

Singapore: Employers of Record Can No Longer Sponsor Employment Passes for Foreign Entities' Workers

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The Singapore Ministry of Manpower (MOM) has stated that non-Singapore entities wanting to engage an individual in Singapore who is not a Singapore national or permanent resident may no longer engage an Employer of Record (EOR) to sponsor the individual for a work permit. This change means U.S. and other non-Singapore entities will have to explore other options.

A question that often comes up in our international employment and mobility practice is whether and to what extent an EOR can sponsor an individual for a work permit in the country where the individual will work. This issue typically comes up when an entity does not have a legal presence in that country and needs the EOR (who does have a local legal presence) to employ the individual. If the individual is not a citizen or permanent resident of the country, the entity will need the EOR to sponsor the individual for a work permit. In order for someone to legally work in a country where they are not a citizen or permanent resident, they typically need to obtain a work permit sponsored by a local company.

Historically, EORs in Singapore could sponsor individuals for various work passes (Work Permit, S Permit, and Employment Pass) depending on the individual's training and salary level. However, the MOM has expressly stated on its website that EORs may no longer sponsor expatriates to work in Singapore for an overseas company. The MOM states that doing so would be a legal violation.

As a result, U.S. and other non-Singapore entities wanting to engage an individual in Singapore who is not a Singapore national or permanent resident will need to consider other options, such as setting up a representative office or other legal entity presence that can legally sponsor the individual for the applicable work pass. Alternatively, for short-term business meetings, conferences, seminars, and the like, the individual could use a Short-Term Visit Pass for up to 90 days, although that does not provide a long-term solution for ongoing engagement.

Please contact a member of the International Employment Group or the Jackson Lewis attorney with whom you regularly work with any questions.

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