



On the margins of marginal labour

Livelihood precarity of migrant workers
caught up in investigations

April 2025



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I. Summary of findings

Migrant workers who find themselves subjects of investigations by the Police or other authorities not only have trouble navigating the justice system in an unfamiliar language, they also face a sudden loss of employment. As a result, they are often barely able to afford daily subsistence or accommodation. Former employers are generally not obliged to provide any support during the lengthy periods – which can stretch to months and years – when these workers are required to remain in Singapore to assist with investigations or await court hearings.

They are a small but significant group of workers living life on the far margins.

This study sought to understand the issues they encounter during the long wait for case resolution.

In the third quarter of 2024, we interviewed twenty men who were being assisted by TWC2. The men received various forms of assistance from us: rent, food, transport subsidies, etc. Whilst these helped with their daily sustenance issues, for other issues more directly related to the investigations themselves, TWC2 was not in a position to intervene beyond putting them in touch with the pro-bono lawyer scheme.

Nevertheless, because we had such regular contact with these clients over the long period of waiting, we could find out what the issues and pain points were from their perspective. From our interviews, we distilled three broad findings:

Firstly, we heard troubling responses regarding inadequate procedural standards during the investigation process and justice system, particularly access to and quality of interpretation services, issues surrounding the right to counsel and access to pro-bono services, and timely communication with case updates. These areas contributed to a common perception we observed amongst the interviewed workers that the investigation process and justice system are difficult to navigate. These

comments from workers raise questions as to whether access to justice has been compromised.

Secondly, we unearthed issues about the possible disproportionate influence of employers, law enforcement authorities, lawyers and/or bailors over migrant workers. Such would entrench power asymmetries.

The Investigation Officer is often expected to be the same person who has to provide social and sustenance support to the worker, dealing with workers' queries over housing, access to temporary jobs and so on. Does this create a conflict of interest?

Access to legal representation seem rather ad hoc, and the already weak bargaining power – and lack of financial resources – of migrant workers can create a power imbalance which some unethical lawyers, hired by workers on commercial terms, can exploit. Bailors suddenly gain huge power over the day-to-day lives of workers.

In instances where the worker does not immediately lose his job after being put under investigation, his employer has added power because the worker will have lost his right to go home. Any worker who has to stay in Singapore needs work and he will be acutely aware that if he loses his current job, he will have a very hard time finding another one with the cloud of investigation hanging over him.

Thirdly, we found that these workers had to deal with very marginal and precarious livelihoods. The majority of our interviewees had no access to work and regular income, without which, getting a bed for the night was a challenge. Since the period of investigation and court proceedings (should a case come to that) could stretch for many months and even beyond a year, the individual can sink into despair. Formal avenues of social support seem reluctant to help, perhaps out of prejudice against anyone put under suspicion. In this regard, we hasten to add that some workers in this group are not even accused persons but victims or witnesses required by the State to remain in Singapore.

Following from the above findings, our report concludes with a few recommendations that, we will admit, are far from exhaustive since these are complex issues. Nonetheless, it is important to draw attention to the many gaps in various public agencies' systems. The individuals involved are humans, and just because someone somewhere had cast suspicion against them, triggering an investigation, is no reason to put them out of our minds and let them rot.

Acknowledgements

Whilst the team can only bear witness to each interviewed worker's experiences, we appreciate their courage and resilience and for allowing us to appropriately reflect and contextualise their personal lives through this report. The team would also like to extend our appreciation to the staff and volunteers of TWC2 for providing the foundational knowledge we needed and their support and patience throughout the entire study.

II. Background

Transient Workers Count Too (TWC2)'s Project Roof programme¹, which offers assistance to low-wage migrant workers in need to housing, has seen an increase in the number of migrant workers involved in investigation cases (usually by the Police) compared to previous years. In the past decade, it was mostly injured workers who needed help with housing, but as the Ministry of Manpower (MOM) became more vigilant about employers not shirking their responsibility for housing their workers and former workers, the relative proportion of non-injured workers needing help from us has increased. The effect has been that statistically, there has been an increase in the proportion of investigation cases among clients on the Project Roof scheme.

This group of workers (accused suspects, victims, and witnesses to investigation) are commonly Special Pass holders who face a sudden loss of gainful employment, mental stress and trouble in navigating the justice system in an unfamiliar language. Moreover, unlike injured workers or salary claimants, their former employers are generally not obliged to provide any support during their lengthy periods of assisting with investigations and navigating the justice system. Workers are often barely able to afford daily subsistence, much less continue to provide for their families. In short, they are left largely alone in a foreign land, struggling to meet basic needs while contending with various authorities, lawyers, bailors and so on. They are a small but significant group of workers living life on the margins.

These workers face long periods of uncertainty and loss of livelihoods – something that is impossible to ignore. For this and related reasons, this study was commissioned.

TWC2 has not conducted research on workers with investigation cases in the past. The rising trend of investigation cases needing housing support, however, made it important to get a better picture of their situation. However, housing was only one of many angles that this study explored. This report seeks to consolidate the experiences faced by workers involved in the investigation process and justice system. We also hope to present new perspectives and recommendations on how their dignity and livelihoods can be better safeguarded.

Investigation cases make up a small fraction of cases handled by TWC2. In 2021, when migrant workers were mostly confined to dormitories because of Covid-19, we saw 30 cases². In 2022 and 2023, we saw 50 cases per year³. While these numbers are small, their experiences through the investigation process and justice system have caught our attention. They endure a precarious existence as persons implicated in investigations, amidst a prevalent, wider climate of mistrust of migrant workers.

From the start, we are aware that any discussion of migrant workers who face accusations of potential criminal offences will face heightened scrutiny, not least because of frequently xenophobic rhetoric peddled about migrant workers and increased crime especially in developed countries. For example, in a study commissioned by the International Labour Organisation⁴, 52% of Singaporeans polled in a survey believed that the influx of migrants would cause crime rates to increase. Moreover, Law and Home Affairs Minister K. Shanmugan revealed that from 2015 to 2019, around 2,741 foreign workers on work permits were arrested each year as potential accused⁵.

¹ The programme provides a monthly sum for housing rental assistance to mostly Special Pass holders who cannot be formally employed and do not receive any salary, usually due to work injury, salary claims, or being involved in investigation cases by various law enforcement authorities.

² TWC2. (2021) '[TWC2 Annual Report 2021](#)'

³ TWC2. (2023) '[TWC2 Annual Report 2023](#)'

⁴ ILO. (2019) '[Public attitudes towards migrant workers in Japan, Singapore, Malaysia, and Thailand](#)'

⁵ Singapore Parliamentary Debates, Official Report (4 November 2020), Vol. No. 95, Sitting No. 13

Yet, two prominent cases have surfaced in recent years⁶ of actual and potential injustice against migrant workers, namely Ms Parti Liyani⁷ and Mr Sharif Uddin⁸. Documented on TWC2's website⁹ are a few more cases of workers who were acquitted at trial, or charges dropped even before trial. These examples should caution us against stereotypes and broad-brush characterisation of migrant workers involved in investigations. They also highlight the observed lack of access to justice that migrant workers face in Singapore¹⁰.

The contrasting narratives in public discourse only serve to highlight the need to explore in greater detail the issue of migrant workers and their experiences in any investigation process and justice system. Yet, their unique circumstances have only been sparsely covered by TWC2 in the past whilst a recent report by the Humanitarian Organisation for Migration Economics (HOME)¹¹ focused solely on migrant domestic workers with Police investigation cases. This report seeks to consolidate the situations faced by low-wage, male (non-domestic) migrant workers.

We conducted interviews with this group of workers and from the interviews learned about their day-to-day situations. Besides desk research about policies and procedures of law enforcement authorities and the justice system, we gleaned from our interviews how these policies and procedures impacted our subjects in real life. We highlight three key findings:

1. Inadequate procedural standards during the investigation process and justice system which disrupt the workers' access to justice;
2. Disproportionate influence of employers, law enforcement authority, lawyers and/or bailors over migrant workers which entrench power asymmetries;

⁶ It is important to note that upon further investigations and court proceedings (for Ms Liyani), both cases do not find any crime committed by the migrant worker.

⁷ The Straits Times. (2020) '[Timeline of events: How the Parti Liyani case unfolded](#)'.

⁸ CNA. (2024) '[Special pass of migrant worker fired over 'loan shark' harassment not extended further after last-ditch appeal fails](#)'

⁹ TWC2. (2015) '[The bicycle thief who didn't do it](#)', (2016) '[MOM's groundless case takes two years out of Shahidulla's life](#)' and (2013) '[Injured worker struggles to get treatment, is charged for lying instead](#)'

3. Marginal and precarious livelihoods while under the investigation process and justice system.

It is important to highlight that the issues we are discussing do not concern any question of guilt or innocence. Neither do we address any question of societal moral standards – questions that may arise since a few of the investigations involve sexual offences. At the same time, we would stress that just because a migrant worker has been required by the Police to assist with investigations, or even if he or she has been formally charged, one shouldn't assume guilt.

In TWC2's view, justice should be determined according to the facts; law should be administered as mandated by the courts. It is not our intention in this study to nitpick at potential systemic flaws. Instead, our aim is to highlight the lived experiences of this group of workers during the investigation process and their interactions with the justice system. Their widely discussed precarity¹² and identity as "foreigners" are starkly and often cruelly magnified under these circumstances. Moreover, we aim to surface potential inadequacies and inefficiencies in bureaucratic processes and the justice system, whilst simultaneously recognising areas where the system has performed sufficiently well in safeguarding the livelihoods of these workers.

¹⁰ TODAY. (2020) '[The Big Read in short: Migrant workers' access to justice](#)'

¹¹ HOME. (2023). '[I've called the police: A study of criminal accusations made against Migrant Domestic Workers in Singapore](#)'

¹² C. Chin. (2019). 'Precarious Work and its Complicit Network: Migrant Labour in Singapore'. *Journal of Contemporary Asia*, 49, 4

III. Method

Structure and format of interviews

The focus of the research is low-wage male migrant workers. A large majority of interviewees were, prior to the recent loss of their jobs, Work Permit holders, with a handful of S-Pass holders and short-term visitors among them. This reflects the range of clients that TWC2 assists. The team interviewed twenty workers, and their anonymised details are presented in the Appendix.

The interviewees were sourced through various programmes run by TWC2, such as Project Roof and The Cuff Road Project (TCRP), and through staff and volunteers from TWC2. Whilst this study was motivated by the increasing number of investigation cases among workers seeking assistance from Project Roof, we did not confine our interviews to merely the clients under Project Roof since the aim of the research was not tied to just the issue of housing. The team took a cautious approach towards sourcing, interviewing, and maintaining contact with the workers. This was due to the sensitive nature of the cases. Workers' precarity and their cases' frequently changing developments meant that the team only approached workers when and where they were comfortable. The team made a conscientious attempt to obtain consent, as will be detailed below. Upon consent, a one-hour initial interview was conducted with each worker to understand all aspects of their experience with their case thus far: the investigation process; their daily life whilst under investigation; the judicial process and other pertinent matters that our conversations surfaced. Interviews were conducted either at TWC2's office at The Bencoolen or at Rowell Road, where TWC2's Dayspace and TCRP program is located. Further follow-ups with workers were made, especially

for those with ongoing cases in the judicial process. Throughout this process, the team also exercised diligence safeguarding workers' private details.

Frequently, interviewed workers contacted the team post-interview, asking for clarifications to their cases or requesting means of support. To maintain a level of independence and prevent biases from affecting our interpretation of the cases, the team refrained from providing direct assistance. We mainly directed them to available support programs or volunteers better placed to handle such questions.

Reflection and ethics

Both interviewers have experience in conducting research and individual interviews with vulnerable groups. As mentioned, interviews were conducted at locations where TWC2's activities and programmes are usually held. This hopefully helped to maintain the formality and sensitivity of the interviews, which covers very specific personal experiences of the workers and often where they are subject to or are witness to ongoing investigations.

Before the start of each interview, both authors explained to the worker the purpose of the interview, obtained verbal consent for the use of his personal information, and highlighted his right to refuse to provide information should he feel uncomfortable doing so. Other interactions with the workers were when the authors had to communicate with workers online to arrange for interviews or receive updates about their investigation or daily life while under investigation. Throughout the interviews, we strived to make the conversations collaborative¹³ and worker-led, where workers would take us through their experiences in the broad list of areas we set out to cover.

¹³ Smith, L. T. (2021). *Decolonizing methodologies: Research and indigenous peoples*. Bloomsbury Publishing.

Due to the highly contested nature of the experiences faced by our interviewees, both authors made frequent attempts to discuss general observations with more experienced volunteers and staff at TWC2 to minimise any preconceptions and better contextualise the workers' lived realities. Specific details of the interviewed workers' cases were excluded to maintain their confidentiality. To ensure the rigour and credibility of the data collected, both authors worked to compare findings to minimise any self-validation derived from being directly involved with each worker's experience.

It is our sincere intention to respect the privacy of the workers, hence we have appended a list of anonymised interviewees (refer to Appendix) to balance this whilst substantiating our claims.

Limitations of the study

The report would have benefitted from a more longitudinal approach, following our interviewees through the entire period that they were under investigation. This is because we observed that most workers have rather long case durations (often six months or longer), rendering their lived experiences dynamic. However, that would have been impractical precisely because of such long case durations, stretching to years in some cases. To compensate, care was undertaken to interview workers at different phases of their investigation to attain a holistic view of the process and experiences.

The team acknowledges that relying on workers' recollections of their experiences is not entirely robust, as compared to more first-hand participation in their daily activities, such as attempts at finding informal and illicit employment or various court proceedings. Alternatively, these lived experiences could also have been cross-checked with specific records from authorities to increase the accuracy of reporting. This limitation is similarly applied to interviewing a larger group of workers.

While their experiences after case conclusion (e.g. after receiving sentencing judgement) is beyond the scope of the research, having such contextual information

may be useful to attain a more holistic view of the judicial process and furthermore understand how they seek to rebuild their livelihoods, for example.

However, we believe that a total of twenty workers interviewed is a more-than-sufficient benchmark to understand and write about the experiences of low-wage male migrant workers with investigation cases. Twenty workers is a good part of the 50-or-so cases that TWC2 assists with annually. Especially as this topic has not been extensively covered in the past, we hope this report represents a step up in our understanding of the issue.

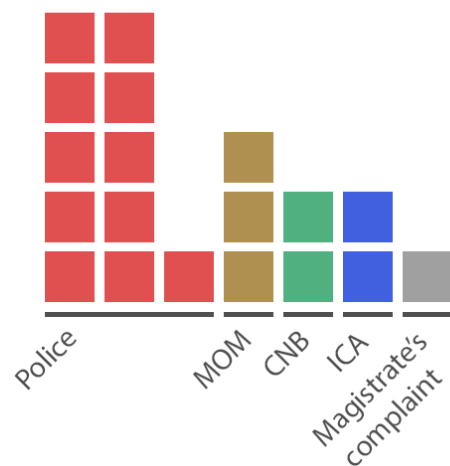
IV. Interview snapshots

These figures provide a quick summary of circumstances faced by our twenty interviewees. Further observations will be discussed in subsequent sections.

Case status and immigration status

Eleven interviewees were involved in Police investigations; three were under investigation by the Ministry of Manpower (MOM); three under the Central Narcotics Bureau (CNB), two under the Immigration and Checkpoints Authority (ICA); and one was subject to a Magistrate's Complaint.

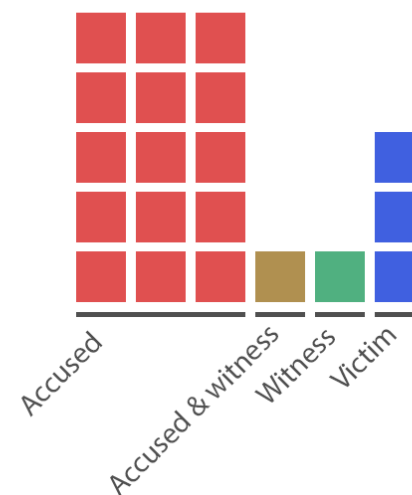
Investigated by:



As can be seen from the Appendix, of the 20 interviewees, 15 said they were the accused persons under investigation, but there were three who said they were the

victims of the alleged offences. One individual was being kept in Singapore only because he was regarded as a witness. Another was both an accused person as well as a witness – presumably against other accused persons in the same matter.

Role in the investigation:



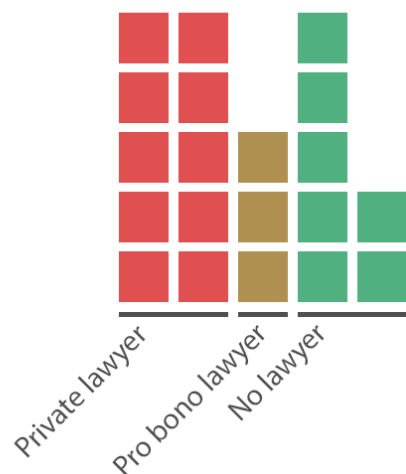
Process status

Where things stood at the time of our interviews:

In terms of duration, the longest-running case, which was still at trial hearings, had been going on for more than 96 months (as of September 2024). Another case had been running for 60 months. Other than noting this, we do not think it is meaningful to provide an average case duration due to the highly individual nature of each case. Moreover, some workers we interviewed had just seen their cases begin. However, we found that most cases tended to stretch longer than six to nine months.

Most workers had private legal representation. Of the 20 interviewees, 13 had lawyers (of which 10 were engaged privately, and 3 were pro-bono).

Legal representation:



Six out of 20 workers had one or more other cases going on, besides the investigation case. These other cases could be a salary claim or an injury compensation claim.

Five out of 20 workers had grievances with the quality of interpretation services provided at the investigation stage with the law enforcement authority.

Of the 12 workers that were offered bail, 11 were able to find someone to put up surety (commonly through family and friends or bosses).

Daily livelihood

Our interviewees were assisted by TWC2 through one or more of these programmes:

- TCRP (free breakfasts and dinners at our Little India locations);

- Project Roof (rental subsidies);
- Dayspace (emergency shelter);
- CareFund meal allowance (for workers who were unable to come down to Little India to benefit from the TCRP programme);
- FareGo transport allowance;
- CareFund assistance with legal costs.

On housing, eleven had to move out of previous employer-paid accommodation to new self-paid or TWC2-assisted accommodation, four men were still being housed by their employers; three continued to stay in the same privately rented room they had been in before the case began, but two of these three now needed cash assistance to pay rent.

Interviewees spoke about subleasing from friends or family after having been evicted from previous accommodation as they could no longer pay rent in the absence of employment. They were now reliant on goodwill or were behind on their rent.

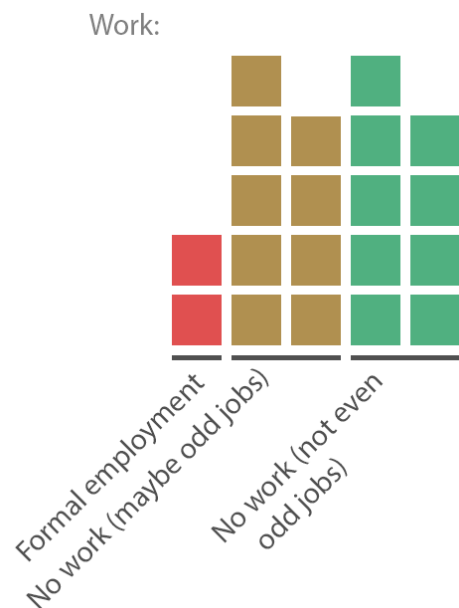
Housing:



Two interviewees did not provide data about accommodation.

Work and income

Regarding employment status, two men were still at work, retained by their current employers¹⁴. The other 18 interviewees were unable to undertake formal employment since they had been placed under Special Passes. A condition of the Special Pass is that the holder is not allowed to work. However, nine of these 18 spoke of odd jobs secured through family and friends. The rest said they had not been able to find even that.



Workers holding Special Passes have to report regularly to the respective law enforcement authorities to renew them. Regular reporting and renewal of passes varied in frequency from case to case, from once a week to once a month. Most workers obtained their Special Passes directly from the respective law enforcement authority, but some received their passes indirectly through their lawyers or bailors.

¹⁴ Their cases were under initial investigation and therefore the workers have not been charged and their Work Permit status were still valid, thus able to continue working for their current employers.

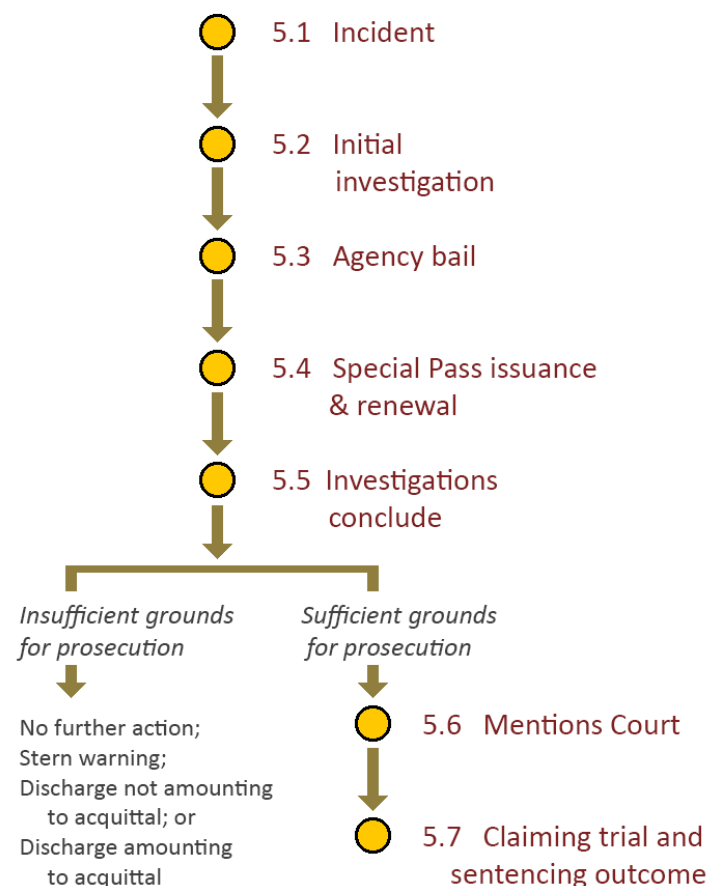
V. Mapping of case process

This section highlights the key stages of a case that a worker involved in an investigation has to navigate. The flowchart in this section puts the process in a nutshell, with more elaboration in text. The purpose of this section is to provide context for the Findings sections to follow.

5.2 Initial investigation

The relevant law enforcement authority (e.g. Police, ICA, CNB, MOM) conducts an investigation under respective legislation. Some employers are understanding and will allow the Work Permit to run till expiry, thereby keeping the affected worker in employment. Other employers cancel the Work Permit soon after they learn that their employee is being investigated. When a worker's Permit has expired or has been cancelled, he will be issued a Special Pass so that he is legally able to stay in Singapore. However, a condition of the Special Pass is that the holder is not permitted to work.

If a worker is a suspect in an alleged offence: Each law enforcement authority has its own investigation procedure and this also depends on the circumstances of each individual case. For example, the Central Narcotics Board's (CNB) procedure is that upon arrest of a subject suspected of a drug offence under the Misuse of Drugs Act¹⁵ an instant urine test will be administered. In the case of voluntarily causing grievous hurt by dangerous weapons (section 326 of Penal Code 1871), the Police will detain the suspect, usually at the nearest Police Station for interview and the gathering of statements¹⁶. In the case of an alleged offence under the Employment of Foreign Manpower Act (EFMA), suspects will be called to report for investigation at the Ministry



of Manpower (MOM)¹⁷. We observe that in most cases where workers are being formally investigated for an offence, interpreters in the worker's primary language are usually provided to facilitate fairness and accuracy in taking statements.

¹⁵ <https://www.cnb.gov.sg/CNBExplains/cnb-explains-what-happens-after-a-suspect-is-arrested-for-a-drug-offence>

¹⁶ https://sso.agc.gov.sg/Act/PC1871?ProvlDs=P416-P4_319-&ViewType=Advance&Phrase=hurt&WiAl=1

¹⁷ Personal communication

If a worker is a victim of an alleged offence: A report will be lodged under the law enforcement authority (usually the Police) and an Investigation Officer (IO) will be assigned to the case. If the law enforcement authority preliminarily concludes that there are insufficient grounds for an offence under the relevant legislation, the victim may be advised to make a Magistrate's Complaint¹⁸.

5.3 Agency bail

Where applicable, bail is offered to the accused¹⁹ when investigations reveal that the person arrested has or may have committed an offence. At this stage, this is known as Agency Bail. Failure to find surety for bail will result in the suspect being further held in remand.

From our interviews, remand is normally at Changi Prison Complex until they can arrange for bail, or till trial if they cannot.

While the Singapore Constitution enshrines the right to counsel, there are problems with how this is translated into law (e.g. restrictions on this right) and operationalised in practice²⁰. However, we were unable to establish how the right to contact third parties (e.g. contacting family to arrange for bail) is operationalised, given that some workers were held in remand for weeks before obtaining surety for their bail or before access to pro-bono representation was secured while held. From observations made by TWC2 case officers, it apparently takes too long to apply for and get bail or pro-bono representation. Failing that, migrant workers may engage lawyers from firms that focus on their community, provided they can work out some kind of financial arrangement to pay for legal services.

¹⁸ <https://www.judiciary.gov.sg/criminal/magistrates-complaints>

¹⁹ <https://www.judiciary.gov.sg/criminal/bail> and Information Booklet on Police Procedures, Singapore Police Force, July 2024

²⁰ Lee, J. T. (2012) 'Reforming the Right to Legal Counsel in Singapore'.

As mentioned above, those released on bail are under Special Passes issued either by MOM or the Immigration and Checkpoints Authority (ICA). Not being allowed to work²¹, the men lose access to formal, gainful employment.

5.4 Special Pass renewal

Usually as part of their bail conditions, workers are required to report weekly or monthly to the relevant law enforcement authority which will also renew their Special Passes, ensuring their legal right to remain in Singapore. Even if they were allowed to work, the need to take time off so frequently would complicate their access to jobs.

5.5 Initial investigations conclude

The relevant law enforcement authority concludes initial investigations and may consult the Attorney General's Chambers (AGC).

If there are sufficient grounds for prosecution against the worker: The case will be passed to the Mentions Court. The worker will have another chance at finding legal representation or potentially be given guidance on self-representation²². That said, self-representation may prove insurmountably difficult for the demographic group that this report looks at: they are not particularly well-educated; they are not fluent in English and will struggle if asked to make written submissions; they have no familiarity with court procedures; and there is a general lack of guidance for foreigners.

²¹ <https://www.ica.gov.sg/public-education/special-pass#:~:text=A3%3A%20Foreigners%20who%20are%20issued,with%20under%20the%20relevant%20law s.>

²² https://www.judiciary.gov.sg/docs/default-source/criminal-docs/chap2_essential_info_self_rep_accused.pdf?sfvrsn=466d567b_6

If there aren't sufficient grounds for prosecution against the worker: Workers may be issued a range of outcomes, such as No Further Action (NFA), Conditional and Unconditional Stern Warning (SW), Discharge Not Amounting to an Acquittal (DNAA), Discharge Amounting to Acquittal (DAA). More discussion on such outcomes, particularly on Stern Warnings, will be discussed in later sections.

5.6 Mentions Court

Workers will attend a court session, with or without legal representation, where they may choose to plead guilty or claim trial. We observe that communication to attend court is mainly through text or email. Court Interpreters can be arranged at the request of the workers²³.

5.7 Trial and sentencing

Should a case proceed to trial, there are a number of different court dates. There are Pre-Trial Conference(s) (PTC), the Trial Hearings proper, potentially a number of Ancillary Hearings, and a final Sentencing Hearing (if the worker is found guilty).

During these stages, interviewees reported that communication with them is often slow and involves lengthy periods of waiting. There are many written representations made to court that are not explained clearly or in detail to them.

²³ https://www.judiciary.gov.sg/docs/default-source/services-docs/interpretation_services_guide.pdf?sfvrsn=cd0f1619_4

VI. Findings – focus area 1

Finding: Inadequate procedural standards during the investigation process and hearings potentially impede workers' access to justice.

Workers involved with investigations naturally have to interact with various law enforcement authorities and their procedures as part of the due process. With little to no past experience nor the availability of external help, these encounters are often highly challenging and distressing for workers. At the simplest level, the ease of communication is impaired by workers' unfamiliarity with English, which is the most common language medium used across these procedures.

Procedures are fundamental in enabling the proper functioning of any organisational system. They shape how decisions are made and implemented. With each investigation case being situated within individual circumstances, robust systems – and faithful implementation of systems – are important for accountable, equitable, and transparent outcomes. In this section, we seek to highlight three areas where procedures or practice may potentially be inadequate. The areas are (1) access and quality of interpretation services, (2) issues surrounding right to counsel, and (3) timely communication on case updates. These areas contribute to a common perception we observed amongst the interviewed workers that the investigation process and justice system are difficult to navigate. Overall, such perceptions and actualised conditions likely impede and compromise workers' access to justice²⁴, particularly for those who are accused persons.

²⁴ Migrant Forum in Asia. (2018) '[Challenges on Access to Justice for migrants](#)'.

Before we delve into the three areas, it is important to note that we are not discussing procedural irregularities or any situation of “error, omission, improper admission or rejection of evidence” which may lead to the “failure of justice”²⁵. We are not in a position to comment on the specific merits and demerits of the substantive and procedural aspects of each case for each worker interviewed. We only seek to emphasise how certain procedures in various law enforcement authorities and the justice system are not sufficient to ensure that migrant workers – foreigners caught up in Singapore’s systems – feel that they have had adequate access to justice.

Interpretation during investigations

Under Section 22(4) of the Criminal Procedure Code 2020, a written statement must be read to the accused person in a language that they understand. Yet, this is not adequately realised. In a 2022 case, the Court of Appeal ruled that under the same section, there is no requirement for Investigation Officers (IOs) to record statements word for word or for there to be independent interpreters present during statement-taking²⁶. In this study, we identified instances whereby appropriate interpretation was not provided to accused workers, most prominently in the case of Ms. Parti Liyani²⁷. Even when interpretation was provided, many interviewed workers were dissatisfied with the quality of interpretation.

Independent and qualified interpreters are undeniably important in safeguarding the accused worker’s interests during initial investigations when statement-taking begins

and the facts of the case are established. This is particularly necessary given workers’ weakness in English²⁸.

There was variation depending on which agency was investigating. From our interviews, we found that in police investigations interpreters were mostly provided. However, we were not able to establish the same for cases involving other law enforcement authorities. Above that, the quality of interpretation was also found to be lacking. For example, some interviewees said they were confused and unable to comprehend the substantive facts of the case, or their specific offenses for which they were accused. For those being interviewed as witnesses, they were quite lost as to what roles or responsibilities they had in the process. Because many workers who expressed confusion did have interpreters during the investigation process, the inference would be that the quality of interpretation had much room for improvement.

The inferior quality, or (sometimes) the outright lack of interpretation, is often seen in situations peripheral to the investigation process. For example: no interpretation provided during the crucial phases of (1) collecting evidence such as DNA; (2) the registration of workers as accused suspects; and (3) arranging for statement-taking. When migrant workers form a substantial portion of Singapore’s population²⁹, it shouldn’t be argued that access to a readily available pool of interpreters in the workers’ language is limited. Provision of such services should have been planned and made.

The need for interpreters is particularly acute during the stage of initial investigations, when workers are first arrested and detained in custody. During this period, there is a time limit as to how long the authorities can hold a person³⁰. Working under sharp time constraints, the integrity of the investigation and statement-gathering by IOs may

²⁵ s 423 of the Criminal Procedure Code 2020

²⁶ Leck Kim Koon v Public Prosecutor [2022] SGCA 42

²⁷ Singapore Parliamentary Debates, Official Report (4 November 2020), Vol. No. 95, Sitting No. 13

²⁸ Our interviewees’ main languages were Bengali and Punjabi.

²⁹ Moreover, interpretation services for migrant workers often do not figure in public discourse concerning the investigation process. For example, in response to questions on obtaining consent to draw a DNA sample from a person who does not speak English, Minister of State for Home Affairs Sun Xueling indicated

that “In most situations, our Police officers are able to speak in the vernacular...I believe the Police will be able to explain the process in the vernacular language that the accused person is comfortable with so that the suspect is able to comprehend and understand what is necessary from him or her.” This discussion was for an amendment to the Registration of Criminals Act in 2022, which proposed to expand the scope of crimes eligible for the collection of DNA information. Source: Singapore Parliamentary Debates, Official Report (12 September 2022), Vol. 95, Sitting No. 67

³⁰ s 9(4) of the [Constitution of the Republic of Singapore](#) and s 68 of the [Criminal Procedure Code 2020](#)

be put at risk if interpreters are not present³¹. In their absence, it cannot be certain that the accused workers fully understand the nature and implications of questions and statements posed to them by the IOs, especially at a moment when they are likely most distressed.

In past parliamentary debates, extending the provision of non-legal personnel such as Appropriate Adults³² (AA) to migrant workers have been suggested and rejected on the ground of operational shortfalls³³. Yet, more can still be done to rectify the issue. Mitigating measures of support should be put in place to ensure that accused workers have the assurance that their procedural rights are respected and that due processes are being followed. More recently though slowly, the implementation of video recording of interviews (VRI) has been used for “certain categories of crime, to strengthen the robustness of investigations and statement taking”³⁴. This should be a foundational standard especially with improvements to artificial intelligence (AI) and text-to-speech capabilities.

Our discussion in this section has largely centred around interpreters in various law enforcement authorities, particularly the Police. However, we note that most workers who had their case progressed to the courts indicated that court interpreters were accessible, clear and professional. As court interpreters are seemingly subject to a higher standard such as a three-stage exam and multiple trainings³⁵, a similar mechanism should be put in place at the level of the various law enforcement authorities.

³¹ Singapore Parliamentary Debates, Official Report (19 May 2010), Vol No. 87, Sitting No. 4. Home Affairs and Law Minister K. Shanmugan stated that the interpreters in a specific language are not readily available for the Police.

³² The AA Scheme pairs trained volunteers with vulnerable groups, such as young and/or mentally vulnerable persons, to support them if they find themselves part of a law enforcement investigation.

³³ Singapore Parliamentary Debates, Official Report (4 November 2020), Vol. No. 95, Sitting No. 13

Right to counsel

In Singapore, access to legal counsel may be delayed during the first 48 hours of detention, 48 hours being the maximum period an individual can be held without being formally charged or brought before a magistrate³⁶. This is so that the rights of the accused are upheld during the conduct of investigations³⁷. While some research reports and debates in parliament have centred on the question of legitimate restriction of this right, we focus on a different aspect of the issue.

The aspect we focus on is whether the person held in custody has a right to be **informed** of one’s right to counsel. The Constitution does not indicate any such right nor can it be inferred³⁸. In practice, this implies that law enforcement authorities are not required to inform workers of their right to counsel even at the 48th-hour point. This is related to the question of whether migrant workers are even conscious of the **concept** of right to counsel, without which they might not even ask to exercise that right, especially if they are not informed of it.

Whilst we will delve into workers’ interactions with their appointed legal representation in later sections, the workers’ initial ability to source, engage and appoint legal representation is critical as language barriers and a lack of well-established support networks limit their consciousness of the situations (interrogations) they face. The State can arguably do more to put safeguards in place for accused persons with long remand periods, such as the Police’s Access to Counsel Scheme³⁹. A majority of our interviewees seemed to have been left with little support. Often, their lack of counsel caused them to be ill-prepared in making arrangements for their cases. Moreover, informing workers of the right to counsel

³⁴ Ministry of Home Affairs. (2022) ‘[Written Reply to Parliamentary Question on the Mean and Median Time Before a Person Arrested for a Capital Offence is Given Access to Counsel in the Past Five Years](#)’.

³⁵ CNA. (2024) ‘[The interpreters using their bilingual proficiency to give others a voice in the courtroom](#)’

³⁶ s 9(4) of the [Constitution of the Republic of Singapore](#)

³⁷ Singapore Parliamentary Debates, Official Report (19 May 2010), Vol No. 87, Sitting No. 4

³⁸ Lee, J. T. (2012) ‘Reforming the Right to Legal Counsel in Singapore’

³⁹ Ibid

places a psychological significance on the gravity of the situation they face. With the median time taken of 15 months in the Courts for a criminal case from being first charged in court to judgment⁴⁰, time is of the essence in ensuring that the workers have an adequate grasp of the situation they are in, and by extension, their access to justice.

Timely communication with workers

Generally, the investigation processes for our interviewed workers appeared to be more long-drawn than that of the average accused Singaporean. Owing to their lack of proficiency in English, lack of familiarity with a foreign country and the larger number of parties involved in their case (e.g. having to notify their employers and communicate with immigration authorities), these workers take an arduously longer time to understand and prepare documents needed by authorities, arrange for legal representation, and so on.

Yet, time is highly sensitive for the authorities themselves. Each authority that is relevant to the workers may potentially request for in-person meetings, submissions, and documents to facilitate the respective due process. When disruptions to communication occur, there is a greater risk of being ill-prepared to navigate the investigation process and justice system. A handful of workers interviewed had been through two to three IOs across the various law enforcement authorities, with each turnover in IOs resulting in gaps in communication – the workers were inadequately notified of developments to their cases and related actions that were required of them.

While it is reasonable for any organisation to have changing staff assignments, less understandable were gaps in communication in which the IO remained uncontactable despite repeated enquiries by the workers and in some cases, by their lawyers. Additionally, responses were often noncommittal, and thus not truly informative. For example, in the Information Booklet on Police Procedures⁴¹, it is stated that “The Investigation Officer (IO) in-charge will update [the accused] when there are significant developments to the case” but also states that “every case is unique, and the time taken to investigate each case differs”. While it is good that there are greater efforts made at setting targets so as to improve service delivery, such leeway in almost the same breath is unhelpful to workers. A permitted silence of unfettered duration can be exploited by IOs to obscure lack of action in moving a case forward. Workers may find themselves waiting for many months (even years) with no idea why things appear to be at a standstill.

To be helpful to workers and their lawyers, a simple but substantive response should be the standard rather than empty replies or no response at all. Singapore could try to emulate best practice in other countries such as the United Kingdom or New Zealand⁴². Similar concerns over gaps in timely and regular communication with workers involved in investigations apply to other law enforcement authorities in Singapore, although we are unable to find any information online on their respective service delivery standards in investigation cases.

⁴⁰ Singapore Parliamentary Debates, Official Report (4 November 2020), Vol. No. 95, Sitting No. 13

⁴¹ Singapore Police Force. (2024)

⁴² Applying to both victims and those accused of a criminal offence, law enforcement authorities such as the Police include online forms on their websites for relevant parties to check on the status of their cases.

See <https://www.police.govt.nz/advice-services/all-online-options> and <https://www.police.uk/pu/contact-us/updates/>

VI. Findings – focus area 2

Finding:

Disproportionate influence of employers, law enforcement authority, lawyers and/or bailors over migrant workers

Having primarily focused on interactions between workers and law enforcement authorities thus far, we now widen our scope to explore interactions with other stakeholders. In all these interactions – with employers, lawyers, bailors and law enforcement authorities – an approach of care is needed together with a disciplined awareness that the subject person, as a foreign national and low-wage worker, is in a situation very different from that of a Singaporean. The latter typically has more

financial and social resources. Yet, speaking of an approach of care and implying a mutually constitutive approach⁴³, also brings power imbalances into play.

A simple illustration, which will be delved in further detail below, is the role of the IO as both an agent of law in assessing the culpability of the worker and an agent of social support in ensuring the survival of the worker.

Migrant workers’ status as a vulnerable group and the extant power asymmetries are problematic in situations that deprive and exploit the affected workers’ rights and welfare through the process. This section highlights these situations: (1) conflicts of interest when law enforcement authorities assume both care and discipline functions; (2) propensity of privately sourced and paid legal representatives to take advantage of workers; and (3) the enforcement of fear by bailors and employers due to the leverage they have over these workers. Again, it is important to clarify that while

we are describing these situations in broad strokes, this is certainly not a definitive or categorical approach by which these stakeholders act and treat the workers.

Conflict of interest and exploitation of workers

For every one of our interviewees who had been accused of offences, the respective law enforcement authority had been expected to take on the function of a case worker in providing some support for his needs whilst juggling their main function as the IO in charge of gathering evidence and assessing their culpability. Ultimately, the IO has to decide if the investigation has met the threshold for prosecution. Social support seems to be left to the IO since all other agencies appear to abdicate their responsibilities once a worker becomes a subject of investigation. Whether by choice or as part of their responsibility, IOs then have to manage worker expectations and provide a sense of assurance during this period of strain and stress. Migrant workers have few others to turn to; their avenues of support are limited in a foreign country. At the very least, IOs are responsible for ensuring that workers’ Special Passes are renewed so that they do not fall into undocumented status.

However, assuming the function of care also places the respective law enforcement authority in a bind as the agency may not have the necessary resources to do so. As a result, what care is provided is rarely holistic. For example, the workers we interviewed usually indicated that they would ask their IOs how they (IOs) could provide for their upkeep during this investigation period – food expenses, accommodation, employment and so on. The respective law enforcement authority is simply not in a position to be able to advise or assist these workers with their upkeep and subsistence. Indeed, workers reported that all IOs they encountered would simply turn them away when faced with such requests.

⁴³ Antona, L. (2023) ‘[Shelters and clinics: sites where care and violence are mutually constitutive for migrant workers in Singapore](#)’. *Social & Cultural Geography*, 24:10, 1790-1807

Such mixed responsibility can represent a conflict of interest that the respective law enforcement authority faces in conducting their roles. Such a situation is more complicated when the worker is accused of a labour offence where MOM is the primary law enforcement authority: the IO in MOM has to maintain his or her impartiality in investigating the case, while needing to be sympathetic in addressing worker concerns over sustenance and employment.

It is also generally observed that for workers accused of offences, their only known avenues of seeking help are the Police and MOM⁴⁴. As we have established that seeking help from the Police is problematic and unproductive, the Police being without resources to do so, MOM is likely the only option remaining for such workers. Moreover, a 2018 survey by MOM highlights that the most common source for information about employment rights was MOM itself⁴⁵. Workers under investigation would have a similar view – that should they have issues with sustenance and employment, they would turn to MOM for help.

While we are aware that at times, MOM reaches out to such workers to check on their wellbeing, we believe it is necessary to formalise this crucial avenue of support by creating a dedicated case team within MOM for the upkeep of migrant workers during their involvement with investigations, including Police and other agencies' investigations. This is especially since we noted that the number of migrant workers arrested, across both domestic and non-domestic industry sectors, stretch to thousands on an annual basis. Having a separate case team with responsibility for continued employment, housing and healthcare can also resolve potential conflicts of interest that arise when IOs have to act as care providers.

⁴⁴ TODAY. (2020) '[The Big Read in short: Migrant workers' access to justice](#)'

⁴⁵ Ministry of Manpower (MOM). (2018) '[Survey on Foreign Worker Experiences](#)'

Private legal representation and the (mis)placing of trust

Our interviews with the workers indicated that half of them engaged the services of paid legal representation, be it directly through meeting a lawyer or indirectly through a legal assistant in a registered law firm. However, we also got the sense that the quality of service and treatment for paid legal representation was worse than that of pro-bono legal representation. While the latter was entirely professional, establishing regular channels of communication with the workers, for example, workers with paid legal representatives had mixed responses when asked about their lawyers' work and attitude towards them (the clients). For example, one worker felt that his lawyer had coerced him to accept a higher rate for billable hours in order to provide a faster resolution to his case, while another lawyer treated the worker as his "personal assistant", making him run various menial errands, ostensibly in return for "better" representation. Most of the interviewees with paid legal representation expressed a mixture of confusion and frustration at delayed responses by their lawyers. They seemed not to fully know their case status and progress.

These reported practices of paid legal representation, which raise questions of exploitation and unprofessionalism, resonate with the findings of previous web articles by TWC2⁴⁶, though the articles are specific to workers having work injury or salary-related claims. While we do not suggest that paid legal representation is entirely abusive and disingenuous towards the workers engaging their services, we emphasise that some way has to be found to inform workers of known practices of certain law firms before they decide which lawyer to engage. Granted, these law firms with questionable practices, which often market themselves to the migrant worker community, may be the only shot that workers have at getting legal assistance, perhaps because their case lengths have been drawn out and become overly mature,

⁴⁶ For example, see TWC2 (2013) '[Widespread but unnecessary reliance on lawyers](#)' and TWC2 (2018) '[Exploitative law firms: system solutions needed from MOM](#)'

and thereby rejected from support by pro-bono legal representation and third sector avenues of support. Exploring how the ecology of legal representation for migrant and indigent workers can be improved is outside the scope of this study, but this is certainly an area that needs attention.

Currently, the avenues for pro-bono legal assistance for male migrant workers are (1) Pro Bono SG's legal clinics at the Anguilla Mosque every second and fourth Sunday⁴⁷; (2) the forthcoming Migrant Workers' Law Centre at the Migrant Workers' Centre⁴⁸, and (3) pro-bono legal representation sourced by civil society non-profits such as TWC2 and HOME. It is important to stress that these pro-bono legal assistance avenues may go no further than giving some counselling to workers and do not guarantee representation in court proceedings. Moreover, while the Public Defender's Office (PDO) was recently set up after review of criminal legal aid from 2019-2020⁴⁹, the PDO does not provide legal services for foreigners.

Whilst it is promising that pro-bono legal avenues have grown for such workers, there remains much space for improvement to ensure that they reach every worker in need of assistance. To begin with, a majority of the workers interviewed were unaware of the established channels of pro-bono legal assistance, and thus did not explore this option before proceeding to engage the services of paid legal representation, which was usually done on the recommendation of their friends.

Of course, for pro-bono legal avenues, there is a framework of means-testing, and this is justifiable. Nonetheless, the types of offences covered under these avenues may need to be widened to be meaningful for real situations, and there should be greater incentivisation for lawyers to take up pro-bono cases. In his response to calls for fully government-funded legal aid in the parliamentary debates over the case of Parti Liyani vs Public Prosecutor [2020] SGHC 187⁵⁰, Law and Home Affairs Minister K.

Shanmugan highlighted that many lawyers who practise criminal law already “depend heavily on the smaller value legal work on criminal cases” and that the “taxpayer should not have to pay for [those who can afford for legal representation]”. Nonetheless, there is still room for developing other systemic mechanisms to encourage more pro bono help. For example, a 2016 judgement in the High Court ruled that legal costs should be awarded to a migrant worker although he was represented pro-bono⁵¹, thus assuaging the financial concerns of law firms.

Enforcement of fear

Prevailing academic research surrounding the control and disciplining of migrant workers centre around the role of ‘statecraft’, such as the mechanisms of close management of migrant workers through police patrols and surveillance technologies⁵². While this line of discussion is out of this report's scope, we will note here that there is an atmosphere of fear.

However, it is not only State surveillance that can create fear. For migrant workers generally, we find that a similar practice of control by private parties over workers with investigation cases is subtly present, though manifested in different ways. There is a strong belief (not unfounded) that employers have overwhelming power over their livelihoods. Employers can cancel Work Permits and repatriate them home at any time, completely upsetting their lives.

Such a fear becomes acute when a worker is caught up in an investigation. There is the belief that employers are quick to cancel their Work Permits, though this may be a misconception. It is possible that an agency such the Ministry of Manpower (MOM) or

⁴⁷ See <https://www.anguilliamosque.sg/migrant-worker-legal-clinics-at-anguilla-mosque/>

⁴⁸ The Straits Times. (2024) ‘[New law centre for migrant workers announced for 2025 at International Migrants Day celebrations](#)’

⁴⁹ <https://pdo.mlaw.gov.sg/about-us/our-history/>

⁵⁰ Singapore Parliamentary Debates, Official Report (4 November 2020), Vol. No. 95, Sitting No. 13

⁵¹ SATS Construction Pte Ltd vs Islam Md Ohidul [2022] SGHC 99

⁵² For example, Greener and Naegler. (2022) ‘[Between containment and crackdown in Geylang, Singapore: Urban crime control as the statecrafting of migrant exclusion](#)’. Urban Studies, 59(12)

the Immigration and Customs Authority (ICA) informed their employers to do so, though we have no evidence one way or another. As for repatriation, workers are not allowed to be sent back till the cases have been concluded.

Workers who are **victims** in investigation cases directly involving their employer – where the employer or supervisor is the accused – have reason to fear retaliation. If these workers stay in their jobs, or if MOM directs the employer to provide for their upkeep, these men remain in physical proximity to their employers and supervisors even as the case progresses. They may have to negotiate issues pertaining to their housing and daily livelihoods with their superiors who would likely be hostile to them.

Another aspect where these workers have to face fear is through their interactions with their bailors. The responsibility of a bailor is to ensure that the accused attends various investigations and court proceedings and have knowledge of their whereabouts within Singapore⁵³. Out of the 12 workers interviewed who were offered agency bail and court bail⁵⁴, 11 of them were able to find a bailor. These bailors are commonly former supervisors, employers or friends of family who are all Singaporeans.

We observed that some workers characterised their bailors as their de facto current employers: these workers described having to work without wages on the condition of having stood bail while one was forced to make monthly payments to their bailor for the sum assured. With such aspects of the relationship between these workers and their bailors arguably being beyond the jurisdiction of the law, the workers' need to find a surety often makes them vulnerable to exploitation by the bailors themselves⁵⁵. This situation represents another perverse method by which workers are disciplined

and subject to unequal power asymmetries, although the varied nature of the bailors encountered has meant that this method has not yet become commonplace⁵⁶.

⁵³ s 104 of the Criminal Procedure Code 2020

⁵⁴ We are aware that some workers are also offered a personal bond alongside bail, or being offered a personal bond during investigations and subsequently bail during court proceedings. However, we do not believe it to be productive to discuss the circumstances surrounding personal bonds, especially when the money or items pledged as bonds are eventually traced back to their bailors, who informally lends them.

⁵⁵ TWC2. (2022) '[Arranging bail](#)'.

⁵⁶ Yea, S. (2017) '[The art of not being caught: Temporal strategies for disciplining unfree labour in Singapore's contract migration](#)'. Geoforum, 78

VIII. Findings – focus area 3

Finding: Marginal and precarious livelihoods while under the investigation process and justice system entrench power asymmetries

Thus far, we have highlighted the implications of workers’ direct experiences with various stakeholders and procedures. An equally, if not more, challenging part of their experiences is that concerning their daily livelihoods while under the investigation process and justice system. Before beginning this section, it is important to keep in mind the wider situations of precarity and insecurity⁵⁷ that most low-wage male migrant workers (even those without investigation cases) face. These primarily consist of having to repay sizable

debts incurred for recruitment and having to provide for families back home. For those still at work, there are tough working conditions that can come with physical danger and the ever-present risk that employers can cancel Work Permits at any time.

In this section, we highlight the mental, economic and social costs of the workers’ livelihoods while under the investigation process and justice system. We describe and underline the workers’ attempts at sustaining their already precarious livelihoods through finding alternative means of employment, rental accommodation and daily sustenance, and their reliance on familial or friend networks in the absence of formal

avenues of support. Their experiences on the margins of marginal labour add another dimension to challenges faced by migrant workers in Singapore⁵⁸.

Precarious lives: survival and despair

We reiterate that most workers are issued a Special Pass upon being subject to various forms of investigation, and Special Pass holders are prohibited by law from obtaining any form of employment. Whilst, in the case of workers issued with Special Passes due to work injuries and/or salary disputes, the costs of upkeep (i.e. accommodation, food and medical assistance⁵⁹) are to be borne by their employers or former employers, the costs of upkeep for workers involved in investigations are not similarly defined. Section 16 in Part III, Fourth Schedule of the Employment of Foreign Manpower (Work Passes) Regulations 2012⁶⁰ sets out employers’ responsibility for upkeep – buttressed by a provision that failure to comply will result in the forfeiture of the Security Bond⁶¹ – but at the same time, makes clear that the obligation is only if there is an employment-related or work injury-related dispute.

In essence, workers under investigation and unable to take up employment because they have been placed under Special Passes, have to fend for themselves. Yet, they have to do so without the right to work.

On paper, there are avenues of respite for workers to find new employment and maintain some semblance of their previous livelihoods. Offered by MOM at its discretion (typically at the request of IOs), there is the Temporary Job Scheme (TJS)⁶²,

⁵⁷ Fordyce, D. (2019) ‘[Are workers abusing WIC claims?](#)’

⁵⁸ Yeoh, B. (2006) ‘Bifurcated labour: the unequal incorporation of transmigrants in Singapore’. *Tijdschrift voor Economische en Sociale Geografie*, 97(1)

⁵⁹ HOME and TWC2. (2010) ‘[Justice Delayed, Justice Denied: The Experiences of Migrant Workers in Singapore](#)’

⁶⁰ In *Employment of Foreign Manpower Act (Chapter 91A)*

⁶¹ Ministry of Manpower (MOM). ‘[Security bond conditions for migrant worker](#)’

⁶² The Temporary Job Scheme is issued to workers who remain in Singapore to assist in investigations and subject to MOM’s approval. If approved, MOM will provide assistance akin to a job matching scheme to provide temporary employment to the worker during their period of assisting with investigations to maintain a level of livelihood. Source: *Singapore Parliamentary Debates, Official Report* (9 January 2023), Vol. No. 95, Sitting No. 79 and reiterated in an [MOM Press Release](#)

and a less familiar Direct Employment Scheme (DES)⁶³. Out of the twenty workers we interviewed, two men were still at work, retained by their current employers, but 18 others had no work.

Of these 18 who currently had no work,

- 11 seemed never to have tried for TJS, or if their IOs had tried by asking MOM, they seemed not to know of the attempt to ask;
- Four were either turned away by MOM or did not receive a reply;
- Three workers: Had been successful in obtaining TJS clearance by MOM and subsequently found a job. However, employers decided not to renew their contracts, leaving them currently unemployed.

As repeatedly highlighted by TWC2⁶⁴ and can be seen from our findings, the TJS has been an opaque and ineffective stopgap measure at helping migrant workers to sustain themselves during the long period of investigation and court proceedings. The majority of workers we came across were unaware of the TJS, much less its supposedly broad criteria of acceptance. Even among successful applicants, the lack of continued employment under the TJS highlights a lack of employer buy-in. The three workers who, for a while, were employed under the TJS reflected that their employers eventually cancelled their employment due to apprehension about their regularity in coming to work, as they had to attend various meetings and proceedings related to their cases. While as a matter of principle, each worker should be responsible for meeting the requirements of employment, it is our view that the workers should not be disqualified from employment should they have to meet various demands of State bodies. While recent reports suggest migrant domestic workers are seemingly better off under the TJS⁶⁵, our findings probably indicate that

the policy guidance for the TJS is vastly different for male migrant workers holding a Special Pass.

Another way to look at this issue is to see it as a missed opportunity, and a wasted labour resource. Here are mostly able-bodied men eager to work, but unable to do so.

It would be better if as many as possible of the workers under investigation continue employment with their existing employers pending the outcome of their cases. This has been successfully practiced and observed in some workers in past research done by TWC2⁶⁶. Currently, it is unclear if the non-renewal or cancellation of Work Permits after a worker becomes a subject of investigation is the result of any direction of recommendation from MOM, or if it is purely the decision of employers. Crucially, given the continued presumption of workers' innocence without a verdict, it is only fair that they should not be impeded from work.

Even then, the measure of good policy should be that of results: Do the workers stay in work or at least successfully find work under TJS? It is not enough to simply say that MOM may, at its discretion admit them into the TJS scheme, but do little to ensure that employers do not let prejudice against hiring such workers defeat the scheme.

At least in the initial months, most workers still have sufficient savings for food and transport or are able to borrow from friends or relatives working in Singapore. It is monthly rent that is the most common and immediate challenge confronting them. Beyond the goodwill of a handful of employers who may continue to offer a place to stay or directly support rent payments, we find that the majority of workers are either denied accommodation by their employers or are evicted after one or two months. One worker indicated that he bounced around different friends' rooms at an average of once every two weeks.

⁶³ Ministry of Manpower (MOM). (2018) '[MOM's Response to TWC2 article: The Thing That Most Irks Him? MOM Take My Passport](#)'.

⁶⁴ TWC2. (2024) '[If unemployed, yet required by authorities to remain in Singapore, where do they stay?](#)'

⁶⁵ The Straits Times. (2024) '[Temporary Job Scheme a lifeline for accused maids awaiting outcome of investigations](#)'

⁶⁶ TWC2. (2013) '[Not guilty, but kept behind bars for want of bail](#)'

Feelings of shame and frustration, a loss of independence from losing formal employment and social displacement place these workers at the edge of survival. Such compounding vulnerabilities⁶⁷ due to their circumstances while under investigation worsen and further strain their mental health. From our interviews, some of these workers were also navigating other cases beyond those of investigations. Six out of 20 workers were contemporaneously navigating claims under the Work Injury Compensation Act (WICA) and/or salary-related claims. Needless to say, such additional issues exacerbate their precarious livelihoods.

The struggle for subsistence

We observed that in the absence of goodwill from former employers and state support via temporary employment schemes, these workers are forced to seek out informal and illicit forms of employment and support. Almost half of the workers interviewed indicated that they had no choice but to seek out so-called “part-time” jobs from their friends and family working in Singapore. These jobs are highly irregular in nature (for example, helping a friend with plumbing or painting works and receiving a small commission) and risks placing them in further trouble for contravening their Special Pass conditions.

The importance of personal networks is also revealed in their attempts at securing accommodation after being unable to afford rents. Most workers are able to sublet from friends and family usually at a monthly rental of \$500. This practice is seemingly condoned by various law enforcement authorities or the ICA, given that the

authorities are apprised of the workers’ location of residence when they meet to renew their Special Pass every week or month.

As a last resort, workers can turn to civil society organisations like TWC2 and HOME, but since these organisations rely on donations from the public, resources are also limited. It can be argued, in any case, that the problem of livelihoods faced by these workers is a consequence of State action in launching an investigation, and certainly the prolonged duration of the process is very much within the control of State agencies. To expect civil society organisations to bear the cost of supporting workers entrapped in State processes however long it takes does not seem to be a sensible arrangement.

Current legislation places no responsibility for employers to maintain the costs of upkeep for this group of workers. This would then suggest that the proper responsibility should fall on the State. If so, the next step should be to consider how these workers are informed and engaged. While the MOM indicates that they “engage [Special Pass holders] on a regular basis to provide timely support and advice to those who require employment and/or upkeep assistance”⁶⁸, our findings indicate that most workers are unaware of MOM’s role or efforts during this period of investigation. This is especially so for workers who are involved in investigations where MOM is not the law enforcement authority. While some workers take the initiative to enquire with MOM on their specific circumstances, we suggest that the overarching responsibility should lie with MOM to actively facilitate such conversations with workers⁶⁹. Again, we repeat our call for a specialised support team in MOM with responsibility for all persons required to remain in Singapore under Special Passes.

⁶⁷ Farwin, A. *et al.* (2023) ‘[My young life, finished already?: a qualitative study of embedded social stressors and their effects on mental health of low-wage male migrant workers in Singapore](#)’. *Globalisation and Health*, 19(47)

⁶⁸ Ministry of Manpower (MOM). (2018) ‘[MOM’s Response to TWC2 article: The Thing That Most Irks Him? MOM Take My Passport](#)’.

⁶⁹ Ministry of Manpower (MOM). (2018) ‘[MOM offered help with upkeep to foreign worker assisting with investigations](#)’

IX. Concluding remarks

Along the margins of marginal labour, we highlight three areas of concern that disadvantage a small but significant group of low-wage, male migrant workers who are involved in investigation cases by various law enforcement authorities. These situations – a sudden loss of gainful employment, a general absence of employer support, daily anxiety from being involved in an investigation and the social humiliation that comes with all the foregoing – all intersect to render the workers more vulnerable to exploitation. In some circumstances, these workers fall through bureaucratic cracks and are mistreated by those holding on to their only hope of resuming their normal lives, such as some lawyers and bailors. In many cases, because they are not allowed to look for employment under the Special Pass, the only way they can survive is to risk breaking the law while looking for odd jobs, which in turn compounds the stress and precarity they are already subject to.

Yet, whilst this report discusses the workers' challenges in the context of their vulnerabilities and their attempts at managing their livelihoods while navigating their cases, what came through in our interviews was also their strength and resiliency through a trying period of their lives.

In all our interviews and encounters with the workers, we concluded by asking them to broadly reflect on their future livelihoods. For many, this led to a discussion of how the outcome of their case would materially affect their chances of continued employment in Singapore. All workers interviewed shared with us the view that any form of involvement with a case would negate any hope of resuming their former work careers here. There would be detrimental implications on their mental health and ability to provide for their families at home.

This discussion is especially pertinent for workers who are victims of alleged offences or, separately, those who receive the outcome of 'Stern Warning'. Victims might have to navigate strained relations with their employers, especially for having to take substantial periods away from work to attend relevant proceedings, and potential retaliation if the case directly involves their employer as the accused. In the latter – those who ultimately receive a Stern Warning without being found guilty – we continue to observe⁷⁰ how workers have difficulty in obtaining new jobs upon the conclusion of their investigations. TWC2's observation is that any kind of Stern Warning means that the worker either does not get any new Work Permit application approved or is denied future entry into Singapore. This is despite the fact that 'Stern Warning' outcomes are not criminal convictions and should not be used detrimentally against a worker⁷¹.

A measure of the robustness of any legal and bureaucratic system should include how fairly and equitably they treat vulnerable groups in society, including migrant workers. Thus far, Singapore has a well-respected system and increasing avenues of support for migrant workers. However, we have detailed how there remains much to be improved in the enforcement of procedural standards in investigations and the justice system, and the coordination of case management for workers. The cases of Ms. Parti Liyani and Mr Uddin Sharif represent only the tip of the iceberg of the many issues that migrant workers face when they are subject to investigations and the justice system.

To round off this report, we call for:

1. Clear standards in any State agency that takes on investigations with respect to process timelines to avoid unnecessarily prolonged wait-times.
2. Wider availability of legal aid for foreigners and migrant workers caught up in investigations;

⁷⁰ Previous research done by TWC2 on the effects of 'Stern Warning' on workers: TWC2. (2023) '[Stern warning – punishment without due process](#)' and TWC2. (2022) '[Acquitted, yet punished – Rahman's story](#)'

⁷¹ H.J., Tan. (2013). '[Be Warned of the Stern Warning](#)', The Singapore Law Gazette.

3. A specialised team in MOM as a one-stop centre to ensure workers put under investigation by any agency continue to be able to earn a fair income and have a social safety net, especially in terms of housing and medical care; having a separate team like this would prevent potential conflicts of interest in law enforcement authorities from arising.

Any good public policy, be it in the area of children's education, health coverage, workplace safety or public housing, just to name a few, needs to be comprehensive and not leave gaps which overlook and exclude subgroups of people. Just because vulnerable people may be relatively few in number or the risk of something bad happening because we have left certain scenarios unaddressed is low, is no reason to not plan for it.

Migrant workers, despite their huge numbers in Singapore, do not feature much in our public discourse. Migrant workers at the margins of the migrant labour world, including the subjects of our study, are almost never spoken about. In a way, we would understand if people were concerned that highlighting migrant workers under investigation may prove prejudicial to them all as a community since people often equate investigation with guilt, but it is one thing for public discourse to be reticent, it is another for public agencies to ignore them altogether.

We hope this report helps overcome this oversight and leads to a better paradigm.

X. Appendix

Anonymised List of workers interviewed

S/ N	Interviewee code	Date & place of interview	Work pass type	Current pass	Case type: authority & offence	Duration to date	Case stage	Have other cases?
1	A	2024-07-18 Dayspace	WP	Sp Pass	Police - Outrage of Modesty (accused)	6 mths	Mentions Courts	No
2	B	2024-07-18 2024-07-25 Dayspace	WP	WP	Police - Outrage of Modesty (accused)	3 mths	Investigations	No
3	C	2024-08-08 Dayspace	WP	Sp Pass	MOM - EFMA & WICA (accused)	60 mths	Sentencing Hearing	Yes
4	D	2024-08-08 Dayspace	WP	Sp Pass	CNB – MDA (accused)	3 mths	PTC	No
5	E		WP	Sp Pass	Police – VCGHurt (accused)	24 mths	Sentenced	Yes
6	F		S-Pass	Sp Pass	Police - Public Order and Nuisance (accused)		Investigations	No
7	G	2024-08-15 Dayspace	WP	Sp Pass	MOM – EFMA (accused)	9 mths	Mentions Court	No
8	H	2024-08-15 Dayspace	WP	Sp Pass	Police - Payment Services Act (accused)	18 mths	Trial	No

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S/ N	Interviewee code	Date & place of interview	Work pass type	Current pass	Case type: authority & offence	Duration to date	Case stage	Have other cases?
9	I	2024-08-14 Dayspace	WP	Sp Pass	MOM – EFMA (accused)	96 mths	Trial	No
10	J	2024-08-14 Dayspace	WP	Sp Pass	CNB – MDA (accused)	4 mths	Sentencing Hearing	No
11	K		Visitor	Sp Pass	Police - Sexual Misconduct (accused)	9 mths	Investigations	No
12	L		Visitor	Sp Pass	Police - Sexual Misconduct (witness)	9 mths	Investigations	No
13	M	2024-08-15 Dayspace	WP	Sp Pass	Police - Fraud-related Offense (victim)	4 mths	Investigations	No
14	N	2024-08-27 Dayspace	WP	Sp Pass	Magistrate's Complaint - Force and Intimidation (victim)	10 mths	Mediation Hearing	Yes
15	O	2024-08-27 Dayspace	WP	Sp Pass	Police – VCGHurt (accused)	34 mths	Sentencing Hearing	No

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S/ N	Inter- viewee code	Date & place of interview	Work pass type	Curr ent pass	Case type: authority & offence	Duration to date	Case stage	Have other cases?
16	P	2024-09-03 Dayspace	WP	Sp Pass	Police – VCGHurt (accused)	5 mths	Sentenced	Yes
17	Q	2024-09-03 Dayspace	WP	Sp Pass	ICA/Police - Customs and GST Act (accused, also witness)	8 mths	Sentenced	No
18	R	2024-08-20 Dayspace	WP	Sp Pass	CNB – MDA (accused)	3 mths	Mentions Court	No
19	S	2024-09-05 TWC2 office	WP	Sp Pass	ICA/Police - Customs and GST Act (accused)	13 mths	Trial	Yes
20	T	2024-09-03 Dayspace	WP	WP	Police – VCGHurt (victim)	1 mth	Investi- gations	Yes