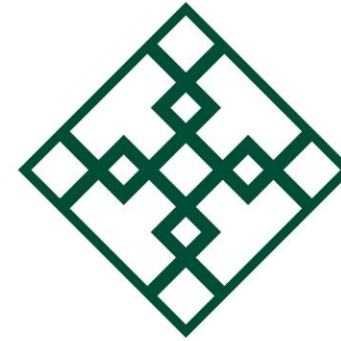


Legal Training Session:  
Rights & Risks for  
Migrant Domestic  
Workers (MDWs)



HUGILL&IP  
S O L I C I T O R S

13 April 2025

# Introduction

**Objective:** Empowering ambassadors to educate MDWs on:

- Avoiding overstaying.
- Understanding legal status.
- Risks of aiding overstayers.

# Key Definitions (Terms)

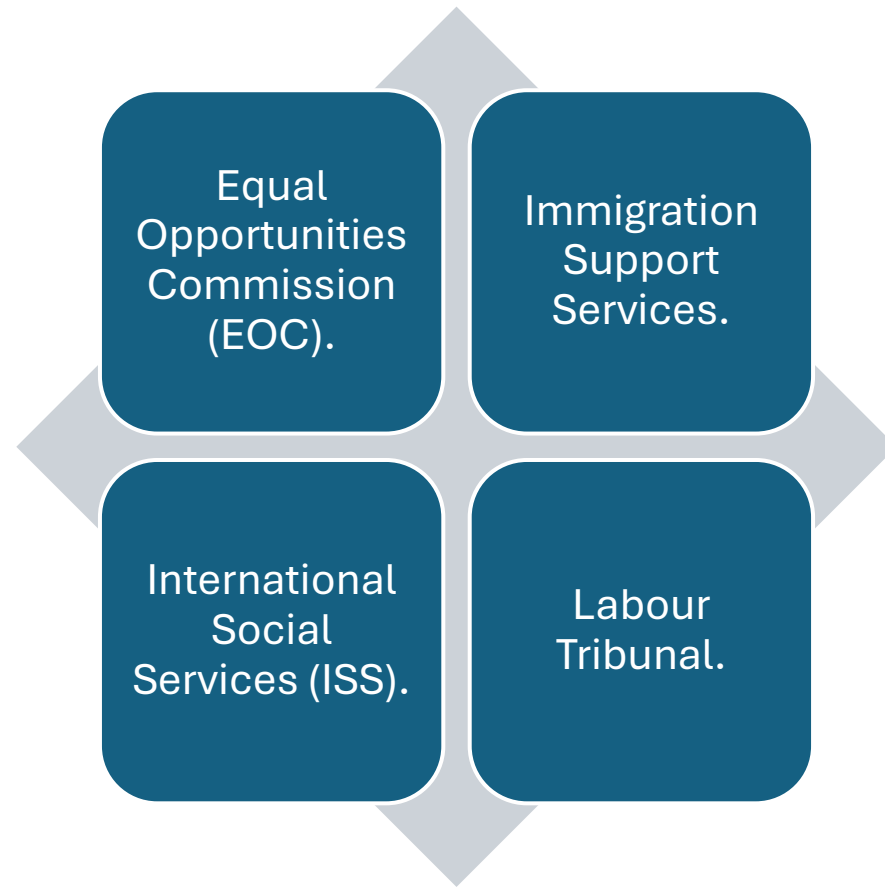
Overstayer  
(MDW post-  
visa expiry).

Paper  
holder  
(paperan).

Asylum  
seeker vs.  
Refugee.

Ordinance  
(e.g.,  
Immigration  
Ordinance).

# Key Definitions (Institutions)



# How Overstaying Happens



## Common Scenarios:

Employer exploitation (passport confiscation).

Unawareness of visa expiry.

Abuse/financial hardship.



## Preventative Steps:

Set reminders, report misconduct.

# Consequences of Overstaying

## Legal Penalties:

- Offences
- Deportation + re-entry bans.

## Employment Impact:

- Global job/visa rejections.
- Work Ban
- Future Job Prospects
- Dependent Visa Risks
- Losing access to Public Healthcare Services

# Aiding & Abetting Overstayers: Risks for MDWs

Why MDWs Are Vulnerable

Examples of Illegal Conduct

Consequences

Guidance for MDWs

# Case Studies & Role-Playing (MDW Scenarios)

**Activity 1: Pregnancy  
Discrimination and  
Visa Crisis**

## ***Key Learning Points:***

- Pregnancy Is Not a Crime
- Immediate Action
- Visa Solutions
- Important practical aspects



# Case Studies & Role-Playing (MDW Scenarios)

## Activity 2: Abuse and Forced Flight



**Scenario:** An MDW flees her employer's home due to physical abuse and verbal threats. She has no passport (confiscated by the employer) and her visa expires in 3 days. She fears deportation if she reports the abuse.



**Question:** Identify immediate steps: How can she report the abuse and address her immigration status?




# Case Studies & Role-Playing (MDW Scenarios)

- **Activity 3:** Contract Substitution and Visa Violations
- **Scenario:** A MDW signed a contract for domestic work but was forced to work in her employer's restaurant. She wants to resign but fears overstaying if her employer cancels her visa.
- **Question:** Determine if the employer violated the Standard Employment Contract (restaurant work is illegal under MDW visas)



# Case Studies & Role-Playing (MDW Scenarios)

- **Activity 4:** Sudden Termination and Overstaying
- **Scenario:** An MDW's employer suddenly terminated her contract without notice. She has 14 days to find a new job or leave Hong Kong, but her visa expires in 10 days. A rogue employment agency offers her cash-in-hand work with no visa.
- **Question:** Please evaluate the risks: Accepting illegal work vs. overstaying to seek legal help.



## Case Studies & Role-Playing (MDW Scenarios)

- **Activity 5:** Forgetfulness
- **Scenario:** A MDW and her employer forget to renew a MDW's visa.
- **Task:** identify the legal consequences and whether they still apply. What are the possible solutions?

# Q&A for MDW-Specific Concerns

What if my employer forces me to overstay?

Will overstaying affect my future applications to work abroad?

Can my employer immediately terminate my employment contract?

If my employment is terminated, can I find alternative employment?

If I make an application for extension and my visa expires whilst my visa application is being processed, am I an overstayer? Do I need to leave Hong Kong?