

# BRIDGING THE SOCIAL SECURITY GAP:

Policy Analysis for  
Undocumented Children  
of Migrant Domestic  
Workers in Hong Kong

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# EXECUTIVE SUMMARY

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This policy analysis report focuses on the insufficient social security and basic rights protection for undocumented children born to dismissed migrant domestic workers (MDWs) in Hong Kong.

## Policy Problem

The core issue is that when MDWs in Hong Kong are dismissed, their children and themselves would become undocumented, facing significant challenges in accessing social security, including healthcare and education. These mothers and children should obtain recognizance paper not allowing work to avoid detention, but the humanitarian assistance given to paper holders is not enough and has implementation gaps. Without proper legal status, these children's basic rights are severely violated; and if no action is taken, it will not only affect the well-being of these children, thus undermining social justice and stability in Hong Kong, but also damage Hong Kong's reputation as a good labour market for MDWs.

## Main Findings

After the analysis of data collected from survey and interviews, 3 main findings have been obtained.

### Challenges Brought by the Policy Problem

4 main challenges are brought to the affected group, dismissed MDWs and their undocumented children.

First, legal ambiguity and barriers to service access put them in a zone of vacuum between having completely legal identity and completely illegal identity, thus continuously trapping them in a cycle of social marginalization.

Second, systemic policy neglect and institutional governance failures bring the structured administrative hindrance to further reduce the accessibility and efficiency of possible social security services for the affected group.

Third, employment insecurity and economic strain is due to the strict prohibition of work on recognizance paper holders in Hong Kong, including majority of the affected group, which strengthens their economic vulnerability.

Fourth, low social awareness and public opposition excludes the affected group from the mainstream society, reflecting Hong Kong's invisible social consensus of neglect and the little possibility of improvement towards the affected group's current status.

### Causes of the Policy Problem

There are mainly 5 root causes of the policy problem.

The first cause is the narrow decision-making window provided to MDWs facing maternity issues. The 2-week grace period of their work visa's validity after being dismissed is too short to make a good arrangement of everything.

The second cause is stigma against unplanned pregnancies in MDWs' home countries due to cultural and religious factors. Strong worries about the possibility to face ostracization, loss of familial support, and economic ruin after returning home, lead to MDWs' tendency to overstay in Hong Kong with their children when encountering dismissing due to pregnancy.

The third cause is the unrealistic "Hong Kong Dream" generated by false perceptions. Some MDWs take the risk of overstaying, because they consider that residency right could be granted to their children born in Hong Kong, or believe that their children will get a brighter future in Hong Kong.

The fourth cause is the weak enforcement of laws and regulations protecting MDWs' maternity right, and a culture of impunity. Although firing MDWs due to pregnancy is illegal in Hong Kong, employers have other methods to legally dismiss pregnant MDWs, increasing the risk of becoming undocumented for MDW mothers and their children.

The final cause is the tight connection between the identity of MDWs' children and the validity of MDWs' work visas. This link straightly leads to permanent instability that MDWs' children will immediately become undocumented once their mothers are dismissed.

### Consensus and Non-consensus among Stakeholders

Among 4 different stakeholder groups—MDWs, employers, policymakers, and NGOs, all of them are opposed to MDW's intended pregnancy and childbirth in Hong Kong, and most of them agree with MDWs' ineligibility for permanent residency.



However, for the residency of MDWs' children, some MDWs demand permanent residency, while policymakers and employers insist the block on it; for public resource allocation, MDWs call for more healthcare and education support on their children and themselves, and NGO staffs also advocate for them, but policymakers and employers prioritize locals much more; for the role of NGOs as communication intermediaries, employers and NGO staffs both regard NGOs as key communication bridge between the government and dismissed MDWs with children, but policymakers have an extremely passive attitude towards cooperation.

## Policy Alternatives

Based on the main findings from surveys and interviews, 10 alternatives have been formed for the policy problem.

The former 5 alternatives focus on upstream prevention, including 1) aligning work permit duration with original contract length for MDWs, 2) enhancing employer's understanding about protection laws of pregnant MDWs, 3) establishing a quick feedback and complaint mechanism for dismissed pregnant MDWs, 4) enhancing MDWs' awareness of the risks of overstaying in Hong Kong, and 5) enhancing repatriation measures towards overstaying MDWs and their children.

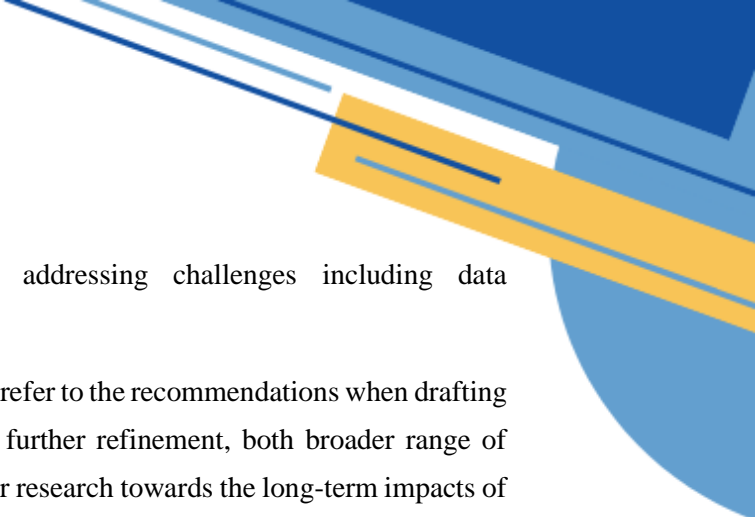

The latter 5 alternatives focus on downstream mitigation, including 6) optimizing subsidy standards for undocumented children, 7) establishing a comprehensive information guidance platform for the affected group, 8) streamlining document issuance for the affected group, 9) promoting the participation of the affected group in policy-making, and 10) collaborating with home countries' consulates or governments to enhance social acceptance.

## Recommendations

Among the 10 alternatives, alternative 4 and 8 have been recommended as the best solutions to the policy problem according to 5 evaluation criteria—effectiveness, equity, feasibility, sustainability, and estimated cost.

Alternative 4 “Enhancement of MDWs’ Awareness of the Risks of Overstaying in Hong Kong” has got the highest total score of 3.65 among all the upstream preventing alternatives, and alternative 8 “Streamlining of Document Issuance for Overstayed MDWs and Their Undocumented Children” has won the first place with the total score of 3.85 among all the downstream mitigating alternatives.

Regarding the detail of implementation, alternative 4 consists of multilingual campaigns, stakeholder collaboration, and incentives like compliance certificates; alternative 8 requires



cross-departmental teams, pilot testing, and addressing challenges including data interoperability and upfront costs

The research team suggests that Pathfinders could refer to the recommendations when drafting its own policy proposal to the government. For further refinement, both broader range of fieldwork studies on the affected group and further research towards the long-term impacts of the recommendations could be conducted.

# 1 INTRODUCTION

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## 1.1 Background

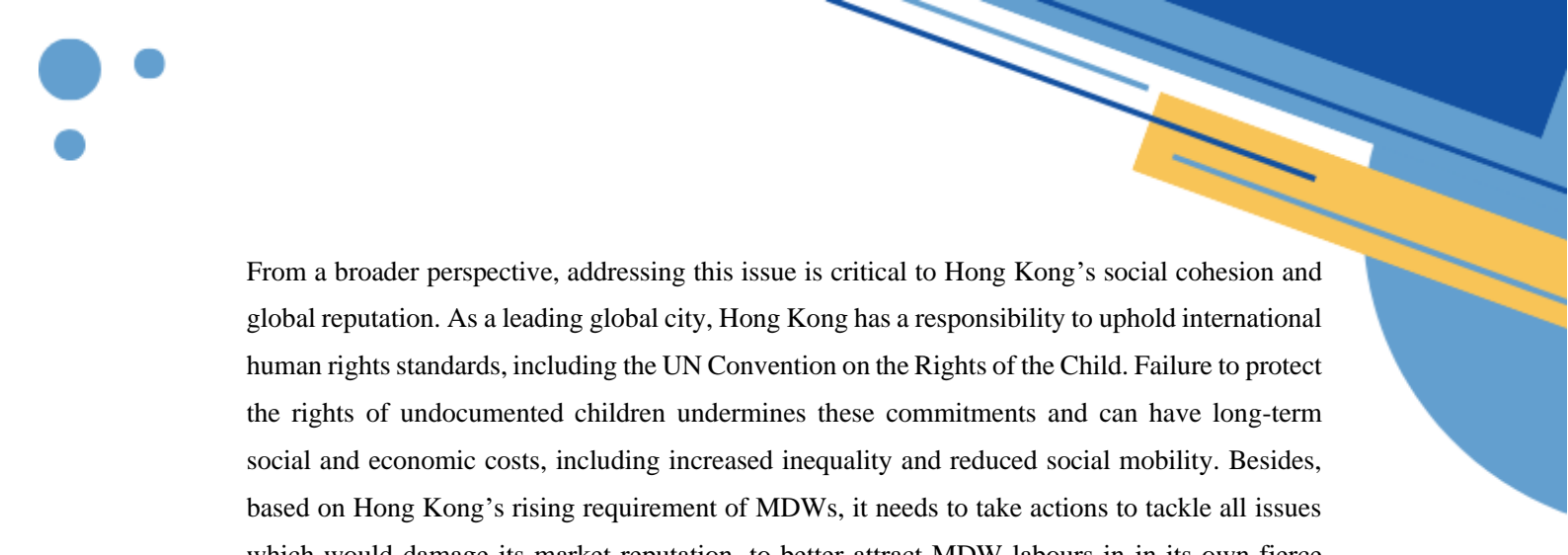
Coming from the Philippines, Indonesia, and other countries, migrant domestic workers (MDWs) are an essential but vulnerable group in today's Hong Kong. The current total population of MDWs in Hong Kong is approximately 340,000, which will further increase to 600,000 in 2047 in prediction, and over 90% of MDWs are at child-bearing age. Unfortunately, due to the lack of reproductive health knowledge and their traditional value, many MDWs would get pregnant and become mothers during their working process (PathFinders, n.d.). Meanwhile, the Hong Kong government's strict policies on immigration and stay towards MDWs, as well as the employers' and other residents' interests, both make the situation for MDW mothers and their children even more difficult.

While abundant research and studies focusing on Hong Kong MDW groups' pregnancy and childbirth have been published previously, there is little attention on their children, especially those undocumented ones who are marginalized from mainstream society.

## 1.2 Problem Statement

The central policy problem explored in this study is the lack of social security and human rights protection for undocumented children born to dismissed MDWs in Hong Kong, who are excluded from public healthcare, education, and legal residence, perpetuating a cycle of poverty and marginalization.

The issue of undocumented children born to MDWs is not only a legal or administrative challenge, but also a pressing human rights issue with far-reaching social and economic implications. These children are a vulnerable population deprived of basic rights and opportunities, hindering their development and perpetuating the cycle of poverty. Moreover, the exclusion of these children from public services puts additional pressure on non-governmental and humanitarian organizations to fill the gaps left by inadequate government policies.



From a broader perspective, addressing this issue is critical to Hong Kong's social cohesion and global reputation. As a leading global city, Hong Kong has a responsibility to uphold international human rights standards, including the UN Convention on the Rights of the Child. Failure to protect the rights of undocumented children undermines these commitments and can have long-term social and economic costs, including increased inequality and reduced social mobility. Besides, based on Hong Kong's rising requirement of MDWs, it needs to take actions to tackle all issues which would damage its market reputation, to better attract MDW labours in its own fierce competition with other prominent MDW markets such as Taiwan and Singapore.

### 1.3 Research Objectives and Scope of Analysis

The main objective of this study is to identify and assess alternative policies that could fill the social security gap for undocumented children born to MDWs in Hong Kong. Specifically, the analysis aims to improve access to social services for the children concerned, strengthen legal protection, and promote social integration.

The scope of the analysis includes an exploration and comparative analysis of international best practices in child protection, as well as surveys and interviews targeting key stakeholders, including MDWs, employers, non-governmental organizations (NGOs), and policymakers, to ensure that the proposed solutions are both feasible and impactful. More importantly, we will combine our client PathFinders' on-the-ground experience with first-hand accounts to promote acceptance by policymakers of policy recommendations and workable solutions to policy problems. In doing so, we will break down the limitations of Pathfinders' role as an NGO and further strengthen the protection of undocumented children and their families.

In the following sections, literature review about policy problem, methodology of the field survey, analysis of the data collected in the field survey, possible alternative policies, evaluation of the alternatives, as well as final conclusion and recommendation will be demonstrated.

### 1.4 Research Significance

This project would provide an in-depth analysis about undocumented children of MDWs in Hong Kong in an academic scope, as well as corresponding policy recommendations as PathFinders' proposal reference, thus helping PathFinders better participate in relevant policy agenda and promote systemic change for this policy problem.

## 2 PROBLEM FRAMING

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The happening of the policy problem of MDWs' undocumented children in Hong Kong is an extremely complicated process. Under Hong Kong's immigration regulations and policies, the immigration status of a child is usually linked to the status of the father or the mother (PathFinders, n.d.), so it is necessary to first elaborate on the change in status that MDWs might face as the undocumented children's mothers.

In Hong Kong, MDWs are mainly responsible for household works in the employer's home. They live in the employer's home and do not have an off-work time in the traditional sense, being expected to carry out household chores throughout the working day. Considering such working conditions, most MDWs would avoid getting pregnant during the contract period despite the fact that the law in Hong Kong prohibits dismissal of MDWs on the ground of pregnancy (Labour Department, 2024), as their work efficiency during pregnancy would not be able to meet the needs of their employers, and their pregnancy would need to put their employers at risk of personal accidents; also, how to accommodate their children after birth would also be a problem.

However, the possibility of MDWs becoming pregnant during the contract period still exists, and most of them are accidents. Pregnancy may occur in Hong Kong, for example, during MDWs' weekly rest days or statutory holidays, or during their special leave period called "Home Leave", during which they will return to their own countries (HelperPlace, 2025). Because of the time it takes for pregnancy to be discovered, it is common for MDWs to be aware of their pregnancy after they have returned to work from their leave. While a few employers may choose to continue employing MDWs after knowing about MDWs' pregnancy, allow them to take maternity leave in accordance with the law, and assist them in childbirth and childcare, many other employers tend to terminate their contracts with pregnant MDWs immediately in a legal way, either by negotiating for compensation for a portion of the unpaid salary, or by finding other reasons for dismissal reasons for dismissal, and then hire a new MDW (refer to Appendix H).

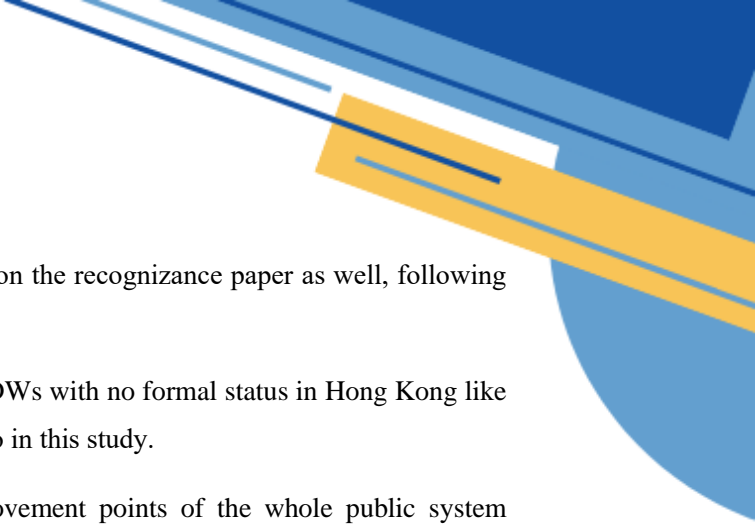

The problem lies in the fact that the visa that enables MDWs to legally stay in Hong Kong is tied to their employment. When MDWs lose their jobs, they have to find new employers within 2 weeks or their Hong Kong visas will no longer be valid (Labour Department, 2024). However,

similar to the above logic, it is very difficult for pregnant MDWs to find a new employer who is willing to employ them during their pregnancy. Faced with the near future of visa expiry, they need to choose whether to return to their home country to give birth, or to try to stay in Hong Kong and give birth despite the risk of overstaying, and those who choose to stay in Hong Kong and are unsuccessful in finding a new employer within the 2-week period will become overstayers.

Unemployed pregnant MDWs choose to stay in Hong Kong for various reasons. This might be because they intend to stay in Hong Kong in search of better economic opportunities, or because they cannot face the stigma in their home societies against those who got pregnant out of wedlock or by accident, or else because they encounter some dangers from their own family, etc. (refer to Appendix H). These MDW mothers-to-be who have overstayed need to obtain a recognizance paper from the Hong Kong Immigration Department (IMMD) by applying for recognizance paper to temporarily avoid immigration detention and repatriation, thus remaining in Hong Kong (PathFinders, n.d.).

Recognizance paper is not a kind of visa but only an alternative to detention for overstayers in Hong Kong, and it could not legalize holders' stay in Hong Kong or grant them any rights including working (UNHCR Hong Kong, n.d.). One of the ways to get the recognizance paper is claiming against IMMD for non-refoulement protection (Immigration Department, 2021), which is a mechanism similar in effect to asylum, and could suspend or stop the repatriation of foreign refugee claimants who have been subjected to torture or persecution and provide the claimants with a certain amount of humanitarian assistance (UNHCR, 2023), but the approval rate of non-refoulement claims in Hong Kong is extremely low to approximately 1% (Press Release, 2020). Recognizance paper will be given to each claimant, which serves as an informal permission of stay during the review period. For the paper holders, due to the strict prohibition of work, their entire income solely depends on the humanitarian assistance provided by International Social Service Hong Kong Branch (ISS HK), which is entrusted by the Hong Kong government (International Social Service Hong Kong Branch, n.d.). The assistance encompasses food, rent, utilities, transportation, and other basic necessities. If calculated at the highest rate, a dismissed MDW with one undocumented child could only receive HK\$4240 per month. (refer to Appendix A).

For the children of MDWs, even if their mothers are working, they will not be able to obtain a dependent visa in Hong Kong, but rather a "permit to remain" (refer to Appendix I), which serves as the formal official document. However, once MDW mothers lose her job and becomes an overstayer, as just analysed, and avoids deportation temporarily by relying on an informal recognizance paper, the children born during this period literally could not obtain a "permit to



remain” in Hong Kong, and will also have to rely on the recognizance paper as well, following their mothers (refer to Appendix I).

In conclusion, the children born to unemployed MDWs with no formal status in Hong Kong like this are just what “undocumented children” refers to in this study.

In order to further investigate the possible improvement points of the whole public system covering these undocumented children and their mothers, comprehensive literature review will be conducted in the next chapter, to find references of handling methods of the policy problem in other jurisdictions.



# 3 LITERATURE REVIEW

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For better forming comprehensive understanding about how Hong Kong's current public system is doing in handling the policy problem of undocumented children born by MDWs, what inadequacy is existing in the system, what special social conditions have limited the change of the system, and what kinds of improvements of the system are feasible in reference of other countries and regions in the near future, similar cases outside Hong Kong, international conventions, and general regulations for undocumented children in other countries have been selected and analysed in the following sections.

## 3.1 Comparative Study among Hong Kong, Taiwan, and Singapore

A comparative study has been conducted among laws and policies related to MDWs' children in Hong Kong, Taiwan, and Singapore, due to their similarity in social and cultural environment.

There are a few similar points related to MDW employment in Hong Kong, Taiwan, and Singapore, providing the foundation of making the comparison. First, being 3 of the Four Asian Tigers, these 3 countries or regions have made high achievements of economic development through similar ways at the same time period in East Asia, thus having a similar social background of receiving migrants from relatively undeveloped Southeast Asian regions, and forming similar mechanism of women's migration for marriage and domestic labour. Second, the worsening degree of ageing, as well as the filial tradition against placing the elderly in nursing homes, both put the unique demand of hiring MDWs on a significant rise in these 3 jurisdictions so far and in the future, while shaping the way of interaction between MDWs and host families. Third, MDWs in the 3 countries or regions all face a certain degree of exclusion regarding citizenship and reproductive rights, which brings risks to their children's legal residence and basic rights in these destinations of work and migration for MDWs (Cheng & Choo, 2015).

Please refer to Appendix B for the whole comparison table.



### 3.1.1 Taiwan

In Taiwan, Citizenship acquisition is mainly by blood. Children can gain nationality when parent(s) were nationals with registered permanent residence in the Taiwan Area at the time of children's birth (Ministry of the Interior National Immigration Agency, 2024).

For the residency of MDWs in Taiwan, caregivers as part of MDWs can apply for permanent residency after 5-year working as intermediate skilled manpower (Everington, 2022). When turning to temporary remain after being dismissed, MDWs staying in Taiwan for more than 2 months after expiry or termination of their contracts are regarded as overstayers (Huang & Liang, 2023). For the children, foreign workers' children can acquire alien residence certificates with birth certificates if their parent(s) has temporary or permanent alien residence certificates when giving birth (Ministry of the Interior National Immigration Agency, 2022); Children whose parents have disappeared can be naturalized and later adopted domestically in Taiwan or other countries (Wang & Lin, 2023).

For MDW pregnancy and childbirth in Taiwan, arbitrarily dismissing migrant workers and forcing them to leave the country because of their pregnancy and childbirth is illegal (Ministry of Labour, 2021), and there are mechanisms like decontracting verification, employer changing, and temporary suspension of employer changing to protect pregnant migrant workers (The Control Yuan, 2022).

For social security mechanism protecting undocumented children in Taiwan, children with alien residence certificates are covered by the National Health Insurance Program. The local government reimburses medical expenses for newborns abandoned by migrant mothers and cooperates with local NGOs to house undocumented children. Undocumented children can be admitted to public schools as temporary students but cannot receive formal academic and graduation certificates (Wang & Lin, 2023).

### 3.1.2 Singapore

In Singapore, the citizenship acquisition is combined with permanent residency acquisition. Children under the age of 21 can be legally adopted by a Singapore citizen or permanent resident to obtain the appropriate status. Other ordinary foreigners need to obtain status through marriage to a citizen or permanent resident or have a high level of skills (Immigration & Checkpoints Authority, 2024).

But MDWs in Singapore have a special category of visa with strict application requirements. For their residency as well as their children, they generally cannot apply for citizenship or

permanent residence status, except when married to Singapore citizens/permanent residents or their children are legally adopted (Ministry of Manpower, 2024).

For MDW pregnancy and childbirth in Singapore, all the female foreign employees including MDWs are not allowed to become pregnant or give birth in Singapore during and after the validity period of their work permit. To ensure this, MDWs are required to undergo a health examination every 6 months, including a pregnancy examination, and both the hospital and the employer must report detected pregnancies (Ministry of Manpower, 2024).

For social security mechanism protecting undocumented children in Singapore, stateless children and youth can get healthcare subsidies through the Medical Fee Exemption Card and can contact hospital's Medical Social Workers. Stateless students can enrol in mainstream schools and tertiary institutions if they meet admission conditions and can seek school - based aid and financial aid from social service agencies. For those with genuine housing difficulties, HDB will work with relevant agencies to provide assistance (Immigration & Checkpoints Authority, 2024).

## 3.2 United Nation's International Convention

As frameworks admitted and adopted by most of the countries and regions in the world providing universal human rights principles and solutions of human right problem, United Nation's (UN's) international conventions are probably the most authoritative and contributory reference materials for a country or region's law and policy making. For the policy problem of MDW's undocumented children in Hong Kong, 2 conventions are highly relevant and worth learning.

### 3.2.1 Convention on the Rights of the Child

The "Convention on the Rights of the Child" is a crucial international convention adopted by the UN General Assembly in 1989 and effective in 1990. It has outlined a comprehensive set of rights of children under 18, including the basic right to life, non-discrimination, and the best interest principle in all actions concerning children, while also covering other rights related to family, education, health, social security, and protection from exploitation, abuse, and violence.

Although this convention has not particularly emphasized the protection of children in the context of migration, it is easy to infer how it could apply to this kind of children. For the rights to birth registration and documentation, jurisdictions should provide related public services no matter what their or their parents' migration status are, eliminate practical

hindrance such as mandatory checking of parents' identity documents and data sharing among hospitals, registration department and immigration department, as well as adopt flexible dealing measures such as allowing late registration and identity restoration; for the rights to health, jurisdictions should consider more about mobile families, expand coverage of primary health services to migrant children, and ensure healthcare providers' sensitivity of these children's culture background; for the rights to education, provide equal access to all levels of education for all children including migrant children, integrate content against xenophobia and discrimination into curricula, as well as separate educational institutions and immigration authorities. (International Organization for Migration, n.d.)

### 3.2.2 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

The “International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families” was adopted by the UN General Assembly in 1990. It has prohibited discrimination and sets out a wide range of rights of migrant workers and their families, including civil and political rights like the right to life, freedom from torture, and freedom of thought; economic and social rights such as equal treatment in employment, access to social security and education; and family-related rights like family reunification. Specially, documented or regular-situation migrant workers enjoy additional rights, and specific categories of migrant workers have their own sets of rights.

In this convention, Article 29 and 30 had claimed that countries and regions should protect the rights of each child of migrant workers of having a name, birth registration and nationality, and these children's rights of accepting education based on having equal treatment with other nationals should be ensured, no matter whether they or their migrant worker parents have a normal working or residency status (OHCHR, 1990).

## **3.3 General Regulations with Reference Value for Undocumented Children in Other Countries**

### 3.3.1 Canada

Section 25 of Canada's Immigration and Refugee Protection Act allows undocumented families to apply for temporary residence on “humanitarian and compassionate” grounds (Justice Laws Website, 2024). Although the overall approval rate is low, there are still

successful cases (Meurrenson Immigration, 2024). However, the lengthy approval process (18-24 months) still puts children at risk of being out of school for long periods of time.

### 3.3.2 Germany

Article 4 of the German Nationality Act provides that a child born in Germany to a parent who has been legally residing in the country for 5 years and who holds permanent residency automatically acquires German nationality (Federal Office of Justice, 2024). Stateless children can obtain residence through the asylum procedure and benefit from free health care and education (Federal Office of Justice, n.d.). However, the high threshold for status change (8 years of legal residence required) makes it difficult for most undocumented families to meet the conditions, and the policy has limited coverage.

After finishing the comprehensive literature review, it has been found that Hong Kong's public system towards the policy problem of MDW's undocumented children is relatively rigorous towards identity, but protection for their basic rights such as living, healthcare, and education has been explicitly stated by the government and NGO collaborators.

Except for existing international cases and regulation references, field survey and first-hand data analysis within Hong Kong are also necessary to dive deep into the real implementation status of the protection. In the next chapter, the methodology adopted by the fieldwork study conducted in this research will be introduced in detail.

# 4 RESEARCH METHODOLOGY

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## 4.1 Overview of Methodology

This research methodology employed a mixed-methods approach of fieldwork study, to comprehensively understand the challenges faced by undocumented children and their dismissed MDW mothers as caregivers. By integrating both quantitative and qualitative research methods, the study aimed to gather extensive data and insights that informed policy analysis and recommendations. The following sections outline the specific components of the research methodology.

### 4.1.1 Quantitative Research

The quantitative research aimed to collect data on the challenges faced by female MDWs and their children in Hong Kong. This was achieved through a structured questionnaire designed to gather insights on various issues, including social, legal, and identity challenges. Approximately 60 valid responses were collected, targeting female MDWs as the primary group. The questionnaire was distributed in person at venues where MDWs gathered and shared through MDW community groups facilitated by our client, PathFinders, and other relevant NGOs to encourage participation and enhance response rates. Once the surveys were collected, the data was analysed using statistical software. This analysis included descriptive statistics to summarize the data, hypothesis testing to explore relationships between variables, and regression analysis to identify patterns and trends within the data.

### 4.1.2 Qualitative Research

The qualitative research phase was designed to provide in-depth insights into the actual situations and challenges faced by undocumented children and their caregivers. This involved conducting in-depth interviews with four key stakeholder groups: MDWs, employers, policymakers (mainly targeted at Hong Kong's Legislative Council Members), and NGO staff. By engaging with these diverse perspectives, the research aimed to capture the complexities of the experiences and challenges encountered by each group. The interviews were carefully documented and analysed to extract meaningful insights, allowing for a nuanced

understanding of the issues at hand. This qualitative data complemented the quantitative findings, providing a richer context for the research.

#### 4.1.3 Mixed Methods Integration

The integration of mixed methods was crucial for achieving a comprehensive analysis of the research findings. This phase involved merging the quantitative survey data with the qualitative insights obtained from the interviews. By combining these 2 data sources, the research provided a holistic view of the issues affecting undocumented children and their caregivers. Cross-validation techniques were employed to ensure the consistency and reliability of the results, enhancing the overall credibility of the findings. Additionally, thematic analysis was conducted to identify common themes and patterns across both qualitative and quantitative data, facilitating a more profound understanding of the policy problem.

In conclusion, this mixed-methods research methodology was designed to provide a comprehensive understanding of the challenges faced by undocumented children and their caregivers. By integrating quantitative data with qualitative insights, the study sought to inform policy analysis and improve existing frameworks. The findings from this research contributed to a deeper understanding of the issues at hand and offered practical recommendations for enhancing the support and protections available to this vulnerable population.

## **4.2 Questionnaire Design for Quantitative Research**

### 4.2.1 Purpose

The questionnaire aimed to investigate the various issues faced by children of MDWs in Hong Kong, with a particular focus on the experiences and perspectives of female MDWs (refer to Appendix C). As the number of MDWs in Hong Kong continued to rise, related social, legal, and identity issues had become increasingly prominent. By collecting MDWs' general opinions through this questionnaire, data support could be for proving the existence of the policy problem, thus promoting policy-making and social services to improve the living conditions of MDWs and their children. The structured and quantitative design of the questionnaire enabled us to gather broad and representative data, allowing for the rapid collection of opinions from large number of participants, which facilitated statistical analysis and comparison.

#### 4.2.2 Pre-Survey

To enhance the robustness of the questionnaire design, a pre-survey has been conducted in the early stage, with 30 responses collected. This pre-survey helped identify and rectify potential issues within the questionnaire, and guided the revision of the questionnaire design, which ensured the questionnaire's validity and reliability for the formal survey. The data gathered from this pre-survey was exclusively utilized for refining the questionnaire design and was not included in the final data analysis or conclusions.

The pre-survey employed a purposive sampling method to ensure a diverse representation of respondents. Participants were selected based on specific criteria relevant to the study, such as their status as MDWs in Hong Kong. Efforts were made to include respondents from various nationalities, age groups, and lengths of employment to capture a wide range of experiences and perspectives.

#### 4.2.3 Formal Survey

##### (a) Questionnaire Distribution

The electronic questionnaire has been randomly distributed through in-person channel, taking place at venues where MDWs commonly gathered, including sidewalks, pedestrian bridges, shopping malls, community centres, squares, churches, and public parks in Central, Wan Chai, and Sai Ying Pun, particularly on weekends when MDWs are available. Members of the research team have been responsible to answer any doubts from respondents, as well as explain all the questions and options in the questionnaires, to make sure respondents' well understanding about the questionnaires.

##### (b) Sample Size

Approximately 60 valid responses have been collected in the formal survey from female MDWs. The actual sample size has exceeded the recommended sample size by the expert from the client, Pathfiners, and has made significance contribution to gathering of meaningful insights, while ensuring that the data represented the population under study.

#### 4.2.4 Structure and Design Rationale of the Questionnaire

The questionnaire has been structured into several sections to comprehensively understand the various issues faced by female MDWs and their children.



First, the “Basic Information” section collected respondents’ age, nationality, and duration of work in Hong Kong, allowing the research team to analyse the perspectives and experiences of female MDWs from different backgrounds.

Next, the “Awareness of the Phenomenon of MDW Children” section assessed respondents’ understanding of the situation regarding MDWs having children while working in Hong Kong, thereby identifying the practical challenges they faced in their lives and work.

Then, the “Understanding of the Identity Issues of MDW Children” section investigated female MDWs’ awareness of identity challenges faced by their children, helping to evaluate their needs regarding legal and social services; the “Attitudes Towards MDWs and Their Children” section assessed their views on themselves and their children, reflecting their position in society and the difficulties they encountered; the “Social Impact” section explored their perceptions of the impact of MDW children on Hong Kong society, gathering insights on their societal standing; the “Policy Recommendations” section collected female MDWs’ opinions on measures the government should take and their expectations for future policy changes.

#### 4.2.5 Significance of the Questionnaire for the Research

The significance of this questionnaire specifically pertained to its role in advancing our research on the issues faced by female MDWs and their children in Hong Kong. Here are the key points highlighting its importance to the research:

- (a) **Understanding the Context:** The questionnaire served as a foundational tool for gathering essential data that helped the research team understand the social, economic, and legal contexts affecting female MDWs and their children. This understanding was crucial for framing the policy problem and objective of the research.
- (b) **Identifying Key Issues:** By systematically collecting information on various aspects of the lives of female MDWs, the questionnaire helped the research team identify the most pressing issues they faced, such as identity challenges, access to services, and societal attitudes. This identification was critical for focusing the whole research on areas that required urgent attention.
- (c) **Data Collection for Analysis:** The structured format of the questionnaire allowed for the collection of quantitative data that could be analysed statistically. This data provided empirical evidence to support the research findings, enhancing the credibility and reliability of the conclusion.
- (d) **Informing Policy Recommendations:** Insights gained from the questionnaire directly informed our policy recommendations. By understanding the needs and perspectives of



female MDWs, the research team could propose actionable and evidence-based solutions aimed at improving conditions and rights of dismissed MDWs and their undocumented children in Hong Kong.

- (e) Enhancing the Research Framework: The insights from the questionnaire complemented qualitative data collected through interviews, allowing for a more comprehensive analysis. This mixed-methods approach strengthened the research framework, providing a richer understanding of the lived experiences of female MDWs.

In summary, the questionnaire was a vital component of the whole research, as it not only facilitated the collection of critical data but also informed our understanding, analysis, and recommendations regarding the issues faced by dismissed female MDWs and their undocumented children in Hong Kong.

## 4.3 Interview Design for Qualitative Research

### 4.3.1 Purpose

The interviews have been aimed to gather qualitative information on the experiences and challenges faced by MDWs and their children, particularly those facing undocumented problem. Compared to the quantitative approach of the questionnaire, the interviews have provided in-depth qualitative narratives that captured the complexity of MDW experiences and the nature of undocumented children's situations. The interviews have collected data on MDWs' experiences with work and childrearing, employers' perspectives, the attitudes of NGOs supporting MDWs, and the perspectives of policymakers, for following comprehensively analysis.

### 4.3.2 Target Participants and Sample Size

The interviews have been aimed to cover 4 key stakeholder groups involved in the policy problem: MDWs, employers of MDWs, policymakers and NGOs.

- (a) MDWs: 2 different interview outlines have been designed for MDWs with children and for those without children, which helped to provide a comprehensive view of MDWs' experiences. Key topics included personal particulars, country of origin, duration of work in Hong Kong, marriage and parenting conditions, children's access to public services, and future plans and concerns for children. Interviewees were encouraged to share additional thoughts to enrich the discussion.
- (b) Employers of MDWs: The interview outline has been designed to explore the experiences and challenges faced by employers of MDWs in Hong Kong. It has included sections on

demographic information and employment history, experiences and reactions to MDWs becoming pregnant, perceptions of MDWs' rights, and the challenges related to raising children. Additionally, the outline has addressed employers' concerns about the implications of MDWs having children, the support provided during and after pregnancy, and gaps in resources. Finally, it has sought employers' opinions on current policies affecting MDWs and suggestions for improvements to enhance support for them and their families.

- (c) Policymakers: Considering the difficulty in contacting Hong Kong government officials, the interviews have targeted at members of the Legislative Council. The interviews have aimed to explore the process and issues affecting the development of policies for protecting the rights of undocumented children. The main topics have included personal background, background of protection policies for undocumented children, policy implementation effects and improvement suggestions, and cooperation with social organizations.
- (d) NGOs: The client of this research, PathFinders, is one of the most influential NGOs in the MDW support network. Interviews with its staffs could provide insights into third-party descriptions of undocumented children and the support services available to MDWs and their children. The main topics of interviews with the staffs have included personal information, the current situation of undocumented children, organizational work content, obtaining government and social support, as well as improvement plans and attention to the future of undocumented children. Because Pathfinders was a tightly structured small to medium-sized organization, sufficient information could be obtained by interviewing fewer samples.

In total, 2 MDWs, 2 employers, 1 Hong Kong Legislative Council member, and 2 PathFinders' staffs have been deeply interviewed by the research team.

#### 4.3.3 Structure and Design Rationale

The interviews were semi-structured, allowing for flexibility in questions to adapt to the interview process while ensuring that sensitive topics and legal issues related to undocumented children were approached with care. All interviews were conducted ethically and confidentially to ensure participants felt safe sharing their experiences. The information collected contributed to a deeper understanding of the challenges faced by MDWs and their undocumented children, ultimately aiding in our analysis and policy recommendations.

The interviews mainly involved 2 aspects. The first aspect was personal background, which was to collect the interviewee's name, age, nationality, and other demographic information.

The second aspect was to gain a comprehensive understanding of the actual situation of MDW and undocumented children in Hong Kong from different perspectives. In practice, the interview outlines were modified according to the different identities of the interviewees. For example, for the 2 MDWs and their employers, interviews mainly focused on the details of personal past and actual experiences; Regarding PathFinders' staff, the research team mainly inquired about the specific services provided by the organization for MDWs and their undocumented children; For the councillor, interview focused more on current policies and the implementation process. The third aspect was to understand the concerns and specific suggestions of different interviewees regarding the protection of undocumented children in the future, in order to help the research team propose policy alternatives.

#### 4.3.4 Significance of the Interviews for the Research

- (a) In-Depth Understanding: Interviews provided deep insights that quantitative surveys could not and illustrated the full picture of MDWs' life experiences. The semi-structured format allowed interviewers to adjust questions and ask follow-up questions based on the timely feedback from interviewees. This approach ensured a deep understanding of respondents' true meanings, especially on sensitive topics.
- (b) Analysing Core problems: Interviews served as the basis for further analysis. Analysing qualitative interview data, coding, and creating thematic categories helped identify core issues and their root causes that could not be illustrated through surveys alone.
- (c) Driving Policy Recommendations: The opinions of employers, NGO staff and policymakers provided insights into specific policy ideas and drove the proposal of policy alternatives. Interviews with policymakers also provided a valuable reference for possible policy alternatives.

In the next chapter, quantitative and qualitative data collected according to the above methodology are comprehensively analysed, to provide more in-depth scope of understanding of the policy problem and part of the support evidence for the formation of alternatives.

# 5 DATA FINDINGS AND SUMMARY

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## 5.1 Descriptive Statistics for Survey Data

As section 4.2 mentioned, survey for MDWs mainly consisted of 3 themes: personal information, perceptions, as well as attitudes and opinions to MDWs' children born in Hong Kong. Please refer to Appendix H for all descriptive statistics of the survey data, which would be basically introduced below.

The personal information section surveyed MDWs on their age, nationality, and length of time working in Hong Kong. More than 70% of the respondents (71.67%) were of childbearing age, and 80% of them were from the Philippines. Meanwhile, nearly half of the respondents (48.33%) have been working in Hong Kong for 7 years or more, while about 18.33% have been working in Hong Kong for less than 1 year.

The second section focused on MDWs' knowledge and related perceptions of their peers giving birth in Hong Kong. The results showed polarized views: 71.66% of the respondents indicated that they were "very/quite aware/somewhat aware" of the phenomenon, while 26.67% of the respondents indicated that they were "not aware at all". At the same time, 70% considered the phenomenon "very/quite common", which proved that the possibility of MDWs facing difficulties after giving birth in Hong Kong existed, including the problem of undocumented children. About 2/3 (66.67%) were aware of the identity challenges faced by children, but 20% were "not at all aware".

The third section focused on MDWs' attitudes and opinions towards children's right of abode, social friendliness, and future policy expectations. On residency rights, the proportion of respondents expecting full residency rights for MDWs' children was not overwhelmingly high. 43.33% of the respondents supported full right of abode (permanent residency) for children of MDWs, 30% were in favour of temporary right, 5% were against any right, and 21.67% remained undecided. Besides, more than 90% of respondents express understanding and support for MDWs' children living in Hong Kong. 50% considered Hong Kong society to be "very friendly", while only 3.34% considered it "unfriendly". For the expectation of

help from the HK government, respondents' policy needs centred on free medical care (38 votes), education (31 votes), financial assistance (25 votes), and language courses (24 votes).

In summary, the respondents of this survey were predominantly Filipino women of childbearing age. The data showed that perceptions of the situation of MDWs giving birth to children in Hong Kong varied greatly within the group, and attitudes towards the right of stay in HK of these children were diverse. However, most respondents perceived the Hong Kong community to be friendly, with policy demands focused on livelihood areas such as healthcare, education, and financial assistance.

## 5.2 Stakeholder Perspective Summary for Interview Data

Through in-depth interviews introduced in section 4.3, perspectives of different stakeholder groups have been collected, and the following is the detailed summaries.

Hong Kong's reliance on MDWs as essential labour collides starkly with systemic policies that deny their—and their children's—basic rights to belonging. Interviews with stakeholders expose a fragmented ecosystem. MDWs, trapped between cultural ostracization in their home countries and legal precarity in Hong Kong, navigate impossible decisions: risk deportation by overstaying to protect unborn children from stigma, or return home to face social and economic ruin. Employers, while acknowledging reproductive rights in theory, prioritize labour efficiency, framing pregnancies as liabilities that disrupt household productivity.

The Hong Kong government entrenches this exclusion through legal frameworks. By tethering children's residency to mothers' temporary visas and dismissing cultural stigma as grounds for asylum, it institutionalizes statelessness. NGOs like PathFinders operate within these constraints, offering lifelines through legal aid and healthcare access, yet their impact is throttled by bureaucratic inertia and societal ambivalence. Public sympathy fluctuates between compassion for vulnerable children and resentment over perceived resource competition.

Table 1: Coding Table Based on Interviews with Different Stakeholders

Stakeholder	Coding	Content Summary
1-MDW	1.1-Fertility Intentions	Rarely consider giving birth in Hong Kong; in case of unplanned pregnancy, prefer returning to home country.
1-MDW	1.2-dentity Dilemmas	Limited risk awareness and policy awareness regarding their status and rights.

2-Empolyer	2.1-Attitudes towards Employment	Understand MDWs' situations but worry about associated accidents; tend to terminate employment contracts
2-Empolyer	2.2-Policy Stances	Oppose granting MDWs the right of abode; only accept limited public services for MDWs.
3-Policymaker	3.1-Legal Interpretations	Clearly state MDWs' children have no right of abode, distinguishing from "doubly non-permanent resident children" (children born in Hong Kong whose parents are Mainland China citizens were able to gain permanent residency in Hong Kong until 2013 [Xinhua Net, 2013]).
3-Policymaker	3.2-Policy Stances	Oppose MDWs giving birth in Hong Kong; advocate maintaining the status quo without proactive intervention.
4-NGO	4.1-Service Content	Provide assistance with identity documents, temporary residency, and financial support.
4-NGO	4.2-Systemic Barriers	Highlight barriers in education, medical care, and delays in administrative procedures.
4-NGO	4.3-Recommendations	Propose public publicity, improving employers' legal awareness, and strengthening MDWs' protection during childbirth.

Please refer to Appendix I for the original interview data and the whole process of thematic analysis.

#### 5.2.1 MDW Perspective

First of all, there are the practical dilemmas in fertility decision-making and issues of identity belonging. Both of the interviewed MDWs showed a cautious attitude towards giving birth in Hong Kong. Based on their existing cognition and experience, there are 2 core considerations regarding this issue: Firstly, there is the ambiguity of identity belonging. They are clearly aware of the identity limitations as "visitors" rather than permanent residents. Even though it is difficult for them to imagine the substantial problems they may encounter when giving birth in Hong Kong, giving birth in their own countries is still a necessary choice, and they will not take risks.



Moreover, there is the economic pressure. MDW 2 said, “*(Income) is the one thing important for being a human, (and) everything (is expensive in Hong Kong)*”. The high cost of living in Hong Kong stands in sharp contrast to their limited income, and the requirements of their live-in service work make it almost impossible to raise children in Hong Kong. Such a “preventive avoidance” psychological mechanism leads MDWs to choose their home countries even in the case of an unplanned pregnancy, which to some extent reflects the vulnerability of migrant workers in cross-border mobility.

Secondly, there is the ambiguity of parenting responsibilities and the support system. One of the 2 interviewed MDWs believed that the fathers should bear the main responsibility for raising the children of MDWs who are accidentally born or remain in Hong Kong. Otherwise, they need to seek help through informal channels such as relatives, friends, and fellow villagers who are also working in Hong Kong. The other one proposed that the Hong Kong government should assume part of the responsibility, as the presence of MDWs has contributed to Hong Kong, “*Because I work here, the government (also) have to take care of children.*” (MDW 1).

Despite the differences in their viewpoints, generally speaking, they have limited understanding of the existing policy support. Constrained by their cognitive levels, it is difficult for them to conceive and judge potential risks. Such cognitive ambiguity highlights, from the side, the insufficient dissemination of relevant policy information and the isolated state of the MDW group in the absence of systematic support.

Finally, there are the policy awareness of the MDW group and the structural barriers. MDWs’ understanding of the policies for protecting their relevant rights and interests shows obvious characteristics of fragmentation. On the one hand, they have heard about certain specific policies (such as subsidies for those who marry Hong Kong residents), while on the other hand, they lack a systematic understanding of the overall legal framework. This cognitive limitation is not accidental but is the result of both the inadequate policy publicity and education and the limited information acquisition channels of MDWs themselves.

It is particularly noteworthy that there is a contradiction in their evaluation of the existing policies: they both think that certain assistance is “sufficient” and point out that the actual needs have not been met. When asked about the relevant policies, most of their answers were “*I don’t know.*” This contradictory attitude actually reflects the dislocation between the policy design and the needs of the group, leaving them passive and uncertain when making important decisions.

### 5.2.2 Employer Perspective

The pregnancy and children-related issues of MDWs have led to different attitudes and reactions from employers, along with thoughts on policy suggestions. Two employers have offered their views and evaluations regarding the pregnancy of MDWs, their right to residence, and social policies.

Employers generally oppose the pregnancy and childbirth of MDWs during their employment. They commonly express concerns and consider it troublesome, while some employers also show understanding of the reproductive rights of MDWs.

The underlying concern for worries is based on two aspects. Firstly, there is a concern that pregnancy will affect the work performance of MDWs. MDWs' work mainly includes housework, child-caring, and food provision. Pregnancy during work will prevent them from being suitable for some of the heavy household tasks. This is why many employers find it troublesome. For example, both Employer 1 and Employer 2 express such concerns: *"Let's say I have a very young baby at home, or I have a very old person at home, and I really need a MDW to give 100% of her strength to do things, well, then I definitely can't accept that."* *"Even if you talk about such basic housework as mopping the floor, you are also worried that her belly is not convenient."* Secondly, there is the concern that pregnancy would make MDWs prone to unpredictable accidental risks at home and bring potential troubles to the employer's family. For instance, Employer 2 stated, *"Because she's the one who takes care of my daily life. I'm really worried that she might have an accident... It's inconvenient for her when she has a big belly... she stays in my home 24 hours a day, and I need to take responsibility for her. If anything goes wrong, I will bear a great deal of responsibility."* Employer 1 also believe that the potential caregiving responsibility for the employer that comes with pregnancy is a thorny issue: *"I'm hiring someone to come to solve problems, I'm not hiring someone to come and create problems for me."*

On the other hand, some employers also understand that pregnancy is a natural right of MDWs that cannot be deprived. The pregnancy and childbirth of MDWs are human rights and labour rights that need to be respected. Despite the trouble it may cause, Employer 1 expresses *"I just think that since it has happened, then it has happened, because after all, it's just humanitarianism, you can't deprive people of this right."*

Legal restrictions and attitudes can influence the choices employers make in real-life situations. Although Hong Kong law stipulates that employers cannot terminate the employment agreement with MDWs on the grounds of pregnancy, there is still actually some room for manoeuvre. For employers who are worried and resist the pregnancy of MDWs, they



may choose to dismiss the MDWs on other grounds. For example, a friend of Employer 2 chose to dismiss an MDW due to pregnancy and provided financial compensation. *“So (that friend) immediately gave her what was left of the salary, which seemed to be for a whole year, and then fired her right way, asking her to go home immediately.”* However, for employers who are worried but respect the rights of MDWs, negotiation is a more commonly used approach. *“I definitely will have to communicate with the MDW about her willingness. If she is willing to stay and continue to work and give birth to this child in Hong Kong, then I will definitely assist her. Then if she wishes to go back home and needs her family to take care of her, then I will fulfil her request.”* In this case, MDWs have more room for negotiation and initiative, and can choose whether to give birth and in which country. However, the employer may not renew the agreement when it expires.

However, regardless of how they choose to handle the pregnancy issue of MDWs, employers believe that MDWs will face significant challenges, especially financially, when giving birth and raising children in Hong Kong. Both employers consider giving birth in their home countries a wise choice instead of giving birth in Hong Kong. Employer 1 expresses *“The wise MDW should be the one that negotiates with the employer in the first place, takes a lump sum and then goes back to give birth.”*

Regarding the right of residence of MDWs, employers oppose granting MDWs eligible for permanent residency and may think that it is meaningless for MDWs to apply for an extension of visa without valid reasons. In terms of permanent residency rights, employers have expressed considerations related to the talent threshold for permanent residency status, policy consequences, and social demographics. Employers oppose granting MDWs permanent residency solely based on their working years. They believe that permanent residency should be based on the scarcity of talents, and the skills of MDWs are not scarce. Moreover, MDWs may slack off after obtaining permanent residency. Employer 1 said that *“I don’t think it’s reasonable to measure residency by the number of years they work, anyway. If you don’t do it, someone else will. Unless it’s really scarce. You can do what others cannot... once they have the identity, they will slack off.”* Employer 2 also supports restricting MDWs from obtaining permanent residence. They believe that this will affect the population structure and social stability of Hong Kong. *“I think Hong Kong currently favours talents like high-level talents and quality talents...the overall quality of the population in Hong Kong will be dragged down.”*

Employers have also put forward their own suggestions regarding public policies and public services related to MDWs and their children. Firstly, some employers have called for better

tracking of MDWs' situations, that is, social workers can be arranged to understand the actual situations of MDWs and enhance the understanding of them by the government and society.

At the same time, both employers oppose providing additional government asylum or more subsidies for undocumented children, because they believe that this may encourage negative outcomes, that is, more MDWs will stay illegally, and the workers should be responsible for their own reproductive decisions. *"Giving too much is tantamount to encouraging them to stay through this channel or to have more children."* Employer 1 believes that minimal supporting services can be provided for the legal children of MDWs on a case-by-case basis, and MDWs should pay part of the cost for the service. *"This should be a little bit less than the minimum needs. Just because the government is funding MDW doesn't mean they can rest on these. Well, even for the child-caring service, there is a little bit of a requirement, that is, MDW may have to bear some of the costs and there is no free ride."*

Both employers emphasize the legality and equity of policy support and social services. Undocumented children should not have access to public services as it is unfair to those who are legally staying and contributing more to society. Employer 2 also believes that social resources should be given priority to local residents, and they do not approve of the government providing additional support for the children of MDWs.

In addition, Employer 1 also stresses the necessity of cooperation between the government and NGOs. *"The government has to manage too many things, it is impossible to manage so detailed, so specific, right? So, these are some civil society organizations that may need to discuss this issue, then in the process of this discussion, both sides will have the opportunity to reach a consensus."*

These views of employers reflect the complexity of issues related to MDWs and their children in the labour relationship with employers, involving trade-offs and considerations in many aspects such as law, policy, and social services. It requires the government and all sectors of society to jointly explore more reasonable solutions.

### 5.2.3 Policymaker Perspective

The issues surrounding MDWs and their children in Hong Kong are intricate and of great significance in the realm of social policies. The interviewed councillor, representing the government's stance, delved deep into this topic, with a focus on maintaining social order, safeguarding local residents' rights, and optimizing resource allocation.

To understand the government's approach, it's essential to start from the very foundation: the legal framework established by the Basic Law. The Basic Law serves as the bedrock for

handling matters related to MDWs and their children. As the councillor pointed out, children born to MDWs *“definitely do not meet the conditions for living in Hong Kong. Their stay in Hong Kong is illegal. According to Hong Kong law, they should be sent back to their parents’ home countries.”* This legal stipulation is far-reaching. It doesn’t merely define the status of MDWs’ children; it sets the stage for all subsequent policies and social responses. In a city like Hong Kong, where resources are finite, a clear-cut definition of the right of abode is crucial. It ensures that scarce resources such as education, healthcare, and housing are allocated preferentially to local residents. This not only upholds the rights of the local population but also maintains social stability. Without this clear legal demarcation, there would be chaos in resource distribution, leading to potential social unrest.

Once the legal status is determined, it naturally leads to the handling of MDWs’ child-related social issues. The councillor’s view that *“Many MDWs have difficulties in giving birth and raising children, that’s their own business”* is a direct result of the established legal framework. MDWs come to Hong Kong with the primary purpose of providing domestic services, and their employment is of a short-term nature. In contrast, the local social welfare system is structured to meet the long-term needs of local residents. If the government were to offer excessive support to MDWs’ child-rearing efforts, it would likely disrupt the delicate balance of resource allocation. For example, it could lead to overcrowding in schools and hospitals, reducing the quality of services available to local residents. Moreover, since MDWs are well aware that their children won’t have the right of abode in Hong Kong when they come to work here, their requests for government aid lack a solid legal and practical basis. Therefore, the government’s decision to adhere to existing policies is a rational one, aiming to maintain the authority and consistency of the policy system.

Policy stability is the cornerstone of a well-functioning society, and this is particularly true for Hong Kong. When considering policy evaluation and improvement, the councillor’s statement, *“it’s not about which policies can be changed, but which policies have the motivation to be changed. Now there is actually no motivation to change the policy,”* becomes highly relevant. Existing policies have, over time, managed to strike a balance among various interests. Any hasty change, such as relaxing the right-of-abode policy for MDWs’ children, could have far-reaching consequences. It could attract a large number of MDWs to have children in Hong Kong, burdening public resources like never before. This would not only strain the education and healthcare systems but also impact local residents’ employment opportunities and overall quality of life. Regarding cooperation with NGOs, the government’s strategy of *“tacitly allow[ing] NGOs to do some things”* while maintaining control is a calculated move. It allows the government to leverage the unique capabilities of NGOs to

address some social issues, such as providing limited support to MDWs in need, without sacrificing policy stability or control.

Another crucial aspect is the comparison between Hong Kong's and Taiwan region's policies, with resource allocation being the key differentiator. As the councillor mentioned, "*The local resources in Hong Kong are insufficient. It's not reasonable to provide education for illegally resident people.*" Hong Kong, in its pursuit of sustainable development, needs to prioritize the rights of legal workers and their families. High-end talents play a vital role in driving the local economy forward. By allocating resources to them and their children, Hong Kong can enhance its competitiveness on the global stage. On the other hand, due to the short-term nature of MDWs' employment, providing extensive resources to their children is not a sustainable option. This approach ensures that resources are used efficiently, maximizing their impact on local development.

In summary, the councillor's insights provide a comprehensive view of the government's approach to MDW-related issues. By carefully considering legal, social, and resource-related factors in a sequential and interconnected manner, the government aims to balance the interests of different groups. This approach reflects not only the government's short-term management strategies but also its long-term vision for Hong Kong's sustainable development. It includes fostering a stable and attractive environment for high-end talents, ensuring the efficient delivery of public services, and promoting social harmony by avoiding resource-related conflicts.

#### 5.2.4 NGO Perspective

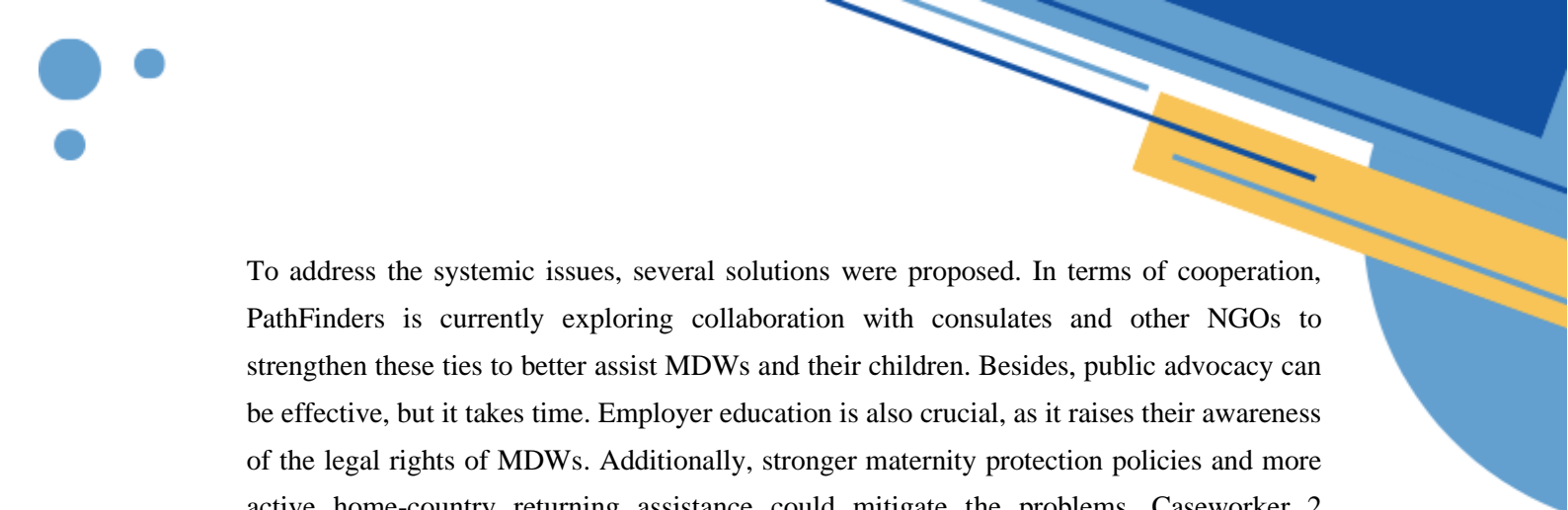
In Hong Kong, the issue of MDWs and their undocumented children are complex but hidden. Due to their status as a vulnerable group and their sensitive nature at the fringes of the law, it is very difficult to understand and study the issue in depth. Through interviews with 2 social workers (caseworkers) with rich frontline experience, this complex topic is extracted and elaborated in detail from the work of PathFinders, the dilemmas faced by MDWs and their children, the attitudes of the community as well as feasible paths to solving the problem.

PathFinders works in a variety of areas to help MDWs and their children. First and foremost, it helps children of MDWs born in Hong Kong obtain legal identity documents, including "*Hong Kong certificates within 42 days of birth and registering at the respective consulate and securing a valid travel document*". This work is crucial as it determines the children's legal status and access to various services. Second, PathFinders also actively works with other stakeholders (HK Immigration Department, consulates, local Hong Kong and MDW home country NGOs) to obtain temporary residency and provide return assistance to MDWs and

their children. For example, when a mother is faced with a situation where her visa is about to expire and her child's passport is not ready, the organization steps in to help. These services are very effective for them to cope with the complexity of the administrative system and approval process, as they face language and legal barriers. Finally, PathFinders also provides financial support to MDWs in emergency situations., such as *"the cost of Hong Kong birth certificate .....the emergency fees to ensure their children remain healthy"*. This financial assistance eases the pressure on MDWs during difficult times, while also avoiding delays in the child's birth certificate due to inability to settle hospital bills, ultimately *"affecting the child's eligibility for support"*.

MDWs and their children also face considerable challenges. In terms of employment, MDWs are at a disadvantage. Employers tend to be more vocal in contract negotiations, whereas *"MDWs may not know their rights, or even if they do, employers may terminate their contracts"*, which leads to a high risk of them losing their jobs due to pregnancy. This in turn can lead to them and their children losing eligibility for valid visas and access to low-cost public healthcare. Returning to their home country is also not an easy decision for unemployed and pregnant MDWs. Hong Kong law requires MDWs who are laid off to return to their home countries within two weeks. And Caseworker 2 mentioned in the interview that *"many mothers fear returning home pregnant, especially if the father of the child is absent or unmarried, because of the stigma that would be attached"*. But they cannot legally work to earn a salary to pay the basic bills for themselves and their children in HK, and the short two-week period is not enough for them to properly deal with the birth. In addition to MDWs themselves, undocumented children face a range of obstacles in practice. In terms of health care, *"undocumented children must pay for immunization which should be free for them"*. In education, *"children are unable to attend school because the Education Bureau requires a valid visa or approval from Immigration"*. These challenges are exacerbated by administrative and legal barriers, as Caseworker 1 mentioned in the interview that an undocumented child was unable to attend school on time because of delays in approval from Immigration.

In terms of social attitudes, the current Hong Kong society has different views on MDWs and undocumented children. Caseworker 1 said that *"in the community and among the public ..... some express compassion .....what others feel is a sense of helplessness"*. Caseworker 2, from the perspective of the media, mentioned that *"mainstream media often portray asylum seekers negatively, but some show compassion"*. This in fact reflects that there are differences in the degree of awareness and concern of the Hong Kong society towards this issue, and a unified positive attitude has yet to be formed.



To address the systemic issues, several solutions were proposed. In terms of cooperation, PathFinders is currently exploring collaboration with consulates and other NGOs to strengthen these ties to better assist MDWs and their children. Besides, public advocacy can be effective, but it takes time. Employer education is also crucial, as it raises their awareness of the legal rights of MDWs. Additionally, stronger maternity protection policies and more active home-country returning assistance could mitigate the problems. Caseworker 2 mentioned that *“Hong Kong could improve maternity protections to prevent job terminations and overstaying, addressing root causes”* and *“positive home country returning assistance should gather the participation of the home country side to reduce the difficulties faced by MDWs and their children in home country, such as discrimination and social isolation.”*

In conclusion, MDWs and undocumented children in Hong Kong are in a complex situation and face many challenges in terms of employment, healthcare, education, and social acceptance. While PathFinders has played an important role in providing assistance, much still remains to be done. Interviews with two caseworkers provided an entry point for deeper understanding of the issue and revealed the reality of the dilemma of solving it.



# 6 PROBLEM ANALYSIS

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In order to better understand the reality of the policy problem, and to form adequate and suitable policy alternatives, following 3 sub-themes need to be analysed, focusing among all the data from literature review and fieldwork conducted in previous chapters.

Policy alternatives for any policy problems basically have 2 goals at the same time, one is to make some improvement towards the problem, the other is to try to balance interests of various stakeholders.

For the former goal, the analysis in Section 6.1 might give some insights for upstream alternatives of the policy problem, that how could the problem be prevented at the source before happening; and the analysis in Section 6.2 could provide information for downstream alternatives of the policy problem, that what could be done to reduce the pain and difficulties of the affected group after the occurrence of the problem.

For the latter goal, the analysis in Section 6.3 could specify what policy changes should be pushed forward vigorously, and could be done smoothly without hindrance from any stakeholders; what policy changes might face massive trade-offs and probably involve oppositions by many different categories of stakeholders.

Please refer to Appendix I for the original interview data and the whole process of thematic analysis.

## 6.1 Root Causes of the Policy Problem of MDWs' Undocumented Children

### 6.1.1 Narrow Decision-Making Window: The 2-week Grace Period

MDWs face a structurally compressed timeframe to resolve their legal status after termination, even during pregnancy. Under Hong Kong's immigration rules, MDWs must leave or secure new employment within 14 days of contract termination. This window is woefully insufficient for negotiating with employers, seeking legal counsel, or planning childbirth. As Caseworker 2 explained, "*MDWs who are terminated must return home within 2 weeks per immigration rules... mothers fear returning home pregnant due to stigma.*" The pressure to avoid

unemployment and deportation forces many to prioritize immediate survival over legal compliance, trapping them in undocumented status.

The policy disproportionately penalizes pregnant MDWs, who require extended time for prenatal care and childbirth arrangements. Employer 1 acknowledged this systemic rigidity: *“If she wishes to go back home and needs family to take care of me, then I will fulfill her”*—yet such flexibility is rare. Without formal extensions, mothers risk overstaying, rendering their children stateless by default.

#### 6.1.2 Stigma Against Unplanned Pregnancies in Home Countries

In countries like the Philippines and Indonesia, patriarchal norms and religious conservatism equate unplanned pregnancies with moral failure. For MDWs, returning home pregnant and unmarried risks ostracization, loss of familial support, and economic ruin. MDW 2 articulated this fear: *“In the Philippines, maybe it is more comfortable if I’m gonna be pregnant... but here [in Hong Kong], we’re only visitors.”*

Hong Kong’s non-refoulement framework, designed to protect asylum seekers, fails MDWs fleeing social persecution. The system categorically excludes “cultural stigma” as grounds for refugee status, leaving mothers and children unprotected. Caseworker 2 noted: *“Mothers fear returning home pregnant, especially if the father is absent or unmarried, due to stigma.”* This legal gap forces MDWs into limbo: their children lack kinship networks in Hong Kong and face erasure of cultural identity in their home countries.

#### 6.1.3 The Broken Promise of the “Hong Kong Dream”

While most MDWs arrive in Hong Kong solely for employment, a subset mistakenly conflate childbirth in the city with residency rights, influenced by fragmented information or social media. MDW 2 revealed: *“I heard about MDWs’ maternity problems in Hong Kong through Facebook... but it’s far from real life.”* This misconception mirrors jus soli policies (e.g., the U.S.), but Hong Kong’s legal framework explicitly denies birthright citizenship.

Despite this, some MDWs overstay in hopes of securing a future for their children. Caseworker 1 observed: *“Undocumented children face barriers in accessing education and healthcare... parents who cannot afford this are unable to access basic services.”* The disconnect between expectations and reality—coupled with the lack of formal education on residency laws—perpetuates cycles of illegality.



#### 6.1.4 Weak Enforcement and a Culture of Impunity

The systemic failure to enforce legal protections for MDWs is not merely a regulatory oversight but a structural feature of Hong Kong's labour migration framework. Employers' unchecked power to terminate contracts—exemplified by Employer 1's blunt declaration, "*I will definitely not renew the contract when it expires*"—reveals a system designed to prioritize employer convenience over migrant rights. This power imbalance is institutionalized through asymmetric dependency: MDWs' legal residency hinges entirely on employer sponsorship, rendering them vulnerable to coercion.

The phrase "*prone to unpredictable circumstances*" (Employer 2) epitomizes how employers weaponize vague terminology to justify discriminatory practices. Without penalties for employers who cite non-pregnancy reasons for termination (e.g., "inconvenience"), the policy becomes a hollow gesture. Caseworker 2's observation—"*MDWs may not know their rights*"—underscores how informational asymmetry perpetuates exploitation: employers and agencies control the narrative, while MDWs lack access to legal literacy programs. Besides, there is no specialized channels for MDWs to lodge pregnancy-discrimination complaints.

#### 6.1.5 Legal Tethering of Children's Status to Maternal Visas

Hong Kong's residency framework uniquely ties a child's legal identity to the mother's employment visa, which is a policy starkly contrasting birthright citizenship model. Caseworker 1 explained: "*Children born to MDWs with valid visas have 'permits to remain' matching their mother's contract end date.*" However, if the mother overstays or loses her job, the child's status evaporates.

This dependency creates a permanent state of precarity. Unlike jurisdictions where birth confers citizenship, Hong Kong's policy renders children's "temporary" residents at best. Hong Kong Councillor 1 reinforced this: "*Children born to MDWs do not have the right of abode... their stay is illegal.*" Even documented children face barriers: Caseworker 1 noted that schools require "*approval from the immigration department,*" often delayed or denied.

The structural flaw is further compounded by consular inefficiencies. For example, Caseworker 1 described a child's passport application stalled due to a missing marriage certificate. Without legal detachment from maternal visas, children remain hostages to their mothers' transient status.

## 6.2 Challenges for Dismissed MDW Mothers and Their Undocumented Children from the Policy Problem

### 6.2.1 Legal Ambiguity and Barriers to Service Access

The legal status of MDWs and their children in Hong Kong remains profoundly ambiguous, a legacy of the territory's colonial-era legal framework. Under the Immigration Ordinance, MDWs are legally required to hold employment-specific visas and are explicitly prohibited from bringing dependents to Hong Kong for residency. However, the ordinance contains no explicit provisions governing the legal status of children born to MDWs during their employment, creating a critical gap filled by administrative discretion. Children are often treated as mere “incidents” of their parents' temporary employment rather than individuals with inherent legal protections.

Current mechanisms for legal residency, such as recognizance papers and temporary stay arrangements, are inherently temporary and discretionary. These ad hoc solutions lack statutory clarity, leaving families in a perpetual state of uncertainty. For example, temporary stay permits are granted on a case-by-case basis, with no guarantee of renewal or a path to permanency, forcing children and parents to navigate a labyrinth of bureaucratic unpredictability. This instability is compounded by the absence of a unified legal framework, as administrative decisions vary widely across cases, leaving families vulnerable to abrupt changes in status.

In healthcare, MDWs and their children are excluded from subsidized services under the Hospital Authority Ordinance. Non-residents pay private rates for public hospital care—according to the Hospital Authority's fee adjustment effective from April 1, 2024, HK\$445 for a routine outpatient visit for non-eligible persons (non-Hong Kong residents, excluding certain non-permanent residents like MDWs with Hong Kong ID cards and overseas students), and HK\$4,680 per day for a hospital stay in a general ward, as per the suggestions put forward by the Hospital Authority of Hong Kong. In contrast, permanent residents only need to pay HK\$50 for a routine outpatient visit and HK\$120 per day for a hospital stay. These costs create a dangerous dilemma for families.

Housing policies further marginalize MDW families. The Housing Ordinance requires seven years of continuous residency to apply for public housing, effectively excluding MDWs and their children. Homeless MDWs with children often sleep in 24-hour fast-food restaurants or rely on overcrowded NGO shelters, where high occupancy rates leave little room for stability.

This instability disrupts children's education and mental health, as frequent relocations make it difficult to attend school regularly or form secure attachments.

The psychological toll of this legal limbo cannot be overstated. MDWs live in constant fear of deportation for “overstaying,” even when their children were born in Hong Kong. This fear discourages them from seeking help. The legal vacuum surrounding MDWs' children creates a cycle of exclusion: ambiguous laws → arbitrary administrative decisions → denial of public services → intergenerational marginalization. Unlike other migrant groups, MDWs and their families are treated as temporary labour appendages rather than members of Hong Kong's social fabric. This legal ambiguity is further compounded by systemic policy neglect, as governance frameworks fail to address the practical implications of unclear laws for MDWs and their families.

#### 6.2.2 Systemic Policy Neglect and Institutional Governance Failures

Hong Kong's governance of MDWs and their undocumented children is defined by systemic policy neglect and institutional inefficiencies, with four interrelated challenges driving vulnerability: policy neglect, institutional inexperience, administrative delays, and inadequate financial support.

Policy neglect is evident in legal frameworks that explicitly prioritize labour management over rights. The Immigration Ordinance denies permanent residency to MDWs and their children regardless of time spent in Hong Kong, while government officials dismiss related challenges as non-issues due to low public debate, framing MDWs as temporary labour rather than rights-bearing residents. This indifference is reflected in the absence of proactive policy reviews, such as assessing the impact of pregnancy-related contract terminations or undocumented children's access to services.

Institutional inexperience manifests in the lack of standardized operating procedures (SOPs) and cross-departmental coordination. Pregnant MDWs facing termination encounter arbitrary visa decisions due to the absence of clear guidelines. Responsibilities for MDWs are fragmented across Labour, Immigration, Education, and Social Welfare departments, leading to uncoordinated processes—for example, undocumented children's birth certificate applications stall due to mismatches between hospitals and immigration offices, while school enrolment requires vague “immigration approval” with no interdepartmental oversight. NGOs like PathFinders often step in to bridge communication gaps, highlighting the government's failure to establish cohesive support systems.

Administrative delays act as structural barriers, weaponizing process against vulnerable groups. Undocumented children face prolonged waits for birth certificates due to bureaucratic mismatches and unpaid medical bills, delaying access to education and healthcare. Pregnant MDWs have only two weeks to secure new employment or leave Hong Kong after termination, a timeframe impractical for those needing medical or legal support. Asylum seekers, including MDWs, endure protracted vetting with low approval rates, leaving families in limbo. Vague “immigration approval” requirements for school enrolment and healthcare further entrench uncertainty, with no public criteria or timelines for decisions.

Inadequate financial support compounds these challenges, as the government provides no standardized subsidies for critical processes like non-repatriation applications. MDWs rely on NGOs like PathFinders to cover birth certificate fees and emergency medical costs, while pregnant MDWs who lose jobs face financial desperation, prohibited from working during legal proceedings. Undocumented children bear high costs for public healthcare, inaccessible to families with limited resources, and MDWs’ salaries are insufficient to raise children in Hong Kong, creating a cycle of economic vulnerability.

These challenges are interconnected: policy neglect enables institutional inaction, which fuels administrative delays and justifies financial austerity. The result is a governance model that perpetuates exclusion, denying MDWs and their children education, healthcare, and legal security through systemic design. Addressing this requires recognizing these failures as structural rather than incidental, and rebuilding policies that prioritize human rights over temporary labour management.

### 6.2.3 The Dual Crisis in Employment

The employment situation of MDWs in Hong Kong is characterized by a dual crisis that severely undermines their livelihoods and well-being.

The first prong of this dual crisis is the high level of institutional dependency, primarily manifested through the strict linkage between MDWs’ visas and a single employer, leaving MDWs in an “all-or-nothing” position: as noted by Employer 2, contract termination over pregnancy concerns is common due to fears that “*there are some discomforts in pregnancy... will definitely affect a lot of housework*” (refer to Appendix I). This binding arrangement creates a precarious situation where any termination of the employment contract, whether justified or not, immediately thrusts MDWs into a state of vulnerability. Since the visa is contingent upon the employment relationship, the terminated MDW then faces the imminent threat of deportation. With only a short period, typically 14 days, to either secure a new employer or leave Hong Kong, the psychological and practical stress on MDWs is

overwhelming. This time constraint severely limits their ability to search for alternative employment in a market that is often already biased against them, especially those with undocumented children. The fear of deportation acts as a powerful deterrent, forcing FDWs to tolerate substandard working conditions and unfair treatment, as they cannot afford the risk of job loss. As MDW 2 highlighted: *“If we don’t have our career... Then how can we raise properly our family or children? [Income] is the one thing important for being a human, [and] everything [is expensive in Hong Kong]”* (refer to Appendix I).

The second aspect of the dual crisis emerges when MDWs become unemployed. During this period, they are prohibited from engaging in legal employment in Hong Kong. This leaves them with two unappealing options: either turn to the informal labour market, which is notorious for its exploitative nature, or rely on the assistance of NGOs. The informal labour market offers meagre wages, long hours, and no legal protections. MDWs in this situation are often at the mercy of unscrupulous employers who take advantage of their desperate circumstances. On the other hand, relying on NGOs provides only temporary relief and is not a sustainable solution for long-term economic stability. The inability to work legally while unemployed not only deepens their economic hardship but also traps them in a cycle of vulnerability, as they may be forced into illegal activities out of sheer desperation to survive. This further stigmatizes them and makes it even more difficult to reintegrate into the formal employment sector in the future.

In summary, the dual crisis in employment—the institutional-induced deportation risk upon job loss and the subsequent legal exclusion from the labour market during unemployment—forms a vicious cycle that perpetuates the marginalization and exploitation of MDWs in Hong Kong.

#### 6.2.4 Low Social Awareness and Public Opposition

Negative stereotypes and limited public understanding pose profound barriers for MDWs and their undocumented children in Hong Kong, with these challenges rooted in a self-reinforcing cycle of media framing, public misconceptions, and institutional inertia.

Mainstream media consistently portrays MDWs as “temporary workers,” a framing that reinforces the perception of them and their children as “outsiders” rather than integral members of Hong Kong’s social fabric. As Employer 2 observed, *“The whole society’s attitude towards foreign domestic helpers... is that they don’t think these helpers will become Hong Kong people...[and] don’t consider them as a permanent group”* (refer to Appendix I). This narrative not only undermines their social inclusion but also justifies institutional neglect. For instance, undocumented children face bureaucratic hurdles in education, such as requiring

immigration approval for school enrolment (refer to Appendix I), a policy that implicitly reflects systemic reluctance to integrate them into public services.

Public attitudes toward undocumented children are shaped by a toxic mix of misinformation and socioeconomic anxieties. The stance of a Hong Kong Councillor—who deemed the issue “*not a policy problem*” due to low public debate (refer to Appendix I)—highlights how societal indifference normalizes neglect. This apathy is further entrenched in debates over MDWs’ rights, as seen in the 2011 – 2013 legal battle over permanent residency. In December 2010, three MDWs represented by legal aid filed a judicial review challenging the Immigration Ordinance’s restriction on permanent residency for workers with seven years of continuous employment, arguing it contradicted Article 24 of the Basic Law’s definition of permanent residents. The case ignited fierce public opposition, with surveys showing that the majority feared it would trigger an influx of workers and families, straining public healthcare, housing, and welfare systems while altering the city’s demographic landscape. This opposition reflected not just prejudice but also legitimate anxieties about resource competition, creating a volatile mix of moral and pragmatic resistance.

The Hong Kong Court of Final Appeal’s unanimous rejection of the MDWs’ appeal in March 2013—based on the rationale that their residency did not qualify as “ordinarily resident” under Article 24 (2) and (4)—crystallized societal biases in legal form. Even after seven years of residence, MDWs were denied permanent status, a ruling that reinforced their “temporary” legal identity. This outcome underscores how public sentiment influences institutional decisions: the lack of political will to challenge popular prejudice perpetuates systemic exclusion. These policies are not explicit acts of malice but implicit endorsements of the societal belief that MDWs and their families are “temporary guests”, not rights-bearing members of the community.

At the core of this crisis is a self-reinforcing loop: media narratives depict MDWs as outsiders, fuelling public anxiety about resources and cultural change, which in turn prompts institutions to codify exclusion through laws and policies, thereby validating social stigma and perpetuating neglect. This cycle thrives in an environment of low social awareness, where debates about MDWs’ rights are framed as threats to the “common good” rather than questions of justice.

#### 6.2.5 Conclusion: The Interconnected Challenges and Vicious Cycle

MDWs and their children in Hong Kong are ensnared in a vicious cycle of legal ambiguity, policy failures, employment precarity, and social prejudice. Colonial-era legal frameworks reduce MDWs to temporary labourers, with their children’s legal status left undefined,



thereby blocking access to essential public services and creating perpetual uncertainty about residency. Policy fragmentation and a focus on labour control over human rights further entrench this exclusion: residency is tied to individual employers, leaving MDWs vulnerable to abrupt deportation risks upon job loss, while bureaucratic delays and lack of financial support amplify daily survival struggles. Economically, low wages combined with high living costs force MDWs to make impossible choices, often leaving them unable to afford basic needs for themselves and their children. Socially, media portrayals and public misconceptions frame MDWs as outsiders, legitimizing institutional discrimination that is codified in laws and policies, such as restrictive interpretations of permanent residency.

This cycle is self-reinforcing: legal gaps enable policy neglect, which in turn drives dual crisis in employment, while societal stigma provides cover for continued exclusion. The result is a structural system that treats migrant labour as disposable, condemning MDWs and their children to a life of intergenerational instability where fundamental rights are systematically denied.

## 6.3 Analysis of Consensus and Non-consensus among Stakeholders on the Issue of MDWs and Undocumented Children in Hong Kong

### 6.3.1 MDW Pregnancy and Childbirth in Hong Kong

Although MDWs have the legal right to give birth in Hong Kong, key stakeholders show unified opposition against MDWs becoming pregnant and giving birth in Hong Kong from different rationales and interests.

MDWs' disapproval of pregnancy and childbirth in Hong Kong arise from a pragmatic consideration of the risks of unemployment and financial insecurity. In general, MDWs are in a relatively disadvantaged position compared to employers, and pregnancy may expose them to a risk of termination and loss of income; they will also face great difficulty in raising a child in Hong Kong. These consequences deviate from their goal of coming to Hong Kong for better career development and financial advancement. *"Maybe it's better to think twice before giving birth [in Hong Kong]? Because this is not my own country. [For those who might become unemployed, it is] not easy"* (MDW 2).

Employers are also not in favour of MDWs pregnancy and giving birth in Hong Kong because this brings an extra burden to them, which contradicts their interest in MDWs sharing housework and caring for family members. MDW pregnancy can potentially reduce their work efficiency and bring additional health risks, unexpected liabilities and disruption to



family life for employers. Therefore, employers are against MDW childbirth. *“Her giving birth should not happen in Hong Kong.”* (Employer 2) *“The wise MDW are the one that should be negotiating with the employer in the first place, taking a lump sum and then going back to give birth.”* (Employer 1).

Accordingly, legislative councillors prioritize employer interests and align with this pragmatism. While council members acknowledge that childbirth is a legal right of MDWs, there is no incentive for the government to support MDW pregnancy and childbirth, given the opposition of employers. *“From the employers’ perspective, MDWs should not give birth. Of course, giving birth is the freedom of MDWs, but the government will not support it and will not introduce relevant policies.”* (Councillor). The government’s interest is to maintain the status quo and avoid potential conflicts with employer interests, and thus it will not initiate policy support for MDW childbirth.

#### 6.3.2 MDW Eligibility for Permanent Residency in Hong Kong

The legislative councillor and employers oppose granting MDWs eligibility for permanent residency rights. According to Hong Kong Cap. 115 Immigration Ordinance, foreigners who can apply for permanent residency after 7 years of residency in Hong Kong (Hong Kong Immigration Department, 1997). However, unlike other foreign labourers, MDWs under imported labour scheme cannot apply for PR eligibility based on the number of years they have worked.

It is in the Legislative Council’s best interest to maintain the status quo. From the standpoint of the councillor, the type of work visa for MDWs and their ineligibility to apply for permanent residence is already an established policy, as MDWs knowingly come to work in Hong Kong, they agree with this law, and there is no dispute over the policy. Therefore, the government has no incentive to change the policy and no reason to disrupt the existing stable interest pattern.

The employer’s position is consistent with the Legislative Council, and it also invokes a hierarchy of labour value. First, employers hold that the right of permanent residence should be granted to scarce talents in the labour market, such as those who have mastered high-level skills. However, the work of the MDW is framed as replaceable labour, which is less skilled and should not qualify PR eligibility; and if permanent residence is granted to the MDW, it would be unfair to others who have acquired permanent residence with higher skills or greater economic contribution. *“I think this law may also make them more grounded [no other ideas]. He [the law] has told you, [about] permanent residence you can’t think too much, you just*

*come to work well.*” (Employer 2) This consensus reflects a systemic view by legislators and employers that MDWs are temporary contributors rather than potential long-term citizens.

### 6.3.3 Residency Rights for MDWs’ children in Hong Kong

The residency of an MDW child depends on the type of visa held by his or her parents, and if the biological father of the child does not have residency Hong Kong, the status of the child’s residency usually depends on the validity of the mother’s work VISA. In other words, the residential identity of MDW children is linked to the work status of MDW.

There is disagreement among MDWs on this issue. According to the survey results, over 43% of MDW participants consider that MDW children should have permanent residency, while 30% agree with the status quo, that is, children should only have temporary residency.

Both legislators and employers oppose the idea that children of MDWs should also be entitled to residency rights. *“The children of MDWs definitely do not meet the conditions for living in Hong Kong. According to Hong Kong law, they should be sent back to their parents’ home countries.”* (Councillor). The common interests of legislators and employers are to prioritize the protection of the interests of Hong Kong natives and highly skilled individuals who have been granted PR in Hong Kong, and to maintain the high quality of Hong Kong’s population. Furthermore, legislators and employers would like to prevent potential policy abuse of “strategic childbirth”— MDWs who choose to give birth in Hong Kong in order to obtain their children’s right of abode and subsequent benefits. Lastly, this also stems from the motive for the government to reduce the potential expenditure of related government resources.

### 6.3.4 Public Resource Allocation for MDWs and Undocumented Children

Different stakeholders have conflicting views on whether additional public resources should be provided to MDW and undocumented children. As for the MDWs themselves, additional government support in the areas of health care, education and financial assistance is highly appreciated. The survey result shows that over 17% of MDWs consider free health care to be highly appreciated, followed by low-cost schooling opportunities (over 14%), financial assistance, language learning classes, and enforcement of anti-enforcement. All of the above are aimed at addressing the practical challenges in the daily lives of MDW and their children, which is in line with the interests of MDWs for better child development and social inclusion.

As for other stakeholders, legislative councillors and employers do not support the provision of additional public resources for MDWs and their undocumented children, while NGOs hold the opposite view. The interests of legislators and employers are to prioritize the allocation of

limited resources to the local population and to prevent moral hazards and policy abuse, while NGOs advocate for vulnerable groups, especially underage children.

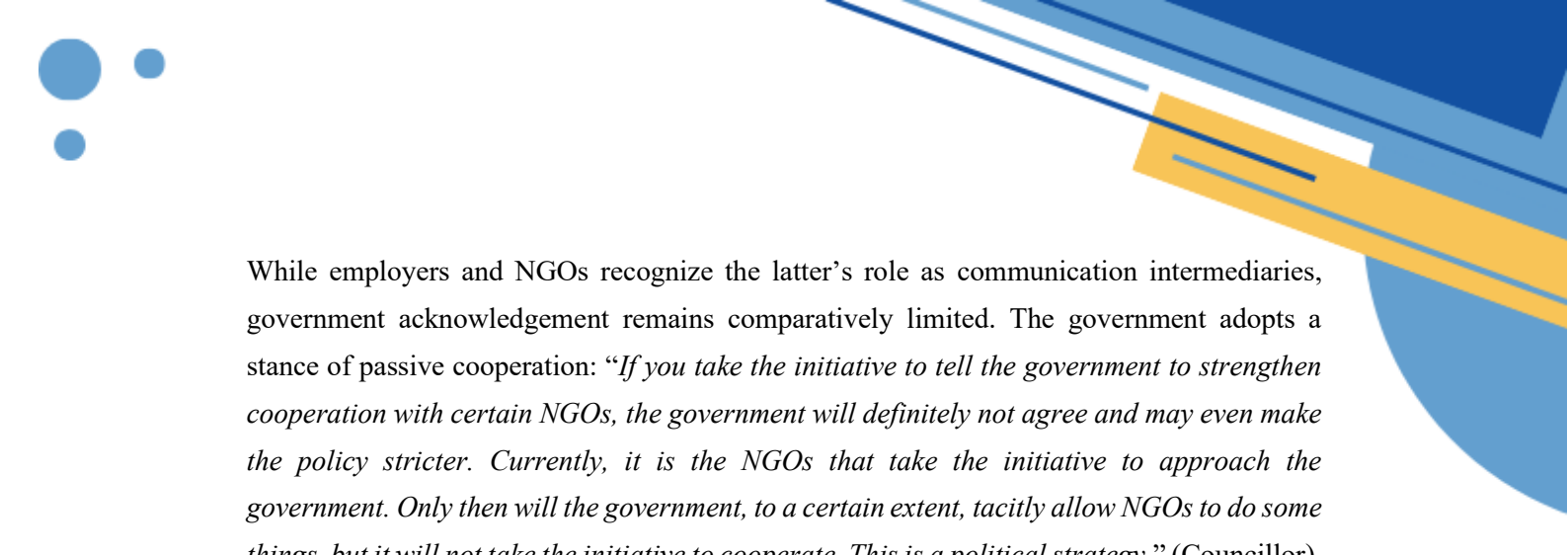
From Legislative council's interest, limited social resources should prioritize local residents and "high contributing" foreign workers, and it do not approve of the government providing additional support for the undocumented children. *"Hong Kong people's money should first guarantee those who work here legally,"* (Councillor). Given Hong Kong's scarce housing and public health resources, allocating extra resources to MDWs and undocumented children could "crowd out" services for other groups. This can also affect the interests of local legal residents, including employers, and this may raise societal disagreements against the policy.

This also stems from the consideration of cost reduction. From the perspective of the Legislative Council and the Government, the policy should be cost-saving and not impose additional costs and resources on the Hong Kong Government. *"Many MDWs have difficulties in giving birth and raising children, that's their own business. We need to reduce costs and can't provide them with too much support."* (Councillor). MDWs should tackle the challenges of raising children through their own efforts.

More importantly, preventing the policy from being abused with possible moral hazards is also a major concern of the Legislative Council and employers. The increased public services can lead to more "strategic birth" of MDWs and abuse of social benefits. Therefore, one of the employers also suggest that if community care services are to be provided for children, they should be minimal, low-cost for the government and the community, and charge for MDWs, so as to prevent MDWs from over-relying on this policy *"The community or social workers may provide some places for them to temporarily take care of the baby. I think this is also OK...This should be a little bit less than the minimum needs. Just because the government is funding MDW doesn't mean they can rest on these."* (Employer 1).

#### 6.3.5 Role of NGOs: Communication Intermediaries

Employers and NGOs recognize the role of NGOs as a bridge of communication to bring about discussions on MDW issues, and to raise public awareness and understanding of MDW and undocumented children. For employers, increased knowledge of these possible situations will help them respond better. For NGOs, partnerships with other NGOs and government departments not only bring more public attention to MDW issues but also urge more influential organizations and departments to join the discussion, which may be able to push for policy changes in the future to better address the practical difficulties faced by MDW. *"NGO advocates for policy changes. Public awareness and collaboration with consulates are key to addressing systemic issues."* (Caseworker 2)



While employers and NGOs recognize the latter's role as communication intermediaries, government acknowledgement remains comparatively limited. The government adopts a stance of passive cooperation: *“If you take the initiative to tell the government to strengthen cooperation with certain NGOs, the government will definitely not agree and may even make the policy stricter. Currently, it is the NGOs that take the initiative to approach the government. Only then will the government, to a certain extent, tacitly allow NGOs to do some things, but it will not take the initiative to cooperate. This is a political strategy.”* (Councillor).

The government's position can be seen as non-initiative cooperation and tacit approval. It will not take the lead in changing policies to provide more assistance to MDWs, nor will it actively cooperate with NGOs on MDW issues, but it will passively allow NGOs to assist MDWs in areas that the government cannot manage. This dynamic shows the government's position of passive approval with little interference in existing interest patterns.

# 7 POLICY ALTERNATIVES

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Based on the literature review and research introduced in the previous chapters, the following 10 alternatives have been proposed. Basically, all the alternatives are policy initiatives for the Hong Kong government. Alternative 1 to 5 are upstream alternatives aiming at preventing the happening of the policy problem of MDWs' undocumented children in Hong Kong, while alternative 6 to 10 are downstream alternatives aiming at mitigating the difficulties faced by undocumented MDWs and their children in Hong Kong after the policy problem happens.

Standing in a neutral position, the alternative framework emphasizes the importance of legal stability, social integration, and access to essential services. Also, detailed contents of all the alternatives have been refined based on professional's seasoned insights from PathFinders.

## 7.1 Upstream Alternatives

In order to successfully prevent the happening of the policy problem at source, upstream alternatives mainly tackle the root causes of the problem analysed by Section 6.1, with reference of interviewees' opinions and regulations in other jurisdictions.

### 7.1.1 Alternative 1: Alignment of Work Permit Duration with Original Contract

#### Length for MDWs

Currently, Children born to MDWs during their valid work permit period would qualify for a "permit to remain" (refer to Appendix I). Unlike traditional dependent visas, which require sponsorship by a resident, the permit to remain grants temporary legal status tied to the parent's valid work permit, ensuring these children can access public healthcare, education, and other essential services without discrimination. However, at present, MDWs' visa would become invalid within 2 weeks after their dismissals in Hong Kong, which could result in the loss of permit to remain for their children.

To address this issue, A central component of this alternative is the introduction of contract-linked work permits, which would remain valid for the full duration of an MDW's initial employment contract—for example, a 2-year contract would secure a 2-year work permit,

regardless of early termination by the employer. During this period, MDWs could seek new employment without losing legal residency, or make comprehensive decision and preparation for going home, eliminating the current “2-week limitation” of MDW’s visa validity that leads many into overstaying or deportation.

To furthermore facilitate smooth transitions for unemployed MDWs, a digital platform established by the government in cooperation with formal employment agencies would match them with verified employers. Both the extended grace period of MDW’s visa validity equal to the original employment contract period, and the digital platform helping shorten MDWs’ unemployment period, would provide breathing room for MDWs’ children facing identity problem, since their mother could secure new contracts more easily, so that the validity of their permits to remain could be renewed with less interruption.

#### 7.1.2 Alternative 2: Enhancement of Employer’s Understanding about Protection Laws of Pregnant MDWs

This policy aims to proactively address systemic gaps in employer understanding of legal protections for pregnant MDWs by fostering a culture of compliance through education, accessible resources, and community collaboration. Recognizing that many employers inadvertently or intentionally violate pregnancy-related labour rights due to limited awareness of legal obligations, the initiative prioritizes prevention over punitive measures.

Employers hiring MDWs must complete a government-accredited online training program, focusing on 3 core areas: 1) Legal prohibitions against pregnancy-based termination under Hong Kong’s Employment Ordinance; 2) Entitlements to 14 weeks of paid maternity leave and protections against indirect discrimination; 3) Useful practices for supporting pregnant workers, including flexible scheduling adjustments and referrals to subsidized prenatal care.

The training, available in multiple languages (e.g., English, Cantonese, Tagalog, Bahasa Indonesia), incorporates interactive case studies simulating real-world scenarios, such as managing temporary medical leave or accommodating physical limitations during pregnancy. Upon completion, employers receive a Compliance Certification valid for 3 years, which is mandatory for initiating or renewing MDW employment contracts. To ensure accessibility, the Labour Department could partner with district community centres to provide regular in-person workshops for employers with limited digital literacy; for the offline MDW employment briefings and information kiosks already been regularly organized by the department, more information sharing on ethical employment practices, such as balancing



household needs with MDWs' health requirements during pregnancy, should be added in the briefings and kiosks.

Additionally, employer peer networks should be established through partnerships with employment agencies and industry associations. In the network, employers who demonstrate exemplary compliance (e.g., voluntarily extending paid leave beyond statutory requirements) could receive public recognition through a “Family-Friendly Employer” certification, enhancing their social reputation and eligibility for future government incentives.

Trained staffs from the government will also conduct regular home visits to employers with pregnant MDWs, offering mediation services to resolve disputes and distributing multilingual pamphlets outlining rights and responsibilities.

### 7.1.3 Alternative 3: Establishment of a Quick Feedback and Complaint

#### Mechanism for Dismissed Pregnant MDWs

Although the Employment Ordinance (Cap. 57) of the Laws of Hong Kong stipulates that it is unlawful for employers to dismiss their pregnant employees. But in practice, many employers will dismiss their pregnant helpers on other grounds. At present, the Labour Department has set up a dedicated hotline for MDWs, but it is only answered by a robot (“1823”) without any full-time staff. And it is the only one among all the hotlines that does not have a full-time staff to answer it. Moreover, “1823” is only available in three languages, namely English, Cantonese and Putonghua, and the services it provides are mainly targeted at employers (such as guidelines on employment, minimum wage, and guidelines on calculating annual leave upon termination of contract), which can hardly meet the needs of MDWs.

Besides, currently, MDW employment dispute cases which are failed to be resolved by Labour Department's conciliation would be referred to the Labour Tribunal or the Minor Employment Claims Adjudication Board for adjudication (Labour Department, 2025). However, in the Minor Employment Claims Adjudication Board, cases are generally accepted within 7 days and hearings are held within 7-10 days; in the Labour Tribunal, cases are generally accepted within 7 days, and hearings are held within 10-30 days and are completed within 30-60 days (Yang, 2013), which might beyond the current 2-week limitation of MDW's visa validity after dismissing, so that MDWs having children would probably encounter undocumented problem if they need to participate in the adjudication.



To protect the rights of MDWs, Hong Kong should strengthen legal supervision and build a complaint mechanism. The Hong Kong Labour Department can establish a simplified and convenient complaint process, such as a complaint hotline available to MDWs, served by multilingual counsellors, to enable pregnant MDWs to report unfair dismissal in a timely manner. There is also a need to accelerate the adjudication of MDW employment disputes, to ensure that cases can be heard within the current 2-week visa limitation. Employers found guilty of unlawful dismissal will face significant fines and possible criminal charges, while wrongfully dismissed MDWs will be offered compensation and reinstatement options, according to the current law.

#### 7.1.4 Alternative 4: Enhancement of MDWs' Awareness of the Risks of Overstaying in Hong Kong

Many MDWs are unaware of visa policies and the serious consequences of overstaying, such as identity barriers and financial hardship. Enhancing their understanding of these risks is crucial to reducing overstaying and preventing the undocumented situation. This alternative aims to increase MDWs' awareness of legal restrictions on overstaying and help them make informed decisions.

4 measures can be taken to implement this alternative. First, the Immigration Department should enhance its distribution of detailed multilingual information to MDWs upon their first entry into Hong Kong, including visa conditions and legal consequences of overstaying. Illustrative examples can also be provided to help convey the challenges associated with overstaying.

Second, community and more social organizations are encouraged to initiate Sunday seminars and educational sessions to further explain Hong Kong's immigration regulations to MDWs and inform them of the potential challenges after overstaying in Hong Kong.

Third, the Hong Kong Labour Department, NGOs working on MDW issues, and the consulates of the Philippines, Indonesia, or relevant agencies should also be encouraged to provide case-based counselling to MDWs who may be uncertain about their options. NGO staff, consulates, and other social agencies can analyse the specific situations of MDWs and help clarify the potential consequences of different choices, and the collaboration among the Hong Kong government and them are helpful to create a safe and supportive environment for MDWs to discuss their concerns.

Finally, the Labour Department can use social media platforms such as Instagram to share engaging educational videos on MDW visas and residency rules to broaden the reach of information. These measures will increase awareness among MDWs and prevent them from making uninformed decisions due to a lack of knowledge, thus reducing overstaying and preventing the undocumented situation in the first place.

#### 7.1.5 Alternative 5: Strengthening of Repatriation Measures

This policy aims to reduce the occurrence of undocumented children through source control and process interception, ensuring that MDWs receive corresponding protections in their home countries rather than in Hong Kong.

Specifically, the issuance of stay documents will be tightened: Currently, the “Recognizance Paper”, issued by the Hong Kong government as a temporary identity document for individuals “awaiting removal” or “subject to deportation orders,” may be misused to extend their stay in Hong Kong. Therefore, stricter conditions will be imposed on MDWs applying for this document, such as requiring proof of urgent healthcare requirements including maternity and facing exact threats from home country, while shortening the approval period (e.g., deciding whether to issue within 72 hours) to minimize opportunities for illegal overstaying. For pregnant former MDWs overstaying but close to delivery, the recognizance paper could be given to them, but should be stopped for continuing to hold the paper as soon as the post-natal care period ends, and be repatriated immediately with their children.

To improve enforcement efficiency, priority repatriation channels will be established through negotiations with major source countries, and stricter entry bans will be imposed on non-compliant MDWs.

### **7.2 Downstream Alternatives**

In order to effectively mitigate the difficulties brought by the policy problem to the affected group, downstream alternatives mainly tackle the challenges from the problem analysed by Section 6.2, with reference of interviewees’ opinions and regulations in other jurisdictions.

#### 7.2.1 Alternative 6: Optimization of Subsidy Standards for Undocumented Children

Currently, there is limited humanitarian assistance available to non-refoulement protection claimants, particularly minors, which makes living in Hong Kong very difficult for them. Therefore, it is recommended that the existing policy framework be adjusted to increase the

basic living allowance for all undocumented children, so as to better safeguard their fundamental subsistence rights during their stay in Hong Kong. However, there are also concerns about moral hazard of “excessive welfare dependency” from employers and government that increasing the amount of assistance to cover basic living expenses would become an encouragement in a disguised form, resulting in a drastically rising number of MDWs voluntarily overstaying and giving birth in Hong Kong. Thus, the adjusted assistance standards should be maintained at a moderate level, ensuring these children receive necessary living support while preventing MDWs from developing excessive welfare dependency and overstaying their visas.

Specifically, the allowance amount will be recalibrated based on Hong Kong’s local price levels and basic living requirements, covering essential expenditures including food and basic medical services, while remaining strictly within the scope of fundamental livelihood support. The allowance distribution will rigorously adhere to current eligibility verification procedures and be directly tied to the repatriation risk assessment mechanism. All allowances will be terminated immediately upon the conclusion of legal proceedings or voluntary withdrawal of the application.

This adjustment aims to strike a balance between humanitarian considerations and immigration management needs, acknowledging the particular vulnerabilities of undocumented children while clearly establishing the temporary and conditional nature of the support. All allowance disbursement records will be incorporated into the government information system to facilitate effective monitoring and policy evaluation.

#### 7.2.2 Alternative 7: Establishment of a Comprehensive Information Guidance Platform for Overstaying MDWs and Their Undocumented Children

As the Hong Kong Labour Department’s MDW Corner website and handbook focus primarily on fundamental issues such as food and accommodation, rest days, and wages, there is a lack of specific information for those facing potential visa issues. A comprehensive online information guidance platform will help overstaying MDWs and their undocumented children in Hong Kong to better understand relevant policies. This platform can fill the gap and help reduce the learning costs associated with navigating complex regulations and application processes for undocumented MDWs. Since this new platform actually serves lawbreakers, and it might also bring risks of encouraging normal MDWs to break the law, its address could be kept private, to which only MDWs facing such difficulties and calling the Labour Department for help could access.

The platform should be multilingual and include several key components. First, it should clearly outline the regulations and application procedures for overstaying MDWs, including what papers can they apply for (e.g., recognizance paper) to avoid IMMD's detention, how to obtain the recognizance paper for their children and themselves, procedures of getting birth certificate for their children, how to get medical fee waivers, how to obtain a school enrolment permit for their children, and other relevant policies and government resources. All related website links and documents should be easily found on the platform. Second, the platform should compile this information into an easy-to-read online brochure, featuring flowcharts to illustrate application processes, required materials, and important instructions in a step-by-step format. Third, an interactive chatbot can be set up to provide answers to common MDW questions, reducing the time spent searching for information. For questions that are not in the database, a human service window can be available, extending traditional phone consultations to online answers for broader access.

In addition, the platform should integrate links to various social assistance resources, categorizing economic aid, material assistance, legal aid, and support services by sources and types, allowing MDWs to quickly find appropriate assistance.

By integrating these components, the proposed platform will significantly reduce the learning costs for undocumented MDWs and help them navigate the administrative process in undocumented-related issues.

### 7.2.3 Alternative 8: Streamlining of Document Issuance for Overstaying MDWs and Their Undocumented Children

The streamlining of the document-issuance process is pivotal for safeguarding the basic rights of MDWs and their children in Hong Kong.

Initially, the Hong Kong government must conduct a meticulous review of all existing relevant documents. By identifying redundant and overlapping requirements, the government can integrate essential information into a single, unified document. For example, combining the permit to remain, the recognizance paper, and education-related documents simplifies the administrative burden on MDWs. The unified document's design should clearly define all rights and entitlements, including access to public healthcare, education enrolment, and legal employment (for authorized MDWs). Incorporating security features guards against forgery.

Concurrently, an online document and service application platform should be developed. This platform must be user-friendly, accessible in languages such as Tagalog and Indonesian, and

available around the clock. It should support electronic submissions, feature automated information verification, and offer real-time tracking of application progress. Of course, standardizing and reducing processing times is equally crucial. Specialized teams within relevant agencies can process urgent applications, such as those due to medical emergencies, within two weeks. Regular applications should be completed within one month.

Finally, regular audits are essential to ensure the system's proper implementation. NGOs, with their close interactions with MDWs and their families, can monitor the system and provide valuable feedback to the government. These comprehensive measures work in tandem to enhance the protection of MDWs and their children's basic rights.

#### 7.2.4 Alternative 9: Promotion of the Participation of Undocumented Children and MDWs in Social Policy-Making

In accordance with Article 12 of the United Nations Convention on the Rights of the Child, promoting the participation of undocumented children and MDWs in social decision-making is not only a moral obligation but also a necessity for a just and well-functioning society. The core objective of this policy is to promote the participation of undocumented children and MDWs in the design, implementation, monitoring and evaluation of social policies that may directly or indirectly affect them as individuals or groups. This includes not only general social welfare policies, but also social service policies that are closely related to their lives, such as those in the areas of education and health care. Undocumented children are often at a disadvantage in terms of social integration and access to public resources, and the current lack of policy impetus for change may be due to the fact that their voices are never heard. Their participation in policy formulation can ensure that policies are more responsive to their actual needs and truly in their interests.

Governments can establish community-based consultative forums. These forums should be organized on a regular basis and provide a safe space where they can express their concerns openly. Professionally trained facilitators who are fluent in multiple languages would ensure smooth communication. In addition, government departments must proactively collect the views of undocumented children and MDWs through questionnaires and online polls when formulating policies involving education, labour security, and other issues closely related to their lives and work. And at the publicizing stage of draft policies, time is reserved for their feedback, so as to truly integrate their voices into the social decision-making process.

### 7.2.5 Alternative 10: Collaboration with Consulates or Governments of MDWs'

#### Home Countries to Enhance Social Acceptance

Enhancement of the social acceptance of MDWs and their children demands a strategic approach involving consulates and home-country governments.

Firstly, the cornerstone of this strategy is regular communication. Hong Kong's relevant departments should hold quarterly or annual meetings with consulates and home-country counterparts. These meetings delve into MDWs' working conditions, covering employment contracts, overtime regulations, and the well-being of their children. This information-sharing is crucial for both sides to understand the situation and plan accordingly. Also, comprehensive joint training programs are essential. They should focus on cultural understanding, teaching local social workers and community leaders about MDWs' cultural nuances. Simultaneously, rights-protection training on Hong Kong's labour laws for MDWs, like anti-discrimination and workplace safety regulations, is provided.

Moreover, joint cultural promotion initiatives also play a vital role. Consulates can team up with local schools, community centres, and art galleries. For example, cultural exhibitions in galleries let MDWs showcase traditional handicrafts. In schools, cultural exchange weeks enable MDWs to share cultural tales, games, and festivals, breaking down cultural barriers. Finally, a reintegration support mechanism is necessary. Home-country governments, in partnership with local Hong Kong NGOs, should offer pre-departure workshops for MDWs. These workshops supply job-hunting advice, educational options for children, and details on home-country social welfare. Consulates can help with children's educational administrative procedures. Through these concerted efforts, the social acceptance of MDWs and their children can be effectively improved.

In the next section, following the policy goal of this research project, multi-dimensional evaluation criteria will be put forward to make a comprehensive evaluation of all the alternatives listed above, which would help distinguish the best alternative or alternative combinations.



# 8 EVALUATION OF ALTERNATIVES

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In this chapter, an evaluation framework has been used to assess the strengths and weaknesses of each policy alternative proposed in Chapter 7. The framework includes 5 criteria: effectiveness, estimated costs, feasibility, equity, and sustainability. The relative weighting of each criterion would also be given for more robust and quantitative evaluation. Based on the comparison of different alternatives' performance on each criterion, the research team will make the final recommendation and give detailed suggestions for its implementation.

## 8.1 Evaluation Criteria

### 8.1.1 Effectiveness

This criterion assesses the extent to which the policy achieves the intended goals of improving the social security conditions of undocumented children. For example, ensuring the legitimacy of their identity, and expanding their access to education, health and care services.

Possible indicators include the coverage of beneficiaries among undocumented MDWs and children, their official documentation granting situation, the assistance provided for accommodation and food, the enhancing extent of educational opportunities for the children, the level of medical support, the capacity and knowledge improvement of different stakeholders in this problem, and so on. Whether the alternative is a fast radical reform or slow incremental change would also be considered.

### 8.1.2 Estimated Cost

This criterion assesses the financial and resource costs associated with the policy. Estimating costs allows policymakers to compare budgets for each policy alternative and assess whether sufficient funding can be obtained from the participants in the alternative.

The estimate encompasses the following dimensions. First, the cost of additional personnel to implement the alternatives; second, the cost of additional humanitarian assistance provided to overstayed MDWs and their undocumented children in the alternatives; third, the invisible cost of organization, cooperation, and the loss due to the trade-offs of each alternative.



### 8.1.3 Feasibility

This criterion assesses the feasibility of each alternative, particularly at the political level. The policy problem of MDWs' undocumented children is intertwined with related laws and regulations. These include complex issues of foreign labour, residency and immigration, and child protection. Policy changes may not be smoothly implemented due to the broader policy network and possible resistance from some stakeholders and agencies.

The measurement of feasibility mainly focuses on the degree of resistance and support for policy alternatives, which could be categorized as strong support, support, neutral, opposition and strong opposition. Notably, resistance or support from some of the parties like employers and the Hong Kong government might bring more intensive impacts to the feasibility of each alternative. Due to their greater political power in Hong Kong.

### 8.1.4 Equity

This criterion assesses the equity among all the stakeholders under the implementation of different alternatives, as there exists many disagreements and interest conflicts between different stakeholders in the policy problem. The ideal policy change should have the best performance in balancing each stakeholder's interest.

Considering the current reality that some actors, such as overstayed MDW mothers and their undocumented children are on the more vulnerable position, the assessment of alternatives based on this criterion could tend to give more consideration to the interests of these vulnerable groups. More aggressively, certain degree of diminution of the interests of vested interested groups by an alternative could also be seen as a plus in the evaluation of this criterion.

### 8.1.5 Sustainability

This criterion assesses the ability of the policy alternative to sustain and adapt to changing circumstances. This not only includes providing ongoing and self-strengthening solutions to the policy problem of MDWs' undocumented children, but also includes consideration of long-term economic and social outcomes, given that the predicted future of consistently requiring more MDWs in Hong Kong.

The evaluation would be based on a comprehensive analysis of several indicators, including the long-term financial viability of policies, recognition and community integration of MDW children, and the flexibility of the policy to adapt to the evolving labour laws, residency regulations and the broader policy and social context, etc.

## 8.2 Relative Weighting of Criteria

Table 2: Evaluation Criteria and Weighting for Policy Alternatives

	Weight	Reason for Weight Distribution
Effectiveness	0.30	The primary goal of alternatives is to solve or mitigate the policy problem.
Equity	0.25	It is the second most important criterion, since injustice is the nature of the policy problem.
Feasibility	0.20	Although feasibility is also important for the success rate of alternative implementation, the former 2 criteria should be considered first.
Sustainability	0.15	Sustainability is not a fully necessary goal for the alternatives to achieve (if there are huge changes in the future, new alternatives could be established), and it is influenced by all the other criteria.
Estimated Cost	0.10	Since MDWs' undocumented children are actually a very small group in Hong Kong, and none of the alternatives would involve significant changes to the existing policy framework, the cost of each alternative to solve the policy problem of them is actually not a heavy burden.
Total	1.00	The sum of the relative weight of each criterion should be 100%.

Based on the evaluation, alternative or alternative combinations with highest scores will be proposed as final policy recommendation, attached with step-by-step implementation instructions.

## 8.3 Evaluation Result

### 8.3.1 Alternative 1: Alignment of Visa Validity with the Length of Original Contracts for MDWs

Table 3: Evaluation of Policy Alternative 1

Criterion	Score	Reason for Scoring
Effectiveness	4	This alternative addresses the core issue of the unstable status of MDWs from an institutional perspective. MDWs are granted the right to freely change their jobs during the entire contract period while maintaining their legal right to reside. This will

		<p>fundamentally eliminate the hidden danger of illegal residence caused by unemployment. For the children born to MDWs, they are given the corresponding residence permits as their mothers, enabling these children to obtain temporary legal status without relying on complex and stringent conditions, and no longer being excluded from the social security system. At the same time, the digital platform established by the government provides convenience and high efficiency for MDWs to find jobs. In the short term, it can significantly improve the situation of undocumented children.</p>
Equity	4	<p>This alternative mainly focuses on protecting the vulnerable groups of MDWs and their children, correcting the power imbalance in traditional employment relationships. It reduces the interests of the vested interest group (employers), which is in line with the principle of Equity. However, it is necessary to appropriately balance the reasonable demands of employers.</p>
Feasibility	1	<p>In terms of law, the government needs to revise and refine relevant regulations, clarify the binding relationship between work permits and contract periods, as well as specific clauses for safeguarding the rights and interests of MDWs in the case of early termination of the contract by the employer. This involves complex procedures and the game of interests among multiple parties (such as the risk of resistance from the employer group and the legislative council). On the other hand, departments such as the Immigration Department and the Labour Department need to establish a more efficient coordination mechanism and consider how to use the digital platform to ensure the smooth implementation of the policy from multiple aspects. Overall, the feasibility is relatively low.</p>
Sustainability	3	<p>In the long run, a stable visa system for MDWs can provide a continuous and stable labour force for the domestic service industry in Hong Kong, reducing market fluctuations caused by frequent labour mobility and illegal residence issues. However, it needs to be adjusted regularly to deal with the high risk of abuse and moral hazard that more MDWs utilize the grace period to remain in Hong Kong as vagrants and give more birth to children in order to enjoy Hong Kong's resources without making</p>

		contribution to the society. So, in total, the sustainability of the alternative is moderate.
Estimated Cost	2	The government needs to invest funds in the development and maintenance of the digital platform. Secondly, it needs to invest in administrative costs for handling residence permits, as well as potential support costs and humanitarian aid expenses for the grace period much longer than 2 weeks. In addition, the implementation of the policy involves cooperation among multiple departments such as labour, immigration, and social welfare, which will incur high organizational and coordination costs.

### 8.3.2 Alternative 2: Enhancement of Employer's Understanding about Protection Laws of Pregnant MDWs

Table 4: Evaluation of Policy Alternative 2

Criterion	Score	Reason for Scoring
Effectiveness	3	This alternative maximizes the employers' understanding of the relevant legal protection for pregnant MDWs from the aspects of cognition and culture. The training content has a wide coverage, which can guide and standardize the employers' employment behaviour and provide the best solutions for dealing with sudden situations such as the pregnancy of MDWs. As their legal awareness increases, the situation of pregnant MDWs losing their jobs due to ignorance or violation of regulations will gradually decrease, thereby reducing the risk that the children of MDWs may fall into an undocumented status. However, this alternative is a non-mandatory measure and a progressive reform, so its influence might not be significant and instant enough.
Equity	3	This alternative focuses on standardizing the employers' employment behaviour to protect the rights and interests of pregnant MDWs. However, after employers assume more responsibilities, they may shift potential costs into employment preferences, that is, they are more inclined to hire MDWs who have already been married and had children, which has the risk of exacerbating hidden employment discrimination. This alternative

		may lack capability to resolve root conflicts between MDWs and employers, and the equity is at a medium level.
Feasibility	4	Some employers may think that this increases their time cost and additional burden, but the government can alleviate the employers' resistance to a certain extent by giving compliance certifications, honorary commendations, and other incentive measures. This alternative mainly relies on the cooperation between the government and society to create a good atmosphere, and the legal and political resistance faced during the implementation process is relatively small, so it has a rather good feasibility.
Sustainability	3	The training content needs to be updated and iterated following the law, and the employers' peer network and certification system can form a relatively continuous influence. However, if the government reduces its capital investment in the later stage, such as cutting the budget for workshops, the effect of this alternative may decline.
Estimated Cost	3	The government needs to invest funds in developing this training program, including curriculum design, technical support, and platform operation. The offline workshops need to coordinate with the community, involving costs such as venue rental, material printing, and personnel organization. In addition, professional lecturers, supervisors, and the certification management of employers are also required, which involves corresponding human resources and management costs. However, compared with other solutions involving hardware facilities and large-scale welfare expenditures, the cost of this alternative is relatively moderate.

### 8.3.3 Alternative 3: Establishment of a Quick Feedback and Complaint Mechanism for Dismissed Pregnant MDWs

Table 5: Evaluation of Policy Alternative 3

Criterion	Score	Reason for Scoring
Effectiveness	3	The rapid arbitration mechanism can promptly restore the legal status of pregnant MDWs who have been dismissed, preventing them from becoming undocumented due to the expiration of their

		<p>visas, and the set high fines and the option of reinstating MDWs may deter employers to fire MDWs at will. However, the actual effect depends on the enforcement strength of the Labour Department, such as whether it can quickly collect evidence. Although the multilingual hotline can provide a channel for complaints, MDWs may give up safeguarding their rights for fear of being blacklisted by employment agencies.</p>
Equity	3	<p>The judicial relief protects the interests of the MDW group and provides them with strong legal protection, cracking down on unfair employment practices. However, in the actual evidence presentation process, MDWs may hardly be able to provide corresponding strong evidence, and employers clearly have a stronger ability to defend themselves. Therefore, the Equity of this alternative is limited to the group that “has the ability to file a complaint”.</p>
Feasibility	2	<p>The employer group may strongly oppose the high fines and the clause of reinstating MDWs, believing that this will interfere with their employment autonomy and increase their burden. During the implementation process, the government needs to coordinate multiple departments such as labour, justice, and the Department of Justice. The implementation procedures are complex, and there are great challenges in policy implementation and resource allocation. Therefore, the feasibility of this alternative is relatively low.</p>
Sustainability	3	<p>In the short term, this policy can effectively safeguard the rights and interests of pregnant MDWs and boost their trust in Hong Kong’s laws. However, in the long run, its sustainability is, to a certain degree, contingent upon the government’s continuous financial input and the seamless collaboration among various departments. In the event of inadequate funding or ineffective coordination among departments, it is likely to impede the normal operation of the complaint hotline and the arbitration system. Therefore, its sustainability is considered to be at a moderate level.</p>
Estimated Cost	2	<p>The multilingual hotline requires the deployment of staff who can speak the corresponding languages, so it involves human resources and management costs. The rapid arbitration system requires</p>

		expanding the legal team of the Labour Department, and also involves improving the case management and coordination mechanism to ensure the efficient operation of the arbitration process, thus increasing the judicial costs, as well as possible legal support fees. The total cost is relatively high.
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#### 8.3.4 Alternative 4: Enhancement of MDWs' Awareness of the Risks of Overstaying in Hong Kong

Table 6: Evaluation of Policy Alternative 4

Criterion	Score	Reason for Scoring
Effectiveness	3	The information dissemination measures can enable MDWs to fully understand the serious negative impacts of overstaying on their personal lives, career development, and families, so that they will actively choose to abide by the visa regulations, reduce illegal residence behaviours, and thus reduce the risk of their children becoming undocumented children. According to the survey and interviews, MDWs' lack of well understanding of consequences of maternity and overstay is a vital cause of the policy problem of undocumented children, so the reduction of the risk would probably be significant; however, this way of changing behaviour by enhancing awareness may require long-term and continuous efforts to achieve results.
Equity	3	This alternative is committed to enhancing the legal awareness of MDWs, helping them avoid getting into trouble due to ignorance. In essence, it is to protect the legitimate rights and interests of MDWs and their children. It enables them to make choices with a full understanding of the risks, avoiding unfair treatment due to information asymmetry, which is helpful to achieve equity among different groups and maintain social harmony and stability. However, this alternative has no contribution to actual changes in the vulnerable position of MDWs and their children in Hong Kong.
Feasibility	5	All relevant stakeholders can benefit from this alternative. Employers can obtain relatively stable MDW services, MDWs can



		improve their legal awareness of working and living in Hong Kong to better avoid potential risks, and the Hong Kong government can also reduce social management pressure and maintain social order. Therefore, this alternative will receive support from multiple parties and has a very high feasibility.
Sustainability	4	Continuous publicity and education help to form good legal awareness and behaviour habits among the MDW group. The policy can flexibly adjust the publicity content and methods according to the actual situation to meet the needs of MDWs in different periods and the changes in the social environment. In addition, this alternative relies relatively little on social resources and can operate continuously in the long term at a relatively low cost, with good sustainability.
Estimated Cost	4	Producing multilingual information materials, holding lectures and training activities require a certain amount of funds for material printing, venue rental, and lecturer hiring; social media operation may involve advertising placement and content production costs. With effective organization and cooperation with NGOs having experience in these fields, the cost could be further reduced. Overall, compared with other solutions involving hardware construction and welfare expenditures, the cost is relatively low.

### 8.3.5 Alternative 5: Strengthening of Repatriation Measures

Table 7: Evaluation of Policy Alternative 5

Criterion	Score	Reason for Scoring
Effectiveness	2	Strengthening repatriation and pregnancy screening can directly reduce the number of undocumented children. However, it may lead to MDWs concealing their pregnancies (such as avoiding screening) or seeking illegal abortions, which may cause health risks. If the priority repatriation channels cannot reach an agreement with the countries of origin, it may reach an impasse in the process of solving the policy problem.
Equity	1	This alternative focuses on maintaining the social order and legal provisions in Hong Kong itself. It overemphasizes forced

		repatriation, regarding MDWs as "problems" rather than subjects of rights, ignoring the reasonable needs and rights protection of this group in special situations, and the equity is extremely low.
Feasibility	2	The Hong Kong government may support this policy to demonstrate a "tough stance on public security", and employers may welcome the reduction of the "troubles" brought about by the childbirth of MDWs. However, during the specific implementation process, the Hong Kong government needs to conduct a large amount of diplomatic communication and coordination with the countries of origin of the MDWs. It will face pressure from international public opinion and human rights organizations. At the same time, it may also face questions from the local society regarding humanitarian care. There is relatively great resistance to the implementation of this policy, and its feasibility is low, which depends on whether the Hong Kong government gives priority to the control and management of Hong Kong society.
Sustainability	2	Although strengthening repatriation measures in the short term can reduce the number of undocumented children and maintain social order, in the long run, it may trigger criticism and resistance from the international community. In addition, the policy lacks humanistic care for MDWs and their families, which may intensify social conflicts and lead to problems such as protests from the MDW group, impacting the MDW market in Hong Kong. If it is to be continuously implemented, it is necessary to constantly deal with the pressure from all parties and make adjustments, and the sustainability is relatively poor.
Estimated Cost	3	The operation costs of pregnancy screening and accelerated repatriation are relatively high. A large amount of funds needs to be invested in improving the audit management technology, enhancing the screening equipment and capabilities, establishing and maintaining the priority repatriation channels, etc. At the same time, negotiating and coordinating with other countries to ensure the smooth progress of the repatriation work involves the investment of diplomatic resources. Although it saves the welfare expenditures for undocumented children, social costs such as international public opinion condemnation and the panic of the

MDW group are difficult to quantify.

### 8.3.6 Alternative 6: Optimization of Subsidy Standards for Undocumented Children

Table 8: Evaluation of Policy Alternative 6

Criterion	Score	Reason for Scoring
Effectiveness	3	Direct financial subsidies for undocumented children can significantly improve their basic livelihoods and guarantee their right to survival. However, financial subsidies can only cover basic living needs and do not address the core issues faced by undocumented children, such as education and the legitimacy of their status. In the long term, if “undocumented status” itself is not eliminated, children may still face systematic exclusion from education and health care because of their status. As a result, the effect of subsidies will always be limited to a “bottom-up” level and will not lead to fundamental improvements.
Equity	4	The design of this alternative is skewed towards the disadvantaged, and reflects good equity. It effectively bridges the gaps in the existing welfare system and reduces the inequality of survival of undocumented children.
Feasibility	3	This alternative does not require major revisions to the existing legal system, but merely adjusts the subsidy rates within the existing policy framework, and therefore has less administrative resistance. The Hong Kong Government has previous experience in administering similar allowances, which is also less difficult to implement. However, this alternative actually increases fiscal expenditure and, if passed, would require complicated administrative approvals and stakeholder gaming.
Sustainability	2	In the short term, this alternative is effective. However, it relies on financial inputs in the long term and could be disrupted if there are policy adjustments or economic fluctuations in the future. In addition, this alternative does not address the root causes of the status of undocumented children (visa policy and legal status), making it difficult to sustainably improve children’s rights.

		Besides, the moral hazard problem is unable to be fully eliminated, also harming the sustainability.
Estimated Cost	3	Since the scope of this alternative subsidy is only for undocumented children, which is a very small group, the fiscal cost is manageable if the group would not expand. However, according to the requirements of the alternative plan, the distribution of subsidies needs to be linked with the repatriation risk assessment mechanism, so the costs of review and management will increase.

### 8.3.7 Alternative 7: Establishment of a Comprehensive Information Guidance Platform for Overstaying MDWs and Their Undocumented Children

Table 9: Evaluation of Policy Alternative 7

Criterion	Score	Reason for Scoring
Effectiveness	4	This alternative can fill existing information gaps. By lowering the threshold for undocumented children and MDWs to access policy resources, it directly improves their utilization of services such as education and health care. Having multilingual support and interactive bots in the platform further enhances accessibility. In the long term, it helps to minimize the impairment of rights and interests of dismissed MDWs and their undocumented children due to information asymmetry.
Equity	4	This alternative provides equal access to information for disadvantaged groups and greatly reduces the information gap. By integrating links to social resources, it helps undocumented children and MDWs find assistance quickly, thereby alleviating systemic discrimination.
Feasibility	2	This alternative requires the development of a new online platform and cross departmental collaboration (such as the Department of Labour, Immigration, Education), which may face resistance in technology development and data sharing. However, the biggest obstacle to this alternative comes from convincing the government to provide this service. Since undocumented children or recognizance paper holders are on the legal edge, convincing the

		government to provide them with services will face great resistance.
Sustainability	3	The platforms established can be maintained over time and updated with policy information in a timely manner, thus allowing flexibility to adapt to changes in regulations (visa policy adjustments). However, the platform relies on continuous investment by the Government in technical maintenance and content updating, which may affect the quality of service if the budget is reduced.
Estimated Cost	2	In the early stages of establishment, the platform is expensive to develop technically and to produce multilingual content. In the long term, it also requires operational staff to maintain it. The overall cost is therefore higher than the one-time subsidy policy (Alternative 6), but lower than the structural reform (Alternative 1).

### 8.3.8 Alternative 8: Streamlining of Document Issuance for Overstaying MDWs and Their Undocumented Children

Table 10: Evaluation of Policy Alternative 8

Criterion	Score	Reason for Scoring
Effectiveness	4	This alternative simplifies the administrative process by combining documents, which will not only directly address the challenges of identifying undocumented children, but also their challenges in terms of the efficiency of their access to education and healthcare. The results of this alternative in enhancing social security of MDWs' undocumented children are therefore significant.
Equity	4	This alternative removes the barriers to entitlement caused by cumbersome documentation and ensures that undocumented children can enjoy the same ease of doing business as local residents. At the same time, the multi-language support and anti-counterfeiting design balance practicality and fairness.
Feasibility	3	This alternative requires the integration of cross departmental systems (Immigration, Education, Hospitals), which may face resistance in terms of data interoperability and division of

		responsibilities. However, this alternative doesn't change the specific content and essence of the current policy, so the political force is relatively small.
Sustainability	5	In the long term, the standardized processes and digital platform established by this alternative can enhance administrative efficiency and are well adapted to future policy adjustments, such as the addition or modification of certain entitlement provisions. In addition, the cost of government regulation will be reduced after the documents are standardized, thus making it more sustainable.
Estimated Cost	3	The cost of this alternative includes system development, personnel training, and process integration, which, although relatively high in the initial stage, are all one-time expenses. Meanwhile, in long-term operation, this alternative can improve administrative efficiency and reduce expenses through standardized processes and unified documents. Therefore, the estimated cost of this alternative is moderate.

### 8.3.9 Alternative 9: Promotion of the Participation of Undocumented Children and MDWs in Social Policy-Making

Table 11: Evaluation of Policy Alternative 9

Criterion	Score	Reason for Scoring
Effectiveness	1	In the long run, this alternative can improve policy goals by directly reflecting the needs of undocumented children, but it is difficult to quantify its impact in the short term. For example, the adoption rate of policies and the improvement rate of children's rights are difficult to measure. At the same time, the actual impact of consultation forums and questionnaires largely depends on the government's willingness to respond, and their effectiveness is uncertain. In addition, due to the lack of knowledge and political literacy among undocumented children and MDWs themselves, and their long-term absolute vulnerability, it is difficult for them to effectively participate in the policy-making process.
Equity	5	Due to the uncertainty of their legal status, undocumented children and MDWs have been in a "hidden state" for a long time, and their



		needs and difficulties have not been prioritized by policymakers. Therefore, empowering them and increasing their policy participation can greatly ensure equity at the source.
Feasibility	1	First, this alternative significantly challenges the existing policymaking model and may meet resistance from bureaucracy and vested interests (employer groups). Second, it is extremely difficult to implement due to the sensitive legal status of undocumented children and MDWs, who may be afraid to express their views publicly. Finally, due to their age and level of education, undocumented children and MDWs are also deficient in their ability to participate in politics.
Sustainability	3	If the institutionalized participatory mechanism (permanent forum) in this alternative can be established, it can contribute to the continued optimization of policies in the long term. However, the continuation and implementation of this alternative depends on the political will of the government. Mechanisms can be weakened if there is regime change or social pressure intensifies.
Estimated Cost	2	The main costs of this alternative are the costs of forum organization, translation and research, so there is less financial pressure. However, the implementation of this alternative requires the harmonization of multiple interests and therefore has higher hidden costs, such as time and political capital.

### 8.3.10 Alternative 10: Collaboration with Consulates or Governments of MDWs' Home Countries to Enhance Social Acceptance

Table 12: Evaluation of Policy Alternative 10

Criterion	Score	Reason for Scoring
Effectiveness	3	This alternative promotes social acceptance through cultural exchange and training. In the long run, it can improve the living environment of MDWs and their children. However, its effectiveness relies on the efficiency of multi-party cooperation, and it is difficult to solve the plight of undocumented children's life and identity difficulties in Hong Kong in the short term. At the same time, changing the stigma that MDWs and children may

		encounter after their return to their hometown will require more efforts from other subjects due to the long and strong cultural and religious influences in the home countries, for which the Hong Kong government actually has little right and capacity to intervene.
Equity	3	This alternative can promote cultural understanding, reduce discrimination and indirectly enhance equity. However, it will have limited improvement on the direct rights and interests (education and health care) of undocumented children in Hong Kong.
Feasibility	3	This alternative does not require changes to the legal framework. There is less resistance to the policy as there is already a foundation of labour cooperation between Hong Kong and the source countries of MDWs. At the same time, cultural exchanges are easily supported by the community and schools and are less difficult to implement. However, it should be noted that changing the domestic attitude towards MDWs and undocumented children involves internal matters of other countries, so the Hong Kong government needs to find a reasonable way and position to participate. Otherwise, it will face significant political risks and resistance.
Sustainability	4	The long-term cooperation mechanisms established under this alternative can be continuously optimized to adapt to changes in the labour market. Because it can strengthen exchanges with Hong Kong, enhance the rights and interests of its own citizens and economic gains, the home governments of MDWs have a strong incentive to participate. So, the sustainability of this alternative is stronger.
Estimated Cost	3	Potential costs of this alternative relate to cross-country coordination, production of training materials and organization of events. The costs are moderate, but the number of participants is relatively large, so the financial pressure can be reduced by sharing the costs.

### 8.3.11 Final Score Ranking

Table 13: Final Score Rankings for Evaluation of Policy Alternatives

Ranking	Score on Different Criteria (1-5)					Total Score
	Effectiveness (Weigh 0.30)	Equity (Weigh 0.25)	Feasibility (Weigh 0.20)	Sustainability (Weigh 0.15)	Estimated Cost (Weigh 0.10)	
Alternative 8	4	4	3	5	3	3.85
Alternative 4	3	3	5	4	4	3.65
Alternative 7	4	4	2	3	2	3.25
Alternative 2	3	3	4	3	3	3.2
Alternative 10	3	3	3	4	3	3.15
Alternative 6	3	4	3	2	3	3.1
Alternative 1	4	4	1	3	2	3.05
Alternative 3	3	3	2	3	2	2.7
Alternative 9	1	5	1	3	2	2.4
Alternative 5	2	1	2	2	3	1.85

Based on the evaluation and score ranking of all the policy alternatives, final recommendations and conclusion would be given in the next chapter.

# 9 RECOMMENDATIONS AND CONCLUSION

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## 9.1 Final Recommendations of Policy Alternatives

The previous discussion on evaluation aimed to illustrate the advantages and disadvantages of each solution as an independent strategy for addressing the issue of undocumented children of MDWs in Hong Kong. In reality, however, the maximum policy effectiveness is more likely to be achieved through comprehensive governance measures incorporating multiple elements, rather than a single policy prescription. Therefore, the research team has selected Alternative 4 and Alternative 8 with the highest comprehensive scores as combined recommendations, to further discuss their prominent advantages and potential risks, and provide more specific instructions.

### 9.1.1 Enhancement of MDWs' Awareness of the Risks of Overstaying in Hong Kong

As shown in the discussion and analysis by the research team, enhancing MDWs' awareness of the risks of overstaying is an effective mechanism to reduce the risk of undocumented children, addressing the root cause of illegal residence due to information asymmetry.

This proposal is highly feasible because it benefits 3 stakeholder groups. The government could reduce administrative pressure, employers could obtain stable services, and MDWs could also enhance their legal awareness. Additionally, it requires lightweight investments focused on publicity preparation and training organization, with strong sustainability—long-term education could help MDWs form compliant habits, and the content can be flexibly adjusted with policy changes.

Notably, this proposal focuses on long-term behavioural change and may not yield significant short-term results. Furthermore, as a pre-emptive prevention measure focusing on risk

awareness, it does not directly address the substantive rights of undocumented children and relies on the coordination efficiency of NGOs, immigration authorities, and other stakeholders.

The research team's recommendations lie below:

- (a) The Labour Department should coordinate an annual special budget and submit applications to the Hong Kong government. Meanwhile, collaborate with consulates of MDWs' source countries and NGOs to share resources (e.g., free use of community venues), and solicit sponsorships from enterprises (e.g., MDW agencies) to develop multilingual promotional materials like animated short films.
- (b) The Immigration Department will lead the establishment of a "Legal Education Task Force for MDWs", comprising members from the Labour Department, NGOs, and consulates. Quarterly surveys will assess MDWs' policy awareness (target:  $\geq 80\%$ ), while annual overstaying case data will be compared. Effectiveness evaluations will be conducted at semi-annual joint meetings for timely adjustments. MDWs who actively participate in training will receive a "compliance record certificate" and incentives like priority processing for contract renewals.
- (c) Pilot phase (Month 1–3): Launch trials in areas with high concentrations of MDWs, such as Central and Mong Kok, using offline "legal consultation booths" and social media to collect feedback.
- (d) Expansion phase (Month 4 onward): Scale up citywide promotion. In the later stage, integrate legal education into mandatory pre-employment training for MDWs.

#### 9.1.2 Streamlining of Document Issuance for Overstaying MDWs and Their Undocumented Children

"One-stop application processing" and shortening the handling cycle are clearly necessary means to effectively improve the efficiency of "identifying undocumented children and granting them basic rights". Standardized procedures and digital platforms can also lay the groundwork for future policy adjustments, ensuring strong sustainability. Meanwhile, they significantly reduce administrative redundancy, enhance the Hong Kong government's service efficiency, and indirectly strengthen the sense of social integration for MDWs and their children in Hong Kong.

It is important to note that in the early stage of policy implementation, challenges such as cross-departmental coordination, platform data interoperability, and responsibility allocation will be faced, while one-time costs for system development and personnel training will be relatively high.

The research team's recommendations lie below:

The Hong Kong government should provide special funding to approve one-time project funds for system development, platform construction, and personnel training. Funds saved through improved administrative efficiency in later stages should be used to cover subsequent platform maintenance and process optimization costs.

In specific implementation, a cross-departmental project team (including the Immigration Department, Education Bureau, Medical Administration, etc.) should be established, with quarterly coordination meetings to address process integration issues. Direct application-receiving departments like the Immigration Department must record the average processing time for document applications (target: urgent cases  $\leq 2$  weeks, regular cases  $\leq 1$  month). A complaint feedback mechanism should also be established. The Labour Department will intervene to investigate and urge rectification of discrimination or delays encountered by MDWs during applications.

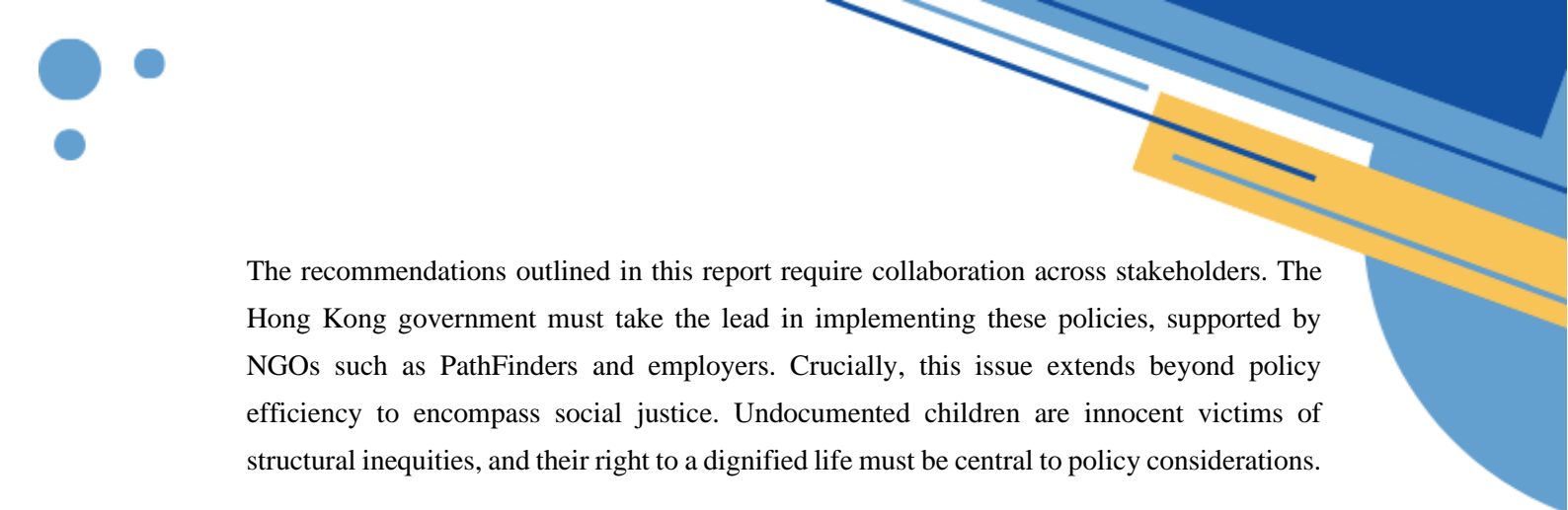
This proposal also requires piloting. In the initial phase (Months 1–6), unified document application processes and online platforms will be tested in selected districts, with over 100 MDWs invited to participate in the pilot to gather feedback on language barriers, process complexity, etc. During the promotion phase, the system will be optimized based on pilot results and gradually rolled out, accompanied by promotional campaigns to inform MDWs and employers of the new policy's advantages and operation guidelines.

## 9.2 Ending

The issue of undocumented children born to MDWs in Hong Kong is a complex interplay of legal ambiguity, systemic policy gaps, and social marginalization. This report systematically analyses the multifaceted challenges faced by these children—from restricted access to education and healthcare to the precarity of their legal status—and explores ten policy alternatives through a rigorous evaluation framework.

Through a comprehensive assessment of effectiveness, equity, feasibility, sustainability, and cost, Alternative 4 (Enhancement of MDWs' Awareness of Overstaying Risks) and Alternative 8 (Streamlining of Document Issuance for Overstaying MDWs and Their Undocumented Children) were identified as the most viable solutions. These alternatives are not standalone measures but complementary components of a broader strategy. By integrating upstream prevention (e.g., awareness campaigns) with downstream mitigation (e.g., administrative reforms), Hong Kong can gradually dismantle the cycle of exclusion while maintaining social stability.





The recommendations outlined in this report require collaboration across stakeholders. The Hong Kong government must take the lead in implementing these policies, supported by NGOs such as PathFinders and employers. Crucially, this issue extends beyond policy efficiency to encompass social justice. Undocumented children are innocent victims of structural inequities, and their right to a dignified life must be central to policy considerations.

While this report provides a robust framework for immediate action, the analysis and recommendations might still have loopholes due to the limitation of time and personnel resources of the research team, so both broader range of survey and more targeted interviews on the real affected group of the policy problem could be conducted by PathFinders in the future for refinement. Also, further research is needed to investigate the long-term impacts of the policies in the final recommendations, particularly on social cohesion and resource allocation. In summary, the journey to secure rights for undocumented children demands the courage to confront systemic biases, the creativity to redesign outdated policies, and the empathy to recognize the inherent humanity of every child.

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## APPENDIX A: Services provided for Non-Refoulement Claimants by

### International Social Service Hong Kong Branch (ISS HK)

Table 14: Overview of Services for Non-Refoulement Claimants

Service Items	Details
Counselling	<ul style="list-style-type: none"><li>• Caseworker counselling and support</li><li>• Monthly case review and home visits</li><li>• Training activities and workshops</li></ul>
Food	<ul style="list-style-type: none"><li>• HK\$1,200 per month for each person</li><li>• Food for emergencies</li></ul>
Accommodation and Utilities	<ul style="list-style-type: none"><li>• HK\$1,500 per month rent subsidy for adult, HK\$750 per month rent subsidy for child</li><li>• HK\$300 per month utility allowance</li><li>• Emergency housing for people in need</li></ul>
Transport Allowance	<ul style="list-style-type: none"><li>• Petty cash for some transport needs</li></ul>
Clothing and Toiletries	<ul style="list-style-type: none"><li>• Monthly toiletries provision (e.g., powder, shampoo, soap, etc.)</li><li>• Donated clothing provision</li></ul>
Additional Assistance	<ul style="list-style-type: none"><li>• One-time medical waiver</li><li>• School admission support and tuition subsidy</li><li>• Free legal aid</li></ul>

## APPENDIX B: Comparison Table of Public System related to Undocumented Children of MDWs in Hong Kong, Taiwan, and Singapore

Table 15: Public Systems for Undocumented Children of MDWs in Hong Kong, Taiwan, and Singapore

Dimension	Hong Kong	Taiwan	Singapore
Citizenship Acquisition	<ul style="list-style-type: none"> <li>No own citizenship (Global Citizen Solutions, 2024).</li> </ul>	<ul style="list-style-type: none"> <li>Mainly by blood—Children could gain nationality when the parent(s) were nationals with registered permanent residence in the Taiwan Area at the time of the children’s birth (Ministry of the Interior National Immigration Agency, 2024).</li> </ul>	<ul style="list-style-type: none"> <li>Combined with permanent residency acquisition.</li> </ul>
Permanent Residency Acquisition	<ul style="list-style-type: none"> <li>Chinese nationals born in Hong Kong or have resided for 7 years continuously and their children, non-Chinese nationals having resided for 7 years continuously and their children born in Hong Kong under 21 years (excluding MDWs) (Immigration Department, 2021).</li> </ul>	<ul style="list-style-type: none"> <li>Ordinary foreign nationals having legally resided for 5 years continuously, professional foreign nationals having legally resided for 3 years continuously, and their physically or mentally disabled spouses or children (Ministry of the Interior National Immigration Agency, 2024).</li> </ul>	<ul style="list-style-type: none"> <li>Mainly by blood—Children under the age of 21 can be legally adopted by a Singapore citizen or permanent resident to obtain the appropriate status.</li> <li>Other ordinary foreigners need to obtain status through marriage to a citizen or permanent resident or have a</li> </ul>

Dimension	Hong Kong	Taiwan	Singapore
			high level of skills (Immigration & Checkpoints Authority, 2024).
MDWs and Children's Residency	<ul style="list-style-type: none"> <li>• Not all MDWs could be granted permanent residency (Chau, 2023).</li> <li>• MDWs staying in Hong Kong for more than 2 weeks after the expiry or termination of their contracts are regarded as overstayers (Labour Department, 2024).</li> <li>• MDW's children's immigration status is linked with either parent's more favourable status. A Child could be granted permanent residency if the father is a permanent resident of Hong Kong, or else could apply for permission to remain in Hong Kong based on MDW mother's visa status (PathFinders, n.d.).</li> </ul>	<ul style="list-style-type: none"> <li>• Caregivers as part of MDWs could apply for permanent residency after 5 years of working as intermediate-skilled manpower (Everington, 2022).</li> <li>• MDWs staying in Taiwan for more than 2 months after the expiry or termination of their contracts are regarded as overstayers (Huang &amp; Liang, 2023).</li> <li>• Foreign workers' children could acquire alien residence certificates with birth certificates if their parent(s) has temporary or permanent alien residence certificates when giving birth to the children (Ministry of the Interior National Immigration Agency, 2022).</li> <li>• Children whose parents have disappeared could be naturalized and later adopted domestically in Taiwan</li> </ul>	<ul style="list-style-type: none"> <li>• MDWs in Singapore have a special category of visa, and there are strict requirements for applying.</li> <li>• MDWs may not apply for citizenship or permanent residence status. However, this does not preclude cases where they are married to Singapore citizens/permanent residents or their children are legally adopted (Ministry of Manpower, 2024).</li> </ul>

Dimension	Hong Kong	Taiwan	Singapore
		or other countries (Wang & Lin, 2023).	
MDW Pregnancy and Childbirth	<ul style="list-style-type: none"> <li>Arbitrarily dismissing MDWs is illegal, unless there are valid reasons (PathFinders, n.d.).</li> <li>Under certain conditions of good working performance, an MDW is eligible for a 14-week paid maternity leave (Labour Department, 2024).</li> </ul>	<ul style="list-style-type: none"> <li>Arbitrarily dismissing migrant workers and forcing them to leave the country because of their pregnancy and childbirth is illegal (Ministry of Labour, 2021).</li> <li>Mechanisms of decontracting verification, employer changing, and temporary suspension of employer changing protect pregnant migrant workers (The Control Yuan, 2022).</li> </ul>	<ul style="list-style-type: none"> <li>Female foreign employee shall not become pregnant or deliver any child in Singapore during and after the validity period of her work permit.</li> <li>MDWs are required to undergo a health examination every 6 months, including a pregnancy examination, and both the hospital and the employer are required to report the pregnancy if it is detected (Ministry of Manpower, 2024).</li> </ul>
Relevant Social Security Mechanism for MDWs' Undocumented Children	<ul style="list-style-type: none"> <li>Dismissed MDW mothers and their undocumented children could apply for non-refoulement protection (Quackenbush, 2017).</li> <li>Monthly humanitarian assistance for non-refoulement claimants includes HK\$1200 for food, HK\$1,500 for adults' rent and HK\$750 for children's rent, 300hkd for public service charges, HK\$200-400 for</li> </ul>	<ul style="list-style-type: none"> <li>Children with alien residence certificates are covered by the National Health Insurance Program.</li> <li>Some local governments would reimburse medical expenses for newborns abandoned by migrant mothers.</li> <li>Some local governments cooperate with local NGOs to house undocumented children.</li> </ul>	<ul style="list-style-type: none"> <li>Stateless children and youth can get healthcare subsidies through the Medical Fee Exemption Card. They can also contact the hospital's Medical Social Workers.</li> <li>Stateless students can enrol in mainstream schools and tertiary institutions if they meet admission conditions. Stateless students can also</li> </ul>

Dimension	Hong Kong	Taiwan	Singapore
	<p>transportation, and HK\$70 for other basic necessities being distributed in kind (Research Office of the Legislative Council Secretariat, 2022).</p>	<ul style="list-style-type: none"> <li>Undocumented children are admitted to public schools as temporary students but cannot receive formal academic and graduation certificates. (Wang &amp; Lin, 2023)</li> </ul>	<p>seek school-based aid and ask social service agencies about financial aid.</p> <ul style="list-style-type: none"> <li>For those who face genuine housing difficulties and have no other housing options, HDB will work with the relevant agencies like the Ministry of Social and Family Development to assess how best to assist them (Immigration &amp; Checkpoints Authority, 2024).</li> </ul>

## Explanation of Dimensions of The Comparison

### (a) Citizenship Acquisition

According to nationality law worldwide, the nationality or citizenship of an individual in a certain country or region refers to a permanent legal identity granting full rights and responsibilities (Global Citizen Solutions, 2024). It could be acquired through 3 main methods: (1) by blood (*jus sanguinis*), that the citizenship could be decided by people's parentage or ancestry; (2) by birth (*jus soli*), that the citizenship could be conferred if people are born on a country or region's territorial jurisdiction; (3) by naturalization, that the citizenship could be given if people meet some requirements such as marrying with a citizen of a country or region, staying in a country or region for a long time, passing some official tests and so on (Lynch, 2010, p. 121).

### (b) Permanent Residency Acquisition

For an individual, applying for permanent residency is another way to permanently stay in a country or region except for becoming a citizen. Permanent Residency only grants part of the rights and responsibilities to the individual compared with citizenship, including the right to live, work, and enjoy public services. Commonly, residency could be acquired through work permits, investment programs, family, reunification, and so on (Global Citizen Solutions, 2024), but permanent residency usually has much stricter requirements.

### (c) MDWs and Children's Residency

In some countries or regions, the usual methods of acquiring citizenship and residency (especially permanent residency) do not apply to MDWs and their potential children, due to the consideration of avoiding prioritization of MDWs and harm to the rights of local residents.

### (d) MDW Pregnancy and Childbirth

Different countries or regions treat MDW's pregnancy and childbirth actions differently. In some countries or regions, it is legal for MDWs to give birth to children, while in other countries or regions, it is illegal. Besides, the degree of protection in different countries or regions for MDW mothers and their children varies.

### (e) Relevant Social Security Mechanism for MDWs' Undocumented Children

Each country or region has different social security mechanisms for marginalized groups. In this research project, due to the undocumented nature and the vulnerability of the target group, they could be under part of these mechanisms.



## APPENDIX C: Questionnaire Outline

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Dear Respondent,

Thank you for participating in this survey. We are a research team from the Hong Kong University of Science and Technology. This questionnaire aims to understand your views of legal identity issues of foreign domestic helpers' children born in Hong Kong. Your responses will help us better understand and address related issues. The survey is anonymous, and all information will be kept strictly confidential.

---

### **Informed Consent**

Before you start filling out the questionnaire, please read the following carefully:

- **Purpose of the Study:** This study aims to understand the public's awareness and views on the social security issues of children of foreign domestic helpers in Hong Kong to provide data support for policy-making and social services.
- **Voluntary Participation:** Your participation is entirely voluntary, and you can choose to withdraw from the survey at any time.
- **Anonymity:** The survey is anonymous and will not collect any information that can identify you.
- **Data Confidentiality:** All collected data will be kept strictly confidential and used only for the purposes of this study.
- **Risks and Benefits:** Participating in this study poses no risks to you, and your responses will help improve the living conditions of foreign domestic helpers and their children.

If you agree to participate in this survey, please continue to fill out the questionnaire. Thank you for your support and cooperation!

---

1. What is your age?

- 18-25

- ☐ 26-35
- ☐ 36-45
- ☐ 46-55
- ☐ 56 and above

2. Which country are you from?

- ☐ Philippines
- ☐ Indonesia
- ☐ Thailand
- ☐ Vietnam
- ☐ Nepal
- ☐ Other (please specify): \_\_\_\_\_

3. How long have you been working in Hong Kong?

- ☐ Less than 1 year
- ☐ 1-3 years
- ☐ 4-6 years
- ☐ 7 years and above

4. How much do you know about the situation of foreign domestic helpers having children while working in Hong Kong?

- ☐ Very much
- ☐ Quite much
- ☐ Somewhat
- ☐ Not much at all

5. Do you think foreign domestic helpers having children while working in Hong Kong is common?

- ☐ Very common
- ☐ Quite common

- Not very common
  - Very rare
6. Are you aware of the legal Hong Kong identity challenges faced by children of foreign domestic helpers in Hong Kong?
- Very aware
  - Quite aware
  - Somewhat aware
  - Not aware at all
7. What do you think about the residency rights of children of foreign domestic helpers in Hong Kong?
- They should have full rights
  - They should have some rights
  - They should have no rights
  - Not sure
8. What is your overall view of foreign domestic helpers' children living in Hong Kong?
- Understand and support
- Understand but do not support
  - Do not understand and do not support
  - Other (please specify): \_\_\_\_\_
9. How do you think Hong Kong society views foreign domestic helpers and their children?
- Very friendly
  - Quite friendly
  - Neutral
  - Quite unfriendly
  - Very unfriendly

10. What do you think are the effects of foreign domestic helpers' children on Hong Kong society?

(Choose all that apply - please select multiple options)

- ☐ They need more help from the government and social services (like financial support, housing, schools, and healthcare)
- ☐ They help the economy grow (by spending money and creating jobs)
- ☐ They bring different cultures together (like food, festivals, and traditions)
- ☐ They help people understand each other better (by sharing experiences and stories)
- ☐ They will join the local workforce in the future (working in different jobs)
- ☐ Other (please specify): \_\_\_\_\_

11. What should the government do to help foreign domestic helpers and their children? (Choose all that apply - please select multiple options)

- ☐ Provide free health care (like check-ups and medicine)
- ☐ Give financial help (like cash support or housing assistance)
- ☐ Make schools available for children (with free or low-cost options)
- ☐ Offer language classes (to help them learn English or Chinese)
- ☐ Provide mental health support (like free counselling services)
- ☐ Ensure fair pay and good working conditions (like checking employers)
- ☐ Protect them from discrimination (like enforcing anti-discrimination laws)
- ☐ Allow them to practice their religion (like providing places for worship)
- ☐ Help with legal issues (like immigration and residency)
- ☐ Other (please specify): \_\_\_\_\_

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Thank you for taking the time to participate in this survey. Your responses are very important to our research. If you have any questions or need further information, please feel free to contact us at: [cdengad@connect.ust.hk](mailto:cdengad@connect.ust.hk).

## APPENDIX D: Interview Outline (with MDWs)

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### For MDWs WITH Children in Hong Kong

Dear Madam,

We are a research team from HKUST. We are now conducting research to explore the experiences and challenges of working as migrant domestic workers in Hong Kong, as well as the living conditions of their family and children. Thank you for your participation in our interview, this is very valuable to our research.

Your answers are anonymous and for academic purposes only, and personal information will be kept confidential. Please answer truthfully, if you feel uncomfortable, you have the right to stop the interview at any time. By participating in the interview, you have agreed to allow us to take notes and possibly contact you for follow-up questions.

#### **Personal information**

1. How would you like me to call you? (preferred name)
2. May I ask your approximate age or age group?
3. Where do you come from? (home country)

#### **Employment status**

4. May I ask how long you have been working as a domestic worker in Hong Kong?

#### **Children's condition**

5. Do you have kids? How old is he/she?
6. Was your child born in Hong Kong?
7. Where does your child live now? (somewhere in Hong Kong or in foreign countries)
8. Is your child a long-term resident here?

#### **Undocumented Children's social security problem**

9. Who can take care of your child when you and his/her father are at work? For example, picks up him/her from school, cooks for him/her, takes him/her to the hospital when he/she is sick.

10. Do you need any help raising children here?
11. What do you think if the government or organization provides your children with more resources and support? Why?
12. What policy change would you like to see for children of MDWs?
13. Do you have any other thoughts regarding children of MDWs that you would like to share?

### **Closing**

Thank you for your time and insights. Your participation is greatly appreciated and will contribute to a better understanding of the challenges faced by migrant domestic workers and their children in Hong Kong.

### For MDWs WITHOUT Children in Hong Kong

Dear Madam,

We are a research team from HKUST. We are now conducting research to explore the experiences and challenges of working as migrant domestic workers in Hong Kong, as well as the living conditions of their family and children. Thank you for your participation in our interview, this is very valuable to our research.

Your answers are anonymous and for academic purposes only, and personal information will be kept confidential. Please answer truthfully, if you feel uncomfortable, you have the right to stop the interview at any time. By participating in the interview, you have agreed to allow us to take notes and possibly contact you for follow-up questions.

### **Personal information**

1. How would you like me to call you? (preferred name)
2. May I ask your approximate age or age group?
3. Where do you come from? (home country)

### **Employment status**

4. May I ask how long you have been working as a domestic worker in Hong Kong?

### **Children's condition**

5. Do you have a child?

6. Do you have MDW friends or colleagues who gave birth to their children in Hong Kong?
7. Do you know any challenges MDWs face in raising children in Hong Kong?

Undocumented Children's social security problem

8. Who takes care of MDWs' children when MDWs are at work? For example, picks up him/her from school, cooks for him/her, takes him/her to the hospital when he/she is sick.
9. Do you think they need help raising children here? For example, support from government or other organizations. Why?
10. What policy changes do you think would be good for the children of MDWs?
11. Do you have any other thoughts regarding children of MDWs that you would like to share?

### **Closing**

Thank you for your time and insights. Your participation is greatly appreciated and will contribute to a better understanding of the challenges faced by migrant domestic workers and their children in Hong Kong.



## APPENDIX E: Interview Outline (with Employers of MDWs)

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Dear Sir/Madam,

We are a research team from HKUST. We are conducting research to explore the experiences and challenges faced by migrant domestic workers and their employers in Hong Kong. Thank you for your participation in our interview; your insights are invaluable to our research.

Your answers are anonymous and for academic purposes only, and personal information will be kept confidential. Please answer truthfully; if you feel uncomfortable, you have the right to stop the interview at any time. By participating in the interview, you agree to allow us to take notes and possibly contact you for follow-up questions.

### **Personal Information**

1. How would you like me to address you? Do you have a preferred name?
2. May I ask your approximate age or age group?
3. What is your occupation?

### **Employment Status**

4. How long have you been employing a migrant domestic worker?
5. How many MDWs have you employed in total?
6. What are the main duties you expect from your MDW?

### **Experiences with MDWs and Pregnancy**

7. Have you ever had an MDW who became pregnant while working for you? If yes, can you describe your experience?
8. If your MDW has not been pregnant, what are your thoughts or opinions about MDWs becoming pregnant?
9. How did you respond to the news of your MDW's pregnancy (if applicable)?
10. How did her pregnancy affect your working relationship with her (if applicable)? Did you consider terminating her employment?
11. Are you aware of the legal requirements regarding maternity leave for MDWs? How do you feel about these regulations?

- Explanation: According to the Hong Kong Labour Department, an employee is eligible for 14\* weeks' PAID maternity leave if—

(1) she has been employed under a continuous contract for NOT less than 40 weeks immediately before the commencement of scheduled maternity leave;

(2) she has given notice of pregnancy and her intention to take maternity leave to her employer after the pregnancy has been confirmed, such as by presenting a medical certificate confirming her pregnancy to the employer; and

(3) she has produced a medical certificate specifying the expected date of confinement if such required by her employer.

In case the length of employment service under a continuous contract is less than 40 weeks immediately before the commencement of scheduled maternity leave, the employee is eligible for 14\* weeks' maternity leave WITHOUT PAY if the employee has given notice of pregnancy and her intention to take maternity leave to her employer after the pregnancy has been confirmed.

Eligible employees whose confinement occurs before 11 December 2020 are entitled to a continuous period of 10 weeks' maternity leave.

### **Perceptions of MDWs and Their Rights**

12. What challenges are you aware of that MDWs face in raising their children in Hong Kong?
13. Do you think there is a difference in access to public services for MDWs' children compared to local children? If so, what are those differences?
14. How do you perceive the societal attitudes towards MDWs having children in Hong Kong?
15. Do you think the legal framework surrounding MDWs and their residency rights is fair? Why or why not?

### **Concerns and Challenges**

16. What concerns do you have regarding the potential implications of MDWs having children in Hong Kong?
17. Do you believe that the presence of MDWs and their children could impact the local population structure? If so, how?

### **Support and Resources**

18. Have you provided any support to your MDW during her pregnancy or after childbirth? If yes, what kind of support?

19. Are there resources or services you believe are lacking for MDWs and their children?

#### Policy and Recommendations

20. What is your opinion on the current policies regarding MDWs and their rights, especially concerning pregnancy and children?

21. Do you have any suggestions for improving the situation for MDWs and their children in Hong Kong?

22. Do you have any other thoughts or concerns that you would like to share regarding this issue?

#### **Closing**

Thank you for your time and insights. Your participation is greatly appreciated and will contribute to a better understanding of the challenges faced by migrant domestic workers and their children in Hong Kong.

## APPENDIX F: Interview Outline (with Policymakers [Hong Kong Councillor])

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Dear Sir/Madam,

Good day. We are deeply grateful for your taking the time to participate in this interview. We are a research team from the Hong Kong University of Science and Technology, currently conducting research on undocumented children in Hong Kong, with a particular focus on the current situation and challenges of undocumented children born to migrant domestic workers.

The purpose of this interview is to gain a more in-depth understanding of your experience in policy-making and your views on the affairs of undocumented children. Your professional insights will provide valuable first-hand information for our research, helping us to better understand the government's policy direction, implementation effectiveness, and future improvement suggestions in this area.

During the interview, we will ask questions about the current situation, policy background, implementation effects, and social support of undocumented children. Please feel free to answer based on your own experience and perspective. All information will be kept strictly confidential, and the content you provide will only be used for academic research.

Thank you again for your participation. Your feedback is essential to our research.

### **Background of the Interviewee**

Please introduce your work background and responsibilities in the government or related institutions.

### **Policy Background**

1. What are the current government policies targeting undocumented children?
2. What is the process of formulating these policies? Which stakeholders are involved?

### **Policy Implementation and Effectiveness**

3. How do you think the current policies are effective in practical implementation? What are the problems?
4. How does the government evaluate the effectiveness and impact of these policies?

**Policy Improvement and Suggestions**

5. What do you think needs to be improved in the current policy? What are the specific suggestions?
6. What new measures or policies can better support undocumented children and their families?

**Social Support and Cooperation**

7. How is the cooperation between the government and non-governmental organizations (NGOs) on matters related to undocumented children?
8. How much do you think this collaboration can help improve the situation of undocumented children?
9. Is there anything else you would like to add?

**Closing**

Thank you for your time and insights. Your participation is greatly appreciated and will contribute to a better understanding of the challenges faced by migrant domestic workers and their children in Hong Kong.

## APPENDIX G: Interview Outline (with NGO staffs [PathFinders' Staffs])

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### For Caseworker 1

Good day. We would like to express our sincere gratitude for your willingness to participate in this interview. We are a research team from the Hong Kong University of Science and Technology, currently engaged in research on undocumented children in Hong Kong, with a particular emphasis on the current situation and challenges faced by undocumented children born to migrant domestic workers.

The objective of this interview is to acquire a more profound understanding of your work within PathFinders, as well as your perspectives and experiences regarding the issues confronting undocumented children and their families. Your insights will furnish invaluable first-hand information for our research, thereby enabling us to better comprehend the needs and challenges of these children.

During the interview, we will pose questions concerning your work background, the current situation of undocumented children, the services provided by PathFinders, and related policies. Please feel at liberty to respond based on your personal experience and perspective. All information will be treated with the utmost confidentiality, and the content you provide will be utilized solely for academic research purposes.

Once again, we extend our heartfelt appreciation for your participation. Your feedback is of utmost significance to our research.

### **Background of the Interviewee**

1. How long have you been employed at PathFinders? What projects or services are you primarily responsible for?
2. Could you briefly introduce your work experience within PathFinders, particularly with regard to MDW and their undocumented children? (This question can be skipped if the previous question is answered in sufficient detail.)
3. You worked for ISS Hong Kong for 6 years and the non-profit organization overlaps partially with PathFinders, so is there a difference between ISS and PathFinders in terms of helping MDWs and undocumented children?

### **Current Situation of Undocumented Children**

4. Could you describe the principal situation and challenges encountered by undocumented children in Hong Kong?
5. In your opinion, what specific issues do undocumented children face in terms of education and healthcare?

#### **PathFinders' Job**

6. How does PathFinders identify and interact with undocumented children and their mothers?
7. What specific support and services does PathFinders offer to assist undocumented children and their mothers?
8. What is your assessment of the effectiveness of these services? We understand that some MDWs have obtained temporary stay in Hong Kong for their children, could you please share these successful experiences?

- Follow-up questions:

Did they apply for the non-refoulement protection?

If so, what is the approximate length of the application cycle? What is the success rate? What was their living situation during the application process? Are there any other ways to solve the identity problem?

If not, how did they successfully get temporary stay?

#### **Policy and Social Support**

9. Do you believe that the current policies in Hong Kong adequately support undocumented children? What are the deficiencies?
10. What is the attitude of the community and the public towards undocumented children? Have you encountered any difficulties?

#### **Improvement Suggestions**

11. What policies or measures do you think could improve the situation of undocumented children?
12. What plans or suggestions does PathFinders have to drive these changes?
13. Is there anything else you would like to add?

#### **Closing**



Thank you for your time and insights. Your participation is greatly appreciated and will contribute to a better understanding of the challenges faced by migrant domestic workers and their children in Hong Kong.

### For Caseworker 2

Good day. We would like to express our sincere gratitude for your willingness to participate in this interview. We are a research team from the Hong Kong University of Science and Technology, currently engaged in research on undocumented children in Hong Kong, with a particular emphasis on the current situation and challenges faced by undocumented children born to migrant domestic workers.

The objective of this interview is to acquire a more profound understanding of your work within PathFinders, as well as your perspectives and experiences regarding the issues confronting undocumented children and their families. Your insights will furnish invaluable first-hand information for our research, thereby enabling us to better comprehend the needs and challenges of these children.

During the interview, we will pose questions concerning your work background, the current situation of undocumented children, the services provided by PathFinders, and related policies. Please feel at liberty to respond based on your personal experience and perspective. All information will be treated with the utmost confidentiality, and the content you provide will be utilized solely for academic research purposes.

Once again, we extend our heartfelt appreciation for your participation. Your feedback is of utmost significance to our research.

### **Background of the Interviewee**

1. How long have you been employed at PathFinders? What projects or services are you primarily responsible for?
2. Could you briefly introduce your work experience within PathFinders, particularly with regard to MDW and their undocumented children? (This question can be skipped if the previous question is answered in sufficient detail.)

### **Current Situation of Undocumented Children**

3. Could you describe the principal situation and challenges encountered by undocumented children in Hong Kong?

4. In your opinion, what specific issues do undocumented children face in terms of education and healthcare?

### **PathFinders' Job**

5. How does PathFinders identify and interact with undocumented children and their mothers?
6. What specific support and services does PathFinders offer to assist undocumented children and their mothers?
7. What is your assessment of the effectiveness of these services? We understand that some MDWs have obtained temporary stay in Hong Kong for their children, could you please share these successful experiences?

- Follow-up questions:

Did they apply for the non-refoulement protection?

If so, what is the approximate length of the application cycle? What is the success rate? What was their living situation during the application process? Are there any other ways to solve the identity problem?

If not, how did they successfully get temporary stay?

### **Policy and Social Support**

8. Do you believe that the current policies in Hong Kong adequately support undocumented children? What are the deficiencies?
9. What is the attitude of the community and the public towards undocumented children? Have you encountered any difficulties?

### **Improvement Suggestions**

10. What policies or measures do you think could improve the situation of undocumented children?
11. What plans or suggestions does PathFinders have to drive these changes?
12. Is there anything else you would like to add?

### **Closing**

Thank you for your time and insights. Your participation is greatly appreciated and will contribute to a better understanding of the challenges faced by migrant domestic workers and their children in Hong Kong.

## APPENDIX H: Statistics of Survey Data

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Figure 1: Age Distribution of Respondents

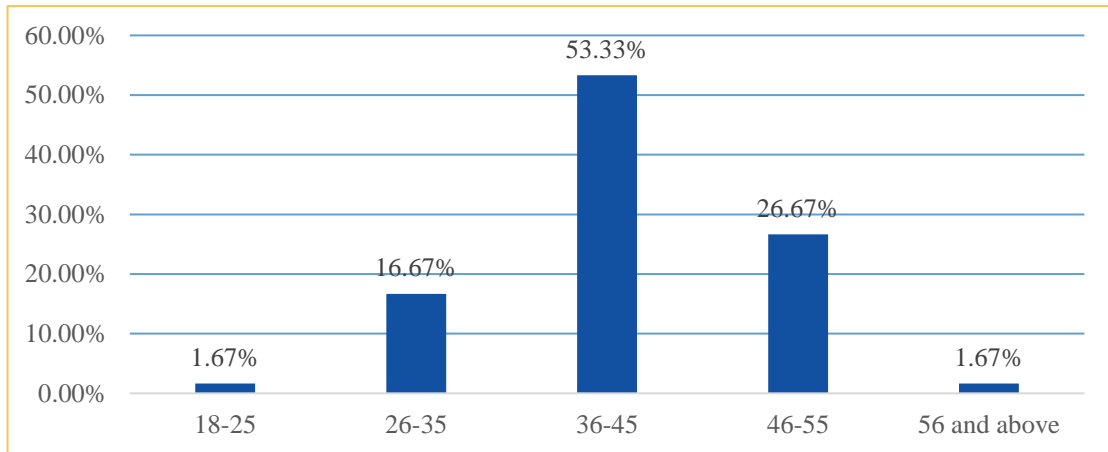


Figure 2: Nationality Distribution of Respondents

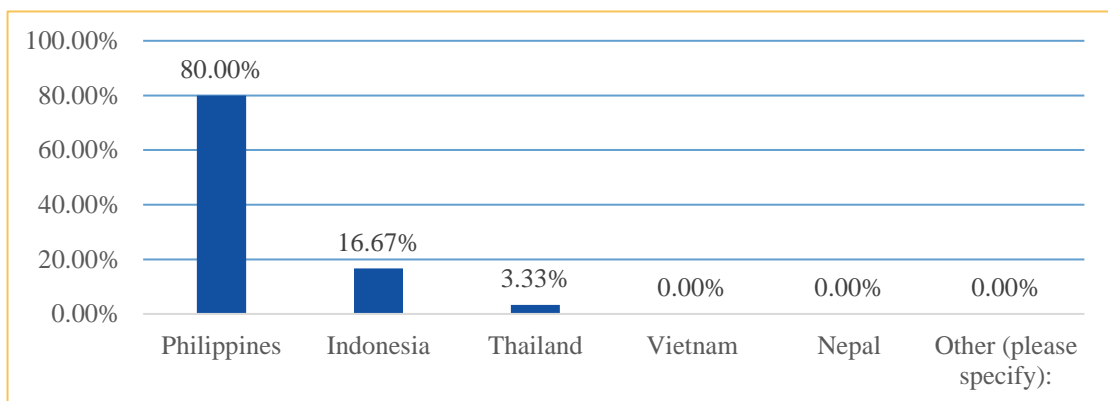


Figure 3: Respondents' Years of Working in HK

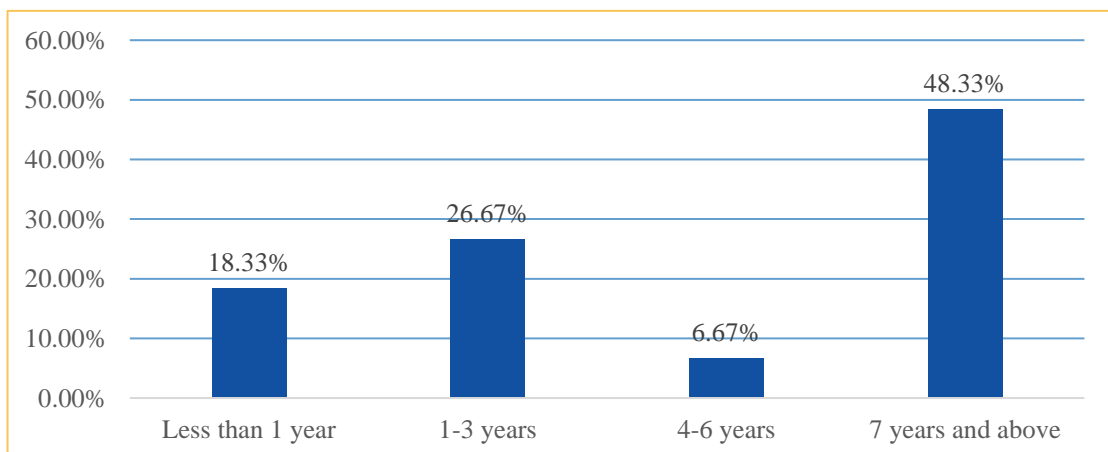


Figure 4: Respondents' Understanding of MDW's Maternity Phenomenon in HK

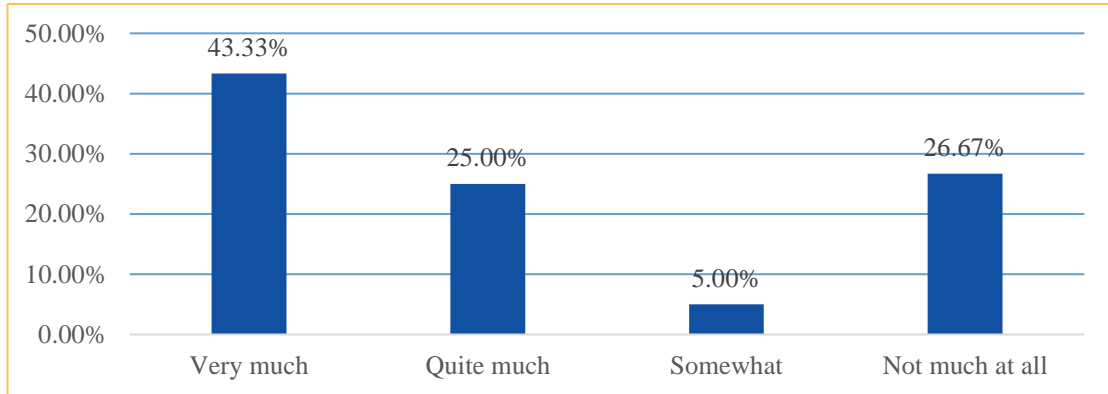


Figure 5: Prevalence of MDW's Maternity in HK in Respondents' View

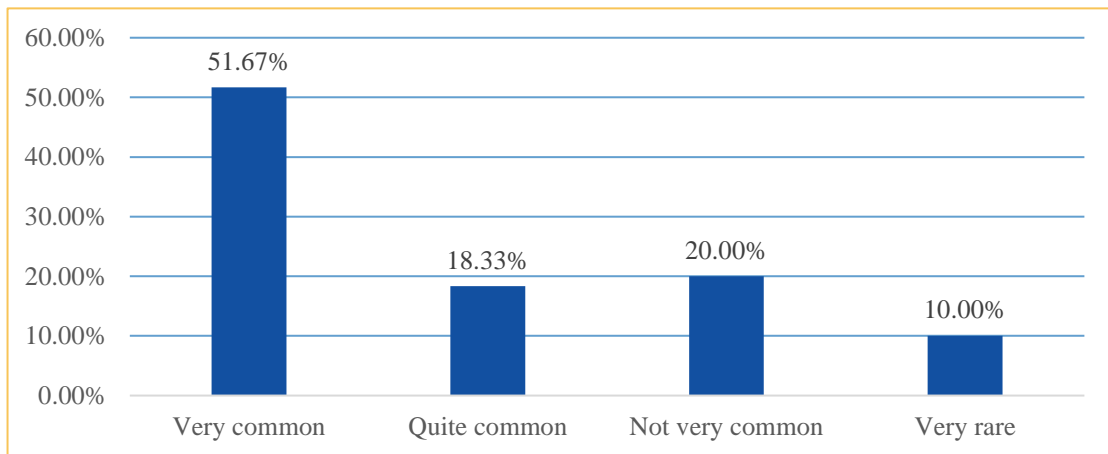


Figure 6: Respondents' Awareness of Identity Challenges of MDWs' Children in HK

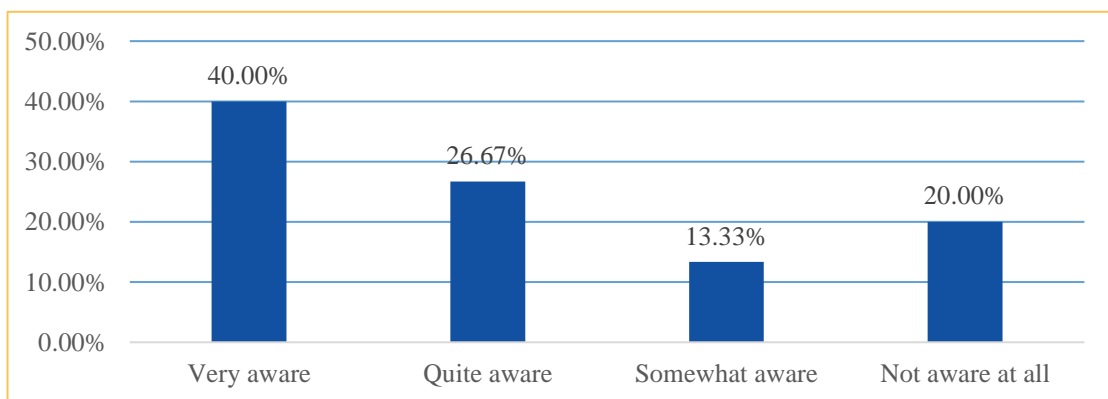


Figure 7: Respondents' View of Residency Rights of MDWs' Children in HK

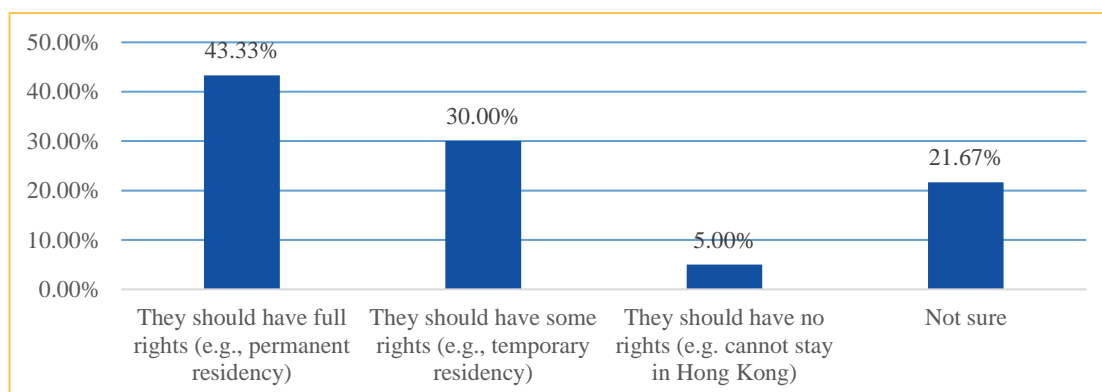


Figure 8: Respondents' Perspectives on MDWs' Children Living in HK

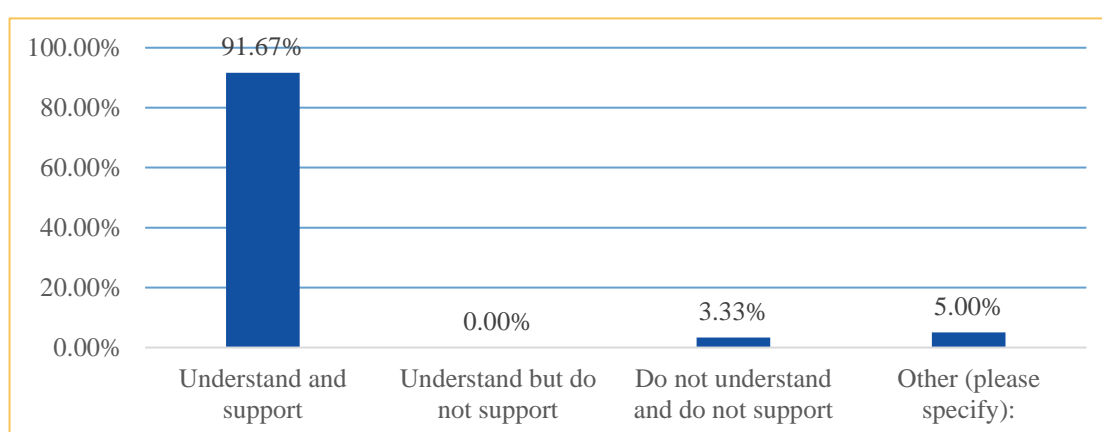


Figure 9: HK Society's Attitude towards MDWs and their Children in Respondents' View

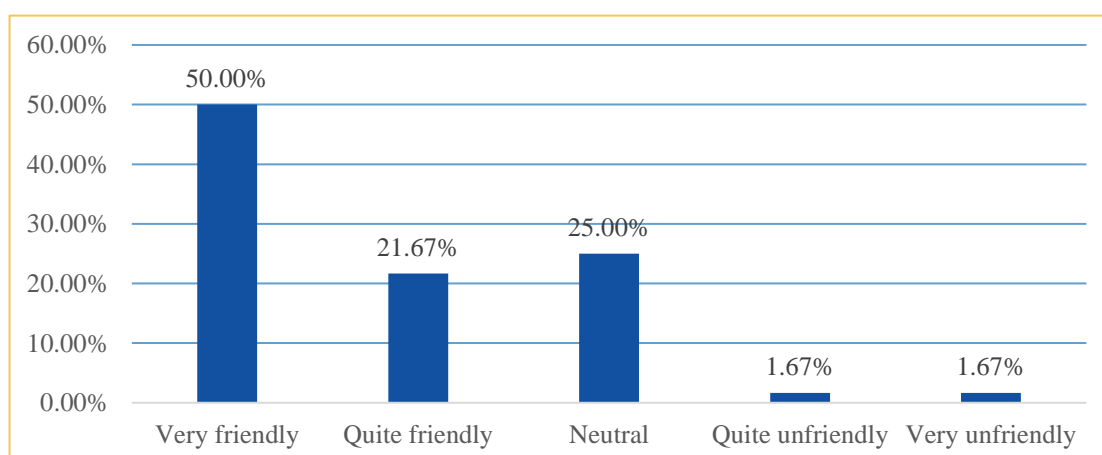


Figure 10: Impacts of MDWs' Children on HK Society in Respondents' View

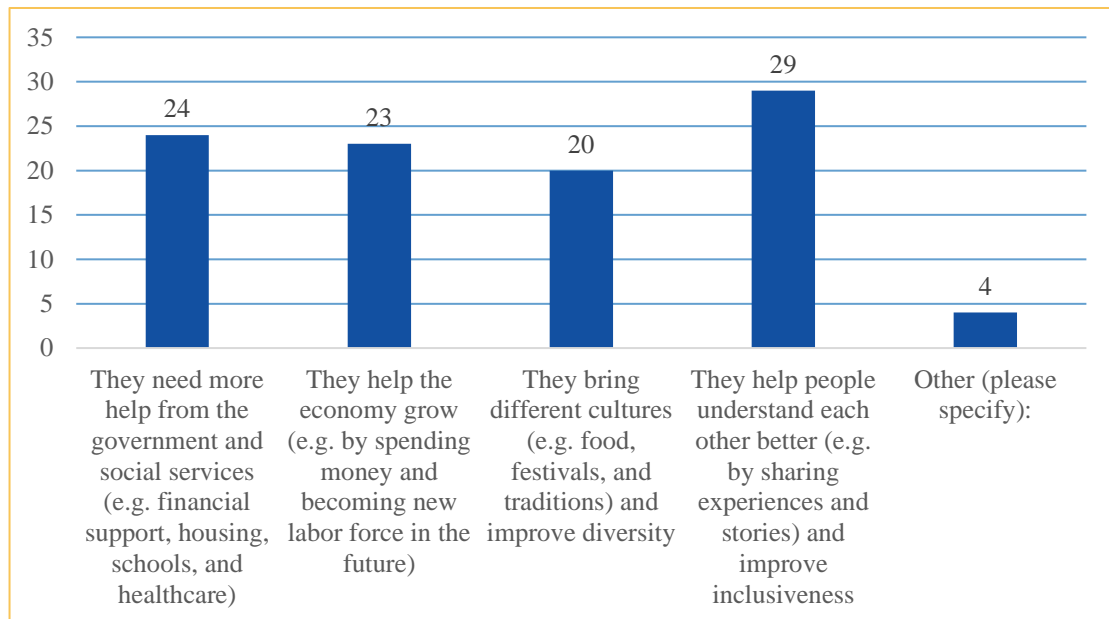


Figure 11: Respondents' Expectations for Government Support in HK



## APPENDIX I: Thematic Analysis of Interview Data

### MDW 1

Table 16: Thematic Analysis of Interview with MDW 1

Thematic Category	Sub-theme	Content Explanation	Interview Quotations
A1 – Personal Experience about MDW’s Maternity in Hong Kong	A1-1 – Existence of Real-life Marriage and Pregnancy Cases around Interviewee	There is a special case of MDW marrying Hong Kong PR around MDW 1, in which both of the MDW and her children would not face undocumented risks; but there are 0 case having such kind of risks.	“I have some (friends working as MDWs) married Hong Kong people... I don’t have that (kind of) friend (who married with a non-Hong Kong person). Cuz my friend is married in Indonesia and the husband also in Indonesia.”
A2 – Views on maternity issues of MDWs and identity issues of their children	A2-1 – Commonness of MDWs’ Maternity Thoughts and Phenomena in Hong Kong	Few MDWs will consider maternity in Hong Kong, and the first choice of accidental pregnancy during work is return to their own countries to finish birth giving.	“I don’t know (any of my friends considering having a child in Hong Kong). We try to avoid getting pregnant in Hong Kong, but if we get pregnant during our vacation back home, we usually find out about it after we return to Hong Kong to work, because it needs months to discover... At that point we usually choose to go back home to have the baby.”
	A2-2 – Possible Challenges for MDWs Raising Children in Hong Kong	Due to 0 personal experience and little knowledge about MDWs’ undocumented children problem, it is very difficult for MDW 1 to imagine what MDWs	“I don’t know (any challenges MDWs face in giving birth to and raising children in Hong Kong). Never think of (that). I cannot imagine this.”



		and their children will face under such circumstance.	
	A2-3 – Attribution of Responsibility of MDWs' Child Caring	While MDWs might not be capable to take care of their children well due to the nature of their work, children's fathers have primary responsibility to do so; if capability of the fathers is also not enough, then MDWs should ask their friends and fellow townsmen for help.	"The husband (in Hong Kong should take care of MDWs' children born in Hong Kong). I think friends or fellow townsmen (who are not MDWs could take care of MDWs' children born in Hong Kong, if the father is not in Hong Kong). For example, I have a friend owning an Indonesian shop."
		If MDWs give birth to children in Hong Kong, since their work could make some contribution to this city, the city's government also has part of the responsibility of child caring.	"Because I work here, the government (also) have to take care of children."
A3 – Cognition of the Role of Hong Kong Government and NGOs in the Policy Problem	A3-1 – Perspectives on Governmental Assistance for MDW's Child Caring	MDW 1 agrees that government support for MDWs giving birth in Hong Kong should include subsidies related to living, housing and children's education, but these subsidies are examples given by the interviewer to make the question easy to understand, and thus there is a possibility of inducing an answer.	<i>"So, what support do you think the government should give to help MDWs take care of their children in Hong Kong? Like maybe some subsidies for tuition fee of these kids or the subsidies for housing, living?"</i> "All of them."
	A3-2 – Knowledge of Governmental Assistance for MDW's Child Caring	For those MDWs who marry Hong Kong PRs, currently there are certain subsidies provided by the Hong Kong government; but for other cases, MDW 1 is unaware of any current supportive policies.	I don't know (any Hong Kong policy about supporting MDW's child caring), but my friend (the one married a Hong Kong person) said they got money from the government for kids."
	A3-3 – Perspectives on Policy Changes Beneficial to MDWs	As MDW 1 hasn't imagined what MDWs and their children will face under such circumstance, as well as	"I don't know (what policy changes would be good for MDWs and their children in Hong Kong). Never

	with children in Hong Kong	focused on relevant policies, there is no idea about what alternative policies would really be of help.	think of that.”
	A3-4 – Perspectives on Official Assistance to Non-refoulement Protection Claimants	The assistance to all claimants in Hong Kong is enough and satisfying.	“I think enough. (The assistance to non-refoulement protection claimants in Hong Kong is a) very big amount.”
	A3-5 – Perspective on Overall Assistance from Hong Kong Government and NGOs	The current status of MDWs in Hong Kong is just satisfying.	“Everything is already enough.”

\*Italicized typeface refers to interviewer’s question.

## MDW 2

Table 17: Thematic Analysis of Interview with MDW 2

Thematic Category	Sub-theme	Content Explanation	Interview Quotations
B1 – Personal Experience about MDW’s Maternity in Hong Kong	B1-1 – Existence of Real-life Marriage and Pregnancy Cases around Interviewee	There are 0 case of MDW’s pregnancy in working period around MDW 2.	“I have a lot of friends, but they never get pregnant during their work time.”
B2 – Views on maternity issues of MDWs and identity issues of their children	B2-1 – Awareness of the Policy Problem	MDW 2’s only information source about MDWs’ undocumented children problem is the internet far away from the real life.	“I heard (about MDWs’ maternity problem in Hong Kong), but in social media, like in Facebook. Yeah, through internet, social media.”
	B2-2 – Personal Feeling about MDWs’ Maternity in Hong Kong	Having children in Hong Kong is very difficult for MDWs, because MDWs and their children will not have a sense of belonging and convenience of living	“If for me, then (having a child in Hong Kong is) difficult, cuz this is not my nationality. When I in the Philippines, maybe it is more comfortable if I’m

		in Hong Kong without permanent residency, although the Hong Kong government protect MDW rights pretty well.	gonna be pregnant, because we're only visitors here, right? Although... government in Hong Kong is more beautiful than in Philippine. Oh, I like the government here in Hong Kong, actually."
	B2-3 – Personal Feeling about MDWs' Maternity in Hong Kong	MDWs should do serious pre-consideration about the potential difficulties before they decide to have children in Hong Kong, and do not easily do so.	"Maybe it's better to think twice before giving birth (in Hong Kong)? Because this is not my own country. (For those who might become unemployed, it is) not easy."
	B2-4 – Possible Challenges for MDWs Raising Children in Hong Kong	MDWs getting pregnant and have children in Hong Kong might face the risk of unemployment, then lose the income source to make living for their children and themselves in the high price environment in Hong Kong.	"For example, if we don't have our career, right? Then how can we raise properly our family or children? (Income) is the one thing important for being a human, (and) everything (is expensive in Hong Kong)."
	B2-5 – Attribution of Responsibility of MDWs' Child Caring	While MDWs might not be capable to take care of their children well due to the nature of their work, children's fathers and other immediate families have primary and the whole responsibility to do so.	"Only the immediate family. Oh, like their father (should take care of MDWs' children born in Hong Kong)? I have no idea on (who should be responsible for child caring if the father is not in Hong Kong or also work as a migrant worker) because I have no experience."
B3 – Cognition of the Role of Hong Kong Government and NGOs in the Policy Problem	B3-1 – Knowledge about Hong Kong's Law Protecting MDWs' Maternity Right	MDW 2 has 0 knowledge on MDWs' legal rights of maternity, probably because of lacking dissemination of relevant legislation.	"I have no idea on (that terminating employment of MDWs because of their maternity is illegal in Hong Kong) ... I think this is not legal for us domestic worker (to give birth in Hong Kong), right?"
	B3-2 – Perspectives on	The assistance to other kinds of claimants in Hong	"(The assistance to non-refoulement protection

	Official Assistance to Non-refoulement Protection Claimants	Kong is enough and satisfying, but for MDW claimants with children requiring more money, the situation is more complex.	claimants in Hong Kong) is very helpful. Absolutely to refugees. (But) maybe not enough (for MDW claimants with children). It depends.”
	B3-3 – Perspectives on Official Assistance to Non-refoulement Protection Claimants	Due to 0 personal experience on MDWs’ undocumented children problem, it is very difficult for MDW 2 to imagine what MDWs and their children needs except for official monetary aids.	“I don’t know (what else could be provided to the MDW claimants and their children by the government and ISS), because no experience.”
	B3-4 – Perspectives on Time Limitation of MDWs’ Visa Issue	MDWs’ 2-week visa expiry period without work might be too strict to pregnant MDWs, since pregnancy lasts for a long period, and within this long period it is difficult for these MDWs to find a new job.	“(For the current status of MDWs only having 2 weeks to find a new job, or else they will not have a valid Visa anymore, the time period) is maybe long enough, (and for pregnant cases) might not enough?”
	B3-5 – Perspectives on Time Limitation of MDWs’ Visa Issue	The effectiveness of the alternative policy of extending MDWs’ 2-week visa expiry period without work to solve the policy problem is uncertain for MDW 2.	<i>“Is extending this 2-week period useful for pregnant MDWs?”</i> “Maybe.”

\*Italicized typeface refers to interviewer’s question.

## Employer 1

Table 18: Thematic Analysis of Interview with Employer 1

Thematic Category	Sub-themes	Content Explanation	Interview Quotations
C1 – Employers’ attitudes, possible reactions and	C1-1 – Attitude: Troublesome and tricky.	Employer 1 finds pregnancy troublesome but understand it as a natural right of MDWs which	“From the employer’s point of view, it is quite troublesome, because after all, we hire MDW to come over to help us, rather than we take care of her, this is a quite tricky thing.”

underlying reasons to MDWs’ Pregnancies	Respect their rights.	cannot be deprived.	<p>“it’s also a tricky thing for my MDW, not that she’s doing it on purpose or anything like that, but it’s a very natural thing to do, and it just happened.”</p> <p>“I don’t think I am resistant to the issue, I just think that since it has happened, then it has happened, because after all, it’s just humanitarianism, you can’t deprive people of this right.”</p>
	C1-2 – Potential reaction: Negotiation with MDW to find solution.	<p>Employer 1 has no initiative intention of terminating employment right after MDW Pregnancy, while the contract will not be renewed upon expiration</p> <p>The decision will be based on negotiation with MDW and respect for her wishes.</p> <p>Also, it will be flexible decision-making, subjects to change according to the actual circumstances.</p>	<p>“I will instinctively feel quite headache.”</p> <p>“I definitely will have to communicate with the MDW about her willingness, if she is willing to stay and continue to work and give birth to this child in Hong Kong, then I will definitely assist her. Then if she wishes to go back home and need to have family to take care of me, then I will fulfill her.”</p> <p>“It’s just God’s will that it happens, and I don’t think it’s very humane to deal with it in a cold way.”</p> <p>“I will definitely not renew the contract when it expires”</p>
	C1-3 – Underlying reason: Pregnancy reduces MDWs’ ability to work and places more	<p>One Reason for opposition to MDW pregnancy is that MDW cannot meet employers’ expectations/requirements of work (Employer 1’s expectations of MDW’s work mainly include housework, child-caring, and food</p>	<p>“Assisting with household chores, and then taking care of the kids, and then providing meals, cooking, that’s all.”</p> <p>“Whether or not the family can take on that responsibility, including financial, including her need for help? Let’s say I have a very young baby at home, or I have a very old person at home, and I really need a MDW to give 100% of her strength to do things, well, then I definitely can’t accept that. Well, I’m hiring someone to come to solve problems, I’m not hiring someone to come and create</p>

	demands on employers	provision) Instead, it requires more effort for the employers to take care of pregnant MDWs.	problems for me.”
C2 – Views on maternity issues of MDWs and identity issues of their children	C2-1 – Presumption on the children’s legal status	Not knowing much. Employer 1 presumes the legal status of the child based on presumptions on birth motivation and choices of the MDWs.	“I just think, reasonably speaking, if she really gives birth here, the child is supposed to have a Hong Kong identity, because if the baby does not have an HKID, if I am this Filipino domestic helper, then I will certainly go back to my hometown to give birth. If my child is born here without an identity, why do I bother to stay and give birth here, that I certainly ask the employer to take a sum of money, I will go back.” “Otherwise, there’s no need to stay because it’s not necessarily comfortable to stay even if the employer is willing to keep her.”
	C2-2 – Views on paid maternal leave for MDWs	Maternal leave should depend on the legitimacy of MDWs’ identity and their motives to stay in Hong Kong. Employer 1 thinks government should not encourage unreasonable overstay	“I think if she’s legally staying, then of course she should have maternity leave. Paid or unpaid, I think it’s fine to follow the law. But if she applies to stay, I think it really depends on what the reason is for staying. I am not in favour of this approach because, first, what’s the use of that little bit of money? and the conditions are not good for adults or children, so why not go back? Unless there’s a war there in the home country, or political persecution, otherwise there’s no reason to stay.” “But if it is purely for the purpose of staying in Hong Kong, then I think the Government should not encourage and support this practice, that is, it should be repatriated, rather than saying that you should be given a stay and a subsidy just because you have applied for it.”
	C2-3 – Economic	Economic constraints hinder	“They must be facing financial problems, right? How can they raise a child in a

	Difficulties	<p>MDWs from raising children in Hong Kong.</p> <p>Employer 1 thinks that it would be a wise decision to give birth in the home country.</p>	<p>normal way with such a low salary? Well, it's impossible. You can count on 5,000 HKD a month. How can she raise a child? She can't even raise a child on the mainland. Unless she has other financial resources, like her partner here, who has a good income, then I think it makes sense, otherwise I think whether with legal identity or not, she has to go back home eventually."</p> <p>"The wise MDW are the one that should be negotiating with the employer in the first place, taking a lump sum and then going back to give birth."</p>
	C2-4 – Fairness of policy Framework	<p>The policy is fair from the government's perspective.</p> <p>The policy fairly prevents welfare-seeking but non-working or other socially unproductive behaviour after obtaining permanent residence</p>	<p>"As a government, or as the Hong Kong government, it really can't afford it."</p> <p>"In the past, many new immigrants, and now many new immigrants come here, because everyone is probably highly talented and educated, they will not slack off there, but in the past, I know some people who are the new immigrants in the early days of the marriage over, they are really the ones who do not work. Those who don't work, they slack off, and a society can't accept a large group of people who are slacking off, so I think you just have to look at the perspective, from his personal starting point, she definitely feels that it's unfair, but as a region, as a big picture, it's a relative fairness."</p>
	C2-5 – Opposition against MDW permanent residency rights	<p>Opinions against granting permanent residency based solely on MDW work duration.</p> <p>PR should not be based on work duration but on talent scarcity.</p>	<p>"I don't think it's reasonable to measure residency by the number of years they work, anyway. If you don't do it, someone else will. Yes, unless it's really scarce. You can do what others cannot. Then I'll give you a legal status to stay anyway."</p> <p>"If I can use money to solve the problem, I will definitely use money, rather than using the identity, because once they have the identity, they will slack off."</p>
C3 – Suggestions on Public Policy	C3-1 – Investigation of	Calls for better tracking of MDWs' situations	"The government can indeed arrange for some so-called social workers to follow up, to understand their actual situation, that is, you certainly cannot just ignore it.

regarding the social services issues of MDWs and Children	MDWs' condition		You must know how their situation is in terms of the overall control of society, there should definitely be an organization or a group to monitor how their situation is."
	C3-2 – Opposition against extra government asylum or more subsidies for undocumented children	<p>Opposition is based on:</p> <p>1.Consideration of negative outcomes, that is, this can encourage more illegal residency among MDWs</p> <p>2.MDWs should be responsible for their own birth decisions</p>	<p>"Giving too much is tantamount to encouraging them to stay through this channel or to have more children, so I don't think giving more is a good option. Because before she gives birth, she really has to consider whether she should do it or not, or whether she should go back to her hometown or stay."</p> <p>"Because as an adult she has to bear the consequences, not letting the society bear the consequences."</p>
	C3-3 – Minimal supporting services for children	<p>Legality and Equity: Employer 1 thinks that undocumented children should not access public services as it's unfair to others.</p> <p>Minimal child-caring services and encourage MDWs to continue to work, MDWs should pay part of the money for the service</p>	<p>"As long as the child is legal, I don't think we would have a problem with her having anything. But if she is illegal, whoever the child is, I think that is depriving other legal people of some of the benefits and resources, and that's unfair because everyone has worked hard to get their residency."</p> <p>"The community or social workers may provide some places for them to temporarily take care of the baby. I think this is also OK. Anyway, if the Government has a place for them, it is okay and may encourage the mother to come out and work. Because I'm against the idea that, the mother should stop working because of the child and then become a burden to society."</p> <p>"This should be a little bit less than the minimum needs. Just because the government is funding MDW doesn't mean they can rest on these. Well, even for the child-caring service has a little bit of a requirement, that is, MDW may have to bear some of the costs and no free run."</p>



			“MDW also seem to have rights as domestic workers, the union is there to advocate for their rights. they may be able to work with the government to provide individualized services for individual cases, but it must not be a policy to make people think that having children is a benefit.”
	C3-4 – Prevention of negative policy outcomes and policy abuse	Balanced policy	“If every single one of these mothers and children needs to be a dependent of your society, the policy will have to be prohibited, and the law might even have to be changed so that once a child is born, he or she is immediately repatriated.” “You have to be able to do this kind of policy that can take care of both sides will be a better policy.”
C4 – Cognition of the Role of Hong Kong Government and NGOs in the Policy Problem	C4-1 – Collaborative efforts from the government and NGOs	Emphasis on the necessity for NGOs to help bridge discussions between MDWs and the government.	“The government has to manage too many things, it is impossible to manage so detailed, so specific, right? So, these are some civil society organizations may need to discuss this issue, then in the process of this discussion, both sides will have the opportunity to have a consensus, we have time and the opportunity to understand each other. Instead of waiting for the problem to come out and then we all hope that the other side will accept their own reasons, it will be too late.” “Don’t wait for things to happen and then be very passive.”

## Employer 2

Table 19: Thematic Analysis of Interview with Employer 2

Thematic Category	Sub-themes	Content Explanation	Interview Quotations
D1 – Employers’ attitudes and underlying reasons to MDWs’ Pregnancies	D1-1 – Attitude: Worries.	Employer 2 considered that a pregnant MDW would no longer be suitable for domestic work and would be prone to unpredictable circumstances.	“I’m worried... There are two aspects to it. The first and most direct one is definitely about myself, because she’s the one who takes care of my daily life. I’m really worried that she might have an accident... It’s inconvenient for her when she has a big belly.”

			<p>“Even if you talk about such basic housework as mopping the floor, you are also worried that her belly is not convenient, or her feet slip and fall, very worried about this, and of course, there are some discomforts in pregnancy, some physiological discomfort, will definitely affect a lot of housework.”</p>
	<p>D1-2 – Underlying reason: Fear of taking responsibility.</p>	<p>Since the employment relationship, the employer is responsible for the personal safety of the MDW, and the employer is concerned that he will be liable for any accident to the pregnant helper.</p>	<p>“The second aspect, which I think is a more serious issue, is that she stays in my home 24 hours a day, and I need to take responsibility for her. If anything goes wrong, I will bear a great deal of responsibility.”</p>
<p>D2 – Views on maternity issues of MDWs and identity issues of their children</p>	<p>D2-1 – Legal restrictions and constructive dismissal</p>	<p>Although the law prohibits employers from dismissing MDWs due to pregnancy, employers may terminate the contract through negotiation or providing financial compensation.</p>	<p>“So (that friend) immediately gave her what was left of the salary, which seemed to be for a whole year, and then fired her right away, asking her to go home immediately.” “There is a regulation in Hong Kong stating that you are not allowed to dismiss a foreign domestic helper just because she is pregnant.”</p>
	<p>D2-2 – Resource Allocation and Social Support</p>	<p>Employers believe that social resources should be given priority to local residents, and they do not approve of the government providing additional support for the children of MDWs.</p>	<p>“I definitely don’t recommend it. I think that even ordinary working women like us in our daily lives don’t get such things. Why should we deliberately provide it for a foreign domestic helper?” “Because there aren’t any resources available from the government in this regard in the first place.”</p>
	<p>D2-3 – Immigration Policies and Their Impact on Population</p>	<p>Employers support restricting MDWs from obtaining the right of abode in perpetuity. They believe that opening up the right of abode in perpetuity will</p>	<p>“I think Hong Kong currently favours talents like high-level talents and quality talents, doesn’t it...?” “The overall quality of the population in Hong Kong will be dragged down.” “I think this law may also make them more grounded (no other</p>

		affect the population structure and social stability of Hong Kong.	ideas) He (the law) has told you, (about) permanent residence you can't think too much, you just come to work well."
	D2-4 – Views on paid maternal leave for MDWs	Employers believe that MDWs should be given maternity leave, but the fundamental issue does not lie in the length of the maternity leave. Instead, it is that the very fact of an MDW getting pregnant and giving birth is something that employers find difficult to accept and bear.	"I think maternity leave is definitely necessary. As a woman, you surely need to take a rest; it's impossible not to. But as I said, for employers, it's actually not a matter of maternity leave... Her giving birth should not happen in Hong Kong."
	D2-5 – Basic public service	Employer 2 believes that MDWs' children should have access to basic public services such as education, but the bigger issue is not public services but basic living conditions	"In theory, there shouldn't be any difference because everyone is a Hong Kong resident born in Hong Kong. Well, you should, like, go to school for free. You should get whatever you want for free, I think." "I think she has a problem with the basic conditions of survival, not with public services."
	D2-6 – Social Prejudices against MDWs and Their Children	Employers have pointed out that the society generally does not consider MDWs as a permanent group in Hong Kong, and there is potential discrimination against the children of MDWs.	"Of course, I think that the whole society's attitude towards foreign domestic helpers... is that they don't think these helpers will become Hong Kong people. They don't consider them as a permanent group." "Because of their difficult living situations, it's very hard for them to establish themselves in Hong Kong, and it's also very difficult for their children to achieve social mobility."
	D2-7 – Economic and Housing Difficulties	The limited salary and live-in work model make it nearly impossible for	"I'm worried about the baby, too. Where can she raise it? Isn't it in my house? Does she have anywhere else? Because the law says it's

		MDWs to raise children in Hong Kong	<p>in my house.”</p> <p>“And her labour is actually very low, which means that if you want to raise a child, well, it doesn’t matter how much it is now, the minimum is more than 4,000, we’ll take it as 5,000, well, they can’t raise it.”</p> <p>“And I don’t think any employer would want you to bring a child to work.”</p>
<b>D3 – Suggestions on Public Policy regarding the social services issues of MDWs and Children</b>	D3-1 – The Policy Directions Preferred by Employers	Employers tend to advocate that MDWs should be legally compelled to return to their home countries to give birth, so as to avoid the problem of children being born without proper documentation in Hong Kong.	<p>“I think this kind of thing simply shouldn’t be allowed to happen. We shouldn’t let some people take advantage of loopholes. We shouldn’t support this kind of thing.” “But how can we prevent it from happening? Because I believe it will cause a lot of trouble.”</p>

### Councillor

Table 20: Thematic Analysis of Interview with Councillor

Thematic Category	Sub-themes	Content Explanation	Interview Quotations
E1 – Legal Policy Interpretation	E1-1 – Determination of the Right of Abode for MDWs’ Children	According to the Basic Law, children born to MDWs do not have the right to live in Hong Kong. Their stay is illegal and they should be repatriated to their parents’ home countries.	“According to the Basic Law, there are clear regulations on which children born in Hong Kong or abroad are eligible to live in Hong Kong and whether they have permanent resident status. For example, the children of MDWs definitely do not meet the conditions for living in Hong Kong. Their stay in Hong Kong is illegal. According to Hong Kong law, they should be sent back to their parents’ home countries.”

	<p>E1-2 – Policy Differences between “doubly non-permanent resident children” and Children of MDWs</p>	<p>The parents of “doubly non-permanent resident children” (children that both father and mother were not PR in Hong Kong) are of Chinese nationality, and there was a loophole in the Basic Law at that time. The interpretation of the law by the Standing Committee of the National People’s Congress resolved the “doubly non-permanent resident children” issue. MDWs may not be of Chinese nationality, and the 2 situations are different and should not be confused.</p>	<p>“MDWs hold work visas in Hong Kong. They themselves do not have the right of abode, and their children definitely should not have the right of abode either. We should not discuss the situation of MDWs and ‘doubly non-permanent resident children’ cases together. Didn’t the parents of doubly non-permanent resident children also not have the right of abode in Hong Kong? Right, but at that time, there was a loophole in the Basic Law. Their parents were of Chinese nationality. MDWs may not be of Chinese nationality. This is the biggest difference. After the ‘doubly non-permanent resident children’ incident, the interpretation of the law by the Standing Committee of the National People’s Congress resolved that problem. So, we should not confuse these two issues.”</p>
	<p>E1-3 – Details of the Childbearing Policy for MDWs</p>	<p>It is legal for MDWs to give birth in Hong Kong, but their children do not have the right of abode. Employers face difficulties due to MDWs’ childbearing, and the government will not support relevant policies.</p>	<p>“It is legal for MDWs to give birth in Hong Kong, but their children do not have the right of abode. MDWs come to Hong Kong to help Hong Kong families with work. If they give birth, what should the employers do? The employers may have to find another MDW, and they also need to provide accommodation for the child. This is not very practical. From the employers’ perspective, MDWs should not give birth. Of course, giving birth is the freedom of MDWs, but the government will not support it and will not introduce relevant policies.”</p>

E2-Social Issue Judgment	E2-1 – Social Attention to the Issue of Undocumented Children	There is little discussion about the issue of undocumented children in society. The situation of MDWs giving birth is not common. The current policy has solved this problem.	<p>“Actually, this issue isn’t discussed much now. If there were problems with the policy, society would definitely discuss it. But in the past 20 - plus years, no one has discussed it. Moreover, the situation of MDWs giving birth is not common. Society doesn’t think this is a problem. From the perspective of policy study, there are three P’s: problem, policy, and politics. Now no one thinks this is a policy problem. So, no one studies the policy proposal, the policy, and finally, the politics. The initial problem is not even considered a problem by anyone now. If it were a problem, why hasn’t it been discussed in 20 years? This shows that the current policy has already solved this problem.”</p>
	E2-2 – Social services provision to MDW’s maternity and childrearing	Councillor 1 is against government support. MDWs should be self-reliant during childbirth and childrearing	<p>“Many MDWs have difficulties in giving birth and raising children, that’s their own business. We need to reduce costs and can’t provide them with too much support”</p> <p>“In Hong Kong, no one thinks they should be given more space. Some people even say that there should be legislation to prohibit foreign domestic workers from giving birth”</p>
	E2-3 – Responses to the Rights and Interests Demands of Different Groups	MDWs knew before coming to Hong Kong that their children born in Hong Kong would not have the right of abode. Due to their limited education and understanding, their demands for government assistance are not clear. Some people in society think that the MDW group should not	<p>“Other foreigners working in Hong Kong have different work visas from MDWs, and their plans for coming to Hong Kong are also different. MDWs knew before coming to Hong Kong that if they gave birth in Hong Kong, their children wouldn’t have the right of abode. Now why studying this issue? they also know that their children can’t have the right of abode. What policies can help them? Who would want to help them? Do they themselves want the government to help? They are an NGO. Of course, they hope the government and society</p>

		be given more space, and some even advocate legislating to prohibit MDWs from giving birth.	will give them more space. But in Hong Kong, no one thinks they should be given more space. Some people even say that there should be legislation to prohibit MDWs from giving birth.”
E3 – Policy evaluation views	E3-1 – Evaluation of policies regarding MDWs and their children	Neither the government nor the MDWs would like to evaluate the policy	“First, the government won’t take the initiative to evaluate. If upper - class residents or employers find out that foreign domestic workers have given birth, they will report to the government and question why such a situation is allowed. Second, foreign domestic workers also don’t want the government to evaluate. They don’t want the government to know that they’ve given birth because once the government knows, it may send the child back to their home country. So they don’t want to have contact with the government either. Since no one wants the government to know, who will evaluate? So the policy generally won’t change, and it can’t be evaluated either.”
	E3-2 – Difficulties in Formulating Policies for Researching Illegal Groups	It is difficult to formulate policies for researching illegal groups. MDWs should not give birth in Hong Kong, and it is more important to study preventive measures before child - bearing.	“The key point is that MDWs shouldn’t give birth in Hong Kong. So if it were your policy proposal, what would you do? It might be better to figure out how to prevent MDWs from giving birth in Hong Kong rather than researching the situation after they’ve given birth.”
	E3-3 – Necessity and Possibility of Policy Improvement	there is currently insufficient motivation to change the policy, and maintaining the status quo is sufficient.	“After all, as a decision - maker, it’s very difficult for me to develop a policy proposal for a group of law - breakers. It’s not about which policies can be changed, but which policies have the motivation to be changed. Now there is actually no motivation to change the policy.” “Just maintain the status quo.”

E4 – Cooperation of Stakeholders	E4-1 – Cooperation Model and Policy Flexibility	Regarding the issue of undocumented children, NGOs take the initiative to approach the government. The government tacitly allows NGOs to do some things but does not take the initiative to cooperate, which reflects policy flexibility.	“Actually, this reflects the flexibility of the current policy. If you take the initiative to tell the government to strengthen cooperation with certain NGOs, the government will definitely not agree and may even make the policy stricter. Currently, it’s the NGOs that take the initiative to approach the government. Only then will the government, to a certain extent, tacitly allow NGOs to do some things, but it won’t take the initiative to cooperate. This is a political strategy.”
	E4-2 – Impact of Strengthening Cooperation	Taking the initiative to strengthen cooperation will make the government’s policy stricter, and maintaining the status quo is more beneficial for the implementation of the existing policy.	“If the cooperation is strengthened, it may not necessarily be helping MDWs. It’s better to maintain the status quo.”
E5-Cooperation of Stakeholders	E5-1 – Policy Perspective on Specific Cases	The application for “Non-refoulement Protection” by MDWs and their children is a personal issue, not a policy issue.	“Then why don’t they go back to their own countries? In that case, their families refused to let them return. Their families in their home countries didn’t want to live with them. What does that have to do with the Hong Kong government? Then it’s a personal problem, not a policy issue.”
E6 – Analysis of Policy Differences between Regions	E6-1 – Impact of Resource Factors on Policy Differences	The reasons for the policy differences between Hong Kong and Taiwan region are related to resource allocation. The local resources in Hong Kong are limited, and it is necessary to give priority to	“The local resources in Hong Kong are insufficient. It’s not reasonable to provide education for illegally - resident people. After all, the money of Hong Kong people should be used first to guarantee the people who come to work in Hong Kong legally. Now many high - end talents come to Hong Kong, and their children also face the problem of insufficient educational opportunities. Why not allocate



		<p>guaranteeing the educational rights and interests of people who come to work in Hong Kong legally. Due to the short-term nature of MDWs' employment, if educational resources are provided for their children, it is difficult to ensure subsequent costs, resulting in different policies in Hong Kong compared to Taiwan region.</p>	<p>the resources to them? MDWs may leave after working for two years. Who will bear these costs then?"</p>
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#### Caseworker 1

Table 21: Thematic Analysis of Interview with Caseworker 1

Thematic Category	Sub-themes	Content Explanation	Interview Quotations
F1 – Participation of Non-profit Organizations-Client (PathFinders) Job Description	F1-1 – Obtaining legal identity documents.	One of PathFinders' focuses is to help MDW's children born in Hong Kong to obtain legal identity documents, covering matters related to birth certificates, consulate registrations and travel documents.	"So, it's my focus is on supporting migrant workers and their children, particularly in ensuring that their children are properly documented. This includes obtaining Hong Kong certificates within 42 days of birth and registering at the maternal and child health centre. Registering their birth at the respective consulate and securing a valid travel document."
	F1-2 – Helping in communicating with multiple sectors and get Temporary	The client (PathFinders) is also responsible for helping MDWs and their children communicate with the appropriate agencies to access basic services and Temporary Residence.	"Model involve advocating for their rights, facilitating communication between clients and relevant authorities (Hong Kong immigration, consulates) and providing access to essential services." "Therefore, we PathFinders helps them (MDWs) to inform the immigration about the situation (...the mother who faced an extension

Residence for MDWs		<p>section in the immigration and the mother's visa was about to expire, it said the child's passport was not ready yet...). We also provide proof from the consulate. We inform them of the collection time of the child's passport.”</p> <p>“It can be done within one day. Since the immigration discusses with their team whether the given proof is legit or not. And if the mother really doesn't have any intention of staying in Hong Kong. In the end, it can be within one day or maybe can be one week.”</p> <p>“But so far, as long as I apply, (the Temporary Residence been approved).”</p>
F1-3 – Providing Financial Support.	Client (PathFinders) provides financial support for MDWs in emergencies.	<p>“Additionally, we also provide financial support, such as covering the cost of Hong Kong birth certificate to reduce their financial burdens. We also pay for the emergency fees to ensure their children remain healthy.”</p>
F1-4 – Differences between the work of the client (PathFinders) and other NGO	PathFinders focuses on pregnancy assistance and child identity document processing. ISS Hong Kong, on the other hand, focuses on meeting the basic needs of MDW and children.	<p>“ISS Hong Kong is the dedicated NGO by the Social Welfare Department to assist the non-refoulement claimants or we call NRC and ISS profit surface to NRC on humanitarian grounds. So yeah, we sometimes also offer the same clients.”</p> <p>“PathFinders focuses on pregnancy assistant and chat documentation, while ISS concentrates on meeting basic human needs such as food, essential supply and accommodation. Therefore, ISS provides in comfort to undocumented children as part of its emergency support. In the meantime, PathFinders assists with birth registration and advocates for the issuance of the children recognition from it.”</p>

F2 – Client (PathFinders) service effects	F2-1 – Perspectives on the Most Effective Services	Financial support and help with communication are more effective in the services provided by PathFinders.	<p>“Yeah, in my opinion, communication facilitation and financial support are highly effective because they reduce their bureaucratic delays, speed up the process by clarifying the requirements with the relevant parties. I’ll consider my experience. This was a time when a child’s passport was not ready yet but the mother visa was about to expire. And that means we brought a letter to the feature extension section in their immigration on behalf of the mother was requesting an extension for the mother’s visa. We also provided approval from relevant parties such as consulates to support their case with immigration. In the end, they would issue a white card that permitted them to remain in Hong Kong and to the processing of the children documentation was completed.”</p>
F3 – Challenges for Undocumented Children	F3-1 – Education and Healthcare Barriers	The lack of legal visas makes it difficult for undocumented children to access the basic guarantees to which they are entitled.	<p>“In terms of the education, children are unable to attend school because the Education Bureau requires a valid visa or approval from immigration. And regarding the healthcare, undocumented children must pay for immunization which should be free for them. But because they don’t have the certificate, they have to pay. Consequently, parents who cannot afford this are unable to access basic healthcare for their children.”</p> <p>“So first and foremost, undocumented children may face barriers in accessing public health care. Public healthcare often takes immigration status into account. Works can only be verified with the issuance of a Hong Kong birth certificate. And then children with a permit to remain, are required to process a passport for visa extension.</p>

			<p>So, however, consulates have requirements for passport applications. For example, the Pakistani consulate requires a mere certificate. However, some couples may face difficulties in obtaining this, such as they have a valid preface marriage, which prevents them from marrying in Hong Kong. Some of them also may be unable to process the reinforcement because of the restrictions in their home country. In addition to that, parents holding recognition cannot return home. Therefore, they cannot also process the default, right? And that also make complicates their ability to meet the requirements.”</p>
	F3-2 – Government/policy deficiencies	<p>There are still inadequacies in the services provided by the Hong Kong Government, such as the lack of interpreters and the excessively long administrative vetting and approving process, and this hidden burden will aggravate the plight of undocumented children.</p>	<p>“Yeah, considering the challenges that I mentioned earlier, I believe there is significant room for improvement in Hong Kong. Given the city’s diversity admin minorities request support through the interpretation surface, particularly in the immigration context. These services are essential not only in the hospital but also at the immigration department, including the birth offices. Okay. So, it’s the Hong Kong..., they need someone to write and read in English properly. And that’s why some clients also have this difficulty. They need to bring someone who are capable in reading and writing in English fluently. So, I think immigration can work together with the other NGOs. So, I this one is a system. They need provide the interpretation service to their users, including the active minority.”</p> <p>“So, about the education, undocumented children need to obtain approval from immigration department as require by the Education Bureau. I also have witnessed some children unable to attend the</p>

			school due to delay approvals.”
	F3-3 – Improving perspectives	The Hong Kong Government provides assistance in areas that are easily overlooked, so as to avoid systematic issue affecting the protection of the rights of undocumented children.	<p>“However, they may also consider providing interpretation services for action minorities to facilitate the processing of Hong Kong birth certificate issuance.”</p> <p>“And then secondly, I believe immigration should consider the visa requirements for children who need to attend school. Not having a passport is not their fault. And I think it’s very important to ensure they do not suffer because of the systemic issues.”</p>
F4 – Societal attitudes towards undocumented children	F4-1 – Diversity of Societal attitudes	Community and public attitudes toward undocumented children vary. This reflects the fact that there are differences in the level of awareness and concern in the community about this issue and that there is not yet a uniformly positive response.	<p>“About the attitude, our stakeholders are worth taking a back upon learning about the challenges that the children face. Meanwhile, in the community and among the public, there are mixed feelings. Some express compassion for the children. What others feel is a sense of helplessness regarding the situation.”</p>
F5 – Cooperation of stakeholders	F5-1 – Existing Cooperation with Consulates and NGOs	Currently, the client (PathFinders) is experiencing a number of difficulties that need to be resolved collaboratively by multiple stakeholders, but is still in the exploratory and facilitation phase, with specific outcomes and results unknown.	<p>“Yes, I have encountered a situation involving a child in which a child was unable to attend school because of not having a passport. We reach out to the relevant consulate for assistance. However, they require a marriage certificate. Unfortunately, the parents are unable to marry because one of them cannot secure a default certificate as Hong Kong marriage request so accessories out the Chinese immigration status has become uncertain. That’s why we’re also seeking help from other NGOs and both of us also continue to work with the immigration authorities and also with the consulate regarding this</p>

		<p>matter.”</p> <p>“To be specific is that we PathFinders and other NGOs work with the, I mean, we try to communicate with the consulate and then try to also advocate and find a way, a solution for this chart because the child is about to go to school this year. But he has no appropriate visa yet. Because he has a passport. So, we are trying to communicate with the consulate whether they can find some solution for this.”</p> <p>“Yeah, to be honest, we’re still working on it. So, I also cannot answer what the result. Yeah, we’re also still working on trying to avoid confusing the immigration about the chart status and the chart needs as well. I think immigration is also kind of desperate as well. The immigration also called us to try to find some solution to secure the child’s passport.”</p>
F5-2 – Future Expectations	<p>The client (PathFinders) believes in the importance of working with other NGOs, government agencies, and hopes to strengthen ties and cooperation to better help MDWs and undocumented children.</p>	<p>“I believe enhancing networking and collaboration with other NGOs, government agencies and institutions is crucial. We’re currently focusing on building relationships with other NGOs, also striving to serve as a bridge between vulnerable groups and the government.”</p> <p>“However, they may also consider providing interpretation services for action minorities to facilitate the processing of Hong Kong birth certificate issuance. Collaborating with a department could facilitate this initiative effectively. It’s like the Home Office Department is always sponsoring one of the NGOs in Hong Kong to offer interpretation and transaction services to minorities. Yeah, so as I know, they’re, I think they have eight or seven languages.”</p>

## Caseworker 2

Table 22: Thematic Analysis of Interview with Caseworker 2

Thematic Category	Sub-themes	Codes	Content Explanation	Interview Quotations
G1-Basic Personal Information	G1-1 – Personal Working Experience to Help MDWs and their Children	Working Duration in PathFinders	Caseworker 2 might not be a very experienced staff in PathFinders.	“I have been working at PathFinders since last June.”
G2 – Participation of PathFinders in the Policy Problem	G2-1 – Responsibility of the Crisis Intervention Team	The Target Group of the Crisis Intervention Team	There are several teams in PathFinders responsible for clients having different identities. The Crisis Intervention Team, in which Caseworker 2 works, provide comprehensive assistance for MDW and former MDW groups having maternity problems, as well as their children in Hong Kong.	“I work as a senior case officer in the Crisis Intervention Team, providing assistance to MDWs or former MDWs who encounter pregnancy. We also take care of the welfare of children born in Hong Kong...”

	G2-2 – Functions of the Crisis Intervention Team	General Assistance for the Whole Target Group	The Crisis Intervention Team provides case management to pregnant MDWs, including legal rights and healthcare informing, maternity support, documentation assistance (birth certificates, travel documents) and healthcare access.	<p>“Part of our job is case management. We inform them of their legal rights, such as the right to access healthcare and maternity protection. It’s part of our role to provide rights-based information and healthcare information.”</p> <p>“Additionally, after a baby is born, we assist the baby and parents in obtaining necessary documents, such as birth certificates, travel documents, and ensuring they attend maternal and child health centres for vaccinations, etc.”</p>
		Assistance for MDWs’ Children in Hong Kong	The crisis intervention team could offer essential supplies, as well as caring and supportive services by itself to MDWs’ undocumented children, and also help these children to access to formal healthcare and education services provided by other private or public agencies.	“(We also take care of the welfare of children born in Hong Kong) by providing care, support, essential supplies, and access to healthcare and education.”



		Assistance for MDW Mothers in Hong Kong	PathFinders help MDWs having reproductive issue form a more clear and comprehensive cognition of all the options they have based on their personal background, as well as the cons of choosing asylum in Hong Kong as the final solution to their problems.	“We encounter such cases (that terminated MDWs don’t want to go home) and explore options with them, such as why they want to stay and why they can’t return home. If they decide to stay, many choose to seek asylum to manage their pregnancy and childcare, though we always inform them of the risks—like the low substantiation rate (less than 1%) and the challenges of limited resources as asylum seekers.”
		Special Assistance for Returning to Home Country	Due to the unsustainability of long-term staying in Hong Kong via non-refoulement protection (asylum) claiming, PathFinders promotes a home country return program, partnering with local organizations to support reintegration.	<p>“We explain the process (of non-refoulement protection claiming) but don’t assist with legal asylum cases. We let them make informed choices, highlighting our home country return program, which partners with local organizations to support reintegration, as staying long-term in Hong Kong as an asylum seeker is tough.”</p> <p>“We emphasize the home country return program (as staying long-term in Hong Kong is unsustainable due to legal and financial barriers).”</p>
	G2-3 – Outcomes of the Effort of the Crisis Intervention Team	Real Cases of the Special Assistance	After understanding the pros and cons of different options, MDWs might do more rational decisions, such as return to home countries.	“Some clients, after workshops on the risks (of seek asylum to manage their pregnancy and childcare in Hong Kong), choose to go home.”

G3 – Challenges for MDW Mothers	G3-1 – The Story Behind the Staying of Unemployed Pregnant MDWs	The Main Reason for Unemployed Pregnant MDWs' Staying Decision	MDWs with reproductive issue want to remain in Hong Kong even without a job is not because economic reason, since as long as they claim for non-refoulement protection to avoid immigration detention towards overstayers, they are prohibited to work, thus having no income source; it is mainly because of the fear of being discriminated in their home countries due to their pregnancy, but the 2-week limitation is too short for them to finish dealing with their reproductive issue.	"I don't think so. MDWs who are terminated must return home within 2 weeks per immigration rules. Many mothers fear returning home pregnant, especially if the father is absent or unmarried, due to stigma. If they stay, they might overstay and seek asylum, but they can't work legally, so financial gain isn't the motive—they just need time to manage pregnancy and childcare."
		The Complexity of the Reason for Unemployed Pregnant MDWs' Staying Decision	Each of MDWs facing pregnancy and childcare problems might have totally different backgrounds and aims. Their cases should not be simply analysed as a whole.	<i>"The reasons are quite complicated."</i> "Yes, very much so."
	G3-2 – MDWs' Disadvantageous Position in Employment Relationship	MDWs' Fear about Unemployment due to Pregnancy	MDWs are afraid to inform their employers about their pregnancy, because they do not want to lose their jobs, and they are weaker in discussion about the dealing method to their pregnancy than their employers.	"Many MDWs, when pregnant, are concerned about how to discuss this with their employers and whether they will be terminated."

		The Reality of High Risk of MDWs Losing Job due to Pregnancy	Employers are always more powerful in contract negotiation no matter how familiar MDWs are with legislation, not to mention that MDWs often lack knowledge about their legal rights. So ultimately the risk of unemployment of MDWs because of maternity is high, leading to the loss of valid visa and following eligible healthcare service.	“MDWs may not know their rights, or even if they do, employers may terminate their contracts, leading to loss of healthcare access and immigration status. These cases are challenging because if they were previously valid visa holders, they could access public hospitals as eligible persons. However, if terminated—for reasons like out-of-wedlock births or mixed-race children—they may want to remain in Hong Kong, making the situation particularly difficult as they lose status and benefits, including healthcare access.”
	G3-3 – Social Service Barriers of Unemployed MDW Mothers	The Limitation of Healthcare access of Unemployed MDW Mothers	There is significant healthcare difficulty faced by unemployed MDW mothers in Hong Kong.	“Mothers without valid visas face denial of prenatal checkups...”
G4 – Challenges for MDWs’ Undocumented Children	G4-1 – Limitation for the Residency of MDWs’ Children	Specialized Legal Status and Visa Dependence of MDWs’ Children	Usually, the immigration document for MDWs’ children is called “permit to remain” but not Dependent Visa, which is tied to their mother’s visa called Migrant Domestic Worker’s Visa, unless their father has a more favourable visa status. This leaves them vulnerable to losing official identities if	“When discussing children born to migrant domestic workers with valid visas, they have ‘permits to remain’ matching their mother’s contract end date, making them documented but still facing challenges like limited childcare as mothers work.” “For children of overstaying or asylum-seeking mothers, they have ‘recognizance papers’, which

			the mother is terminated working or overstays.	are not official IDs and grant limited access to services.”
	G4-2 – Social Service Barriers of MDWs’ Undocumented Children	High Financial Burden of Healthcare of MDWs’ Undocumented Children	If the mother’s visa is not valid anymore, MDWs’ children will be non-eligible for cheap public healthcare, and the mother even needs to afford the very expensive fees under the prohibition of working.	“... and children (only with ‘recognizance papers’) must apply for medical fee waivers, adding barriers to essential services.”
		The Limitation of Educational Access of MDWs’ Undocumented Children	Although compulsory education is free for MDWs’ undocumented children with recognizance paper, they face administrative hurdles of additional documentation and financial burdens of expenditure other than tuition, limiting access to education.	“Education-wise, children need a non-objection letter from IMMD to attend school. Even with free tuition, additional costs for uniforms and extracurriculars are burdensome (as their asylum-seeking mothers could not work to earn money). If mothers’ asylum claims are denied, they immediately risk deportation, losing education right.”

G4-3 – Administrative Barriers of MDWs’ Undocumented Children	The Existence of Documentation Delay of MDWs’ Undocumented Children	Overstaying MDW mothers experience delays in obtaining birth certificates for their children due to unpaid hospital bills, resulting in delays of children’s acquisition of recognizance papers, which in turn delays children’s acquisition of any humanitarian support. The only choice for them in this period is seeking for NGOs’ help.	<p>“Children of overstaying mothers with recognizance papers face delays in birth certificates due to late settlement of public hospital bills of maternity, since the medical fee for non-eligible person is too high to afford for the mothers, and the waiver approval needs a period of time.”</p> <p>“They (asylum-seeking MDWs) may have recognizance papers, but birth certificate processing is delayed, affecting the child’s eligibility for support. This period is financially and administratively challenging, with families relying on NGO assistance.”</p>
G4-4 – Legal Barriers of MDWs’ Undocumented Children	The Importance of Birth Certificate for MDWs’ Undocumented Children	Birth certificate and registration is the first step for any children to gain other documents including recognizance papers, and enjoy social services, and it is actually criminal offensive to deliberately fail to register the birth of a child in Hong Kong.	“It (birth certificate) is essential for identity and accessing services, and even obtaining recognizance papers. For valid visa holders, the process is straightforward, but for overstayers, delays occur due to hospital bill issues, impacting their ability to register with consulates and obtain travel documents.”
G4-5 – Legal Barriers of MDWs’ Undocumented Children	Strict Immigration Regulations and Asylum Approval for MDWs’	Temporary stay permits (e.g. “white cards” mentioned by caseworker 1) are granted rather easily but only for short periods, while asylum claims aiming at long periods have a success rate of less	“Short-term stays are possible via temporary permits, but long-term asylum claims rarely succeed... staying long-term in Hong Kong is unsustainable due to legal and financial barriers.”

		Undocumented Children	than 1%, so long-term stay tends to be legally and financially unsustainable.	
G5 – Systemic Issues in the Policy Problem	G5-1 – Social Attitude towards Overstaying MDWs and Their Children	The Existence of Large-scale Public Stigma in Hong Kong	Due to the powerful influence of mainstream media, the negative opinions about asylum-seeking MDWs and their children are wide-spread in Hong Kong’s society, but there are also media with opposite positions.	“Mainstream media often portray asylum seekers negatively, but some show compassion.”
	G5-2 – Cognition Gap towards Legal Rights of MDWs	The Existence of Common Lack of Legal Knowledge of Employers	Employers usually do not want to continue employing provide help to pregnant MDWs and their future children. Except for money wasting and the continuous requirement for having someone to do the housework, the lack of knowledge of MDW’s legal maternity rights might also be a reason.	“Flexible employers are rare. Most lack awareness of maternity rights, leading to terminations.”
G6 – Solution Recommendation to Systemic Issues	G6-1 – Public Advocacy	The Practice and Effectiveness of Public Advocacy	It is feasible and effective to awaken the empathy for MDW mothers and their children, but it needs a long term to reshape the whole society’s opinion.	“We engage in public advocacy to counter misconceptions and raise public empathy, though changing narratives takes time. And in real cases, we tried to explain the difficulties and reasons for MDW mothers and children overstaying to some communities, and many citizens changed their opinions after knowing these.”

	G6-2 – Employer Education	The Effectiveness of Policy Reforms and Employer Education	Better employer education could help them enhance the knowing about MDW’s legitimate interests	“Employer education could help.”
	G6-3 – Home Country Returning Assistance	The Effectiveness of Stronger Home Country Returning Assistance	According to Caseworker 2 and PathFinders, positive home country returning assistance could be a policy option for Hong Kong, and would be helpful for the policy problem.	<i>“Do you think more active assistance for returning the undocumented children and their mothers to their home countries is a viable policy option?”</i> “Yes, and partnering...”
		The Supportive Methods in Practical Implementation of Home Country Returning Assistance	Positive home country returning assistance should gather the participation of the home country side to reduce the difficulties faced by MDWs and their children in home country, such as discrimination and social isolation.	“... and partnering with consulates and home country organizations is crucial. Many mothers face stigma at home, but structured support can facilitate reintegration.”
	G6-4 – Maternity Protection	The Effectiveness of Stronger Maternity Protection	More maternity protecting policies and regulations could help eliminate the policy problem in the beginning.	“Hong Kong could improve maternity protections to prevent job terminations and overstaying, addressing root causes.”
G7 – PathFinders’ Actions and Understandings to Systemic Issues	G7-1 – Comprehensive Strategy	The necessity of combination of Policy Reform, Public Awareness and Collaboration	To ultimately address the policy problem, no aspects of the initiatives could be missing, including policy reform, public awareness, and collaboration with consulates.	PathFinders advocates for policy changes, such as flexible living arrangements during maternity leave and insurance for temporary replacements. Public awareness and collaboration with consulates are key to addressing systemic issues.

\*Italicized typeface refers to interviewer’s question; asylum in Hong Kong basically refers to its special “non-refoulement protection” mechanism.



# PAE 2025

# FINAL

# REPORT