group 1				12

Group 2 consists of a sample of stakeholders from three surveyed areas: Umphang District, Tak Province; Than To and Bannang Sata Districts, Yala Province; and Mae Chaem and Chiang Dao Districts, Chiang Mai Province. These areas were selected by the researchers based on the presence of ethnic populations who have not yet acquired Thai nationality. The informants in this group are categorized into four types as follows:

1. Representatives from relevant government agencies in the area, such as school directors, teachers, local educational authorities, district chiefs, and representatives from local administrative organizations, totaling 18 individuals.
2. Stateless children and youth studying in both formal and non-formal education systems, including those with identification numbers 0-00, 0-89, 7, and G-coded students, totaling 15 individuals.
3. Parents/guardians of stateless children, community members/leaders who have recently acquired Thai nationality, and ethnic community leaders, totaling 19 individuals.
4. A civil society representative working in the area, totaling 1 individual

The researchers have chosen not to disclose the names and positions of the interviewees to ensure the confidentiality of their identities.

**Table 8 Summary of Interviewees in Group 2 (April – July 2024)**

No.	Survey Area	List of Interviewees	Number of Participants
1	Umphang District, Tak Province	<ol style="list-style-type: none"> <li>1. 4 Parents</li> <li>2. 5 Stateless children and youths</li> <li>3. 1 Civil Society Representative</li> <li>4. 1 Representative from an Early Childhood Development Center</li> <li>5. 1 Representative from Umphang Witthayakhom School</li> </ol>	12
2	Than To District and Bannang Sata District, Yala Province	<ol style="list-style-type: none"> <li>1. 1 Representative from Than To District, Yala Province</li> <li>2. 3 Representatives from Than To District Learning Encouragement Center</li> <li>3. 4 Representatives from Bannang Sata District Learning Encouragement Center</li> <li>4. 10 individuals, including Jahai community leaders, parents and stateless children and youths</li> </ol>	18
3	Mae Chaem District and Chiang Dao District, Chiang Mai Province	<ol style="list-style-type: none"> <li>1. 8 Parents</li> <li>2. 7 Stateless children and youths</li> <li>3. 5 Representatives of a school under the Chiang Mai Primary Educational Service Area Office 6</li> </ol>	23

No.	Survey Area	List of Interviewees	Number of Participants
		4. 2 Representatives from Local Administrative Organization 5. 1 Representative from Rajaprajanugroh School	
Total Number of Informants in Group 2			53

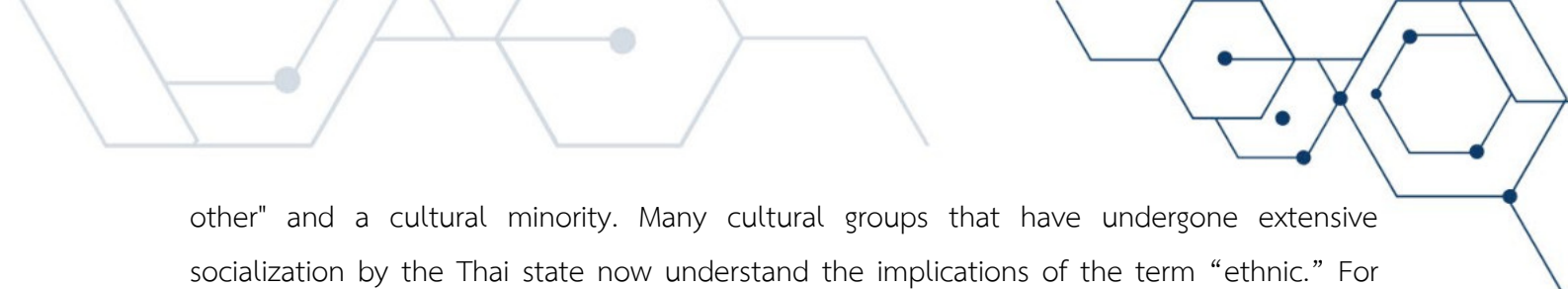
The sample of stateless children and youth in this study ranged in age from 7 to 18 years. All participants had identification numbers, except for the Jahai youth, who, although currently without identification numbers, are in the process of obtaining Thai national ID cards. Consequently, this study does not include stateless children and youth who remain unregistered (unregistered stateless children). The sample also included one stateless adult (aged 27), who successfully completed a bachelor's degree and is now employed as a nurse. This individual was included in the sample to provide insights into higher education experiences and employment opportunities.

**Table 9 Details of Civil Registration Status and Ethnicity of Stateless Children and Youth in the Sample**

No.	Gender	District	Age	Ethnicity	ID Number Categories
1	Male	Umphang District, Tak Province	8	Karen	0-00
2	Male	Umphang District, Tak Province	19	Karen	0-89
3	Female	Umphang District, Tak Province	7	Karen	7
4	Male	Umphang District, Tak Province	12	Karen	0-00
5	Female	Umphang District, Tak Province	27	Karen	0-89
6	Female	Mae Chaem District, Chiang Mai Province	11	Shan	7
7	Female	Mae Chaem District, Chiang Mai Province	14	Pa-O	0-00
8	Female	Mae Chaem District, Chiang Mai Province	14	Pa-O	0-00
9	Male	Mae Chaem District, Chiang Mai Province	-	Pa-O	G-code
10	Male	Mae Chaem District, Chiang Mai Province	13	Pa-O	0-00
11	Female	Chiang Dao District, Chiang Mai Province	17	Shan	G-code
12	Male	Chiang Dao District, Chiang Mai Province	11	Shan	0-00
13	Male	Bannang Sata District, Yala Province	13-18	Jahai	No Identification Card (waiting for a district office appointment to issue a Thai national ID card)
14	Male	Bannang Sata District, Yala Province	13-18	Jahai	No Identification Card (waiting for a district office appointment to issue a Thai national ID card)
15	Male	Bannang Sata District, Yala Province	13-18	Jahai	No Identification Card (waiting for a district office appointment to issue a Thai national ID card)

The table above illustrates that ethnic identity is a defining characteristic of stateless children and youth. Ethnicity refers to cultural attributes that differentiate these individuals from the dominant culture at both national and local levels, particularly in terms of language and way of life. Ethnicity may arise from ancestral migration (e.g., cases such as “Haw Chinese migrants” or “Vietnamese migrants”) or from ancestral non-migration (e.g., cases such as “highland individuals” or “the nine hill tribes”).

Furthermore, the concept of "ethnicity" (ethnic) is problematic (interview with Associate Professor Dr. Bundit Grivijitr). Identifying someone as a member of an ethnic group or categorizing children and youth as "ethnic" involves "labeling" them as being perceived as "the




other" and a cultural minority. Many cultural groups that have undergone extensive socialization by the Thai state now understand the implications of the term "ethnic." For instance, Thai-nationalized Karen people often dislike being referred to as ethnic" despite the fact that, in another sense, the term provides them with political space and identity on the national stage. This can be seen in the case of a group of senate who were categorized as "the elderly, people with disabilities, ethnic groups, and other identity groups." The use of the concept of ethnicity to understand the situation reflects the unequal power dynamics between those who define and those who are defined.

The categorization of ethnic groups by the Thai state, applied to tribes that entered Thailand at various points in history, has led to issues related to "labeling" that do not align with the self-perception of the groups being categorized, as well as the evolving security situation. For instance, as previously mentioned, the Karen ethnic group is perceived by central Thais as a minority with a distinct cultural identity. However, in reality, the Karen people across different regions of Thailand are divided into subgroups such as Paganyaw, Pwo, and Pa-O, each with its own language and distinct cultural practices. These groups do not necessarily see themselves as part of the same ethnic group.

The following is a summary of the ethnic identities of stateless children studied in the three areas.

#### **4.1 The first survey area is Umphang District, Tak Province**

Umphang District is the largest district in Thailand and the most remote from its provincial capital (250 kilometers away). It borders Karen State, Myanmar, to the west. The district's terrain is predominantly mountainous, with 97% of the area consisting of high mountains, while flat land along valleys and river basins accounts for only 3%. Settlements are scattered along the slopes of the hills. The population of Umphang District is approximately 26,422 people, living in 36 villages. The district consists of three main ethnic groups: Karen, native Thais, and Hmong. The administrative divisions include six subdistricts and 36 villages, of which 26 are Karen villages, 8 are native Thai villages, and 2 are Hmong villages (Tak Provincial Governor's Office, 2024). The Karen people in Umphang are indigenous and consist of two main groups: Paganyaw and Pwo. Additionally, the Hmong community, located in the northern part of the district, settled in the area more than 40 years ago. Most



Karen people continue to follow their traditional beliefs, which involve reverence for natural spirits, and their spiritual leaders are rishis (Seub Nakhasathien Foundation, 2012).


#### **4.2 The second survey area is Mae Chaem and Chiang Dao Districts, Chiang Mai Province**

The primary survey area is located in Mae Na Chon Subdistrict, Mae Chaem District, which is characterized by dense forests and steep mountainous terrain. The area is remote and difficult to access, especially during the rainy season, and is almost entirely within national forest reserve. In the subdistrict, there are 19 villages and 15 smaller hamlets<sup>21</sup> According to a 2022 survey by the Mae Na Chon Subdistrict Administrative Organization (SAO), the population was 11,281 (Mae Na Chon Subdistrict Administrative Organization, 2022b), which is sparse compared to the size of the area. Over 70% of the population are Karen (Paganyaw), followed by the Hmong, with the remainder consisting of native Thais and ethnic groups without Thai nationality. In addition, the Mae Na Chon subdistrict survey found that most stateless migrant workers are Pa-O, followed by Shan and Dara-Ang (Palaung). The local economy is largely based on terraced rice farming in valley plains with adequate water sources, upland rice cultivation on hill slopes by the hill tribes, and corn farming for animal feed during the rainy season. This followed by livestock farming, such as raising pigs, cattle, and buffalo, as well as the cultivation of cool-climate fruits and vegetables in high-altitude areas, are also common. During the summer, some areas are used for growing onions and soybeans (Mae Na Chon Subdistrict Administrative Organization, 2022a, p. 9). The Royal Project station also located in this area, which has attracted labor from outside, primarily stateless individuals from Myanmar, including the Shan (Tai Yai) and Pa-O.

The stateless children in the second survey area are from families whose parents migrated to Thailand 10 to 20 years ago from Myanmar (Shan State, Mon State, Karen State, Kayah State, Bago Region, Bagan, Taungoo, etc.) via natural border crossings connected to Chiang Mai, Chiang Rai, and Mae Hong Son provinces. The Shan (Tai Yai) who refer to themselves as “Tai,” comprise several groups, with the largest being “Tai Long” (known as "Tai Yai" in Thai). Shan people in Thailand can be broadly divided into two groups. The first

---

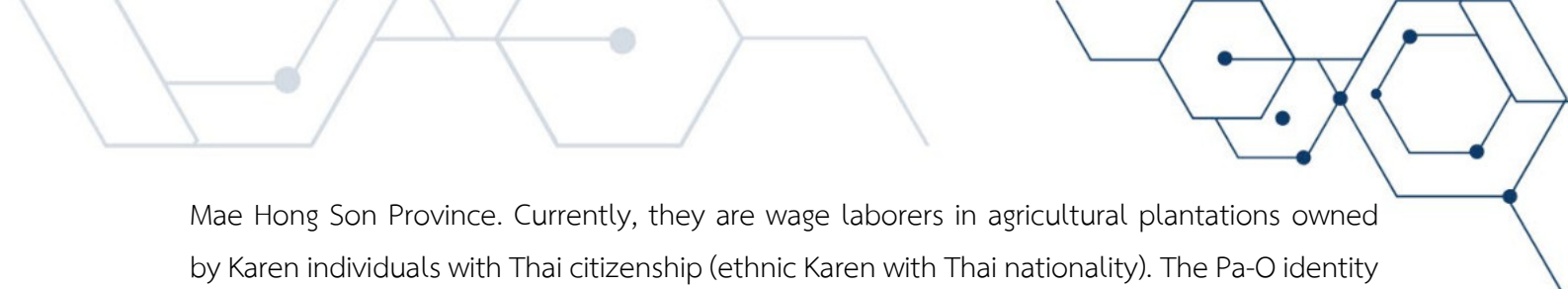
<sup>21</sup> subdivisions of villages that have not yet been officially recognized as villages, often due to their remote location and sparse population.



group consists of Shan people who have resided in the region since the pre-national state era, some of whom have integrated into Thai society and become Thai nationals, particularly the descendants of the early Shan. The second group consists of those who migrated after the formation of nation-states in the past three decades. Some members of this latter group still maintain ties with the Shan in Myanmar, while others have established permanent residences in Thailand or continue to live as migrant workers (Princess Maha Chakri Sirindhorn Anthropology Centre, 2023a) The Shan are predominantly Buddhist, with beliefs in spirits and sacred entities coexisting alongside their religious practices. They have their own spoken and written language, known as the Tai language.

On the other hand, the majority of the Pao people reside in various communities in Northern Thailand, including the provinces of Mae Hong Son, Chiang Mai, Lamphang, Phayao, Chiang Rai, and Tak (Mae Sot and Umphang Districts). Historically, the Pao were also referred to as “Tong Su.” They are physically characterized as small in stature with relatively dark skin. There are records of their presence in Thailand dating back over a century (Srimoon, 2022). However, there is still no clear academic study or accurate population data available. In Wiang Haeng District, Chiang Mai Province, a 2023 survey (Imvoices, 2024) found that the Pa-O are spread across 10 communities, with a population of approximately 6,000. They mostly live alongside the Shan and work in agriculture, livestock farming, and general labor. The Pa-O have their own spoken and written language, known as the A-O language (part of the Sino-Tibetan language family). They also have distinctive traditional clothing, typically worn only during festivals, religious ceremonies, and special occasions. Generally, the Pa-O wear dark blue clothing, avoiding bright colors, with the only colorful aspect being their headscarves, which can be red, orange, green, purple, or other vibrant shades. Their culture is prominently reflected in their ancestral worship rituals. In addition, the Pa-O are devout Buddhists and have a close relationship with the Shan due to their shared settlements. The Pa-O typically resides on hills and mountainous slopes, while the Shan live in the plains. This geographical proximity has led to shared traditions, such as the "Jong Para" procession, "Poi Khao Mun" festival, and "Poi Lu Fire" (Rocket Festival) or the "Kiat Tree Procession" (Princess Maha Chakri Sirindhorn Anthropology Centre, 2023b).

In the second surveyed area, overlapping issues of statelessness, ethnic identity, and migrant labor are apparent. Many participants in the Mae Chaem area are Pa-O children who migrated with their parents from Karen State or were born in Thailand. Some of these children's parents previously worked until they were able to acquire land and build homes in




Mae Hong Son Province. Currently, they are wage laborers in agricultural plantations owned by Karen individuals with Thai citizenship (ethnic Karen with Thai nationality). The Pa-O identity of the interviewees is distinct from the Karen identity of their employers. The children reported that they are cared for and learn the Karen language from their employers, as their mother tongue is Pa-O. Consequently, they must learn three new languages: Karen, Thai, and English. From the Thai government's perspective, Pa-O are classified as a subgroup of Karen, an ethnic minority. However, fieldwork data reveal that Pa-O is not a subset of Karen culture but a distinct cultural identity of its own.

#### **4.3 The third survey area is Than To and Bannang Sata Districts, Yala Province**

Than To and Bannang Sata Districts area are home to the Jahai people, who live a hunter-gatherer lifestyle in the tropical rainforests along the Thai-Malaysian border. The Thai state classifies the Jahai as a subgroup of the Mani ethnic group. However, anthropological research indicates that the Jahai are considered part of the indigenous peoples ("Orang Asli" in Malay), who are spread across the northern states of Malaysia and into southern Thailand, along the Sankalakhiri or Titiwangsa mountain ranges. They frequently migrate back and forth between the two countries. According to genetic studies, Jahai genetic has shown that the Orang Asli in southern Thailand are Negrito, sharing characteristics with other Negrito populations in Southeast Asia. These traits include small stature, tightly curled hair, and darker skin compared to other groups (classified as Oceanic Negroid) (Yaowalak Wilai, 1995, cited in Grivijitr, 2019, p. 3; Somboonboorana, 2020, p. 275). Today, the Orang Asli continue to practice hunting and gathering, while also working as workers for people outside the forest, serving as guides for tourists, and acting as employees or performers of their traditional way of life for national parks and resorts.

Within the Negrito group, there are five subgroups based on language and physical characteristics: Kintaq, Kensui, Jahai, Mendriq, and Batek. According to a 2016 survey by Endicott, the Jahai are the largest group (with a population of 2,326 people) (Endicott, 2016, pp. 2-3, cited in Somboonboorana, 2020, pp. 276-77). They reside in the border regions of Perak and Kelantan states, near Yala and Narathiwat provinces in Thailand. Currently, there is only one person in Thailand who can serve as an interpreter for Thai-Jahai-Malay languages.

In Yala and Narathiwat provinces, the Jahai people are dispersed across several areas, including Betong, Than To, and Bannang Sata districts in Yala, as well as Chanae and Si Sakhon



districts in Narathiwat. They can also occasionally be found in Pattani province (interview with Associate Professor Dr. Bundit Grivijitr). Almost all Jahai people continue to live a nomadic lifestyle, residing in the forests in makeshift shelters known as “Thap.” In this study, observations were made at Thap Ban Khao Nam Tok in Taling Chan Subdistrict, Bannang Sata District. This Thap is located in a forested, mountainous area surrounded by durian and rubber plantations owned by local Malay villagers. The Thap is situated on a sloping area, and the bamboo used for building the shelters was still green, indicating that the group had recently relocated. The group leader interviewed stated that they still move frequently, but generally remain within close proximity to their current location to access work in the rubber and durian plantations below. The primary reasons for relocating are based on traditional beliefs passed down from elders (relocating is necessary at certain times to maintain their beliefs), as well as practical considerations: the new site must be cool (to escape the heat), and now, it must also have mobile phone and internet signals (for communication and entertainment) (interview with group leader).

The Jahai people in Than To District primarily reside in Mae Wat Subdistrict. One key area in Mae Wat where the Jahai live is Chulabhorn Development Village 9, a model settlement aimed at relocating the traditionally nomadic Jahai to a fixed residence or at least limiting their movement within a specific area. Most of their movement now occurs between villages within Mae Wat Subdistrict, as part of a collaborative effort between administrative officials in Betong and Bannang Sata Districts, where the Jahai reside. The process of monitoring the Jahai's movements is currently managed through local leaders, including village heads and subdistrict chiefs. These leaders also act as intermediaries, facilitating employment opportunities between employers and the Jahai.



## Chapter 5: Overall Educational Access Opportunities for Stateless Children

The study found that there are various types and affiliations of educational institutions or learning centers where stateless children are enrolled. The information gathered from stakeholder interviews covers early childhood development centers under LAOs, schools under the OBEC, which provide education based on the core curriculum, such as primary schools (including opportunity-extension schools)<sup>22</sup>, secondary schools, and Rajaprajanugroh schools, which are boarding schools for special or disadvantaged target groups. Furthermore, the study covers learning centers under the DOLE (formerly ONIE), which are managed by provincial authorities. Although the interviews did not include other key education providers for stateless children, several were mentioned by interviewees. These include Border Patrol Police Schools, under the Border Patrol Police Headquarters, which provide education based on the core curriculum; Buddhist scripture schools under the Office of National Buddhism; Migrant Learning Centers (MLCs), managed by both domestic and international non-governmental organizations, many of which have not yet been legally established; the Hill Tribe Learning Centers of the Mae Fah Luang Foundation, under the DOLE; vocational institutions; and state-run and autonomous higher education institutions.

### 5.1 Overview of Educational Services in the Surveyed Areas

A general survey of the situation reveals that the current access to formal education services for stateless children and youth has improved at the primary and secondary levels. This improvement is due to schools having an incentive to receive per-student subsidies for enrolling stateless children, especially in the context of significantly declining birth rates among Thai children. Most of these schools are either primary schools or opportunity-extension schools in remote communities, where the number of newly born Thai children has decreased, or schools that are less competitive and not favored by Thai parents for their children's education (schools with low competitive rate). As a result, these schools have an incentive to accept stateless children to secure per-student funding, especially in the context of a significant decline in the birth rate of Thai nationals. As one school representative from

---


<sup>22</sup> An Opportunity Expansion School refers to a school under the Office of the Basic Education Commission (OBEC) that provides basic education from pre-primary to lower secondary levels (Grade 9). The purpose of these schools is to expand educational opportunities for students who complete Grade 6, allowing them to continue their lower secondary education at the same school or in nearby communities (Office of the Basic Education Commission, 2010).

Chiang Dao District mentioned, “Schools in rural districts, especially opportunity-extension schools, survive because of the ethnic groups” (interview with school representative in Chiang Dao District). In addition, policies and guidelines have become increasingly clear, and school personnel, as well as those in the non-formal education system (DOLE), are more aware and experienced in enrolling students who lack civil registration documents or Thai nationality. Attitudes have also become more open compared to the past. “The United Nations law allows us to educate children regardless of whether they have nationality or not” (interview with school representative in Chiang Dao District). This situation is reflected in the increasing number of students with G-Codes since the 2021 military coup by Min Aung Hlaing, as reflected in the statistics on the number of stateless children and youth (ID number 0, ID number 7, and G-code) in schools under the Tak Primary ESAO 2 (2017–2023).

**Table 10 Number of Stateless Children in Schools Under the Tak Primary Education Service Area Office 2 (2017–2023)**

Year	Number of Stateless Children	Rate of Change
2560	1,572	-8%
2561	1,502	-4%
2562	1,408	-6%
2563	1,370	-3%
2564	1,275	-7%
2565	1,509	+18%
2566	1,654	+9%

At the same time, stakeholders, such as employers of migrant workers, express a strong desire for the children of their employees to receive education in schools. They view these children as the future key contributors to the local economy. For instance, in Mae Chaem, a representative from the SAO noted that with the aged society, there are no longer enough Thai people in the area to continue agricultural work. Migrant workers are seen as having the potential to carry on the area’s economic activities in the future. The interviewees advocated



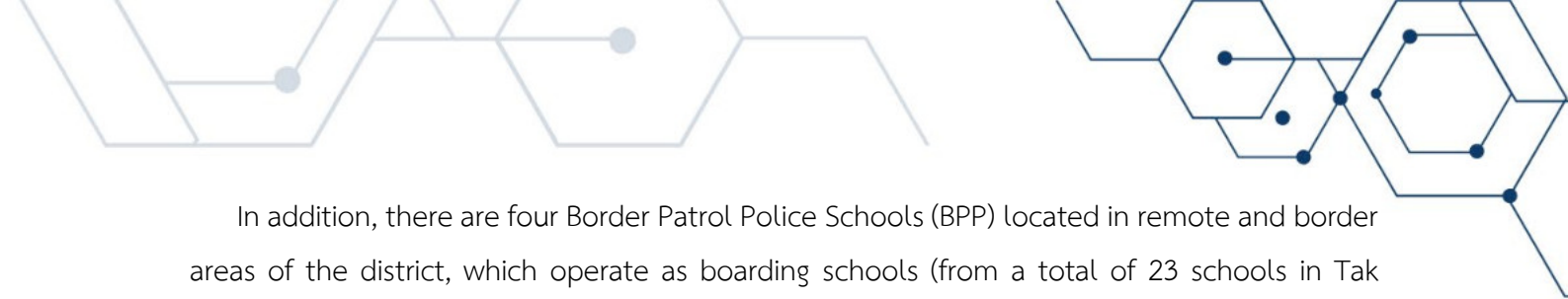
for government intervention to facilitate the permanent settlement of these migrant workers, enabling them to establish stable roots, thereby promoting sustainable human development. Continuous relocation with employers would make it difficult for the children to succeed in their education (interview with a representative from the Mae Chaem SAO).

Nevertheless, the understanding of practitioners regarding the procedures for admitting stateless students into schools remains limited to areas already accustomed to stateless populations. Even in these areas, widespread confusion or uncertainty about the proper procedures persists among practitioners, such as in Tak and Chiang Mai provinces (as will be explained further). Many early childhood development centers under LAOs still lack an understanding of how to admit children without proper documentation. The case of 126 stateless children enrolling at Thairath Wittaya 6 School in Ang Thong Province, which led to legal action against the school director, may have contributed to the concerns and caution among schools unfamiliar with admitting stateless students. In other areas where stateless individuals have only recently appeared, such as Songkhla, where Rohingya people have started to emerge. The refusal to admit stateless children into schools continues to occur frequently, even in regions with significant stateless populations.

The Regional Education Promotion Office, under the Office of the Permanent Secretary, which is responsible for providing guidance and establishing procedures, must continue its role in raising awareness among schools and facilitating coordination between schools, government agencies, and relevant civil society organizations. Currently, the office is in the process of revising the handbook and guidelines for managing education for individuals without civil registration documents or Thai nationality to keep pace with the evolving situation.

### **5.1.1 Overview of Educational Services in Umphang District**

Currently, Umphang District provides education through two systems: formal education and non-formal education. The survey did not cover non-formal education. For formal education, there are early childhood development centers, schools ranging from kindergarten to upper secondary education, and one community college. In Umphang District, there are 14 schools under the Office of the Tak Primary Educational Service Area 2, 4 schools under the Moghro Subdistrict Administrative Organization, two schools under the Secondary Educational Service Area Office 38 (ESAO 38), and one school under the Mae Klong Subdistrict Municipality.



In addition, there are four Border Patrol Police Schools (BPP) located in remote and border areas of the district, which operate as boarding schools (from a total of 23 schools in Tak Province). These schools provide education from kindergarten to primary levels, including BPP School Ban Mae Klong Kee in Moghro Subdistrict, BPP School Ban Mae Chan Ta in Mae Chan Subdistrict, BPP School Chalerm Phra Kiat 7 Ror Phra Chonmapansa (Ban Mongkwa) in Mae Chan Subdistrict, and BPP School Ban Letongku in Mae Chan Subdistrict. These schools are overseen by Border Patrol Police Division 34 (Border Patrol Police Division 34, 2024). According to the data, the BPP schools also provide transportation services for students from remote areas and stateless communities, offering pick-up on Monday mornings and drop-off on Friday evenings for their convenience.

### **5.1.2 Overview of Educational Services in Mae Chaem District**

In the subdistricts under the SAO studied, there are 22 early childhood development centers, 13 primary schools, and 3 nonformal education/community learning centers). Two of the three learning centers are Hill Tribe Community Learning Centers (HTCLC), which provide education for children from early childhood to primary school. Additionally, there are 3 BPP schools in the area. At a broader level, Mae Chaem District has 51 schools under the Chiang Mai Primary Educational Service Area Office 6 (OBEC), with 3 of these schools located in the subdistricts studied, offering education from kindergarten to lower secondary school (one of which was part of the survey). There are also 2 schools under the Office of the Private Education Commission, 1 school under the Office of Secondary Educational Service Area 34 (Mae Chaem School), 1 school under the Office of Special Education Administration (Rajaprajanugroh 31 School), and 1 school affiliated with the Bodhivijjalaya College, Srinakharinwirot University (Somdejya Community Learning Demonstration School) (Wikipedia, 2021). However, all these schools are located far from the local communities.

The school observed and studied is located in a high mountainous area, where the main population consists of Hmong and Karen people, along with Pa-O and Shan people who migrated from other areas. Most of the parents in this community migrated from Myanmar's border regions to seek employment, mainly in agricultural work. This school, under Chiang Mai Primary Educational Service Area 6 (OBEC), offers education from kindergarten level 2 to upper secondary level, with 1 branch school (Mae Jae).




### 5.1.3 Overview of Educational Services in Areas Inhabited by the Jahai

In Than To District, the school under the Office of the Basic Education Commission (OBEC) that is closest to the Jahai community (Chulabhorn Pattana Village 9) is Ban Yeo School (Ban Santi 2), which is an boarding opportunity-extension school established under the royal initiative of King Rama IX, located approximately 20 kilometers from the village. Additionally, there is the Ban Phakdi Border Patrol Police Learning Center, which offers education from kindergarten to primary level in Bannang Sata District (bordering area). The only secondary school in the district is Than To Wattanawit School, the district's main school, which is located far from the community and has high competition for admission. In Bannang Sata District, the nearest school to the community is Ban Khao Nam Tok School, located 10-12 kilometers away, which is still considered quite far due to the rugged terrain. Additionally, there is the Ban Phakdi Border Patrol Police Learning Center.

The schools mentioned are all located far from the community, with no transportation services available, or if there are, the travel time is long and incurs additional costs. Moreover, parents need to work, making it difficult to manage. Additionally, these schools lack personnel who understand the Jahai way of life and culture. Other higher-level educational institutions, such as physical education colleges, technical colleges, vocational colleges, polytechnic colleges, and nursing colleges, are mostly located in Yala city, which is even farther away.

Currently, no Jahai individuals or children have entered the formal education system in Betong, Than To, or Bannang Sata districts. A representative from Than To District acknowledged that promoting access to education for the Jahai is not an easy task, and it remains uncertain when progress will be made in the near future. However, the primary obstacle is not related to their status but rather their nomadic lifestyle, living in remote forest areas, and their way of life, which differs significantly from that of the majority local population. Additionally, the language barrier further complicates communication. More importantly, the government's policy is to avoid coercion, instead focusing on building mutual trust. These challenges have led to the development of a tailored learning program for the Jahai, emphasizing language skills, basic numeracy, life skills in modern society, and Thai etiquette. This program is managed by the local District Learning Promotion Center. Informally referred to as the "Survival Curriculum for the (New) Society," further details will be discussed.



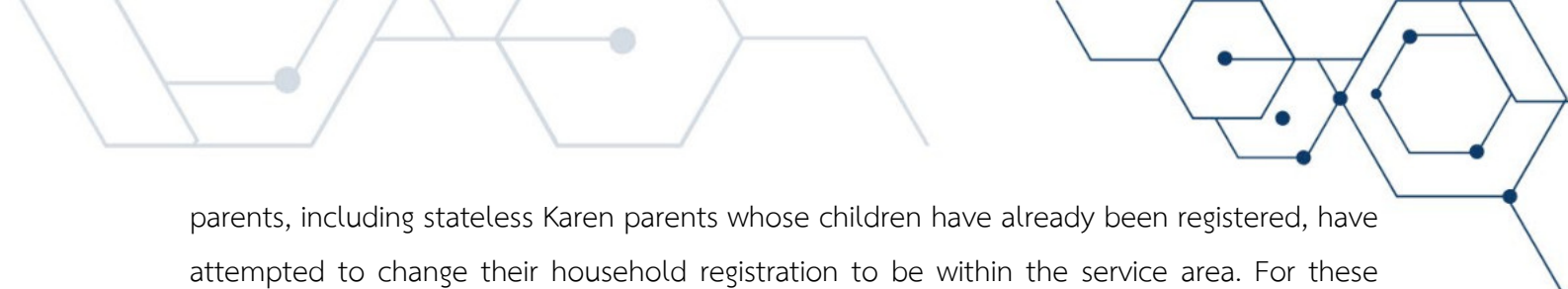
## 5.2 Access to Pre-Primary Education for Stateless Children

Schools and early childhood development centers play a crucial role as they accommodate stateless children and prepare them for entry into primary education. The researcher found that at the early childhood level, statelessness remains a barrier for children without any documentation to access services from early childhood development centers as local administrative organizations face limitations in understanding legal regulations and procedures, and are uncertain about whether they are allowed to admit undocumented children. Moreover, they are not yet aware of the process for obtaining a G-Code for these children. One of the concerns that local administrative organizations frequently have in caring for stateless children is the fear of overstepping their authority and being scrutinized by the Office of the Auditor General of Thailand (OAG). This concern persists despite the Ministry of Interior's directive, MOI 0816.2/Wor3456, dated June 15, 2020, guidelines on the provision of lunch subsidies and supplemental food (milk) for students without civil registration documents or Thai nationality (G-Code children) which already outlined procedures.

Another noteworthy observation is that Border Patrol Police Schools accept stateless children as boarding students from as early as kindergarten. However, some interviewees believe that enrolling young children in a boarding setting may not be appropriate, as this is an age when they need to be close to their parents.

### 5.2.1 The Pre-primary Education Enrollment in Umphang District

A survey conducted in the Umphang Subdistrict Municipality found that there is one early childhood development center that only accepts Thai children and children with valid identification cards and numbers (0 and 7); exceptions may be made for children of other nationalities with proper documentation if requested under special circumstances. From the interviews, one individual was accepted because the parents are financially well-off in Myanmar. However, the center will not admit children without any documentation due to concerns about legal compliance and the belief that they cannot claim lunch subsidies without proper registration. As the center does not admit children without civil registration, no G-Code applications have been processed. This center is located in the district's central area and has a strong reputation for developing reading and writing skills in children, contributing to its high demand and competitive enrollment. It has been observed that many

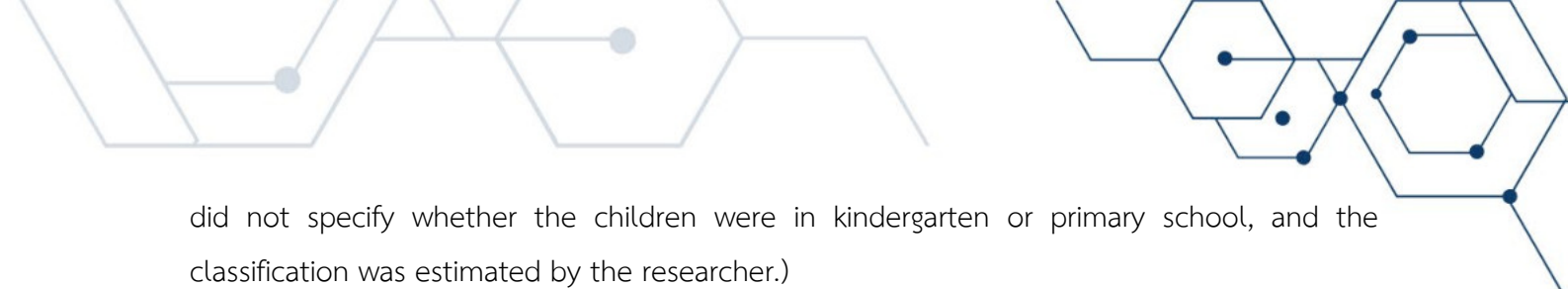


parents, including stateless Karen parents whose children have already been registered, have attempted to change their household registration to be within the service area. For these stateless families, they often seek a Thai guarantor to secure admission for their children (interview with ECDC teacher).

However, stateless children without any documentation may have the opportunity to study at three other schools within the same subdistrict, where there is greater awareness of policy and expertise in issuing G-Codes compared to early childhood development centers under the municipal administration, and they may attend other early childhood development centers distributed across four areas under LAOs, which serve remote and border areas and are more flexible in admitting children than urban centers. These include three centers under the Mae Klong Subdistrict Municipality, eight centers under the Mae Chan Subdistrict Municipality, nine centers under the Umphang SAO, and seven centers under the Moghro SAO, totaling 28 centers. Furthermore, these children may also attend one of the four BPP Schools, which accept students from the kindergarten level and are open to children of all backgrounds, providing lunch, school supplies, and transportation services. There are also 12 schools under Tak OBEC Area 2, such as Ban Umphang Community School, which accepts children starting from kindergarten level 2 and is located within the municipality, as well as other schools under various LAOs.

According to case studies of four stateless Karen children, all began their education at early childhood development centers within the municipality. Their learning experiences were typical, with no significant obstacles, and they received regular financial support. All of them reported receiving lunch subsidies in accordance with government policy during the COVID-19 pandemic. The only reported issue was a delay in obtaining the required documents for initial enrollment, specifically the need to have their names listed in the household registration of the service area. Some parents reported needing a Thai national with an identification card as a guarantor, while others were not asked.

Based on data provided by the Umphang Legal Clinic, compiled from the Data Management Center (DMC) and the Local Education Center Information System (LEC), covering 31 educational institutions and child development centers in Umphang District, it was found that in the first semester of the 2022 academic year, there were 231 students with G-code or registered with ID number 0 and ID number 7 in early childhood education. Most of these students were G-coded children. (The data may have slight discrepancies, as 2–3 institutions



did not specify whether the children were in kindergarten or primary school, and the classification was estimated by the researcher.)

### **5.2.2 The Overview of Pre-primary Education Enrollment in Mae Districts**

The discussions with the SAO in Mae Chaem district, where there are approximately 2,000 stateless residents, revealed that none of the 22 ECDCs under the SAO have admitted undocumented children thus far. Therefore, in general, children who can enter the SAO's ECDCs must have been born in Thailand or possess a 13-digit identification number (0-00, 7, or 00). Data from the SAO's education department indicates that there are 33 registered stateless children enrolled in 6 of the 22 ECDCs (interview with a representative of the SAO in Mae Chaem District).

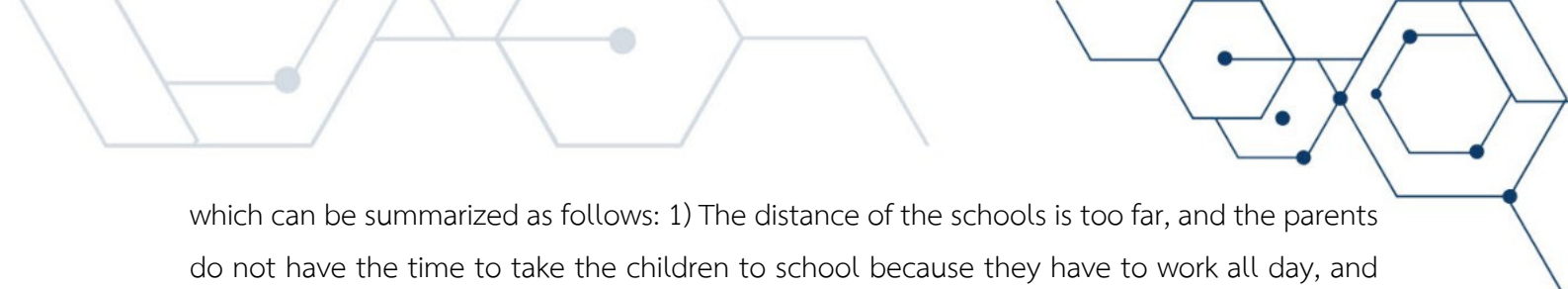
The main concern for the SAO in managing stateless children is related to the per capita budget and regulations for admitting stateless children, which require oversight from the OAG. As a representative of the SAO explained:

“They want to go to school, and the parents come and ask us to find a school for their 2- or 3-year-old child. But our authority is limited to reviewing the regulations to see if we can provide care—that’s all we can do. The local education department looks at the age requirements and other criteria based on the regulations. Otherwise, the OAG will step in” (interview with a representative of the SAO in Mae Chaem District).

The excerpt above reflects that, at the local administrative level, there is potential to provide early childhood education services to stateless children using the existing mechanisms. Notwithstanding, there is caution regarding potential audits and a lack of awareness of central government policies and regulations. After the SAO representative participated in the interview, they reached out to the local education department and were informed about the procedures for assigning G-Code. The clarification indicated that a survey of eligible children should be conducted, and the list should be submitted to the Department of Local Administration for the issuance of G-Codes.

### **5.2.3 Early Childhood Education Enrollment Situation of the Jahai Community**

The community leader of the Jahai group at Thap Ban Khao Nam Tok explained the main reasons that they do not want their young children to attend the formal school system,



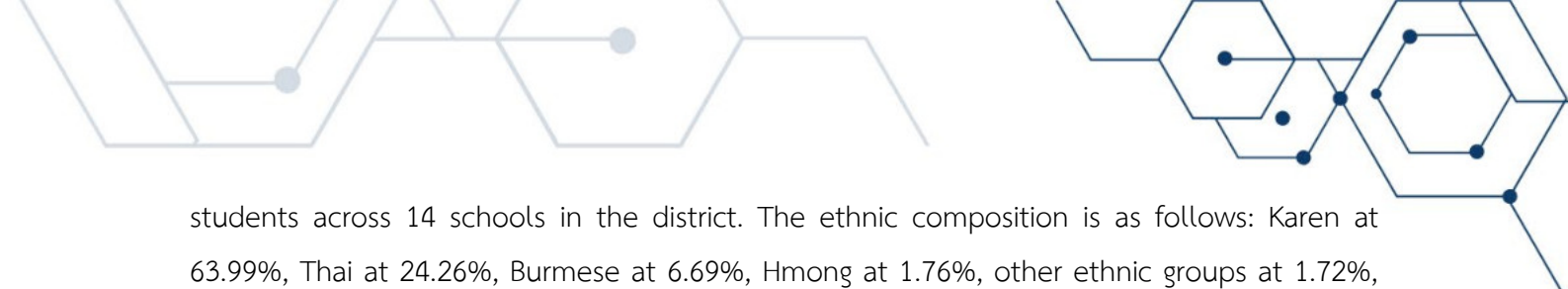
which can be summarized as follows: 1) The distance of the schools is too far, and the parents do not have the time to take the children to school because they have to work all day, and they do not have any vehicles. 2) They fear that the children will not fit in with the teachers and local Thai students from the lowland areas. This reflects a fear that the Thai formal education system may not be suitable for their way of life and culture, as well as concerns about bullying or discrimination by the local population. 3) The children are still afraid of outsiders and fear being left alone for long periods. If they have to attend a day school without their parents, it could increase their fear. These reasons reflect the Jahai's awareness that they possess distinct language, way of life, and cultural traits, which set them apart from the majority population and are often viewed as inferior. Therefore, immediately enrolling their children in the formal education system may have adverse effects on the children, both in terms of academic achievement and relationships with teachers and local students. When asked about the future, the leader of the group acknowledged that education is important but should be tailored to the group, much like the program provided by the District Learning Promotion Center. For instance, it could be a government school with a curriculum specifically designed for Jahai children and open to adult learners as well. Additionally, there should be alternative methods of assessment, and crucially, the school should be located near their place of residence.

### **5.3 Access to Primary Education for Stateless Children and Youth**

When comparing the number of enrollments across different education levels, it is found that stateless children and youth are most likely to attend primary school. Interviews with schools and stakeholders in areas with large stateless populations revealed that schools generally have an inclusive attitude toward stateless children living in the community, whether they are from indigenous ethnic groups or migrant workers. This is partly because schools receive per capita funding and the number of Thai children has been declining. As a result, most schools that were surveyed have a good understanding of relevant policies and are proficient in issuing G-Code. However, it was found that school personnel still lack a comprehensive understanding of civil registration laws, as this is not their primary responsibility.

#### **5.3.1 The Situation of Primary Education Enrollment in Umphang District**

According to data from the Tak Primary Educational Service Area Office 2, as of May 2024, there were 1,654 students without civil registration records out of a total of 5,981



students across 14 schools in the district. The ethnic composition is as follows: Karen at 63.99%, Thai at 24.26%, Burmese at 6.69%, Hmong at 1.76%, other ethnic groups at 1.72%, and unknown at 1.57%. The breakdown includes 457 G-Coded students (7.6%), 1,019 registered students with identification number 0 (17.0%), and 178 students with identification number 7 (3.0%). The rest 72.3% of the students were Thai children (the largest proportion).

The proportion of students with civil registration records (ID numbers 0 and 7) is higher than that of G-coded students. Schools with a high number of students without civil registration records include Ban Klortho School, Than Phuying Wilai Amatayakul (Ban Peng Klerng) School, Ban Umphang Community School, Ban Nuseplo School, Ban Prophaoto School, and Ban Mae Klong Mai School. Additionally, several students without registration are enrolled in four remote schools managed by the Border Patrol Police, which the researcher does not have the proportion of students in this group.

In the municipality, Ban Umphang Community School is a well-known school in the district, with a significant number of stateless children enrolled. The school's admission process is linked to Early Childhood Development Centers within the service area, primarily the Early Childhood Development Center (ECDCs) under the Umphang Subdistrict Municipality. This allows children who begin their early childhood education at these centers to transition smoothly into primary education at Ban Umphang Community School. From there, the students typically advance to Umphangwittayakhom School, which is nearby for secondary education. In contrast, some children from schools in more remote areas continue their studies at Moghro Wittayakhom School, located approximately 31 kilometers from Umphangwittayakhom School.

According to data provided by the Umphang Legal Clinic, which collected information from the DMC and LEC databases across 31 educational institutions, including early childhood development centers in Umphang District, in the first semester of the 2022 academic year, there were 361 primary-level students with G-Codes or registered (ID numbers 0 or 7). The majority of these were G-Code students. (There may be slight discrepancies in the data, as 2-3 centers did not clearly specify whether the children were in kindergarten or primary school, leading to an estimation by the researcher.)

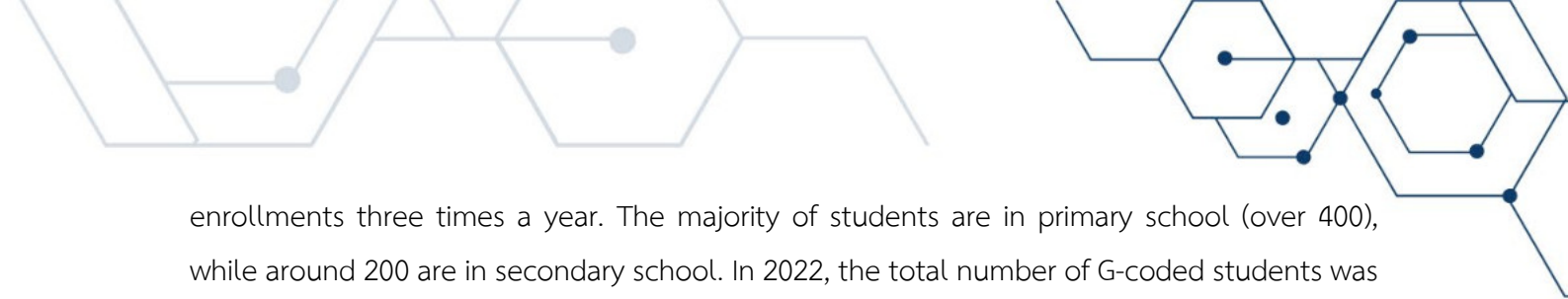


### 5.3.2 The Situation of Primary Education Enrollment in Mae Chaem Districts

Data from the Chiang Mai Primary Educational Service Area Office 6 indicates that there are a total of 938 G-coded students, with the majority of 666 students, enrolled in primary education. This is followed by 230 students in kindergarten and only 42 students in lower secondary education.

In the studied subdistrict of Mae Chaem District, there are four primary schools, in addition to three opportunity-extension and special opportunity-extension schools under the Chiang Mai Primary ESAO 6. The surveyed school is the only special opportunity-extension school in the subdistrict, with the highest number of students and the capacity to accommodate children from early childhood through to upper secondary education. There is also one branch school, which benefits students by providing continuity in their education and the opportunity to transition from G-Code status to civil registration status with the school's assistance. The establishment of the special opportunity-extension school initially aimed to address the travel difficulties faced by children in the community, which is far from secondary schools that were traditionally attended, such as those in Mae Wang, Chom Thong, and Samoeng Districts, as well as Rajaprajanugroh 31 School in Mae Chaem District (five years ago). Most students had to stay in dormitories due to the challenges of traveling back and forth. Extending education to the upper secondary level also serves disadvantaged children who are unable to compete for admission to larger district and provincial schools. More importantly, the school has a guidance system in place to ensure students continue their education, with the goal of contributing to local development, regardless of their legal status, including stateless students. For example, in the 2022 academic year, only two students did not continue their education, as they chose to start families (interview with the principal and teaching staff).

The special opportunity-extension school that was surveyed currently has 49 teachers and staff, with a shortage of 6 personnel (due to teachers immediately transferring out after completing the mandatory two-year service in remote areas). As a result, some classes have been merged to ensure there are enough teachers (such as Grade 3), and teachers from other subjects have been assigned to teach subjects with a shortage of instructors (with Thai and English being the most challenging subjects to teach). This situation does not benefit the long-term quality of education. Currently, the school accommodates around 700 students, but additional students may continue to enroll after the term begins, as the school confirms



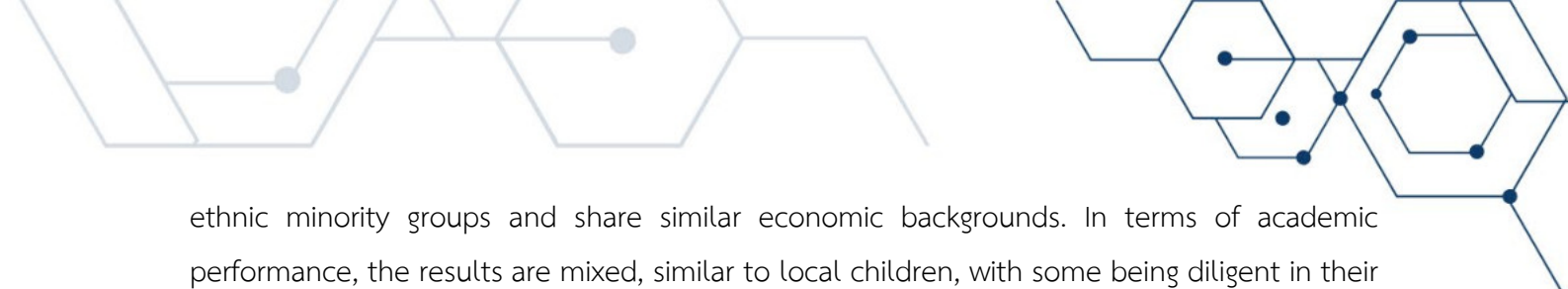
enrollments three times a year. The majority of students are in primary school (over 400), while around 200 are in secondary school. In 2022, the total number of G-coded students was 81. In 2023, there have been additional enrollments of children without civil registration, though the school has not yet finalized the number of G-Code students for this year.

At the same time, the school principal revealed that the school also accepts migrant children who are over the age for their grade, such as 12-13 years old. Teachers have observed that in kindergarten 2, more than 10 children are aged beyond 7-8 years old. In the most recent year, it was found that some children had previously received education up to grade 4 in Myanmar. However, the school does not yet have a method for appropriately transferring these students into suitable grades. Since these children are not yet proficient in Thai, placing them directly into Grade 1 would likely result in poor performance on the Reading Test (RT), which would negatively affect the school's reputation. As a result, the school has adopted the practice of placing these students in kindergarten 2 for foundational preparation. After completing the year, their abilities are assessed, and if they demonstrate strong reading and writing skills, they may advance to a higher level, depending on their readiness (School Principal, Interview, May 15, 2024). Additionally, the children's actual age may not always match the age reported by their families, and the school has no way to verify this information.

“We don’t really know their actual age. The real age and the age on the card are different. They tell us their age, and we believe them. Some don’t even know their birthdate, so they just list the first of the month.” (Interview with teachers)

As a result, these children are at risk of being placed in educational levels that are not appropriate for their physical development and may face challenges in forming relationships with classmates of different ages. For example, a 10-year-old may be placed in a class with 4-year-olds. This also presents challenges for kindergarten teachers, who must teach these older children to learn Thai while simultaneously caring for the younger students. Additionally, children who are over-age are at risk of dropping out of the system prematurely when their families require them to work. It has been reported that some students have repeated the same grade for two years, and others leave school after completing Grade 4 to help their families.

In terms of the issue of bullying due to cultural differences, the education administrators stated that this is not a problem because almost all of the children belong to



ethnic minority groups and share similar economic backgrounds. In terms of academic performance, the results are mixed, similar to local children, with some being diligent in their studies and those who are not.

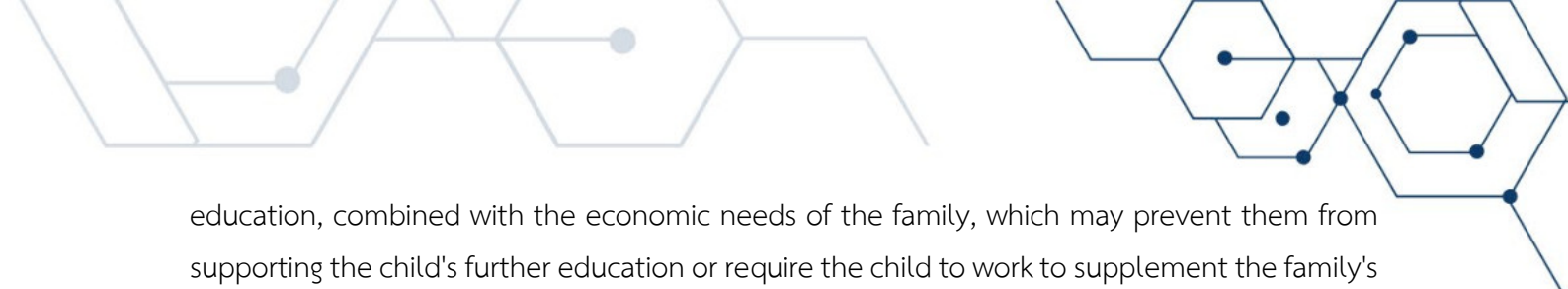
From the experience of stateless children who have studied up to the primary level, it was found that they generally have a positive attitude toward education. At the same time, a 14-year-old girl shared that her older brother, who was also over-aged for his grade, had studied at the same school. Now 17 years old, he dropped out when he was in Grade 4 because he no longer wanted to study and felt self-conscious about being physically larger than his classmates, so he decided to work (as a laborer in a garden).

All of the stateless student informants expressed that they enjoy attending school because it allows them to make friends. Most of them dislike studying mathematics, but all hope that education will help them secure good jobs in the future. One student shared that they would only be able to study up to Grade 6 because their family needed them to leave school and help with work (the older brother is about to start a family, and the mother is getting older and has no one to help earn money), although both the student and the parents wish for the child to pursue higher education, practical needs are prioritized. Meanwhile, two other girls expressed a desire to complete lower secondary school, but the parents emphasized that if they could no longer afford it, they would ask the child to stop studying: "If we can't manage, then they'll have to drop out." At the very least, the family wants their child to finish primary school. In contrast, a Shan parent confirmed that they would be able to support their child through upper secondary school and would strive to support them through a university degree.

When asked about their hopes after finishing school, the stateless children expressed similar expectations, which is to have work that is not too difficult. Two girls dream of working in a big city because "life wouldn't be as difficult as it is in the mountains." Likewise, their parents shared similar sentiments: "We want them to have jobs that are easier, not as hard as what we do, not having to endure the sun and the rain like us."

#### **5.4 Access to Secondary Education for Stateless Children and Youth**

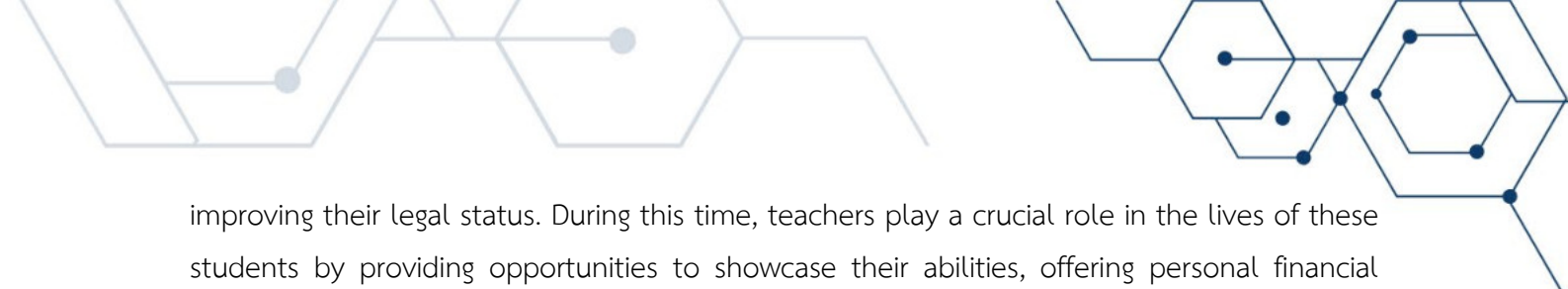
The overall situation regarding access to secondary education for stateless children is not significantly different from that of Thai children with low economic status. There is a high risk of dropping out of the education system due to increased costs compared to primary



education, combined with the economic needs of the family, which may prevent them from supporting the child's further education or require the child to work to supplement the family's income. It was found that older siblings tend to receive less education than their younger siblings because they are often the first to leave school. In areas where children live, if there are opportunity-extension schools, special opportunity-extension schools, or Rajaprajanugroh schools, most stateless children attend these institutions. However, costs related to education, such as uniforms and lunch, increase at the secondary level, and secondary schools do not receive the same subsidies as primary schools. Secondary schools, or those that offer only upper secondary education, are usually located in urban areas far from where the children and youth live. These schools are often the target of many Thai parents, making competition for admission high. Although stateless children with good academic performance may be able to apply for admission, parents must bear additional costs for transportation and dormitory rent. Furthermore, they are not eligible for student loans from the Student Loan Fund (SLF). Children with only a G-Code are not permitted to travel outside the vicinity of the primary school they attended, severely limiting their opportunities to enroll in secondary education.

In areas with a significant population of stateless children and youth, schools have made efforts to encourage their enrollment through various methods, such as providing dormitories, raising funds for scholarships, and creating opportunities for additional income. Furthermore, secondary school curricula have been developed specifically to meet the needs of ethnic groups, such as the introduction of Burmese language courses. Additionally, it was found that stateless youth benefit from the dual education program (combining vocational and upper secondary education) offered by schools in collaboration with vocational institutions in the area. According to an interview with a representative from the Department of Provincial Administration, stateless youth have participated in a Corporate Social Responsibility (CSR) project by Sukishi Company, which has signed an MOU with vocational colleges in Bangkok and surrounding areas under the dual education program (resulting in both an upper secondary and vocational diploma). Students attend classes for one day, while the remaining days are spent working with the company. The company provides allowances and handles the process of obtaining permits for stateless students to travel outside their designated areas as part of the program.

At the upper secondary level, stateless children and youth become more aware of the importance of improving their legal status and the limitations associated with their legal status, including future opportunities that may be less accessible compared to Thai citizens. High-achieving students are particularly motivated to pursue higher education with the hope of




improving their legal status. During this time, teachers play a crucial role in the lives of these students by providing opportunities to showcase their abilities, offering personal financial support (such as "work-study scholarships"), and assisting with efforts to improve their legal status.

Moreover, there is a lack of clarity regarding the process for certifying graduation for stateless students. Although most schools in areas with significant stateless populations are aware of the procedures for enrolling these students and receiving per-student subsidies, there remains uncertainty about how to manage the graduation process and issue diplomas for stateless students. As a teacher at an opportunity school in Mae Chaem District explained in an interview, the OBEC recently implemented a central system for processing student graduations, requiring each school to input several registration documents and information. Teachers are concerned that G-Code students who lack registration documents may not be able to graduate within this system. However, since no G-Code students have yet graduated from the school, as one teacher noted, "Our school hasn't had a G-Code student graduate yet," there is no prior experience in managing the graduation process for these students. The school principal emphasized that OBEC should promptly clarify this issue; otherwise, current G-Code students may lose motivation or decide not to continue their studies if they realize they cannot officially graduate.

#### **5.4.1 The Situation of Secondary School Enrollment in Umphang District**

Considering the number of stateless students in basic education in Umphang District in 2024, there are 63 children in kindergarten (excluding child development centers under the jurisdiction of four Border Patrol Police Schools and Hilltribe Thai Community Learning Center). However, at the secondary level, the number significantly decreases to 244 students (covering all eight secondary schools in Umphang District). This indicates a considerable dropout rate among stateless children during the transition from primary to secondary education, which impacts their opportunities for improving their quality of life and advancing their legal status in the future.

According to data from the Tak Primary Education Service Area Office 2 as of May 2024, there are 14 affiliated schools of which 6 are opportunity-extension and special opportunity-extension schools offering lower and upper secondary education. In Umphang District, there are only two secondary schools under the Secondary Education Service Area Office (ESAO): Umphang Witthayakhom School and Moko Witthayakhom School. Umphang Witthayakhom School is the district's main secondary school, having been upgraded from a primary school




in 1976. Moko Witthayakhom School was established in 2020 to expand secondary education for children in remote areas; previously, it was a branch of Umphang Witthayakhom School. Currently, Moko Witthayakhom School has not yet had any upper secondary graduates

Previously, the data indicated that stateless children in the area had limited options for secondary education, with Umphang Witthayakhom School being the primary option. For this reason, stateless children who were able to continue their education to higher levels in the past were all alumni of this school. Although more options are now available, Umphang Witthayakhom School still maintains a reputation as the most popular school and remains the preferred choice for students and parents, including high-achieving stateless children.

As the place served as a refuge for stateless children, Umphang Witthayakhom School has developed an effective support system for its students and has implemented proactive measures to encourage stateless children lacking financial resources to enroll. "We go into the wood, knock on doors, and as for me, I also serve as the registrar, I assure them that they will receive a diploma, financial support, and a pathway to graduation" (interview with the school principal). Interviews with both teachers and alumni revealed the existence of a robust support system for impoverished students, including over 30 dormitories with free meals, gradually built through donations from benefactors. Currently, these dormitories can accommodate over 400 students, all of whom are from ethnic minority groups. The school also runs a Foster Parent Program sponsorship program, funded by donations from individuals or private organizations, which provides financial support to underprivileged children (300 baht per month, 1,800 baht per term, and 3,600 baht per year). Additionally, students can earn income through activities such as musical and cultural performances at various events. Some students have reportedly saved more than 40,000 baht during their studies, which they can use to fund further education. For example, one case study participant and their parent reported saving 30,000 baht from these programs, which was set aside to fund further studies at Mae Sot Technical College. Moreover, teachers at Umphang Witthayakhom School emphasized that these strategies were part of the principal's policies during the years 1999-2005, which significantly increased the enrollment of stateless students.

Than Phuying Wilai Amatayakul School (Ban Poeng Khlung) is widely recognized for providing educational opportunities to ethnic children, both those who are still stateless and those who have acquired Thai nationality. The school offers flexible learning plans and has established a network for securing scholarships and creating partnerships with vocational and



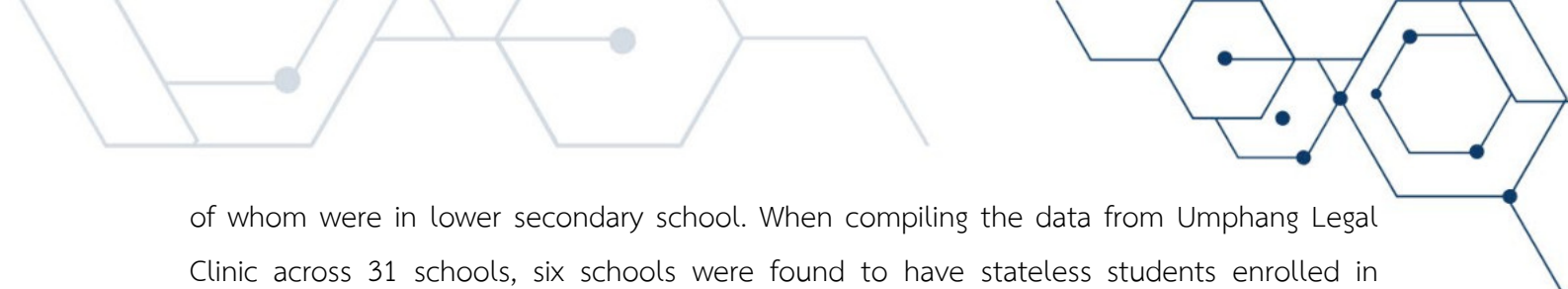
higher education institutions outside the area, giving students more educational options. The school is located more than 80 kilometers from Umphang District (Ban Poeng Khlung, Mae Chan Subdistrict), and almost all of its students are from Karen and Hmong ethnic groups. The school provides education from kindergarten through upper secondary school. It does not offer a science-mathematics program at the upper secondary level. Instead, it focuses on Burmese language, Thai-Social studies, and Thai-English programs. Moreover, it has a mechanics program through a dual education partnership with vocational institutions. The school also facilitates students' progression to vocational institutions in Mae Sot and the provincial capital, and it collaborates with Khon Kaen University's Faculty of Public Health to secure seats for ethnic students. This network was developed to address educational challenges in remote ethnic communities, with a crucial role played by the school. (Interview with a teacher from Umphang Witthayakhom School).

Upon reviewing the student numbers at Umphang Witthayakhom School, the school's website<sup>23</sup> reports that, for the 2022 academic year, there were a total of 1,270 students, with 549 in lower secondary and 721 in upper secondary education, which does not include a breakdown of the number of stateless students. However, according to information provided by the teacher responsible for student registration and guidance counseling, the proportion of stateless students (those with G-codes, ID number 0 and 7) currently stands at approximately 5%. This relatively low figure is attributed to the school's competitive environment and the challenges associated with travel and financial constraints, particularly for children born outside of Thailand, who face significant disadvantages. When cross-referenced with data provided by the Umphang Legal Clinic's DMC system, it was found that in the first semester of the 2022 academic year, the school had only 8 G-coded students (4 in lower secondary and 4 in upper secondary). Some of the stateless student population is enrolled at Mokro Witthayakhom School. According to information found on the school's website<sup>24</sup>, Mokro Witthayakhom has only 102 students. The DMC system recorded 22 G-coded students for the first semester of the 2022 academic year (14 in lower secondary and 8 in upper secondary). At Ban Klo Tho extends educational opportunities school, there were 10 G-coded students in the same academic year (7 in lower secondary and 3 in upper secondary). Than Phuying Wilai Amatayakul School (Ban Poeng Khlung) reported 31 G-coded students, all

---

<sup>23</sup> [www.umphangwit.ac.th](http://www.umphangwit.ac.th)

<sup>24</sup> [www.mgw.ac.th](http://www.mgw.ac.th)



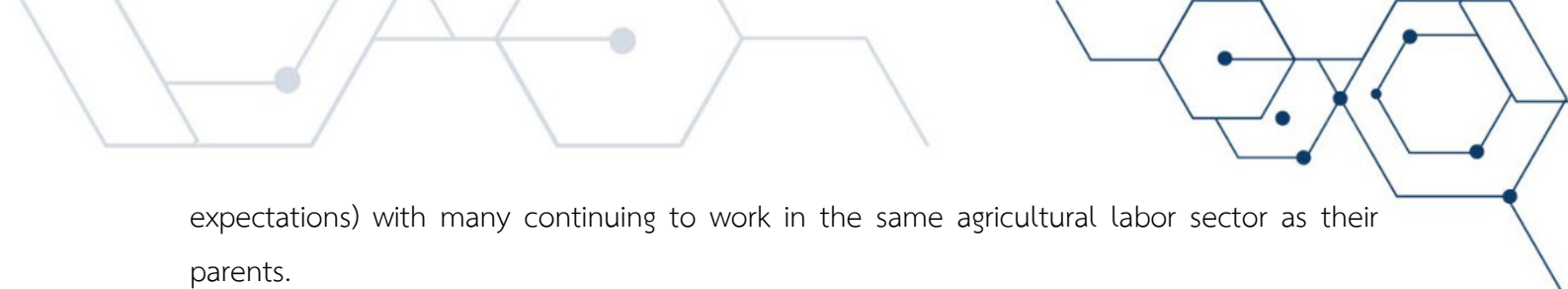
of whom were in lower secondary school. When compiling the data from Umphang Legal Clinic across 31 schools, six schools were found to have stateless students enrolled in secondary education, totaling 77 G-coded students in the 2022 academic year.

#### **5.4.2 The Situation of Secondary Education Enrollment in Mae Chaem and Chiang Dao Districts**

According to the aforementioned, at the district level, there is one secondary school under the supervision of the Secondary Educational Service Area Office 34 (Mae Chaem School) and one school under the Bureau of Special Education (Ratchaprachanukroh 31 School). At the subdistrict level, in Mae Na Chon, where transportation is more accessible, there are three schools under the supervision of Chiang Mai Primary Educational Service Area Office 6, classified as opportunity-extension and special opportunity-extension schools, as previously noted. The school with the highest capacity and largest student body, which was surveyed, reported having over 700 students, with approximately 200 in secondary education (lower and upper) (a decrease of more than half from the primary level).

Of this number, 81 students were classified as G-code students (data from 2023). According to reports from the school principal and teachers, efforts are made to upgrade the status of G-code students before they complete lower secondary education, as there are concerns that if they graduate while still classified under G-code, it may cause issues with issuing official graduation documents in the system. This system, implemented by the OBEC in the past 3-4 years, requires several verification documents, such as household registration, which G-code students do not possess (interview with teacher faculty).

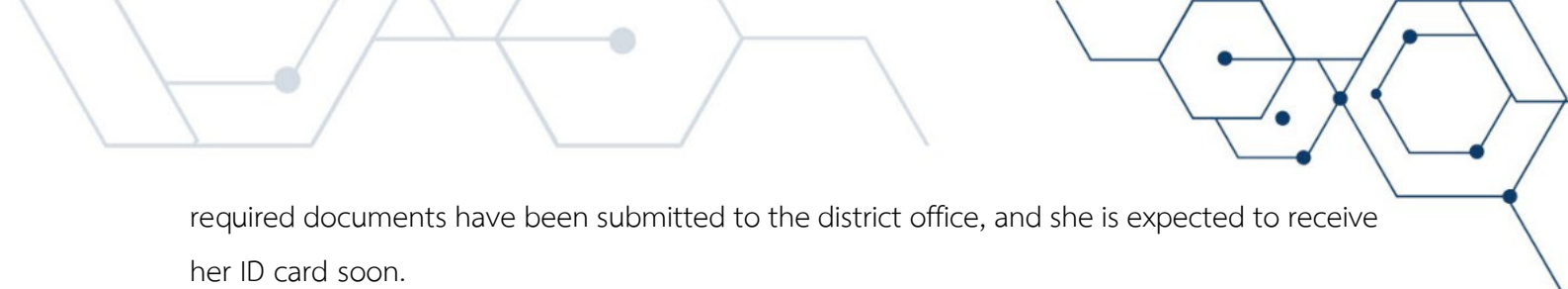
School personnel identified several factors contributing to stateless children's inability to pursue upper secondary education within the community: 1) Economic hardship, closely tied to their stateless status, as their parents are often agricultural laborers with low and unstable incomes. As a result, these children are required to help their families earn a living, which is deemed more important than continuing their education. 2) Migration of families in search of work, as children often need to follow their parents to other locations for employment opportunities. 3) A desire for the school's assistance in resolving their legal status (in the case of G-coded children), after which they leave school to find work. 4) Some children choose to leave school to start their own families (following cultural norms and age-related



expectations) with many continuing to work in the same agricultural labor sector as their parents.

A comparative case from Chiang Dao District involved two stateless children of Shan migrant workers (one male and one female), who were both attending secondary school. Their parents expressed a strong desire for them to complete higher education, even aiming for university degrees, as they understood this could serve as a pathway to obtaining nationality (despite their uncertain financial prospects). From the data, the Shan community in this region tends to prioritize education, enrolling children from early childhood onwards. Several of these children are now attending larger schools in the district. Another notable example is the family of a teenage boy who receives 100 baht per day for school expenses, despite his parents working as general agricultural laborers. (Parents of two children, with the younger sibling, aged 9, receiving 30 baht per day along with additional after-school tutoring sessions)

Another interesting case involves a 17-year-old female student who is still in Grade 9 due to a year-long hiatus as her father took her back to their country of origin. Upon returning to Thailand, she had to restart her secondary education. This young woman still only has a G-code registration, as her parents never registered her birth. Despite these challenges, she excels academically, maintaining a GPA of 3.92. However, she feels out of place, as she is much older than her classmates. In addition to her studies, she works part-time in a restaurant and participates in cultural performances (traditional dancing) at various restaurants and events. These responsibilities affect her rest, study time, and ability to complete homework. Despite the difficulties, she has a positive attitude towards education and plans to continue her studies at Chiang Dao Wittayakom School (the district's main school) and hopes to attend Maejo University, where several of her older peers are studying. She also receives a merit-based scholarship of 500 baht per semester, which is awarded to only five students at her school. The school principal also provides additional financial support by assigning her small tasks, such as cleaning, helping her save money for future educational expenses. Her parents, meanwhile, also bear the financial responsibility of supporting her younger brother, who is still in primary school. Currently, her greatest concern is her legal status, as she lacks any official identification, which could affect her ability to continue her education. She hopes to obtain proper identification before entering university, as it would be necessary for travel and securing part-time jobs. The latest update from the school's support efforts indicates that all




required documents have been submitted to the district office, and she is expected to receive her ID card soon.

Regarding challenges in accessing and staying within the educational system, there have not been significant issues directly related to learning itself. However, three associated concerns have emerged: 1) Travel restrictions: Students must request permission every time they travel outside controlled areas (e.g., outside the province). However, one student with G-code status even reported needing permission for inter-district travel, although the school has provided assistance in this regard. 2) Opening a bank account requires obtaining official documents from the district office. 3) Lack of health benefits: Students do not have access to health insurance due to their parents' inability to afford the healthcare card. Additionally, there are extra school-related expenses, such as uniforms and textbooks, amounting to around 400 baht per year, which all students are required to pay, regardless of whether they have Thai nationality or not.

### **5.5 Access to higher education for stateless youth**

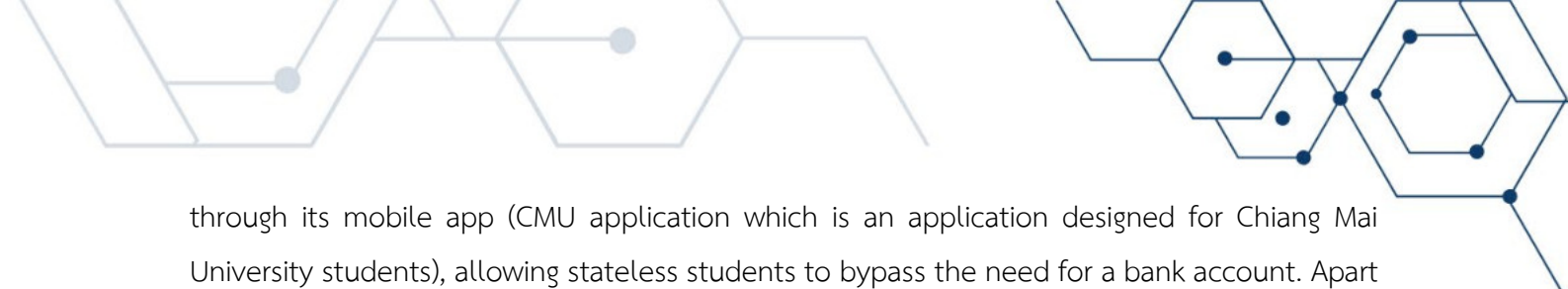
From interviews with stakeholders, it was found that the policy of expanding educational opportunities for stateless children and youth has resulted in a growing number of stateless youths being able to access higher education. In general, if these students can present their academic credentials, exam scores, and grades that meet the institution's requirements, they are eligible to enroll in higher education, similarly to Thai students (although some exams still require a 13-digit national ID number). Pisith Nasee conducted a survey of nine universities in northern Thailand, including Chiang Mai University, Chiang Mai Rajabhat University, Rajamangala University of Technology Lanna, Maejo University, Mahachulalongkornrajavidyalaya University (Chiang Mai campus), Mahamakut Buddhist University (Lanna campus), University of Phayao, Chiang Rai Rajabhat University, and Mae Fah Luang University. The survey recorded 1,368 stateless students (G-coded, and ID number 0 and 7) across eight institutions, although the actual number is estimated to be between 3,000 and 4,000. It was found that this number has nearly doubled since 2020 when earlier data was collected. Pisith Nasee interviewed 52 stateless students, with the majority being from the Shan (Tai Yai) ethnic group, numbering 43 students; followed by 3 students who were Burmese, and 9 belonged to other ethnic groups, such as Lua, Lahu, and Nepalese. Among



them, two students had G registration status (with one passing away during the study), and two held passports (these passport holders expressed significant concern, as they believed it would be more difficult for them to obtain Thai nationality).

Pisith Nasee's study also found that some of the higher education institutions among the nine surveyed have specific policies to support stateless students. For instance, Chiang Mai Rajabhat University has a robust system for assisting stateless students, while Mae Fah Luang University provides scholarships specifically for stateless youth. The support is provided at various levels. At the university level, for example, Chiang Mai University has adjusted scholarship eligibility criteria, allowing stateless students to qualify, except in cases where the scholarships are provided by government agencies. Additionally, the university offers work-study programs where students can earn 2,000-3,000 THB for 50 hours of work. At the faculty or department level, there are other forms of support. Chiang Mai Rajabhat University, for instance, has a legal clinic and network, which works in collaboration with the university's central registration office to proactively address statelessness issues. Since the registration office maintains students' basic information, it can identify and address their legal status concerns. Similarly, Mahachulalongkorn Rajavidyalaya University (MCRU) has a legal clinic that operates as part of a network with Mahamakut Buddhist University (Lanna campus). MCRU has signed a Memorandum of Understanding (MOU) with the district chief of Chiang Dao and border schools to early address the stateless issue, ensuring that the status issues, such as “fixing the G-coded registration,” are resolved before students enter university. The University of Phayao, though it does not have its own legal clinic, is part of this support network.

G-coded youth who manage to enroll at the university level often face considerable discrimination or cautious treatment from those around them. This is partly due to university administrators and staff not understanding what statelessness entails and being unaware of relevant policies. Additionally, universities tend to treat these students as adults, unlike schools that provide more support. One example of challenges these students encounter is during the university application process. Many are unsure how to properly fill out forms, leading them to input 0 in a 13-digit placeholder number in order to progress through the system. After being admitted, they often do not have a student ID card initially due to the lack of an identification number, making it difficult to open a bank account. As a consequence, they must pay tuition fees in person at a counter, unlike Thai students, who can use banking apps for payment. Chiang Mai University has addressed this issue by issuing virtual student IDs




through its mobile app (CMU application which is an application designed for Chiang Mai University students), allowing stateless students to bypass the need for a bank account. Apart from this, these students still face difficulties in finding part-time work, as employers often refuse to hire them, and some jobs require a driver's license, which they cannot obtain. Since many G-registered students need to work to support themselves, they find it challenging to earn income until they can secure a valid identification number.

The interview revealed that some private universities, such as Rangsit University, under the initiative of Dr. Arthit Ourairat, recognize the potential and opportunities presented by stateless youth and offer scholarships specifically for them. Additionally, Charansanitwong Technological College was mentioned for assisting stateless youth in obtaining permission to leave restricted areas to attend their institution. Open universities are also a popular choice for stateless adults seeking further education. One interview with a 37-year-old stateless student currently studying law at Sukhothai Thammathirat Open University (STOU) highlighted that the application process at STOU was relatively smooth. The university required three documents for enrollment: a form of identification, a copy of the house registration, and a high school diploma. The interviewee submitted a copy of their non-citizen ID card (0-00), a Tor Ror 38/1 document, and a high school diploma from the Department of Non-Formal Education.

“There were no problems because I already had a ID 0-card. I applied by mail, and they responded back. I also contacted them through the STOU page, which was excellent and very prompt. Even late at night, they would reply. I asked why I hadn't received my books or my student ID yet, and they assured me that everything was being processed and they would follow up. No issues at all with STOU—it's very warm and they take great care of everything.”

The information from the interviewee also highlights that open universities offer an educational pathway that is well-suited to the lifestyle of stateless youth, who often face economic pressures and the need to work to support their families. Students have the option to follow an academic plan that does not require attending classes. Additionally, STOU provides the convenience of delivering textbooks directly to students via mail, eliminating the need for students to purchase them in person.

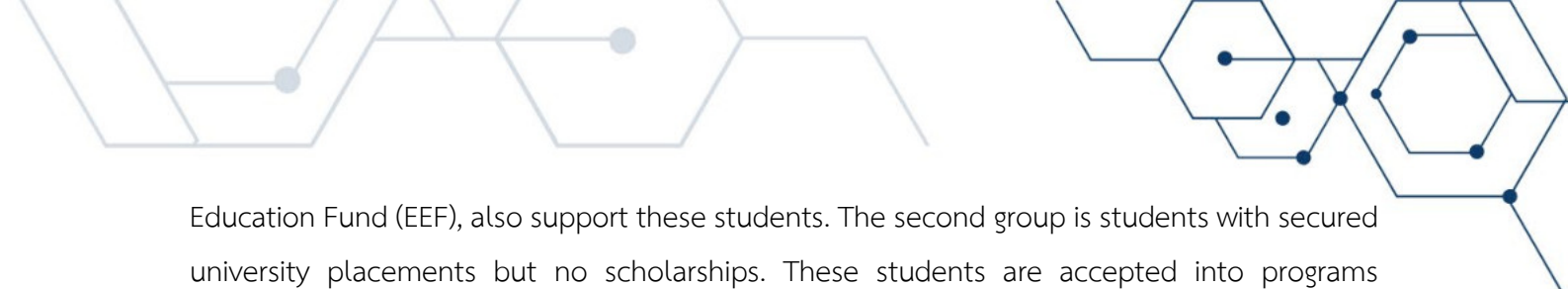


In addition to the universities mentioned earlier and Thammasat University, which pioneered the Human Rights Law Clinic for stateless individuals, it appears that most higher education institutions have a limited understanding of the registration status of stateless students. This is potentially attributable to the fact that, in the past, few stateless youths have been able to pursue higher education. Most universities, especially autonomous public universities, lack awareness of the G-code system or are unaware that they can issue G-codes for students. Representatives from the DOLE noted that higher education institutions frequently request verification of NFE diplomas for stateless applicants, reflecting a lack of trust in youth who hold ID cards other than blue cards. Many stakeholders also believe that the Ministry of Higher Education, Science, Research, and Innovation (MHESI) has not paid sufficient attention to this issue. Moreover, the autonomy of public universities makes communication and fostering understanding difficult. Some interviewees noted that, in a near future, the number of stateless youths with G-codes or 0-00 ID numbers applying to universities is likely to increase. The critical question is whether higher education institutions must comply with directives regarding G-code correction. At present, it seems that universities have yet to recognize the significance of this matter.

Many stateless students prefer not to disclose their status as stateless individuals. There is evidence suggesting that a significant number of stateless students are enrolled at Chiang Rai Rajabhat University, yet they remain silent about their status. This reflects the sense of shame or inferiority that such a personal status can engender in these youth.

#### **5.5.1 Higher Education Enrollment Situation in Umphang District**

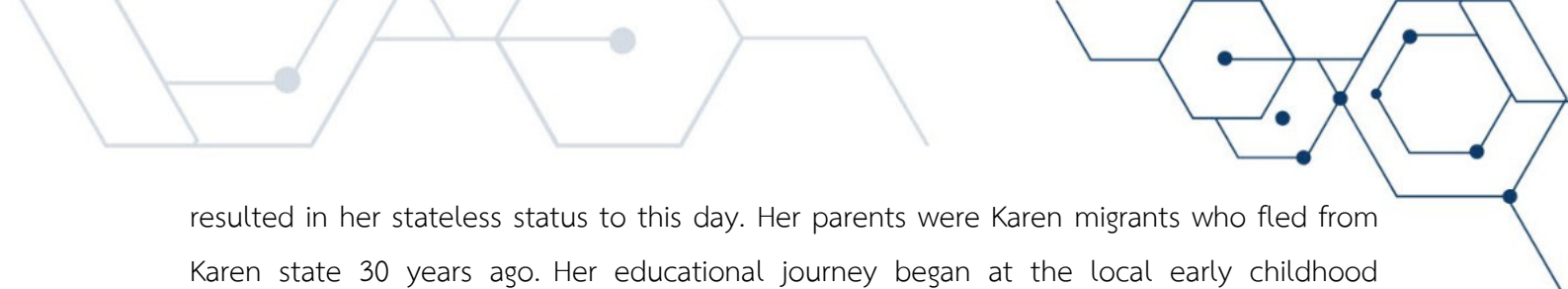
From surveys and interviews with key informants, it was found that stateless children in Umphang District face limited options for higher education, including sub-degree programs and vocational training (such as vocational diplomas). The obstacles are compounded by their stateless status, poverty, geographical isolation, the lack of role models, and travel restrictions, making the pathway to higher education particularly challenging. The informant categorizes stateless children eligible for this level of education into three groups. The first group is scholarship recipients. Most of these students face restrictions in their fields of study, primarily limited to education and nursing. They typically receive scholarships from programs such as the Compassion of The Princess Mother's Scholarships, in collaboration with Umphang Hospital and private companies, such as Dutch Mill. Other government scholarship programs, such as the Home Grown Teacher Scholarship Program (Kru Rak Thin) by the Equitable



Education Fund (EEF), also support these students. The second group is students with secured university placements but no scholarships. These students are accepted into programs through partnerships between educational institutions and government agencies, primarily Umphang Hospital. They are often placed in institutions such as vocational schools, the Faculty of Medicine at University of Phayao, and the Faculty of Public Health at Khon Kaen University, without financial aid. The third group is the self-funded students. This group consists of students who secure placements and finance their own education, typically in more flexible institutions for admission (lower competition), affordable tuition fees, shorter study periods, and higher chances of graduation. These institutions also offer work-study opportunities to help cover living expenses. Examples include Community Colleges, Vocational Colleges, Technical Colleges, Buddhist Universities, and Phradabos School. In fact, the Tak Community College, which also offers sub-degree programs at Umphang Witthayakom School, is a notable option. In 2024, it offers two programs: Public Administration and Early Childhood Development. However, these options are limited and may not align with the interests or future career goals of students in the area.

The higher education institutions most frequently mentioned as accessible to stateless youth include Kamphaeng Phet Rajabhat University (Mae Sot Campus), Kamphaeng Phet Rajabhat University in Kamphaeng Phet, Naresuan University, Pibulsongkram Rajabhat University in Phitsanulok, and Boromarajonani College of Nursing in Uttaradit. These institutions serve as vital pathways for stateless students to access higher education (including professional and sub-degree programs), largely because of their proximity to home and relatively low tuition costs. For larger universities in other areas, on the other hand, stateless students can access education if there are specific scholarship programs or collaboration channels (as they often cannot compete through regular admissions processes, as previously mentioned). An additional example is Mogro Wittayakom School, which has partnered with King Mongkut's Institute of Technology Ladkrabang to secure seats in the Faculty of Engineering. This opportunity is available to both Thai and stateless students (mainly from ethnic groups), further opening access to higher education for stateless youth (interview with a teacher from Umphang Wittayakom School).


The following is an example of a stateless child who achieved significant educational success: a 27-year-old Karen woman currently working as a contract nurse. She was born to a traditional midwife in Mae Chan Subdistrict, and her parents did not register her birth, which



resulted in her stateless status to this day. Her parents were Karen migrants who fled from Karen state 30 years ago. Her educational journey began at the local early childhood development center, followed by enrollment at the Border Patrol Police School (Mae Kong Ki), where she completed her primary education. She then moved to Umphang Community School and later attended Umphang Wittayakom School for secondary education. During high school, she was awarded a scholarship from the Compassion of The Princess Mother's Scholarships which continued through her studies at Boromarajonani College of Nursing, Uttaradit. Currently, she is working as a nurse under a scholarship obligation (employed as a contract nurse, since she cannot be officially appointed as a government officer due to her stateless status) at Umphang Hospital. She is also pursuing an advanced certificate of Nursing Specialty Program in Critical Care Nursing (Adult) and plans to pursue a master's degree after completing her four-year service obligation. She also mentioned that among her classmates, one other stateless person received the same scholarship (they were the only two stateless individuals in their cohort and managed to acquire Thai nationality during their nursing studies). While, the educational paths of her four siblings are noteworthy and will be presented for a clearer understanding.

The eldest sister (the only one born in Myanmar but also the only one who has received Thai nationality) completed her high school education at Umphang Wittayakom School. She then pursued a degree in the Faculty of Education at Kamphaeng Phet Rajabhat University in Kamphaeng Phet Province. However, she had to drop out after just one year due to the family's financial constraints. Later, she applied for a position as a hospital assistant at Umphang Hospital. After a short period of work, she received a scholarship through the Compassion of The Princess Mother's Projects Scholarship program and sponsorship from Dutch Mill, allowing her to pursue a nursing degree at Boromarajonani College of Nursing, Uttaradit. She is now also a contract nurse under a government scholarship obligation.

The second sibling graduated from Umphang Wittayakom School and then applied for a position as a nursing assistant at the same hospital, where she has been working for the past 10 years. The third sibling, a brother, also completed his high school education at Umphang Wittayakom School and went on to study at Mae Sot Polytechnic College, where he earned a vocational diploma. He currently works for an international organization that assists patients in a refugee camp (serving as an interpreter, document handler, and driver). The youngest



brother also graduated from Umphang Wittayakom School but chose not to continue his education and now helps the family run a small retail business.<sup>25</sup>

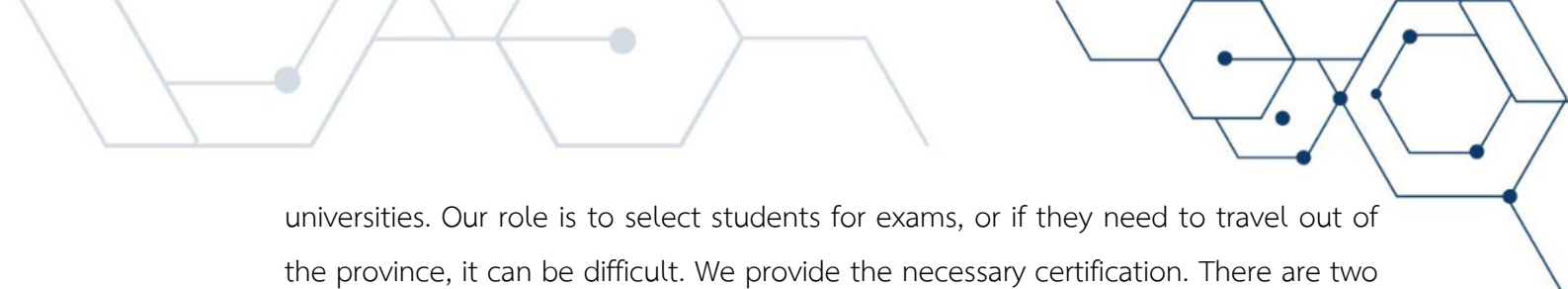
The experience of being stateless in the education system, as mentioned in the case study, highlighted that the primary challenge was not related to school enrollment or educational arrangements, but rather the process of obtaining permission to travel outside the designated area. She frequently needed to travel to Chiang Mai for special courses during school breaks (through a scholarship) and once traveled to another province for university entrance exams. Each time she needed to leave the area; permission had to be obtained from the district office. Although the process did not take long, it required substantial preparation and caused her to miss classes and lose valuable study time. The approval usually took about half a day to one full day, depending on the availability of the district officer. As for her primary and secondary education, she led a relatively normal life, as the region was home to many ethnic groups, and there were a considerable number of stateless students enrolled, which reduced instances of comparison or discrimination (in her classroom, there were four other stateless students). Importantly, she stood out academically, which helped her navigate these challenges.

Studying at Umphang Wittayakom School during that time posed no issues. The school provided free dormitories for students from remote areas who lacked financial resources. Every Thursday, students were encouraged to wear their traditional ethnic attire, fostering an inclusive environment without discrimination. The school also had a dedicated guidance counselor who provided advice on scholarships and further education opportunities specifically for stateless students, including assistance in obtaining permits to leave the area. However, not every student continued their education as they had to secure funding themselves, which aligns with the statement made by a teacher from Umphang Wittayakom School, who said:

“Our responsibility is to guide the students and help them move forward, but when it comes to expenses and education, the students must take care of themselves. Most of them work part-time, seek extra income, or find scholarships on their own from

---

<sup>25</sup> This family has been applying for citizenship for over 10 years. Currently, the younger sibling, who works as a nursing assistant, has just begun the process again under the pathway for obtaining citizenship through for individuals who contribute to the country.




universities. Our role is to select students for exams, or if they need to travel out of the province, it can be difficult. We provide the necessary certification. There are two scenarios: if the students need to leave the province for further studies, it can be quite challenging for many batches. However, if they are leaving for work, it's much easier. Our job is to sign the endorsement for them.”

Moreover, studying at the nursing college also went smoothly, with only occasional inquiries from professors about why she didn't have a last name. Her relationships with her peers were good, and there were no significant issues except when it came to opening a bank account, for which the college had to intervene on her behalf as a special case. The main challenge during this period was traveling outside the Umphang district, which was quite difficult. The last public bus departing from Umphang to Mae Sot was at 1:30 p.m., so she had to prepare in advance to leave her village on time. After arriving in Mae Sot, she had to stay overnight, making the journey to Uttaradit province take around two days (one-way) and incur substantial travel costs.

### **5.5.2 Higher Education Enrollment Situation in Mae Chaem and Chiang Dao Districts**

In Mae Na Chorn Subdistrict, Mae Chaem District, reports on the continuation of higher education for stateless youth are very limited. The special opportunity-extension school studied reported that only one student continued their education at Chiang Mai Rajabhat University but has since dropped out to save money, as they were unable to secure a scholarship and were ineligible for loans from the SLF. Another student enrolled in a short-term vocational training program for nursing assistants (short-term vocational training program, which guarantees employment. These two students have parents residing in the area, but other students tend to leave the region after graduation to seek employment in urban or lowland areas. The school has not followed up on their progress or their status development after leaving.

In the case of a 17-year-old male student from Chiang Dao, who is expected to graduate from high school in the 2024 academic year, his plan is to pursue vocational education at a technical college in Chiang Mai. This aligns with his current studies in the vocational track for electrical engineering at Chiang Dao Wittayakom School (enrolled in the vocational electrical program at Chiang Dao Wittayakom School). Moreover, he also mentioned



that in his class, there are three to four other stateless students, but some have stopped attending school, and he is uncertain about their future plans. When asked, along with his parents, about potential obstacles to continuing his education, financial concerns were highlighted as the main challenge. His parents expressed uncertainty about being able to fully support him through his studies. If financial support cannot be secured, the backup plan is for him to work part-time to cover part of his own expenses. His aspiration is to find work in the city after completing his education.

## 5.6 Access to Non-Formal Education for Stateless Children and Youth

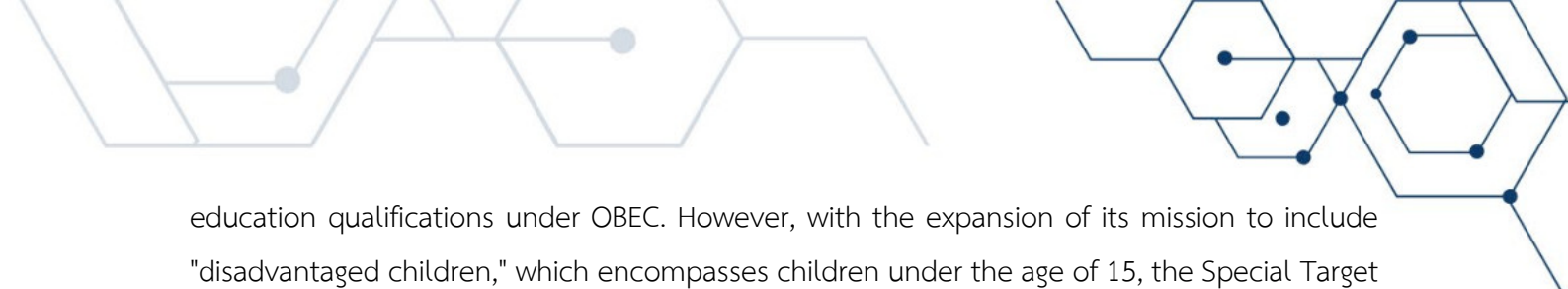
The DOLE, under the Ministry of Education, plays a critical role in ensuring the right to education for "disadvantaged"<sup>26</sup> groups. This includes the Special Target Group Learning Promotion Centers (previously known as Non-Formal and Informal Education Centers for Special Target Groups before the enactment of the Learning Promotion Act, B.E. 2566). These centers cater to the elderly, persons with disabilities, ethnic groups, minorities, homeless children, stateless individuals, and Thai citizens living abroad. Additionally, the Mountain People Learning Promotion Centers are another unit responsible for providing education to ethnic and minority groups. When compared to the mission and operational approach of the OBEC, DOLE's activities are more flexible and better attuned to the needs of their target groups. As a DOLE representative explained,

“It is a more flexible approach that is closely connected to this target group compared to OBEC. OBEC operates within the formal system, so their responsibility is primarily for [children] within the system—the formal school system and the educational system [including learning centers under Section 12]. When it comes to communities in certain areas, they [OBEC] are unable to reach them unless the children walk into the schools, at which point they can organize education for these groups. But for the DLP, it’s different. DLP can go directly into the areas, into the communities, and we are able to promote education and learning for all members of this group.” (Interview with DLP representative)

Originally, the curriculum of the DOLE (formerly ONIE) was designed for adults, specifically youth aged 15 years and older, comparable to the primary and secondary

---

<sup>26</sup> Based on the Ministry of Education’s announcement regarding the ten categories of underprivileged children.




education qualifications under OBEC. However, with the expansion of its mission to include "disadvantaged children," which encompasses children under the age of 15, the Special Target Group Learning Promotion Centers have developed a curriculum for children aged 8 to 15 years. This curriculum resembles a formal school structure, with full-day classes and requiring children to attend four days per week. The curriculum framework includes eight learning areas similar to OBEC's structure. As a result, the DOLE now oversees two distinct curricula for basic education: one for children aged 8 to 15 years and one for adults aged 15 and older.

In order to deliver the primary education curriculum mentioned earlier, the Learning Promotion Centers work collaboratively with Migrant Learning Centers (MLCs) networks in five provinces. In some areas, the centers utilize DOLE facilities, such as the Learning Promotion Center in Mueang District, Ranong, which is housed in the Provincial Public Library in Ranong. However, in other areas, MLCs provide the facilities, where a Department of Labour Protection and Welfare, (DLPW) unit is established within the MLCs. The DLPW center in the area (such as the Mueang District DLPW Center in Ranong), coordinates by sending teachers or hiring teachers through the MLCs.

"The DOLE doesn't typically have its own facilities, though sometimes it does. For example, in Ranong, they have a learning center within the Marist Asia facility. They have a large building, but one room serves as the DOLE Learning Center for students who want to take DOLE courses. They also have their own curriculum, but we focus on those who choose to study with us. Similarly, at the CDC in Mae Sot, we have our own learning center, though it operates within their premises. Most of the time, we collaborate closely. For instance, IOM (International Organization for Migration), in partnership with the Foundation for Rural Youth (FRY), opened a [learning center for migrants], and while the teachers receive their salary from us... we provide the per-student funding, but they use their facility." (Interview with DOLE representative)

However, based on fieldwork conducted in Umphang and Mae Chaem districts, the opportunity for stateless children to attend DOLE centers at the primary or secondary levels was not mentioned by the interviewees. The only reference made was to the Mountain People Learning Centers, suggesting that the aforementioned curricula are still recognized only in limited circles. This observation aligns with what a DOLE representative noted in an interview, stating that there are only 2,796 G-code students registered in the DOLE system. There may be approximately 3,000 to 4,000 more children who have received identification numbers 0-



00 or 0-89, but the teachers entering the data did not differentiate between these stateless children and other children, making it difficult to determine the exact number. The interviewee estimated that only about 5% of stateless children are currently enrolled in Learning Centers under the supervision of the DOLE.

Nonetheless, this figure does not include the 12,585 individuals from highland areas who have registered for basic education with the DOLE, categorized as ethnic groups. This number includes both children and adults, and their registration status is not differentiated. The interviewee remarked that personnel at the Hill Tribe Learning Centers still lack expertise in issuing G-code.


The study also found that many stateless adults who have been given the opportunity to pursue higher education had previously enrolled in DLP programs to obtain primary and secondary education qualifications. With over 7,000 learning centers across districts and sub-districts nationwide<sup>27</sup>, access to these programs is relatively easy. Stateless youth who drop out before completing secondary education still have a chance to re-enter the education system through DOLE programs. One interviewee, a stateless adult, attended the NFE center in Khemarat District, Ubon Ratchathani, in 2018 without any identification documents and completed both lower and upper secondary education by 2022, using only a photograph to enroll. However, there were issues with certification for some youth with 0-00 ID cards in 2020, though these were eventually resolved. According to a DOLE representative, the issuance of certificates is no longer a problem.

In addition to studying at DOLE centers to obtain primary and secondary education certificates, it was found that stateless children often prefer enrolling in private schools offering short vocational courses (6 months), particularly in nursing or caregiving. These courses have gained popularity due to their shorter duration and the fact that such professions are accessible to stateless individuals. Field research revealed that institutions offering these short courses actively promote their programs in schools, providing alternative educational pathways for students.

The following section discusses two specific learning programs developed by the DOLE centers to serve stateless children and youth. These programs operate both nationally and

---

<sup>27</sup> Educational institutions are represented by District NFE (Non-Formal Education) centers, while classrooms are located at Sub-district NFE centers or Community Learning Centers (CLCs)."




locally, including the 200-hour Thai Language Learning Promotion Curriculum, developed by the central NFE, and the Thai Literacy Promotion Program for the Mani ethnic group (Orang Asli), known unofficially as the "Survival in the (New) Society" Curriculum, tailored for the Jahai community and developed by the NFE centers in the Bannang Sata, Than To, and Betong districts.

### **5.6.1 The 200-Hour Thai Language Curriculum Adapted for Stateless Children and Adults by DOLE**

For stateless children, youth, and ethnic groups, the Special Target Group Learning Promotion Center identified a unique need for Thai language literacy. As a result, the curriculum places greater emphasis on teaching Thai than for other groups. Over the past two to three years, the center has developed a 200-hour Thai language learning curriculum, originally designed by the Department of Social Education Development under ONIE, but the center deemed it unsuitable for children, particularly those who do not use Thai as their mother-tongue language. In refining this curriculum, the center collaborated with Migrant Learning Centers (MLCs), which are partner organizations in provinces, such as Tak, Ranong, Samut Sakhon, Chiang Rai, and Bangkok. The curriculum is planned to include six textbooks in three languages (Thai, English, and Burmese), with only one book completed so far. The aim is to use these textbooks to provide stateless children, street children, and ethnic minorities with a foundation in Thai before transitioning them into the 8-15 year-old curriculum. A Thai language proficiency test will be conducted beforehand, and if children do not meet the required standard, they will undergo the 200-hour course. However, due to a shortage of staff, the development of the six textbooks has been delayed. (interview with DOLE representative)

### **5.6.2 The Thai Literacy Promotion Program for the Mani ethnic group (Orang Asli)**

“In the beginning, we aim for them to be able to read and write as a foundation, and then we can take it from there... Each lesson lasts two hours; any longer and they lose interest. We’ve suggested to the director [DOLE in Than To District] not to rush, because if we rush, they get bored and stop attending...We also asked the ONIE to teach about culture and traditions, because sometimes they don’t understand how to live in society, what’s right or wrong. Teaching them these things, helping them



communicate, will allow them to better integrate into society and participate in activities.” (Interview with the Than To District representative)

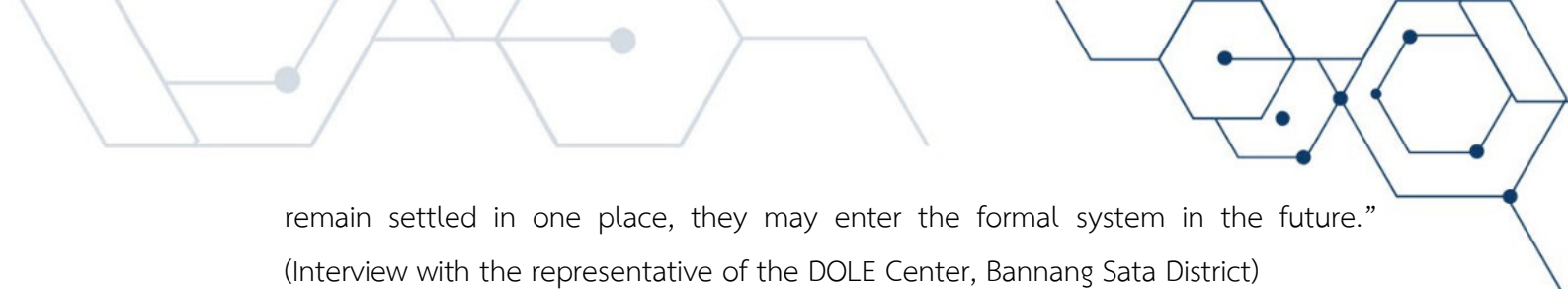
The statement from the Than To District representative reflects the approach of the learning model designed for the Jahai community, which is connected across all three districts (Betong, Bannang Sata, and Than To), emphasizing on the foundational use of the Thai language for communication as a tool for employment and engagement with the state, along with incorporating cultural indoctrination and Thai social etiquette. According to the directors of the DOLE centers in Bannang Sata and Than To districts, this model for educating the Jahai community began at the DOLE Center in Betong around 2020-2021, followed by Bannang Sata in 2023 and Than To in January 2024. Thus, it is still in the early stages of developing an educational framework for indigenous ethnic groups, with DOLE (formerly ONIE) playing a key role. The reason for DOLE’s involvement is its flexibility in designing learning approaches (as the primary focus is on practical communication in Thai and basic numeracy) The learning model also accommodates the timing and age range of learners and can easily collaborate with community leaders. Once the essential skills are developed, the expectation is that learners could transition into the formal education system following NFE’s curriculum structure.

“The DOLE Center has designed a flexible curriculum that aligns with the needs of the community, based on a deep understanding of their lifestyle. For instance, basic arithmetic is taught in the context of selling rubber latex or durians. If learners can transition into the formal NFE system, the curriculum is structured into three core components: foundational subjects, life skills, and community development. This structure allows for the integration of real-life experiences into practical learning applications.<sup>28</sup>” (Interview with the representative of the DOLE Center, Than To District)

“The NFE is flexible because their daily lives involve work. The learning locations are also adaptable, with multiple centers available. This approach caters to those who have exceeded the age limit for the formal education system. If they meet the learning criteria, they can transition into the DOLE’s primary education curriculum. If they

---

<sup>28</sup> Schools in the formal education system have 8 subject groups, whereas NFE curriculum includes 3 subject groups. The core subjects include Mathematics, Basic Financial Literacy, Life Skills, and Sufficiency Economy, among others. Additionally, there are compulsory elective subjects and free electives tailored to the local context.



remain settled in one place, they may enter the formal system in the future.”  
(Interview with the representative of the DOLE Center, Bannang Sata District)

The learning design and management processes of the NFE centers in both districts share similarities, starting with the need to build familiarity. In the case of Thanto District, it took more than two weeks to establish rapport before beginning the lessons. Additionally, data collection was conducted with assistance from village leaders, gathering information on daily life and occupations. Group leaders played a key role in coordinating efforts, such as bringing people to the learning sessions and monitoring absences. A notable strategy at the DOLE center in Thanto was the practice of giving new names to learners to make it easier for teachers to remember them. Interestingly, the Thanto center did not assign teachers responsible for specific sub-districts but instead selected those who had the potential to build trust with the Jahai community, such as teachers with psychological training to build trust. Representatives from both DOLE centers emphasized that this process takes considerable time and must extend beyond education, addressing other aspects of the Jahai's lifestyle, such as assisting with daily necessities and hygiene.

“Teaching the Orang group is challenging because they are afraid of us. At first, they wouldn't say a word. We had to sing, dance, and give them snacks until they trusted us, and eventually, they remembered who we were.” (Interview with a representative from the DOLE Center, Thanto District)

“It was tough to start the lessons. It took time for the teachers to build interaction. Whatever they needed, the teachers coordinated to provide it. It began with clothes, which were sourced from the DOLE and NFE teachers. Gradually, we expanded the network, and other government agencies started to contribute.” (Interview with a representative from the DOLE Center, Bannang Sata District)

The following section will present a learning model for the Jahai people implemented by the DOLE (Office of the Non-Formal and Informal Education, Office of the Permanent Secretary for Education, or District Learning Encouragement Center) of the Bannang Sata district under, which has been documented as part of the project titled “Promoting Thai Literacy Among the Mani Ethnic Group (Orang Asli) (Asli Model).” The project was founded on UNESCO's principle that “literacy is indeed one of the fundamental instruments of freedom” and aligns with the educational strategies outlined for the Southern Border Special



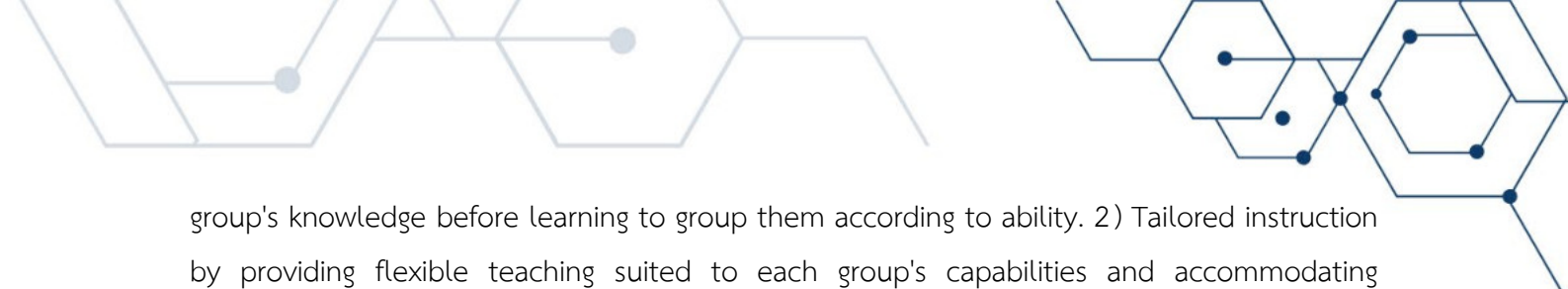
Development Zone under the 20-year (2017-2036) education plan. This includes Strategy 2, focusing on the development of human potential across all age groups and the creation of a learning society, and Strategy 4, emphasizing equity and opportunity in education. The primary goal is to promote literacy among the Orang Asli ethnic group in the area, enhancing their skills in listening, speaking, reading, and writing Thai for communication. Additionally, the project also aims to foster mutual understanding, contributing to “peace” in the region.

The objectives of the project are outlined in three key points: 1) To equip the target group with basic skills in listening, speaking, reading, writing, and basic numeracy skill (communication and life skills). 2) To prepare the target group for basic education that all citizens are entitled to receive. 3) To enhance the quality of life for the target group.

The development of this project has been an integrated effort involving multiple stakeholders. Past activities have included field visits and inspections by the district chief and provincial secretary (for the issuance and distribution of identity cards), the President of the Provincial Red Cross, local and religious leaders, the 3305 Ranger Task Force, and security agencies. Additionally, collaboration with the District Public Health Office and Subdistrict Health Promotion Hospitals has played a key role. Furthermore, the abbot of Khao Nam Tok temple in Bannang Sata District generously provided a venue for learning activities and participated in teaching moral and ethical values to the target group.

According to documents from the DOLE center in Bannang Sata from 2023, the project targeted 33 individuals, comprising 15 males and 18 females. These individuals were categorized by age groups: 17 were aged 7-17 (8 males and 9 females), 9 were aged 18-25 (3 males and 6 females), and 7 were aged 26-59 (4 males and 3 females). However, during interviews with representatives from the center, it was clarified that the number of students varied, depending on several factors, such as employment commitments, weather conditions affecting travel from their Thap, illness, or lack of motivation. Moreover, the age estimates were mostly based on assumptions, as the Jahai community does not have an established system for recording exact birth dates.

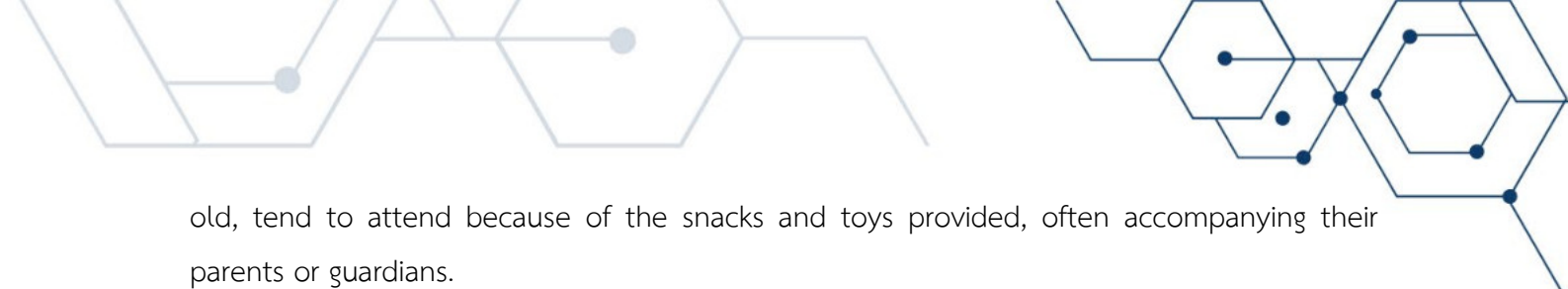
In the initial phase of the educational activities, the focus was on play-based methods to break the ice, build familiarity, and establish trust. Motivation was reinforced through the distribution of snacks, food, clothing, everyday necessities, and medicines. The teaching activities followed six key principles: 1) pre-assessment of knowledge by evaluating the target



group's knowledge before learning to group them according to ability. 2) Tailored instruction by providing flexible teaching suited to each group's capabilities and accommodating individual differences. 3) Interactive learning by incorporating play into learning and encouraging students to find answers on their own. 4) Consistent reinforcement by regularly motivating and encouraging students. 5) Observation-based evaluation by assessing progress through real-life observations and reviewing students' work. 6) Ongoing support by regularly following up and assisting the target group on key learning skills, for example, tracing lines for writing, practicing alphabet writing, listening and reading, expressing opinions, introducing oneself verbally, and basic counting. Teacher meetings were held after to reflect on learning outcomes and improve teaching methods (PLC), followed by, the program was overseen by district-level supervisors who conducted regular inspections.

The development of teaching materials initially focused on designing Thai language textbooks specifically for the Orang Asli group (in 2023). These materials were adapted from the 2014 Thai Literacy Curriculum for non-literate individuals, consisting of 200 hours of instruction. The aim was to create textbooks that would be appropriate for communication purposes tailored to the needs of the target group. In both areas, the teaching model included regular activities every Tuesday. The group of teachers traveled to the designated areas, with lessons conducted at specific locations. (for instance, the multipurpose building of Chulabhorn Phatthana Village 9 in Than To District, and Wat Khao Nam Tok in Bannang Sata District. Each session lasted between 2-3 hours and took place in the mornings)

At the Chulabhorn Phatthana Village 9 classroom, the Jahai students primarily come from a group led by Lam Pham, who resides in the employer's house (the plantation owner), rather than in the Thap. This group includes about 4-5 students. Another group lives near the Bang Lang Dam and travels by boat to attend classes, while others live in local housing. In total, there are about 50 individuals in this community, but only around 22 attend classes regularly. The students in this group have a wide range of ages, with the youngest being 8 years old and the oldest around 40, with the average age being approximately 20. In contrast, the classroom at Khao Nam Tok mainly consists of young people, with about 40 individuals registered but only around 20 regularly attending. These students are divided into two groups: 33 are of working age, and 7 are children. A common observation in both areas is that the students most interested in attending are working-age youths, as they need Thai language and numeracy skills the most for their daily lives. Younger children, especially those under 5 years



old, tend to attend because of the snacks and toys provided, often accompanying their parents or guardians.

The teaching operation at Chulabhorn Phatthana Village 9 classroom follows a rotation system, where teaching is conducted by 3 teams, each consisting of 4 teachers (with an additional driver, totaling five people per team). The teams regularly exchange information to reflect on student progress and plan for continuity in teaching. As student development became more apparent, the class was divided into two groups: one for fast learners and the other for those who were slower in learning (struggling with reading and memory retention). At the Khao Nam Tok classroom, however, the teaching team remains constant, with five teachers per session. Each session begins by distributing snacks (one large tin per day) and water to motivate the students. Once a certain level of teaching was achieved, the students were further divided into five groups based on observed learning progress, not by age. These groups were categorized as "advanced," "intermediate," and "beginner." The "advanced" group includes those who can communicate well and use Thai effectively—currently, Noom (the group leader), is the only one able to write his name in Thai. The second group comprises those who understand but have not yet developed good hand motor skills. The third group articulates in speaking but struggles with communication and writing. Two more groups follow, with each group containing 4-5 students. If progress is observed, students can move up to higher groups based on teacher assessments. As mentioned earlier, operating under with this model under DOLE center, aims not only to provide basic skills but also to promote life skills and Thai social etiquette. In the case of the Khao Nam Tok classroom, there is an incentive system involving monetary rewards, such as 20 baht for young children, to encourage cleanliness and discipline (e.g., picking up trash, organizing belongings, lining up, greeting, and saying thank you). Additionally, home visits are conducted to provide hygiene guidance (Interview with the teaching staff of the DOLE Center in Bannang Sata District). Similarly, at the Chulabhorn Phatthana Village 9 classroom, teachers incorporate lessons on Thai manners, such as greetings and respectful gestures (*wai*), and teach life skills and health care. The student attendance tracking system includes signing a logbook and using mobile phones (via the LINE app) to communicate with the group leader.

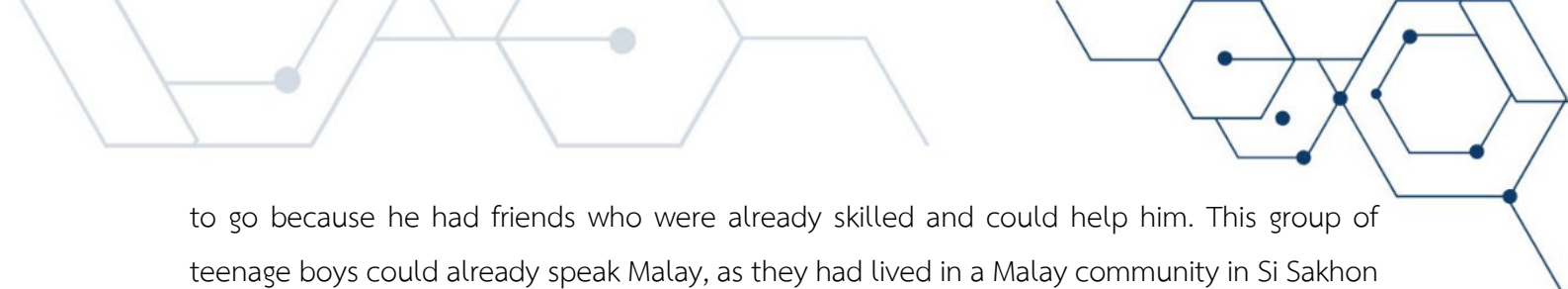


## The Jahai People's Perspectives on the DOLE Curriculum

Firstly, it is important to note that the perspectives shaped by the learning experiences of different Jahai groups are not uniform, and even within the same group, individuals may have varied experiences. Therefore, this discussion focuses specifically on the perspectives of the Jahai people at the classroom located at Wat Khao Nam Tok. In the case of “Noom” (a pseudonym), the group leader who is the most fluent in Thai (and has four children), he explained that his primary reason for attending the DOLE learning center was his desire to be literate and communicate effectively, particularly when using communication tools like mobile phones to coordinate work and interact with community leaders. Noom began attending the learning center last year (2023), and he is now able to read simple texts. His four children frequently accompany him to the classes, and they are currently learning some basic vocabulary. A bitter experience that heightened Noom’s and his peers' awareness of the importance of knowing Thai and basic arithmetic was being cheated out of wages and being unable to properly understand the value of money when making purchases. Noom shared that:

“Before, I couldn't communicate. Sometimes they agreed us a value [wage] of ten thousand, but we would actually receive only three or four thousand... Now it's better. I know which banknote to use when buying something and how much change I should receive. Back then, I didn't know how much a thousand-baht note was worth. When I went to the market to buy mangoes, I would tell the vendor I wanted a thousand's worth, and she was shocked.”

Regarding the young children who accompanied them, about 5 or 6, including the group leader's own children, they mentioned that they enjoyed the sessions mainly because they could eat snacks, draw, and color. Similarly, some of the teenage girls shared that they found the learning sessions enjoyable because there was food and sports activities involved. Their development included being able to read some Thai and count numbers. Another group willing to share their learning experiences was the teenage boys. They often gathered and sat together in a separate shelter. They expressed that they could all speak Thai and enjoyed the learning activities, particularly the physical exercises, and they appreciated the kindness of their teachers. However, they found writing difficult, as it made their hands ache. Additionally, the research team encountered a slow-learner teenage boy and had not attended the classes provided by the DOLE center. When asked why, he responded that he didn't feel the need



to go because he had friends who were already skilled and could help him. This group of teenage boys could already speak Malay, as they had lived in a Malay community in Si Sakhon District, Narathiwat Province. They had also acquired some Thai language skills through interactions with the villagers in the lower lands, as well as from traveling to other areas, sometimes to find partners within other Jahai communities, or to explore places like Yala and Narathiwat. One in the group even shared that he had ridden a motorcycle as far as Songkhla Province (as interpreted through a translator).

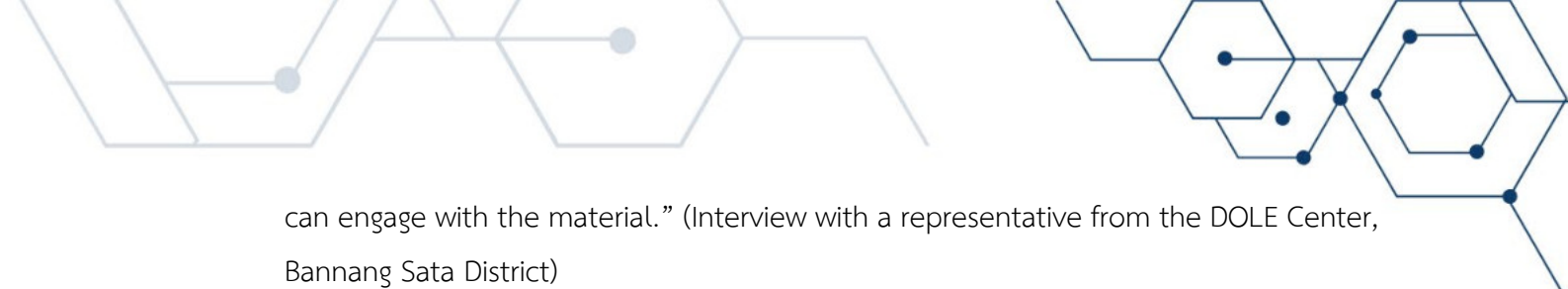
However, within the group led by Noom, it was found that some families rejected the idea of acquiring Thai nationality and did not wish to attend the classes provided by the DOLE center. When asked for the reasons through an interpreter, the response was that they simply did not want to study and preferred working instead.

### **Preliminary Outcomes of the DOLE Center Curriculum for the Jahai Community**

The lessons drawn from the learning model implemented at the DOLE center in both districts for the Jahai community have been deemed satisfactory, particularly with respect to objectives 1 and 3 (despite the objective 2 remains distant). The key principles of this model are flexibility and the cultivation of relationships across various dimensions to foster both motivation and trust. As noted by the directors of the DOLE Center in both districts:

“We don’t enforce strict rules that the group must immediately enter the primary level. The reality doesn’t allow for that because of their way of life and work. They are not like primary school children who take homework and return it the next day. When we only meet with the group for three hours a week, they forget everything once we leave. It takes time; they must not feel abandoned. When we visit, we have to allocate a budget, bring clothes from our own wardrobes, and even share cosmetics. We offer them these items to build familiarity, but it can't be a one-way exchange—they must reflect their learning back to us as well.” (Interview with a representative from the DOLE Center, Than To District)

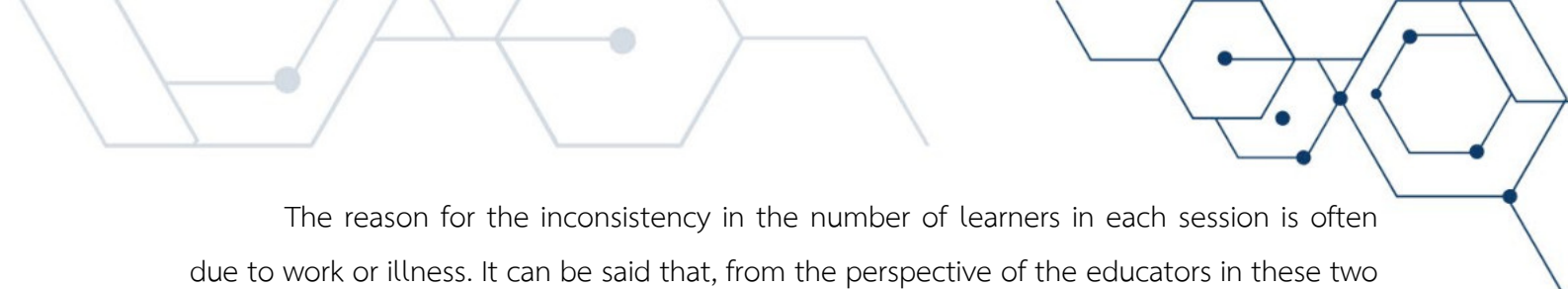
“We focus on individuals rather than imposing rigid rules. It's not about being perfect. We remain flexible in exercises and teaching methods, constantly adapting until they



can engage with the material.” (Interview with a representative from the DOLE Center, Bannang Sata District)

Similarly, one of the teachers at the Wat Khao Nam Tok learning center expressed a sense of accomplishment, stating, "Being able to write their own names is a source of pride. I've been teaching them for a year, and they have transformed from individuals who were almost silent, like people from the forest." Observations from the Chulabhorn Development Village 9 classroom indicated that younger learners tend to acquire knowledge faster than adults. For instance, a five-year-old child demonstrated learning progress comparable to that of the group's leader (a working adult), whereas the adults already had a foundation in speaking. In terms of enthusiasm and engagement in learning, adults showed more motivation, and most have shown significant improvement over time. Additionally, the teaching staff noted a gender difference in learning outcomes, with male learners exhibiting faster learning, better memory, and greater focus, particularly in reading and writing, compared to female learners. Assessment criteria were primarily based on observing behavior before and after lessons and engaging in question-and-answer sessions. Written tests were not yet administered, as this could cause undue stress for the learners. On the other hand, at the Wat Khao Nam Tok classroom, teachers similarly reported that participants actively engaged in activities (e.g., there was a report that evidenced the participation of Jahai men in a relay race organized by the Provincial DOLE Center of Yala Province, running from the center in Mueang Yala to Betong). Learners were keen to continue their education, even after relocating the Thap, still walking more than two kilometers to attend classes regularly. Regarding other aspects of development, the teachers at the Wat Khao Nam Tok classroom noted significant improvements, especially in personal care and hygiene. They concluded by expressing satisfaction with these outcomes:


“We have been able to change their previous habits. In the past, they didn't take care of their personal hygiene—their appearance, odor, and cleanliness were neglected. The smell was quite strong before, but when we started, we focused on improving personal hygiene, teaching them to bathe with soap and wash their clothes. Now, there has been a significant transformation. They take care of their health, and the odor is no longer an issue. We've been able to improve their behavior, leading to a 100% better quality of life than before.”



The reason for the inconsistency in the number of learners in each session is often due to work or illness. It can be said that, from the perspective of the educators in these two areas, the success of education for the Jahai group may not necessarily involve full integration into the formal education system, especially for the adolescent and working-age group. In this initial phase, the learning process is likely aimed at equipping them with the necessary life skills for their work as laborers in the region. Given the richness of resources and a strong economy in the southern region, the motivation for formal education may be lower. However, if the learners develop enough capacity (and desire), these groups can transition into NFE system. As for the next generation, if parents gain experience learning with DOLE, and develop a better understanding and a positive attitude toward adaptation, and can see opportunities through education, then formal education may indeed become a reality for their children. These individuals may then become valuable citizens in society. The representative of the DOLE center in Than To district added further insight on the Jahai learners, stating:

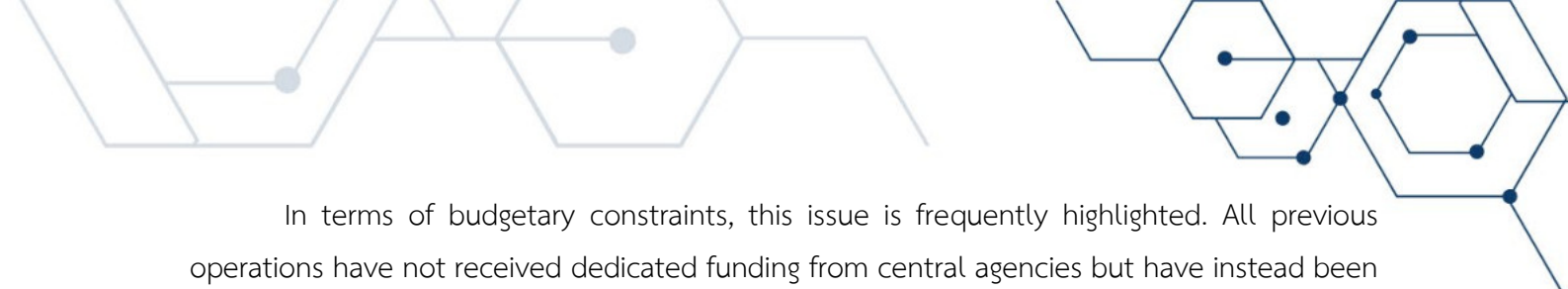
“Their primary goal is very clear—they want to be able to read. However, the teachers also hope that the younger students will continue on to formal education and eventually become quality citizens of the country. National identification cards were only introduced to them a few years ago, and education followed as mandated by law. With the abundant resources in the southern region, they find satisfaction in their current way of life, working as farm laborers. They have enough to eat and all their basic needs—food, clothing, shelter, and work—are met. Therefore, they don't feel the need to pursue other jobs or elevate their lives through education. For example, working in a durian farm earns them a decent amount of money, so they no longer feel the urge to study further. This is how they think; they don't see education as a means to improve their quality of life.”

Another noteworthy outcome, as reported by the representative from the DOLE center in Than To district, is the request from the village head of the Chulabhorn Pattana 9 Learning Center to increase the class time to three days per week. However, a major obstacle is the remote location of the village (approximately 1.5 hours away) and the risks associated with the insurgency situation along the route. Additionally, the DOLE Center has primary duties that



it must prioritize, making it currently unable to meet this request. One possible approach is that if the learners from this group demonstrate good reading and writing skills, they could potentially transition into the formal NFE curriculum to receive an official certificate of completion. However, this remains a long-term expectation since the project in Than To district is still in its early stages. This issue highlights that while the DOLE is a state mechanism capable of providing learning opportunities tailored to the unique needs of specific regions (with unique requirements). There are several limitations that prevent it from fully executing its potential in terms of both quantity and quality. These challenges will be further examined in the discussion on the key limitations and challenges faced by the DOLE centers:

1) One significant limitation reflected by field workers is the lack of resources, both in terms of personnel and budget for proper management. When assessing the capacity of the personnel at the DOLE Center in Than To District, there are currently 20 staff members (including the director). This includes five government teachers (one position is still vacant), government officials stationed in subdistricts, comprising three groups: three volunteer teachers stationed at the sub-district level, four community learning center teachers (serving in NFE sub-district roles), three more community learning center teachers, one service worker, one librarian (contract-based), and one special education teacher. Notably, this is the smallest staffing complement among the eight districts. In contrast, the DOLE center in Bannang Sata District has a total of 43 personnel (including the director), comprising 12 government teachers, five volunteer teachers, 11 Pondok school teachers, six NFE sub-district teachers, six community learning center teachers, and two librarians. On the other hand, the educational mission for the Jahai people is a new and additional responsibility, as typically, the DOLE Center personnel already manage routine duties. Volunteer teachers are responsible for no fewer than 40 students each, while government teachers must handle at least 20 students, teaching basic education at the primary and secondary levels, including literacy programs. They are also responsible for Pondok. In this sense, the Jahai project adds to the teachers' workload without additional compensation. Another related issue is the limited three hours per week of teaching, coupled with a lack of a robust system to ensure regular attendance, which directly impacts the quality of learning. Moreover, teachers themselves often lack sufficient knowledge and understanding of their learners, including language barriers and unique cultural backgrounds, which pose challenges for designing and delivering appropriate educational content.



In terms of budgetary constraints, this issue is frequently highlighted. All previous operations have not received dedicated funding from central agencies but have instead been managed by the director, who has had to allocate budgets from other missions, rely on personal donations, or request contributions from familiar organizations and networks which may vary depending on the attitudes and capabilities of individual administrators, making continuity and sustainability uncertain.

2) Limitations in Participation: These can be divided into three dimensions. The first dimension, as previously mentioned, concerns the integration of work between the DOLE center and other local agencies. However, there remains a lack of involvement from agencies responsible for formal basic education management, which oversees primary and secondary schools in the area. This absence results in a lack of collaboration in designing learning strategies, creating systems for transitions between educational levels, and even gathering data to reach children eligible for formal education. The second dimension refers to the lack of collaboration with specialists in various fields, including those working in civil society, non-governmental organizations (NGOs), and most importantly, higher education institutions in the region. These experts could provide valuable input on understanding racial and ethnic diversity, developing sensitive and respectful to differences and diversity (multicultural approaches), human rights education, indigenous rights, and designing education programs that align with students' developmental stages. Lastly, the third dimension is the lack of cooperation from the Jahai community itself, particularly in terms of offering information and reflecting their needs, which could guide the design and delivery of educational programs that are more attuned to their way of life, culture, and specific needs. A clear challenge in this dimension is the absence of personnel who can communicate in the Jahai language, which hinders deeper engagement and understanding of the community's perspectives.





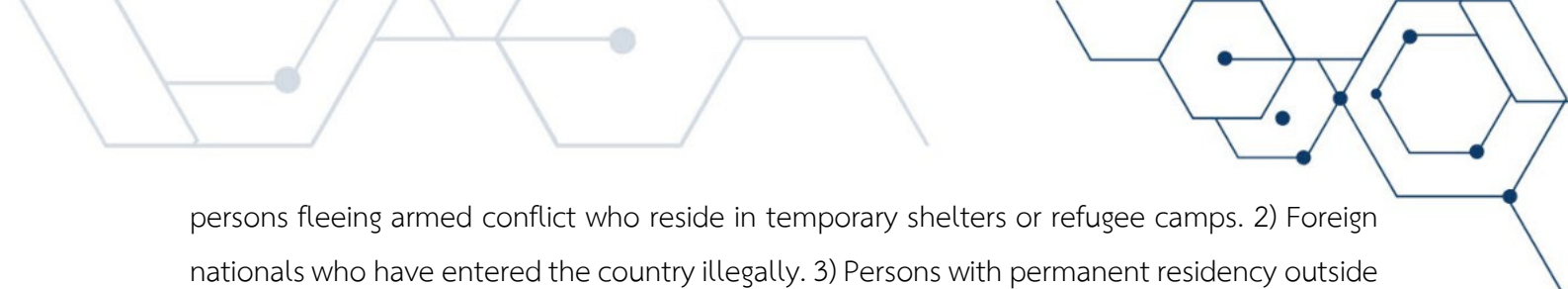
## Chapter 6: Issues and Obstacles in Accessing Educational Services for Stateless Children and Youth

### 6.1 Lack of Awareness or Understanding of Policies and Guidelines Among Relevant Personnel, and Resource Shortages in Border Schools

“This is still an ongoing issue today. For instance, children without documentation are entering schools, and while some schools are willing to accept them, others are hesitant. [Why are they hesitant?] It relates to potential legal implications. In certain cases, schools could be implicated in facilitating the movement of children across the border, which is illegal. This would violate laws related to providing shelter or assisting illegal entry under the Immigration Act, and schools could face legal action. However, if the school is in its designated location and children arrive on their own to apply, there is no problem with accepting them.”

The denial of education to children without any official documentation remains a widespread issue. Local administrative bodies and educational authorities often express concerns regarding legal regulations and scrutiny from central organizations, such as the Office of the Auditor General (OAG). One significant factor is the complexity of laws related to legal status, making it difficult for local administrators to fully understand and apply them. This fear of violating regulations leads many schools to impose additional conditions on accepting stateless children, even in areas with a large population of stateless students. For example, some schools may require proof of residence in Thailand, employer certifications, employer registration documents, or letters of endorsement from Thai nationals. These requirements exceed the official guidelines outlined in the manual for admitting students without civil registration records or Thai nationality. As a result, many children of migrant workers from neighboring countries are still unable to access formal education despite the existing guidelines meant to facilitate their entry into the school system.

An example from Umphang District in January 2023 highlights an announcement from the Tak Primary ESAO 2 regarding measures for admitting students without civil registration records or Thai nationality. A key point (Section 4) of this announcement prohibits schools under the Tak Primary ESAO 2 from enrolling certain individuals as students. These include: 1)




persons fleeing armed conflict who reside in temporary shelters or refugee camps. 2) Foreign nationals who have entered the country illegally. 3) Persons with permanent residency outside of Thailand who regularly travel across the border (as cited by the Friends Without Borders Foundation, 2023). This directive applies to all districts under the office's jurisdiction, including Umphang, Phop Phra, Mae Ramat, Mae Sot, and Tha Song Yang. It also extends to all 63 MLCs in the area, which serve as the primary educational institutions where displaced children typically seek enrollment

This announcement has been questioned by civil society organizations and NGOs working on education for stateless children, as it contradicts the *MOE's Regulation on evidence to be collected when educational institutions enroll students (2005)*. Specifically, Sections 6(4) and 6(5) of the regulations stated that in cases where children lack documentation, their parents, guardians, or a private organization can submit a personal record form as specified in the annex of the regulations. Additionally, the school itself can gather and record personal information through interviews. The announcement also conflicts with Thailand's international obligations, particularly the Convention on the Rights of the Child and the global "Education for All" agenda. Most importantly, it contradicts the Thai Constitution, which ensures equal rights for all individuals to access basic education (Friends Without Borders Foundation, 2023).

An important observation is that the policy for providing education to children without official documentation or Thai nationality was initially introduced to address the challenges of educational access in border areas, where a large number of such stateless children reside. The number of children seeking to enter the education system has risen significantly, especially after the 2021 military coup in Myanmar, which has driven many refugee families to flee persecution and seek protection in Thailand. Many children are sent to receive education while their parents remain in hiding due to the ongoing conflict. Furthermore, the decision to include MLCs under this announcement effectively pushes a large number of children out of the education system permanently. This exclusion not only cuts them off from educational opportunities but also from healthcare services and welfare protections. Consequently, it has broader implications for public health and human security in the border regions (Friends Without Borders Foundation, 2023; Thai PBS, 2023a).

On the other hand, while the addition of administrative conditions may conflict with the principles outlined in the Cabinet Resolution of July 5, 2005, from the perspective of



schools, it becomes clear that children without permanent residency often enroll only temporarily and then leave. It is also important to consider the general conditions of primary schools or opportunity-extension schools in border areas, which are already severely under-resourced in terms of budget and personnel. Many of the teachers assigned to these schools are young and at the beginning of their careers. After two years, they often transfer to schools in more developed areas. The responsibility of admitting students without civil registration documents, as well as developing their legal status, adds non-teaching burdens to academic staff who are already insufficient in number. This is not to mention the added challenge of adapting the curriculum to meet the needs of stateless children, whose cultural backgrounds differ from those of the teachers and staff, without any systematic support from their supervising agencies.

**6.2 G-coded children and youth have no right to travel, while those with 0-00 and 0-89 identification numbers must wait until they have held their registered status for five years before being allowed to travel outside controlled areas.**

Currently, the guidelines concerning travel outside controlled areas for these individuals are based on the *Department of Provincial Administration's Guideline concerning the permission for certain categories of aliens residing temporarily in the Kingdom to travel outside designated controlled areas, as outlined in the Cabinet resolution dated January 26, 2021, effective February 1, 2022.*<sup>29</sup> This guideline stipulates those individuals without civil registration status, holding 0-00 and 0-89 identification numbers, may only request permission to travel outside controlled areas after five years of registration. Meanwhile, ethnic minorities and indigenous groups may seek permission to travel outside such areas under the Ministry of Interior's regulations on controlled areas and temporary permission for stateless persons to travel for educational purposes, as outlined in the MOI's 2010 regulation. However, they are still required to report to their district office every six months. Representative of Department of Provincial Administration reported cases where children with 0-00 or 0-89 identification numbers cannot apply for a temporary travel permit to attend schools outside controlled areas because they have not yet been registered for five years. As a result, they lose the

---

<sup>29</sup> The document is provided in the appendix.



opportunity to attend school, which is contrary to the intent of the Cabinet Resolution of July 5, 2005.

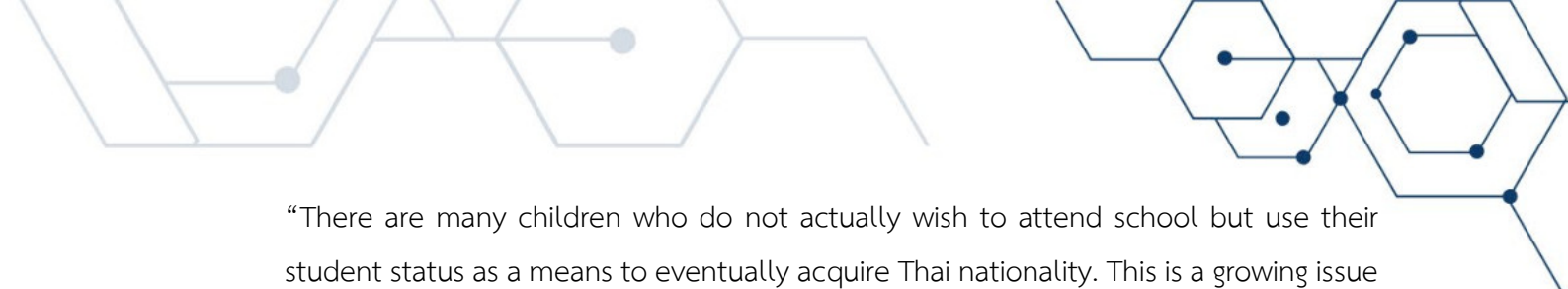
Traveling outside the province for educational or other purposes imposes an unnecessary burden on stateless children. This process requires them to seek permission each time from the district registration office, leading to significant delays due to the time spent preparing documents and waiting for approval.

Interviews with policy-level stakeholders reveal a contradiction between promoting the right to education for individuals without civil registration or Thai nationality, as outlined in the Cabinet resolution of July 5, 2005, and the enforcement of the regulation in the Internal Security Act, specifically the Immigration Act of 1979. This tension puts educational personnel tasked with implementing the Cabinet resolution, as well as operational-level agencies, in a state of "turning a blind eye" to certain legal constraints.

“The cabinet resolution states that we are responsible for providing education, so we do not consider whether these children entered the country legally or illegally. If the children are standing at the front of our school, it is our duty to accept them and provide education. This is our core function, and we must follow it. However, if immigration officers conduct an identity verification, that becomes their responsibility. So, when asked why we don’t separate these groups of children, the answer is that if we did, it would place teachers at risk of violating the law and create further complications and sensitivities.” (Interview with a representative from the Office of the Permanent Secretary, MOE)

“There must be a process to ensure clear identity verification. Additionally, it is a matter of national security, and we must acknowledge that this is not solely about practicing based on human rights principles... Therefore, it is necessary to verify the identity of these children to understand their backgrounds and determine where they should be resided.” (Interview with a representative from the Office of the Permanent Secretary, MOE)

The interviews also revealed negative attitudes towards promoting the rights of children and youth from security agencies, as well as from the education service providers. They viewed that children and youth were accessing educational services merely as a "door" for improving their legal status.

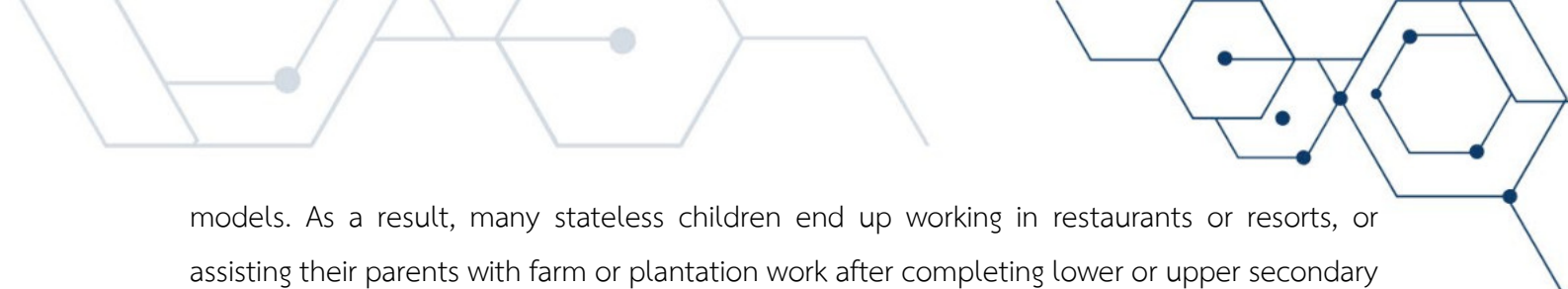


“There are many children who do not actually wish to attend school but use their student status as a means to eventually acquire Thai nationality. This is a growing issue that concerns the education sector. If a child genuinely wants to study and enjoys education, the system can support that. However, some children are more interested in using their status to advance themselves in a different way. This includes gaining access to healthcare and other welfare benefits. So, they may not genuinely want to study but rather aim to secure their status, receive an identification number, and ultimately gain Thai nationality in the future. This is something that teachers themselves have raised concerns about, particularly in border areas.”

However, interviews with families of stateless children reveal that all of them desire education not only to improve themselves but also to advance their legal status. Among four Karen stateless children currently in school, all have aspirations to pursue higher education at least to bachelor’s degree, with one aiming to become a mechanical engineering teacher and another whose parent wishes for them to join the military, knowing that their child has a passion for it. The others do not yet have specific career interests. In general, all of them hope that their legal status will be resolved before they enter the workforce or, ideally, before they begin their university studies. The parents expressed a strong commitment to ensuring their children achieve the highest level of education possible, and they believe that acquiring Thai nationality would alleviate the financial burden of education, whether through scholarships or access to educational loans such as the SLF. They also hope that nationality would open doors to better career opportunities, including employment in government service or state-owned enterprises, offering long-term security and welfare benefits.

### **6.3 The Economic Status of Stateless Families as a Barrier to Higher Education, with Ineligibility for Student Loans**

The complex issues faced by stateless children, particularly their inability to pursue higher education due to financial constraints, are closely tied to their economic status. This economic hardship prevents them from accessing or completing higher levels of education, especially secondary and tertiary education. Such challenges are often linked to their parents' unstable employment as migrant laborers, who work for low wages and lack job security. These families also face personal status issues, lack motivation, and are often deprived of role




models. As a result, many stateless children end up working in restaurants or resorts, or assisting their parents with farm or plantation work after completing lower or upper secondary education. For academically gifted students who wish to continue to higher education, financial difficulties often force them to spend additional time earning money through part-time jobs. For example, a 19-year-old boy had to work for a year to save enough money to enroll in a vocational diploma at a technical college. Meanwhile, scholarship opportunities are limited, often based on individual acts of kindness, and typically restricted to specific fields such as nursing and teaching, which may not align with the student's interests or abilities.

Pursuing higher education requires substantial financial resources, as the state education system offers limited alternatives and still emphasizes pathways to tertiary education and vocational training. However, the lifestyle and economic conditions of most stateless children drive them to seek employment as quickly as possible, often immediately after completing lower secondary education, in which education at this level largely lacks the integration of vocational skill development unless initiated through a dual-education program by the school director. Moreover, almost all vocational and higher education institutions are located far from stateless children's communities, requiring long travel times and incurring high costs. At the same time, accessing the SLF remains unattainable for these youths due to their legal status.

#### **6.4 The Mechanisms Supporting Stateless Children's Access to Education in Local Areas Remain Dependent on Individuals and Lack Sustainability**

At the school level, as previously demonstrated, institutions have adapted to meet the specific needs and challenges of ethnic and stateless children in these regions, addressing both access and the quality of education. This includes measures such as facilitating school enrollment, creating support systems for student welfare, assisting in transitions to higher education, and designing curricula that embrace the ethnic cultures of these children. However, these strategies lack consistency and often change with the vision of school's executives. For instance, in a district secondary school, there was once a proactive system that improved access for stateless children by conducting outreach in remote communities. This system allowed children to report locally without the need for entrance exams, saving time and travel expenses, which increased enrollment among stateless students. This proactive approach was discontinued when a new director took office, leaving many children

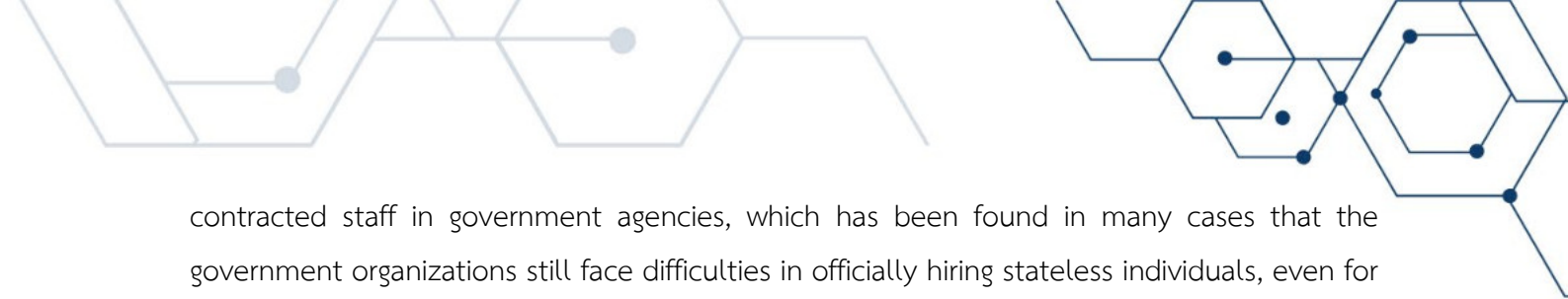


in remote areas potentially without access to education. Similarly, building partnerships between secondary schools and higher education institutions, as well as with organizations or individuals offering scholarships or places in educational programs, often depend on the vision of each school director. As a result, mechanisms for the educational development of stateless children remain unsustainable.

On the one hand, *the Prime Minister's Office announcement on November 15, 2016, concerning permissible jobs for foreigners under Section 13 of the Alien Working Act, B.E. 2551* expanded employment opportunities for stateless youth with identification numbers 7 and 0 (excluding those with G-code status) who have completed education beyond the secondary to work in most professions as same as Thai citizens, except for positions in government service. This research also shows that stateless graduates work in a variety of professions similar to their Thai counterparts, including careers in professional fields such as nursing, teaching, engineering, and translation, as well as roles in civil society organizations focused on addressing statelessness issues. However, due to the Immigration Act 1979, which classifies stateless individuals as aliens. Employers who wish to hire stateless youth must go through the legal process of obtaining an alien worker permit for them. Although the permit is valid for up to five years and costs only 100 baht, the requirement for applicants to submit supporting documents from their employers creates inconvenience or a sense of complexity for employers compared to hiring Thai nationals. This places stateless individuals at a disadvantage in the labor market compared to Thai citizens.

Moreover, there is a widespread misunderstanding among employers regarding the employment rights of individuals with identification numbers 7 and 0. Many employers mistakenly believe that these individuals can only be hired only in the same occupations as migrant workers from four nationalities, which are categorized as low-skilled labor. . An example of this is a stateless graduate from the Faculty of Education at Chiang Mai University who applied for a teaching position at a private school. Despite the applicant's qualifications, the employer hired them as a housekeeper, paying them the salary of a housekeeper, while assigning them the duties of a teacher. This resulted from the employer's lack of awareness that individuals with identification number 7 can legally be employed as teachers.

In addition, regulations set by the Office of the Civil Service Commission (OSCS) do not allow stateless individuals to work in government positions. As a result, even if stateless individuals obtain qualifications in nursing or teaching, they can only be employed as



contracted staff in government agencies, which has been found in many cases that the government organizations still face difficulties in officially hiring stateless individuals, even for temporary or contract positions.

The limited opportunities in the labor market, as a result of these restrictions, may lead to a loss of motivation among stateless youth to pursue higher levels of education, even if there has been significant progress in recent years, such as the profession of nursing now being recognized by the Thailand Nursing and Midwifery Council as a field that stateless individuals can pursue (according to an interview with a representative from a hospital in the border area of Tak Province).



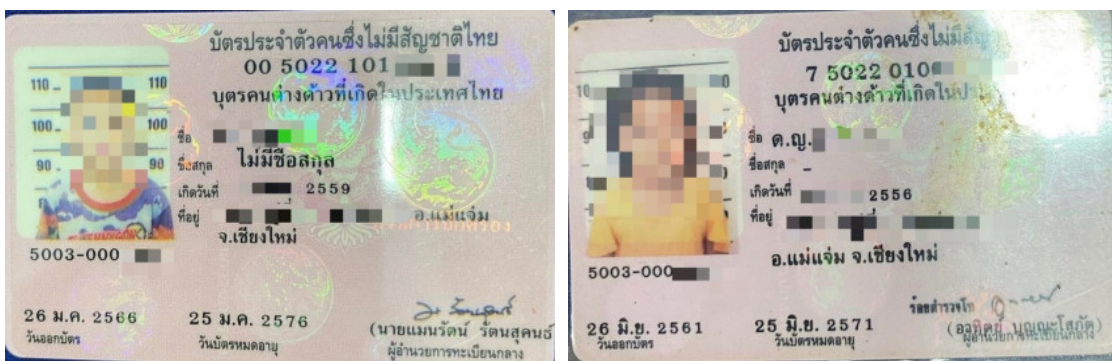


## Chapter 7: The Status Development of Stateless Children and Youth Affecting Access to Education

“In simple terms, it starts with children entering without any documentation at all, and they are initially assigned a G-code. Once they have the G-code, the child's rights have improved, and they may be issued an ID card by the Department of Provincial Administration, which could be a white or pink card. After receiving the white or pink card, and if the policy allows, they are granted with the status of an alien. Once they achieve the status of an alien and meet the required conditions, they can proceed to apply for Thai nationality through naturalization.” (Interview with a representative from the Department of Provincial Administration)

One key issue identified in this study is that stateless children and youth spend their entire school-life focused on the development of their legal status, burdened with anxiety over the uncertainty of their future status. The process of status development often extends far beyond their school years. In some cases, individuals have passed away while still being stateless (holding only a G-code). The delay in the process of verifying personal status is a critical systemic issue in the administration of the non-Thai and represents the most significant challenges to the registration status development process for stateless children, youth, and stateless individuals in general. In an interview with a representative of the National Human Rights Commission (NHRC), it was revealed that complaints regarding personal status rights are submitted weekly, representing the largest portion of all complaints received by the NHRC. Over the past three years, there have been more than 2,000 complaints, with over 500 concerning legal status rights. The officials most frequently complained about are district officers. The researcher views this issue as stemming, in part, from a poorly designed nationality policy. Current policies attempt to address new problems by continuously "patching up" old legal frameworks. The result is that the Thai state has “divided” or created numerous, overly fragmented categories of rights for “individuals without Thai nationality,” forming a complex hierarchy and categories. This hierarchy functions like a spiral staircase that stateless individuals must ascend step by step, with some potentially being forced to return to the starting point before eventually reaching “Thai nationality.” Climbing this metaphorical staircase often consumes their entire lives.

For example, in the case of stateless ethnic groups (ID number 7), even though they have been granted the status of temporary residents (with their names recorded in the Tor Ror 13 yellow book), they must still go through a status development process to apply for permanent residency rights (with their names listed in the Tor Ror 14 blue book and their identification numbers changed to 8) before they can apply for Thai national or receive a blue identification card. The process of applying for permanent residency and Thai nationality is often delayed by lengthy review procedures, which can take years to complete. A representative from the National Security Council (NSC) commented that "one of the major bottlenecks is the security screening process, which involves an individual background check" (interview with an NSC representative). This process does not rely on a centralized system but rather involves in-person inspections conducted by police from Special Branch Bureau.



**Figure 2** Sample ID Cards of Stateless Children in the survey. Although both of these children are classified as "children of aliens born in Thailand," they have been assigned different identification number categories (00 and 7). This reflects the complexity (or perhaps errors) in the Thai government's management of the registration process for stateless individuals.

In the past, the RTG has recognized this issue and made efforts to address it, but the solutions have not been entirely effective. The complexity and confusion surrounding the regulations for granting legal status stem from the presence of three key legal frameworks related to nationality and status rights. These are: the Nationality Act of 1965 (amended in 2008), the Immigration Act of 1950 (amended in 1979), and the Civil Registration Act of 1991

(and its amendments). These laws are administered by different agencies<sup>30</sup> which contributes to the delays in verifying individual. Therefore, core problem lies in the separate and unconnected databases, specifically the three key population databases. The first database is the alien database, which contains key identification documents for individuals, such as alien identification cards, passport numbers, certificates of identity (CI), fingerprints, and residence permits.<sup>31</sup> This database is managed by the Immigration Bureau under the Royal Thai Police, in accordance with the Immigration Act of 1950. This database remains offline. The second database is an online database for stateless individuals. This includes key personal documents, such as identification cards for stateless persons, and various civil registration documents, such as house registration, birth certificates, and birth registration certificates. Therefore, the civil registration for alien workers permitted to work in Thailand (those with the 00 identification number indicating a defined nationality) is handled by the Royal Thai Police. However, the civil registration for stateless persons is managed by the Department of Provincial Administration. This separation has led to the duplication of identification numbers for the same individual. For example, there are individuals holding both a stateless person ID (codes 0-00 or 0-89, which do not indicate nationality) and an alien worker identification (00, which indicates nationality). This results in the need for an additional verification process, such as fingerprint checks, which extends the time required for status verification. The third database is the registry of stateless persons within the education system (G code), which is managed by the Ministry of Education.

The fact that each database is managed by different agencies, rather than being consolidated into a single system, significantly delays the Department of Provincial Administration's verification process for registration requests from individuals with unresolved legal status. This fragmented system requires extensive documentation from applicants, increasing the likelihood of errors.<sup>32</sup> The risk of issuing incorrect identification cards or

---

<sup>30</sup> All three of these legal frameworks are overseen by the Minister of the Interior. However, the Immigration Act was amended in 2014 to include the Prime Minister as a joint overseer. Additionally, the Civil Registration Act includes the Minister of Foreign Affairs as a joint overseer, alongside the Minister of the Interior.

<sup>31</sup> The Certificate of Residence, commonly known as "Bai Thin," is issued by the Immigration Bureau for stateless individuals who have undergone status development to become "lawfully admitted aliens" before they are eligible to apply for Thai nationality.

<sup>32</sup> There is also the delay caused by the process of establishing a committee to grant Thai nationality and legal immigrant status to minority groups, which is not a legal committee but one appointed by the Cabinet. If the Cabinet's term ends, a new committee must be proposed for appointment (the most recent committee took about 8 months to form). This differs

misclassifying legal status has made personnel within the Department of Provincial Administration more cautious, leading to meticulous scrutiny of applicants' documents. Furthermore, some officials exploit the situation by demanding bribes, either to issue fraudulent documents or to expedite the issuance of legitimate identification cards. This exploitation of vulnerable individuals stems from inefficiencies within the state's bureaucratic system. Such corruption exacerbates the distrust surrounding the registration documents of ethnic minorities and migrant workers, further slowing down the verification process as officials become more vigilant in detecting potential forged documents. Moreover, when the process of verifying an individual's legal status is fraught with caution and complex procedures, the number of personnel in district offices responsible for handling status development becomes insufficient, particularly in border areas.<sup>33</sup>


“Identity cards for stateless persons are priced. There has been a [black] market for buying and selling these cards. It is at the discretion of the registrar to issue the cards, and there have been cases of corruption under investigation. The Department of Special Investigation (DSI) has taken on this issue as one of its special cases.” (Interview with a representative from the NSC)

For stateless children with the G-code, the legal status development is currently guided by directives from the Ministry of Interior to the provincial governor. Specifically, there is a directive issued to provincial governors titled *“Guidelines for solving the legal status of students with G-code,”* dated September 30, 2019, and another from the OBEC, *“Clarification on educational provision for students with no civil registration evidence or not having Thai nationality and protocol to solve the problematic legal status of G-code students,”* dated

---

from the nationality approval process handled by the legal Nationality Screening Committee (for displaced Thais/naturalization), which can proceed without being affected by the end of the Cabinet's term. Furthermore, the addition of the Prime Minister as a co-enforcer of the Immigration Act has extended the time required for approval.

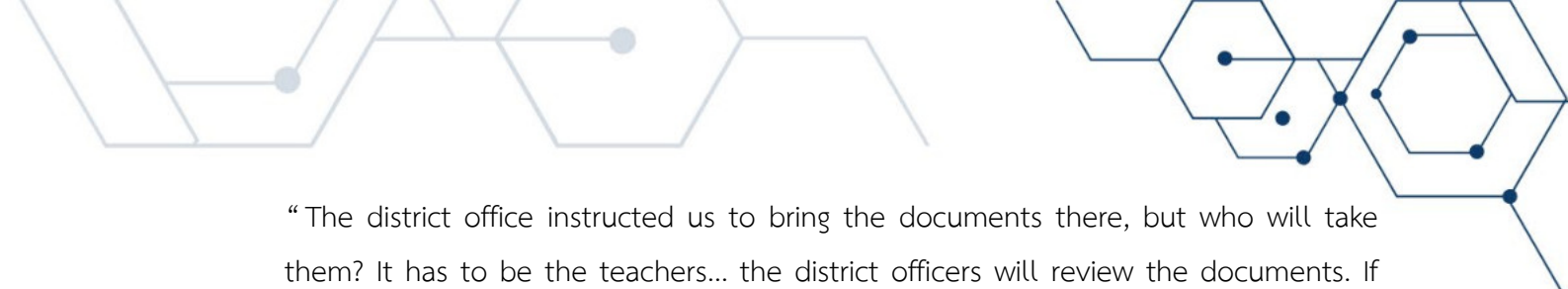
<sup>33</sup>According to an interview with a representative from the Department of Provincial Administration, it was revealed that there are only two civil registrars per district responsible for handling all civil registration matters in the district, including births, deaths, marriages, and divorces. Regarding the status of stateless individuals, the work is further divided into handling matters under Section 7 bis of the Nationality Act, nationality applications, and requests for alien status. Once a case is accepted, the registrar must act within the legally prescribed timeframe; otherwise, they risk being sued under Section 157 of the Penal Code. In some districts, to manage the workload related to personal status issues, officials have introduced periodic windows for accepting cases (which is contrary to administrative law) However, stateless individuals, often unaware of these legal provisions, believe they must wait for the district office to open these specific windows in order to proceed with their status development.



July 23, 2020. Field data reveals partial success in accelerating the legal status development of children with the G-code under these directives. Data from the Tak Primary ESAO 2 (2016–2023) shows a steady decrease in the number of students with the G-code, while the number of registered students (groups 0-00, 7) continues to rise. For example, in 2016, there were 932 students with the G-code and 779 students in groups 0-00, 6, and 7 identification numbers. By 2023, the number of students with the G-code dropped to 457, while students in groups 0-00, 6, and 7 identification numbers increased to 1,197.

However, the policy to complete the civil registration of children with G-code within 60 days has not yet been fully implemented. In addition to the delays in the verification of personal status by administrative authorities, there are also challenges in the integration between schools and district offices before the children’s documentation can enter the verification process by the administrative side. An example of this challenge can be seen in the collaborative work between schools in Mae Chaem District, Chiang Mai Province, and the Mae Chaem District Office.

In 2023, a school in Mae Chaem District had 81 G-coded students out of more than 700. The school followed the “G-code fixing” process for students as outlined in the provided guidelines. However, the school noted that they could not initiate the process independently; they had to wait for the district office to schedule the necessary procedures. The school’s responsibility was to collect all the required documents for the students based on the district office’s specifications, which was considered an initial survey. The documents requested by the district were numerous, and they often had to be returned and corrected at least 2-3 times. Common errors included incorrect or inconsistent names of the parents or surnames. The school’s staff believed that part of the issue arose because they lacked knowledge of personal status laws, and the district office did not provide sufficient guidance to the teachers responsible for this task. Moreover, G-coded students had various circumstances, necessitating different documents and procedures for legal status development. In addition, the district office had its own set of data on the number of children without any legal documentation, which sometimes did not match the school’s records. Apart from document collection, the school also had to bear the logistical burdens. The school was responsible for taking dozens of students and their parents to the district office and sometimes had to provide lunch. To address this, the school requested the district office to deploy a mobile unit to provide services at the school instead.

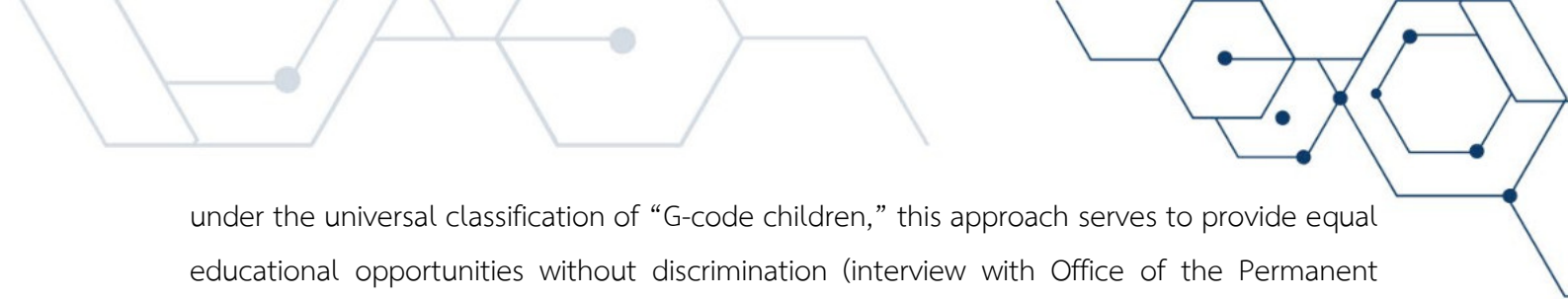


“The district office instructed us to bring the documents there, but who will take them? It has to be the teachers... the district officers will review the documents. If everything is in order, they will process them. If not, the documents are left there, and they’ll process them the next time when everything is complete.” (Interview with a school representative in Mae Chaem District)

During the interview, the district office had just issued identification cards and 13-digit identification numbers for 50 students, which took one year to complete. There were still 31 students who had not yet received their 13-digit identification numbers due to “incomplete documents.”

After carrying out the “G-code fixing,” teachers and school staff responsible for coordinating with the district office observed that parents, particularly migrant workers, began to have an impression that “the district office prioritizes individuals with no documentation at all. If there are no documents (such as a passport), it is quicker to receive a 0-00 identification number (identified as stateless individuals).” As a result, some parents deliberately withheld identity documents from the school to ensure their children would receive stateless identification cards, thus enabling them to escape the G-code stateless status (which is the most disadvantaged stateless category) more rapidly. The school principal began to view this situation as parents and children “using the school as a stepping stone” to attain the status of “stateless persons,” which does not correlate with their true legal status. Even though some parents possessed passports or other identity documents, they chose not to disclose them to the school. The principal remarked, “The fear is different. When the school asks for the document, they say they have no documents, but when the district office asks, they have documents.” On the other hand, officials from the central administration of the Department of Provincial Administration believed that the goodwill of the teachers sometimes resulted in children receiving a legal status that did not align with the facts. “For children with no documents, the teachers are the ones filling out the 89 Form. Out of goodwill, they end up registering children under the 0-00 when, in fact, they should have received a 00 (identification numbers of migrant worker dependents).”

However, upon deeper examination of the challenges in the integration between schools and district offices, it becomes evident that while the Ministry of Education, which assigns the G-code to stateless children, does not differentiate the statelessness of children into sub-categories in order to preserve the intent of treating all stateless children equally,




under the universal classification of “G-code children,” this approach serves to provide equal educational opportunities without discrimination (interview with Office of the Permanent Secretary for Education). On the one hand, this promotes equality in educational access for all children. On the other hand, it creates administrative challenges for the district offices, which ultimately becomes the responsibility of the school itself, as all G-coded children will eventually need their legal status developed into an official identification number that reflects their true legal status, requiring factual distinctions and verification. At present, schools do not view the collection of accurate civil registration documents from children and their parents as a primary responsibility. Instead, they see their main role as ensuring that children have access to education. The task of collecting documents, verifying facts, and gathering supporting evidence is perceived as the responsibility of the district offices or administrative authorities.

Most parents of stateless children hope that schools will play a role in assisting with the legal status development of their children, as they often feel intimidated by district authorities. From the perspective of the children and their parents, schools are seen as a critical support system in the development of their civil rights. Consequently, schools currently play a crucial role in reducing the likelihood that stateless children will be exploited by various groups. However, school personnel may also use this gap to exploit the children and their parents, as noted by a representative from the National Security Council (NSC):

“There have been cases where schools and temples are used as fronts to obtain nationality... We are very careful about this because... it is possible that temples may serve as a means to secure identification numbers and nationality. It is important to understand that there is a process involved in acquiring nationality, which may include soliciting money from parents, claiming that the child will receive nationality... This could be considered a form of human trafficking.” (Interview with a representative from the NSC)

The delays caused by the inefficient management processes of the government significantly infringe upon the rightful entitlements of individuals, based on their true legal status. For example, a child with a G-code may enter first grade, but only receive a 0-00 identification card by the time they are in second grade. This means that the Thai state only recognizes the child as a person without legal status at the second-grade level, even though they should have been granted this status in first grade. Consequently, the rights tied to holding a 0-00 card (such as healthcare access) are denied during their first year of schooling.



Furthermore, the opportunity to begin the process of improving their legal status is delayed by one year because the state calculates the start of their registration period from the date the 0-00 card is issued. Other rights, such as the ability to apply for permission to travel outside restricted areas—granted after five years of registration—will also be postponed by a year due to this delay.


### **7.1 G-coded children who cross borders and attend school in border areas are not eligible for civil registration**

As stated in the *Ministry of Interior’s guidelines for solving the legal status of students with G-code,*” dated September 30, 2019, under Section 3.3,<sup>34</sup> the state will not grant a legal status, specifically the identification number 0-00, to children living along the border regions of neighboring countries who travel to study in schools within the Thai border in a daily commute pattern. Although these children may speak Thai and aspire to work in Thailand when they grow up, they remain ineligible for developing their civil registration status. These children, therefore, remain in the education system under the G-code without any opportunity to advance their legal status. This creates a significant disadvantage in education compared to their peers who receive the “persons with legal status problem” status. Rights are granted based on civil registration status, and those with ID number 0-00 or 7 can improve the rights to residency and permission to travel outside controlled areas. In contrast, students with only the G-code remain in the “illegal” category, with no rights to residency or to travel beyond their school environments.

Additionally, both the deputy mayor and the secretary of the mayor of an SAO under study, who are responsible for overseeing local governance, expressed that a major issue in the legal status development alongside the education of stateless children is ensuring that they have a permanent, identifiable residence (although moving to different locations for work is acceptable). This stability allows local administrative bodies to survey and ascertain the exact number of children and the nature of their challenges. Once this is achieved, the next

---

<sup>34</sup> Section 3.3 children who cannot be registered under Section 38, Paragraph 2 of the Civil Registration Act B.E. 2534 (1991), as amended (No. 2) B.E. 2551 (2008), such as children who have a permanent domicile outside the Kingdom but enter Thailand for educational purposes, are ineligible for legal registration. For these children, the registrar must remove them from the identification number 0, 0-00 category and revert to using an identification number issued by the Ministry of Education.



step involves coordinating with educational institutions, ensuring that the children remain within the system and have continuous opportunities for legal status development.

“[I would like to emphasize] that this group of workers needs to stay in one place. If they are constantly moving, how can we support the children? When the parents move, the children have to move too.” (Interview with a representative of the SAO in Mae Chaem district)

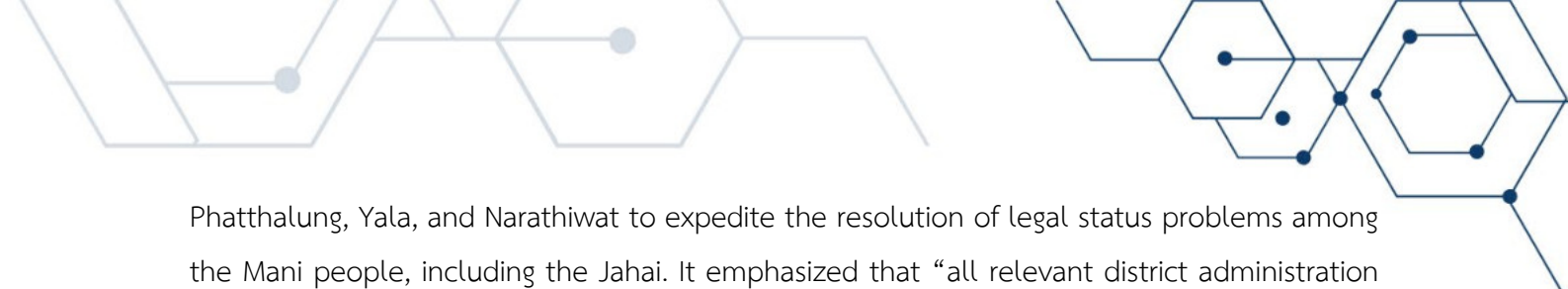
## **7.2 The Jahai people do not encounter difficulties in verifying their legal status and are able to obtain Thai nationality immediately**

When comparing the three surveyed areas, it was found that the situation regarding the legal status development of Jahai children and youth is more favorable than that of Karen, Pa-O, and Shan stateless children and youth living along the western and northern borders. In the case of the Jahai population in the surveyed areas, there has been significant progress in addressing statelessness, with decreasing numbers and plans by the district authorities to reduce statelessness within the next 1-2 years. This progress is accompanied by efforts to improve the quality of life for the Jahai people through state-run programs and welfare initiatives such as education, healthcare, vocational training, and agriculture promotion. From the administrative perspective, the main obstacle to improving the legal status of the Jahai community is their nomadic lifestyle, which hinders their ability to register for identity cards, as they need to provide a fixed address. Additionally, there are language barriers, as there is no one locally who can communicate in their language, and many community members remain suspicious of officials and outsiders. Furthermore, some Jahai members, especially men and the elderly, continue to prefer a traditional nomadic way of life and see no need for Thai nationality. There are also misconceptions regarding rights, such as the belief that if a husband obtains a national ID card, his wife automatically obtains the same rights. Despite these challenges, the number of stateless Jahai has significantly decreased.

The rapid verification of the legal status of the Jahai people may be attributed to the *Department of Provincial Administration’s directive, No. MorTor0309/Wor24900, titled “Registering the Population to Address the Legal Status Issues of the Sakai or Mani Tribes,” dated December 21, 2017.*<sup>35</sup> This directive instructed the provincial governors of Trang, Satun,

---

<sup>35</sup> The document is provided in the appendix.



Phatthalung, Yala, and Narathiwat to expedite the resolution of legal status problems among the Mani people, including the Jahai. It emphasized that “all relevant district administration officials, government agencies, and other local entities must be made aware that the Sakai or Mani people are Thai citizens and should be afforded the same legal rights and protections as any other Thai citizen.” This highlights a significantly different approach compared to the treatment of the Karen, Pa-O, and Shan ethnic groups, who, while similarly being ethnic minorities, reside along the Thai-Myanmar border. The disparity in approaches may be linked to the fact that Malaysia’s civil registration system is far more efficient than Myanmar’s, giving the Thai government confidence that the Jahai people do not possess Malaysian nationality. In comparison, Myanmar’s incomplete registration system (interview with a representative of the Department of Provincial Administration) leads to uncertainty when individuals who “appear” to be from Myanmar enter Thailand, resulting in a lack of trust regarding their nationality.


### **7.3 Discrimination and Negative Attitudes Throughout the Legal Status Verification**

#### **Process**

It seems that negative attitudes and discrimination from state officials, including acts of intimidation and various forms of dehumanization, remain common experiences for stateless individuals.

“[The district officer] Every time there's a new one, we have to adjust again, it's difficult. They all tend to have the same attitude—prejudice against stateless people. Very few truly understand.”

“[Prejudice means] they might see us as second-class citizens, like you don't have any rights, you can't make a request. It's not allowed, you have to wait. You have to stay in your area, you have no rights or voice. When you come in and speak, they'll say you just have to wait. Wait for the district office to tell you what you can do. Even when we just walk in, before we even ask anything, they say it's not allowed. They don't even know what we're asking about. Everyone who goes to the district office faces this. Or worse, they tell us, if you keep arguing or asking questions, they'll send you back to your country.”



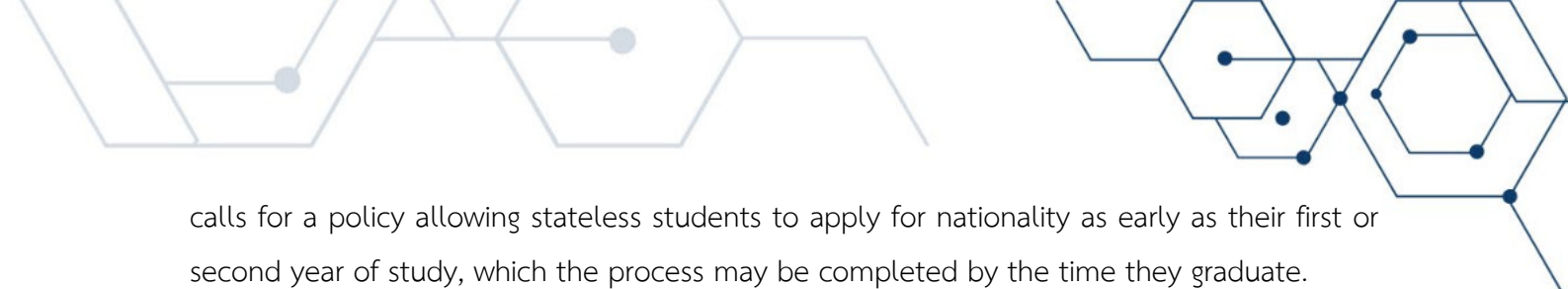
“Even though the student has a G-code, it doesn’t correspond with their parents’ status. Some parents have passports, while some children were born in Thailand but don’t have the documentation to prove their birth here, so their cases remain unresolved. I once took a child I knew, who had a G-code, to the district office for assistance, but the district office argued that since the parents had passports, they should register the child's birth in their home country. They wouldn’t process it here, which doesn’t benefit the child at all, as the child lives in Thailand.”

Both the delay and refusal to register individuals constitute a deprivation of the inherent rights of stateless persons, who are, in fact, a vulnerable group. This can be seen as an exacerbation of injustice by the state toward these individuals. As Associate Professor Dr. Phantip Kanjanajitra Saisoonthorn stated in an interview:

“No one chooses to become irregular persons. They are individuals who have been denied justice. The first right under the UDHR is the right to the recognition of legal status.”

#### **7.4 A Bachelor’s Degree Represents a Dim Hope for Stateless Individuals**

Although the policy under the Cabinet Resolution of December 7, 2016, allows individuals without registered legal status who complete a bachelor’s degree to apply for Thai nationality, interviews have not revealed any cases of stateless youth who, after earning a degree, successfully obtained Thai nationality. The only cases reported involved individuals who applied under the bachelor’s degree condition, but the process was prolonged, forcing them to reapply under the criteria of contribution to the nation. Many parents hope their children can obtain Thai nationality upon completing their degrees; however, few have the financial to support their children through higher education. Moreover, there is concern among stateless youth pursuing bachelor's degrees about their future post-graduation. It is well known that the verification process for legal status can take over a year, and stateless students are not eligible to apply for Thai national until they receive their degree certificate. This means that after graduation, they cannot apply for jobs open to Thai citizens for at least another year. This delay poses significant challenges, particularly since most stateless students face economic pressures to enter the workforce as soon as possible. As a result, there have been



calls for a policy allowing stateless students to apply for nationality as early as their first or second year of study, which the process may be completed by the time they graduate.

The researcher observes that in order to prevent the condition of obtaining nationality after completing a bachelor's degree from becoming merely a “propaganda” for stateless children and youth, it is crucial to develop a more transparent and timely review process. These children and youth represent a potential key driving force for Thailand's economy.



## Chapter 8 Conclusion and Recommendations for Relevant Agencies

### 8.1 Comparative Summary of Educational Access Between Thai Children and Youth and Stateless Children and Youth

Table 11 Comparison of Educational Access Between Thai Children and Youth and Stateless Children and Youth

Issues	Thai children and youth	Stateless children and youth
<b>1. Rights to education</b>	Thai children and youth enjoy the rights to access all types of education. Enrollment is not limited by issues of legal status or nationality.	Stateless children and youth have the rights to access all types of education. However, enrolling is complicated by security-related administrative measures that treat them as ‘aliens’, resulting in many providers rejecting to enroll stateless children and youth from their status.
<b>2. Factors for dropping out of the education system</b>	Socio-economic status and location in the rural or remote areas are the key factors for Thai children and youth for dropping out of the education system.	Socio-economic status, location in the rural or remote areas and national status are the key factors for stateless children and youth for dropping out of the education system.
<b>3. Schooling choice and Educational Options</b>	Thai children and youth enjoy a variety of schooling choices and providers (e.g. public schools, private schools, homeschool, DOLE learning centers). However, a person’s schooling choice is heavily influenced by socio-economic status and location.	Stateless children and youth schooling choices also influenced by socio-economic status and location. The schooling choices of stateless children and youth are largely public schools and DOLE learning centers (for those aged above 15 only) which is heavily influenced by socio-economic status and location. Stateless novices under 15 years old do not have schooling choice except at Bhodiyalai Learning Center in Chiang Mai.
<b>4. Rights to travel</b>	Thai children and youth enjoy freedom of movement to travel to attend their chosen institutions anywhere in the country. They do not	Stateless children and youth cannot travel freely as they are under the security control measure for ‘aliens’ under the Immigration Act B.E. 1979.

	<p>have to worry about being arrested while traveling to schools or pursuing education at a higher level anywhere.</p>	<p>They do not have the right to travel outside their restricted areas (Province of Registration) unless officially permitted. They have worries about being arrested while traveling or not being able to get an official permission to attend an educational institution outside their restricted area, including study abroad.</p>
<p><b>5. Access to financial support</b></p>	<p>Thai children and youth are eligible to receive per-student subsidies under the 15-years Free Education Scheme. However, the subsidies do not cover all the actual costs and households must bear extra incurred costs. The subsidies generally do not cover lunch at the secondary level. Moreover, Thai youth are eligible to apply for SLF and other official and unofficial scholarships.</p>	<p>Stateless children and youth are eligible to receive per-student subsidies in the similar manner as Thai children. They must also bear extra incurred costs beyond the subsidized amounts. However, stateless youth are not eligible for SLF and other official scholarships. Scholarships available to stateless youth are privately funded and unsystematic.</p>
<p><b>6. Language barrier</b></p>	<p>Thai children, except those with ethnic background generally do not experience language barrier in studying and obtaining information about educational opportunities. Their parents can communicate with the teachers or educational personnel.</p>	<p>Stateless children with an ethnic background experience language barrier in studying the national curriculum and in obtaining information about educational opportunities available to them. Their parents cannot communicate effectively with the teachers or educational personnel.</p>
<p><b>7. Treatment from authorities and social stigmatization</b></p>	<p>Thai children and youth do not experience disrespectful treatments from government authorities on the basis of their citizenship status. They do not feel the stigma of not having a Thai citizenship</p>	<p>Stateless children and youth experience disrespectful treatments from government authorities, especially the district and police officers due to their national status. Comparatively, they view public school authorities as more lenient and as someone they can count on to help them resolve their national</p>

		issues. They feel deeply the stigma of not having a Thai nationality.
<b>8. Issuance of Graduation Certificates</b>	Graduation certificate issuance is guaranteed for Thai children and youth who complete the curriculum.	Some educational institutions still cannot guarantee certificate issuance at graduation for stateless children due to documentation issues.
<b>9. Career Opportunities</b>	Thais are eligible to work in any sector. Therefore, Thai youth do not have worries about being unemployed due to citizenship status.	Stateless youth have more worries about their career prospect. Some categories of identification number of stateless persons are not permitted to work in some occupations. Moreover, stateless persons must apply, obtain and continuously renew an alien work permit, which imposes irrelevant costs on youth and discourages employers from hiring them. Therefore, stateless youth have greater concerns regarding their career opportunities.

## 8.2 Recommendations

**Table 12 Recommendations for Relevant Agencies to Improve Educational Access for Stateless Children and Youth**


Key Issues	Relevant Agencies	Recommendations
1. The design of policies protecting the rights of stateless persons remains inconsistent, between viewing stateless persons as potential threats to national security and recognizing them as a vulnerable group deserving human rights protection.	Office of the National Security Council	Urgently raise awareness of the importance of human security for all individuals within Thailand's borders, regardless of their legal status. Shift perspectives and attitudes across all sectors from viewing certain groups of children and youth as national security threats to recognizing all children and youth as human capital with the potential, which are not tied to any nationality, to contribute to Thailand's security and prosperity
	Ministry of Education	Propose a new Cabinet resolution to protect the educational rights of stateless

		<p>persons that is more up-to-date than the Cabinet resolution of July 5, 2005.</p> <p>Additionally, allocate appropriate resources to the Ministry of Education to address issues related to students with G-code.</p>
2. Discrimination or additional conditions imposed by schools during the enrollment of stateless children.	Ministry of Education	<p>Provide greater clarity regarding the intent to allow stateless children access to education in the updated <i>Guidelines for admitting individuals without civil registration documents or Thai nationality</i>. This includes issues such as requesting certification from employers in cases where students lack any documents, processing the graduation of stateless children within the central system of the Office of the Basic Education Commission, and facilitating the transfer of educational qualifications for children who have previously attended school systems in neighboring countries.</p>
3. Restrictions on the travel rights of stateless children and youth.	Ministry of Interior	<ol style="list-style-type: none"> <li>1. Revoke or revise the <i>Ministry of Interior's 2010 regulation on granting temporary permission for stateless individuals to leave controlled areas to attend educational institutions</i>. This includes reducing the discretionary power of officials and eliminating the requirement for periodic reporting.</li> <li>2. Abolish travel restrictions for education purposes imposed on children and youth who have held G-code or group 0 identification cards for less than five years which are set by <i>the Department of Provincial Administration's guidelines on granting permission for certain categories of aliens temporarily residing in the Kingdom to leave controlled areas, in line with the Cabinet resolution of January 26, 2021, on the criteria for determining the status and</i></li> </ol>

		<i>rights of long-term migrants, effective February 1, 2022.</i>
4. Lack of Eligibility for Student Loans	Student Loan Fund (SLF)	Eliminate the Thai nationality requirement to expand educational opportunities for stateless children and youth to study at the higher levels according to their potential. This is particularly relevant today, as the SLF includes criteria for fields of study experiencing shortages. Stateless children and youth with potential should be given the opportunity to contribute to the country's development by pursuing education in these shortage fields.
5. Resource limitations of the Department of Learning Encouragement (DOLE), which has high potential for supporting and developing stateless children and youth.	Ministry of Education	<ol style="list-style-type: none"> <li>1. Integrate the DOLE curriculum for children aged 8–15 into the efforts of the Office of the Basic Education Commission (OBEC) to support stateless children and youth.</li> <li>2. Allocate additional budgets and personnel to enhance the DOLE's mission in remote areas, border regions, and the three southern border provinces.</li> </ol>
6. Lack of legal knowledge and understanding among education providers	Ministry of Education	Establish a mechanism to standardize collaboration between district offices and schools, aiming to allow schools to focus on delivering quality education without bearing the burden of managing the legal status development of students.
	Ministry of Interior	1. Implement measures to support and alleviate the burden on educational personnel and institutions regarding the legal status development of students. This will allow schools to focus on providing quality education. Allocate resources to schools tasked with addressing issues

		<p>related to G-coded students, as specified in the <i>Ministry of Interior's directive to provincial governors on the guidelines for resolving the legal status of G-coded students, dated September 30, 2019.</i></p> <p>2. The Department of Local Administration should educate local administrative organizations (LAOs) in strategic border areas about regulations concerning the educational rights of stateless children and youth. Clear guidelines should also be established for LAOs to allocate budgets to support stateless children within their jurisdictions.</p> <p>3. Promote greater autonomy for LAOs in strategic border areas to care for stateless children and youth in their communities.</p> <p>4. Create firewalls between the MOI/Immigration laws and policies and education entitlements to ensure that policies outside the education sector are not creating barriers to a person's educational access and progression.</p>
7. Lack of awareness of statelessness issues in higher education institutions.	Ministry of Higher Education, Science, Research and Innovation	Integrate collaboration with the Ministry of Education to establish policies and guidelines for the admission, support, and graduation of stateless students in higher education institutions under its jurisdiction. Develop frameworks for institutions to assist in the legal status development of stateless students, with mechanisms in place starting from their first year of enrollment.
	Higher Education Institutions	Develop statistics on stateless students, revise scholarship conditions to remove the Thai nationality requirement, and promote the establishment of legal clinics or clubs

		to support the status development of stateless students.
8. Lack of legal knowledge and misunderstandings among employers regarding the employment of stateless persons.	Ministry of Labor	<ol style="list-style-type: none"> <li>1. Implement measures to educate and create understanding among employers that individual with identification numbers 0 and 7 are eligible to work under the same conditions as Thai nationals.</li> <li>2. Reduce the requirements for obtaining work permits for stateless individuals with identification numbers 0 and 7</li> </ol>
9. Feelings of inferiority and anxiety during schooling caused by inefficient processes for legal status development.	Ministry of Interior	<ol style="list-style-type: none"> <li>1. Improve the processes for verifying and developing legal status to eliminate corruption and discrimination against stateless individuals. Increase personnel in civil registration offices located in strategic areas addressing legal status issues.</li> <li>2. Simplify the classification system for individuals. For example, change the status of "persons without civil registration status" (holders of identification number 0 cards) to "stateless persons" to avoid confusion regarding whether 0 identification cardholders have legal registration status or not.</li> </ol>
	Ministry of Education	<p>Establish a special task force specifically dedicated to addressing the needs of stateless children and youth under the Ministry of Education. The task force should focus on driving progress in three key areas:</p> <ol style="list-style-type: none"> <li>1) Resolving legal status issues and improving personal data systems.</li> <li>2) Promoting cultural integration.</li> <li>3) Integrating support mechanisms at the local level.</li> </ol>



### 8.3 Limitations of the Study

This study has several key limitations. First, the study does not include unregistered stateless children and youth who are not yet recorded in the Thai state's database, a group with the highest risk of basic human rights violations. Second, the study does not reflect the perspectives of stateless children and youth without ethnic identities, such as 'rootless persons' or children of displaced Thai descendants. Third, the study does not reflect the perspectives of stateless children in urban areas; almost all informants are stateless children from remote or border areas. Fourth, the perspectives of education service providers in both formal and informal systems are not comprehensive, lacking viewpoints from Border Police Patrol schools, private schools, and Hilltribe Thai Community Learning Center "Mae Fah Luang". Finally, since this is an in-depth interview-based study, focusing on understanding situations and problems without disconnecting from local context and socio-economic conditions, it cannot offer macro-level data in statistical accounts, thus unable to reflect the overall national situation as comprehensively as desired.





## References

- Arunothai, N. (Ed.). (2014). *Cultural skills of the sea gypsies: Hundred stories of sea nomads*. Princess Maha Chakri Sirindhorn Anthropology Centre (Public Organization). (In Thai)
- Bangkok Post. (2018, August 24). *Migrants are still slow to register births: Lack of documents curbs access to rights*.  
<https://www.bangkokpost.com/thailand/general/1527374/migrants-are-still-slow-to-register-births>
- Birkland, T. A. (2016). *An introduction to the policy process* (4th ed.). Routledge.
- Blitz, B. K. (2017). The state and the stateless: The legacy of Hannah Arendt reconsidered. In T. Bloom, K. Tonkiss, & P. Cole (Eds.), *Understanding statelessness* (pp. 70-84). Routledge.
- Border Patrol Police Sub-Division 34. (2024). *Border Patrol Police Schools* [Online].  
<https://bpp34.bpp.police.go.th> (In Thai)
- Cheva-Isarakul, J. (2019). Diagnosing statelessness and everyday state illegibility in Northern Thailand. *Statelessness and Citizenship Review*, 1(2), 214-238.
- Chiang Mai University, & UNICEF Thailand. (2021, March). *Invisible lives: 48 years of the situation of stateless children in Thailand (1972 – 2020)*.  
<https://www.unicef.org/thailand/reports/invisible-lives> (In Thai)
- Chulalongkorn University, & UNICEF Thailand. (2022a). *Report on the situation of education for migrant children in Thailand*.  
<https://www.unicef.org/thailand/media/9891/file/Investing%20in%20a%20Global%20Future%20-%20Full%20Research%20Report%20TH.pdf> (In Thai)
- Chulalongkorn University, & UNICEF Thailand. (2022b). *Research brief investment in global future a situational analysis*.  
<https://www.unicef.org/thailand/media/9876/file/Investing%20in%20a%20Global%20Future%20-%20Research%20Brief%20EN.pdf>
- Chuntong, P. (2014). The educational rights of stateless children: Case study of Thailand and Lao PDR. *Kasalongkham Research Journal Chiangrai Rajabhat University*, 8(1), 81-91. (In Thai)
- De Groot, G. R. (2014). Children, their right to a nationality and child statelessness. In A. Edwards & L. V. Waas (Eds.), *Nationality and statelessness under international law* (pp. 144-168). Cambridge University Press. <https://doi.org/10.1017/CBO9781139506007.001>



Department of Government Public Relations. (2023, December 12). *Cabinet approves the draft of Thailand's pledges at 2nd Global Refugee Forum.*

[https://www.prd.go.th/th/content/category/detail/id/39/iid/240335?fbclid=IwAR0r3ew1aBFmNiSkFTJ7KLvueBpMbASXwkhDOQ6KxzHCt\\_I-AEn\\_V7tpU00](https://www.prd.go.th/th/content/category/detail/id/39/iid/240335?fbclid=IwAR0r3ew1aBFmNiSkFTJ7KLvueBpMbASXwkhDOQ6KxzHCt_I-AEn_V7tpU00) (In Thai)

Department of Provincial Administration. (2019). *Guidelines for permitting certain groups of aliens temporarily residing in the Kingdom to leave controlled areas.*

[https://multi.dopa.go.th/gacd/official\\_letter/view7](https://multi.dopa.go.th/gacd/official_letter/view7) (In Thai)

Department of Provincial Administration. (2021). *Solving the problem of stateless students' identification number of G status.* (Internal document).

Deputy Minister of Education. (2020, November 10). *Teacher Pii Oh provides educational opportunities for people of all age groups.* <https://www.moe.go.th/ครูพี่โอ๊ะ-พร้อมมอบโอกาส/> (In Thai)

Friends Without Borders Foundation. (2023, April 21). *Revocation of educational restrictions on refugee children.* <https://friends-without-borders.org> (In Thai)

Grivijitr, B. (2019). *Research report: The Orang Peoples in the Deep South of Thailand.* Princess Maha Chakri Sirindhorn Anthropology Centre (Public Organization). (In Thai)

Hasni, N. A. S., Azman, N., & Ismail, M. N. (2021). Stateless children's access to tertiary education. *Selangor Humaniora Review*, 5(1), 30-39.

<https://share.journals.unisel.edu.my/ojs/index.php/share/article/view/133>


Imnvoices. (2024, February 14). *The Pa-O: Indigenous ethnic group in Wiang Haeng.* Retrieved June 10, 2024, from <https://imnvoices.com/?p=4410> (In Thai)

International Labour Organization. (2021). *Public attitudes towards migrant workers in Thailand.* [https://www.ilo.org/wcmsp5/groups/public/---asia/---robangkok/documents/briefingnote/wcms\\_766634.pdf](https://www.ilo.org/wcmsp5/groups/public/---asia/---robangkok/documents/briefingnote/wcms_766634.pdf)

Intorn, T. (2023). Formal education for non-Thai persons in Thailand: A case of schools under The Bueng Kum District Office, Bangkok, school year 2018. *Journal of Social Science, Law and Politics*, 7(1), 60–79. (In Thai)

Japan International Cooperation Agency. (2023, December 15). *Path to success. International Migrants Day Conference.* Chulalongkorn University, Bangkok, Thailand. (In Thai)

Jindathong, C. (2020). Notes on "G Children" at Umphang. *Voice of the Tribe Journal*, 11(12), 21. (In Thai)



Kitchanapaibul, S., Apidechkul, T., Srichan, P., Mulikaburt, T., Singkhorn, O., & Udplong, A. (2022). Status of the stateless population in Thailand: How does stigma matter in their life? *PLoS ONE*, *17*(3), 2–14. <https://doi.org/10.1371/journal.pone.0264959>

Mae Na Chon Subdistrict Administrative Organization. (2022a). *Local Development Plan (2023–2027)*. Retrieved June 11, 2024, from [https://www.maenajohn.go.th/view\\_file.php?id=701](https://www.maenajohn.go.th/view_file.php?id=701) (In Thai)

Mae Na Chon Subdistrict Administrative Organization. (2022b). *General Information and Basic Data*. Retrieved June 11, 2024, from [https://www.maenajohn.go.th/view\\_file.php?id=455](https://www.maenajohn.go.th/view_file.php?id=455) (In Thai)

MOE (Ministry of Education). (2017). *Manual and guidelines for education management for persons without legal status or Thai citizenship*. [https://www.ptt2.go.th/main/images/DATA\\_2016/Document/%E0%B8%84%E0%B8%A1%E0%B8%AD%E0%B8%81%E0%B8%B2%E0%B8%A3%E0%B8%88%E0%B8%94%E0%B8%81%E0%B8%B2%E0%B8%A3%E0%B9%84%E0%B8%A1%E0%B9%88%E0%B8%A1%E0%B8%97%E0%B8%B0%E0%B9%80%E0%B8%9A%E0%B8%A2%E0%B8%99%E0%B8%A3%E0%B8%B2%E0%B8%A9%E0%B8%8E%E0%B8%A3.pdf](https://www.ptt2.go.th/main/images/DATA_2016/Document/%E0%B8%84%E0%B8%A1%E0%B8%AD%E0%B8%81%E0%B8%B2%E0%B8%A3%E0%B8%88%E0%B8%94%E0%B8%81%E0%B8%B2%E0%B8%A3%E0%B9%84%E0%B8%A1%E0%B9%88%E0%B8%A1%E0%B8%97%E0%B8%B0%E0%B9%80%E0%B8%9A%E0%B8%A2%E0%B8%99%E0%B8%A3%E0%B8%B2%E0%B8%A9%E0%B8%8E%E0%B8%A3.pdf) (In Thai)


Moong-Ngam, P. (2023). *Nationality should not cut off anyone's educational opportunities*. The101.world. <https://www.the101.world/migrant-children-training-center-mahachai/> (In Thai)

Naewna. (2016, April 15). *Umphang Clinic: Overcoming boundaries for stateless persons*. <https://www.naewna.com/scoop/211488> (In Thai)

National Strategy Secretariat Office. (2018). *Thailand 20-year national strategy (2018–2037)*. [https://www.sme.go.th/upload/mod\\_download/download-20201012111719.pdf](https://www.sme.go.th/upload/mod_download/download-20201012111719.pdf)

OBEC (Office of the Basic Education Commission). (2020). *Align understanding on educational provision for students with no civil registration record or not having Thai nationality on protocol to solve the problematic identification status of G-code students*. <https://supportspb3.thai.ac/client-upload/supportspb3/download/.pdf> (In Thai)

Office of the Education Council. (2019). *Report on educational provision for children with no Thai nationality and children of migrant workers in Thailand*. <http://backoffice.onec.go.th/uploads/Book/1633-file.pdf> (In Thai)



Park Joy, K. K., Tanagho, J. E., & Gaudette, M. (2009). Global crisis writ large: The effects of being stateless in Thailand on hill-tribe children. *San Diego International Law Journal*, 10(2), 495–554.

Phuaphansawat, V. (2021). Tackling educational inequity in Thailand: Wealth effects on schooling choice, learning process and learning outcome. *ASEAN and Global Connections*. <https://www.asean-global.info/papers>

Princess Maha Chakri Sirindhorn Anthropology Centre. (2023a, June 13). *Tai Yai. Ethnic Database*. Retrieved June 10, 2024, from <https://ethnicity.sac.or.th/database-ethnic/184/> (In Thai)

Princess Maha Chakri Sirindhorn Anthropology Centre. (2023b, June 15). *Pa-O. Ethnic Database*. Retrieved June 10, 2024, from <https://ethnicity.sac.or.th/database-ethnic/190/> (In Thai)

Rostam, N. H., Ahmad, N. H., Murshid, N. S. A. M., Attas, R. N. M., Rahmat, N. E., & Othman, A. (2022). A legal analysis of stateless children and their rights to education in Malaysia: A comparative study with Thailand. *International Journal of Academic Research in Progressive Education and Development*, 11(3), 1711–1726.

Rude, B. (2023). Ending statelessness for displaced children: Impact on early childhood education. *Leibniz Institute for Economic Research at the University of Munich*, 1(401), 1–26. <https://www.ifo.de/DocDL/wp-2023-401-rude-colombia-birthright.pdf>

Selvakumaran, K., Yusoff, J., & Hee, T. (2020). A legal perspective on the right to education for stateless children in selected ASEAN countries. *Pertanika Journal of Social Science and Humanities*, 28(1), 361–377.

Seub Nakhasathien Foundation. (2012). *Umphang: Forests protect cities, and cities conserve forests*. <https://www.seub.or.th/blogging/> (In Thai)

Shaosoun, S. (2020). Model of educational management for stateless children in the Eastern region of Thailand. *Journal of Knowledge Exchange*, 1(1), 1–18. (In Thai)

Somboonboorana, S. (2020). Cultural policy management for indigenous peoples (Negrito) in Malaysia. *Journal of Social Sciences and Humanities*, 46(2), 270–296. (In Thai)

Srimoon, R. (2022). *The Pa-O ethnic group in Mae Hong Son Province*. Facebook@Maehongson Creative.

<https://www.facebook.com/MHSCRT/posts/%E0%B8%8A%E0%B8%B2%E0%B8%95%E0%B8%B4%E0%B8%9E%E0%B8%B1%E0%B8%99%E0%B8%98%E0%B8%B8%E0%B9%99>



8C%E0%B8%9B%E0%B8%B0%E0%B9%82%E0%B8%AD-  
%E0%B9%83%E0%B8%99%E0%B8%88%E0%B8%B1%E0%B8%87%E0%B8%AB%E0%B  
8%A7%E0%B8%B1%E0%B8%94%E0%B9%81%E0%B8%A1%E0%B9%88%E0%B8%AE%  
E0%B9%88%E0%B8%AD%E0%B8%87%E0%B8%AA%E0%B8%AD%E0%B8%99-  
%E0%B8%82%E0%B9%89%E0%B8%AD%E0%B8%A1%E0%B8%B9%E0%B8%A5%E0%B  
8%AD%E0%B9%89%E0%B8%B2%E0%B8%87%E0%B8%AD%E0%B8%B4%E0%B8%87  
%E0%B8%88%E0%B8%B2%E0%B8%81%E0%B8%99%E0%B8%B2%E0%B8%A2%E0%B  
8%9B%E0%B8%A3%E0%B8%B0%E0%B9%80%E0%B8%AA%E0%B8%A3%E0%B8%B4%  
E0%B8%90-  
%E0%B8%9B%E0%B8%A3%E0%B8%B0%E0%B8%94%E0%B8%B4%E0%B8%A9%E0%B  
8%90%E0%B9%8C-  
%E0%B8%9B%E0%B8%A3%E0%B8%B0%E0%B8%98%E0%B8%B2%E0%B8%99%E0%B  
8%AA%E0%B8%A0/5176800092344167/ (In Thai)

Sriwichai, P. (2023, October 19). *Pothiyalai center hopes to solve the state of education for a group of novices the status of stateless persons*. ThaiPBS.

<https://www.thaipbs.or.th/news/content/332983> (In Thai)

Sungthip, S., & Viseshsiri, P. (2015). The evaluation of migrant child education policy. *OJED*, 10(3), 452–466. <https://so01.tci-thaijo.org/index.php/OJED/article/view/35571/33562> (In Thai)

Tak Primary Educational Service Area Office 2. (2024). *General information of schools under Tak Primary Educational Service Area Office 2 for the academic year 2023*. Retrieved June 7, 2024, from [www.takesa2.go.th](http://www.takesa2.go.th) (In Thai)

Tak Provincial Governor's Office. (2024). *Umphang*. Retrieved June 7, 2024, [www.tak.go.th](http://www.tak.go.th) (In Thai)

Technology Chaoban. (2022, August 12). *Department of Non-Formal Education of Khura Buri District, Phang Nga develops the Moken way of life*.

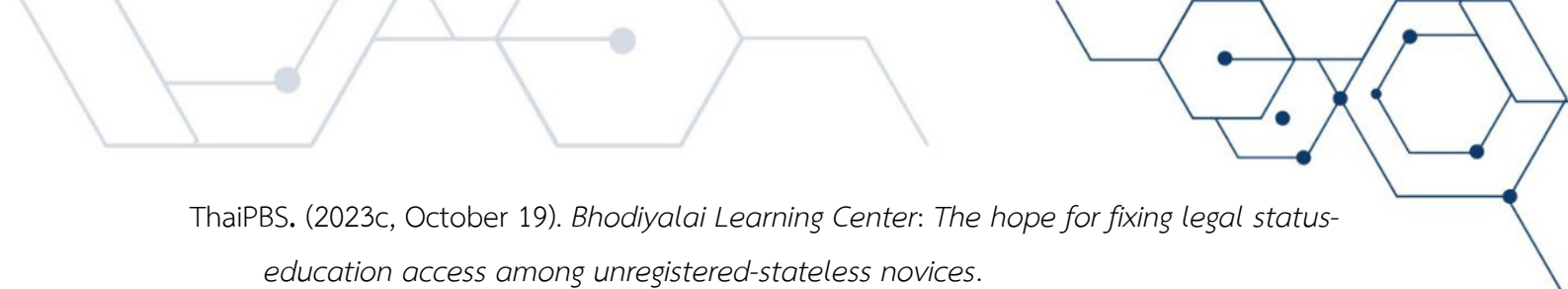
[https://www.technologychaoban.com/bullet-news-today/article\\_223387](https://www.technologychaoban.com/bullet-news-today/article_223387) (In Thai)

Thai PBS. (2023a, March 18). *Questioning the denial of school admission to 23 children from refugee centers for kindergarten classes*.

<https://www.thaipbs.or.th/news/content/325697>

ThaiPBS. (2023b, June 8). *The Ministry of Education reiterates its position all children must receive education even if they are stateless*.

<https://www.thaipbs.or.th/news/content/328596> (In Thai)



ThaiPBS. (2023c, October 19). *Bhodyalai Learning Center: The hope for fixing legal status-education access among unregistered-stateless novices.*

<https://www.thaipbs.or.th/news/content/332983> (In Thai)

Thanalertsomboon, P. (2023, November 3). *The Maniq people: The hunter's way of life in the forest changes and life without a voice in the mountains.* The101.world.

<https://www.the101.world/mani-negrito-in-thailand/> (In Thai)

Thammasat University. (2022, August 23). *A university with a motherhood perspective and the blossoming lives of stateless students.* <https://tu.ac.th/thammasat-230865-university-as-a-mother-of-stateless-student> (In Thai)

The Office of the Non-Formal and Informal Education, Office of the Permanent Secretary, Ministry of Education. (2010). *Non-formal education curriculum for basic education level, B.E. 2551.* <https://www.nfe-pbr.org> (In Thai)

Transborder News. (2023a, November 30). *Opening a pilot Podhiyalai learning center to help novices to study in primary school.* <https://transbordernews.in.th/home/?p=36607> (In Thai)

Transborder News. (2023b, September 30). *Various proposals for solutions for children's mobility.* <https://transbordernews.in.th/home/?p=35757> (In Thai)

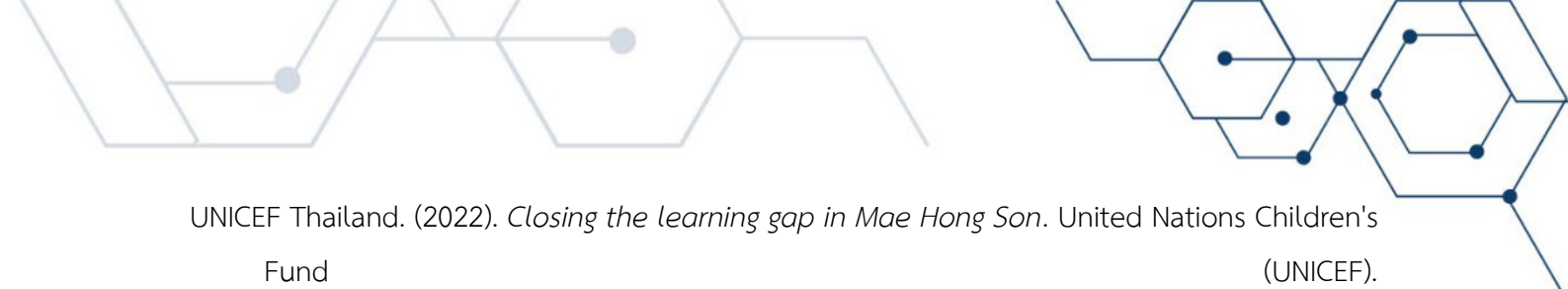
Tyrosvutis, G. (2023). *Make learning count: Migrant Learning Center registration in Thailand: The policy landscape and ways forward.* UNICEF Thailand.  
<https://www.unicef.org/thailand/media/11691/file/Make%20learning%20count%20EN.pdf>

Umphang Subdistrict Municipality. (2024). *General Information* [Online].  
<https://www.umphang.go.th/condition> (In Thai)

UNESCO Institute of Statistics. (2011). *International Standard Clarification of Education ISCED 2011.* <https://uis.unesco.org/sites/default/files/documents/international-standard-classification-of-education-isced-2011-en.pdf>

UNHCR Thailand. (2023, August 2). *UNHCR Thailand Operational Factsheet 30 June 2023.* <https://data.unhcr.org/en/documents/details/102366>

UNICEF Thailand. (2019). *Education knows no borders: A collection of good practices and lessons learned on migrant education in Thailand.* UNICEF Thailand.  
<https://www.unicef.org/thailand/media/3696/file/Education%20knows%20no%20border%20-%20report.pdf> (In Thai)



UNICEF Thailand. (2022). *Closing the learning gap in Mae Hong Son*. United Nations Children's Fund (UNICEF).  
<https://www.unicef.org/thailand/media/9546/file/Closing%20the%20learning%20gap%20in%20Mae%20Hong%20Son%20EN.pdf>

UNICEF Thailand, & Terre des hommes. (2022, December). *The voice unheard by adults: Voices from stateless children and migrant children in Thailand*.  
<https://www.unicef.org/thailand/media/10126/file/Unheard%20voices%20from%20children%20affected%20by%20migration.pdf> (In Thai)

Wannamethee, S. (2019, October 9). *Statement by the Delegation of Thailand His Excellency*. Mr. Sek Wannamethee, Ambassador and Permanent Representative of Thailand to the United Nations and other International Organizations in Geneva, at the General Debate, 71st Session of the UNHCR Executive Committee, Assembly Hall, Palais des Nations.

Wannaopas, A., & Kerdnak, D. (2021, December 16). *Will I get citizenship, teacher? The desperation was hidden in Child G code's question*. Today.  
<https://workpointtoday.com/ctip-09/> (In Thai)

Wikipedia. (2021, June 19). *List of schools in Chiang Mai Province*. <https://th.wikipedia.org> (In Thai)

Yakorn, N. (2017). Problems of accessing the fundamental rights and state welfare of stateless people. *Journal of SaengKhomKham Buddhist Studies*, 2(2), 171–189. (In Thai)



## Appendix

Department of Provincial Administration's Guideline concerning the permission for certain categories of aliens residing temporarily in the Kingdom to travel outside designated controlled areas, as outlined in the Cabinet resolution dated January 26, 2021, regarding the "Criteria for Determining the Status and Rights of Long-Term Migrants," effective February 1, 2022



ที่ มท ๐๓๐๘.๔/ว ๒๗๓๘

กรมการปกครอง  
ถนนอิษฎางค์ กทม. ๑๐๒๐๐

๑ กุมภาพันธ์ ๒๕๖๕

เรื่อง แนวทางปฏิบัติเกี่ยวกับการอนุญาตให้คนต่างด้าวบางจำพวกที่เข้ามาอยู่ในราชอาณาจักรเป็นการชั่วคราว ออกนอกเขตพื้นที่ควบคุม ตามมติคณะรัฐมนตรี เมื่อวันที่ ๒๖ มกราคม ๒๕๖๔

เรียน ผู้ว่าราชการจังหวัด ทุกจังหวัด

ด้วยคณะรัฐมนตรีได้มีมติเมื่อวันที่ ๒๖ มกราคม ๒๕๖๔ มั่นใจให้คนต่างด้าวกลุ่มเป้าหมายให้มีสิทธิในการอาศัยอยู่ในราชอาณาจักรเป็นการชั่วคราวตามมาตรา ๑๗ แห่งพระราชบัญญัติคนเข้าเมือง พ.ศ. ๒๕๒๒ โดยกำหนดให้กรมการปกครองกำหนดหลักเกณฑ์และเงื่อนไขการอาศัยอยู่ในราชอาณาจักรของบุคคลดังกล่าวให้เหมาะสม สอดคล้องกับหลักสิทธิมนุษยชนและความมั่นคงของประเทศ

กรมการปกครองพิจารณาแล้ว เพื่อให้การดำเนินการเป็นไปตามหลักเกณฑ์และเงื่อนไขของมติคณะรัฐมนตรีดังกล่าว จึงกำหนดแนวทางปฏิบัติ ดังนี้

๑. อนุญาตให้บุคคลที่ได้รับการจัดทำทะเบียนประวัติตามมาตรา ๑๔/๒ แห่งพระราชบัญญัติการทะเบียนราษฎร พ.ศ. ๒๕๓๔ แก้ไขเพิ่มเติม (ฉบับที่ ๓) พ.ศ. ๒๕๖๒ และมาตรา ๓๘ วรรคสอง แห่งพระราชบัญญัติการทะเบียนราษฎร พ.ศ. ๒๕๓๔ แก้ไขเพิ่มเติม (ฉบับที่ ๒) พ.ศ. ๒๕๕๑ ให้ได้รับการผ่อนผันให้อาศัยอยู่ในราชอาณาจักรเป็นการชั่วคราวและมีสิทธิในการขออนุญาตเดินทางออกนอกเขตพื้นที่ควบคุมได้ โดยต้องได้รับการจัดทำทะเบียนประวัติตามกฎหมายว่าด้วยการทะเบียนราษฎร มีเลขประจำตัว ๑๓ หลักมาแล้วเป็นเวลาไม่น้อยกว่า ๕ ปี และมีบัตรประจำตัวหรือเอกสารแสดงตัว ที่นายทะเบียนอำเภอหรือนายทะเบียนท้องถิ่นจัดทำให้ตามกฎหมาย ประกอบด้วย

- (๑) ชนกลุ่มน้อยและกลุ่มชาติพันธุ์ ที่เข้ามาอยู่ในราชอาณาจักรหลังวันที่ ๓๐ กันยายน ๒๕๔๒
- (๒) เด็กนักเรียนและบุคคลที่กำลังเรียนอยู่ในสถานศึกษาหรือเรียนจบการศึกษาแล้ว ซึ่งไม่มีสถานะตามกฎหมายที่แน่นอน ที่เข้ามาอยู่ในราชอาณาจักรหลังวันที่ ๑๘ มกราคม ๒๕๔๘
- (๓) คนไร้รากเหง้าซึ่งไม่ได้เกิดในราชอาณาจักร ที่เข้ามาอยู่ในราชอาณาจักรหลังวันที่ ๑๘ มกราคม ๒๕๔๘
- (๔) คนที่มีคุณประโยชน์แก่ประเทศซึ่งไม่ได้เกิดในราชอาณาจักรที่เข้ามาอยู่ในราชอาณาจักรหลังวันที่ ๑๘ มกราคม ๒๕๔๘

(๕) คนไร้รัฐไร้สัญชาติอื่นนอกเหนือจาก (๑) - (๔) ซึ่งมีภูมิลำเนาเป็นหลักแหล่งอยู่ในราชอาณาจักรและไม่สามารถกลับประเทศต้นทางหรือไม่มีจุดเกาะเกี่ยวใด ๆ กับประเทศต้นทาง ยกเว้นผู้หลบหนีเข้าเมืองกลุ่มเปราะบางต่อความมั่นคงและความสัมพันธ์ระหว่างประเทศ

ทั้งนี้ รวมถึงบุตรหลานของบุคคลดังกล่าวที่เกิดในประเทศไทยและไม่ได้สัญชาติไทย

/๑. ให้น้ำ ...

๒. ให้นำประกาศกระทรวงมหาดไทย เรื่อง การกำหนดเขตพื้นที่ควบคุมและการอนุญาตให้คนต่างด้าวบางจำพวกที่เข้ามาอยู่ในราชอาณาจักรเป็นการชั่วคราวออกนอกเขตพื้นที่ควบคุม ลงวันที่ ๑๕ มิถุนายน ๒๕๕๙ และระเบียบกระทรวงมหาดไทยว่าด้วยการอนุญาตให้บุคคลซึ่งไม่มีสัญชาติไทยออกนอกเขตควบคุมเป็นการชั่วคราวเพื่อเข้าเรียนในสถานศึกษา พ.ศ. ๒๕๕๓ มาใช้บังคับกับบุคคลตามข้อ ๑ โดยอนุโลม

จึงเรียนมาเพื่อโปรดทราบ และแจ้งให้อำเภอถือปฏิบัติต่อไป

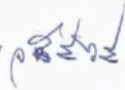
ขอแสดงความนับถือ

(นายธนาคม จงจิระ)  
อธิบดีกรมการปกครอง

สำนักกิจการความมั่นคงภายใน  
ส่วนประสานราชการ  
โทร./โทรสาร ๐ ๒๒๒๓ ๖๗๔๐

Department of Provincial Administration's directive, No. MorTor0309/Wor24900, titled "Registering the Population to Address the Legal Status Issues of the Sakai or Mani Tribes," dated December 21, 2017

ที่ ตง ๐๐๑๘.๑/



ศาลากลางจังหวัดตรัง  
ถนนพิทลุง ตง ๙๒๐๐๐

๒๒ ธันวาคม ๒๕๖๐

เรื่อง การจัดทำทะเบียนราษฎรเพื่อแก้ไขปัญหาเรื่องสถานะบุคคลของชนเผ่าซาไกหรือมานิ  
เรียน นายอำเภอ ทุกอำเภอ

อ้างถึง หนังสือจังหวัดตรัง ที่ ตง ๐๐๑๗.๑ / ๑๐๖๑๕ ลงวันที่ ๓ สิงหาคม ๒๕๕๓

สิ่งที่ส่งมาด้วย สำเนาหนังสือกรมการปกครอง ที่ มท ๐๓๐๙/ ๖๒๔๙๐๐ ลงวันที่ ๒๑ ธันวาคม ๒๕๖๐

ตามที่จังหวัดตรัง ได้แจ้งแนวทางปฏิบัติของกรมการปกครองในการแก้ไขปัญหากรณีชนเผ่าซาไกหรือมานิ ตกหล่นทางทะเบียนราษฎร ทำให้ไม่ได้รับการรับรองสิทธิในสัญชาติไทย ความละเอียดตามเอกสารที่อ้างถึง นั้น

กรมการปกครองแจ้งเพิ่มเติมว่า โครงการบางกอกคลินิก คณะนิติศาสตร์ มหาวิทยาลัยธรรมศาสตร์ และรายการเปิดปม สถานีโทรทัศน์ไทย พีบีเอส ขอให้พิจารณาแก้ไขปัญหาเกี่ยวกับชนเผ่าซาไกหรือมานิจำนวนมากที่ประสบปัญหาการตกหล่นทางทะเบียนราษฎร ทำให้ไม่สามารถใช้สิทธิที่มีตามกฎหมาย ซึ่งปัญหาเกิดจากสาเหตุหลายประการ จึงขอให้ทุกอำเภอสำรวจตรวจสอบข้อมูลเกี่ยวกับชนเผ่าซาไกหรือมานิในพื้นที่รับผิดชอบ และให้ดำเนินการตามแนวทางที่กรมการปกครองแจ้งเพิ่มเติม รายละเอียดตามสิ่งที่ส่งมาด้วยสำหรับอำเภอปะเหลียนซึ่งได้สำรวจและเพิ่มชื่อชนเผ่าซาไกหรือมานิในทะเบียนราษฎรแล้ว ให้ดำเนินการเพิ่มเติมเป็นพิเศษ ทั้งนี้ ให้อำเภอรายงานผลการดำเนินการให้จังหวัดทราบ ภายในวันที่ ๑๒ มกราคม ๒๕๖๑ เพื่อรายงานให้กรมการปกครองทราบต่อไป

จึงเรียนมาเพื่อดำเนินการ

ขอแสดงความนับถือ



(นายพงษ์ศักดิ์ คารวานนท์)  
ปลัดจังหวัด ปฏิบัติราชการแทน  
ผู้ว่าราชการจังหวัดตรัง

ที่ทำการปกครองจังหวัด  
กลุ่มงานปกครอง  
โทร. ๐ ๗๕๒๑ ๘๐๔๓

ที่ทำการปกครองจังหวัดตรัง  
รับที่ 9310  
วันที่ ๑๑ ก.ค. ๒๕๖๐  
เวลา.....



ที่ มท ๐๓๐๙/ว ๒๕๕๖๐๐

กรมการปกครอง  
ถนนอิษฎางค์ กทม ๑๐๒๐๐

๒๑ ธันวาคม ๒๕๖๐

เรื่อง การจัดทำทะเบียนราษฎรเพื่อแก้ไขปัญหาเรื่องสถานะบุคคลของชนเผ่าชาโหรือมามี  
เรียน ผู้ว่าราชการจังหวัดตรัง สตูล พัทลุง ยะลา และนราธิวาส  
อ้างถึง หนังสือกรมการปกครอง ที่ มท ๐๓๐๙.๑/ว ๑๖๗๕๖ ลงวันที่ ๒๙ กรกฎาคม ๒๕๕๓ เรื่อง  
การจัดการปัญหาสถานะและสิทธิของบุคคลให้แก่ชนเผ่าชาโหรือมามีหรือเงาะป่า

ตามที่กรมการปกครอง ได้แจ้งแนวทางปฏิบัติในการแก้ไขปัญหารกณชนเผ่าชาโหรือมามี  
ตกหล่นทางทะเบียนราษฎร ทำให้ไม่ได้รับการรับรองสิทธิในสัญชาติไทย ความละเอียดตามเอกสารที่อ้างถึง นั้น

กรมการปกครองได้รับแจ้งข้อมูลจากโครงการบางกอกคลินิก คณะนิติศาสตร์ มหาวิทยาลัย  
ธรรมศาสตร์ และรายการเปิดปม สถานีโทรทัศน์ไทย พีบีเอส ขอให้พิจารณาแก้ไขปัญหากเกี่ยวกับชนเผ่าชาโ  
หรือมามีจำนวนมากที่ประสบปัญหาการตกหล่นทางทะเบียนราษฎร ทำให้ไม่สามารถใช้สิทธิที่พึงมีตาม  
กฎหมาย ซึ่งปัญหาเกิดจากสาเหตุหลายประการ อาทิ การขาดความรู้ความเข้าใจในการปฏิบัติตามกฎหมาย  
ว่าด้วยการทะเบียนราษฎรทำให้เด็กที่เกิดใหม่ไม่ได้รับการแจ้งเกิด การโยกย้ายเปลี่ยนเจ้าหน้าที่อำเภอ  
ผู้รับผิดชอบงานทะเบียนราษฎรและสัญชาติทำให้งานขาดความต่อเนื่อง การเรียกพยานหลักฐานที่เกินกว่า  
ความสามารถของผู้ร้อง เช่น ผลการตรวจ ดีเอ็นเอ เป็นต้น ดังนั้น เพื่อให้การจัดทำทะเบียนราษฎรเพื่อ  
แก้ไขปัญหารกณชนเผ่าชาโหรือมามี เป็นไปด้วยความถูกต้อง เหมาะสม และเกิด  
ประสิทธิภาพ จึงขอให้จังหวัดแจ้งอำเภอที่มีชนเผ่าชาโหรือมามีอาศัยอยู่ในพื้นที่รับผิดชอบ ดำเนินการ ดังนี้

๑. ขอให้ทำความเข้าใจกับเจ้าหน้าที่ทุกฝ่ายของที่ทำการปกครองอำเภอ และส่วนราชการ  
รวมถึงหน่วยงานอื่นในพื้นที่ ให้ทราบว่าชาวชาโหรือมามีเป็นคนไทย และให้ตระหนักถึงสิทธิและเสรีภาพที่  
บุคคลเหล่านี้พึงได้รับการคุ้มครองตามกฎหมายเช่นเดียวกับคนไทยทั่วไป

๒. ให้อำเภอสำรวจตรวจสอบข้อมูลเกี่ยวกับชนเผ่าชาโหรือมามีที่อาศัยอยู่ในเขตพื้นที่  
ให้ทราบจำนวนคน จำนวนครอบครัว และถิ่นที่อยู่อาศัยที่เป็นปัจจุบัน และให้ดำเนินการแก้ไขปัญหากให้กับ  
บุคคลที่ยังไม่มีเอกสารการทะเบียนราษฎร ไม่มีเลขประจำตัวประชาชน โดยให้อำเภอถือปฏิบัติตามแนวทาง  
หนังสือกรมการปกครอง ที่ มท ๐๓๐๙.๑/ว ๑๖๗๕๖ ลงวันที่ ๒๙ กรกฎาคม ๒๕๕๓ ด้วยการรับแจ้งการเกิด  
หรือเพิ่มชื่อในทะเบียนบ้าน พ.ร.๑๔ ตามระเบียบสำนักทะเบียนกลางว่าด้วยการจัดทำทะเบียนราษฎร พ.ศ.  
๒๕๓๕ และฉบับแก้ไขเพิ่มเติม โดยในส่วนของการเรียกพยานหลักฐานเพื่อประกอบการพิจารณาของ  
นายทะเบียนอำเภอหรือนายอำเภอ แล้วแต่กรณีนั้น ให้พิจารณาข้อมูลเชิงประวัติศาสตร์ของพื้นที่ว่ามีกลุ่ม  
ชาวชาโหรือมามีอาศัยอยู่มาก่อนหรือไม่ อย่างไร ประกอบกับข้อมูลลักษณะทางชาติพันธุ์วรรณา ภาษาและ  
วัฒนธรรมที่เป็นเอกลักษณ์ไม่เหมือนกับชนเผ่าอื่น เช่น หมวยกขอด มิวตาแดง ริมฝีปากหนาเฒ่า เป็นต้น ซึ่ง  
สามารถพิจารณาจากลักษณะทางกายภาพของบุคคล ภาษาที่ใช้ในการสื่อสาร และการตรวจสอบข้อเท็จจริง  
จากพยานบุคคลที่น่าเชื่อถือในพื้นที่เป็นสำคัญ

/๓. ให้อำเภอประสาน...

๓. ให้อำเภอประสานความร่วมมือกับโรงเรียนในเขตพื้นที่ กรณีที่มีเด็กนักเรียนชาวซาไก หรือมานิที่ยังไม่มีชื่อในทะเบียนบ้าน ไม่มีเลขประจำตัวประชาชน ๑๓ หลัก ขอให้แจ้งนายทะเบียนอำเภอ และผู้ใหญ่บ้านของหมู่บ้านที่เด็กนั้นมีภูมิลำเนาอาศัยอยู่เพื่อดำเนินการรับแจ้งการเกิดให้กับเด็ก ทั้งนี้ ให้ อำเภอแจ้งชักซ้อมแนวทางปฏิบัติในการรับแจ้งการเกิดให้แก่ผู้ใหญ่บ้านเพื่อดำเนินการได้อย่างถูกต้องด้วย

๔. ให้อำเภอพิจารณาวิธีการประชาสัมพันธ์ที่เหมาะสมเพื่อสร้างความรู้ความเข้าใจให้กับ ชาวซาไกหรือมานิ เกี่ยวกับการปฏิบัติตามกฎหมายว่าด้วยการทะเบียนราษฎรเรื่องการแจ้งเกิดและแจ้งตาย รวมถึงสิทธิและหน้าที่ตามกฎหมายในฐานะคนไทย

ทั้งนี้ ขอให้จังหวัดรวบรวมผลการดำเนินการสำรวจตรวจสอบข้อมูลเกี่ยวกับชนเผ่าซาไก หรือมานิและการดำเนินการแก้ไขปัญหาสถานะบุคคลให้กับชนเผ่าดังกล่าวของอำเภอต่างๆ รายงานให้ กรมการปกครองทราบภายในเดือนมกราคม ๒๕๖๑ ด้วย

จึงเรียนมาเพื่อโปรดดำเนินการต่อไป

ขอแสดงความนับถือ



(นายชำนาญวิทย์ เตร์ติณ)  
รองอธิบดี ปฏิบัติราชการแทน  
อธิบดีกรมการปกครอง

สำนักบริหารการทะเบียน  
สำนักงานผู้เชี่ยวชาญเฉพาะด้าน  
การบริหารงานทะเบียน  
โทร ๐-๒๗๙๑-๗๓๕๗ , ๐-๒๙๐๖-๙๒๙๖



ที่ นท 0309.1/ว 16756

กรมการปกครอง  
ถนนอภัยวงศ์ กทม. 10200

29 กรกฎาคม 2553

เรื่อง การจัดการปัญหาสถานะและสิทธิของบุคคลไร้ถิ่นสัญชาติไทยหรือมาลีหรือเงาะป่า

เรียน ผู้ว่าราชการจังหวัดศรีสะเกษ สตูล พัทลุง และยะลา

ด้วยกรมการปกครองได้จัดให้มีการประชุมสัมมนาเกี่ยวกับการแก้ไขปัญหาสถานะและสิทธิของบุคคลไร้ถิ่นสัญชาติไทยหรือมาลีหรือเงาะป่า ในพื้นที่จังหวัดศรีสะเกษ สตูล พัทลุง และยะลา ระหว่างวันที่ 27-28 มิถุนายน 2553 ณ โรงแรมปรีณิชาพาเนซ กรุงเทพมหานคร โดยผู้เข้าร่วมประชุมประกอบด้วยนายอำเภอ อำเภอจังหวัด หัวหน้าฝ่ายทะเบียนและบัตรของอำเภอที่มีกลุ่มชาติไทยอาศัยอยู่ในพื้นที่ ร่วมกับหน่วยงานภาครัฐ ได้แก่ สำนักงานคณะกรรมการสิทธิมนุษยชนแห่งชาติ สำนักงานสภาความมั่นคงแห่งชาติ และนักวิชาการจากมหาวิทยาลัยมหิดล และมหาวิทยาลัยธรรมศาสตร์ ซึ่งผลจากการประชุมสัมมนาสรุปได้ว่ากลุ่มชาวชาติไทยหรือมาลีในประเทศไทยแบ่งตามพื้นที่อยู่อาศัยได้เป็น 2 กลุ่ม คือชาติไทยที่อยู่บริเวณเทือกเขาบรรทัดหรือเทือกเขาถนนศรีธรรมราช ในพื้นที่จังหวัดศรีสะเกษ พัทลุง และสตูล ซึ่งเป็นชนพื้นเมืองดั้งเดิมและไม่พบกลุ่มนี้ในประเทศมาเลเซีย และชาติไทยที่อยู่บริเวณเทือกเขาสันกาลาคีรี ในพื้นที่จังหวัดยะลา และนราธิวาส ซึ่งเป็นชนพื้นเมืองดั้งเดิมแต่มีพบกลุ่มนี้อยู่ในประเทศมาเลเซียด้วย จึงสรุปได้ว่าการจัดการปัญหาเรื่องสถานะบุคคลของกลุ่มชาติไทยหรือมาลี สามารถดำเนินการได้ภายใต้กฎหมายและระเบียบว่าด้วยการทะเบียนราษฎร

ดังนั้น เพื่อให้การแก้ไขปัญหาสถานะบุคคลของชนชาติไทยหรือมาลี เป็นไปด้วยความถูกต้องและเหมาะสม จึงขอให้จังหวัดแจ้งสำนักทะเบียนอำเภอที่มีชนชาติไทยอาศัยอยู่ในพื้นที่ให้ดำเนินการ ดังนี้

1. ให้ใช้วิธีการเพิ่มชื่อในทะเบียนบ้าน พ.ร.14 สำหรับคนที่ไม่ได้เกิดในท้องที่อำเภอที่อาศัยอยู่ปัจจุบัน โดยปฏิบัติตามระเบียบสำนักทะเบียนกลางว่าด้วยการจัดทำทะเบียนราษฎร พ.ศ. 2535 ข้อ 93 (กรณีคัดสำเนาการสำมะโนประชากรเมื่อปี พ.ศ. 2499) หรือข้อ 97 (กรณีผู้ขอเพิ่มชื่อ ไม่มีเอกสารราชการ) ส่วนคนที่เกิดในท้องที่อำเภอที่อาศัยอยู่ปัจจุบัน ให้ใช้วิธีการแจ้งการเกิดตามระเบียบสำนักทะเบียนกลางฯ ข้อ 52 (กรณีเด็กเกิดในบ้าน) ข้อ 54 (กรณีเด็กเกิดนอกบ้าน) หรือข้อ 57 (กรณีแจ้งเกิดเกินกำหนด) หรือจะใช้วิธีการเพิ่มชื่อในทะเบียนบ้านดังกล่าวข้างต้นก็ได้

การดำเนินการเพิ่มชื่อหรือการแจ้งเกิดสำหรับกลุ่มชาติไทยที่อยู่บริเวณเทือกเขาสันกาลาคีรีนั้น นายทะเบียนจะต้องเพิ่มประเด็นการตรวจสอบว่าชาวชาติไทยเหล่านั้นเป็นผู้ที่เข้ามาจากประเทศมาเลเซียหรือไม่ ซึ่งหากปรากฏว่าเป็นกลุ่มชาติไทยที่อยู่ในประเทศมาเลเซีย นายทะเบียนไม่อาจดำเนินการเพิ่มชื่อในสถานะเป็นผู้มีสัญชาติไทยแต่จะต้องใช้วิธีการจัดทำทะเบียนประวัติเป็นบุคคลที่ไม่มีสถานะทางทะเบียนตามยุทธศาสตร์การจัดการปัญหาสถานะและสิทธิของบุคคล

/2. สำหรับ...

2. สำหรับทะเบียนบ้านที่จะใช้เพิ่มชื่อชาวชานไถนั้น ให้นายทะเบียนตรวจและพิจารณาว่า สถานที่อยู่อาศัยของบุคคลใดที่มีลักษณะเป็นบ้าน ก็ให้กำหนดเลขที่บ้านแล้วเพิ่มชื่อในทะเบียนบ้านดังกล่าว โดยระบุชื่อบ้านว่า "บ้านชานไถ" แต่ถ้บริเวณที่อยู่อาศัยของกลุ่มชานไถไม่มีหลังใดเลยที่มีลักษณะเป็นบ้าน ก็ให้นายทะเบียนสร้างทะเบียนบ้านชั่วคราวขึ้น 1 เลขหมาย ระบุชื่อบ้านว่า "บ้านกลุ่มชานไถ" แล้วเพิ่มชื่อชาวชานไถ ทั้งกลุ่มเข้าในทะเบียนบ้านดังกล่าวโดยแยกเป็นรายครอบครัว

3. การดำเนินการตามข้อ 1 อาจใช้วิธีการจัดชุดเจ้าหน้าที่ฝ่ายทะเบียนของอำเภอร่วมกับหน่วยงานหรือองค์กรต่างๆ ที่ทำงานเกี่ยวกับชาวชานไถในพื้นที่ เคลื่อนที่ออกไปรับคำร้อง ตรวจสอบพยานแวดล้อมและสอบสวนพยานบุคคลในพื้นที่ซึ่งเป็นที่อยู่อาศัยของชานไถ ทั้งนี้การดำเนินการใดๆ ขอให้เป็นไปตามความประสงค์และความสมัครใจของชาวชานไถแต่ละคน และเมื่อนายทะเบียนรับแจ้งการเกิดหรือเพิ่มชื่อในทะเบียนบ้านแล้ว ให้แจ้งรายชื่อพร้อมที่อยู่ให้กรมการปกครอง (สำนักบริหารการทะเบียน) ทราบด้วย

จึงเรียนมาเพื่อโปรดพิจารณาดำเนินการต่อไป

ขอแสดงความนับถือ



(นายมงคล สุระสังข์)  
อธิบดีกรมการปกครอง

สำนักบริหารการทะเบียน  
ส่วนการทะเบียนราษฎร  
โทร. 0-2791-7318-20



• **A child's future shouldn't be stateless.**

**Stand with us to end  
statelessness.**