

# Born Out of Place

MIGRANT MOTHERS AND THE POLITICS  
OF INTERNATIONAL LABOR

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## Preface

The most striking migratory pattern of the late twentieth and early twenty-first centuries is of young women from poorer parts of the so-called Global South or Third World who provide intimate labor—as caregivers, cleaners, cooks, nurses, sex workers, entertainers—for those in and from the wealthier parts of the Global North or First World. Much has been written about this gendered migration: about labor import and export schemes; the parasitic relationships created by the policies of sending and receiving governments; the capitalist and neoliberal institutions that broker and profit from labor migration and intimate labor; and the precarious, cheap, disposable, exploitable, and replaceable nature of such workers.

Governments in poorer, migrant-sending regions of the world, such as Indonesia and the Philippines, facing unemployment, underemployment, poverty, and debt, promote female labor exportation as a solution to their economic and development problems. At the same time, these governments face their citizens' popular concern about the shame of exporting young women, the harm and violence they might experience far from home, and the possible damage that female migration does to families. Meanwhile, neoliberal governments of wealthier, migrant-receiving regions like Hong Kong, Taiwan, Singapore, and the Gulf States welcome the importation of

women workers as a cheap, market-driven solution to their own shortage of local labor available to look after the children, elderly, sick, and disabled and to do the household work of the growing middle classes. The citizens of receiving countries mainly want easy access to inexpensive, reliable, and disciplined workers who know their place, work hard, and then go home. These temporary workers and outsiders provide the “good life” for local citizens while they seek to improve their own lives as well.

The impacts of migration on migrant workers’ home countries, including the value of their remittances and the detrimental effects of women’s absence on the marriages and children they leave behind, have received significant attention. Migrant workers have been the subject of academic, government, and nongovernmental organization surveys and research. Yet one critical subject that has been largely overlooked, perhaps because it is invisible or because it is linked with notions of national or personal failure, dishonor, and shame, is that of babies born of migrant workers abroad.

*Born out of Place* focuses on the largely invisible and often overlooked topic of babies born of migrant worker mothers. Such a focus brings to light the flaws and unintended consequences of migration laws and labor policies, the often poignant and painful experiences of migrant mothers, and the ambivalent roles of fathers. Within the context of contemporary global capitalism, this research yields a deeper understanding of the practical problems and the cruel disappointments faced by those who take part in “guest worker” programs. New insights about the problem—some would say the crisis—of temporary migration, which all too often is not temporary, are revealed through ethnographic research that attends to the everyday lives and stories of migrant mothers and their Hong Kong-born babies.

My first argument in this book is simple: temporary migrant workers are expected to enter the destination country as *workers*, setting aside other aspects of their lives. But they are not and never can be *only* workers. As in the quip attributed to Swiss writer Max Frisch following the post-World War II guest-worker program in Germany, “We asked for workers; we got people.” It is “people” who are often seen as the antithesis of good migrant workers. It is people who dare to become mothers and lovers—by accident or by design. Their humanity unveiled, they are often deemed not

only bad workers but also ungrateful or even immoral women who have failed their families and their nation.

Migrant workers with babies in Hong Kong are an anomaly and a surprise. To some locals, a pregnant domestic worker is the epitome of the bad—immoral, undisciplined, undedicated, ungrateful—“helper.” She should have an abortion or go home. Yet, as this book describes, there are other options and many other routes she can follow. Thousands of babies are born of former domestic workers who marry locals and become permanent residents. There are also thousands more Hong Kong-born children of current or former domestic workers, some of whom remain there with mothers who overstay their visas or who file asylum or torture claims in an effort to delay or avoid returning to their home countries. Migrant mothers strive for fuller lives, with children and partners, but their “good life” fantasies often prove fragile and fleeting.

My second main argument is that the laws and policies meant to create a revolving door—intended to ensure that domestic workers leave the region when their contracts expire, to prevent overstaying and illegal work, and to ensure that they are *only* workers—often have precisely the opposite effect. Some women become pregnant after they overstay, and many overstay because they are pregnant.

My third argument is that women who return home as “single mothers” often face severe stigma and economic pressures that propel them to continue in what I call a *migratory cycle of atonement*: a self-perpetuating, precarious pattern of migration that is often the only route to escape the shame that single motherhood brings to them and their families. Remitting money is one means of absolving themselves of the stigma of single parenthood and “failed” migration. The everyday experiences and challenges faced by these mothers and their babies provide a unique angle on the precarity of temporary migration and the underlying inequalities of citizenship and belonging.

# 1 A Very Tiny Problem

Regardless of her own subjective intention or purposes, a foreign domestic helper's stay in Hong Kong is for a very special, limited purpose from society's point of view—to meet society's acute demand for domestic helpers which cannot be satisfactorily met by the local labour market. Hence, their stays in Hong Kong are highly regulated so as to ensure that they are here to fulfil the special, limited purpose for which they have been allowed to come here in the first place, and no more.

— High Court Chief Justice Andrew Cheung (2012, 50)

## MIGRANTS AND THEIR BABIES

Babies of migrant workers are “just a very tiny problem” in relation to the “much bigger issues migrant workers face,” said a staff member from a Hong Kong migrant advocacy nongovernmental organization dismissively, after I described my research topic. His comment stuck with me as I pondered how best to explain the critical situation of migrant workers' pregnancies and babies. Babies born of migrant workers are indeed tiny, and the number born in Hong Kong is probably several hundred each year, with the cumulative total in the thousands.<sup>1</sup> The number of pregnancies is, of course, much higher than the number of babies born in Hong Kong, since some women opt for abortions and many return home to give birth in their own country. But despite the innocuous image of thousands of very small, innocent babies and young children, the topic and the issues surrounding them are of critical importance.



Born within the wider context of colonial and post-colonial global inequalities that help fuel labor migration, migrants' babies cut right to the heart of many problems surrounding temporary labor migration in the world today. They serve as a barometer of wider structural problems, social meanings, and migratory policies. A window into understanding changing cultural values and the more subtle and symbolic meanings of mobility, they raise critical questions about citizenship and belonging. They serve as a focal point for understanding differences and inequalities of gender, class, race, religion, family, and sexuality. Babies are indeed a very tiny problem, but they are central to what it means to be human and to how we understand and practice humanism and humanitarianism.

Stories of migrant mothers, their babies, and the fathers are increasingly relevant to the many regions of the world in which temporary workers or "guest workers"—among the most precarious of workers—are imported to fill local labor needs for cheap, docile, and flexible workers who work for lower wages and without the social benefits of locals and citizens. Little thought is given to the issue of children or to the stigma that mothers and children might carry to their home countries. Propelled by poverty and lack of opportunities at home, which are part of the colonial legacy as well as further fueled by post-colonial, neoliberal economic policies that benefit the wealthy and privileged, migrants seek out opportunities to work abroad. Increasingly, global labor migrants are young women in the prime of their child-bearing years who leave their families behind or delay childbirth for the sake of employment. Inevitably—by choice or by accident—some become pregnant and have babies.

The question of what to do about migrants' babies is echoed in many regions of the world, including North America, Europe, and Asia, where heated debates are waged regarding migration, birthrights, citizenship, and belonging. Cheap flexible workers are desired but not their children. In the United States in 2010, Congress debated repeal of the Fourteenth Amendment granting citizenship as a birthright, raised vehement criticisms of so-called "anchor babies," and voted down the DREAM Act (Development, Relief, and Education for Alien Minors) amid growing anti-immigrant hostility.<sup>2</sup> In 2013, such debates continued in the United States, fueled by new, controversial guest-worker schemes. In Israel in 2009, 1,200 children of migrant workers were due for deportation, which

raised public outcry and global media attention, protest marches in Tel Aviv, and a vehement debate that largely pitted humanitarian values and the Jewish history of migration against the preservation of Jewish identity and the promotion of the Jewish state. The following year, a “compromise” was reached, and 800 children were permitted to remain.<sup>3</sup> In Japan in 2008, after many years of legal battles, the presiding judge of Japan’s Supreme Court announced the decision to grant Japanese nationality to ten Japanese Filipino children (colloquially known as “Japinos”) “born to unmarried Filipino women and Japanese men, and who were legally acknowledged by the men after birth” (Suzuki 2010, 31). Later that year, another law was changed so that parental marriage was no longer required for a child to become a Japanese national. Public reactions to these changes revealed “fear and concern about Japanese national sovereignty” (Suzuki 2010, 44–45). As similar issues are raised in Ireland (Luibheid 2004a; Bhabha 2009), parts of Europe (Van Walsum 2009; Soysal 1994), and other regions of the world, we begin to see the political, nationalistic, legalistic, global, transnational, and ideological issues that come to play around a baby *born out of place* (Benhabib and Resnick 2009).

In Hong Kong, babies often make headlines—not so much the babies of migrant workers, who mostly stay out of the limelight, but the wider shortage of babies and stories having to do with mainland women’s babies. Hong Kong, like Singapore, Japan, South Korea, and other wealthy areas of Asia, has a strikingly low fertility rate and an anticipated future labor shortage (Watson 2010; Bowring 2011; Ngo 2012). The babies of mainland Chinese mothers who flock to Hong Kong to give birth are subject to vehement public hostility (Newendorp 2008; Ornellas 2012). As Chinese citizens, Hong Kong-born babies of mainlanders are entitled to Hong Kong permanent residence, known locally as “right of abode,” but they are widely viewed as a threat to local identity and to locals’ material well-being. Fervent opposition to mainland Chinese mothers giving birth in Hong Kong hospitals, even those married to Hong Kong men, reached a hysterical climax in 2011–12 when they were blamed for causing a critical shortage of hospital beds and of pre- and post-natal medical care facilities for Hong Kong citizens. Mainlanders were popularly depicted as locusts or leeches, spawning out of control, devouring everything, leaving only waste in their wake.<sup>4</sup> Following anti-mainlander protests and public

expressions of hostility, the Hong Kong government effectively banned most mainland mothers from giving birth in the city starting in January 2013. Hong Kong—which has one of the largest gaps between rich and poor in the world—relies economically on its mainland neighbors, but it also fears an influx of poor and “other” migrants. Against this backdrop, babies of migrant workers are unwanted and unwelcome but to a large extent unknown.

#### INDAH, TIKA, AND BABY NINA

My first memory of Indah is of her sitting on a tiny couch, crying, being comforted by Liana, who spoke to her gently but firmly in Javanese. Indah was gaunt, with protruding cheek bones and deep circles under her eyes. Tika, five years old then, seemed more curious than upset as she studied me and Liana, the two strange women her mother had invited into their home, from a distance. Tika repeatedly ran up the metal spiral stairs to see her sleeping father, then back down. We did not see or hear him. Baby Nina, who was less than a year old and could crawl, tried to follow Tika. I was on edge, afraid Nina would fall between the steps. As Tika watched, I laid out the board game we had brought. It was not the Barbie game she had longed for, but it had Mickey Mouse, Pooh Bear, and other characters she liked. Liana had brought Tika a pencil sharpener and colored pencils, knowing she loved to draw. At first Tika was shy about showing us her drawings, but, at her mother’s urging, she displayed skilled sketches of her parents.

To get to Indah’s place from the Kam Sheung Road Mass-Transit Railway (MTR) station, a region of the New Territories that is home to many of Hong Kong’s “ethnic minorities”—including Pakistani, Sri Lankan, Indian, Bangladeshi, and Nepalese asylum seekers, residents, and undocumented workers—Liana and I had headed to a village with many new, attractive three-story homes, a world away from the crowded urban Kowloon neighborhood where I lived. The sun set as we walked along the unpaved path behind the village. The house we sought was near some neglected vegetable fields, next to a shallow stagnant pond and piles of construction debris. It was dilapidated. Dogs belonging to an old disabled

Chinese man who rented the downstairs apartment barked angrily. The place reeked of dog urine; mosquitoes buzzed overhead. The upstairs windows and balcony were hidden by striped plastic sheets and plywood boards. We carried a heavy bag of rice and other supplies up three flights of stairs to the top floor where Indah and her family lived. They rented a corner room that served as the living area and kitchen, and they slept in a makeshift space on the roof, despite the recent government crackdown against such illegal structures. Tika was rollerblading on the narrow balcony when we arrived.

Indah had seen PathFinders, the charity organization where Liana worked, advertised in a copy of *Suara*, the local Indonesian free newspaper that her sister, a domestic worker, left when they last met. The ad offered free assistance to migrant women with children who want to find a safe path home. Indah was desperate to leave her self-imposed prison in Hong Kong. A few years earlier, she had tried to leave. She went to the Indonesian Consulate for help but was turned away by a staff member because she had no passport. Like many foreign domestic workers whose passports are confiscated or “taken for safekeeping” by an employer or an employment agency, or are lost or sold out of desperation, Indah had no passport. When Indah saw the ad in *Suara*, it brought her to tears, and she felt hope “for the first time in years.” She phoned the hotline. Liana answered, immediately grasped the gravity of the situation, and arranged our visit.

Between tears, Indah poured out her worries: her severely drug-addicted Nepalese husband no longer provided money for subsistence; they were behind on their rent and could be evicted at any moment; she could not ask her sister for money because she had her own debts and children to support; her Hong Kong-born children lacked birth certificates; and Tika should already be attending school. Indah had recently seen police or immigration officers searching the village, which reinforced her fear and self-imposed isolation. She stayed indoors and was low on food. The winter temperature on the roof had been close to freezing. Even though the children were dressed warmly and looked healthy, they could not afford to be sick, and they had not received childhood inoculations.

Liana assured Indah that PathFinders could help. She told her about a shelter where she could stay with the children, but—due to their

regulations—only after she surrendered to the Hong Kong Immigration Department. It was dark by the time we left. By then, Nina had fallen asleep at her mother's breast, and Tika had warmed to us. We promised to return the next day with more food. Tika energetically waved goodbye from behind the plastic sheeting, shouting "see you tomorrow" and flashing her winning smile as we walked down the village path into the dark. It was a greeting that I became used to and then missed deeply once I left Hong Kong. The distant "talk to you soon" over Skype and then later on a muffled telephone line when they returned to Central Java were a poor substitute.

On our way home, Liana and I talked about Indah's dire circumstances. Only later would I begin to think of her vulnerable, stripped-down existence in relation to concepts of "bare life" (Agamben 1998), "precarity" (Puar 2012; Butler 2004), "cruel optimism" (Berlant 2011), and "zones of social abandonment" (Biehl 2005), all of which contribute to my analysis of the lives of migrant mothers and children in relation to the inequalities of temporary migration. At that time, I knew that Indah had overstayed longer than most of the women I met and had two undocumented children. Most women surrendered to the authorities when their children were younger than Tika, and they wanted to stay in Hong Kong as long as possible, whereas Indah had been worn down over time and was desperate to leave.

At the time, Liana and I wondered if Indah would leave her husband. She was deeply attached to him and worried sick about separating Tika from her father. But she was also concerned about the children's physical well-being. She agonized about what would happen to them if she surrendered and had to serve time in prison for "overstaying." Women we knew with babies who had not been caught working illegally, and who surrendered after overstaying less than two years, typically received suspended sentences (no custodial time), but those who overstayed more than two years or were caught working illegally had mostly served time. Nina, who was still nursing, might be allowed to stay with Indah in prison, but Tika was too old. Indah dreaded the thought of Tika going to a welfare institution and being separated from both parents. These worries consumed her for the next several months.

Liana and I made plans to visit Indah the next afternoon, but that night Indah phoned Liana, resolved to leave as soon as possible. The next

morning, while I spoke at a local university, Liana accompanied Indah, Tika, and Nina to the Immigration Department in Kowloon Bay to surrender. That began the next chapter of their lives and the many emotionally fraught and bureaucratically complicated months along their path back to a dirt-poor region of Central Java, a “home” that Nina and Tika did not know and that Indah had left behind a decade earlier.

#### MIGRANT MOTHERS, MARGINAL BABIES

In Hong Kong, the primary and—some would say—exclusive government-regulated role of “foreign domestic helpers” is to provide the “good life” for their employers (Agamben 1998; Ong 2009). They are prohibited from bringing family members, including children and spouses, with them. Nonetheless, despite many obstacles, some domestic workers like Indah manage to give birth and to create small and usually temporary families in Hong Kong. A lucky few manage to obtain Hong Kong residency for their children if not for themselves.

“Helpers,” as they are commonly called, must leave their own families behind and make the Hong Kong employer’s household their first priority. They are denied permanent residency or citizenship in Hong Kong and are allowed there “to fulfil the special, limited purpose [of their employment] . . . and no more,” as bluntly stated by Justice Andrew Cheung, the presiding magistrate in the 2012 High Court ruling that sided with the Hong Kong government in opposition to the rights of foreign domestic workers to apply for permanent residency. As this book illustrates, however, migrant workers are never *only* workers. Although their lives are highly regulated by employers, agencies, and the sending and receiving states, they nonetheless manage to have personal lives, relationships, and sometimes babies abroad.

Migrant mothers and their Hong Kong-born babies—like Indah, Tika, and Nina—are at the heart of this book. The mothers are mostly in their twenties or thirties and mostly from Indonesia (Central and East Java) and the Philippines. Motivated by a desire for a better life for themselves and their families, they originally came to Hong Kong as “foreign domestic helpers” (FDHs), in official parlance, or as “foreign domestic workers”

(FDWs), the term preferred by politically active domestic workers because it highlights the significance of their labor (as opposed to minimizing it as “help”). Unlike previous studies (my own included) that aimed to understand them primarily by virtue of their roles as workers and migrants, my aim here is to understand their wider experiences becoming mothers in Hong Kong and how policies and practices shape their choices as well as their own and their children’s lives. The children in this research, who range from newborns to a few like Tika who are a bit older, could not speak for themselves, but they nonetheless constantly reminded me, and their mothers, that they were there. Born “overseas” to migrant mothers, they are in a much different situation than that described in studies of children who are “left behind” in the migrant mother’s home country (Parreñas 2001, 2005; Silvey 2006) or who go overseas to join their migrant mothers years later (Pratt 2012). Mothers, babies, and children at the heart of this study show us how multiple policies, laws, practices, conflicting desires and assumptions, social values, and expectations of morality affect their everyday lives.

Whereas much of this book draws on the experiences and words of mothers, their children are always there, laughing or crying, playing or sleeping, hungry, sick, or needing attention. Fathers are also part of this study. A few fathers were deeply attached to their children, but most played only a temporary, secondary, or tangential role in their lives. Some men provided nothing more than the sperm that led to conception. In a few cases, the fathers were spouses living in Indonesia or the Philippines, where the child was conceived, or they were Filipino men who worked in Hong Kong as domestic workers alongside their wives. In most of the cases I followed, the babies were conceived in Hong Kong and the fathers were men of many different nationalities, including local or mainland Chinese, South Asians (from India, Pakistan, Nepal, Bangladesh, and Sri Lanka), Africans (from Congo, Ghana, Mali, Niger, Nigeria, and elsewhere), or Westerners (from North America, Europe, and the United Kingdom). Many of the African and South Asian fathers are asylum seekers. Some women were legally married to local resident men, whereas others had long-term relationships (like Indah and her partner) or took part in a religious or informal marriage. In some cases, the men disappeared at the first sign of pregnancy or were unaware of it after a one-night stand, a

brief relationship, or, in the worst cases, rape. Sometimes, men only learned about the pregnancy later when they faced paternity claims in family court.

In her study of “illegal” migrants in Israel, Sarah Willen (2007a, 2007b) promotes a “tripartite approach” to understanding the connections between juridical status, sociopolitical conditions, and lived experiences. Similarly, the stories and lived experiences of mothers and babies described in this book are shaped by Hong Kong laws and policies in which FDWs are defined as temporary workers and noncitizens who cannot qualify for residency, even after working there for decades. Mothers’ experiences are colored by the sociocultural, historical, and political-economic conditions of Hong Kong as well as those of their countries of origin and sometimes also by international laws and conventions. Mothers’ experiences point to global patterns of inequality that perpetuate and naturalize migration as the best or only solution to poverty paired with single motherhood.

As I argue, gender is an integral part of why migrant mothers choose to overstay and work illegally in Hong Kong. They do so not because of their shortcomings or moral failings but because of the shortcomings of laws and policies in Hong Kong and abroad that make it virtually impossible to be a good worker as well as a good wife, mother, and daughter. In other words, the migrant mothers in this book confound Hong Kong’s attempt to fashion them as *just workers*, and they also confound their home country’s view of them as immoral or bad women. Women who overstay with their children and take up illegal work often do so precisely to *be* good mothers *and* workers, something they find impossible to do “legally” in Hong Kong or if they return home.

Women who return home with their children often resort to migrating again. They do not leave because they lack commitment to their children or out of selfishness and consumer desires but in order to be good mothers and daughters. Many women have little choice but to reenter what I call the *migratory cycle of atonement* so as to spare their children and their immediate families the shame and stigma associated with what is called, in Indonesia, *wanita jalang* or *wanita tuna susila* (bad girls or women of loose morals), terms that include prostitutes and single mothers. Not only is ongoing migration a way for single mothers to escape criticism, condemnation, and stigma, but it is also a way to spare her family shame by



association. Other than remarriage, which was very rare among returned mothers I knew, migration offers a way to absolve herself in the eyes of her family and neighbors. It is a way to atone for her failings, to be recast as a good daughter and mother who sends remittances home for her family to build a house or install concrete floors or walls, buy land, or start a business. Only by entering the migratory cycle of atonement can her failings be temporarily overlooked or forgotten, at least until her remittances stop or the impact of her investments are no longer felt. In other words, gender inequalities and social stigma—specifically as attached to single mothers, adulterers, prostitutes, and “bad girls”—further fuel and perpetuate migration, complicating simple assumptions about family, mobility, citizenship, and belonging, and contributing to the supply of women workers for the global market.

#### CITIZENSHIP AND THE GOOD LIFE

As temporary migrants, FDWs are excluded from becoming permanent residents or citizens of Hong Kong. “Citizenship” may be a strange word to use in relation to Hong Kong, since it is not a nation-state but a global city with a population that is 95 percent Chinese, and it has been a Special Administrative Region (SAR) of China since the end of the British colonial period on July 1, 1997, when the “One country, Two systems” policy went into effect and Hong Kong was to function with its own economic and political system for fifty years, as spelled out in the Basic Law (Hong Kong’s mini-constitution). Although some people hold an HKSAR passport, most non-Chinese permanent residents must maintain a passport from elsewhere. Permanent residence, or right of abode in Hong Kong, is like political citizenship. It entitles a person to vote and to all local political rights. Permanent residents are not subject to special “conditions of stay” and cannot be deported, in contrast to an array of others, including FDWs.

Hong Kong’s process for obtaining “citizenship” (that is, permanent residence or right of abode), in the sense of political belonging, is spelled out in the Basic Law and Immigration Ordinance (CAP 115), although both were subject to legal debate at the time of this research. Normal

practices by the government are that babies who are born in Hong Kong of Chinese nationals (including Chinese mainlanders) or Hong Kong permanent residents automatically obtain right of abode (assuming the parent acknowledges the child).<sup>5</sup> As in many parts of Asia, this system represents a combination of *jus soli* (birthright based on birth in a territory) and *jus sanguinis* (blood right, whereby citizenship is inherited from one or both parents) (Shipper 2010).

A citizen of another country, according to the Immigration Ordinance (CAP 115, paragraph 2d), can obtain permanent residence if he or she “entered Hong Kong with a valid travel document, has ordinarily resided in Hong Kong for a continuous period of not less than 7 years and has taken Hong Kong as his or her place of permanent residence.” Non-Chinese under 21 qualify for permanent residence (2e), if they are “born in Hong Kong to a parent who is a permanent resident of the HKSAR in category (d) . . . if at the time of his or her birth, or at any later time before he or she attains 21 years of age, one parent has the right of abode in Hong Kong.” For the babies in this book, permanent residency rights are fairly unambiguous if the father is a Hong Kong permanent resident who recognizes the child, but this does not automatically give the mother the right to remain in Hong Kong, even if she is the sole caregiver (see chapter 6). In cases where the parents are only temporary migrants, such as domestic workers, asylum seekers, or refugees, the baby is assumed to belong elsewhere. The question of where such a child can go and what claims the child’s mother can make to remain in Hong Kong are the subject of this book. “Returning home” to a place they have never been, and in which their mothers may be unwelcome and have no way to support them, is a challenge, especially with regard to the *wider* concept of citizenship.

“Citizenship” can be understood to refer to legal status and political citizenship, but it can be used more broadly and provocatively to include variations in social rights and privileges, thus raising questions about the “*substance* of citizenship” and meanings of belonging (Bosniak 2009, 127; Rosaldo 1994).<sup>6</sup> Men and women or majority and minority groups may share the same stated political rights, but there may be differences based on gender, ethnicity, religion, class, sexuality, generation, and so forth. Children and, in some times and places, women cannot vote; nationality

may be determined by the gender or marital status of the parent; and people are excluded from “belonging” by virtue of being gay or a member of a religious or other minority group. Others, such as migrant workers, are excluded from citizenship in the host country in both the political and the wider social sense.

Hannah Arendt and Giorgio Agamben have drawn attention to distinctions in early states between noncitizen women household workers and citizens whose good life depends on the exclusion of others. These distinctions are remarkably fitting in Hong Kong today. Exclusion from citizenship divides those who belong to the nation-state and are entitled to its rights and privileges from those who generally are not. Those who belong are entitled to a “good life,” which refers not only to the vernacular idea of living well but to the distinction between *zoe* (natural life), which is associated with *zen* (simple or bare life), and *bios* (formal life), which is associated with *eu zen* (the good life) (Agamben 1998, 2). Good life is made possible by the role of the state in transforming bare life (or basic existence) into good life. Arendt argues (1958, 144, 28) that, in early states, life-sustaining reproductive labor was located in the private sphere (*oikos*) and done by women and slaves so that free men or citizens were spared from the repetitive chores of household life to participate in the *polis* or public sphere. Agamben expanded this dichotomy to apply to “states of exception” where bare life exists outside the polity (9–13).

The dichotomy between bare life and good life has been aptly criticized as too static and dichotomous, and Judith Butler and Gayatri Chakravorty Spivak argue (2007, 37–38) that bare life cannot be outside of the political field of power. Nonetheless, the term “bare life” in the sense of a life that it is slowly, through time, stripped of its hope, affect, and social relations, that is precarious, as Laurent Berlant describes, in the desperation and violence that take place “when the capitalist ‘good life’ fantasy no longer has anything to which to attach its promises of flourishing, coasting, and resting” and when hope and optimism erode away (in Puar 2012, 171; see also Berlant 2011), and that exists within “zones of social abandonment” (Biehl 2005) aptly describe Indah’s circumstances and that of many other migrant parents and children I knew.

Despite growing demand and a recent shortage of domestic workers in Hong Kong, mainland Chinese are not considered a viable alternative.

Given their nationality and race, they would be much harder to regulate than Southeast Asian workers to ensure that they remained temporarily. FDWs are more identifiable and thus more easily regulated and excluded. With temporary visas and contracts, they are imported by agencies to Hong Kong and other parts of the world as “guest workers,” a term that highlights their impermanence. They are welcomed to do the dirty work and to care for locals as long as they are docile and able-bodied. Without them, local women could not go out to work or lead lives of leisure. The state would be forced to come up with more costly solutions or perhaps admit problematic mainland workers. Neoliberal governmentality ensures the availability and precarity of cheap, flexible migrant workers for privileged citizens.

#### PRECARITY AND NOT QUITE “BARE LIFE”

Domestic workers sometimes face excruciating violence, debilitating mental and physical abuse, or, in the worst case, returning home in a coffin (Guevarra 2006; Rafael 2000; Torrevillas 1996). But, for the most part, except for those migrants in the worst slave-like conditions, describing their lives as a state of “terror” would be an overstatement. Most of them are not in the dire circumstances of concentration camp prisoners that epitomize Agamben’s discussion of bare life. Most domestic workers who are employed are better off than asylum seekers and refugees, who have no legal right to work in Hong Kong. Domestic workers’ lives appear fortunate from the perspective of those less fortunate: they are permitted to work, and their work legally entitles them to certain rights and protections. Yet, their lives overlap and intertwine in important ways with those of refugees and asylum seekers.

Life for domestic workers who have lost their jobs, been terminated with or without reason, and who remain in Hong Kong as overstayers or torture claimants—who then feel obliged to hide or work illegally—resembles bare life. They are, in a sense, “outlaws,” but since “no exclusionary field can be set up between life and politics” they are never outside of politics (Butler and Spivak 2007, 38). Domestic workers are welcomed to Hong Kong as workers and not as people or citizens. They are not

welcome as women with families of their own or with sexual lives and relationships. They are stripped of these. One domestic worker was fired by her employers when they discovered that she had a husband and children. Despite their satisfaction with her work, they said they would not have hired her had they known about her family. Another was terminated because she washed a pair of men's brief with her laundry, which suggested to her employers that she was sexually active. Many domestic workers cannot fathom combining domestic work and pregnancy and terminate their own contracts when they become pregnant. They may experience terror resembling bare life when they are out on the street with no job, no home, mounting debts, and expired papers. A very young Indonesian woman described how she slept near the Star Ferry or at McDonalds in Tsim Sha Tsui after her employer kicked her out, then out of naivete and desperation became the target of an African trader who befriended her, invited her to his flat, seduced her, and later abused her. Another woman slept several nights, terrified, in Kowloon Park until someone told her about a shelter. Another was invited with her friends to a party; she awoke the next day naked, in pain, remembering nothing, only later to learn that she was pregnant.

When I first asked a nongovernmental-organization (NGO) director in 2010 about whether many fathers are in the picture, she replied, cynically I thought at the time, that when the men are still around, the women are often worse off. Later, I would hear this from some women firsthand, including several who remained with physically abusive partners but who feared single motherhood as a worse alternative. I watched and listened as several women with cuts, bruises, and black eyes experienced the repeated cycle of abuse and were gradually stripped of confidence, pride, and hope. In other cases, like Indah's, where love and kindness were once clearly present in the relationship, the emotional abuse was more subtle but all-pervasive. She waited for years as her partner deteriorated and succumbed to his addiction, recovered briefly, and relapsed again. He would give her money for food and then take it back to buy drugs. Even though he was a Hong Kong resident (or a dependent of one), Indah was unwilling to put him on the children's birth certificates, because she knew staying in Hong Kong would be her ruin. She hoped desperately that her leaving might motivate him to change. Suicide crossed her mind, as it had a few women

I knew who weighed the option of returning home with “out of wedlock” children, as single mothers.

Tika voiced her five-year-old dreams in colored-pencil drawings. Her father would no longer be “sick”; he would come to Indonesia and marry her mother; then they would all go to Nepal and wait with her grandmother until her grandfather could sponsor them to come to the United States where they would see Auntie Nicole again. The wedding dress Tika drew for Indah was long with large flowers all over; she wore “Barbie shoes.” She asked her mother, “Do you want a white dress or a pink one?” “You decide,” Indah said wearily. Tika chose white. Her father had a beard (she called it “a moustache”), and she drew a talking bubble near his mouth and explained with a giggle that he was saying “I love you.” Indah no longer believed in fairytales. She survived on nerves and just did what the NGO, the Immigration Department, the Birth Registry, the Consulate, and others said. Tika had more energy and curiosity than her mother could handle. For months, Indah, Tika, and Nina shared a room at the shelter. Several other migrant women and babies came and went. Despite exhaustion and depression, Indah could not sleep, anxious the children would disturb the other residents and worried about expenses, serving prison time, and being separated from Tika. She agonized about her husband and paid him illicit visits after curfew, bringing him food and the children to hug, despite NGO staff advice to “let him go.”

The day Liana accompanied Indah, Tika, and Nina to surrender at the Immigration Department was the day before the Chinese New Year holiday. The officer behind the glass window complained that they had arrived “too late in the day” and urged Liana to come back another time. Liana politely but insistently told him that she was trying to do her job and that she knew he was, too. He replied that the office staff just wanted to go home for the holiday so “please come back another time.” Partly because Indah could not stay in the shelter otherwise, Liana persisted, and he finally agreed to accept Indah’s “surrender.” There is a sad humor to a situation in which a desperate overstayer—at risk of arrest and detention if she is caught—is told by an immigration officer to “come back another day.” Indah’s experience was not unique. Several mothers were told to come back and surrender when they got passports or when there was more time. Liana’s own papers were periodically checked, and she was

asked why she kept bringing people to surrender. For several months, Indah jumped through bureaucratic hoops. The staff at the Birth Registry would not create birth certificates without Immigration Department documentation, but the Immigration Department insisted that Indah bring birth certificates first. All she wanted was to go home. This strange form of ambivalent governmentality turns away undocumented migrant women and children on the pretext that they are paperless, in contrast to others who are rounded up during searches and crackdowns of immigrant neighborhoods and subsequently imprisoned. Such inconsistencies contributed to Indah's purgatory-like situation.

#### HUMANITARIAN REASON AND WORK-AS-AID

Humanitarian aid, according to Didier Fassin, focuses "mainly on the poorest, most unfortunate, most vulnerable individuals: the politics of compassion is a politics of inequality" (2012, 3). Inequality is at the center of the tension that exists between domination and assistance. This tension explains both the "compassion fatigue" of donors and those who provide assistance that can turn to indifference or aggressiveness "toward the victims of misfortune" and also the shame, "resentment and even hostility sometimes expressed by the disadvantaged and the dominated toward those who think of themselves as their benefactors" (3). Recipients of humanitarian assistance "are expected to show the humility of the beholden rather than express demands for rights" (4).

Hong Kong's pregnant FDWs are not, strictly speaking, recipients of humanitarian aid, nor are former FDWs who become overstayers or file torture or asylum claims judged to be among the "neediest." When former FDWs file torture or asylum claims and receive aid, they are often regarded with skepticism and criticism. Some African asylum seekers I knew resented domestic worker asylum seekers, whom they did not consider "legitimate" and who, they said, "slowed the process" and took resources from "real" refugees. Staff at NGOs and aid organizations widely regard former FDWs as "less deserving" than claimants from parts of Africa and South Asia; they are considered a time-consuming nuisance at best, or undeserving and immoral at worst, taking resources to which they are not

entitled. One former staff person at a government-funded agency described to me how the Chinese staff looked down on domestic worker clients; they could not understand why those clients should receive support. She recounted how the staff pointed to the sexy style of some Indonesians and Filipinas who came for their required meetings with social workers, and they openly questioned the morals of women who flaunted their sexuality rather than act with humility, gratitude, modesty, or shame. Ironically, former domestic workers were often considered less aggressive and easier to deal with than many South Asian and African claimants, who were sometimes described as rude, demanding, or emotionally unstable, provoking fear among the staff. But, unlike “deserving” asylum seekers and torture claimants, domestic workers were viewed as taking advantage of the system in order to stay in Hong Kong when they had been allowed in to work.

In his discussion of humanitarian aid in relation to the body, Fassin points to a time in France before border closures in 1974 when migrant labor was needed and welcomed on condition that the worker had a healthy body. He quotes Franco-Algerian sociologist Adelmalek Sayad, who wrote, “The immigrant has no meaning, either in his own eyes or those of others, and because ultimately he has no existence except through his work, illness, perhaps even more than the idleness it brings, is experienced as the negation of the immigrant” (cited in Fassin 2012, 85). The migrant’s body is an instrument of production, valued only for his labor power, so when its performance is interrupted “because of illness or an accident” as in the case of pregnant domestic workers in Hong Kong, it becomes a problem and a source of suspicion, and they are considered socially illegitimate (Fassin 2012, 86).

FDWs from the Philippines and Indonesia are brought to Hong Kong as “helpers” who receive lesser rights and benefits than local service workers, even those doing the same type of work. Like post-World War II guest workers in Europe, domestic helpers’ bodies, if too old, sick, or physically impaired by pregnancy, are deemed unfit for work and socially illegitimate. Although, narrowly speaking, the importation of women workers from poorer countries is not the same as “humanitarian aid,” I argue that their employment and the attitudes toward them in Hong Kong are part of a wider pattern of humanitarian governance, whose agents range from government officials, employees of NGOs, and international organizations



to employment agencies and employers. The employment of women from Indonesia and the Philippines (a country sometimes referred to as the “sick man of Asia”) points to assumptions about their poverty, desperation, and unemployment that presume gratitude from those who are fortunate enough to “be given” or “receive” the opportunity to be “helpers” in Hong Kong. As recipients of “assistance” or charity in the form of the lowest paid jobs, as the following chapters illustrate, they are often seen and treated as unappreciative recipients of “gifts” that create an obligation in the form of obedience and gratitude to the benefactor, as opposed to expectations of labor rights, fair wages for their work, and the right of abode.

Fassin does not write of employment as a form of assistance, but humanitarian reason clearly underpins attitudes toward the employment of migrant workers from regions of the world that are considered poor, “backward,” or “basket cases” by wealthier labor-importing regions. Humanitarian aid following Southeast Asian earthquakes, tsunamis, and volcanic eruptions translate directly into Fassin’s analysis; the fact that Indonesia and the Philippines receive those forms of assistance contributes to the impression of desperate need and dysfunction in the Global South.

As I have written elsewhere, domestic workers express a spectrum of perspectives concerning work and political activism, with, on one end, the most passive “helpers” who avoid activism, do their work, and do not complain (Constable 2007). From many employers’ perspectives, they are ideal helpers. Such workers may be well treated and satisfied with their jobs, or they may be maltreated, abused, and underpaid, but they aim to be tolerant and grateful “helpers.” On the opposite end are workers who are highly active in advocating for labor rights, involved in home country politics, and concerned with local and global issues of justice and equity. In some cases, their employers are also political activists or advocates for humanitarian causes who approve of, encourage, or even select activist domestic workers. Many such migrant workers become involved in activism after experiencing work abuse, seeking help, and receiving assistance from domestic worker organizations. Later, they volunteer at the shelter or one of its sponsoring organizations, or they join the struggle for workers’ rights and social justice (Constable 2009, 2010). Whether a domestic worker goes to the

Labour Tribunal in an effort to require the employer to pay her legal wages, or whether she marches with local labor unions to raise the minimum wage, many employers and the Hong Kong public criticize the FDW as having no business doing so. It is as though the laws do not apply to her and as though asking for contractual rights displays an inappropriate, presumptuous, and misplaced sense of entitlement.

Like recipients of humanitarian aid who are deemed ungrateful, FDWs are routinely criticized as spoiled, demanding, unappreciative, impolite guests and are told to go home if they are unhappy. Some workers are afraid to join or even watch rallies for fear that, if they are seen on the evening news, their contracts will be terminated. “Good helpers” are those who are willing to be *only workers* and who treat the work as their life, whereas “bad workers” are those who demand recognition of their rights as workers while expressing political subjectivities that go well beyond that of worker. The “problem” with “helpers” who want to be treated like deserving workers is that they are from “poor countries” and should thus “be happy with what they get.” This work-as-aid attitude—a variant of humanitarian reason—is encountered among employers as well as staff in government offices.

One NGO staff member who assists domestic workers with their cases against employers described to me her long-term frustration with her work. She was concerned about maltreated domestic workers and certain Labour Tribunal officers. As she explained, most domestic workers “are very timid and not good at representing themselves.” When they meet tribunal officers, “they cower and act as though the person is the boss,” not someone who is there to assist them. The tribunal officer’s job, she explained, is “not to take sides” in domestic worker/employer disputes but to mediate and help reach a mutually agreeable solution that avoids the time and expense of a tribunal hearing. Yet one Chinese tribunal officer she dealt with routinely displayed favoritism toward the Chinese employer. Despite evidence of alleged abuses, including underpayment, failure to provide an air ticket home, or illegal termination, the tribunal officer insisted time after time that the worker should settle amicably with her employer or drop the complaint, often remarking on the impossibility or unlikelihood that the worker would win at a hearing for lack of “good evidence.” The tribunal officer chatted in Cantonese and laughed with the women employers as though they were

friends, and she spoke to the domestic workers in a condescending and intimidating fashion that, the NGO worker added, “is the way I’m sure she talks to her own maid.” The unspoken “alliance” that many advocates and service providers describe, in which many Chinese judges and civil servants seem to automatically and perhaps unconsciously “take the side” of the Chinese employer, is one that I have witnessed in courtrooms where lower-level magistrates speak in respectful tones to the employer and in angry, condescending, and impatient tones to domestic workers. As this staff member described, the boss’s tone of voice that demands a “Yes sir, yes ma’am” reply is often enough to intimidate domestic workers so that they give up their cases.

That migrant workers are considered charity cases helps to explain why their official rights as workers often seem more theoretical than real and why migrant workers are often presumed guilty and their employers (seen as good citizens who struggle to help undeserving domestic workers) assumed innocent. An unspoken alliance exists between government bureaucrats who share similar class identities and experiences (or lower-level staff who aspire to them) and who feel sympathy toward Hong Kong employers because they personally understand the “challenges” involved with employing domestic workers. Literally and figuratively, bureaucrats and employers often speak the same language. Employers are often professionally dressed Chinese women who are accompanied by Chinese employment agency staff who readily corroborate their stories; employers express resentment at missing valuable work time. Meanwhile, as one domestic worker described, “I felt very, very small and frightened and just wanted to go home.”

#### THE ORDER OF THINGS

Like a colorful woven scarf, this book can be seen in many ways. Some readers may be drawn more to the weft—the one long thread that literally ties the whole thing together with argument, theory, analysis, structure, and interpretation. Others may prefer to follow the repeated warp threads—the different textures, colors, and thicknesses of individual life stories and experiences of mothers, their babies, and some fathers.

The weft of this book is fashioned from theories of gender, citizenship, mobility, and precarity. Juridical modes of belonging are key elements that shape individuals' socioeconomic well-being. Legal status runs a continuum from the most privileged citizens, on one end, to the most precarious undocumented overstayers, on the other. Between these extremes are dependents and residents (who might one day become citizens), temporary workers, tourists or visitors, asylum seekers, and refugees who have visas or papers that afford or deny them rights, such as the right to work or to settle permanently. All of the women and men in this book are located somewhere along this continuum of privilege and precarity, and their positions often shift through time, shaping their lives, life chances, and those of their children.

The overall arrangement of this book is thematic and argumentative, but the weft is intended to be subtle enough so as not to excessively confine the warp of the stories. Individual stories of mothers, children, and men illustrate key points of each chapter but also overflow beyond them. They are not reduced to small, neat topical bits. Instead, I have tried to maintain some sense of wholeness and individual integrity, such that some stories could be read alone as portraits that reveal the arbitrariness of sociological categories. Certain idiosyncrasies stand out when the weft fades into the background; at other times, intersections of warp and weft reveal new patterns. All of the stories illustrate the interweaving of hope and vulnerability, optimism and precarity in migrant workers' lives.

My approach to ethnographic research and writing, described in chapter 2, emphasizes the importance of stories and my evolving relationships with mothers and babies. It also points to the challenges of research that combines public anthropology—with its critical policy implications—with concerns that I call micro-feminist-ethnographer-activism. Chapters 3, 4, and 5 focus in turn on women, men, sex, and babies, though these topics clearly overlap. Chapter 3 highlights the position of women migrants *as workers* in relation to what Rachel Silvey aptly calls the “gendered tensions of modernity” (2009, 54). Serious tensions exist between women's roles overseas as migrant workers and their expected roles at home as wives, mothers, and daughters. The vulnerabilities of FDWs in Hong Kong that are compounded by employment policies and practices, overcharging by employment agencies, the two-week rule, and the live-in requirement are all forms of

governmentality that serve to discipline and regulate worker's (particularly women's) bodies. Chapter 4 turns to the vast diversity of nationalities, histories, and juridical status of men who become fathers. Against the historical backdrop of Hong Kong, and based on interviews and conversations, I explore men's perspectives on relationships with FDWs and their cultural and gendered misunderstandings and miscommunications. Chapter 5 focuses on sex and babies. Why do domestic workers get pregnant and have babies, and how do they make sense of options regarding abortion, adoption, or keeping the baby? Sex and babies are linked in complex and contradictory ways to ideas about good and bad women. Babies paradoxically anchor women down and offer hope of family and security in a precarious world, an apt example of "cruel optimism" (Berlant 2011).

Chapters 6 and 7 present stories of current and former domestic worker mothers along the spectrum of privilege and precarity, from secure citizens to undocumented overstayers. Chapter 6 focuses on the more privileged: women who are officially married to local men and whose children are citizens, and women who have managed to maintain their domestic worker contracts during and after the birth of a child. The controversy over granting domestic workers right of abode and legal tactics for obtaining children's residency are also discussed. Chapter 7 tells the stories of the most precarious former domestic worker mothers who are overstayers (sometimes referred to as "illegal" or "undocumented" migrants) and those who file asylum or torture claims to extend their time in Hong Kong. In both chapters I consider the "tactics" that mothers use, in Michel de Certeau's sense of the arts of the unempowered (1984), and both chapters illustrate the importance of remaining in Hong Kong after a baby is born, the value of "time," and the means by which women manage to stay and to subsist. Chapter 8 concludes with stories of leaving Hong Kong, returning home, and the almost inevitable draw for single mothers to reenter the migratory cycle of atonement.

# Notes

## CHAPTER 1

1. According to the PathFinders 2011 Annual Report (based on Hong Kong Immigration Department data and the 2010 Hong Kong Annual Digest of Statistics), there are approximately 6,000 “migrant pregnant women, mothers and children in Hong Kong” (2012, 8). In early 2013, PathFinders estimated there are over 3,000 pregnancies each year (personal communication, Apr. 2013).

2. The DREAM Act would have granted youth whose undocumented parents brought them to the United States as children, who were “of good moral character,” and who had graduated from U.S. high schools a route to permanent residency on condition they served two years in the military or received four years of higher education. In January 2011, conservative U.S. lawmakers proposed legislation opposing the Constitution’s Fourteenth Amendment guaranteeing birthright citizenship. They argued that children of undocumented immigrants, so-called “anchor babies,” should be excluded.

3. UNICEF Israel called the decision to deport 400 children a “blatant violation” of the International Convention on the Rights of the Child (Haaretz.com, Aug. 1, 2010), and Prime Minister Benjamin Netanyahu described it as a balance between “humanitarian and Zionist” considerations (Haaretz.com, July 25, 2010).

4. The song “Locus World,” which expressed hostility toward mainlanders, went viral in 2012. See <http://www.youtube.com/watch?v=ueNr7mfFZu8&>

feature = player\_embedded and <http://www.chinasmack.com/2012/stories/hong-kongers-sing-locust-world-harassing-mainland-tourists.html> (accessed Apr. 3, 2012).

5. According to Schedule 1, paragraph 2, of the Immigration Ordinance (CAP 115), a permanent resident with right of abode in Hong Kong includes the following:

- a. A Chinese citizen born in Hong Kong before or after the establishment of the HKSAR.
- b. A Chinese citizen who has ordinarily resided in Hong Kong for a continuous period of not less than 7 years before or after the establishment of the HKSAR.
- c. A person of Chinese nationality born outside Hong Kong before or after the establishment of the HKSAR to a parent who, at the time of birth of that person, was a Chinese citizen falling within category (a) or (b).
- d. A person not of Chinese nationality who has entered Hong Kong with a valid travel document, has ordinarily resided in Hong Kong for a continuous period of not less than 7 years and has taken Hong Kong as his or her place of permanent residence before or after the establishment of the HKSAR.
- e. A person under 21 years of age born in Hong Kong to a parent who is a permanent resident of the HKSAR in category (d) before or after the establishment of the HKSAR if at the time of his or her birth, or at any later time before he or she attains 21 years of age, one parent has the right of abode in Hong Kong.
- f. A person other than those residents in categories (a) to (e), who, before the establishment of the HKSAR, had the right of abode in Hong Kong only.

<http://www.gov.hk/en/residents/immigration/idcard/roa/faqroa.htm#/q1> (accessed Apr. 24, 2012).

6. As Pnina Werbner and Nina Yuval-Davis have argued (1999, 4), citizenship must be seen as *more than* “the formal relationship between an individual and the state”; it should also be seen as a relationship that is “inflected by identity, social positioning, cultural assumptions, institutional practices, and a sense of belonging.”

## CHAPTER 2

1. Hui Yan Yu wrote: “Constable’s work on employer-employee household relationships portrays employers as ‘demanding,’ ‘unreasonable’ and ‘evil,’ while employees are shown to be ‘subordinated,’ ‘ill-treated’ and ‘victims under global capitalism’ (1997). It is not my intention to argue against the main discourse; nonetheless, there are other perspectives to discuss rather than just the exploitation of foreign domestic helpers. The relationships between foreign domestic helpers and their employers are not necessarily hostile. In fact, ‘normal’ relations are very common” (2011, 3).

2. The term “partial truths” was used by James Clifford in the introduction to *Writing Culture* (1986).

3. The term “overstayers” is used in Hong Kong to describe those who arrive with a visa but who remain after it expires. The terms “undocumented” or “illegal immigrant” are problematic because they conflate those who never had visas with those whose visas have expired (De Genova 2002). These terms are also misnomers when applied to those who hold “recognizance papers,” which are given to individuals who surrender to Hong Kong immigration or who file torture or asylum claims.

4. Divorce is permitted in Indonesia but not in the Philippines (see chapter 3).

5. Curiously, in two of three cases in which I was supposedly reputed to be the mother-in-law, two in which the mothers had returned to Indonesia, the children’s fathers were not white.

6. Toward the end of my research, when women were heading home with their children and after I visited several mothers and their children in Indonesia, I altered my approach and did give some gifts of money. I also donated funds specifically for mothers’ and children’s medical needs through one NGO.

7. I offered PathFinders assistance in small ways: I wrote small pieces for their outreach and website, summarized client files and complicated bureaucratic materials, contributed to their photographic and video records, arranged chairs at meetings, folded and distributed clothes, kept records of attendees, and reimbursed women’s travel expenses. I introduced them to pro bono doctors, and, for a few Saturdays in 2011, I opened the office for women with newborns who had no other place to meet. I presented my research findings to PathFinders’ directors and advisory board, and led two focus groups for PathFinders to solicit input from mothers.

8. Using a similar approach that combines ethnography and policy, Sara Friedman (2010a, 2010b) argues in the case of mainland wives of Taiwan husbands that couples often plead their cases and attempt to realize their goals and desires by working through or confronting existing policies and procedures—sometimes successfully, often not—in an attempt to find justice and also to realize their vision of family. This vision may include engaging with complex bureaucratic procedures.

### CHAPTER 3

1. The exchange rate, as of mid-2013, is roughly US\$1 to HK\$7.8; thus, the agency fee of HK\$21,000 is around US\$2,700.

2. Abolishing the two-week rule has been a goal of activists since the 1980s. Short of that, extending the time period and allowing women to work while they pursue their cases would help. See Wee and Sim (2005) and Constable (2007,



145–48) for further discussion of problems with the two-week rule, and see Sim and Wee (2010) for its connection to undocumented workers in Macau.

3. Given the minimum allowable wage of HK\$30 (US\$3.85) per hour (as of May 2013), someone who works six days a week, ten hours a day, would earn roughly US\$925 per month. Maximum work hours are not specified in the FDH contract, but most workers report working much more than sixty hours a week. FDWs receive room and board in addition to pay. In September 2012, the minimum monthly wage for new FDH contracts was raised to HK\$3,920 (US\$500) per month, less than US\$10 above the 1996 monthly wage of HK\$3,860.

4. See the newspaper *Sing Tao*, July 7, 2012, at <http://www.singtao.com/breakingnews/20120707a183810.asp> (accessed Oct. 25, 2012).

5. See the *South China Morning Post*, July 12, 2012 at <http://joannachiu.wordpress.com/2012/07/12/helpers-demand-right-to-live-away-from-employers> (accessed Oct. 25, 2012).

6. See <http://news.tvb.com/local/51bee6c56db28cc62f000003> (accessed June 20, 2013).

7. To “throw away” a baby is a common euphemism for abortion.

8. This includes women I talked with informally about various research-related topics, sometimes at social events, but from whom I did not systematically collect all of the basic demographic information in interviews.

9. Immigration Department figures on marriage do not indicate occupation, but since all but 6,000 of the 153,000 Filipinos in Hong Kong in December 2011 were FDWs, we might expect that a significant number of these marriages involve current or former FDWs. Relatively few marriages involving Filipinas were registered with the Philippine Consulate, and, of those registered, only a small number voluntarily identified their occupation as HSWs (household service workers, the Philippine government term). Babies registered with the Philippine Consulate between 2008 and 2011 averaged 443 per year, of whom 112 of their mothers identified themselves as HSWs (personal communication, Apr. 23, 2012).

10. In 2013, a new agency plan to import 200 Bangladeshi domestic workers was approved. The first eleven arrived in May 2013, but within a month nine had already been terminated. See [http://news.hkheadline.com/dailynews/content\\_hk/2013/06/03/240353.asp](http://news.hkheadline.com/dailynews/content_hk/2013/06/03/240353.asp) (accessed June 7, 2013).

11. Wang (2011) draws from the Hong Kong Census and Statistics Department’s 2006 by-census. (In Hong Kong, a major census is conducted every ten years; the smaller by-census is conducted between the censuses.)

12. Some sources report twenty-one as the minimum age for those working abroad for an individual employer (e.g., domestic workers), but most Indonesian women reported eighteen as the minimum required age. Silvey (2006) writes of a migrant worker who was sixteen when she went to work but claimed she was eighteen. This was common among the women I knew.

13. Surveys found that between 28 and 59 percent of Indonesian FDWs had worked in another country before Hong Kong (ATKI 2005; AMC et al. 2007).

14. A 1991 survey lists the average age of Filipina FDWs as thirty-three and Indonesians as twenty-seven (AMC 2001). More recent surveys of Indonesian FDWs say that over a third are twenty-four or younger (AMC et al. 2007; ATKI 2005).

15. In one case, this created a problem when the woman whose papers were used went to work in Hong Kong as well. Both women (who were neighbors) were regularly questioned by immigration officials when they entered Hong Kong, but both feigned complete ignorance.

16. When I told Indonesian women I would use pseudonyms in my writing, some suggested I use their “real names” because no one in Hong Kong would know them by that name. I have not done so.

17. Another survey lists 52 percent of Indonesians as not yet married, 43 percent as married, 3 percent as divorced, and 2 percent as widowed (AMC et al. 2007; see also ATKI 2005).

18. See Hong Kong Judiciary, “How to Apply for Divorce,” available at [http://www.judiciary.gov.hk/en/crt\\_services/pphlt/html/divorce.htm](http://www.judiciary.gov.hk/en/crt_services/pphlt/html/divorce.htm) (accessed Nov. 10, 2012).

#### CHAPTER 4

1. See <http://www.scmp.com/article/641644/fyi-what-happened-hong-kongs-vietnamese-refugee-community> (accessed Dec. 1, 2012).

2. Although China is a signatory to the 1951 Geneva Convention or Protocol Relating to the Status of Refugees, Hong Kong is not bound by it. The United Nations High Commissioner for Refugees (UNHCR) suboffice in Hong Kong processes asylum claims and third-country resettlement for refugees.

3. Some renew their visas or exit to China or Macau to do so, sometimes every two weeks or more often. Given the time, possible expense, and risk that the visa will not be renewed, some nonresidents simply overstay and work as long as they can.

4. For an interview with Kylie Uebergang, co-founder and director of Path-Finders, about sexual abuse of FDWs by employers, listen to “Kwok Talk” Radio 3 RTHK at [http://programme.rthk.org.hk/channel/radio/programme.php?name=%2Fkwok\\_talk&d=2013-01-25&p=5160&e=205547&m=episode](http://programme.rthk.org.hk/channel/radio/programme.php?name=%2Fkwok_talk&d=2013-01-25&p=5160&e=205547&m=episode) (accessed June 10, 2013).

5. An El Shaddai church group I visited in 2009 had several such couples. In 2012, I spoke to members of a Filipino drivers’ association, many of whose members were married to other domestic workers.

6. This was later reversed on appeal. See chapter 6.

7. A variation of this that I encountered among women was a preference for angry, jealous partners (who care) as opposed to partners who showed no interest.

8. They also criticized a woman I knew who had appeared in a television documentary called "Lives in Limbo." The woman was one of several former FDWs depicted in the program who got pregnant and whose boyfriend had left Hong Kong. Rather than criticize him for leaving her, George criticized the woman because "she didn't even know his full name!" According to George, she hardly knew him but had allowed him to sleep with her, so she had no one to blame but herself.

## CHAPTER 5

1. One Indonesian woman's sister had been raped in Central Java and became pregnant as a result. The "resolution" was to force the man to marry her. The marriage, not surprisingly, did not last long.

2. I do not have permission to quote from these websites, so I am summarizing or paraphrasing.

3. Among poor and rural married women in Indonesia who do not use contraception, reasons include "opposition to family planning by the respondent or her spouse, religious prohibitions and lack of knowledge about contraceptive methods" (Schoemaker 2005, 109) and attitudinal factors such as "desire for more children, opposition to family planning and concerns about the health effects of contraceptive methods" (112).

4. See <http://www.famplan.org.hk/fpahk/en/template1.asp?style = template1.asp&content = sexual/what.asp> (accessed May 2, 2011).

5. I write "give for adoption," not "give up for adoption," because it better conveys the women's sense that they are giving a gift rather than surrendering a burden.

## CHAPTER 6

1. According to the Immigration Department, there were approximately 1,850 registered marriages of Filipino women and 980 of Indonesian women between 2007 and 2011. In 2007 the number was 180 and 70, respectively, and by 2010 it had risen to 460 and 270 (S. Lai, personal communication, Mar. 12, 2012). A majority of these women were probably former FDWs, given that the highest numbers of Filipinos and Indonesians in Hong Kong are FDWs, but this is not certain.

2. As discussed below, the meaning of "ordinary residence" has been debated in court. Children deemed to be "ordinarily resident" in Hong Kong who obtained right of abode appear to fit several criteria. They had visas allowing them to stay

as residents (not visitors); Hong Kong was their home and place of residence; and they spoke the local language (Cantonese) and attended local schools.

3. As noted in chapter 1, I draw from Agamben's distinction (1998) between bare existence and good life, the latter of which is made possible by the role of the state-maintained distinction between noncitizen women household workers and citizens whose good life depends on the exclusion of others.

## CHAPTER 7

1. Many women are aware that the sentence for overstaying for less than two years is normally two months' suspended sentence (no custodial time). This may be incentive to remain for up to two years if one overstays. The sentence is more, and not likely suspended, if one is caught doing illegal work while overstaying.

2. Since Hong Kong does not accept refugees permanently, they await third-country resettlement.

3. See <http://www.unhcr.org/3b66c2aa10.html> (accessed Oct. 21, 2012).

4. See <http://www.hrweb.org/legal/cat.html> (accessed May 2, 2011).

5. The Immigration Department notes, "In 2008, a number of large-scale litigation cases were instituted by legally-aided torture claimants. There were judicial review applications challenging, inter alia, the Administration's policy of not providing torture claimants with legal representation during the torture claim screening process, not allowing the presence of legal representation in the process of torture claim interview, etc. On December 5, 2008, the Court of First Instance (CFI) in its judgment which was not in the Administration's favour held, inter alia, that the then policies/screening process for torture claim were unlawful and did not meet the high standards of fairness required. The screening of torture claims had been suspended for devising enhanced procedures by the Administration. On December 24, 2009, the screening of torture claims was resumed under an enhanced screening mechanism, following an agreement reached between the Administration and the Duty Lawyer Service on the administrative arrangements of a pilot scheme of providing publicly-funded legal assistance to torture claimants" ([http://www.immd.gov.hk/a\\_report\\_09-10/eng/ch4/#b3](http://www.immd.gov.hk/a_report_09-10/eng/ch4/#b3), accessed Oct. 23, 2012).

6. Judgment, June 8, 2004, Court of Final Appeal of the Hong Kong SAR, Final Appeal No. 16 of 2003 (Civil) (On appeal from CACV No. 211 OF 2002) between Secretary for Security and Sakthevel Prabakar. See [http://legalref.judiciary.gov.hk/lrs/common/search/search\\_result\\_detail\\_frame.jsp?DIS = 40511&QS = %24%28torture%7Cclaim%29&TP = JU](http://legalref.judiciary.gov.hk/lrs/common/search/search_result_detail_frame.jsp?DIS = 40511&QS = %24%28torture%7Cclaim%29&TP = JU) (accessed Oct. 21, 2012).

7. "During the year . . . there were judicial review applications challenging, inter alia, the Administration's policy of not granting extension of stay to torture claimants and not allowing the screened-in torture claimants to work in Hong

Kong. The ruling of the court upholds the Government's policy of not granting extension of stay to torture claimants and not allowing screened-in torture claimants and mandated refugees to take up employment generally. Furthermore, the new Section 38AA of the Immigration Ordinance, which came into effect on November 14, 2009, provides that it is an offence for any illegal immigrants or any persons under a removal order or a deportation order to take any paid or unpaid employment, or to establish or join in any business" (Immigration Department 2011).

8. One journalist estimated, perhaps tongue in cheek, that given the current rate of reviewing torture claims it would take thirty-one years to process all the claimants (see Tsang 2011).

9. The Immigration Department Year-end Reports note that a high percentage of torture claims were submitted after the person was arrested, under removal or deportations orders, or rejected by the UNHCR.

10. According to April and others, a variety of nationalities of women were housed together, but mainland Chinese women were housed separately.

11. A few days later, I brought "boy clothes" from PathFinders for April's baby, which Melinda delivered to her.

12. See [http://www.isshk.org/e/customize/migrants\\_assistance.asp](http://www.isshk.org/e/customize/migrants_assistance.asp) (accessed June 21, 2013).

13. For a 2013 report about complaints against the ISS, see <http://visionfirstnow.org/2013/06/21/tvb-exposes-iss-suspicious-contracts/> (accessed June 21, 2013). In Sept. 2013, complaints against the inadequate housing of asylum seekers mounted. See <http://www.scmp.com/news/hong-kong/article/1305929/un-concern-plaint-hong-kong-asylum-seekers-living-squalor?page=all> and <http://www.scmp.com/news/hong-kong/article/1315388/government-admits-putting-asylum-seekers-homes-not-fit-live>. The stream of vehement criticism of the ISS led the head of the Council for Social Service to call for more competitive bidding for service provision. See <http://www.scmp.com/news/hong-kong/article/1330532/outgoing-social-services-chief-urges-break-asylum-welfare-contract> (accessed Oct. 25, 2013).

14. If a refugee is arrested for illegal work, it can potentially cause a country to refuse him resettlement.

15. In one paternity case I followed, the mother reported that her child's father, a Pakistani Muslim, told the judge that he would need to consult with his imam in the United Arab Emirates before agreeing to a DNA test, and the judge reportedly replied, "Did you check with your imam before you fucked her as well?"

16. In 2013, however, I was told this was probably no longer the case: there were rumors of a mother who was given the choice of taking her H.K. resident child home with her or leaving him at the Po Leung Kuk welfare institution.

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