

Act for the Recruitment and Employment of Foreign Professional Talent (Draft)

Text	Explanation
<p>Article 1 (Purpose of Legislation)</p> <p>This Act is made for the purpose of enhancing the recruitment and employment of foreign professional talent, as a means of raising national competitiveness.</p>	<ol style="list-style-type: none"> 1. This specifies the purpose of this law's enactment. 2. In this era of the globalized knowledge economy, sufficiency and quality of talent is a core factor in international competitiveness. Taiwan is currently facing the challenges of an exodus of talent and fierce competition among countries to attract talent. Hence, this law is drawn up to enhance Taiwan's recruitment and employment of foreign talent, and thus raise its ability to compete internationally. 3. This draft law involves work permits, visas, residence, and other matters concerning foreign professionals. The responsible authorities for such matters have been stipulated in each Article, and such authorities will undertake execution and clarification of the provisions at such time as is appropriate. Hence, taking consideration of the stylistic rules of the Freedom of Government Information Act, the Competent Authority is not otherwise stipulated in the draft of this law.
<p>Article 2 (Order of Application of</p>	<ol style="list-style-type: none"> 1. This specifies the Act's status in the order of precedence for the

<p>Law)</p> <p>This Act makes provision for foreign nationals who engage in professional work, seek employment, or take up internship within the territory of the Republic of China (hereafter referred to as “the State”). Matters not covered by this Act shall be governed by the provisions of the Employment Services Act, the Supplementary Education Act, the Immigration Act, the Income Tax Act, the Income Basic Tax Act, the Labor Pension Act, the Act Governing the Retirement of School Teachers and Staff, and the National Health Insurance Act.</p>	<p>application of related laws.</p> <p>2. In the order of application of law, the provisions of this Act take precedence over the application of other related laws. But where matters are not covered by the provisions of this Act, or where the application of other related laws is not expressly excluded in the provisions of this Act, the relevant provisions of other laws must be applied.</p>
<p>Article 3 (Definition of Terms)</p> <p>Terms used in this Act are defined as follows:</p> <p>1. “Professional work” means the following work:</p> <p>(1) Work as listed in Article 46 Paragraph 1 Subparagraphs 1 to 6 of the Employment Services Act.</p> <p>(2) Teachers of non-academic classes in short-term tutorial schools registered in accordance with the Supplementary Education Act.</p> <p>2. “Special professional” means a person with special expertise, skill or ability of a kind needed by the State in the fields of science & technology, economy, education, culture, arts, sport, and others, the scope whereof shall be decided by the Executive</p>	<p>This defines terms used in the Act:</p> <p>1. The first subparagraph stipulates that “professional work” includes the kinds of work listed in Article 46 Paragraph 1 Subparagraphs 1 to 6 of the Employment Services Act, and also includes teachers of non-academic classes in short-term tutorial schools registered in accordance with the Supplementary Education Act.</p> <p>2. The second subparagraph stipulates that “special professional” means a person with special expertise, skill or ability of a kind needed by this country in fields including, but not limited to, science & technology, economy, education, culture, arts, and sport. It also stipulates that the scope of such</p>

<p>Yuan.</p>	<p>qualification as a special professional shall be decided separately by the Executive Yuan.</p>
<p>Article 4 (Professional Work Permit)</p> <p>An employer hiring a foreign national to engage in professional work, as referred to in Article 3 Subparagraph 1 Item 1, within the territory of the State, shall apply for a permit to the Ministry of Labor, submitting the relevant documents therewith, and the application shall be processed in accordance with the provisions of the Employment Services Act.</p>	<p>This stipulates that an employer who wishes to hire a foreign national to do professional work in Taiwan, as referred to in Article 3 Subparagraph 1 Item 1, must submit a work permit application and the requisite accompanying documents to the Ministry of Labor, and that the application will be processed as prescribed in the Employment Services Act.</p>
<p>Article 5 (Work and Residence of Teachers of Non-academic Classes in Short-Term Tutorial Schools)</p> <p>An employer hiring a foreign national to engage in professional work as a teacher of non-academic classes in a short-term tutorial school, as referred to in Article 3 Subparagraph 1 Item 2, within the territory of the State, shall apply for a permit to the Ministry of Labor, submitting the relevant documents therewith. The job qualifications and screening criteria therefor shall be set by the Ministry of Labor in consultation with the relevant central competent authorities.</p> <p>The hiring of a foreign national under the preceding paragraph shall be governed, mutatis mutandis, by the</p>	<p>1. Under the current provisions of the Employment Services Act, foreign nationals may teach only foreign languages in short-term tutorial schools. But in order to respond to the rapidly changing needs of industrial development, by recruiting foreign teachers of non-academic subjects to teach in Taiwan as a means of helping elevate the skills of domestic talent, Paragraph 1 of this Article makes provision for employers to hire foreign nationals to engage in professional work as teachers of non-academic classes in short-term tutorial schools, as referred to in Article 3 Subparagraph 1 Item 2 of this Act, within the territory of this</p>

<p>provisions of Chapter 5 to Chapter 7 of the Employment Services Act; and said foreign national's residence application shall be subject, mutatis mutandis, to the provisions of Chapter 5 of the Immigration Act.</p>	<p>country. Such an employer must apply to the Ministry of Labor for a work permit for such a teacher, submitting all relevant documents with the application. The Ministry of Labor is mandated to consult with the relevant central competent authorities in setting the job qualifications and screening criteria for such teachers.</p> <p>2. Paragraph 2 stipulates that the hiring of a foreign national under the preceding paragraph shall be subject to the application, mutatis mutandis, of the provisions of Chapters 5 to 7 of the Employment Services Act, and that such person's application for residence in Taiwan shall be subject, mutatis mutandis, to the provisions of Chapter 5 of the Immigration Act.</p>
<p>Article 6 (Extension of Work and Residence Period for Special Professionals)</p> <p>The employment permit of a foreign special professional hired to engage in professional work shall be for a term of up to five years. When continuation of employment is necessary at the expiration of that term, the employer may apply for an extension, and this will not be subject to the limitation prescribed in Article 52 Paragraph 1 of the Employment Services Act.</p> <p>A foreign special professional</p>	<p>1. To attract foreign special professionals, drawing reference from the methods adopted in Japan and Korea for such purpose, Paragraphs 1 and 2 of this Article provide for the work and residence permits of qualifying professionals to be extended from the current maximum term of three years to a maximum term of five years.</p> <p>2. Screening and approval for such employment permits with a maximum duration of five years will be conducted by the Ministry</p>

<p>who has obtained an employment permit as referred to in the preceding paragraph may apply for residence to the National Immigration Agency, Ministry of the Interior, and having received approval, will be issued with an Alien Resident Certificate. The Alien Resident Certificate shall be valid for a period of up to five years starting from the date of approval. When continuation of residence is necessary, an application for extension shall be made to the National Immigration Agency, Ministry of the Interior, before the time limit on residence expires, and the limitation prescribed in Article 22 Paragraph 3 of the Immigration Act shall not apply.</p>	<p>of Labor.</p>
<p>Article 7 (Employment Gold Card)</p> <p>A foreign special professional who plans to engage in professional work within the territory of the State may apply to the National Immigration Agency, Ministry of the Interior, for a four-in-one Employment Gold Card that combines work permit, resident visa, Alien Resident Certificate and re-entry permit. Before the National Immigration Agency, Ministry of the Interior, issues an Employment Gold Card, it shall conduct screening in collaboration with the Ministry of Labor and the Ministry of Foreign Affairs, and the limitations prescribed in Article 43 and Article 53 Paragraph 1 of the Employment Services Act shall not apply.</p> <p>An Employment Gold Card as</p>	<p>1. Feedback from foreign nationals indicates that it is not easy to apply for a work permit, that it is difficult for them to change jobs, that they cannot hold two or more jobs concurrently, and that they must separately apply for work permits every time they accept paid employment in the private sector to provide short-term consultancy, technical guidance, and suchlike, and even to deliver a lecture. As a solution to the inconveniences of this situation, and drawing reference from Singapore’s Personalized Employment Pass (PEP) system, the first paragraph of this Article provides that foreign special professionals who plan to engage</p>

referred to in the preceding paragraph shall be valid for a term of one to three years. Before its expiration, a holder who meets specified conditions may apply for its renewal.

When a foreign special professional as referred to in the first paragraph has held an Employment Gold Card valid for periods consecutively amounting to five years, and meets the requirements stipulated in the subparagraphs of Article 25 Paragraph 1 of the Immigration Act, such person may apply for permanent residence to the National Immigration Agency, Ministry of the Interior, and the requirement of residence in this country for more than 183 days in each year as stipulated in said Article shall not apply.

Regulations on the application and screening procedures, the stipulated requirements for renewal applications, and management and other matters pertaining to foreign special professionals as referred to in the first and second paragraphs, shall be set by the Ministry of the Interior in consultation with the Ministry of Labor and the Ministry of Foreign Affairs.

in professional work within the territory of this country may apply to the Ministry of the Interior's National Immigration Agency (NIA) for a four-in-one Employment Gold Card that combines work permit, resident visa, Alien Resident Certificate and re-entry permit. It also stipulates that, before the NIA issues an Employment Gold Card, it shall conduct screening in collaboration with the Ministry of Labor and the Ministry of Foreign Affairs, and the limitations prescribed in Article 43 and Article 53 Paragraph 1 of the Employment Services Act shall not apply.

2. Paragraph 2 stipulates that Employment Gold Cards shall be valid for a duration of one to three years, and that holders who meet specified conditions may apply for their extension, provided they submit such application before the card's current term expires.
3. Paragraph 3 provides that foreign special professionals who have been Employment Gold Card holders for five years consecutively, and who meet the requirements stipulated in the subparagraphs of Article 25 Paragraph 1 of the Immigration Act, may apply for permanent residence to the NIA, and shall

	<p>not be subject to the requirement of residence in Taiwan for more than 183 days in each year as stipulated in that Article.</p> <p>4. Paragraph 4 stipulates that regulations on the application and screening procedures, the stipulated requirements for renewal applications, and management and other matters pertaining to such foreign special professionals, are mandated to be set by the Ministry of the Interior in consultation with the Ministry of Labor and the Ministry of Foreign Affairs.</p>
<p>Article 8 (Tax Benefit for Special Professionals)</p> <p>Where a foreign national is hired to engage in professional work, is a special professional needed by the State, does not have household registration within the territory of the Republic of China, and is approved to reside in Taiwan for the purpose of work, then starting from the year in which these provisions come into effect, within three years starting from the tax year in which said person for the first time meets the conditions of residing in Taiwan for a full 183 days of the year and having salary income of more than two million NT dollars, the part of said person's salary income above two million NT dollars in each such tax year in which said person resides in Taiwan for fully 183 days</p>	<p>1. Feedback from foreign nationals indicates that this country's tax policy is relatively unattractive compared with the tax benefits offered to foreign nationals by neighboring countries such as Singapore and Hong Kong. Some foreign nationals have cited this as a reason for their being unwilling to stay to work in Taiwan, hence it is disadvantageous for this country's industrial upgrading and development. Therefore, in order to provide an inducement to attract special professionals to Taiwan, and thereby raise the competitiveness of the whole industrial environment, the first paragraph of this Article stipulates that foreign nationals</p>

shall be halved in amount in the computation of total income for the assessment of individual income tax liability in that year, and the provisions of Article 12 Paragraph 1 Subparagraph 1 of the Income Basic Tax Act shall not apply.

Where a foreign special professional as referred to in the preceding paragraph, in a tax year within the three-year period as referred to in the preceding paragraph, does not reside in Taiwan for fully 183 days or does not have salary income of more than two million NT dollars, the tax benefit as referred to in the preceding paragraph shall be sequentially deferred to another tax year in which the person resides in Taiwan for fully 183 days and has salary income of more than two million NT dollars during the period of the same approval to work in Taiwan.

Regulations on approving the period of work in Taiwan of foreign special professionals as referred to in the preceding two paragraphs, the documentary proofs required for submission, and other related matters, shall be set by the Ministry of Finance in consultation with related authorities.

who are hired to engage in professional work, who are special professionals needed by this country, who do not have household registration within the territory of the Republic of China, and who are approved to reside in Taiwan for the purpose of work, shall, from the year in which this provision comes into effect, within three years calculated from the tax year in which they first meet the conditions of residing in Taiwan for more than 183 days and having salary income of more than NT\$2 million, in each such tax year in which they meet those two conditions, have half of the part of their salary income above NT\$2 million excluded from computation of their total income for the assessment of individual income tax liability in that year, and the provisions of Article 12 Paragraph 1 Subparagraph 1 of the Income Basic Tax Act shall not apply.

2. Paragraph 2 stipulates that, where a foreign special professional, in a tax year within the first three years as referred to in the preceding paragraph, does not reside in Taiwan for fully 183 days or does not have salary income of more than NT\$2 million, the tax benefit referred to in the preceding paragraph may

	<p>be sequentially deferred to another tax year in which the person resides in Taiwan for fully 183 days and has salary income of more than NT\$2 million during the period of the same approval to work in Taiwan.</p> <p>3. Paragraph 3 stipulates that regulations on approving the period of work in Taiwan of foreign special professionals who are needed by this country, the documentary proofs required for submission, and other related matters, are mandated to be set by the Ministry of Finance in consultation with related authorities.</p>
<p>Article 9 (Freelance Artists)</p> <p>A foreign artist who possesses distinctive or uncommon qualities may, without needing to apply through an employer, apply direct to the Ministry of Labor for a permit to engage in freelance artistic work within the territory of the State, and without being subject to the restriction prescribed in Article 43 of the Employment Services Act.</p> <p>A permit to engage in freelance artistic work as referred to in the preceding paragraph shall be valid for up to a maximum of three years. The holder may apply for residence to the National Immigration Agency, Ministry of the Interior, under the mutatis mutandis application of Article 23 of the Immigration Act, and having</p>	<p>1. In order to enhance Taiwan’s environment for cultural and artistic employment, Paragraph 1 of this Article stipulates that foreign artists who possess distinctive or uncommon qualities may themselves apply for a special work permit, without needing to have an employer apply for them. They may apply to the Ministry of Labor for a permit to engage in artistic work within the territory of this country, and this will not be subject to the restriction prescribed in Article 43 of the Employment Services Act.</p> <p>2. Paragraph 2 stipulates that such work permit shall have a duration of up to three years, and that the</p>

<p>been approved, be issued with an Alien Resident Certificate. When necessary, said person may apply for an extension thereof.</p> <p>Regulations on the qualifying conditions, application and screening procedures, extension conditions, and management and other matters pertaining to foreign artists as referred to in the first paragraph shall be set by the Ministry of Labor in consultation with the relevant central competent authorities.</p>	<p>holder may apply for residence to the National Immigration Agency, Ministry of the Interior, and if approved, shall be issued with an Alien Resident Certificate.</p> <p>3. Paragraph 3 stipulates that regulations on the qualifying conditions, application and screening procedures, extension conditions, and management and other matters pertaining to foreign artists as referred to in the first paragraph are mandated to be set by the Ministry of Labor in consultation with the relevant central competent authorities.</p>
<p>Article 10 (New Labor Pension System)</p> <p>Foreign nationals who are hired to engage in professional work, and who have been approved for permanent residence by the National Immigration Agency, Ministry of the Interior, shall be included in the coverage of the Labor Pension Act. Their pension application and transition, contributions to and claims against individual pension fund accounts, supervision and its funding, penalties, and other matters shall be subject, mutatis mutandis, to the provisions of said Act.</p>	<p>Considering that foreign nationals who obtain permanent residence in Taiwan have done so with the purpose of developing their lives and careers in Taiwan as their permanent home, and hence should be accorded parity of treatment with ROC citizens, it follows that they should be included in the coverage of the labor pension system, to safeguard them in their old age. Accordingly, this Article prescribes their inclusion as subjects of coverage under the Labor Pension Act.</p>
<p>Article 11 (Retirement of Foreign Teachers)</p> <p>A foreign national who is currently employed as a full-time,</p>	<p>1. Considering that foreign nationals who are currently employed as full-time, qualified, paid teachers within the</p>

qualified, paid teacher within the authorized manning strength of a public school in the State, and who has been approved for permanent residence by the National Immigration Agency, Ministry of the Interior, shall have matters concerning their retirement governed, mutatis mutandis, by the Act Governing the Retirement of School Teachers and Staff, and may opt for either a one-time lump sum pension payment or a monthly pension, without being subject to the limitation prescribed in the proviso to Article 20 of said Act.

Where a retired foreign teacher has received a monthly pension as referred to in the preceding paragraph, and said person's permanent residence permit has been revoked or cancelled by the National Immigration Agency, Ministry of the Interior, their right to claim the monthly pension shall be suspended.

authorized manning strength of public schools in Taiwan, and who have obtained permanent residence, have done so with the purpose of developing their lives and careers in Taiwan as their permanent home, and hence should be accorded parity of treatment with ROC citizens, it follows that they should enjoy retirement benefits similar to those of teachers who are ROC citizens, to safeguard them in their old age. Accordingly, this Article stipulates that matters relating to their retirement should be governed, mutatis mutandis, by the provisions of the Act Governing the Retirement of School Teachers and Staff, and that they may choose to receive either a one-time lump-sum pension payment or a monthly pension, and that this should not be subject to the restriction prescribed in the proviso to Article 20 of that Act.

2. Currently, full-time, qualified, paid teachers within the authorized manning strength of public elementary and junior high schools are required to hold teaching certificates, and the fact is that there are no foreign nationals holding full-time positions as teachers in such schools.
3. Paragraph 2 stipulates that, where

	<p>a retired foreign teacher who has been receiving a monthly pension has his or her permanent residence permit revoked or canceled by the National Immigration Agency under the Ministry of the Interior, that person's right to claim the monthly pension will be suspended.</p>
<p>Article 12 (Family Visit Stay of Lineal Ascendants)</p> <p>Where a foreign special professional is hired to engage in professional work, and has been approved for residence or permanent residence by the National Immigration Agency, Ministry of the Interior, a lineal ascendant of said person may apply to the Ministry of Foreign Affairs or one of its overseas missions for the issuance of a visitor visa, valid for one year, for multiple entry, for a stay of up to six months, without annotation by the visa-issuing authority of a restriction disallowing extension or other limitation. In case of need to continue the stay, then prior to the expiration of the time limit on the stay, said person may apply for an extension to the National Immigration Agency, Ministry of the Interior, without having to leave the country. The total length of such stay is limited to a maximum of one year, and is not subject to the six-month limitation of stay prescribed in Article 3 Subparagraph 7 of the Immigration</p>	<p>This provision draws reference from Singapore, where the lineal ascendants of Employment Pass (EP) holders whose monthly salary reaches a specified level (10,000 Singapore dollars) can apply for long-term family visitor visas. To enhance the inducements for foreign professionals to come to Taiwan, this Article stipulates that, in the case of foreign special professionals who are hired to engage in professional work and who have been approved for residence or permanent residence by the Ministry of the Interior's National Immigration Agency, their lineal ascendants may apply to stay in Taiwan for a family visit, up to a maximum total period of one year for each stay, and this will not be subject to the six-month limit prescribed in Article 10 of the Act Governing the Issuance of Visas in Foreign Passports and Article 3 Subparagraph 7 of the Immigration Act.</p>

Act.	
<p>Article 13 (Inclusion in National Health Insurance)</p> <p>Where a foreign national is employed to engage in professional work, said person's spouse, minor children and newborn infants born in Taiwan, having obtained documentary proof of residence, shall participate in National Health Insurance as insured persons, without being subject to the requirement of a full six months of residence in Taiwan prescribed in Article 9 Subparagraph 1 of the National Health Insurance Act.</p>	<p>This Article stipulates that the spouses, minor children and Taiwan-born infants of foreign nationals who are employed to engage in professional work shall, subject to having obtained documentary proof of their residence in Taiwan, be entitled to coverage under the National Health Insurance system, and that such eligibility shall not be restricted by Article 9 Subparagraph 1 of the National Health Insurance Act, which limits coverage to those who have resided in Taiwan for a full six months.</p>
<p>Article 14 (Permanent residence for Family Members of Senior Professionals)</p> <p>Where a foreign national applies for permanent residence as a senior professional needed by the State, under the provisions of Article 25 Paragraph 3 Subparagraph 2 of the Immigration Act, said person's spouse and minor children may apply for permanent residence with said person. In the event that said foreign national's permanent residence permit is revoked or cancelled under the provisions of any subsection of Article 33 of the Immigration Act, the permanent residence permits of said person's spouse and minor children shall be simultaneously revoked or cancelled.</p>	<p>To help attract high-grade foreign talent to Taiwan, and increase incentives for such people to establish permanent residence in Taiwan, this Article relaxes the law pertaining to the granting of permanent residence to family members of foreign senior professionals who are needed by this country. It does so by prescribing that, when they apply for permanent residence under Article 25, Paragraph 3 Subparagraph 2 of the Immigration Act, their spouse and minor children may apply for permanent residence together with them. However, if the foreign senior professional's permanent residence is revoked or canceled for any reason, the family members'</p>

	<p>permanent residence will be revoked or canceled at the same time (unless they meet conditions for retaining it through some qualification other than as family members of the foreign senior professional).</p>
<p>Article 15 (Permanent residence for Family Members of Permanent Resident Foreign Professionals)</p> <p>Where a foreign national is employed to engage in professional work and has been approved for permanent residence by the National Immigration Agency, Ministry of the Interior, said person’s spouse and minor children, having resided in Taiwan lawfully and continuously for five years, and having stayed in Taiwan for more than 183 days in each of those years, may apply for permanent residence to the National Immigration Agency, Ministry of the Interior, and shall not be subject to the limitations prescribed in Article 25 Paragraph 1 Subparagraphs 1 and 3 of the Immigration Act.</p> <p>In the event that the permanent residence permit of a foreign national as referred to in the preceding paragraph is revoked or cancelled in accordance with the provisions of this Act or of any of the subsections of Article 33 of the Immigration Act, the permanent residence permits of said person’s spouse and minor children shall be simultaneously revoked or cancelled.</p>	<p>1. Paragraph 1 makes provision for the spouse and minor children (under 18 years of age) of a foreign national to apply for permanent residence if said foreign national is employed to engage in professional work and has already been approved for permanent residence by the Ministry of the Interior’s National Immigration Agency. For eligibility to apply for permanent residence, the spouse and minor children must have resided continuously and lawfully in Taiwan for five years, and must have stayed in Taiwan for more than 183 days in each of those five years. If they meet those conditions, they may apply for permanent residence to the National Immigration Agency under the Ministry of the Interior, and their application will not be subject to the limitations prescribed in Article 25 Paragraph 1 Subparagraphs 1 and 3 of the Immigration Act: that is, the requirements for an applicant to be at least 20 years of age and to possess certain property, skills and talents, as stipulated for a</p>

	<p>stand-alone application for permanent residence. Furthermore, a spouse who meets the conditions set out in Article 25 Paragraph 1 of the Immigration Act may also apply for permanent residence under such provision of the law.</p> <p>2. Paragraph 2 stipulates that, if a foreign national's permanent residence permit is revoked or cancelled, then that person's spouse and minor children, having lost their eligibility for permanent residence as family members of a permanent resident, will also have their permanent residence permits revoked or cancelled at the same time.</p>
<p>Article 16 (Work for Adult Children of Permanent Resident Foreign Professionals)</p> <p>Where a foreign national is employed to engage in professional work and has been approved for permanent residence by the National Immigration Agency, Ministry of the Interior, an adult child of said person may apply to the Ministry of Labor for a work permit to engage in work within the territory of the State, provided such child has obtained confirmation from the National Immigration Agency, Ministry of the Interior, of having met one of the conditions listed below, and shall not be subject to the limitations prescribed in Article 43, Article 46 Paragraphs 1</p>	<p>In recent years, Taiwan has come to face the social phenomena of a declining birth rate and an aging population. At the same time, the labor force participation rate has been falling year by year. Under these circumstances, it is beneficial for Taiwan to attract people of diverse talents to stay and serve this country. The adult children of foreign professionals who are engaged in professional work in Taiwan, and who have already obtained permanent residence here, fit this purpose well if they meet the conditions of having lawfully stayed here for a certain length of time as stipulated, since it means that they already have a relatively close</p>

<p>and 3, Article 47, Article 52, Article 53 Paragraphs 3 and 4, Article 57 Subparagraph 5, Article 72 Subparagraph 4, and Article 74 of the Employment Services Act, and shall be exempt from payment of the employment security fees as prescribed in Article 55 of the Employment Services Act.</p> <ol style="list-style-type: none"> 1. Having lawfully accumulated ten years of residence in Taiwan, and having stayed in Taiwan for more than 270 days in each of those years. 2. Having entered Taiwan before the age of sixteen, and having stayed in Taiwan for more than 270 days each year. 3. Having been born in Taiwan, and having lawfully accumulated ten years of residence in Taiwan, and having stayed in Taiwan for more than 183 days in each of those years. 	<p>connection with this country. Therefore, and in consideration of according families the right to stay together, this Article provides for relaxing the law to allow them to apply to the Ministry of Labor for personalized work permits, enabling them to take up employment in Taiwan. The Article stipulates that, if a foreign national is employed in professional work in Taiwan and has been approved for permanent residence by the Ministry of the Interior's National Immigration Agency, then his or her adult children who meet the prescribed conditions may engage in employment within the territory of this country. They may apply for personal work permits in accordance with the current provisions of Article 51 of the Employment Services Act, will not be subject to the limitations prescribed in Article 43, Article 46 Paragraphs 1 and 3, Article 47, Article 52, Article 53 Paragraphs 3 and 4, Article 57 Subparagraph 5, Article 72 Subparagraph 4, and Article 74 of that Act, and will be exempt from payment of the employment security fees as prescribed in Article 55 of the same Act.</p>
<p>Article 17 (Cancellation of Permanent residence) Where a foreign national, having obtained approval for permanent</p>	<p>As currently stipulated in Article 33 of the Immigration Act, if a foreign national has not resided in Taiwan for at least 183 days of any year</p>

<p>residence from the National Immigration Agency, Ministry of the Interior, subsequently leaves the country for more than five years without re-entering, the National Immigration Agency, Ministry of the Interior, may revoke said person's permanent residence permit and cancel said person's Alien Permanent Resident Certificate, without application of the provisions of Article 33 Paragraph 1 Subparagraph 4 of the Immigration Act.</p>	<p>during his or her permanent residence, the Ministry of the Interior's National Immigration Agency shall revoke that person's permanent residence permit and cancel their Alien Permanent Resident Certificate. Taking account of the fact that high-level white-collar personnel will often need to depart on business trips for uncertain periods, and that there may be long periods when they are unable to stay in Taiwan; and in order to help recruit foreign professionals to come to Taiwan, to raise national competitiveness, and to induce foreign business people to stay rooted in Taiwan; and taking reference from related measures adopted in Japan, Korea, Singapore and other neighboring Asian countries, this Article relaxes the restrictive provision as to the number of days in a year that a permanent resident must remain in the country, but instead stipulates that a permanent resident who stays away from Taiwan for more than five years may have their permanent residence permit revoked and their Alien Permanent Resident Certificate cancelled.</p>
<p>Article 18 (Long-term Stay for Seeking Employment) A foreign national who plans to engage in professional work inside the territory of the State, and who needs a long period to seek employment, may</p>	<p>1. To provide for foreign nationals who intend to engage in professional work within the territory of this country and who need a long stay to seek employment, Paragraph 1</p>

apply to the Ministry of Foreign Affairs or one of its overseas missions for the issuance of a visitor visa, valid for one year, for multiple entry, for a stay of up to six months, without annotation by the visa-issuing authority of a restriction disallowing extension or other limitation. In case of need to continue the stay, then prior to the expiration of the time limit on the stay, said person may apply for an extension to the National Immigration Agency, Ministry of the Interior, without having to leave the country. The total length of such stay is limited to a maximum of one year, and is not subject to the six-month limitation of stay prescribed in Article 3 Subparagraph 7 of the Immigration Act.

Where a foreign national is already lawfully studying, or engaging in professional work as referred to in Article 3 Paragraph 1, inside the territory of the State, then before the expiration of the time limit on their residence, and provided they have not applied to the National Immigration Agency, Ministry of the Interior, under the provisions of the Immigration Act to defer departure from the territory for up to six months after the expiration of the original residence time limit, may apply for an employment-seeking visitor visa under the provisions of the preceding paragraph.

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stipulates that they may apply to the Ministry of Foreign Affairs or one of its overseas missions for the issuance of a visitor visa that is valid for one year, allows multiple entry and a stay of up to six months, and is not annotated by the visa-issuing authority with a restriction disallowing extension or other limitation. If they need to continue their stay, then before the expiration of the initial period of stay, they may apply for an extension to the Ministry of the Interior's National Immigration Agency, and will not have to leave the country for this. The total length of stay allowed for this purpose is limited to a maximum of one year, and a stay under this provision will not be subject to the six-month limitation of stay prescribed in Article 3 Subparagraph 7 of the Immigration Act.

2. Paragraph 2 makes provision for foreign students who graduate from studies inside the territory of this country, and for foreign nationals who leave employment in professional work as covered by Article 3 Paragraph 1 of this Act. If such people plan to engage in professional work within the territory of this country, and need some time to stay here for the purpose of

the same reason again within three years to apply for a visitor visa as referred to in the first paragraph.

Regulations on the qualifying conditions, extension conditions, screening procedure, management and other issues pertaining to foreign nationals as referred to in the first paragraph shall be set by the Ministry of Foreign Affairs in consultation with the Ministry of the Interior and the relevant central competent authorities, taking account of the need for talent.

seeking work, then before the expiration of the time limit on their stay, they may elect either to apply to stay under the provisions of this Article, or elect to defer departure from the territory for up to six months after the expiration of their original visa under the provisions of Article 22 and Article 22-1 of the Regulations Governing Visiting, Residency and Permanent residence of Aliens, as set under the authority of Article 35 of the Immigration Act.

3. Considering that the proper purpose of coming to Taiwan to seek employment is to turn this into formal employment, and to prevent misgivings that this relaxation of the law might be abused, Paragraph 3 stipulates that a person may not apply again for a long-term visitor permit for the same reason within three years.
4. Paragraph 4 stipulates that regulations on the qualifying conditions, extension conditions, screening procedure, management and other issues pertaining to foreign nationals as referred to in the first paragraph of this Article shall be set by the Ministry of Foreign Affairs in consultation with the Ministry of the Interior and the relevant central competent authorities, and

	<p>that the state of need for talent will be taken into account in the setting of these regulations.</p>
<p>Article 19 (Long-term Stay for Internship)</p> <p>A foreign student who is enrolled in an academic institution on the reference list of overseas higher education institutions compiled by the Ministry of Education, or a foreign graduate who has graduated from such institution within the preceding two years, having obtained approval from the relevant central competent authority, may engage in a long-term internship stay to conduct activity related to a department (or graduate institute) in which they studied, in a corporation, an academic or research institution, or a place where certified professionals provide professional services, within the territory of the State.</p> <p>A foreign student or graduate as referred to in the preceding paragraph may apply to the Ministry of Foreign Affairs or one of its overseas missions for the issuance of a visitor visa, valid for one year, for multiple entry, for a stay of up to six months, without annotation by the visa-issuing authority of a restriction disallowing extension or other limitation. In case of need to continue the stay, then prior to the expiration of the time limit on the stay, said person may apply for an extension to the National Immigration Agency, Ministry of the Interior,</p>	<ol style="list-style-type: none"> 1. Paragraph 1 makes provision for foreign students or graduates of overseas academic institutions to take up internships in Taiwan. Students will be eligible if they are enrolled as students at, or within the preceding two years have graduated from, an institution on the Ministry of Education’s reference list of overseas higher education institutions. They are also required to have gained approval from the relevant central competent authority. If they meet these requirements, they may come for a long-term stay to take up an internship in Taiwan. Internships are permitted in corporations, in academic or research institutions, and in places where certified professionals provide professional services (such as law offices and accounting firms). The internship must be related to the department (or graduate institute) in which the person was a student. 2. Currently, the various regulations set by the relevant central competent authorities concerning foreign students or foreign nationals coming to Taiwan for internships (such as the

without having to leave the country. The total length of such stay is limited to a maximum of one year. However, such person who matches fields of science, technology, engineering, mathematics, and other specializations approved by the relevant central competent authorities may apply for a visitor visa valid for two years, for multiple entry, for a stay of up to six months, without annotation by the visa-issuing authority of a restriction disallowing extension or other limitation. In case of need to continue the stay, then prior to the expiration of the time limit on the stay, said person may apply for an extension to the National Immigration Agency, Ministry of the Interior, without having to leave the country. The total length of such stay is limited to a maximum of two years.

The time limit of the stay as referred to in the preceding paragraph is not subject to the six-month limitation of stay prescribed in Article 3 Subparagraph 7 of the Immigration Act.

Regulations on the qualifying conditions, number of people, application and screening procedures, and management and other matters pertaining to the foreign students or graduates as referred to in the first paragraph shall be set by each relevant central competent authority.

Directions on Enterprises and Corporate Bodies Applying for Foreign Students to Come to the ROC for Internship, and the Directions on the Internship of Foreign Nationals in ROC Law Offices) are concerned with short-term internship stays, hence they are different in nature from the long-term internships covered herein, and do not come within the scope of this Article.

3. Paragraph 2 stipulates that a foreign student or graduate who has been approved to take up an internship in Taiwan may apply to the Ministry of Foreign Affairs or one of its overseas missions for the issuance of a visitor visa that is valid for one year, allows multiple entry and a stay of up to six months, and is not annotated by the visa-issuing authority with a restriction disallowing extension or other limitation. If they need to continue their stay, then before the expiration of the initial period of stay, they may apply for an extension to the Ministry of the Interior's National Immigration Agency, and will not have to leave the country for this. The total length of such stay is limited to a maximum of one year. However, those who match fields of science, technology, engineering, mathematics and other

specializations approved by the relevant central competent authorities may apply for a visitor visa that is valid for two years, allows multiple entry and a stay of up to six months, and is not annotated by the visa-issuing authority with a restriction disallowing extension or other limitation. If there is a need to continue the internship, then prior to the expiration of the time limit on the stay, the person may apply for an extension to the Ministry of Foreign Affairs' Bureau of Consular Affairs or its branch office, without having to leave the country. The total length of such stay is limited to a maximum of two years.

4. Paragraph 3 stipulates that long-term internship stays under the provisions of this Article are not subject to the six-month limitation of stay prescribed in Article 10 of the Act Governing the Issuance of Visas in Foreign Passports and Article 3 Subparagraph 7 of the Immigration Act.
5. Paragraph 4 stipulates that regulations on the qualifying conditions, number of people, application and screening procedures, and management and other matters pertaining to the long-term internship of foreign students or graduates, as provided

	for by this Article, are mandated to be set by each relevant central competent authority.
<p>Article 20 (Mutatis Mutandis Application to Residents of Hong Kong and Macau)</p> <p>The provisions of Article 5, Article 6, Articles 7 to 9, Article 13, Article 18 and Article 19 apply, mutatis mutandis, to residents of Hong Kong or Macau.</p>	<p>Taking consideration of the provisions of Article 13 of the Act Governing Relations with Hong Kong and Macau, which stipulates that residents of Hong Kong or Macau shall be subject to the mutatis mutandis application of the provisions of the Employment Services Act concerning the employment and management of foreign nationals, this Article accordingly stipulates that Articles 5, 6, 7 to 9, 13, 18 and 19 shall apply, mutatis mutandis, to residents of Hong Kong or Macau.</p>
<p>Article 21 (Effective Date)</p> <p>The effective date of this Act shall be decided by the Executive Yuan.</p>	<p>Stipulates when this Act will go into effect.</p>