IN THE FAMILY JUSTICE COURTS OF THE REPUBLIC OF SINGAPORE

[2026] SGFC 145

FC/SUM 2687/2026 (FC/OAD 5716 of 2025)

Between

YME

… *Applicant*

And

YMF

… *Respondent*

DIRECTIONS TO FILE AFFIDAVITS TO ADDRESS JURISDICTIONAL ISSUES

Family Law *– Matrimonial proceedings – Jurisdiction – Burden of proof – Husband challenged the Court's jurisdiction to hear the Wife's divorce application – Challenge to jurisdiction supported only by unaffirmed affidavit prepared for the Husband – Whether the Wife is relieved of burden of establishing jurisdiction – Section 93(1) Women's Charter 1961*

Family Law *– Matrimonial proceedings – Jurisdiction contested – Domicile – Whether the Wife's Singapore permanent resident status is sufficient to establish domicile of choice – Section 93(1)(a) Women's Charter 1961*

Family Law *– Matrimonial proceedings – Jurisdiction contested – Habitual residence – Whether the Wife's permanent resident status establishes habitual residence for three years immediately preceding commencement of proceedings – Section 93(1)(b) Women's Charter 1961*

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YME
v
YMF

[2026] SGFC 145

FC/SUM 2687/2026 (FC/OAD 5716 of 2025)

District Judge Kow Keng Siong
28 October 2026

2 November 2026

District Judge Kow Keng Siong:

Introduction

1 On 3 November 2025, the Wife applied for divorce ("**Divorce Application**"). This judgement concerns the Husband's application to dismiss the Divorce Application ("**Dismissal Application**") on the ground that it does not satisfy the jurisdictional requirements in s 93(1) of the Women's Charter 1961 ("**Charter**").

2 At the time of this judgement, the Husband has not filed a properly affirmed affidavit to support the Dismissal Application. At the same time, I note that apart from asserting that she is a Singapore permanent resident ("**PR**"), the

Wife has not provided any other information regarding why the Court has jurisdiction to hear the Divorce Application.

3 These circumstances raise the following question: What should a Court do when its jurisdiction to hear a divorce application is challenged, the evidence supporting the challenge is defective, and the application simply refers to the applicant's Singapore PR status for the Court's jurisdiction to determine the matter?

4 In my view, given that the Husband has raised a jurisdictional issue, regardless of whether he files a properly affirmed affidavit, the Wife must prove that the Court has the jurisdiction to hear the Divorce Application. In this case, her mere assertion of being a Singapore PR, on its own, is insufficient to satisfy either the domicile or habitual residence requirement in s 93.

5 I have extended time for the Husband to file a properly affirmed affidavit. I have also directed the Wife to file an affidavit to address the jurisdictional issues. The Dismissal Application is adjourned.

Background

The parties and divorce application

6 The parties are citizens of the People's Republic of China ("**China**"). They married in China in 2019. The Husband resides there. The Wife and the parties' two children have been living in a rented apartment in Singapore since July 2024.[1]

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[1] Originating Application for Divorce (Amendment No. 1 by Order of Court made on 20 July 2026) dated 03.07.26 at page 7.

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7 The Wife relies on two facts to establish that the marriage has broken down irretrievably. *First*, that the Husband has behaved in such a way that she cannot reasonably be expected to live with him. *Second*, that the parties have lived apart for a continuous period of at least four years immediately preceding the Divorce Application.[2] The application asserts that the Court has jurisdiction to grant the divorce under s 93 of the Charter because the Wife is a Singapore PR.[3] The application does not state which limb of s 93(1) is relied on.

The Husband's challenge

8 The Husband contests the Divorce Application.[4] His lawyer, Ms Audrey Koo ("**Ms Koo**"), filed an affidavit exhibiting an unsigned and unaffirmed draft affidavit prepared for the Husband ("**Unsigned Affidavit**"). The Unsigned Affidavit asserts that neither party is domiciled in Singapore or has been habitually resident here for the three-year period required under s 93(1)(b).[5] Additionally, it alleges that –

(a) The Wife moved to Singapore only in July 2024;[6]

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2 Originating Application for Divorce (Amendment No. 1 by Order of Court made on 20 July 2026) dated 03.07.26 at [7].

3 Originating Application for Divorce (Amendment No. 1 by Order of Court made on 20 July 2026) filed on 03.07.26 at [4].

4 The Husband's Notice to Contest dated 25.02.26; See the Husband's Reply to Divorce (Amendment No. 1 by Order of Court made on 20 July 2026) dated 28.07.26 at [15] and [16].

5 The Husband's undated/unaffirmed affidavit at [5] and [6]. This is contained in Ms Audrey Koo's affidavit dated 09.10.26 at Tab 1.

6 The Husband's undated/unaffirmed affidavit at [17], [22], [28], [30], [32] and [36]. This is contained in Ms Audrey Koo's affidavit dated 09.10.26 at Tab 1.

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(b) She had told the Husband that her principal reason for seeking a divorce in Singapore was to support applications for Singapore citizenship for herself and the children; and

(c) She did not intend to live in Singapore permanently.

9 The Unsigned Affidavit exhibits messages said to have been exchanged between the parties, with translations ("**Messages**"). On their face, the Messages appear to lend some support to the Husband's allegations.

Status of the Unsigned Affidavit

10 To be clear, the Unsigned Affidavit is not evidence. Under P 15, r 23 of the Family Justice (General) Rules 2024 ("**Rules**"), an affidavit must be signed and affirmed before a commissioner for oaths or other person authorised to administer oaths. These requirements are not mere technicalities. They ensure that the maker personally adopts the statements as true under the solemnity of an oath or affirmation, and that the maker may be held to account if the statements are false.

11 I make no finding on the assertions in the Unsigned Affidavit, on the authenticity of the Messages, or the accuracy of their translations. Given that the Husband resides in China, I have extended time for him to file a properly affirmed affidavit.

Court's jurisdiction to hear divorce applications

12 It bears emphasis that the absence of an admissible affidavit from the Husband does not resolve the jurisdictional issue in the Wife's favour. Her obligation to establish jurisdiction exists independently of it. Let me explain.

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Section 93(1)

13 Section 93(1) of the Charter provides that –

> Subject to subsection (2), the court has jurisdiction to hear proceedings for divorce, presumption of death and divorce, judicial separation or nullity of marriage *only if* either of the parties to the marriage is –
>
> (a) *domiciled* in Singapore at the time of the *commencement of the proceedings*; or
>
> (b) *habitually resident* in Singapore for a period of 3 years immediately preceding the *commencement of the proceedings*.
>
> [emphasis added]

14 Three observations may be made about s 93(1).

(a) First, the words "only if" make clear that at least one of the two requirements in s 93(1) must be satisfied before the Court may hear a divorce application.

(b) Second, the party invoking the Court's jurisdiction bears the burden of proving the facts on which it depends, on a balance of probabilities. Here, that party is the Wife. The Husband bears no burden of disproving jurisdiction. If he asserts specific facts, he must prove them by admissible evidence. That said, his failure to do so does not discharge her burden of proof.

(c) Third, jurisdiction is assessed by reference to the date on which divorce proceedings commenced. In this case, that date is 3 November 2025. If the Wife relies on s 93(1)(a) to establish jurisdiction, the question is whether either spouse was domiciled in Singapore on 3 November 2025. If she relies on s 93(1)(b), the question is whether

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either spouse was habitually resident in Singapore throughout the three years immediately preceding that date.

Section 93(1)(a) – Domicile

Domicile of origin v Domicile of choice

15 Every person acquires a domicile of origin at birth. That domicile continues until displaced by a domicile of choice or dependence: *Peters Roger May v Pinder Lillian Gek Lian* [2009] 3 SLR(R) 765 ("***Peters Roger May***") at [15] to [17]; *WKR v WKQ and another appeal* [2023] SGHC(A) 35 at [51(a)]. A domicile of choice is acquired when a person resides in a country with the intention of making it his or her home permanently or indefinitely.

16 The party alleging a change of domicile bears the burden of proving it by sufficiently clear evidence. This is particularly important where the domicile sought to be displaced is one of origin: *Peters Roger May* at [26]; *Algemene Bank Nederland NV v Loo Choon Yow* [1989] SGHC 25 at [23] and [24].

Intention – The key determinant for domicile of choice

17 In assessing whether a person has elected Singapore to be his or her domicile of choice, the central question is not how firmly that person has established a life here – but whether the person *intends* to make this country his or her home indefinitely. A person may live and work in Singapore for many years, own property, raise a family and develop substantial social and economic connections here, yet intend eventually to settle elsewhere. Equally, a person who has only recently arrived in Singapore may acquire a domicile of choice if he or she has formed the requisite intention. The duration of residence is

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therefore relevant principally as evidence of intention, not as conclusive proof of it: *Peters Roger May* at [19], [21] and [24].

Indicators of intention

18 The person's actual intention is to be determined from the totality of the evidence. Relevant indicators include (a) the reasons for residing in Singapore, (b) the location of his or her spouse, children and family home, (c) his or her employment, business and financial arrangements, (d) property ownership, (e) immigration status, (f) children's education, (g) social connections, (h) plans for retirement, and (i) continuing ties with other countries. No one indicator is conclusive. What matters is not the number of connections with a country, but what those connections reveal about the person's intention to remain there: *Peters Roger May* at [24]; *Wong Phui Lun Joseph v Yeoh Loon Goit* [1978] SGHC 7 ("***Wong Phui Lun***") at [20] to [25].

Assessing the indicators

19 *Reason for being in Singapore.* Particular attention should be paid to the person's intention when the circumstances that brought him or her to Singapore come to an end. For example, does the person intend to remain here when (a) the employment ends, (b) the children complete their education, or (c) he or she retires? A settled intention to leave Singapore upon a clearly foreseen and reasonably anticipated contingency may be inconsistent with an intention to reside here indefinitely. In contrast, the mere possibility that unforeseen circumstances may cause the person to leave does not necessarily negate the requisite intention. The distinction is between a person who has made his or her home in Singapore but may one day leave, and one who intends to remain only

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until a particular circumstance comes to an end: *Peters Roger May* at [20] to [23].

20 *Significant commitments in Singapore*. Care is also needed in assessing evidence commonly associated with permanence. Acquiring property, maintaining long-term investments, and enrolling children in local schools may indicate an intention to settle. However, these arrangements may equally be explained by practical, financial or other considerations. The absence of property ownership does not necessarily establish a lack of the requisite intention. The Court should thus examine the reasons for the relevant arrangements rather than draw conclusions from their mere (non-)existence: *XSX v XSY* [2025] SGFC 110 ("***XSX***") at [28(a)], [41] and [42].

21 *Ties with another country.* If a person maintains ties with another country, the Court should examine the purpose and substance of these connections: *Peters Roger May* at [70] to [78] and [97] to [99]. For instance, retaining citizenship, family relationships, inherited property or financial assets abroad may simply reflect a person's history and continuing obligations. On the other hand, concrete arrangements to return and settle there, particularly upon retirement, may provide stronger evidence of an intention to leave Singapore.

22 *Declaration of intention*. A person's declarations of intention are relevant but must be approached with care. Greater weight may be attached to contemporaneous statements and conduct that predate the matrimonial proceedings and are consistent with the person's life arrangements. On the other hand, statements made for the purpose of contested proceedings may require closer scrutiny because of the possible incentive to present a particular intention. The Court must thus assess not only what the person says he or she intends to

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do, but also whether his or her conduct and arrangements support that assertion: *Peters Roger May* at [79] to [96].

23 Ultimately, the Court must distinguish between evidence that a person has established a life in Singapore and evidence that he or she has chosen to make this country his or her home indefinitely. The former may support the latter, but they are not synonymous. The key issue is whether the evidence, viewed as a whole, sufficiently establishes an intention to remain for an unlimited period, rather than merely for as long as a particular purpose or anticipated circumstance continues.

Section 93(1)(b) – Habitual residence

24 Habitual residence differs from domicile in that it does not require an intention to remain in a country permanently or indefinitely. Two features are necessary to establish habitual residence. *First*, the residence must have been adopted voluntarily. *Second*, there must be a degree of settled purpose in residing in Singapore. That purpose may include employment, education or family life. The requirement for a settled purpose may be satisfied even if the person intends to reside in Singapore for only a limited period: *Lee Mei-Chih v Chang Kuo-Yuan* [2012] 4 SLR 1115 ("***Lee Mei-Chih***") at [5] to [8]; *XEW v XEV* [2025] SGHCF 5 ("***XEW***") at [2].

25 Two points bear highlighting.

(a) Section 93(1)(b) requires the habitual residence to be "for a period of 3 years immediately preceding the commencement of the proceedings".

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(b) Temporary absences from Singapore do not necessarily interrupt habitual residence. A person may remain habitually resident here while travelling abroad. Whether an absence brings habitual residence to an end depends on its duration, purpose and surrounding circumstances: see e.g., *Lee Mei-Chih* at [8] and [9]; *XEW* at [2]. In *XEW*, the High Court concluded that the husband's habitual residence in Singapore had not been broken after examining the reasons for his absences and the objective evidence of his continuing connection with the country: at [7] to [9].

Singapore PR status

26 It is not unusual to find divorce applications stating the applicant's Singapore PR status as establishing the Court's jurisdiction to hear the application. Where the application is not contested on jurisdictional grounds, this does not present a difficulty.

27 However, where jurisdiction is contested, the issue of whether Singapore is a person's domicile of choice, or that person's place of habitual residence, is to be determined based on a holistic consideration of all the relevant indicators. The mere fact that a person has Singapore PR status is not decisive.

28 In the case of domicile, the following additional considerations bear highlighting.

(a) Permanent residency confers substantial practical advantages, including freedom to work without a work pass, access to CPF and healthcare benefits, eligibility for certain public housing, and more favourable stamp duty treatment when purchasing residential property.

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These advantages are expressly recognised in official publications of the Singapore Economic Development Board,[7] Immigration and Checkpoints Authority,[8] Housing and Development Board,[9] Ministry of Health[10] and Inland Revenue Authority of Singapore.[11]

(b) A foreigner may therefore seek Singapore PR status for these practical advantages without necessarily intending to settle here permanently or indefinitely: *XSX* at [28(a)]. In *Asha Maudgil v Suresh Kumar Gosain* [1994] SGHC 144 at [12], the High Court found that the wife remained domiciled in India notwithstanding her Singapore PR status. That decision demonstrates that PR status does not, without more, establish a domicile of choice in Singapore. Likewise, in *Mala Shukla v Jayant Amritanand Shukla* [2002] SGHC 97 and *Wong Phui Lun*, the High Court considered the parties' Singapore PR status as simply one of the indicators supporting the acquisition of a Singapore domicile of choice and did not treat it as conclusive.

29 In the case of habitual residence, it is also relevant to note the following.

(a) PR status indicates that the person has obtained permission from the Immigration and Checkpoint Authority ("**ICA**") to reside in Singapore on a continuing basis. It does not prove that the person has in

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7 https://www.edb.gov.sg/en/how-we-help/residency-and-citizenship?utm_

8 Immigration & Checkpoints Authority | Do I need to apply for a work pass if I am a Singapore Permanent Resident (PR) seeking employment?

9 Couples and Families

10 https://www.moh.gov.sg/managing-expenses/schemes-and-subsidies/subsidies-for-specialist-outpatient-care-at-public-healthcare-institutions/?utm

11 https://www.iras.gov.sg/taxes/stamp-duty/for-property/buying-or-acquiring-property/additional-buyer%27s-stamp-duty-%28absd%29?utm

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fact resided in the country habitually. This is because a person may retain Singapore PR status while residing predominantly overseas. Section 11 of the Immigration Act 1959 provides for the issuance of Re-Entry Permits ("**REPs**"), which enable persons to retain their PR status while abroad.[12] See also s 12(3)(a) of the Road Traffic Act 1961 which expressly contemplates that a Singapore PR may not even have a place of residence in Singapore.

(b) Given the above, whether a PR is habitually resident in Singapore must therefore be independently proven by that person – it cannot be assumed from his or her PR status alone.

Why evidence from the Wife is necessary

30 Under s 93(1), either spouse may satisfy the jurisdictional requirements.

31 In this case, the Husband resides in China. The Wife does not suggest that he is domiciled or habitually resident in Singapore. The question is therefore whether she satisfies either requirement in s 93(1).

32 *Given that the Husband contests the Court's jurisdiction to hear the Divorce Application*, it is necessary to scrutinise the grounds on which the Wife relies to establish jurisdiction. In this regard, it is not clear from the Divorce Application whether these requirements are met. Let me elaborate.

(a) *Sole basis for claiming jurisdiction*. The Divorce Application relies on the Wife's Singapore PR status to establish jurisdiction. It does not refer to any of the limbs in s 93(1). For the reasons given above, that

[12] For further details, see the ICA website – Re-Entry Permit Application/Renewal | Immigration & Checkpoints Authority

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status alone does not establish either the necessary intention for domicile or habitual residence for the required three years.

(b) *Domicile.* The Wife is a Chinese citizen. Her domicile of origin is thus China. If she relies on domicile to establish jurisdiction, then she must prove that she had acquired a domicile of choice in Singapore by 3 November 2025. In this regard, I note the following.

(i) She holds a blue Singapore identity card bearing an issue date in 2007.[13] This suggests that she has a connection with Singapore extending well before July 2024. Given that the Husband has contested the Court's jurisdiction, she should provide (1) evidence to clarify where she had lived between 2007 to 2024 and (2) other evidence, if any, to prove her case that she had intended to make Singapore her home.

(ii) If the Husband files a properly affirmed affidavit exhibiting the Messages, they may become relevant to the Wife's intention, including her reasons for commencing divorce proceedings in Singapore and whether she intended to remain here permanently. She must have the opportunity to respond on their authenticity, translation and context, and on the inferences the Husband seeks to draw from them. Until then, I express no view on these matters.

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13 An image of the Wife's identity card is contained in the Originating Application for Divorce (Amendment No. 1 by Order of Court made on 20 July 2026) dated 03.07.26 at page 8.

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(c) *Habitual residence*. If the Wife relies on habitual residence as the jurisdictional basis for the Divorce Application, then the following bears noting.

(i) The relevant three-year period is from 3 November 2022 to 3 November 2025.

(ii) According to the Divorce Application, the Wife has lived in Singapore since July 2024.[14] On this basis, she had resided here for about 16 months before proceedings began. This is well short of the three years required by s 93(1)(b).

(iii) There could be two possibilities. *One*, the Wife may have established habitual residence here earlier, with her time abroad amounting only to temporary absences. *Alternatively*, she may have ceased to reside here at some point and begun a new period of habitual residence only in July 2024. In the latter scenario, the earlier residence cannot be aggregated with the period from July 2024. The Wife needs to explain which scenario applies and provide a clear and reliable account of where she lived, when, and why.

(d) *Period of living apart*. The Wife claims that the parties have lived apart continuously for at least four years before 3 November 2025. On this basis, the separation would have begun no later than November 2021. Where she had lived during that period, whether she had maintained a home in Singapore or elsewhere, and the circumstances of

[14] Originating Application for Divorce (Amendment No. 1 by Order of Court made on 20 July 2026) dated 3 July 2026 at page 5.

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her move to Singapore in July 2024 would be relevant to the jurisdictional issue.

Directions

33 Given that the Husband is contesting the Court's jurisdiction to hear the Divorce Application, the Wife must establish it and clarify the issues raised above. Pursuant to the general powers of the Court in P 1, r 5 of the Rules, I issue the following directions.

34 *First*, the Husband is to file and serve an affidavit that complies with the Rules ("**compliant affidavit**") **by 18 November 2026**.

35 *Second*, the Wife is to file and serve a compliant affidavit by **16 December 2026** addressing the following matters.

(a) *Basis of jurisdiction.* Whether she relies on domicile, habitual residence, or both, to establish jurisdiction under s 93(1) of the Charter, and the material facts supporting each basis relied on.

(b) *Singapore PR status.* When, and in what circumstances, she had obtained Singapore PR status. Her reasons for obtaining it, so far as relevant to her intention concerning residence in Singapore.

(c) *Residence history.* From 2007 to 3 November 2025, in so far as it is relevant to the jurisdictional issue, the countries in which she had lived, the periods of such residence, and the reasons for living outside Singapore.

(d) *Domicile, if relied upon.* When she had formed an intention to make Singapore her home and to reside here permanently or indefinitely,

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and the circumstances and conduct supporting that intention as of 3 November 2025.

(e) *The Messages.* If the Husband files an affidavit under (a) exhibiting the Messages, whether she accepts their authenticity and the accuracy of their translations, and her explanation of their context and significance.

36 The Wife is to exhibit, where reasonably available, contemporaneous documents supporting the material assertions in her affidavit. These should include documentary evidence of her entries into and departures from Singapore during the relevant period(s).

37 *Third*, the Dismissal Application is adjourned to **14 January 2027**. It will be determined once the parties have been given the opportunity to place all the relevant evidence before the Court and to be heard.

38 To be clear, the above orders are not a finding that the Wife has failed to establish jurisdiction. Neither do they suggest that the Husband challenge has merit. They are intended to ensure that the jurisdictional question is decided on an adequate and properly tested evidential basis.

Conclusion

39 Section 93(1) of the Charter requires a genuine jurisdictional connection between at least one spouse and Singapore, established through domicile or three years of habitual residence. The Court's task is to identify the statutory requirements, examine the facts material to them, and ensure that the parties have a fair opportunity to address them.

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40 For the avoidance of doubt, nothing in this judgement is intended to apply to cases where (a) an applicant relies on his or her Singapore PR status to satisfy the requirements in s 93(1) of the Charter and (b) the Court's jurisdiction to hear the divorce application is not disputed.

Kow Keng Siong
District Judge

Audrey Koo (M/s Advox Law LLC) for the Father.
Kevin Cheng (M/s Invictus Law Corporation) for the Mother.

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