

Singapore

Executive Summary

Singapore's receptiveness to foreign talent is evident in its immigration laws, which offers many solutions to help employers of foreign nationals. Such solutions range from temporary, nonimmigrant visas to permanent, immigrant visas, although requirements, processing times, employment eligibility, and benefits for accompanying family members necessarily vary by visa classification.

Key Government Agencies

The Work Pass Division ("WPD") of the Ministry of Manpower ("MOM") facilitates and regulates the employment of foreign nationals in Singapore. This is achieved through the administering of three types of Work Passes, namely: Employment Passes, S Passes and Work Permits.

The Immigration & Checkpoints Authority ("ICA") is a government agency under the Ministry of Home Affairs. ICA has brought together the former Singapore Immigration & Registration ("SIR") and the enforcement work performed by the former Customs & Excise Department ("CED") at the various checkpoints. ICA is responsible for the security of Singapore's borders against the entry of undesirable persons and cargo through our land, air and sea checkpoints. ICA also performs other immigration and registration functions such as issuing travel documents and identity cards to Singapore citizens and various immigration passes and permits to foreigners. It also conducts operations against immigration offenders.

Other relevant agencies may include SPRING Singapore, a governmental board overseeing Singapore's productivity standards

and quality (“SPRING”), the Economic Development Board (“EDB”) and the Monetary Authority of Singapore (“MAS”).

Current Trends

In the light of the West’s current economic downturn, Asia, which has emerged relatively unscathed from the sub-prime debacle, is now an obvious destination for business professionals looking to relocate and participate in its booming economies.

Singapore, with its policy of welcoming foreign talent, is well placed to be the centre of attraction. Besides offering ample financial opportunities, the city-state boasts of a high standard of living in the essential areas of health care, education, accommodation, order and security. As a further boost to Singapore’s efforts to be an Asian hub, the authorities simplified its immigration laws to facilitate access by the globe-trotting talent.

Employers of foreign nationals are thus presented with the opportunity to grow and ride the Asian economic wave, with the possibility of reaping significant benefits. To do that, employers must first familiarize themselves with the immigration laws relevant for global mobility assignments. In this regard, this Singapore chapter offers an introductory insight.

Business Travel

Visitor Visa

Foreigners visiting for short business negotiations and discussions may generally enter Singapore on a visit pass. Visit passes are issued on arrival in Singapore and the permitted period of stay is usually either 7, fourteen, thirty or ninety days. Extensions are considered on a case-by-case basis.

With the limited exception in some cases for Diplomatic and Official passport holders, foreigners holding travel documents issued by the following countries, however, will require entry visas prior to arrival in Singapore:

Afghanistan	Algeria	Bangladesh
Cambodia	Common Wealth of Independent States ⁴	Egypt
India	Iran	Iraq
Jordan	Lebanon	Libya
Morocco	Myanmar	Nigeria
Pakistan	People's Republic of China	Saudi Arabia
Somalia	Sudan	Syria
Tunisia	Yemen	

In addition, those holding Hong Kong Special Administrative Region Documents of Identity, Refugee Travel Documents issued by Middle-East countries, Palestinian Authority Passports, Temporary Passport

⁴ Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Russia, Tajikistan, Turkmenistan, Ukraine, and Uzbekistan.

issued by the United Arab Emirates, and Macau Special Administrative Region Travel Permit will also require an entry visa.

Professional Visit Pass

The following groups of foreigners who wish to take up short-term professional assignments (not more than 3 months) in Singapore will require a professional visit pass from the MOM:

- Foreigners who enter Singapore to conduct or participate in conferences, seminars, workshops or gatherings of a racial/communal, religious, cause-related or political nature;
- Foreign religious workers coming to Singapore to give religious and other related talks;
- Foreign journalists and reporters, including accompanying crew members, who are in Singapore to write a story or cover an event; and
- Foreign artists performing at nightclubs, lounges, pubs or other similar entertainment outlets.

An application for a professional visit pass takes approximately two weeks to process. The application must be submitted through a local sponsor (*i.e.*, a Singapore registered organization). For performing artists, the local sponsor is required to post a security bond and deposit of S\$3,000 in the form of a cashier's order. The security deposit will be refunded after the artist's departure from Singapore is confirmed and provided there has been no breach of the conditions stipulated in the security bond.

Miscellaneous Work Pass

- A foreigner who is involved in activities directly related to the organization or conduct of any seminar, conference, workshop, gathering or talk concerning any religion, race or community, cause, or political end;
- A foreign religious worker giving talks relating directly or indirectly to any religion; and
- A foreign journalist, reporter or an accompanying crew member not supported/sponsored by any Singapore Government agency to cover an event or write a story in Singapore.

Work Permit (Performing Artists)

This is applicable to foreign artistes performing at night-clubs, lounges, pubs, restaurants, hotels and country clubs.

Waiver

The professional visit pass requirement is waived for the following groups of foreigners traveling to Singapore on short-term professional assignments:

- Artists such as those in cultural troupes and performances;
- Camera crew, film directors, actors, actresses, foreign models and photographers on location shooting;
- Professionals, speakers and lecturers who are here to attend, conduct or participate in seminars, workshops or conferences (this exemption does not apply to such events which are

racial/communal, religious, cause-related or political in nature);

- Professional artists who wish to exhibit their works;
- Cultural missions;
- Sportsmen who are engaged by local sports clubhouses or who are here for sports competition/events;
- Exhibitors in exhibitions or trade fairs; and
- Journalists, reporters or accompanying crew members who are supported/sponsored by the Singapore Government agencies to cover or write a story in Singapore.

These above foreigners are allowed to carry out their assignments within the validity of the visit pass granted to them at the point of entry upon their arrival in Singapore.

The waiver of the professional visit pass requirement does not exempt the listed foreigners from seeking the approval of the appropriate authorities concerned. For example, a foreign artist will still have to apply to the police for a Public Entertainment License to exhibit his works in Singapore. If these foreigners require a longer stay in Singapore and the total period (including the visit pass granted to them upon arrival in Singapore) does not exceed 3 months, they may apply for an extension of stay. Those who require more than 3 months stay will have to apply for a work pass from the MOM.

Work Pass Exempt Activities

Foreigners can enter Singapore and perform certain activities for short durations without a Work Pass. Foreigners who are exempted from

Work Pass requirements would include those performing the following activities:

- Performing as an actor, a singer, a dancer or a musician, or involvement as a key support staff, in an event supported by the Government or any statutory board constituted by or under any written law for a public purpose;
- Performing as an actor, a singer, a dancer or a musician, or involvement as a key support staff, in an event which is held at a performance venue to which the public or any class of the public has access whether gratuitously or otherwise (including any theatre or concert hall), but not at any bar, discotheque, lounge, night club, pub, hotel, private club or restaurant;
- Journalism activities (including media coverage for events or media tours) supported by the Government or any statutory board constituted by or under any written law for a public purpose;
- Activities relating to any sports competition, event or training (including involvement as a sportsman, a coach, an umpire, a referee or a key support staff) supported by the Government or any statutory board constituted by or under any written law for a public purpose, other than being engaged as a sportsman of any sports organization in Singapore pursuant to a contract of service;
- Participating in any exhibition or trade fair as an exhibitor or a trader. Note that the Work Pass Exempt Activity of Exhibitions or Trade Fairs does not include trade fairs which require a Trade Fair Permit issued under Section 35 of the Environmental Public Health Act, Cap 95, or the activities at any makeshift stall therein (*e.g.*, Night Markets);

- Activities relating to any location filming or fashion show (including involvement as an actor, a model, a director, a member of the film crew or technical crew, or a photographer);
- Activities relating directly to the organization or conduct of any seminar, conference, workshop, gathering or talk which:
 - does not relate, directly or indirectly, to any religious belief or to religion generally;
 - does not relate, directly or indirectly, to any race or community or to race generally; and
 - is not cause-related or directed towards a political end, including involvement as a speaker, moderator, facilitator or trainer.
- Providing expertise or specialized skills, such as the commissioning or audits of new plant and equipment (including any audit to ensure regulatory compliance or compliance with one or more standards), or the installation, dismantling, transfer, repair, or maintenance of any equipment, processes or machine, whether in relation to a scale up of operations or otherwise. Note that in relation to the installation, dismantling, repair or maintenance of any equipment or machine, the expertise or specialized skills must be of a kind that is not available in Singapore or is to be provided by the authorized service personnel of the manufacturer or supplier of the equipment or machine (as the case may be).
- Providing arbitration or mediation services (including involvement as an arbitrator or a mediator) in relation to any case or matter which:

- does not relate, directly or indirectly, to any religious belief or to religion generally;
- does not relate, directly or indirectly, to any race or community or to race generally; and
- is not cause-related or directed towards a political end.

Foreigners performing Work Pass Exempt Activities are required to submit an e-Notification to the MOM before engaging in these activities. They can perform these activities for the duration of their short term visit passes subject to a maximum of sixty days. Beyond that, they will need to obtain a Work Pass. Those carrying out Work Pass Exempt Activities without notifying the Ministry of Manpower (MOM) can be prosecuted under the Employment of Foreign Manpower Act.

In addition, the waiver of Work Pass requirement does not exempt foreigners from having to comply with other specific legal requirements in Singapore.

Training

Training visit passes are available to foreigners coming to Singapore to undergo training. An application for a training pass takes approximately 3 weeks to process. The application must be submitted through a local sponsor (i.e., a Singapore registered organization).

Training Employment Pass

Foreigners undergoing practical training attachments for professional, managerial, executive or specialist jobs in Singapore are required to apply for a Training Employment Pass.

Undergraduates undergoing their training attachment in Singapore must be part of the trainee's degree programme from an acceptable educational institution. Companies may also bring employees from their foreign office/subsidiaries to Singapore for professional or executive training. Intra-company trainees should hold a degree or diploma. Applicants should earn a fixed monthly salary of more than S\$2,500 and/or hold acceptable tertiary/professional qualifications.

Training Work Permit

The Training Work Permit (WP) is for unskilled/semi-skilled foreign trainee undergoing training in Singapore for up to 6 months and no extension is allowed.

The following foreign trainees will not qualify for a Training WP:

- Non-Malaysians on Social Visit Passes. Such trainees can enter Singapore only after In-Principle Approval has been granted by the Work Pass Division; and a security bond has been executed by the employer.
- Those who are paid a monthly basic salary of more than \$2,500 and/or hold acceptable tertiary/professional qualifications.

Instead, these trainees should apply for a Training Employment Pass.

Employment Assignments

In General

All matters pertaining to the employment of foreigners in Singapore come under the review of the MOM.

The MOM adopts a graduated approach towards foreign talent, offering the most attractive terms to those who can contribute most to the economy, to help draw them to Singapore.

Top talent including professionals, entrepreneurs, investors and talented specialists, such as world-class artists and musicians, are allowed to come to Singapore with their spouses, children, parents and parents-in-law. This privilege, however, is not extended to all workers.

The Employment Pass

Both the “P” and “Q” Passes are categories of the Employment Pass.

The “P” Pass

“P” passes are issued to foreigners who hold acceptable tertiary/professional qualifications and who are seeking professional, administrative, executive or managerial jobs in Singapore or who are entrepreneurs or investors.

There are two types of “P” passes:” P1” pass for those who earn S\$7,001 and above per month; and “P2” pass for those who earn S\$3,501 up to S\$7,000 per month.

The spouse and children of “P” pass holders (both “P1” and “P2”) are eligible for Dependent passes to stay in Singapore and their parents and parents-in-law are eligible for Long-Term Social Visit Passes.

The “Q1” Pass

“Q1” passes are meant for foreigners who earn S\$2,501 up to S\$3,500 per month and possess acceptable degrees, professional qualifications or specialist skills.

The spouse and children of “Q1” pass holders are eligible for dependent passes to stay in Singapore. However, the parents and parents-in-law of “Q1” pass holders are not eligible for long-term social visit passes.

The “S” Pass

The “S” pass is a new category of work pass that replaces the “Q2” Pass effective July 1, 2004. It is meant for foreigners whose basic monthly salary is at least S\$1,800. Applicants for “S” passes are assessed on a points system, taking into account multiple criteria including salary, education qualifications, skills, job type and work experience. A monthly levy of S\$50 per month also applies and there is a 5% cap on the number of “S” pass holders in each company based on the company’s number of local workers and work permit holders.

The spouse and children of “S” pass holders are eligible for dependent passes to stay in Singapore if the basic monthly salary is equal to or more than S\$2,500.

Additional Information

The “P”, “Q1” and “S” passes are generally valid for up to 2 years and may be renewed upon expiry for a period usually of up to 3 years. The MOM may, at its discretion, issue exceptional candidates with renewable passes valid for up to 5 years.

Application for an employment pass is submitted to the Employment Pass Department of the MOM. Processing time is approximately 3 weeks. Upon approval of the application, the MOM will then advise the category under which the pass has been granted (*i.e.*, “P1”, “P2”, “Q1” or “S”).

If an applicant is required to commence employment in Singapore before the employment pass is approved, it is possible to request a

temporary employment pass, valid usually for 1 month. A temporary employment pass is not automatically given but is subject to the MOM's consideration and approval. A temporary employment pass is not available for "S" pass applicants.

The Short-Term Employment Pass may be applied for foreigners who wish to work in Singapore on a specific project or assignment up to a maximum of 1 month. The Pass will be issued on a 1-time and strictly non-renewal basis. You may apply for Short-Term Employment Pass if you earn a monthly basic salary above S\$2,500 and hold acceptable tertiary/professional qualifications.

EP Online

This is a one-stop portal for companies and organizations to perform transactions such as:

- New application for Employment Pass (excluding Sponsorship scheme), S Pass*, Dependant's Pass, Long-Term Visit Pass, Letter of Consent and Training Employment Pass (not applicable to Employment Agencies);
- Renewal application Renewal application for Employment Pass, S Pass, Dependant's Pass, Long-Term Visit Pass and Letter of Consent;
- Check application and renewal status;
- Issuance of S Pass;
- Cancellation of Employment Pass, S Pass and related passes;
- View rejection reasons for most of the unsuccessful applications; and

- Printing of application outcome letter, S Pass Issuance Notification Letter

Business employers who have not applied for S Passes before are required to have a company CPF Account for which Industrial Classification has been done.

Registration for EP Online

Registration is simple. The following documents must be submitted to the Work Pass Division in order to register an account under EP Online:

- Application for EP Online Services Access;
- Declaration Form for EP Online User Agreement; and
- Authorization letter from the company.

An Administrative User must be appointed and this person should be either a Singapore Citizen, Singapore Permanent Resident or Work Pass holder. This is because a SingPass is required to login and only these groups of people are eligible to apply. For your convenience, the law firm will be happy to take on the role of Administrative User.

Once the above documents have been submitted, it will take about 7 working days to know whether registration is successful. If successful, the Admin User will have access to the online account and will be able to perform transactions immediately.

Applications submitted via EP Online takes approximately 7 working days to be processed. The main benefit of EP Online is the processing time - it typically takes an average of 7 working days from the day of submission before an outcome is known. Comparatively, manual applications can take a month or more. EP Online operates in almost

the opposite manner to manual applications. New applications made via EP Online are based on facts provided by the applicant.

If these facts meet the MOM's criteria, an In-Principal Approval ("IPA") letter will be issued. In order for the actual pass to be collected however, hard copies of the supporting documents verifying what was declared needs to be furnished. In this sense, another benefit is that it gives the applicant time to search/obtain their supporting documents pending the submission of facts.

EntrePass

The EntrePass is an Employment Pass for foreign entrepreneurs who would like to start businesses in Singapore. It is jointly determined by the MOM and SPRING. Applicants are to submit their applications to the MOM. All applications are assessed by SPRING. The MOM will issue Employment Passes for successful applicants. All public queries and appeals can be directed to both the MOM and SPRING.

A foreign entrepreneur who is ready to start a new company/business and will be actively involved in the operation of the company/business in Singapore can apply for an Employment Pass under the EntrePass scheme. At the point of submission for the EntrePass application, the applicant must not have registered the business with the Accounting and Corporate Regulatory Authority ("ACRA") for longer than 6 months.

The proposed business venture must not be engaged in illegal activities. In addition, businesses not of an entrepreneurial nature (*e.g.*, coffeeshops, hawker centers, food courts, foot reflexology, massage parlors, karaoke lounges, money changing/remitting, newspaper vending, geomancy, tuition services) will not be considered for an EntrePass.

The Personalized Employment Pass

The MOM introduced a Personalized Employment Pass (“PEP”), effective January 1, 2007. The PEP is granted to suitable Employment Pass holders or foreigners who have graduated from local institutions of higher learning, and have worked in Singapore for a period of time.

The current Employment Pass is linked to a specific employer and any change in employers requires a fresh application for an EP. As such, unless an EP holder is able to find employment with a new company, he may be required to leave Singapore if he does not hold any other relevant entry permits, such as a social visit pass. In contrast, the PEP is linked to the individual employee and will be granted on the strength of an individual’s merits. The PEP will allow holders to remain in Singapore for up to 6 continuous months in-between jobs. PEP holders can generally take on employment in any sector, except that some jobs may require prior permission.

The following groups of EP holders will be eligible for a PEP, if they had earned a basic salary of at least S\$30,000.00 in the preceding year:

- P1 and P2 pass holders that have at least two years’ working experience on a P Pass;
- Q1 pass holders with at least five years’ working experience on a Q1 Pass; and
- Foreign students from institutions of higher learning in Singapore with at least 2 years’ working experience on a P or Q1 Pass.

The MOM will be flexible in considering individual cases that do not meet the minimum criteria but which, based on the individual circumstances, merit the issuance of the PEP.

The PEP will be valid for five years and it will be non-renewable. The minimum salary requirement of S\$30,000 will continue to apply throughout the 5-year validity of the PEP. A PEP holder will retain the dependants' privileges of his original EP pass or current eligibility at the point of PEP application, whichever is higher. P1, P2 and Q1 Pass holders are eligible to bring their spouse and children under the age of twenty one into Singapore on Dependant's Passes. A PEP Pass holder can also bring his or her parents and parents-in-law into Singapore on Long-Term Social Visit Passes. Those employees who switch to higher-paying jobs may apply for the corresponding dependents' privileges.

PEP holders and their employers will need to keep the MOM informed of any changes in the PEP holders' employment status and contact particulars and will have to agree to reveal their annual basic salary to the MOM. The processing time for a PEP application is estimated to be about 2 weeks from submission.

PEP Online

Existing or former Employment Pass holders may apply for the PEP via PEP Online using their SingPass. Once submission has been made, it will take about 2 weeks for the application to be processed. The outcome will be posted to the applicant's residential address.

The PEP is also eligible to foreigners who do not hold/have not held an Employment Pass so long as the last drawn fixed monthly salary overseas was at least S\$7,000 and this should not be more than 6 months from the time of application.

Work permit or R Pass

A work permit or "R" pass may be issued to lesser skilled or unskilled foreign workers (*e.g.*, foreign factory workers, construction workers, domestic maids, *etc.*) who earn S\$1,800 or less per month. It is,

however, generally necessary for the employer to show that there is a shortage of local labor and/or that no suitably qualified Singaporeans are readily available.

Generally, “R” passes are issued for a period of 2 years depending upon the nationality and qualifications of the applicant, as well as the type of industry in which the applicant will be employed.

“R” passes will be issued to semi-skilled foreign workers with a Level 3 National Technical Certificate or other suitable qualifications as well as unskilled foreign workers.

Foreign workers holding “R” passes will not be allowed to bring their immediate family members to live with them in Singapore.

Companies employing foreign workers are usually required to pay a foreign worker levy, the amount of which varies from industry to industry and depending on whether the worker is skilled or unskilled.

An application for a work permit or “R” pass is submitted to the Work Permit Department of the MOM and takes approximately 1 to 7 days to process.

Other Comments

Global mobility today has wider connotations than merely working abroad. The phrase also encapsulates the idea of taking up permanent residence in another country and, ultimately, citizenship.

Non-Singaporeans who are below fifty years of age can become Singapore permanent residents (“PRs”) by obtaining an Entry Permit (an application for an Entry Permit is an application for PR). Applications by foreigners who are fifty years of age and above will be considered on a case by case basis. The grant of PR is at the sole

discretion of the Singapore authorities and no reasons or explanation will be given in the event that an application is not approved.

Eligibility is generally based on family relationships, employment or investment. Singapore uses a points system that considers the following factors:

- Type of work pass;
- Duration of stay in Singapore;
- Academic qualifications;
- Basic monthly salary;
- Age; and
- Kinship ties in Singapore.

To maintain permanent resident status, all permanent residents who intend to travel out of Singapore must first obtain re-entry permits and must return to Singapore within the validity period of the permit. A Singapore PR will lose his or her PR status if he/she remains outside of Singapore without a valid Re-Entry Permit.

A re-entry permit is usually valid for multiple journeys for a period of either 5 or ten years. A re-entry permit may not be issued or renewed if the permanent resident does not continue to be gainfully employed in Singapore or does not maintain sufficient connections with Singapore.

Singapore citizenship may be acquired by birth, descent, registration or naturalization. The waiting period for permanent residents to qualify for Singapore citizenship is currently 2 to 6 years. Applicants must be of good character, financially able to support themselves and

their dependents, and intend to reside permanently in Singapore. The evaluation criteria takes into consideration how the rest of the applicant's family, for example the applicant's spouse and children, can integrate into Singapore society, evaluating beyond the immigrant's demonstrated educational qualifications and immediate economic contributions. The decision to confer citizenship is discretionary and will be decided on the merits of each case. Dual citizenship is not permitted, so applicants must be prepared to renounce citizenship for all other countries..

All male permanent residents and citizens in Singapore, aged sixteen to forty years (or fifty years for officers and members of certain skilled professions) are subject to the Enlistment Act. Male ex-Singapore citizens and ex-Singapore permanent residents who are granted Singapore permanent resident status are liable to be called upon for national service.

A first generation permanent resident is automatically exempt from national service. However, he will be required to register himself with the Central Manpower Base, if he is below forty years of age, upon which he will receive an exemption notice. The male children of a first generation permanent resident are, however, liable for national service.