

# Addressing Educational Exclusion of Stateless Children in Malaysia: Drawing Insights from Thailand

Nor Fadzlina Nawi<sup>1\*</sup>, Wan Norhafizah Junid<sup>2</sup>, Raja Sahily Raja Jaafar<sup>2</sup>  
Syafeeza Abu Bakar<sup>2</sup>

<sup>1</sup> Department of Law, Centre of Foundation Studies, Universiti Teknologi MARA Selangor Branch, Dengkil Campus

<sup>2</sup> Faculty of Law, Universiti Teknologi MARA

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## ABSTRACT

This article sheds light on the overlooked struggle of stateless children in Malaysia who are denied the fundamental right to education. Evaluating the adequacy of existing laws and policies governing the educational rights of stateless children in Malaysia, the study draws insights from Thailand's policy as a benchmark for potential improvements. Utilising qualitative research methodology, interviews with key stakeholders, including Malaysia's Education Minister and SUHAKAM's Commissioner inform the analysis. The findings advocate for amendments to Malaysian laws, aligning them with Thailand's policy that facilitates stateless children's enrolment in public schools without prerequisites. The article argues that a comprehensive and inclusive approach involving multiple stakeholders addresses the root causes of statelessness and provides pathways to citizenship. It is essential to ensure that stateless children in Malaysia can exercise their right to education and fulfil their potential.

## INTRODUCTION

Malaysia ratified the Convention on the Rights of the Child (CRC) in 1995 with reservations, particularly regarding Article 7, impacting the identification rights of stateless children and posing a significant barrier to fundamental rights, including healthcare and education (United Nations, 1989).

The term "stateless" is defined by the 1954 Convention Relating to the Status of Stateless Persons as an individual not considered a national by any state under its laws (United Nations, 1954). Globally, statelessness arises from conflicts in nationality laws, war, country dissolution, illegal trafficking, and involuntary loss of citizenship, affecting Southeast Asia.

<sup>1\*</sup> Corresponding author. E-mail address: [nfadz644@uitm.edu.my](mailto:nfadz644@uitm.edu.my)

In Malaysia, approximately 290,437 individuals under 18 lack citizenship, facing challenges due to registration failures, undocumented migrant children, abandonment, and stateless refugee children (Kumar, 2017; Nik Imran Abdullah, 2016). Peninsular Malaysia has about 12,400 stateless individuals, with East Malaysia speculated to exceed 800,000, particularly pronounced in regions like Sabah due to irregular migration (Cheong, 2022; Hassan & Peters, 2020; UNHCR, 2017), intensifying hurdles for undocumented children to receive basic education (Lumayag, 2016).

Malaysia's non-ratification of international conventions on statelessness compounds the lack of recognition and protection, resonating with Blitz and Lynch's assertion that a child's nationality is determined by state laws, despite international declarations emphasising the right to nationality, such as Article 7 of the CRC (Blitz and Lynch, 2011; United Nations, 1989). Stateless children often rely on NGOs and local initiatives for education due to stringent public school enrolment requirements, including paperwork and a registration fee, with resource limitations and lack of consistency (United Nations, 1989).

In contrast, Thailand, also grappling with statelessness, has policies making primary education compulsory, free, and universal for stateless children, prompting a critical examination of Malaysia's policies and alignment with international standards, particularly in upholding the right to education for every child (Tuangratananon, 2019; UNICEF Thailand, 2019; UNHCR, 2023).

This study investigates the repercussions of statelessness on the educational rights of children in Malaysia, focusing on the legal framework. A comparative analysis of Thailand's approach aims to identify legal gaps and policy deficiencies contributing to impediments in access to education for stateless children. The study's goals include providing insights into legal and policy enhancements for fostering educational inclusivity. The threefold objectives encompass a comprehensive analysis of Malaysia's current laws, examining Thailand's legal framework, and engaging with key stakeholders to inform legal reform recommendations for stateless children's attendance in Malaysian public schools.

## LITERATURE REVIEW

This literature review section provides a comprehensive exploration of the impact of statelessness on children's educational rights in Malaysia, delving into the intersection of international human rights frameworks, national laws, and policy implementation. This review also examines the comparative approach of Thailand, shedding light on potential pathways for enhancing educational access for stateless children in Malaysia.

### Impact of Statelessness on Children's Educational Rights in Malaysia

Statelessness, a complex legal condition denoting the absence of nationality and legal recognition, poses profound challenges, especially for children. The lack of a recognised nationality often results in the denial of basic rights, including access to education, healthcare, and legal protection. This issue extends globally and requires collective international efforts to address its adverse consequences (Worster, 2018).

The international human rights framework, highlighted by instruments such as the Universal Declaration of Human Rights (UDHR) and the Convention on the Rights of the Child (CRC), underscores the universality of the right to education. The UDHR, dating back to 1948, articulates the right to education for everyone, transcending nationality distinctions. The CRC, enacted in

1989, explicitly recognises every child's right to education, intertwining it with the right to nationality. Stateless children lacking recognized nationality are implicitly protected by the CRC.

These human rights instruments implicitly extend their protections to stateless children by emphasising the universality of the right to education. State parties to these agreements are responsible for ensuring that stateless children within their jurisdictions have unimpeded access to education. The obligation encompasses creating an inclusive educational environment, eliminating discriminatory barriers, and adopting measures to address the specific challenges faced by stateless children.

In Malaysia, statelessness is a multifaceted challenge affecting a significant number of individuals, with children being particularly vulnerable. The stateless population in Malaysia comprises individuals who lack recognised nationality, rendering them marginalised and often excluded from essential services (Somiah, 2019; Somiah 2021, Loganathan et al, 2022). Stateless children confront a myriad of challenges that impede their access to education, perpetuating cycles of disadvantage (Loganathan et. al, 2023).

The statelessness predicament in Malaysia is often linked to historical, administrative, and legal factors. Ethnic and migration complexities, coupled with gaps in birth registration processes, contribute to the precarious situation faced by individuals without a recognised nationality. Stateless children, born to stateless or undocumented parents encounter obstacles right from birth, facing difficulties in obtaining birth certificates and subsequently being excluded from formal education systems (Allerton, 2017; Lumayag, 2016)

Access to education stands as one of the primary challenges for stateless children in Malaysia (Rahmat et. al, 2021; Selvakumaran, 2022). The lack of a recognised nationality often translates into exclusion from public schools, as formal enrolment processes typically require proof of citizenship or legal status (Soh, 2019). Discrimination, social stigma, and bureaucratic hurdles further exacerbate the difficulties faced by stateless children, hindering their ability to enjoy the right to education guaranteed under international human rights instruments as highlighted in the latest SUHAKAM report Human Rights and Statelessness in Peninsular Malaysia (Nungsari & Fong, 2023).

The report confirms that stateless children in Malaysia often find themselves caught in a precarious situation where they are unable to enrol in schools, denying them not only educational opportunities but also limiting their socio-economic prospects. The absence of formal education perpetuates a cycle of marginalisation, limiting their ability to contribute meaningfully to society and hindering their potential for personal development.

### **Barriers to Educational Rights in Malaysia for Stateless Children**

The legal framework governing the rights of stateless children in Malaysia combines national laws and policies. Article 12 of the Federal Constitution and the Education Act 1996 (Act 550) form the primary basis for children's education rights in Malaysia. However, these laws explicitly grant the right to national education to Malaysian citizen children, introducing a barrier for stateless children.

Article 12(1) of the Federal Constitution emphasises non-discrimination in education but applies specifically to Malaysian citizens. Before the 1990s, non-citizen children could attend public schools based on the school's discretion. However, legislative changes in the 1990s, including annual fees and stricter identity document requirements, including birth certificates,

created challenges for undocumented and non-citizen children, affecting their access to public schools.

Despite not being a state party to the 1954 and 1961 UN Conventions on Statelessness, Malaysia, as a UN member state, is bound by the Universal Declaration of Human Rights (UDHR) and the Convention on the Rights of the Child (CRC) (OHCHR, 2023). Expectations exist for Malaysia to protect the rights of all children, including stateless children, in education, as mandated by Article 26 of UDHR and Article 28(1)(a) of CRC.

In line with UNESCO's Education for All concept, the Ministry of Education (MOE) introduced a Compulsory Education Policy and Professional Circular Letter No. 1/2009, allowing undocumented children with at least one Malaysian citizen parent to enrol in public schools (Ministry of Education Malaysia, 2009). However, the implementation of this policy is inconsistent, with some schools refusing admission to stateless children without proper documents (Rahmat, 2021; Nungsari & Fong, 2023).

The Pakatan Harapan (PH) administration introduced the Zero Reject Policy in 2018, initially for special needs students and later expanding it to undocumented and stateless children (Ministry of Education Malaysia, 2018). However, entry under this policy is limited to certain criteria, including non-citizens adopted by Malaysians or illegitimate children of a Malaysian father and a non-Malaysian mother, affecting stateless children's access to education.

In 2019, the Perak State Government initiated a pilot project facilitating the enrolment of over 2,635 stateless and undocumented children in government schools. Sarawak also introduced temporary documentation for stateless children eligible for citizenship aligning with CRC and UN Sustainable Development Goals (The Star, 2019; The Star, 2022).

While Sabah and Peninsular Malaysia still enforce the 'Zero Reject Policy,' challenges persist in national implementation, with some schools rejecting stateless children without proper documents. Stateless children receive few entitlements and face challenges in education, health services, and social participation. Public sympathy and political will also remain lacking, contributing to negative perceptions of stateless children as outsiders. Admission red tape and additional costs further hinder their education (Rahmat, 2021; Nungsari & Fong, 2023).

Despite the government permitting Alternative Learning Centers (ALCs) and Community Learning Centers (CLCs) (UNICEF Malaysia, 2023) issues arise due to inconsistencies in syllabi and facilities—the lack of regulation results in variations in teaching quality and resources, impacting stateless children's education. Complaints about resource and teacher shortages, coupled with the lack of regulation, led to the shutdown of ALCs and CLCs by local authorities, denying stateless children their right to education.

Policy changes after 2020, including the halt of the Zero Reject Policy for stateless/undocumented children, emphasising its focus on special needs children rather than stateless children, particularly in national schools further impact the latter's access to education, particularly in national schools.

In summary, statelessness in Malaysia presents significant challenges, especially for children facing barriers to education. While the legal framework recognises the right to education for all, including stateless individuals, gaps in implementation and policy limitations hinder practical realisation. Addressing these challenges requires holistic approaches, including legal reforms,

policy enhancements, and increased awareness to ensure that stateless children in Malaysia can exercise their right to education.

### **Drawing Insights from Thailand's Experience**

In the context of addressing statelessness and its impact on educational rights, an extensive review of the literature reveals that certain countries have faced challenges due to stringent prerequisites for the enrolment of stateless children in public schools, perpetuating barriers to education. However, Thailand stands out as a notable example due to its successful and inclusive approach, providing compulsory, free, and universal primary education to all children, irrespective of their status (Tuangratananon, 2019; UNICEF Thailand, 2019).

Thailand's Constitution of 1997 and the National Education Act of 1999 guarantee equal rights to fundamental education for everyone, including stateless children (Thailand Ministry of Education, 1997; National Education Act, 1999). Section 106 of the National Education Act emphasises equal rights to state-provided basic education for all individuals, irrespective of citizenship (Thailand National Education Act, 1999).

Thailand's commitment to compulsory education, spanning nine years starting at age seven and concluding at age 16, reflects its dedication to regulating formal education commencement regardless of a child's circumstances. This commitment ensures equal rights and opportunities for state-provided basic education, illustrating that stateless children in Thailand have the same educational rights as citizens.

The #IBelong campaign, launched in 2014, has seen Thailand confirm the nationality of a significant number of stateless individuals (UNHCR, 2023). The Royal Thai Government's acknowledgement that over 18,000 stateless people received nationality in the past three years reflects progress in the global effort to eliminate statelessness by 2024 (UNHCR, 2023). However, challenges persist, with the overall stateless population in Thailand reaching 443,862. While this positive development aligns with global efforts to eradicate statelessness by 2024, challenges persist, particularly for isolated communities such as hill tribes, facing difficulties in accessing information about legal rights and nationality requirements (UNICEF Thailand, 2023)

Thailand's legal framework for nationality, established through the National Strategy on Administration of Legal Status and Rights of Persons in 2005, includes legislative amendments in 2008 that improved access to nationality for certain long-term residents (UNHCR, 2023). Initiatives by Her Royal Highness Princess Maha Chakri Sirindhorn focus on assisting school-aged children and vulnerable individuals in obtaining nationality (Princess Maha Chakri Sirindhorn, H. R. H., 2018). Efforts by UNHCR involve simplifying application procedures, deploying mobile teams to remote areas, and educating and counselling nationality applicants (UNHCR, 2023).

The Convention on the Rights of the Child emphasises every child's right to citizenship, and Thailand, as a party to the convention, is obligated to assist stateless children (UNHCR, 2023). UNICEF's e-registration scheme in public hospitals since 2013 ensures that all babies born in Thailand receive a birth certificate, a crucial document for legal identification and the exercise of rights, including access to social services, healthcare, and education (UNICEF Thailand, 2019).

Challenges persist for stateless people in Thailand, particularly along the Myanmar border, where migrants from neighbouring countries lack Thai ID cards, hindering their access to public services, education, and employment opportunities. Thai IDs are crucial for accessing

government services, and the absence of these IDs limits stateless individuals' participation in various aspects of high-quality life (Case Studies, UNICEF East Asia and Pacific, 2023).

While Thailand encourages all children, regardless of citizenship, to attend school for free up to the third year of secondary school, challenges arise for higher education. Stateless individuals often lack Thai IDs or passports, impacting their eligibility for higher education and subsequent employment opportunities (Case Studies, UNICEF East Asia and Pacific, 2023).

In conclusion, Thailand's experience in addressing statelessness and providing education for the stateless population serves as a lesson for other countries in the Southeast Asian region, including Malaysia. The challenges faced by the stateless in Thailand highlight the importance of continued efforts to ensure inclusive education and address legal barriers to citizenship, ultimately improving the quality of life for the stateless population.

## **METHODOLOGY**

This study utilises a qualitative approach, employing both primary and secondary data sources to investigate education rights legislation in Malaysia. Primary sources include the Malaysian Federal Constitution and the Education Act 1966 (Act 550). Secondary data derived from books, journals, legal cases, reports, and materials from SUHAKAM, UPR, and CRC contribute to the research findings. Additionally, the study conducts a comparative analysis of Thai laws, with consideration given to Thailand's National Education Act of 1999 serving as a benchmark for potential improvements in Malaysian legislation, specifically regarding the provision of 15 years of free education for all children, regardless of documentation status.

Semi-structured in-depth interviews were conducted with three selected key figures from the Ministry of Education, the Office of the Child Commissioner, SUHAKAM and the NGO of Development of Human Resources for Rural Areas (DHRRA) in Malaysia. The interview aims to ascertain the perceptions and views of the selected key figures as stakeholders on issues of access to education for stateless children in Malaysia and the probability and challenges of adapting lessons from Thailand's experience in dealing with the matter.

## **RESULTS & DISCUSSION**

This section presents a comparative analysis of the legal frameworks, policies, and practical implementations governing educational access for stateless children in Malaysia and Thailand. By examining Malaysia's primary legal instruments—Article 12 of the Federal Constitution and the Education Act 1996 (Act 550)—and contrasting them with Thailand's progressive legal framework, notably the National Education Act of 1999, this study aims to identify the gaps and potential areas for improvement in Malaysia's approach. The analysis is enriched by insights from semi-structured in-depth interviews with key figures from the Ministry of Education, SUHAKAM, DHRRA, and other relevant stakeholders. This provides a nuanced understanding of the challenges and opportunities in enhancing educational access for stateless children in Malaysia. Through this comparative lens, the findings highlight Thailand's inclusive strategies and Malaysia's ongoing struggles with policy inconsistencies, offering a roadmap for potential legislative and policy reforms in Malaysia.

## Malaysia vs Thailand: A Comparative Analysis of Educational Access for Stateless Children

Malaysia's primary legal framework for children's education is enshrined in Article 12 of the Federal Constitution and the Education Act 1996 (Act 550). However, these laws explicitly grant Malaysian citizen children the right to national education. Article 12(1) of the Federal Constitution emphasises non-discrimination in education, stating that "any citizen" should not face discrimination based on various factors. Legislative changes in the 1990s, including annual fees and stricter identity document requirements, created challenges for undocumented and non-citizen children. While not a state party to specific UN Conventions on Statelessness, Malaysia is bound by the Universal Declaration of Human Rights (UDHR) and the Convention on the Rights of the Child (CRC).

The Ministry of Education's effort includes introducing a Compulsory Education Policy, allowing some undocumented children to enrol, but inconsistencies exist in its implementation. Malaysia's Zero Reject Policy, initiated in 2018, aims to include stateless children but is limited by certain criteria. Despite some regional initiatives in Perak and Sarawak, challenges persist in national implementation, and negative perceptions contribute to stateless children facing difficulties in education, health services, and social participation.

Thailand stands out in Southeast Asia for providing compulsory, free, and universal primary education to all children, regardless of their status. The legal framework, including the 1997 Constitution and the National Education Act of 1999, guarantees equal rights to fundamental education for everyone, irrespective of citizenship. Recent efforts, including the #IBelong campaign since 2014, demonstrate Thailand's commitment to confirming the nationality of stateless individuals. The National Strategy on Administration of Legal Status and Rights of Persons (2005) and legislative amendments in 2008 have improved access to nationality for certain groups. Initiatives led by Her Royal Highness Princess Maha Chakri Sirindhorn focus on assisting vulnerable individuals, particularly school-aged children (Princess Maha Chakri Sirindhorn, H. R. H., 2018).

Despite these efforts, challenges persist, especially for isolated communities like hill tribes. Thailand, as a party to the Convention on the Rights of the Child, emphasises the rights of every child to citizenship. UNICEF's e-registration scheme in public hospitals ensures that all babies born in Thailand receive a birth certificate. Challenges remain for stateless people along the Myanmar border, facing difficulties in accessing public services, education, and employment due to the lack of Thai ID cards.

While both countries face challenges, Thailand's comprehensive legal framework, recent initiatives, and international commitments highlight a more inclusive approach to stateless children's education. The Thai government's efforts to confirm nationality and simplify application procedures demonstrate a proactive stance. Malaysia, on the other hand, grapples with inconsistencies in policy implementation and lacks a comprehensive legal framework explicitly addressing statelessness. The negative perceptions and challenges faced by stateless children in Malaysia underscore the need for standardised implementation and focused efforts on inclusivity. Malaysia could benefit from adopting some of Thailand's proactive measures, such as simplified application procedures and targeted initiatives for vulnerable populations, to enhance educational access for stateless children.

## Navigating the Crossroads: Key Figures' Insights

Insights from interviews conducted with key figures — Prof. Dato' Noor Aziah Mohd Awal from SUHAKAM, Ms Maalini R., Director of Social Protection from DHRRA, and YB Puan Fadhlina Sidek, the Minister of Education between December 2022 to January 2023 provide illuminating findings on the existing situation, policy implementations, and potential solutions concerning stateless children's access to education in Malaysia, including the question of the feasibility of learning from Thailand's experience.

Several themes arise from the findings of the interviews. The following tables elucidate these themes from the point of view of each key respondent.

Table 1. Key Themes and Points - Prof. Dato' Noor Aziah Mohd Awal

Themes	Key Points
Legal Limitations on Access to Education	<p>Urgent need for revising laws and regulations to address the exclusion of stateless children from primary education.</p> <p>Identification of a significant limitation in Article 12 of the Federal Constitution, protecting the rights of citizens, excluding stateless children.</p>
Conflict with CRC Ratification	<p>Highlighted conflict arising from Malaysia's ratification of CRC and the reservation on Article 2, which exempts Malaysia from the obligation to provide education for non-citizens, including stateless children.</p> <p>Contradiction with CRC's stipulation for rights without discrimination.</p>
Supremacy of the Federal Constitution	<p>Emphasis on the supremacy of the Federal Constitution over policies and circulars &amp; importance of legal amendments consistent with the constitution</p> <p>The assertion that any policy, such as the Zero Reject Policy or Circular 1/2019 allowing stateless children to attend national school can be legally challenged.</p>
Challenges in Document Issuance	<p>Discussion of challenges related to Sarawak issuing temporary documents to undocumented children.</p> <p>Highlighting limitations of such documents, which do not confer citizenship and result in discrimination regarding benefits</p>
Comparison with Thailand's Approach	<p>Drawing comparisons with Thailand's progressive approach to stateless children's education.</p> <p>Mentioning the practice of granting 15 years of free education to all children, irrespective of status.</p> <p>Highlighting the decentralised nature of this initiative in Thailand where schools have the authority to issue passes allowing non-citizens to attend school</p>
Advocacy for Legal Amendments	<p>Firm advocacy for legal amendments as a solution.</p> <p>Emphasis on the importance of legal amendments over policies inconsistent with the Federal Constitution.</p> <p>Proposal of a mechanism similar to Thailand's involving the issuance of distinct identity cards for stateless children.</p>



Table 2. Key Themes and Points – Ms Maalini R

Themes	Key Points
DHRRA's Role in Addressing Statelessness	<p>Emphasis on DHRRA's role in supporting individuals from diverse ethnic backgrounds in obtaining nationality documentation.</p> <p>Advocacy work involves participating in discussions with the government to propose practical solutions to the statelessness issue.</p> <p>Crucial role in guiding and facilitating stateless children's enrolment in national schools.</p> <p>Assistance in completing school registration forms and navigating relevant procedures.</p>
Statelessness Statistics and Jurisdiction	<p>Report on the statelessness issue based on DHRRA's 2018-2019 update.</p> <p>Approximately 14,000 stateless individuals are in Peninsular Malaysia, with 40% being children from various ethnic groups.</p> <p>Limited jurisdiction over Sabah and Sarawak, where statelessness issues differ.</p>
Perspective on Amending Laws	<p>Existing laws and policies are sufficient but need comprehensive and standardised application across all states.</p> <p>Favouring the application of Professional Circular Entry 1/2009 over the Zero Reject Policy for Malaysian Citizens' Children Without Documents.</p> <p>Noting a decline in political commitment from subsequent governments.</p>
Financial Burden on Stateless Children	<p>Highlighting the financial burden on stateless children, who are required to pay RM120.00 annually for primary school and RM240.00 for secondary school.</p>
Comparison with Thailand's Approach	<p>Suggested that Malaysia could adopt Thailand's 15 years of free education if financially viable.</p> <p>Recognition of significant financial challenges and the need for the government to prioritise citizens over providing free education for all.</p>
Government's Responsibility and Citizenship Issues	<p>Advocacy for the government to prioritise citizens but also seriously address education and citizenship issues faced by stateless children.</p> <p>Consideration of factors such as late registration, parental marriage legality, and cases of abandonment.</p>
Right to Identity and Citizenship Application Process	<p>Emphasis on the government's primary responsibility to ensure the right to identity for stateless children.</p> <p>Highlighting hardships during the citizenship application process, including prolonged waiting periods of up to five years and a substantial number of rejected applications.</p> <p>Approximately 33,000 citizenship applications were submitted between 2018 and June 2021.</p>

Table 3. Key Themes and Points – The Honourable Puan Fadzlina Sidek

Themes	Key Points
Zero Reject Policy Implementation	<p>Implementation of the Zero Reject Policy as a response to the education gap among stateless children.</p> <p>Focus on humanitarian and educational aspects, covering all levels of statelessness (excluding refugees) to uphold children's rights and needs.</p> <p>Preference for the term 'undocumented children' over 'stateless children'</p>
Initiatives in Sarawak	<p>View Sarawak's initiatives as a progressive test of the Zero Reject Policy's implementation technique.</p> <p>Encouragement for children to attend school without strict documentation regulations.</p>
Comparison with Thailand's Approach	<p>Belief in Malaysia's sufficient legal framework, especially with the Zero Reject Policy incorporating Inclusive Education, Access to Education, and Quality Education elements.</p> <p>Recognition of the need to reassess the national context and engage with experts to enhance the existing model.</p>
Special Pass Issuance in Sarawak	<p>Commendation for Sarawak's issuance of a special pass for stateless children to access education and healthcare services.</p> <p>Acknowledgement that this is not a long-term solution as it doesn't guarantee citizenship, emphasising the need for continuous education through tertiary levels.</p>
Enrolment and Implementation Issues	<p>Initiation of enrolment for children without proper documentation in public schools under the Zero Reject Policy.</p> <p>Instances of rejection are reported, particularly when school quotas are met, indicating implementation issues.</p> <p>School principals hold the ultimate decision on admission.</p> <p>Weakness in overall policy implementation, with supposed application to all Malaysian schools regardless of district or state.</p>
Policy Decisions and Political Will	<p>Policy decisions are subject to the political will of the government and can change without parliamentary processes.</p> <p>Evolution of the Zero Reject Policy, initially for Special Needs Students and later extended to undocumented children, highlighting the influence of government changes.</p>
Rights of Stateless Children	<p>Agreement among key informants on the rights of stateless children, akin to other Malaysian citizens, to access national education and their own identity.</p> <p>Emphasis on the interdependence of citizenship and education rights.</p> <p>Call for a comprehensive 'rescue plan' focusing on the best interests of the child.</p>

The interviews with key informants in Malaysia contribute valuable insights that complement the broader comparative analysis of educational access for stateless children in Malaysia and Thailand. The findings highlight common themes, such as the imperative for legal revisions to address the exclusion of stateless children from education. Prof. Dato' Noor Aziah emphasises the limitations of existing laws and draws inspiration from Thailand's decentralised approach. Ms. Maalini R. highlights financial challenges, proposing a comprehensive application of existing laws

and considering Thailand's 15-year free education model. Minister YB Puan Fadhlina expresses confidence in Malaysia's legal framework but suggests reassessment, indicating openness to learning from Thailand's success. This divergence underscores the complexity of finding solutions that suit Malaysia's unique context while drawing inspiration from international practices.

The perspectives on amendments and financial considerations reveal both similarities and differences. While Prof. Dato' Noor Aziah and Ms Maalini R. stress the urgent need for legal amendments, YB Puan Fadhlina expresses confidence in Malaysia's legal framework, suggesting a reassessment of existing policies. However, all three key informants acknowledge the financial challenges faced by stateless children, aligning with Thailand's lessons in providing 15 years of free education. The financial burden becomes a common thread, with implications for the adaptability of Thailand's model in addressing Malaysia's context, especially considering the reported success of Thailand's decentralized approach.

Policy implementation challenges and the emphasis on the rights of stateless children offer additional insights. Instances of rejection and weaknesses in policy implementation are recognised by both Prof. Dato' Noor Aziah and YB Puan Fadhlina, underscoring potential hurdles in translating policy into practice. However, the key informants unanimously emphasise the rights of stateless children, aligning with Thailand's model of prioritising inclusive education. The adaptability of Thailand's lessons becomes crucial in overcoming these challenges, particularly in enhancing the Zero Reject Policy and ensuring comprehensive access to education for stateless children.

In the comparative analysis of future considerations, divergent views are more apparent. Prof. Dato' Noor Aziah advocates for systemic changes, drawing inspiration from Thailand's progressive approach. YB Puan Fadhlina, while acknowledging the success of Thailand, suggests reassessment, indicating a more cautious approach. This divergence reflects the considerations in adapting international lessons to Malaysia's unique context. Thailand's model serves as a benchmark, illustrating successful strategies Malaysia might consider for systemic changes.

In conclusion, the interviews with key informants present a diverse perspective on the stateless children's education landscape in Malaysia, revolving around advocating for legal revisions and arguing for the comprehensive application of existing laws. The tension between policies and constitutional obligations, exemplified by the Zero Reject Policy, underscores the pressing need for better-informed and balanced strategies. A shared recognition of the financial challenges faced by stateless children permeates the discussions. The adaptability of Thailand's lessons emerges as a valuable point of consideration, holding potential implications for enhancing Malaysia's legal and policy framework. Together, they provide a comprehensive understanding of the complex challenges surrounding stateless children's access to education in Malaysia, underscoring the vital importance of context-specific strategies prioritising the rights and best interests of this vulnerable population in both countries.

## **CONCLUSION**

The global crisis of statelessness has far-reaching consequences, impacting individuals worldwide, including in Malaysia, where the education of young children has become a matter of increasing concern. This research delves into the shortcomings of Malaysia's existing laws and national policies, which impede stateless children from accessing National schools. Drawing inspiration from Thailand's successful model, the study advocates for a comprehensive overhaul

of Malaysia's legal framework to ensure that education is universally accessible, irrespective of citizenship status.

To address this critical issue, a series of recommendations are put forth. The government is urged to promptly acknowledge and prioritise the problem, mainly through the Ministry of Education and Ministry of Home Affairs. Legal reforms are deemed essential, emphasising the need to align Malaysia's laws with Thailand's non-discriminatory terms and modify constitutional articles for greater inclusivity. The study underscores the importance of effective implementation of existing policies, such as the 2019 Policy and the Professional Circular 1/2009, as well as the Zero Reject Policy.

Establishing a grievance mechanism is crucial to holding schools accountable for rejecting stateless children's applications, signalling the government's unwavering commitment to inclusive education. Drawing insights from Thailand's success, the study recommends considering the implementation of a special ID card for stateless children, streamlining their right to education, and facilitating accurate tracking of their numbers.

Reforming the citizenship application process is also emphasised, calling for expedited processes, reduced bureaucratic obstacles, and increased awareness programs. The impending 2024 constitutional amendments regarding citizenship in Malaysia add further urgency to the issue of stateless children accessing education. As the government considers changes to citizenship laws, it is essential to ensure that these amendments do not exacerbate the challenges faced by stateless individuals, particularly children, in accessing education.

In conclusion, the issue of stateless children accessing education in Malaysia demands urgent attention and comprehensive solutions from the government and all stakeholders. Education is a fundamental right, and the government's commitment to providing quality education for all children is paramount. Malaysia can draw inspiration from successful models like Thailand and ensuring access to quality education for every child which are pivotal steps toward building a developed nation.

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