

## **Thailand policy on migrant education: patterns of words and outcomes**

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### **Outline of the paper**

As a consequence of the importation of cheap labour from neighbouring countries, many children from those countries currently reside in Thailand. Does Thailand have a policy about education for these children? If so, what is it?

In pursuing these questions, the present paper first presents a conceptualization of 'policy' which tries to avoid the fallacy of treating official statements as definitive, complete or coherent expressions of the mind of the state. It then presents some essential background information on labour migration to Thailand and the problem of education for migrant children, before examining Thailand policy on the latter. The policy examination is done firstly by collecting official statements that apparently express policy. These are fragmentary, coming from the National Constitutions, Thailand's ratification of the international Convention on the Rights of the Child, and regulations issued by the Cabinet and the Ministry of Education. The statements are compared with outcomes for the children; a mismatch is identified and analysed. A similar analytic procedure is then applied to the more specific case of policy on Migrant Learning Centres. The paper then wraps up with a discussion of whether and how the gap between policy words and outcomes may be narrowed in the future.

### **Using the concept of policy**

These two questions about Thailand's policy on migrant education are less straightforward than at first they may seem. Thailand does not have an explicit policy covering migrant education. But the lack of a statement labelled as the definitive policy does not mean that there is no policy at all. Students of government can try to deduce what policies are, using evidence in a variety of places: constitutions, laws, administrative regulations, statements by ministers, and the actions of state offices at various levels.

A problem here is that these pieces of evidence may not fit together very well; there may be gaps and contradictions. This indicates a difficulty in the concept of public policy. The idea of a policy seems to suggest a coherent set of intentions and plans belonging to a unitary actor or an alliance of actors (Jones 1984 p.26). But governments and states are combinations of actors which may have differing interests and influences, and which may therefore be partly at cross-purposes in their intentions and plans (Schaffer 1984). One way for ministers and bureaucrats to maintain a sense of command and control amidst the mess of cross-purposes is to refer to a gap between stages of policy and implementation. However, such a gap sets up failures: failure of implementors to be carry out instructions, and of policy-makers to be realistic. A way of dealing with cross-purposes which reduces the emergence of failure is to

refrain from articulating policy clearly and publicly. Within this there can be two variants. It may be that some actors have a clear mutual understanding of their policy which they hide from a wider group. But it may also be that actors avoid creating clear policy or relating their actions clearly to policy. In the latter case, policies may still be said to exist, albeit in relatively vague and fragmentary form.

Some students of political processes understandably choose to avoid these complexities and ambiguities. They may do so by treating policy as self-evident, but this is to turn a blind eye to the importance of hidden interests in determining actions, and to the systematic potential of accidents and apparent failures to serve particular interests (Schaffer 1984). Or policy may be treated as irrelevant; but this prematurely denies the actual or potential roles of rational discussion, planning and decision-making in determining outcomes. Questions of policy can be useful prisms for examining matters which are strongly affected by government behaviour, so long as the approach does not involve naively technocratic assumptions.

### **Characteristics and numbers of migrants**

In order to discuss Thailand's policy on education for migrant children, it some background information is necessary on the problem of these migrants and their education.

Thailand is almost certainly hosting at least two million – and probably many more<sup>1</sup> – migrants from the neighbouring counties of Burma, Cambodia and Lao PDR (Supang Chantavanich 2012). (This is without considering people registered as 'displaced', who are largely confined to special camps or 'temporary shelters' and who are not considered as 'migrants' for the purpose of the present paper.) In 2011 there were more than a million migrant workers officially registered (Office of Foreign Workers Administration, 2011). Besides the registered workers, there were additionally more than 1.4 million family members and unregistered workers, according to a conservative estimate by the Thai Interior Ministry (Huguet et al., 2011, p.11).

About 80 per cent of the migrants are from Burma, and a high proportion of these come from Karen and Shan States: historically areas of political and economic marginalization where there have been ethnic-based groups in armed opposition to the Burma military regime.

According to government regulations, the migrant workers from these neighbouring countries may only be employed in unskilled occupations, such as agriculture, fishery, construction and domestic service, although it is thought that many are also engaged in arduous semi-skilled work in manufacturing and other sectors (Supang Chantavanich 2012). Thailand's national income has risen faster than that of its neighbours in recent decades, resulting in higher standards of living for its citizens, and fewer people willing to undertake menial jobs. Yet these economic sectors, on which prosperity is built, still require large amounts of cheap unskilled and semi-skilled labour.

Part of Thailand's economy thus depends on the migrants for its international competitiveness. But this does not mean that Thailand creates conditions as attractive as

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1 Huguet et al (2012) estimate the number as approximately 3.5 million, but the basis of this estimation is unclear. There has been no comprehensive survey.

possible for them. The desperate plight of many people in the marginalized areas of Burma has made them ready to accept or risk being subjected to wages and working conditions far below the legal minimums in Thailand. This is in the interests of employers who wish to keep labour cost low, and is made possible by inconsistent and erratic policing of immigration and labour conditions (Pitch Pongsawat 2007; Arnold and Pickles 2011) fostered by a poorly-designed regulatory system (Srawooth Paitoonpong and Yongyuth Chalamwong 2011).

### **Child migrants and the problem of school attendance**

Many of the migrants are long-term, the older ones bringing or forming families. Hence there are among them many children either born outside Thailand, or born inside but ineligible for Thai citizenship. Again, there are no accurate estimates of the number, but it almost certainly runs into hundreds of thousands. In a one-off registration of irregular migrants in 2004, 7.2 per cent were under the age of 15. An ILO report in 2009 put the number of child migrants and children of migrants under 18 at 377,000 (Huguet et al., 2011, pp. 11–12).

The proportion of these children attending school is also hard to estimate. Work by Supang Chantavanich (2007) suggests that in 2004 it was only about 17 per cent. According to a government report to United Nations on May, 12 2011, around 60,000 are enrolled in local state schools (Kritiya, 2011, p. 118). This means that probably tens of thousands, and possibly hundreds of thousands of migrant children of school age are have not been attending full-time school.

### **High-level policy statements**

At a high level, Thailand has been giving out signals of policy favourable to the cause of education for migrant children since at least the early 1990s. It hosted the World Conference on Education for All in 1990 (WCEFA, 1990) and followed this up in 1992 by ratifying the (1989) Convention on the Rights of the Child (CRC).

The CRC commits signatories to make 'primary education compulsory and available free to all' and secondary education 'available and accessible to every child' (Article 28). For secondary education, states must also 'take appropriate measures such as the introduction of free education and offering financial assistance in case of need' (Article 28). Education must be directed to developing respect for the child's 'own cultural identity, language and values' as well as 'the national values of the country in which the child is living [and] the country from which he or she may originate (Article 29).

As a move towards fulfilling this, in 1992 the Cabinet mandated the Ministry of Education to provide education in particular ways to certain groups of non-Thai children – including Vietnamese, Laotian, Nepalese, Chinese, and displaced children from Burma – after they had been registered (Premjai et al 2013 p. 222).

Meanwhile, the National Constitution of 1991 had stipulated (Section 40) that 'every person shall have equal right of receiving primary education'. This was extended in the 1997 Constitution (Article 43) –

A person shall enjoy an equal right to receive the fundamental education for the duration of not less than twelve years which shall be provided by the State thoroughly, up to the quality, and without charge.

– a provision which has not significantly been changed in later Constitutions. When this constitutional right was incorporated in the 1999 Education Act, the interpretation of ‘a person’ was again allowed to revert to meaning someone with state-issued identity documents (Premjai et al 2013 p. 222).

Following criticism by the committee of the CRC, in 2004 the Ministry of Education drew up a new set of regulations about the admission of students into schools. It said schools had a duty to admit all children of school age, and that children without identity documents could be admitted on the basis of personal history testimonies by parents, carers, NGOs or – if necessary – the children themselves. The Cabinet approved these regulations on 5<sup>th</sup> July 2005 and added a resolution which strengthened the measures. Under the latter resolution: schools should receive per-head funding from the government on account of such children, just as they do for Thai students; all students should be entitled to a certificate of education on completion of their studies; and students without identity documents should be allowed a mobility permit to enable them to move in the country in order to find a suitable school (OEC 2008, pp. 11-14).

### **Immediate explanations for limited change in outcomes from 2005**

After 2005, the numbers of migrant and stateless children attending state schools increased to an extent that was significant but limited (Nongyao 2011a, Premjai et al 2013 p. 223).

The 2005 Cabinet resolution has certainly prompted more schools to admit more migrant children, both by clarifying their duty to do so, and by including such students in the schools’ per-capita funding. But several further obstacles have remained unaddressed, calling into question the high-level statements of policy goals.

Schools still often refuse to admit migrant children. They can no longer do so by saying they are not allowed to – or lack a mandate – but in the end there is no real necessity for them to provide explanations for their decisions in this regard, and no convenient mechanism by which a potential student can claim its right to education from a particular school or local education authority.

As partly-autonomous entities, schools, may have differing motives for refusing (or agreeing) to accept migrant children as students. Some commentators believe that a major reason is deep-seated cultural prejudice against migrants and foreigners (e.g. Thithimadee 2012 p.5). But there is also a range of more rational causes.

The Cabinet’s approval of a per-head grant payment to schools for migrants at the same rate as Thai students in many cases only covers a small proportion of the real additional cost to a school of admitting a migrant child. Such a child will often begin without much command of Thai language, and lack some cultural background assumptions and general knowledge common among the majority of students. When the migrant has already received some schooling, the content of this may differ substantially from what has been learnt at the same age by the majority of Thai students. If such a child is admitted to the school and these factors are ignored, the migrant student is unlikely to learn much there, and may have a

depressing effect on the learning of fellow-students and on the general standards of the school. But in order to address these factors the expense will often be great. Teaching staff will have to be specially trained – or special staff hired – in order to connect with the migrants' language and culture. Those staff will have to struggle with a lack of appropriate curriculum variations, and of teaching materials appropriate to the migrants' language and culture backgrounds within the overall framework of the Thai national curriculum. Many of the migrant students may well need to be taught in a separate classroom from the Thai students at the same level of study, and this may need to happen in several grade levels in the school. But the physical infrastructure of most schools is already inadequate to meet the existing demands.

Migrant students are also relatively likely to cause difficulties for a school by withdrawing after a short period, whether because of academic difficulties or changes in family circumstances. Moreover they are frequently relocated to different sites by their employers or employment agents or mere conditions in the job market. Even registered migrant workers lack long-term job security; the government issues stay permits for only one or two years at a time. To some extent the migrant students are cushioned from this instability by the provisions in the 2005 regulations for their freedom of movement. But many do not find themselves able to take full advantage of these provisions, as they and their families wish to stay together or in fairly close contact.

While these factors help explain why schools may continue to refuse admission to migrant children, some of them also make reasons for potential students not to apply for school entry in the first place. The obstacles of culture and language may well deter children and their families even where there is a school ready to deal with them. The prospect of having to change schools frequently is also a drawback. It is usually difficult for a school to be found for a migrant child within a reasonable distance of where the family is staying.

Another major factor for the migrant family is the financial burden of sending a child to school. Even when schools make no tuition charge, attendance still has real costs which fall heavily on the poor. They can ill afford to pay for things like transportation and extra-curricular activities, or to forgo the contribution which children can make to the household economy either in paid work or looking after the home and helping take care of younger children. Thai students from poor families are eligible for student loans from the government, but no such public facility is available for migrants or people without official identification documents.

For the many migrant workers who are not legally registered there is a fear when applying and sending children to school, that their illegal status may become apparent to the state authorities, and expose them to additional harassment or even detention and deportation.

Finally, many of the families of migrant children remain unaware of the procedures and periods for applying to schools. Although the Ministry of Education has created national regulations which enjoin local education offices to publicize these widely – including to migrants – the local offices do not often appear to have made a significant effort in this regard (Thithimadee 2012 p.5).

### **Analysis of the clash between policy statements and outcomes**

The above narrative shows a large gap between policy statements and actual outcomes. Various high-level statements suggest an intention for Thailand to provide schooling for all

migrant children; but after many years this is still very far from having become a reality. The immediate explanations for this offered in the last section suggest a range of measures which could close the gap.

More trained bi-lingual and multi-lingual teachers need to be hired. Translations and special curricula need to be developed and implemented, to facilitate the transition of students who will enter schools without strong skills in Thai language, and without the same background life experiences and educational experiences as the majority of Thai students. This will involve an investment in additional teaching materials. Additional classrooms will also need to be built and equipped. Migrant students need to be provided with loans and grants to counter-act the economic costs to their family of sending them to school. Information about school attendance needs to be targeted more to migrant families.

All these measures seem to demand substantial extra public expenditure, and this observation goes a long way toward explaining the gap between policy statements and outcomes. One way of expressing the situation might be: 'The policy cannot be implemented for lack of funds'. But when, over a long period of time, credible steps are not taken to implement a stated policy, one may question whether it is a real policy. Under these circumstances, it is reasonable to accept Schaffer's dictum that 'public policy is, after all, what it does' (Schaffer 1984 p.189). In this case, then, the policy is better seen as going no further than the effective provisions of the 2005 Cabinet resolution. It is to allow schools to accept migrant children, but not necessarily to ensure such children's international rights to education are fulfilled.

Lack of funds is not a complete explanation for the gap between high-level policy statements and observed outcomes. In a government budget, funds can be allocated between different purposes according to the balance of perceived advantages and disadvantages. In the present case the balance is probably affected by a potentially widespread feeling that plentiful funding for the education of migrant children would encourage further migration of children in order to receive schooling, and that this is not a fair burden for Thailand to bear. This attitude was articulated, for instance, by a Ministry of Education official interviewed in Thithimadee Arphattananon's study (Thithmadee 2012 p. 5). The official's words even indicated a policy (in at least one locality) to avoid publicizing the right of migrant children to access Thai schools.

A comprehensive system of schooling for migrant children would also be against the immediate interests of some current work agents and employers. Many migrant children are engaged in the work force, often at very low rates of pay. Others contribute labour to the household economy of their parents, thus helping increase the supply and decrease the costs of adult migrant labour (Nongyao et al, 2008). This is true even while at the same time, the possibility for some children of entering schools in Thailand may act as an incentive for other migrant worker families.

However, since these attitudes, approaches and interests are at variance with Thailand's commitments under the Convention on the Rights of the Child – and arguably under the National Constitution too – it would be hard for the Thailand government to lay them down formally and openly as its policy, and it does not appear to have done so. Therefore it seems more accurate to infer that the policy of the Thai state includes abstaining from clearly laying out – and working out – its policy on education for migrants.

### **Policy approaches and outcomes on Migrant Learning Centres**

The problem of education for migrant children has been partly mitigated by the formation of uncertified schools known as 'migrant learning centres' (MLCs). These centres started appearing in the 1990s. They are mostly run by members of the children's ethnic community who tend to be intellectuals opposed to the Burmese military regime and sympathetic - if not affiliated - with opposition groups in Karen and Shan states. Some of the centers are very school-like, teaching a program of basic education which in some cases extends from kindergarten to post tenth levels. They mainly use Burmese as the medium of instruction (although many use Karen, Shan and other regional languages in at the lower grades) and their curricula have mainly been based on the Burma national curriculum, although amended in line with more pluralistic political values. Other MLCs are more like Sunday or night schools or social drop-in centers, where tuition in one or a few academic subjects is combined with community support activities. The latter typically include lessons in basic Thai language, social and cultural orientation, basic legal knowledge, health care and vocational training in skills like using computers. Most of the more vigorous MLCs receive funding from international aid or charitable agencies. According to the government in 2011 there were about 130 MLCs nationwide (Kritiya, 2011, p.188).

Thailand policy toward the MLCs has shifted significantly after 2005. Before that date the agencies of the Thai state were generally hostile to the centres. In legal terms, education in Thailand is only permitted to take place under the auspices of various kinds of regulated institution. These kinds of institution include schools, where status as a school depends on strict adherence to a national curriculum and other conditions of operation. 'Learning centre' is another of the general categories included in the 1999 Education Act, but learning centres can only be registered under specific types which need their own regulations, and no such regulations have yet been finalized which would cover the MLCs. Consequently, in the 1990s and early 2000s MLCs were not seen as having educational validity, and their interactions with the Thai state fell mostly under the latter's policies for immigration and national security. State security forces apprehended many of the Burmese teachers who worked in the MLCs on the grounds that they lacked work permits (and indeed were ineligible to apply, since only low-skilled occupations are available to migrants from Burma). Some of these teachers were deported, others forced to make unofficial monthly payments to police. Such harassment was a factor leading to the closure of some of the early MLCs, and necessitating practices of discretion among the others.

Since 2005, however, the Ministry of Education through its local offices has sought to engage constructively with the MLCs. This has involved the Ministry offices interceding with the state institutions of national security and immigration at local level to moderate their approach. How – if at all – this change in priorities is co-ordinated at national level remains unclear. It is seen mainly through specific actions of local state actors. These actions vary in their details from place to place according to circumstances. But they are well represented by the case of Mae Sot, a town and district near the border of Burma, where there is a large population of migrant workers and of MLCs.

In Mae Sot the local education department (PESA2 Office) opened up communications with MLCs through in 2005-2006 through the Burmese Migrant Workers Education Committee (BMWEC). BMWEC had been formed by some of the early MLCs in 1999 in order to share ideas and information. At first it was constrained to work privately among those centres, while they kept a low profile. After 2005 however, BMWEC was allowed to establish public

office premises in one Mae Sot town (where there is a large population of migrant workers) and strengthen its secretariat. It became a channel of communication and influence between MLCs and the Thai authorities. At the same time it was able to attract charitable funding from abroad and aid agency collaboration. It became a conduit for resourcing many of the MLCs, channelling teacher salaries, running costs and teaching materials.

BMWEC helped set up regular forum meetings bringing together MLC leaders with representatives of the PESA2 Office. These meetings started taking place in 2006, and by 2009 they had become a regular monthly fixture. They were also attended by members of international agencies concerned with the education of the migrant children. The PESA2 Office then established a Migrant Education Co-ordination Centre (MECC). At first, PESA2/MECC officials would occasionally intercede with the Thai security services when the latter had problems with the MLCs and their staff. More recently, security service personnel have also been attending the forum themselves, and MLCs and their staff have been experiencing much less harassment in recent years, despite continuing to operate on a basis which appears to be technically illegal. BMWEC began providing teachers with an ID card which gave them de facto protection, and was later replaced by a more official card issued by the PESA2 Office.

Through these channels of communication and discussion, the PESA2 Office has encouraged or pressurized the MLCs to adopt and follow curricula which are more closely aligned with the Thai national curriculum, and to put more emphasis on teaching Thai language (Nongyao 2012b). As with the apparent high-level policy on making education available to migrant students, this approach to the MLCs has made limited progress.

It has faced two main obstacles. One is a shortage of resources. To change curricula requires considerable work on their design, the new books and other teaching materials to be used, and the re-training of teachers. The Thai government has not allocated a significant budget for this purpose. But some achievements have been registered along these lines with support from charitable and international aid agencies.

The other main obstacle is resistance from the MLC leaders, staff, and many of the students. These people are interested largely in the MLCs' role as producing future citizens of Burma. A shift away from Burma curriculum and languages makes it harder for migrant students to transfer back to the educational system in their home country. Many of the leaders and teachers are also currently interested in engaging with struggles to reform the Burma national curriculum within that country. And personally most of them would find it difficult to continue to work as teachers using Thai language and curriculum.

### **Analysis of policy approaches and outcomes on Migrant Learning Centres**

The Ministry of Education has not laid down a clear official policy on MLCs. The centres still lack legal status. However it is clear that since 2005 there has been a semi-official policy of tolerating them and being seen to encourage them to improve their standards and conform more closely to the Thailand national curriculum. This policy does not involve any urgent goals for the development and achievements of MLCs. Rather it seems to mean allowing the existence of an MLC sector to take some of the pressure off the Thai state regarding the delivery of an adequate education for all migrant children. It creates a space in which charitable and aid agencies – and, indeed, academics – can focus their involvement on

providing expert assistance in special curricula, pedagogic strategies and organizational problems of the centres, and mobilizing voluntary resources to implement their strategies, rather than putting pressure on the Thailand government to fulfill the obligations of the state.

### **Prospects for policy development**

Thailand policy on migrant education thus accommodates a balance between demands for the human educational rights of the children, and a belief among government and public that providing education for all migrants would be costly. It manages this balance partly by refraining from fully and openly stating itself as a coherent policy.

Actors concerned primarily with the human educational rights of the children might attempt to shift the balance through intensified lobbying or public campaigns, pressuring government to articulate policy more clearly. Their attempts to do so would be strengthened if they could present a clearer and more substantiated picture of the scale and effects of the educational deprivation that is being suffered. As mentioned earlier in this paper, the numbers of children who do not receive a full education, though believed to be large, are vague. Some commentators have plausibly argued that providing education to them would have great benefits as well as costs for Thailand; children in school would be less likely to participate in the illegal economy and be drawn into serious crime (Thithimadee 2012 p. 4). This argument, too, might benefit from more solid research.

It is essential to bear in mind that public policy on education for migrant children has been formed in the context of conditions and policies for migrant labour. The large black market in migrant labour has persisted despite several initiatives since the 1990s apparently aimed at registering and regularizing migrant workers (Natali, 2013). The initiatives have been widely criticized for setting up procedures which were over-complicated and costly, and hence limited in their reach. If – as we have argued – it is wrong to say that Thailand has a policy of providing education to all migrant children, it may also be unsafe to assume that Thailand has a policy of regularizing migrant workers and regulating the migrant labour market. The segregation of the market into irregular, semi-regular and regularized sectors provides an array of options to suit different types of employer, including exploitative ones. As in the case of migrant education, the lack of a comprehensive and publicly-articulated migration policy (Huguet et al, 2012) may itself be understood as part of a policy which avoids the open emergency of conflict between human rights obligations and labour laws on the one hand with various economic and political interests on the other.

Recent geopolitical events, however, may provide a stimulus for change in these policies. Political reforms in Burma – manifest especially since release of Aung San Suu Kyi in late 2010 – and ceasefires and peace agreements in some of the areas that have been producing migrant workers have raised hopes of improved livelihood opportunities, educational provision and general standards of living in those areas. This may in time reduce the supply of migrants ready to work under exploitative conditions in Thailand, and increase the incentive for Thailand to ensure better conditions for unskilled migrant workers, including education for their children. At the same time the apparent economic and political liberalization in Burma has given some extra impetus to the development of the ASEAN Economic Community (AEC). Although the current blueprint of the AEC speaks of the labour market mainly in terms of an aim for free movement of *skilled* labour, the AEC agenda tends

to prompt general re-thinking of industrial strategies in the ASEAN countries, and the AEC framework may also provide opportunities for co-ordination and policy clarification regarding migrant labour that is unskilled. Progressive policy on these lines is spurred by a process in the UN of dialogue on migration and development, supported partly through the Global Forum on Migration and Development (United Nations General Assembly 2013).

If such processes prompt Thailand to formulate in public a more coherent policy on migrant labour, this might provide openings for more effective advocacy on the education of migrant children. The costs involved in this education could be seen more clearly as a corollary of the economic benefits of migrant labour. If a commitment follows for adequate resourcing of migrant education, then other policy questions about the nature of this education will open up in a more meaningful way. If MLCs are no longer seen primarily as a low-cost alibi for Thailand's failure to provide adequate facilities for migrants in state schools, then a more principled discussion can take place about appropriate curricula. There may continue to be an option for migrant students, whether to be educated in primary alignment with the Burma or the Thailand national curricula, but within both systems there is scope and need for more thinking on how to accommodate students from diverse backgrounds and prepare them for a multicultural present and future. More importantly still, ways need to be found of bringing into school the migrant children who at present are receiving no education at all. Thailand policy has hardly even begun to address these matters.

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