Immigrant Child Legal Identity Registration as A Tool to Promote Sustainable Development Goals 16.9

Mouva Putri Ramadhitia, Rianda Dirkareshza

Faculty of Law, Universitas Pembangunan Nasional Veteran Jakarta, Indonesia

*email correspondence: mouvaputrir@upnvj.ac.id

ABSTRACT

Immigrant child in Indonesia and other nation surely has to reach their rights, including in the provision of legal identity, and this matter is stated in as the 16.9th goal of the SDGs. Child registration is an important document that every single child should acknowledge and own as well as identical form and an integral part of citizens' civil and political rights. However, Indonesia only focuses on immigrant mandatories and has not discussed the fate of child immigrants in terms of identity on granting their rights. This paper intends to find the urgencies on immigrant child legal identity registration in Indonesia and provide a law comparison to maximize the legal identity regulation for immigrants as their basic rights. This paper uses a normative juridical and comparative approach that scopes the immigrant child's legal identity registration in order to reach the 16.9th SDGs and fulfill the basic rights of the immigrant child that should be reached by them as human beings. The findings of the research show that some immigrant child still not able to reach the 16.9th SDGs goal. Some regulations in Indonesia are not able to scope the loopholes in the societies., Moreover, sustainable development is an important goal for societies that surely fulfill basic rights, and Indonesia, compared with the United States of America and China, has no scope for basic regulation for the immigrant child, regarding legal identity registration.

Keywords: Immigrant Child; Children; Sustainable Development Goals; Legal Identity;

INTRODUCTION

United Nations of General Assembly has constructed inclusive and comprehensive guidance to pursue all forms of human rights implementation which are known as the Universal Declaration of Human Rights (UDHR). Referring to the second article in the document, every single human being is entitled to their rights as well as their freedom, without any distinction by their circumstances and capacity, such as race, color, gender, language, and other aspects. (The
General Assembly, 2007) As a connection to the article, it is an obligation to all individuals to receive each in every right they should be entitled to, including immigrant children. Despite by the freedom that the UDHR gives to worldwide societies, in accordance with international human rights legislation, States may restrict the use of most human rights when doing so is required to uphold the rights of others or a group's interests, which this situation is also experienced by immigrants. (Lebret, 2020)

Immigrant children as the subject of human rights itself should be able to access all their needs in every single social aspect, this issue is also including their legal registration in the nation they live in. As children who have a different ethnicity, race, and cultural background from the major population in an area or country, they have to obtain their identity legitimately. Referring to that statement, United Nations Conference on Sustainable Development that conducted by the United Nations of General Assembly has formed comprehensive goals to achieve sustainable living worldwide, called the 2030 Sustainable Development Goals. In its 16th target, it illustrates that all nations should provide decent access to justice for every society as well as create and provide effective, accountable institutions at all levels. (Affair, 2013) Moreover, in the SDGs 16.9, the target is aiming at provide legal identity for all, including immigrant children.

Immigrants as a population, which have a distinction from the local societies, in due course are more likely to experience distinct treatment. This issue also refers to the children of immigrant condition, they are hard to receive their legitimate identification or registration. Based on The United Nations Children's Fund (UNICEF), approximately around 237 million children under age 5 worldwide currently have not received any birth certificates. (Straaten, 2020) However, based to the United Nations High Commissioner for Refugees (UNHCR), child immigrant has more opportunity not to receive their legitimate identification, which is caused by significant barriers concerning registering the birth of their children which impacted their statelessness. (UNHCR, 1945) However, this issue has been discussed in the 1966 International Covenant on Civil and Political Rights, which in its 24th article has set down that every child shall be registered immediately after birth and shall have a name. (Muntarbhorn, 2016) Therefore, this crucial issue needs to be achieved without hesitation to provide children rights and their needs as a media for youth to expand their potential and opportunities.

Child registration has been a major document that every single child should acknowledge and own. As the 16.9 SDGs goal, legal identity provision does connect to other SDGs goal, which can impact their basic rights. If the implementation of 16.9 SDGs goal doesn’t implement equally, it will affect the other SDGs goals, for example, legal identity is needed to obtained healthcare and education services, especially for priority ages, such as children. Moreover, a birth certificate is an identical form and an integral part of citizens’ civil and political rights. zHowever, child immigrants are more likely to suffer from the inability to have an access to get a legitimate identification, such as a birth certificate. This issue provokes several key issues that are also
connected to the implementation of the SDGs 16.9 which should be implemented worldwide despite their social circumstances, including the child immigrant. As a consequence, key factors are needed in order to find several loopholes in the SDGs 16.9 implementations. Referring to the last statement, the supporting factors are including a budget, government support, and collaboration with village officials. (Curtinawati et al., 2020)

On past article with the title of Legal Identity for Inclusive Development, legal identity certainly leads person to obtain their legal protection that form from officials that recognized as identity documents. However, even though this article compared Bangladesh, Cambodia and Nepal ad their research object, those countries do not show a lot of differences in their culture and population diversity. Other than that, this article only focuses on the legal identity in general. (Vandenabeele & Lao, 2007)

In order to find loopholes, satisfactory, and solutions to the issue, this paper is going to discuss two subtopics, such as the urgencies of the legitimate identity registrations for child immigrants in promoting SDG 16.9 in Indonesia and the compensation in providing legitimate identity registrations for child immigrants in Indonesia, the United States of America, and China. Indonesia, the United States of America, and China have glaring differences in their regulations, whether systematically or methodically. Other than that, the contrast is also found in each country’s diversity that is shown in their population. By using those countries, we can discover the way of the immigrant legal identity provision in order to reach the 16.9th SDGs goal.

METHOD

A research method is a procedure used in finding factual information in an article, which in this case is journal writing, in order to be able to produce quality journal work and meet the research requirements. (Dimyati, 2016) This research is using the literature study or research using literature, by reviewing books related to the theme of this journal. This study uses a qualitative and quantitative approach. A quantitative approach is a method used to solve problems systematically based on data that has been collected in the form of numbers. (Nasehudin & Gozali, 2012) On the other side, a qualitative approach is able to describe the things behind previously unknown events, through descriptive data in the form of written and spoken words. (Nugrahani, 2014) The quantitative approach is needed to find several differences in a sort of time with more efficient time and scientific. As a result, it will show certainty from the data. In this paper, quantitative is needed in order to discover data that needed in order to find loopholes on the implementation of the 16.9th SDGs goal.

A qualitative approach is also able to provide complex details about events that are difficult to digest and express through quantitative methods and can be used in researching human behavior, history, social and public relations, which cannot be achieved by statistics or other calculations. (Beech, 2000; Nugrahani, 2014) Hence, by using the quantitative and
qualitative approach, the research can be done with multi-step approaches, which are surely able to assist in validating the hypothesis and gaining a clear understanding of the research and also widens and deepens the research in order to receive the best results.

The discussions in this journal also use normative juridical and comparative approaches. Normative juridical is an approach that uses legislation as applicable provisions and uses legal theories and expert opinions on the themes discussed. (Soemitro, 1985) Legal theories are needed in order to be able to know the bases statement of the research to be conducted. Hence, the research will keep under the observation of the research. Meanwhile, the comparative is an approach that is comparing various policies, regulations, and law from a different perspective and determine solution by finding the conclusion of the discussion. A comparative approach uses analysis of issues in order to find a point of difference as well as similarity to help the researcher prove perspective exposes past research and/or regulation weaknesses. (Miri & Shahrok, 2019)

This paper is using United States of America (USA) and China as the research object. USA and China have contrast in population diversity, law, culture, and other aspects, which surely provide a different outlook in defining, ruling, and implementing the immigrant child registration of legal identity in order to enhance and promote the 16.9th SDGs.

ANALYSIS AND DISCUSSION
A. Legal Identity Registration Urgencies of Immigrant Children in Promoting SDG 16.9

Young generations are one of the stakeholders which are valuable in developing and sustaining all forms of policies and actions in enhancing and intensifying the implementation of 2030 sustainable development goals. In addition, this generation is expected to be able to reach, contribute and support global peace and security. This disclosure is also derived from the huge number of children population worldwide. United Nations Children's Fund (UNICEF) has reported that there are 2.2 billion children spread all around the globe and those numbers are expected to increase in the fullness of time. (UNICEF, 2020) Moreover, based on the UNICEF data, in 2020 there has been a rise of 50% in immigrant children amount, compared with the 1990-2000 data. In total, there are 36 million immigrant children in 2020 and this number is expected to increase in the future. (UNICEF, 2021b) Therefore, as a part of children's protection stakeholders, civil societies, including parents and teachers, officials and government, including law enforcers and organizations, should gather in protecting children's rights, based on The Convention on the Rights of the Child in 1990.

Indonesia has shown its existence in providing legal registration for immigrant children in Indonesia. This is proven by article 2 of the Law on Citizens Administration of Indonesia (No. 18 /2014), all citizens have the right to obtain resident documents, legal documents, legal certainty, and other legal provisions of citizens' rights. Referring to that article, the Indonesian government has provided actions to implement the 16.9th Sustainable
Development Goals, which are proven by the Indonesian Statistic Bureau data. Since 2018, there has been an influx of child documents owning around 6% to 7%, whether male or female children. However, hiatuses still can be shown until 2020.

**Chart 1. Data Registered Birth in Indonesia of Children < years**

![Chart 1. Data Registered Birth in Indonesia of Children < years](chart.png)

*Source: Indonesian Statistic Bureau*

As a result of the provision, Indonesia has scoped the Sustainable Development Goals (SDGs), which the United Nations Conference on Sustainable Development successfully established in 2012. These goals discuss certain universal goals to oversee and manage urgent environmental, political, and economic global challenges. The Sustainable Development Goals contain 16 multipurpose goals for societies. The 16th goal of the SDGs promotes peaceful and comprehensive societies in dealing with sustainable living by providing certain access to law justification for mankind as well as building effective, accountable, and comprehensive legitimate institutions at all society levels. (Sr & Ronald, 2020) The goal has 10 derivatives that scope several law aspects including the legal registration provision for all societies. In its 16.9 goals, United Nations Conference on Sustainable Development urges all nations to provide legally binding registration for the people. This scope includes the immigrant, especially immigrant children, which rights fulfillment is mandatory for the officials and this action is an assurance of basic human rights and essentials facilities, such as but not limited to healthcare, education, law justification, and financial. (Yaddah, 2019)

Legal registrations refer to a legally binding registration in form of documents, declarations, and others, which are able to assist societies in reaching basic rights fulfillment.
Therefore, legal registration is an obligation that should be possessed. However, despite the recent advances in the present life, numerous low and middle-income nations are not able to provide inclusive civil registration systems. (Harbers, 2020) Moreover, based on the past UNICEF data that have mentioned, the growth of the immigrant children population every year is quite significant and deplorably, those vulnerable generations are having inconvenience in the process of obtaining their legitimate data. (UNICEF, 2021a) As a result, proper education, healthcare system, job employment, and other social necessities are not able to be accessed by them. This issue should have been discussed by the United Nations bodies, governments, officials, and organizations as well as other capable and proficient stakeholders that can solve this problem.

In the matter of nativity, registration comprises two important elements, which are the information or details in regards to the child’s birth that are relevant in entering to government record as well as the birth certificate itself that is issued to their parents and guardian. (Dunning et al., 2015) The birth certificate should include children’s birth information, such as the time and location of their birth and nuclear families, which defines as parents. In addition, legal registration in terms of birth registration can be viewed as central in providing effective and capable governance. Each nation’s government should fulfill this responsibility to reach the 16.9 goals of sustainable development goals (SDGs), which focuses on legal identity registration for all societies worldwide.

Immigrants are particularly a group of societies that sometimes have difficulties in obtaining their basic rights. Health and education are basic rights that should be provided and able to obtained for all human being, especially those vulnerable individuals, such as children. Child immigrants are at high risk on experience emotional and behavioural issues as well as low literacy or education they can obtain other than other children. (Lu et al., 2018) This fact is contradictory to the United Declaration of Human Rights articles and Indonesian 1999 Constitution No. 39. Based on the first and second article of the convention, each people are born free and equal in dignity and rights, without any distinction of race, gender, linguistics, beliefs, origin, social status, and other circumstances. Indonesian 1999 Constitution No. 39, in its first article, stated that Human Rights consist of basic rights that are inherent by the existence of humans that must be respected, upheld, and protected by the state, law, government, and everyone for the sake of honor and human dignity. By that, immigrants are oftentimes identified as distribution for the states and weaken their boundaries and sovereignty. (Nicholls & Uitermark, 2021) Moreover, we believe that both education and healthcare are the most essentials rights that we have to obtain. As a child, education is the most essential thing in order to prepare and meet requirements for future processes, which is also connected to employment in terms of economic status. (Shokhistakhon & Dildorakhon, 2021) On the other hand, The right of the child to health and
medical care is acknowledged in several conventions and law, including in Indonesia. However, surprisingly little lobbying focuses solely on children's health, despite its significance, especially for the immigrants' children. (Kilkelly, 2020) This issue also worsens that most immigrants from armed conflicts area endure significant mortality and morbidity, that surely need healthcare promptly. (Bendavid et al., 2021) However, immigrants are not able to obtain those rights due to a lack of administrative documents, as simple as a birth certificate. Indeed, the birth certificate itself is essential due to its function as a medium in getting other rights, like education and healthcare.

Children as actors in contrasting for the future in Indonesia should be able in getting the proper education provision. Education and institution are media in providing opportunities and capabilities for them to develop their skills, especially in their social life. Education assists individuals to develop their critical thinking, which is crucial in making decisions and as simple as interacting with people. Moreover, educations also lead the individual to meet their eligible job in the future. Early studies for children are important due to their outcome in resulting improvements and ensuring the capacity of themselves whether in social, academic life and ethical manners. (Sims, 2020)

Chart 2. Average of Total Years of Studies

<table>
<thead>
<tr>
<th>Year</th>
<th>Total</th>
<th>Female</th>
<th>Male</th>
</tr>
</thead>
<tbody>
<tr>
<td>2018</td>
<td>8,6</td>
<td>8,2</td>
<td>9</td>
</tr>
<tr>
<td>2019</td>
<td>8,8</td>
<td>8,4</td>
<td>9</td>
</tr>
<tr>
<td>2020</td>
<td>9</td>
<td>9</td>
<td>9,2</td>
</tr>
<tr>
<td>2021</td>
<td>9,4</td>
<td>9,2</td>
<td>9,4</td>
</tr>
</tbody>
</table>

Source: Indonesian Statistic Bureau

Based on the Indonesian Statistic Bureau, Indonesian citizens still show some emptiness in education, with an average of 8-9 years of studies out of 12 years. However, this data is not continuous with the Law on Child Protection of Indonesia (No. 23/2002) which in its articles measure some requirement for all nations in providing each child's rights, including educational right out of their nationality, status, belief, and any form of social circumstances. Article 1 number 2 stated that the nation should guarantee and protect the rights of children to live, grow, develop, and participate optimally in accordance with their
dignity and worth humanity as well as receiving protection from any form of violence and discrimination. Moreover, in article 9, every child has the right to obtain education and teaching in the context of their development in enhancing their interest and talent. However, this provision sometime should be accompanied by the legal identity, which some immigrant children are still not able to access. By urging the implementation of 16.9 of Sustainable Development Goals, every individual, including immigrant children, are able to provide proper education that is beneficial for their present and future life. Immigrants also have their fundamental rights, as human beings, to get proper healthcare, without any distinction of ethnicity, beliefs, opinion, or social status. (World Health Organization, 2016) Although this issue could be abolished by the implementation of the 16.9 goals of SDGs, this problem also scopes the implementation of the 10th SDGs, which focuses on eliminating inequalities that form by age, gender, disability, ethnicity, or other status disparities.

Immigrant children may encounter health issues, including various infectious diseases and mental health issues, such as depression and anxiety. (Seery et al., 2015) Immigrants are at high risk of experiencing malnutrition and development delay, which are associated with bad nutrition and other factors that they get. (Chilton et al., 2013) Immunization provision for immigrant children also should be discussed by the nation to accomplish the health record and save those vulnerable children from malnutrition. Therefore, immigrants’ health insurance coverage policies are needed promptly for all immigrants, including immigrants’ children, which can provide immigrants’ health care utilization. (Dondero & Altman, 2020) This statement refers to the potencies of infectious diseases that may emerge due to the circumstances. (Khyatti et al., 2014) Other than that, as a human being health is a key to invest other socio-economic activities, which surely to obtain income that surely has a connection to other social aspects. This statement also refers to the immigrant children as they also shall be able to obtain those circumstances. (Brown, 2020) Implementation of 16.9 SDGs can tackle this issue by providing legal identity for immigrant children. This action should be implemented by constructing inclusive regulations regarding immigrant children’s identity.

Referring to the 4th article of the Migration for Employment Convention, fulfilling the right of employment for immigrants should be taken appropriately, within jurisdiction and policies. This also refer to the judicial control is common to provide balance in numerous societal spheres as a significant and escalating socio-legal trend that supports the growth and reform of contemporary societies. (Cliquennois et al., 2021) Moreover, income is a measure of benefits and disadvantages, especially in the context of world inequalities. (Vallejo & Keister, 2020) Income gaps have been seen inter-city, whether the urban or suburban area, based on ethnicity, and the metropolitan area is the most experienced city regarding this issue. (Nijman & Wei, 2020) Therefore, the stability of employment in the
Immigrant group is crucial, due to the lack of regulation and implementation in the societies. Employment right is able to create a domino effect on other social sectors, such as education, healthcare, housing, and nutrition. Lack of self-identity is able to endanger employment rights due to present regulations that have been formed and shown in the communities.

The Indonesian government has shown its concern regarding immigrant rights. Indonesian law on the Protection of Migrant Worker Number 18 of 2017 conducts provisions and regulations for Indonesians who work abroad. In its 6th article, Every Indonesian Migrant Worker or Worker Indonesian migrants have the right to obtain employment abroad and choose a job according to their abilities and competence. Moreover, the same article stated that those potential workers have the right to get information regarding their job, such as locations and other information.

The 16.9 SDGs implementations should access promptly in societies, especially for immigrant children. This statement is due to effects formed by the lack of self-identity for the immigrant children. The absence of legal identity of immigrant children could interpret targets, whether human rights protection, development, and national security. (Ryan, 2020) This statement is contrary to article one of the Indonesian Constitution of Citizens Administration, which stated that immigrants have the right to provide a stay permit to live in the territory of the State Unity of the Republic of Indonesia within a period of limited or permanently in accordance with the provisions of the legislation.

Therefore, with the influx of migration, each nation ought to provide self-identification for immigrant children to ensure their basic right has been fulfilled. An inclusive, proper, legitimate, and comprehensive regulation scope is necessary to be discussed to solve this global problem in order to provide urgencies of immigrant child registration by constructing actions in order to reach the 16.9th goals of Sustainable Development Goals.

**B. Immigrant Children Legal Identity Registration Provision in Indonesia, United States of America, and China**

Registration defines as an action of affording a legitimate record of something or someone; a document proved that official data has been made of something, e.g., the registration of a child’s birth. (Oxford University Press, 2022) Based on that definition, registration is needed to provide legitimate data or documents to the societies. Legal registration is part of sustainable development goal 16, which discusses promoting peaceful and inclusive societies for sustainable development, providing access to justice for all, and building effective, accountable, and inclusive institutions at all levels. Therefore, the consequences of not having a legal registration are boundless, such as education, health services, and employment. (Ebbers, 2020)

Immigrants in each nation have a different amount, this fact is based on each nation’s census data. For instance, in Indonesia, there are approximately 355,510 immigrants in 2020.
that live spread throughout the region, only around a quarter of the United States of America’s and China’s immigrants. Despite the difference in the number of immigrants, each nation ought to provide legitimate registrations for each immigrant in order to fulfill their basic rights.

Chart 3. Immigrant Population in 3 Countries (2020 Census)

![Chart 3. Immigrant Population in 3 Countries (2020 Census)](image)

*Source: Statista, U.S. Census, and Migration Policy Institute*

In Indonesia, this activity is being regulated in the Indonesian The Law Number 23 of 2006 Concerning Citizens Administration. In the 5th article of the constitution, the constitution stated that the government through the authorized Minister ought to hold Population Administration at the national level, including establishing registration systems, guidelines, and standards, facilitating, socializing; coaching, mentoring, supervising, monitoring as well as evaluating all citizens registration, which based on the constitution, citizens define as Indonesian and foreigners that residing in Indonesia. Therefore, based on the constitution, immigrants have the right to receive any form of legitimate registration. Moreover, Indonesia has proven its concern regarding this issue by the 6th article of the Constitution of Citizens Administration. In this article, each province officer shall provide and be responsible for citizens’ administration provision, including coordinating the citizen’s administration provision. However, despite the establishment of the Constitution of the Citizen Administration, immigrant citizens are still not able to provide their rights regarding legal identification. This fact is reflected in the recent United Nations High Commissioner for Refugees for Indonesia. Only half of population of the immigrant children are registered, which shows the rights have not been fulfilled by the Indonesian governance. (Suryono, 2021)

By the non-existence of the implementation of 16.9 sustainable development goals, those children will not able to provide their basic rights. The UNHCR data mentioned that only approximately 9000 immigrants from approximately 13000 refugees on June 2022, in
Indonesia are able to provide their COVID-19 Vaccination due to the eligibility status of the refugees. (Guisse, 2022) Basic rights shall be received by all human being, including immigrants, as those are basic needs that should be respected by worldwide societies that are protected by international law. (Tellez, 2020) Moreover, immigrant children being left behind are vulnerable to facing social problems. (Purwatiningsih, 2016) In 2021, Indonesia has established a regulation regarding immigrant workers’ departure in the COVID-19 outbreak, called Government Regulation Number 34 of 2021. However, this regulation only discussing on the legal basis of work permits, without establishing other regulations that discuss the basic rights provisions for immigrant workers and families. (Firly Zermiyaz et al., 2021) This fact is also contradictory to the 17th article of the Law of Citizens Administration, which based on the article every foreigner, including the immigrant, has the right to get registered in Indonesian private law provision. Head of Sub-Directorate of Indonesian Immigration Cooperation with International Organizations, Mr. Siyoth, stated that the Indonesian government has put some effort in helping immigrants by increasing and intensifying the process of immigrant administration through the mandate carried out by UNHCR and providing voluntary repatriation efforts. (Ditjen Imigrasi, 2021) Indeed, this statement proved that there is quality improvement in solving immigrant issues.

In another region, the United States of America, by its multi-diversity, has a larger immigrant population than many other nations, approximately 44 million immigrants. (United Nations Department of Economic and Social Affairs, 2020) Those foreign-born came from the U.S as naturalized citizens as well as non-U.S. citizens. However, there seems not quite a difference in parentage among both U.S naturalized citizens as well as non-U.S. citizens. (United State Census Bureau, 2022) International movement of individuals, whether to settle, work, or study has occurred since the population growth and cultural change. Immigrants in the US come from different ethnicity, social status, belief, and other social aspects. Based on the latest data from the U.S. Census, Hispanics are the race that dominance the immigrant population in the United States of America. (United State Census Bureau, 2022)

As a result, the United States of America should provide inclusive and far-reaching provisions, implementation, and regulations to offer immigrants’ rights, including child legal identity registration to implement the 16.9th goal of Sustainable Development Goals. The United States has proven its concern regarding the administration rights of children immigrants. This is reflected in the past action of the US given by amendment the 1951 Refugee Convention as well as 14th amendment, which consist of provisions and regulations regarding administration. Based on the 1st section of the 14th amendment of the United States constitution, every child who is born or being naturalized in the United States and subject to the jurisdiction thereof is a citizen of the United States of the states they reside. (U.S. Constitution, 1868) The United States has given a verdict based on the 14th
amendment concerning the immigrant children’s identity. In its section, the legal identity document shall be enjoyed by white persons born in the United States as descendants of persons and those who were born outside of the dominions of the US, had migrated, and been naturalized. Therefore, based on the statement, every foreign-born, whether their parents are naturalized U.S. citizens or not U.S. Citizens parents, has the right to provide legitimate documents regarding their identity. Based on the 3rd article of the Refugees Convention 1951, every immigrant shall be free from any form of discrimination based on their race, beliefs, and/or country of origin. Another response also seems from past action in the United States, with tensions over the rights of child immigrants in the past, the United States Government provides rhetorical and policies foundation to construct a child-immigrant-cantered mechanism to support their rights, including in administration issues. (Padilla-Rodriguez, 2021)

As a result of children’s immigrants registration action, some immigrants can access their rights in education as well as work. This fact is based on the U.S. Census Bureau’s recent data. However, some gaps still can be seen in the unequal deployment of immigrants’ rights, especially children’s rights. Hence, the law has not been effective enough in protecting societies against the disruptive effects of inequality. (Falk, 2019) Far-reaching, inclusive, and applicable actions should be addressed promptly to provide basic rights for the immigrants by implementing the 16.9 sustainable development-providing legal document or registration that is recognized by the nations.

Chart 4. U.S. Immigrants Educational Spectrum

<table>
<thead>
<tr>
<th>Education Level</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>College degree or more</td>
<td>33%</td>
</tr>
<tr>
<td>Some college</td>
<td>19%</td>
</tr>
<tr>
<td>High school diploma only</td>
<td>22%</td>
</tr>
<tr>
<td>Less than a high-school...</td>
<td>26%</td>
</tr>
</tbody>
</table>

Source: U.S. Census Bureau, American Community Survey 1-Year Estimates.

With the different constitution provisions, compare with Indonesia and the United States of America, the People’s Republic of China has dissimilar actions in handling the child immigrant registration regulation. Based on the International Organization for Migration’s recent data, every year there has been an influx of immigrant population in China. This fact is based on China’s Net Migration rate of -0.23 Migrants/1000 Population from 2015 to 2020, with 17.7 % of the migrant population being under 15 years old. Moreover, in Hongkong,
China’s Special Administrative Region, there is numerous numbers immigrant population. Based on the statistical data, there are approximately 280 migrants among 1000 Hong Kong citizens and 20 migrants among 1000 Macau citizens. (Statista, 2018) Based on the National Bureau of Statistics of China’s data, there are numerous amounts of immigrant children in China with various educational backgrounds. For instance, there are approximately 1,460,000 primary school graduates of immigrant children and 1,845,633 children are still active in primary school.

**Chart 5. Amount of Immigrant Children in China Based on Their Education Background**

As a result of the numerous populations of migrants in China, the People’s Republic of China has established policies and new legislation in order to provide migrants’ rights, civil rights to obtain public services and social security, such as public health and education and exists as a result of The United Nation Millennium Summit in 2000, which attended by 189 member states, including China. Moreover, based on the Nationality Law of the People’s Republic of China, which was adapted from The 5th National Congress, in its 5th article stated that every child whose one of their parent is Chinese or both are Chinese falls under Chinese citizens. (National Immigration Administration, 2004) Therefore, children who’s of their parents are China citizens shall be able to access their legal identity.

Different situation views immigrants in China, including immigrant children, are more likely to be called residents as outsiders or in rural area, China’s citizens commonly called them urban residents outsiders. (Fan, 2002) Moreover, even though those immigrants have stayed for a long period of time, immigrants mostly still feel not belong to the area. (Wang & Fan, 2012) However, being married is the only sign of migrants obtaining their identity in China and as a result of marriage, that migrant can provide their rights, including immigrant children’s rights. (Wang & Fan, 2012)
Table 1. Estimated Parameters for Migrants’ Self-Identity*

<table>
<thead>
<tr>
<th>Parameter</th>
<th>Description</th>
<th>Estimate</th>
<th>Standard Error</th>
</tr>
</thead>
<tbody>
<tr>
<td>Age</td>
<td>Year</td>
<td>-0.0017</td>
<td>0.0143</td>
</tr>
<tr>
<td>Gender</td>
<td>Male=1; Female=0</td>
<td>0.0404</td>
<td>0.2646</td>
</tr>
<tr>
<td>Marital Status</td>
<td>Married/cohabitating=1; otherwise=0</td>
<td>-0.5206</td>
<td>0.3097</td>
</tr>
</tbody>
</table>

*Response variable: self-identified as an urban resident = 1, other = 0


The United States of America has shown its effort to maintain immigrant children’s rights, especially in regard to legal registration. This is shown by the small-scale amount of not-registered immigrant children in the states and the establishment of amendment the 1951 Refugee Convention as well as the 14th amendment, which consists of provisions and regulations regarding administration. As a result, child immigrants in the United States of America are able to reach their rights such as education and health care. As a country that upholds law and democracy, Indonesia should implement this action for the good of child immigrants. On the other side, China’s action shall not be implemented by Indonesian regulation. This refers to the uncertainty and ignorant provision of immigrants in China. Therefore, USA’s actions should be implemented in Indonesia to amend Indonesian law on citizenship administration. This policy would be able to establish far-reaching solutions or provide legal registration for the immigrant, especially child immigrants. However, amending the Indonesian law on citizenship is arduous. It would cause some issues to other systems in Indonesian administration and limited human resources, budget, and land also another trouble happens to appear. (Lie, 2020)

Moreover, problems caused by immigrants who enter the territory of Indonesia could also impact Indonesian citizens themselves. (Lie, 2020)

However, despite the various regulations of nations, every human being, including children and immigrants, should be able to provide their rights especially in obtaining a legal identity, so they will be able to achieve their other rights, such as education, healthcare, etc. Moreover, due to discrimination that immigrants experienced in a foreign country, immigrants shall be protected by law in any circumstances in order to ensure equal access. (Darnela & Nugroho, 2019) This action is also one of the goals, which have been agreed by countries in the world. Therefore, it is an obligation of each state to provide legal identity got immigrant children.
**CONCLUSION**

Legal identity should be obtained by everyone, without exception by their race, belief, social status, gender, and other circumnutes. Based on that statement, immigrant children should also obtain their legal identity. This issue is crucial due to its connection and influence with other rights and obligations they should reach, such as the ability to get proper education, healthcare, the provision to obtain a safe and convenient place to rest, and getting food to eat, etc. The United States of America has shown its effort to maintain immigrant children’s rights, especially in regard to legal registration, by providing far-reaching solutions to lay out the legal registration provision for the immigrants by the 1951 Refugee Convention as well as the 14th amendment. Indonesia has not been showing its assistance in immigrant identity regulation and only focuses on the immigrant mandatories in Indonesia, with the recent regulation, Government Regulation Number 34 of 2021. Therefore, loopholes are still able to be found in the constitution, that should be solved by the authorities by ratifying and constructing decent regulations, constitutions, and frameworks for child immigrants. Other than that, far-reaching, inclusive, and applicable government measures should also be considered by Indonesia by amending Indonesian law on citizenship administration, which should be implemented promptly to provide legal identity registration for the immigrants. However, the implementation itself should be synchronized with Indonesian law systems and should be in line with Indonesia’s democracy in order to prevent incoherent circumstances.

**REFERENCE**


https://doi.org/10.1177/1477370820986010


UNICEF. (2021a). *Child Migration - In 2020, the number of international migrants reached 281 million; 36 million of them were children.* https://data.unicef.org/topic/child-migration-and-displacement/migration/#:~:text=The%20number%20of%20migrant%20children,million%20of%20them%20were%20children.


