

# Business immigration in Singapore: overview

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Country Q&A | [Law stated as at 01-Jan-2019](#) | Singapore

A Q&A guide to business immigration in Singapore.

This Q&A gives an overview of the key factors affecting business immigration, including sources of immigration law; relevant government entities; unsponsored and sponsored immigration; requirements for sponsors; civil and criminal penalties for sponsors; common issues and concerns; dependants; settlement and citizenship; recent trends and proposals for reform.

To compare answers across multiple jurisdictions, visit the [Business Immigration Country Q&A tool](#).

The Q&A is part of the global guide to business immigration. For a full list of jurisdictional Q&As visit [www.practicallaw.com/immigration-guide](http://www.practicallaw.com/immigration-guide).

## Relevant governmental entities

1. What are the relevant government entities (agencies, departments, branches, bodies, and so on) relating to immigration in your jurisdiction?

### Administration

The Immigration & Checkpoints Authority (ICA) is responsible for control of entry into and departure from Singapore. The ICA:

- Issues student passes to study in Singapore.
- Issues long-term visit passes to stay in Singapore.
- Handles applications for Singapore permanent resident status and Singapore citizenship.

The Ministry of Manpower (MOM) is responsible for the work passes and consents that individuals who are not Singapore citizens or permanent residents require to work, train or carry on business in Singapore. Dependant's passes and long-term visit passes for family members of work pass holders are also within the purview of the MOM.

### Enforcement

The MOM performs random workplace inspections while the ICA carries out raids to find illegal immigrants. The Singapore Police Force supports these operations and enforces immigration law as part of regular patrols.

## Legislative

Parliament is responsible for primary immigration legislation, such as the Employment of Foreign Manpower Act or the Immigration Act. The Minister for Manpower or the Minister for Home Affairs, respectively, have power under the Act to make secondary legislation, such as regulations, notifications and so on.

## Sources and conflicts of law

### Sources of law

2. What are the principal sources of law relating to immigration in your jurisdiction?

### Domestic statutes, rules and regulations

The primary statutes relevant to business immigration are:

- The Constitution.
- The Immigration Act.
- The Employment of Foreign Manpower Act

The important subsidiary legislation under these Acts is:

- The Immigration Regulations.
- The Immigration (Prohibition of Entry) Order.
- The Employment of Foreign Manpower (Work Passes) Regulations 2012.
- The Employment of Foreign Manpower (Work Pass Exemptions – Specified Activities) Notification.

Citizenship is governed by the Constitution, permanent residence by the Immigration Act, and the various work pass categories for employment or engaging in business by the Employment of Foreign Manpower Act.

### Domestic policy and guidance

Guidance can be found on the ICA and MOM websites ([www.ica.gov.sg](http://www.ica.gov.sg) and [www.mom.gov.sg](http://www.mom.gov.sg) ).

### Case law

The bulk of case law consists of prosecutions for obtaining work passes through fraud, for employment without work passes, for overstaying, for harbouring illegal workers and so on. The case law is generally relevant for sentencing guidelines than statutory interpretation.

### **International law and international treaties**

Singapore is a party to the World Trade Organisation General Agreement on Trade in Services (GATS). Employers wishing to relocate intra-corporate transferees to Singapore are spared labour market testing in the work pass application process.

India and Singapore have a Comprehensive Economic Co-operation Agreement (CECA). The CECA contains provisions on the free movement of persons (*Chapter 9*).

### **Conflicts of law**

3. What potential conflicts (if any) arise between the various sources of law?

There is no state versus federal law conflict because Singapore is a city state. There is no conflict between guidance and legislation because the same political party has been in government for all of the 59 years since Singapore became a state.

## **Business immigration**

### **Un-sponsored business-related immigration**

4. What are the primary options available for un-sponsored work and investment in your jurisdiction?

There are three types of un-sponsored work passes:

- The EntrePass (*see below, [Entrepreneurs, innovators and investors](#)*).
- The Personalised Employment Pass (PEP) (*see below, [High earning individuals](#)*).
- The Work Holiday Pass (*see below, [Students](#)*).

There is also the opportunity to secure permanent resident status through the Global Investor Programme. Individuals on an EntrePass or a PEP may apply for permanent resident status after having lived and worked in Singapore for two years (*see [Question 10](#)*).

### **Self-employment**

The Employment of Foreign Manpower Act states that a foreigner (that is, an individual who is neither a citizen nor a permanent resident of Singapore) must have a valid work pass to be self-employed in Singapore. This suggests that self-employment is possible in principle.

In practice, however:

- The unsponsored work passes (except for the Work Holiday Pass, for students and young graduates (*see below, [Students](#)*)) either make no provision for self-employment or expressly prohibit it.
- Other types of work pass are sponsored, which means that the work pass application must be made by a business registered with the national company and business registrar, the Accounting and Corporate Regulatory Authority (ACRA) (*see [Question 5](#)*).

There is, therefore, no administrative provision for individuals to apply by themselves to freelance or find employment in Singapore, except for the Work Holiday Pass. Individuals must have a job offer in hand and it is the local employer that applies for the pass to allow the individual to work in Singapore.

### **Entrepreneurs, innovators and investors**

The EntrePass is a work pass for carrying on a business in Singapore. It is available to people regarded as entrepreneurs, innovators or investors.

**Possible applicants.** An entrepreneur is an individual who complies with one or more of the following:

- Raises SGD100,000 or more in funding for his or her company from a Singapore government investment vehicle or from a venture capitalist or business angel officially recognised by a Singapore government agency. Investment vehicles, venture capitalists and business angels recognised by the government are:
  - Vertex Ventures;
  - SGInnovate (formerly Infocomm Investments Pte Ltd);
  - Qualified investors on the StartupSG Equity scheme;
  - Venture partners on the Early Stage Venture Fund (ESVF) scheme.
- Runs a company that is an incubatee at an incubator or accelerator officially recognised by the Singapore Government. Incubators and accelerators for EntrePass purposes are:
  - incubators or accelerators in SPRING Singapore's Startup SG Accelerator Programme;
  - Accredited Mentor Partners under Startup SG Founder;
  - the Accreditation@SGD Programme;
  - SGInnovate-linked incubation or acceleration programmes.
- Has significant business experience, business network and entrepreneurial track record, that is, he or she has:
  - founded and sold a technology company;
  - raised significant funding from investors for a current or past venture;

- had a business incubated by an internationally renowned incubator or accelerator;
- strong industry networks and business contacts related to the business proposed to be set up in Singapore; or
- recognition from a national body, recognised media publication or credible industry organisation for his or her professional, business or entrepreneurial achievements and track record.

An innovator is an individual who complies with one or more of the following:

- Owns intellectual property. To qualify, intellectual property must:
  - be registered with an approved national IP institution;
  - deliver a competitive advantage to the proposed business;
  - not be easily replicable.
- Has a research collaboration with an institute of higher learning (IHL) or research institute in Singapore. The IHLs or research institutes are the:
  - A\*STAR Research Institutes;
  - Campus for Research Excellence and Technological Enterprise (CREATE) entities;
  - National University of Singapore;
  - Nanyang Technological University;
  - Singapore University of Technology and Design;
  - Singapore Management University;
  - polytechnics;
  - recognised non-profit or private-sector research groups.
- Has extraordinary achievements in key areas of expertise. This refers to exceptional technical or domain expertise relevant to the proposed business as evidenced by outstanding achievements in and/or international recognition of relevant technical or domain expertise.

An investor is an individual who has either:

- A track record of investing in and growing highly scalable businesses.
- At least eight years' experience as senior management in a large corporation.

**Application procedure and conditions.** The application for an EntrePass to carry on business in Singapore is made by the individual. The permitted (and required) business form in connection with an EntrePass application is a Singapore-registered company. This may be registered either after the EntrePass is approved; or, if the company is already registered, it must be less than six months old when the EntrePass application is made. The EntrePass holder is treated as an employee of the company (although no minimum salary is required). Government fees for an EntrePass are SGD330.

EntrePass applications and business plans usually take eight weeks to process and are evaluated by MOM in conjunction with one of three government development agencies:

- The Standards, Productivity and Innovation Board of Singapore (SPRING).
- The Infocomm Media Development Authority (IMDA).
- SGInnovate.

There are significant business spending and job-creation commitments attached to an EntrePass. An EntrePass is issued for one year in the first instance. It may then be renewed for another year. Subsequent renewals are good for two years at a time. The business spending and employment commitments for renewal are as follows:

- **One year on an EntrePass.** No minimum annual business spending or minimum number of employees.
- **Two years.** Minimum annual business spending of SGD100,000. At least three full-time employees (FTEs) or one professional, manager or executive (PME).
- **Four years.** Minimum annual business spending of SGD200,000. At least three FTEs or two PMEs.
- **Six years.** Minimum annual business spending of SGD300,000. At least nine FTEs or three PMEs.
- **Eight or more years.** Minimum annual business spending of SGD300,000. At least 12 FTEs or four PMEs.

### **Business visitors**

Business visitors coming to Singapore are subject to very few formalities. The passports of most countries are accepted for entry to Singapore without a visa. A visit pass valid for 30 days (60 days for persons holding an APEC Business Travel Card) is normally issued on arrival in Singapore, and covers visits:

- For social, business or professional purposes.
- For tourism.
- To seek employment.

Business visitors can apply online to extend their stay in Singapore. They are only permitted one online extension. There must be at least three working days left on their visit pass. The maximum stay is up to 89 days from the date of entry into Singapore. A person who needs or wants more than one extension must apply in person at the ICA building.

### **Students**

The Work Holiday Programme allows eligible foreign students and young graduates to work and holiday in Singapore using a Work Holiday Pass. To be eligible for a Work Holiday Pass, one must be:

- Aged 18 to 25.
- An undergraduate or graduate of a university in Australia, France, Germany, Hong Kong, Japan, New Zealand, Switzerland, United Kingdom or United States. This university must be recognised by the governments of these countries.

- Undergraduate applicants must be a resident and a full-time student of the university for at least three months before applying for the pass.
- Graduate applicants must be a former resident and full-time student of the university.

With the Work Holiday Pass, the individual can stay and work in Singapore for six months. Government fees for a Work Holiday Pass are SGD175. There is no restriction as to the type of work that an individual can engage in using the Work Holiday Pass. However, the holder of a Work Holiday Pass still must comply with registration requirements to practise in Singapore for professions such as medicine, dentistry, pharmacy, architecture and law. At any one time, the Work Holiday Programme has a capacity of 2,000 applicants.

Eligible Australian students and young graduates aged 18 to 30 have the added benefit of being able to work and holiday in Singapore for 12 months under the Work and Holiday Visa Programme. The Work and Holiday Visa Programme has a capacity of 500 applicants at one time. However, there are certain restrictions on holders of Work Holiday Passes under the Work and Holiday Visa Programme:

- They cannot freelance.
- They cannot work with the same employer for more than six months.
- They also cannot study or train for more than four months. This includes internships, part-time or full-time courses and on-job training.

The application processing time for a Work Holiday Pass is around three to four weeks. The application is submitted online by completing a form on the MOM website and attaching soft copies of the following required documents:

- A letter from the university stating the applicant's matriculation, name, nationality, date of birth and year of study.
- A copy of the applicant's passport biodata page.
- For graduates, a copy of the degree certificate or transcripts.
- For undergraduates, a copy of the student card issued by the university.

### **High-earning individuals**

High-earning individuals may apply for a PEP to work in Singapore. A PEP differs from the ordinary employment pass in that an employer or sponsor must apply for the ordinary pass, so the person must already have a role in Singapore. PEP applications, in comparison, are made by individuals themselves. They may or may not already have a role waiting for them in Singapore. PEPs are open to:

- Persons whose fixed monthly salary within the past six months is or was at least SGD18,000.
- Persons already working in Singapore on an employment pass and on a fixed monthly salary of at least SGD12,000.

A PEP allows a person to switch jobs without any employment pass formalities, whereas moving from one employer to another would normally involve the cancellation of the employment pass for the previous job and applying for a new employment pass (which may not necessarily be granted).

A PEP also allows a person to remain in Singapore for up to six months between jobs, whereas leaving a job involves the cancellation of a standard employment pass.

The requirement to keep up a PEP is a fixed salary of SGD144,000 a year regardless of any period(s) out of work.

A PEP is issued for three years and is not renewable. A person may continue to work in Singapore beyond this period by either applying for the usual employment pass or applying for permanent residency. Government fees for a PEP are SGD330.

## Sponsored business-related immigration

5. What options are available for sponsored employment in your jurisdiction?

### Types of sponsored employment visas

The two main types of sponsored work passes are:

- The Employment Pass (EP) for professionals, managers, executives and highly paid and/or highly skilled individuals.
- The S Pass for mid-level skilled staff.

Individuals on an EP or S Pass may apply for permanent resident status after having lived and worked in Singapore for two years (*see Question 10*).

### General requirements

**EP.** The general requirements for an EP are:

- A fixed monthly salary of at least SGD3,600 for new or recent graduates, rising with age and experience.
- Acceptable qualifications, usually a good university degree, professional qualifications or specialist skills.

"Fixed monthly salary" is the total of the basic monthly salary and any fixed allowances (e.g. transport and accommodation allowances). These remuneration and allowances should not vary from month to month, and do not depend whether on employee or company performance, or on medical or personal leave.

A fixed monthly salary does not include:

- Variable allowances.
- Overtime payment, bonus, commission or annual wage supplements.
- In-kind payments.
- Reimbursements.



- Productivity incentive payments.
- Contributions payable by the employer to any pension or provident fund, including any contributions made on the employee's behalf.
- Gratuity payable on discharge, retrenchment or retirement.

An employer or appointed employment agent must apply for the EP on behalf of the employee. EP applications are usually submitted online. An employer must first apply for a CorpPass account for access to online government services, and then specifically register for an account on the online EP application system (an EP Online Account). Registering for a CorpPass and an EP Online Account (both one-time procedures) takes about a week. The MOM then takes about three weeks to process an EP application. More time is usually needed for newly incorporated companies. Government fees for an EP are SGD330.

**S Pass.** Persons who do not earn enough or do not have the necessary qualifications to obtain an EP may apply for an S Pass. The S Pass is meant for mid-level foreign employees who meet the following criteria:

- A fixed monthly salary of at least SGD2,200, rising with age and work experience.
- A degree or diploma, or technical certificates corresponding to at least one year of full-time study.

S Pass applications are made by an employer or authorised third party through the same online system as EP applications. S Pass applications typically also take about three weeks to be processed. Government fees for an S Pass are SGD175.

### Duration of leave

**EP and S Pass.** The duration of the EP or S Pass is as follows:

- First-time applicants, up to two years.
- Renewals, up to three years.

### Extensions for each route

An application to renew an EP or an S Pass can be made up to six months before the pass expires. Renewal applications should be approved before the pass expires. A renewed pass has a validity of up to three years. Renewal applications can be made online and are usually processed within three weeks.

### Limitations for each route

The only limitations that are imposed are those that relate to eligibility (*see above, [General requirements](#)*).

### Requirements for sponsors

6. What are the requirements for becoming a sponsor to employ migrants? What is their role, and what are their reporting and record-keeping duties?

### **Requirements to become a sponsor**

The "sponsor" in a "sponsored" application must be a Singapore-registered business. This can be a company, a branch of a foreign company, an LLC, a partnership, an LP or an LLP.

Because a sponsor must be a Singapore-registered business, a foreign employer which needs to send an employee on an assignment to Singapore is unable to apply for the requisite EP or S Pass if it has no registered establishment in Singapore. For this situation, there is a facility known as the "sponsorship employment pass". The MOM will accept an application for a sponsorship employment pass from a local sponsor that is not the employer if the sponsor provides a reason why the sponsor needs the services of the foreign worker. The sponsorship employment pass is typically used when a foreign supplier needs to send employees to provide services to its customers or clients in Singapore. Unlike normal EP or S Pass applications which are made online and take about three weeks, an application for a sponsorship employment pass must be made in hard copy and the MOM takes eight weeks (nearly two to three times as long) to consider such applications.

### **Role of sponsors**

The employer, not the employee, must submit an EP or S Pass application as sponsor (*see above, [Requirements to become a sponsor](#)*).

**EP.** There is no formal quota for the number of EP holders that an employer may hire, and no levy payable by the employer for EP holders.

**S Pass.** The number of S Pass holders an employer can hire is capped at 15% of the company's total workforce for the services sector and 20% of the company's total workforce for all other business sectors. Employers who exceed the quota will need to increase their local workforce (Singapore citizens or permanent residents) or reduce the number of foreign workers.

The employer must also pay a monthly levy (also known as the foreign worker levy) for these S Pass holders. The foreign worker levy liability starts from the day the S Pass is issued and ends when the pass is cancelled or expires. There are ongoing yearly revisions to the levy rate, which are announced in the annual Singapore Budget.

### **Reporting duties of sponsors**

In 2014, a Fair Consideration Framework (FCF) was formally introduced as part of the government's overall effort to "strengthen the Singaporean core in the workforce". A key part of the FCF is that all employers except those with fewer than ten employees must advertise all job vacancies paying a fixed monthly salary of less than SGD15,000 on the national Jobs Bank, unless the position is to be filled by an intra-corporate transferee. For more information on these FCF requirements, see [Question 8](#).

When applying for an Employment Pass, the employer must provide information on:

- The number of applicants interviewed and offered the position.
- The residency status of applicants, that is citizens, permanent residents or foreigners.

- The current number of citizens and permanent residents on the payroll.
- The revenues of the business for the last three years.

It is also the duty of the employer to cancel the work pass and return the work pass card when a person leaves its employment.

### **Record-keeping duties of sponsors**

As part of the FCF, the MOM audits companies that have scope to improve their hiring practices. Such companies may include those with disproportionately few local PME employees or those which have received complaints of nationality-based discriminatory HR practices. A company that is under scrutiny will need to provide the MOM with additional information, including:

- Organisational charts showing the nationalities of employees.
- Recruitment processes.
- Staff grievance handling procedures.
- Staff progression framework.
- Plans to develop local staff to take on higher roles or reduce reliance on EP holders.

### **Civil and criminal penalties for sponsors**

7. What are the types of sanctions, civil and criminal penalties that sponsors may face for non-compliance with the rules and how could they impact existing sponsored migrants?

### **Sanctions**

An employer found to have nationality-based or other discriminatory hiring practices in breach of the Tripartite Guidelines on Fair Employment Practices will face scrutiny from the Tripartite Alliance for Fair and Progressive Employment Practices. If the company does not put in place satisfactory procedures to remedy the situation, the MOM will not approve any work pass applications from the employer.

### **Civil penalties**

The MOM can impose a penalty of up to SGD20,000 on an employer for inaccurate or erroneous statements or information given inadvertently or without intent to mislead or defraud.

The MOM can also compound offences under the Employment of Foreign Manpower Act by collecting payment of a sum not exceeding the lower of:

- One-half of the maximum fine prescribed for the offence.
- SGD5,000.

### **Criminal penalties**

It is an offence to employ a foreigner without a work pass. The penalty for the employer on conviction is a fine of SGD5,000 to SGD30,000 and/or imprisonment of up to 12 months.

It is an offence for a foreigner to be employed without a work pass. The penalty for the employee on conviction is a fine of up to SGD20,000 and/or imprisonment for up to two years.

It is an offence to employ a foreigner otherwise than in accordance with the conditions of the work pass. The penalty for the employer on conviction is a fine of up to SGD10,000.

It is an offence for a foreigner to be self-employed unless he has a work pass. The penalty on conviction is a fine of up to SGD20,000 and/or imprisonment for up to two years.

### **Impact on existing sponsored migrants**

Not applicable.

### **Common issues or concerns for business immigration**

8. What common issues or concerns may arise under business immigration in your jurisdiction?

There is no express prohibition against members of the LGBT community from entering or residing in the jurisdiction since there is no or no sufficient acknowledgment of or accommodation for the spectrum of sexual orientation or gender identity. Immigration forms require information on gender, which must be either male or female. In this environment, so long as a person declares him/herself as male or female consistent with their passport or other documents, their sexual orientation or gender identity should not be an issue to obtaining a pass to enter or reside in Singapore.

The legal position is that a foreigner has no right to enter or reside in Singapore as such; the power to grant or refuse a pass to enter or reside in Singapore lies entirely with the relevant authority. The Singapore Court of Appeal (the highest court in the country) has decided that discrimination in law on the basis of sexual orientation does not contravene the constitutional right to the equal protection of the law.

The MOM requires that companies in Singapore adopt the FCF requirements in their recruiting and employment practices in relation to PME (see [Question 6, Reporting duties of sponsors](#)). The FCF requires that an employer advertise a PME vacancy on the national Jobs Bank and consider any Singapore citizen or permanent resident applicants before it may apply for an Employment Pass to fill the position with a foreign PME. An employer is only exempted from this advertising requirement if:

- It has ten or fewer employees.
- The job pays a fixed monthly salary of at least SGD15,000.

- The vacancy is to be filled by an intra-corporate transferee as defined in the World Trade Organization's General Agreement on Trade in Services (WTO GATS).
- The vacancy is a short-term contingency (no more than one month).

More broadly, the FCF requires employers to attract and consider citizens and permanent residents for jobs and, once employed, to develop their skills, expertise, potential and careers. Employers are therefore strongly encouraged to advertise employment openings on the Jobs Bank even if the position is exempt from advertising.

An employer with an unusually high proportion of foreign employees in PME roles in relation to other employers in the same industry, or which is the subject of complaints of discriminatory hiring or employment practices, may be placed on the FCF watchlist. EP applications from employers on the FCF watchlist are subject to extra scrutiny and therefore longer-than-usual processing times. Employers on the watchlist are also engaged by the Tripartite Alliance for Fair and Progressive Employment Practices (TAFEP, a body supported by the MOM, the National Trades Union Congress and the Singapore National Employers Federation) to review and raise their employment standards in line with its Tripartite Guidelines on Fair Employment Practices. Generally, the key requirements for an employer on the FCF watchlist are requirements to:

- Adopt various hiring and career-development measures to bring down the proportion of foreign PMEs (as a broad rule of thumb, to under 50%).
- Train citizen or permanent resident PMEs for higher-level positions.

The TAFEP engages an employer for six months at a time. If the employer makes sufficient progress, it should come off the watchlist, the result of which should be that its applications for EPs for foreign PMEs are processed within the usual time frame. An employer with whom the TAFEP makes no progress could have its work pass privileges suspended with the result that applications for new EPs as well as renewals of existing passes are not approved.

According to the Minister of Manpower's answer in March 2018 to a parliamentary question, there were:

- 500 employers on the watch list. to immigration policy and law?
- 150 employers had made significant improvements and exited the watchlist.
- 60 employers had been deemed to be uncooperative.

Uncooperative employers had their work pass privileges curtailed, with the result that 1,900 EP applications were not approved in one way or other (that is, withdrawn, rejected or withheld). Some Indian IT companies in Singapore seem to have been affected in this way; see:

- *Business Standard*, "Govt differs with Singapore's logic to restrict access to IT professionals", 3 April 2017.
- *Deccan Chronicle*, "Tit for Tat? Singapore blocks Indian workers visa, India puts trade pact on hold", 3 April 2017.
- *The Economic Times*, "Singapore blocks visas for Indian IT professionals", 4 April 2017.

On the other hand, the TAFEP may enrol progressive employers that notably develop citizens and permanent residents in PME roles, for example, through hiring locals for at least two-thirds of PME positions, transferring skills from foreigners to locals, in its Human Capital Partnership (HCP) Programme. For business immigration purposes, the chief advantage of the HCP Programme is fast-track processing of their EP applications for foreign PMEs. As at January 2019 the TAFEP counted 221 employers as HC Partners.

## Dependants

9. What persons qualify as dependants (for example, family members)? What are the general requirements and restrictions for bringing dependants into your jurisdiction for sponsored and unsponsored business-related immigration?

### Persons qualifying as dependants

Persons qualifying as dependants are a spouse, partner, unmarried children under 21 or parents. A spouse or child is eligible for a dependant's pass; a partner, stepchild or parent is eligible for a long-term visit pass.

Singapore law itself has no provision for same-sex unions. While the MOM and ICA say nothing about on the matter, anecdotally legal same-sex marriages are recognised.

### General requirements and restrictions

**Unsponsored business-related immigration.** An EntrePass holder can only bring his or her family into Singapore if he or she fulfils the following total annual business spending and local employment:

- **Minimum total business spending of SGD100,000 and either three local full-time employees (FTE) or one local PME.** The EntrePass holder can bring his or her spouse or partner and children.
- **Minimum total business spending of SGD200,000 and either six local FTEs or two local PMEs.** In addition to the above, the EntrePass holder can bring his or her parents.
- A PEP holder may bring in his or her spouse or partner, children and parents.

Work Holiday Pass holders are not allowed to bring any dependants into Singapore.

Passes for dependants run concurrently with the EntrePass or PEP. They are valid for as long as the primary work pass is valid. Government fees for a dependant's pass or long-term visit pass are SGD330.

### Sponsored business-related immigration

- **EP.** An EP holder with a fixed monthly salary of at least SGD6,000 may be accompanied by his or her spouse, partner or children under dependant's passes or long-term visit passes (as appropriate). An employment pass holder with a fixed monthly salary of at least SGD12,000 may be accompanied by his or her parents under long-term visit passes.
- **S Pass.** An S Pass holder earning a fixed monthly salary of SGD6,000/SGD12,000 or more has the same respective dependant privileges as an EP holder.

Passes for dependants run concurrently with the EP or S Pass. They are valid for as long as the primary work pass is valid. Government fees for a dependant's pass or long-term visit pass are SGD330. Applications for Dependants

Passes and/or Long-term Visit Passes are usually submitted after the primary work pass has been approved, since approval for the primary work pass holder is a pre-requisite to any passes for his or her dependants.

### Entitlement to work

Generally, the practical difference between a long-term visit pass and a dependant's pass is that a person with a dependant's pass may obtain a letter of consent to work in Singapore whereas a long-term visit pass holder may not work. A long-term visit pass holder must qualify for a work pass on his or her own merits to work in Singapore.

## Settlement and citizenship

10. What is the general time frame and processes for obtaining permanent residence and citizenship in your jurisdiction for sponsored and unsponsored business-related immigration?

### General process and time frame for obtaining permanent residence

The main applicant under the programmes for permanent residence is self-sponsored, and therefore the distinction between sponsored and unsponsored immigration does not apply in this context.

**Global Investor Programme (GIP).** This is a residence by investment programme. It is administered by Contact Singapore, which is a division of the Singapore Economic Development Board, in conjunction with the ICA.

The amount of investment required is SGD2.5 million. The following are the investment options, which must be carried out within five years.

- **Investments available to entrepreneurs whose businesses have revenues of at least SGD50 million a year.** The following are possible:
  - put up a business plan for a new Singapore-registered company (or the expansion of an existing Singapore company). The entrepreneur must fulfil the approved business plan within five years. In all cases, after three years a new business must have a minimum of five employees and annual business spending of SGD1 million. An existing business must usually have an additional five employees and an additional SGD1 million annual spending;
  - make a passive investment in one of a handful of pre-approved funds that invest in Singapore-based businesses.
- **Investments where the investor's net worth or his or her direct family's net worth is at least SGD400 million.** Put up a business plan for a single-family office to manage assets of at least SGD200 million once approved. The investor must fulfil the approved business plan within five years. In all cases, after three years a new business must have a minimum of five employees and annual business spending of SGD1 million.

An applicant may include his or her spouse and unmarried children under 21 years in the same application.

The time frame for a GIP permanent residence application is ten to 14 months. The applicant files the requisite forms and documents in support to Contact Singapore. After two to four months when they have had time to process and consider the application Contact Singapore will interview the applicant. After that, assuming Contact Singapore supports the application, it is passed on to the ICA. If the ICA's procedures and checks are satisfactory, the applicant is issued with in-principle approval for permanent residence. He or she is given six months to make the proposed investment. The applicant then sends certified true copies of documents such as bank statements, fund transfers and share certificates to Contact Singapore as proof. In return, ICA will issue the final approval for permanent residence. The investor and any family members who are part of the application then have 12 months to complete the formalities at the ICA (photographed, fingerprinted and issued with the national registration identity card).

The primary limitation of the GIP is that the class of persons who are eligible to apply is rather narrow (*see above*). Persons outside these narrow criteria (for example, professional people and business executives) need not apply.

**Professionals, technical personnel and skilled workers.** The ICA will consider applications for permanent resident status from foreigners who have lived and worked in Singapore for at least two years on an EP, S Pass, PEP or EntrePass (*see Questions 4 and 5*). An applicant can include his or her spouse and unmarried children under 21 years in the same application. The ICA's criteria for assessing applications are secret but it is fair to say that socioeconomic status is generally a good predictor of success. For married people with children it is highly advantageous that the whole family applies.

A permanent resident is issued a re-entry permit (REP), which is valid typically for five years at a time and must be periodically renewed. The REP allows a person who has travelled outside Singapore to re-enter the country for permanent residence. However, a person who is abroad and whose REP has expired technically ceases to be a permanent resident. The ICA has a policy of not renewing the REPs of permanent residents under the professional, technical personnel and skilled worker scheme who with their families no longer reside in Singapore.

In the first stage, the applicant submits the form and copies of supporting documents online and is given an appointment for an interview at the ICA. The time frame from submission to interview to a decision is four to six months according to the ICA (as at July 2018) but experience tends to suggest that this might be optimistic and that an applicant should allow six to 12 months.

**Dependants.** For both the main programmes, the main applicant will sponsor spouses and children. Singapore has compulsory national service. As a rule, at 18 years of age, all male citizens and male permanent residents who obtained permanent resident status through their parents are liable for two years' full-time national service in the armed forces, police or civil defence force (essentially, the fire brigade). Also, as a rule national service cannot be deferred and has priority over education or career. Renunciation of permanent resident status before the age of 18 to avoid national service is likely to mean that the person will be never be permitted to live, study or work in Singapore. If liable for national service, breach of the obligation is a serious offence punishable by imprisonment.

### **General process and time frame for obtaining citizenship**

The ICA will consider applications for citizenship after a person has lived in Singapore as a permanent resident for at least two years. Once again, a person may include his or her spouse and unmarried children under 21 in the same application of citizenship. The ICA's assessment criteria are secret, but it appears that socioeconomic status and contribution to the economy in particular and/or other fields generally are important considerations and that an application which includes all the members of the family stands a better prospect of success.

The citizenship application is submitted online to the ICA and an appointment is taken to personally attend at the ICA for an interview. The time frame from submission to interview to a decision is six to 12 months.



## Present climate and future legislation

### Present climate and trends

11. What are the recent trends, both political and social, that have impacted your jurisdiction with regard to immigration policy and law?

As of June 2018, the number of citizens and permanent residents employed in Singapore was about 2.2 million. There were about 1.3 million work passes issued to foreigners. Therefore, about 37% of employees in Singapore are non-permanent-resident foreigners. Permanent residents form 15% of the overall "resident" population, and a higher percentage of the "resident" labour force. If we assume, conservatively, that permanent residents are 15% of the number of citizens and permanent residents employed in Singapore, then, since permanent residents are not Singapore citizens by definition, the percentage of foreign nationals working in Singapore actually exceeds 46%.

The government adopts a pragmatic approach towards immigration. On one hand, it recognises that the country needs to be open to immigration because there are significant manpower shortages in the economy. With its rapidly ageing population and low birth rate, the country's demographics are worrying. Therefore, reliance on foreign manpower has been and will remain a necessity for economic growth. Nevertheless, the government is aware that the citizenry feels that immigration policy has been too liberal, and that the level of immigration is excessive. The topic of foreigners working in Singapore has become politically fraught. As a result, issues such as competition for jobs, effect on wages and adequacy of housing and public infrastructure have been cast in the spotlight. Locals are unhappy because they are afraid that foreigners will dominate the job market. They are also upset at how the mass influx of foreigners over the past decade has led to housing shortages and infrastructure pressures.

The government is seeking to address and manage public opinion. Officially, the policy is to maintain a "two-thirds Singaporean core" in the workforce. The workforce is about two-thirds Singapore/one-third foreign if permanent residents are counted as Singaporeans rather than foreigners, and by not counting "foreign domestic workers". The recent tightening of Singapore's immigration policies and future legislation should be viewed in this context. At the same time the government is trying ways and means of increasing productivity. There need be correspondingly less reliance on foreign manpower for economic growth if productivity can be increased. Therefore, there is a direct relation between improvements in productivity and the degree by which the foreign manpower policy can be tightened. The government has stated that foreign manpower should complement rather than substitute local manpower. Nevertheless, Singapore will remain open to immigration alongside efforts to increase productivity of and add value to the local workforce.

### Future legislation

12. Are there any anticipated changes in the immigration laws of your jurisdiction?

### **Domestic legislation**

Changes in work pass requirements are generally matters of administrative practice and do not usually require legislation.

The FCF's local-hiring requirements have already been changed this year. Prior to 1 July 2018, it was not mandatory for an employer with 25 or fewer employees, or for an employer with a position paying a fixed monthly salary of at least SGD12,000 to try to recruit locally before applying for a work pass to employ a foreigner. As of 1 July 2018, the threshold is now ten employees, or a fixed monthly salary of SGD15,000. An employer with a payroll of more than ten wanting to fill a position paying less than a fixed SGD15,000 monthly must now demonstrate bona fide efforts to hire locally before it can make a work pass application.

The minimum qualifying salary for S pass holders will be increased from the current SGD2,200 to SGD2,400. The increase will be made in two steps: by SGD100 from the start of 2019 and another SGD100 from the start of 2020. The MOM will be implementing transitional measures to help those affected to cope with the changes. Under the first increment from SGD2,200 to SGD2,300, existing S Pass holders whose passes expire before 1 January 2018 will be allowed to renew based on the existing criteria. Holders of passes that expire between 1 January 2019 and 30 June 2019 (both dates inclusive) will be allowed to do the same for a duration of up to one year. The same measures will apply to the second increment from SGD2,300 to SGD2,400.

### **International issues**

During 2017, Indian newspaper reports suggested that India was suspending intergovernmental review of the India-Singapore Comprehensive Economic Cooperation Agreement (CECA) in response to Indian firms' complaints that Singapore's tightening of work pass requirements was inconsistent with her commitments under the CECA. In the event, the two countries successfully concluded their review of the CECA (the second since the agreement was signed in 2005) with an agreement on 1 June 2018 to remove or reduce tariffs on 30 products. And on 1 September 2018 the two countries launched the next CECA review process.

## **Contributor profile**

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