

## **General Introduction to the New Economic Immigration Bill**

The impact of Taiwan's low birth rate and population aging is growing increasingly evident. The country's working age population began to fall after reaching its peak in 2015. The total population is projected to start exhibiting negative growth in 2022, with the working age population falling below 66.7 percent of the total population in 2027, bringing the period of its demographic dividend to an end.

Taiwan urgently needs to respond to these changes in the demographic structure, as well as to the difficulties caused by the increasingly intense international competition for talent and the marked shortages of the technical talent required by domestic industries, by recruiting and supplementing high-grade foreign manpower and talent to augment the manpower resources needed for national development. As a means to boost industrial upgrading, maintain a reasonable population structure, and raise national competitiveness, this is a vital objective that brooks no delay.

Hence, this proposed legislation will relax and broaden the applicable scope of regulations governing qualification to work and stay in Taiwan, access to permanent residence, rights of dependents, and other aspects of the treatment offered to foreign professionals, foreign mid-level technicians, and overseas compatriots. Also, given that regulation of economic immigration is currently dispersed among various immigration laws and regulations, this new act will serve to enhance administrative efficiency and focus policy implementation by bringing together all pertinent provisions in a single statute, thereby adding greater force to recruitment efforts.

To help attract the foreign professionals needed for the digital economy era and the rapid shift in business models, it is planned to relax their conditions for obtaining work permits and to establish more liberal conditions for their employment and for eligibility to employ

them.

To solve the shortage of mid-level technical manpower needed by domestic industries, this bill draws reference from international practices in mapping out proposals for the employment of foreign students and basic-level foreign personnel who possess mid-level technical work skills, as well as for directly importing foreign nationals with mid-level technical work skills. Such kinds of technical manpower will all need to meet requirements of salary level and job qualifications. There will also be a total number cap and individual industry quotas. With regard to directly bringing in mid-level technical manpower from abroad, there will be a sunrise clause tied to the situation of employment of the other two aforesaid types of technical manpower and the needs of domestic industries.

In addition, considering the large number of our compatriots residing overseas, and that there are many among them with prime skills and expertise who ought to be actively targeted for recruitment, this bill proposes relaxing the current entry permit, residence and other rules applicable to overseas compatriots who possess ROC nationality under the Nationality Act.

The bill proposes relaxing conditions pertaining to permanent residence, dependents, and so on for foreign professionals, as well as stipulating conditions for permanent residence of mid-level technicians, and conditions for stay and permanent residence of their dependents. For foreign nationals who obtain permanent residence, it proposes providing Employment Insurance and New Labor Pension System coverage, plus ancillary measures for relevant social security and living assistance, to establish a friendlier immigration environment.

The proposed bill contains a total of 43 articles, the main substance of which is as follows:

1. Stating the purpose of the law, its relationship with the application of

other laws, the competent authority, and the definition of terms. (Articles 1 to 4)

2. Covering work permits, job qualifications, employer conditions, review standards, and employment permit and extension periods for foreign professionals, plus Employment Gold Cards for foreign special professionals. (Articles 5 to 8)
3. Setting out provisions on foreign professionals' visitor and resident visa applications, employment-seeking visas, change of visitor and residence permits, effective duration and extension of residence, and permanent residence. (Articles 9 to 13)
4. Setting out provisions on residence and permanent residence for dependent relatives of foreign professionals, personal work permits for adult children of foreign professionals, and family-visit stays for the lineal ascendants of foreign special professionals. (Articles 14 to 18)
5. Setting out provisions on work permits, categories of employment, job qualifications, and review standards for foreign mid-level technicians, and on the duration and extension of employment permission, industry quotas, total number cap, and change of employer. (Articles 19 to 23)
6. Setting out provisions on visitor and resident visa applications, change of visitor and residence permit, effective duration and extension of residence, and permanent residence for foreign mid-level technicians. (Articles 24 to 27)
7. Setting out provisions on residence and permanent residence for the dependent relatives of foreign mid-level technicians. (Articles 28 and 29)
8. Setting out provisions on work permits, entry permits, effective duration and extension of residence, and registered permanent

residence, for overseas compatriots engaging in employment under this Act. (Articles 30 to 32)

9. Setting out provisions on residence, permanent residence and registered permanent residence applying *mutatis mutandis* to dependent relatives of overseas compatriots. (Articles 33 and 34)
10. Ancillary measures for permanent residents. (Articles 35 to 40)
11. The *mutatis mutandis* application of relevant provisions to residents of Hong Kong and Macau who engage in work in the Taiwan Area under this Act. (Article 41)
12. Provisions concerning overseas compatriots who concurrently hold foreign nationality and use foreign passports to come to engage in work in Taiwan. (Article 42)

# Draft of New Economic Immigration Bill

Text	Explanation
<p><b>Article 1</b></p> <p>This Act is made for the purpose of actively recruiting talent and manpower needed for national economic development, as a means to boost industrial upgrading and improve the population structure, under the precondition of not affecting the employment opportunities and earning levels of citizens of the State, so as to heighten national competitiveness.</p>	<p>The purpose of this law is to respond to the trends of Taiwan's falling birth rate and population aging, as well as to the intense international competition for talent, and domestic industries' pronounced shortages of technical talent, by endeavoring to recruit talent and manpower needed for national economic development, under the basic precondition of not affecting job opportunities or earning levels of Taiwan's own citizens. This is aimed at strengthening industrial upgrading, improving the population structure, and promoting the constant progression of national development.</p>
<p><b>Article 2</b></p> <p>This Act makes provision for foreign nationals and overseas compatriots to engage in professional work or mid-level technical work in the Republic of China (hereafter referred to as "the State"). Matters not covered by this Act shall be governed by the provisions of the Act for the Recruitment and Employment of Foreign Professionals, the Employment Services Act, the Immigration Act, and other relevant laws and regulations.</p>	<p>The Act's relationship to the application of other relevant laws.</p>
<p><b>Article 3</b></p> <p>The Competent Authority for this Act is the National Development Council.</p> <p>Matters stipulated in this Act that involve the powers and responsibilities of other relevant central competent authorities</p>	<p>1. Considering that the overall planning, coordination and review of manpower resources development policy is one of the matters the National Development Council (NDC) is charged with undertaking (see Article 2</p>

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<p>shall be handled by each authority concerned.</p>	<p>Subparagraph 6 of the Organic Act of the National Development Council), so the first paragraph of this Article stipulates that the NDC is the Competent Authority for this Act.</p> <p>2. Matters prescribed in this Act concerning work permits, visas, residence, permanent residence, registered permanent residence, insurance, retirement, etc., for the targeted personnel and their dependent relatives, involve the powers and responsibilities of many central government authorities, including the Ministry of the Interior, the Ministry of Foreign Affairs, the Ministry of Education, the Ministry of Justice, the Ministry of Economic Affairs, the Ministry of Labor, the Ministry of Health and Welfare, the Ministry of Culture, the Ministry of Science and Technology, the Mainland Affairs Council, the Financial Supervisory Commission, and the Overseas Community Affairs Council. Hence, the second paragraph of this Article stipulates that where matters prescribed in this Act involve the powers and responsibilities of relevant central competent authorities, they shall be handled by the particular authority concerned.</p>
<p><b>Article 4</b></p>	<p>1. Defines terms used in the Act.</p>

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<p>Terms used in this Act are defined as follows:</p> <ol style="list-style-type: none"> <li>1. “Foreign professional” means a foreign national engaging in the following kinds of professional work (hereafter referred to as “professional work”)in the State: <ol style="list-style-type: none"> <li>(1) Specialized or technical work.</li> <li>(2) The director/manager/executive of a business invested in or set up by an overseas compatriot or foreign national with the approval of the government.</li> <li>(3) The following school teachers: <ol style="list-style-type: none"> <li>(a) Teachers at public or registered private institutes of higher education or at schools for foreign nationals.</li> <li>(b) Teachers at public or registered private schools of secondary education and below.</li> </ol> </li> <li>(4) The following short-term tutorial school (“buxiban”) teachers: <ol style="list-style-type: none"> <li>(a) Full-time foreign language teachers at short-term tutorial schools registered in accordance with the Supplementary Education Act.</li> <li>(b) Those possessing specialized knowledge or skills, and approved by the relevant central competent authorities in consultation with the Ministry of Education</li> </ol> </li> </ol> </li> </ol>	<ol style="list-style-type: none"> <li>2. The first to third subparagraphs are in accordance with the definitions in Article 4 of the Act for the Recruitment and Employment of Foreign Professionals, dividing foreign professionals into the three categories of foreign professional, foreign special professional, and foreign senior professional, according to their respective levels of qualification.</li> <li>3. The qualifying types of professional work listed in Subparagraph 1 Items 1 to 6 are as listed in the current provisions of Article 46 Paragraph 1 Subparagraphs 1 to 6 of the Employment Services Act. Item 3, besides including teachers at public or registered private schools of secondary education and below, to cover teachers of foreign languages in such schools as originally provided for, also extends to the hiring of subject teachers, to meet the schooling needs of the children of talent coming (or returning) to Taiwan from overseas and the government’s building of a bilingual environment. Item 4 covers <i>buxiban</i> teachers as currently provided for by Article 46 Paragraph 1 Subparagraph 4 of the Employment Services Act and by Article 4 Subparagraph 4 Item 2 of the Act for the Recruitment</li> </ol>

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<p>as teachers at short-term tutorial schools registered in accordance with the Supplementary Education Act.</p> <p>(5) Sports coaches and athletes.</p> <p>(6) Artistic and performing arts workers.</p> <p>2. “Foreign special professional” means a foreign national who possesses special expertise needed by the State in science &amp; technology, the economy, education, culture, the arts, sports, and other fields as stipulated in Article 4 Subparagraph 2 of the Act for the Recruitment and Employment of Foreign Professionals.</p> <p>3. “Foreign senior professional” means a senior professional needed by the State as prescribed in the Immigration Act.</p> <p>4. “Foreign mid-level technician” means a foreign national who possesses the requisite intermediate level of skills to engage in the State in the following mid-level technical work(hereafter referred to as “mid-level technical work”) for which industries have an unfilled need:</p> <p>(1) Technicians and associate professionals.</p> <p>(2) Craft &amp; related trades workers and machine &amp; equipment operators.</p> <p>(3) Personal health care workers.</p> <p>(4) Other work as specified by the</p>	<p>and Employment of Foreign Professionals. Item 6 follows the provisions of Article 46 Paragraph 1 Subparagraph 6 of the Employment Services Act, but does not include religious workers as specified therein, since no work permit application is currently required for engaging in religious activities.</p> <p>4. Subparagraph 4 covers mid-level technicians as based on the Standard Occupational Classification of the ROC published by the Executive Yuan’s Directorate General of Budget, Accounting and Statistics (DGBAS), and as otherwise specified by the relevant central competent authorities.</p> <p>5. Overseas compatriots as referred to in Subparagraph 5 are those described in the first part of Article 3 Paragraph 1 Subparagraph 5 of the Immigration Act, namely nationals without registered permanent residence in the Taiwan Area who are residing abroad currently, and who used their ROC passport to enter Taiwan.</p>



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<p>relevant central competent authorities.</p> <p>5. “Overseas compatriot” means a person who resides overseas, and is a national of the State without household registration in the Taiwan Area who possesses nationality of the State in accordance with the Nationality Act and who uses the passport of the State to enter the State.</p>	
<p><b>Article 5</b></p> <p>A foreign professional engaging in professional work in the State as referred to in Subparagraph 1 Item 1, Item 2, and Items 4 to 6 of the preceding Article, shall through his/her employer submit the requisite documents to the Ministry of Labor to apply for a work permit; for engagement as a school teacher as referred to in Item 3, the employer shall submit the requisite documents to the Ministry of Education to apply for a work permit.</p> <p>In the case of a foreign professional who matches one of the situations listed below, the employer need not apply for a work permit as stipulated in the first paragraph:</p> <ol style="list-style-type: none"> <li>1. Employment as a consultant or researcher in a government agency at any level or its subordinate academic research institution/organization.</li> <li>2. Employment as a public or registered private university lecturer</li> </ol>	<ol style="list-style-type: none"> <li>1. Paragraph 1 is specified in accordance with the current provisions of Article 48 of the Employment Services Act and Articles 5 and 6 of the Act for the Recruitment and Employment of Foreign Professionals.</li> <li>2. Paragraph 2 is specified under consideration that engagement in such work, which also constitutes professional work, is exempted from the requirement to apply for a work permit by the current provisions of Article 48 Paragraph 1 Subparagraphs 1 and 3 of the Employment Services Act.</li> <li>3. Paragraph 3 is specified in accordance with the current provisions of Article 10 of the Act for the Recruitment and Employment of Foreign Professionals.</li> </ol>

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<p>or academic researcher, as approved by the Ministry of Education.</p> <p>Foreign professionals who are artistic workers may apply direct to the Ministry of Labor for a work permit to engage in work in the State, and need not apply through an employer, as provided for in Article 10 of the Act for the Recruitment and Employment of Foreign Professionals.</p>	
<p><b>Article 6</b></p> <p>For foreign professionals engaging in professional work in the State, regulations governing their work qualifications, employer conditions, review standards, work permit application, work permit cancellation, employment administration, and other matters requiring compliance, will be set by the Ministry of Labor in consultation with the relevant central competent authorities, except for those applicable to school teachers as specified in Article 4 Subparagraph 1 Item 3, which will be set by the Ministry of Education.</p> <p>The industry sectors and occupational categories of qualification for specialized and technical work as referred to in Article 4 Subparagraph 1 Item 1 will be set by means of stipulating the excluded industry sectors and occupational categories; an employer belonging to a nationally important industry shall be exempt from the relevant capital and turnover requirements of the employer conditions as referred to in the preceding paragraph.</p> <p>The scope of nationally important</p>	<ol style="list-style-type: none"> <li>1. Paragraph 1 is specified in accordance with the current provisions of Article 46 of the Employment Services Act and Articles 5 and 6 of the Act for the Recruitment and Employment of Foreign Professionals.</li> <li>2. The first clause of Paragraph 2 pertains to the industry sectors and occupational categories of specialized and technical work. Under the current job qualification and review criteria, the hiring of foreign nationals for such work is limited to fifteen occupational categories in the manufacturing sector and parts of the service sector (such as the wholesale industry). Since this cannot meet the needs of changing work modes in the digital economy era, this limitation is to be loosened by means of negative listing, with the specification of excluded industry sectors and occupational categories, but with the occupational categories limited to</li> </ol>

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<p>industries as referred to in the preceding paragraph will be decided by the Competent Authority and reported to the Executive Yuan for approval.</p> <p>For the engagement of foreign professionals in specialized or technical work, the specialized or technical skill review procedure for job qualification will adopt a points system, to be set by the Competent Authority in consultation with the relevant central competent authorities.</p> <p>For foreign professionals employed in the State to engage in professional work as specified in Article 4 Subparagraph 1 Item 3-2 or Item 4-2, besides as otherwise prescribed in this Act, their employment administration, penalties applicable to breaches of regulation, and other relevant matters, will be handled in accordance with the provisions of the Employment Services Act pertaining to those engaging in work as specified in Article 46 Paragraph 1 Subparagraphs 1 to 6 of said Act.</p>	<p>senior officers, managers and professionals as defined in Categories 1 and 2 of the Standard Occupational Classification System of the ROC.</p> <p>3. Under current job qualification and review criteria, employers of foreign nationals for specialized and technical work must meet the conditions of having capitalization of at least NT\$5 million and annual turnover of at least NT\$10 million. Taking into account that startups utilizing digital technology and some SMEs in 5+2 industries, or in artistic &amp; cultural and other such industries, do not need large capital, the second clause of Paragraph 2 stipulates that nationally important industries are exempted from these capital and turnover requirements, and Paragraph 3 stipulates the process for deciding the scope of national important industries.</p> <p>4. Under current job qualification and review criteria for foreign nationals to take up specialized and technical work in Taiwan, they are required not only to meet a stipulated minimum salary level, but also, if holders of a bachelor's degree, must have at least two years' relevant work experience. Taking account of digital economy development needs, it is necessary to establish more</p>

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	<p>diverse hiring criteria, to facilitate the recruitment of potential digital talent (such as new graduates). Salary is not an essential threshold, while education, work experience or practical experience in area of specialization, and also age, are included as basic point-scoring items, with extra points awarded if, for example, it is a nationally important industry or the candidate is an overseas compatriot. Hence, Paragraph 4 stipulates the adoption of a points-based system as the means of reviewing job qualification.</p> <p>5. Paragraph 5 is based on the consideration that foreign subject teachers as referred to in Article 4 Subparagraph 1 Item 3-2, and foreign special skill teachers in <i>buxibans</i> as referred to in Item 4-2 of the same subparagraph, are not covered by the current provisions of the Employment Services Act governing engagement in professional work, and the said Act has no applicable administration and penalty provisions. Therefore, this paragraph specifies that matters relating to administration, penalties and so on for such teachers shall be handled in accordance with the provisions of the Employment Services Act that</p>

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	<p>apply to those engaging in work as specified in Article 46 Paragraph 1 Subparagraphs 1 to 6 of that Act.</p>
<p><b>Article 7</b></p> <p>The work permit of a foreign professional hired to engage in professional work in the State will have a maximum duration of three years. When continuation of the employment is needed upon the expiration of that term, the employer may apply for an extension, for a duration of up to three years at a time.</p> <p>Where a foreign professional engaging in artistic work applies direct to the Ministry of Labor for a work permit in accordance with the provisions of Article 5 Paragraph 3, his/her work permit and each time of its extension will have a maximum duration of three years.</p>	<p>This Article is specified in accordance with the current provisions of Article 52 of the Employment Services Act and Article 10 of the Act for the Recruitment and Employment of Foreign Professionals.</p>
<p><b>Article 8</b></p> <p>A foreign special professional who plans to engage in professional work in the State may apply direct and not through an employer to the National Immigration Agency, Ministry of the Interior, for the issuance of a four-in-one Employment Gold Card that combines work permit, resident visa, Alien Resident Certificate and re-entry permit, as prescribed in Article 8 of the Act for the Recruitment and Employment of Foreign Professionals.</p> <p>The Ministry of Labor will be responsible for reviewing for the work permit as referred to in the preceding paragraph; the Ministry of Foreign Affairs or its overseas mission will be responsible for reviewing</p>	<ol style="list-style-type: none"> <li>1. Paragraph 1 is specified in accordance with the current provisions of Article 8 of the Act for the Recruitment and Employment of Foreign Professionals.</li> <li>2. Paragraph 2 specifies the agencies to be responsible for conducting the reviews for the Employment Gold Card's work permit, resident visa, ARC, and re-entry permit.</li> <li>3. Paragraph 3 meets the purpose of establishing clear, consistent and objective review criteria by stipulating the establishment of a points system for reviewing</li> </ol>

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<p>for the resident visa; and the National Immigration Agency, Ministry of the Interior, will be responsible for reviewing for the Alien Resident Certificate and re-entry permit.</p> <p>The review criteria for job qualification as a foreign special professional shall adopt a points system for assessing special expertise as announced by the relevant central competent authorities in accordance with the provisions of Article 4 Subparagraph 2 of the Act for the Recruitment and Employment of Foreign Professionals.</p> <p>Where a foreign special professional who has not applied for an Employment Gold Card intends to accept employment to engage in professional work in the State, his/her employer shall submit the requisite documents to the Ministry of Labor or Ministry of Education to apply for a work permit, in accordance with the provisions of Article 5 Paragraph 1 and the preceding paragraph. The work permit and each extension thereof will have a maximum duration of five years.</p>	<p>qualification as a foreign special professional.</p> <p>4. As currently provided for in the Act for the Recruitment and Employment of Foreign Professionals, foreign special professionals may obtain a work permit by applying for an Employment Gold Card. But if they have not applied for an Employment Gold Card, they may still, as specified in Paragraph 4, apply through their employer to the Ministry of Labor or Ministry of Education for a five-year work permit.</p>
<p><b>Article 9</b></p> <p>A foreign professional or foreign special professional hired to engage in professional work in the State may apply to the Ministry of Foreign Affairs or its overseas mission for the issuance of a visitor visa or resident visa, and having presented this for inspection by the National Immigration Agency and been permitted to enter the State, receive a stay</p>	<p>1. Under the current provisions of Article 22 of the Immigration Act, a foreign national who obtains permission to stay must apply for an ARC within 15 days of entering the country. With a view to enhancing the convenience of foreign nationals who come to stay in Taiwan, by allowing them ample time time to find settled accommodation and become</p>

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<p>or residence permit. Such person receiving a residence permit shall, within thirty days starting from the day following entry to the State, apply to the National Immigration Agency, Ministry of the Interior, for an Alien Resident Certificate.</p> <p>A foreign national entering the State under visa exemption or holding a visitor visa, having obtained permission or with exemption from obtaining permission to engage in professional work in the State, may apply direct to the National Immigration Agency, Ministry of the Interior, for residence, and having been approved, will be issued with an Alien Resident Certificate.</p> <p>A foreign national who, after entering the State in possession of a resident visa, changes his/her purpose of residence to that of engaging in professional work, shall apply to the National Immigration Agency, Ministry of the Interior, for change of purpose of residence, and having received approval, will be reissued with an Alien Resident Certificate, and have the effective duration of his/her residence reviewed and set.</p>	<p>familiar with Taiwan's environment, Paragraph 1 relaxes the time limit within which foreign professionals must apply for an ARC after entering with permission to stay in Taiwan, extending it from 15 days to 30 days after entry.</p> <p>2. Under the current provisions of Article 23 of the Immigration Act, a foreign professional who enters Taiwan with a visa exemption, or holding a visitor visa with an effective duration of less than 60 days, still needs to have the Ministry of Foreign Affairs change this to a visitor visa before he/she can apply for an ARC. To simplify the application procedure for foreign professionals coming to work and stay in Taiwan, Paragraph 2 eases this requirement by providing that foreign professionals who enter with a visa exemption or visitor visa, having obtained permission or with exemption from obtaining permission to engage in professional work in Taiwan, may apply direct to the NIA for residence.</p> <p>3. Paragraph 3 is specified in accordance with the current provisions of Article 23 of the Immigration Act.</p>
<p><b>Article 10</b> A foreign national who plans to engage</p>	<p>This Article is specified in accordance with the current</p>

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<p>in professional work in the State, and who needs a long period to seek employment, may apply to an overseas mission of the Ministry of Foreign Affairs for the issuance of a six-month visitor visa, valid for three months, for multiple entry, to stay for up to a maximum period of six months in total.</p>	<p>provisions of Article 19 of the Act for the Recruitment and Employment of Foreign Professionals.</p>
<p><b>Article 11</b></p> <p>Where a foreign professional has been approved for residence to engage in professional work in the State, his/her Alien Resident Certificate will have an effective duration of up to three years starting from the next day after the approval. If he/she requires to continue the residence after the expiration thereof, he/she may, prior to its expiration, apply to the National Immigration Agency, Ministry of the Interior, for an extension of up to three years at a time.</p> <p>Where a foreign special professional applies for an Employment Gold Card in accordance with the provisions of Article 8 Paragraph 1, to engage in professional work in the State, the effective duration of his/her Employment Gold Card will be from one to three years, and if he/she meets the stipulated conditions, he/she may re-apply before the effective duration expires.</p> <p>Where a foreign special professional is approved for employment and permitted to reside in accordance with the provisions of Article 8 Paragraph 4, his/her Alien Resident Certificate and each extension thereof will have an effective duration of</p>	<ol style="list-style-type: none"> <li>1. Paragraph 1 is specified in accordance with the current provisions of Article 22 of the Immigration Act.</li> <li>2. Under the current provisions of the Act for the Recruitment and Employment of Foreign Professionals, the duration of a foreign special professional's residence differs according to the means by which they obtained a work permit (by Employment Gold Card or by employer's application), hence the prescription in Paragraphs 2 and 3.</li> </ol>



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up to five years.	
<p><b>Article 12</b>  A foreign professional who has continuously resided in the State for five years, or a foreign special professional who has continuously resided for three years, staying an average of more than one hundred and eighty-three (183) days each year, may apply to the National Immigration Agency, Ministry of the Interior, for permanent residence if he/she meets the requirements stipulated in each of the following subparagraphs:</p> <ol style="list-style-type: none"> <li>1. Is above twenty years old.</li> <li>2. Has no bad behavior, and has no criminal case recorded on a police criminal record certificate.</li> <li>3. Has sufficient assets or skills to be self supporting.</li> <li>4. Is in keeping with the national interests of the State.</li> </ol> <p>Periods of residence in the State approved for any of the purposes listed in the following subparagraphs shall not be counted in the calculation of the period of continuous residence as referred to in the preceding paragraph:</p> <ol style="list-style-type: none"> <li>1. Attending school in the state.</li> <li>2. Approved to engage in work in the State as a mid-level technician.</li> <li>3. Approved to engage in work in the State as listed in Article 46 Paragraph 1 Subparagraphs 8 to 10 of the Employment Services Act.</li> <li>4. Permitted to reside as a</li> </ol>	<ol style="list-style-type: none"> <li>1. Paragraph 1 takes into consideration that, under the provisions of Article 25 of the Immigration Act, a foreign national who meets the stipulated conditions may apply for permanent residence once he/she has resided in Taiwan lawfully and continuously for five years with a presence of more than 183 days each year. But considering how frequently foreign professionals need to move between countries, and in order to bolster their recruitment, this Article relaxes the conditions they must meet to apply for permanent residence by changing the requirement for presence to AN AVERAGE OF more than 183 days each year. Also, to support the active recruitment of foreign special professionals in the targeted fields of expertise, the length of continuous residence required for them to apply for permanent residence is shortened from five years to three.</li> <li>2. Paragraph 2 takes into account that, where persons have resided in Taiwan as students, or to work as mid-level technicians, or to do the kinds of work listed in Article 46 Paragraph 1 Subparagraphs 8 to 10 of the Employment</li> </ol>

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<p>dependent relative of a person as referred to in Subparagraph 1 or Subparagraph 2.</p> <p>Where a period of school attendance in the State as referred to in Subparagraph 1 of the preceding paragraph was to study for a master's degree or higher at an institution of higher education, the period of residence for attending school may be counted in the calculation of the period of continuous residence as referred to in Paragraph 1 in accordance with the following provisions:</p> <ol style="list-style-type: none"> <li>1. Foreign professional: Obtaining a doctoral degree counts as two years, obtaining a master's degree counts as one year.</li> <li>2. Foreign special professional: Obtaining a doctoral degree counts as one year.</li> </ol>	<p>Services Act, and also where they have resided as dependent relatives, they would not have been engaged in professional work at such times, hence such periods of residence should not be included in the calculation of their length of residence for the purpose of applying for permanent residence as a foreign professional or foreign special professional, and so prescribes accordingly.</p> <ol style="list-style-type: none"> <li>3. Paragraph 3 serves the purpose of enhancing the inducement for foreign holders of local master's and doctoral degrees to stay to do professional work in Taiwan, by prescribing that the time they spent studying for their advanced degrees in Taiwan could be used to reduce the number of years of continuous residence required for them to apply for permanent residence.</li> </ol>
<p><b>Article 13</b></p> <p>Where a foreign professional, foreign special professional or foreign senior professional, after having been approved as a permanent resident, leaves the State 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.</p>	<p>Under the current provisions of Article 18 of the Act for the Recruitment and Employment of Foreign Professionals, foreign professionals and foreign special professionals who have obtained permanent residence can leave Taiwan and not return for up to five years without having their permanent residence revoked, whereas foreign senior professionals who have obtained permanent residence still</p>

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	<p>must stay in Taiwan for more than 183 days a year as prescribed in Article 33 of the Immigration Act. Therefore, this Article relaxes the law by freeing foreign senior professionals from the application of the 183-day requirement and placing them under the same provisions as apply to other types of foreign professionals.</p>
<p><b>Article 14</b></p> <p>Where a foreign professional, foreign special professional or foreign senior professional has been approved for permanent residence, his/her adult child who has been confirmed by the National Immigration Agency, Ministry of the Interior, as having met one of the conditions listed below may engage in work in the State, and this shall be conducted as prescribed in Article 17 of the Act for the Recruitment and Employment of Foreign Professionals:</p> <ol style="list-style-type: none"> <li>1. Having lawfully accumulated ten years of residence in the State, staying for more than 270 days each year.</li> <li>2. Having entered the State before the age of sixteen, and having stayed for more than 270 days each year.</li> <li>3. Having been born in the State, and having lawfully accumulated ten years of residence in the State, staying for more than 183 days each year.</li> </ol>	<p>Under the current provisions of Article 17 of the Act for the Recruitment and Employment of Foreign Professionals, where a foreign professional employed to engage in professional work has obtained permanent residence, his/her adult children who meet certain conditions may apply direct to the Ministry of Labor for a work permit, without needing to apply through an employer. Considering that artistic workers, and foreign special professionals and foreign senior professionals who have obtained Employment Gold Cards, may in some cases not need to be hired by an employer, and their adult children may not be able to utilize this provision, this Article accordingly relaxes the law by including artistic workers and Employment Gold Card holding foreign special and senior professionals under its application, without their needing to be employed.</p>
<p><b>Article 15</b></p>	<p>Under the current provisions of</p>

Text	Explanation
<p>Where a foreign special professional engaging in professional work in the State has been approved for residence or permanent residence, his/her lineal ascendant may apply to the Ministry of Foreign Affairs or its overseas mission 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 prolong the stay, then prior to the expiration of its time limit, said person may apply for an extension to the National Immigration Agency, Ministry of the Interior, without having to leave the State. The total length of such stay is limited to a maximum of one year at a time.</p>	<p>Article 13 of the Act for the Recruitment and Employment of Foreign Professionals, the lineal ascendants of foreign special professionals who are employed in professional work may apply for a visitor visa for visiting relatives in Taiwan. Considering that foreign special professionals who have obtained an Employment Gold Card may not be working under employment, this Article relaxes the law by allowing their lineal ascendants to apply for a visitor visa, and stay in Taiwan for up to a year in total, without the need for the foreign special professional to be in employment.</p>
<p><b>Article 16</b></p> <p>Where a foreign professional or foreign special professional hired to engage in professional work in the State has been approved for residence or permanent residence, his/her spouse, minor children, and adult children who are unable to live independently due to physical or mental disability may apply to the National Immigration Agency, Ministry of the Interior, for residence, and may apply for residence after entering the State under visa exemption or as holder of a visitor visa, the provisions of Article 9 applying <i>mutatis mutandis</i>. The effective duration and extension of their Alien Resident Certificate shall be the same as for the foreign professional or foreign special professional of whom they are a</p>	<p>Under the current provisions of Article 23 of the Immigration Act, the spouse and minor children (aged under 20) of a foreign professional may apply for residence. Considering that the Act for the Recruitment and Employment of Foreign Professionals has already opened the way for their adult children who are unable to live independently due to physical or mental disability to also apply for permanent residence, but with no provision concerning their accompanying residence, this Article accordingly includes such disabled adult children within the scope of dependent relative residence provisions. It also relaxes the law by providing that when they enter</p>

Text	Explanation
<p>dependent relative, the provisions of Article 11 applying <i>mutatis mutandis</i>.</p>	<p>Taiwan with a visa exemption or visitor visa, they may apply direct to the NIA for an ARC, the effective duration and extension of which shall be coterminous with those of the foreign professional with whom they have the dependent relationship.</p>
<p><b>Article 17</b></p> <p>Where a foreign professional or foreign special professional has been approved for permanent residence, his/her spouse, minor children, and adult children who are unable to live independently due to physical or mental disability, having met the requirements prescribed below, and having no bad behavior, and having no criminal case recorded on a police criminal record certificate, and in keeping with the national interests of the state, may apply to the National Immigration Agency, Ministry of the Interior, for permanent residence:</p> <ol style="list-style-type: none"> <li>1. Dependent relative of a foreign special professional: Having lawfully and continuously resided in the State for three years, staying an average of more than 183 days per year.</li> <li>2. Dependent relative of a foreign professional: Having lawfully and continuously resided in the State for five years, staying an average of more than 183 days per year.</li> </ol> <p>Where a foreign senior professional applies for permanent residence under the provisions of the Immigration Act, his/her</p>	<ol style="list-style-type: none"> <li>1. Under the current provisions of Article 16 of the Act for the Recruitment and Employment of Foreign Professionals, foreign professionals and foreign special professionals need to be employed in order that, after they have been approved for permanent residence, their dependent relatives may apply for permanent residence once they have met the requisite length-of-residence conditions. Considering that artistic workers, and foreign special professionals who have obtained an Employment Gold Card, may not be working under employment, so that their dependent relatives cannot utilize this provision, Paragraph 1 relaxes the law to remove the requirement of being in employment. In addition, it prescribes a shorter length of residence in Taiwan required for the dependent relatives to apply for permanent residence.</li> <li>2. Paragraph 2 is specified in accordance with the current provisions of Article 15 of the Act</li> </ol>

Text	Explanation
<p>spouse, minor children, and adult children who are unable to live independently due to physical or mental disability, may apply for permanent residence together with him/her, or may apply after having themselves been approved for permanent residence.</p> <p>Where the permanent residence permit of a foreign professional, foreign special professional or foreign senior professional as referred to in the preceding two paragraphs is revoked or cancelled, the permanent residence permits of his/her spouse, minor children, and adult children who are unable to live independently due to physical or mental disability, shall be revoked or cancelled at the same time.</p>	<p>for the Recruitment and Employment of Foreign Professionals.</p> <p>3. Paragraph 3 is specified in accordance with the current provisions of Article 16 of the Act for the Recruitment and Employment of Foreign Professionals.</p>
<p><b>Article 18</b></p> <p>Where a foreign professional's, foreign special professional's or foreign senior professional's spouse, minor child, or adult child who is unable to live independently due to physical or mental disability, after having been approved as a permanent resident, leaves the State 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.</p>	<p>Under the current provisions of Article 33 of the Immigration Act, when the dependent relatives of foreign professionals, special professionals and senior professionals have obtained permanent residence, they need to stay in Taiwan above 183 days each year in order to retain it. Taking account of the long periods of country-to-country movement usual for international talent, and the need for their dependent relatives to move with them, this Article relaxes the law on how much time dependent relatives must spend in Taiwan to avoid cancelation of their permanent residence, putting it on a par with the law as applied to those of whom they are dependents.</p>

Text	Explanation
<p><b>Article 19</b></p> <p>A foreign mid-level technician engaging in mid-level technical work in the State shall, through his/her employer, submit the requisite documents to the Ministry of Labor to apply for a work permit.</p> <p>The employment of foreign mid-level technicians is limited to the following personnel:</p> <ol style="list-style-type: none"> <li>1. Foreign students, overseas compatriot students, and other ethnic Chinese students who have obtained graduation certificates of the State's high schools and above or to whom the Overseas Community Affairs Council has issued Overseas Youth Vocational Training Program graduation diplomas.</li> <li>2. Foreign nationals who have been employed for a cumulative total of six years or more to engage in work under Article 46 Paragraph 1 Subparagraphs 8 to 10 of the Employment Services Act.</li> <li>3. Foreign nationals who possess mid-level technical work skills.</li> </ol> <p>When deciding the date on which to implement the third subparagraph of the preceding paragraph, the Executive Yuan shall weigh and consider the situation of the employment of mid-level technicians under the first and second subparagraphs of the same paragraph and the State's industrial development needs.</p>	<ol style="list-style-type: none"> <li>1. Under current laws and regulations pertaining to immigration, there are no channels for bringing mid-level technical manpower into the country. Considering that mid-level technicians accounted for 55% of the manpower shortages in Taiwan's industrial and service sectors in 2017, and taking reference from the relevant mechanisms employed by other significant countries to draw in technical talent, such as Singapore's S Pass work visa and the USA's EB-3 immigrant visa, Paragraph 1 of this Article makes provision for employers to apply for work permits for foreign mid-level technicians, and specifies the Ministry of Labor as the competent authority for processing such applications, in accordance with its powers and responsibilities.</li> <li>2. Paragraph 2 specifies the three types of employment of foreign mid-level technicians to whom this provision applies, including overseas compatriot students, foreign students and foreign basic-level workers with mid-level technical work skills who are or have been students, trainees or employees in the State, plus the direct bringing in from abroad of foreign nationals</li> </ol>

Text	Explanation
	<p>with mid-level technical work skills.</p> <p>3. Taking into consideration the educational resources or manpower costs invested by the state or enterprises in developing the technical manpower covered by Paragraph 2 Subparagraphs 1 and 2, and that such people already have a certain degree of familiarity with the culture, languages and way of life in Taiwan, it is proposed to prioritize the opening for their employment, and Paragraph 3 accordingly prescribes that the decision on when to put the third subparagraph into effect must be based on weighing and considering the situation of the employment of technical manpower under the first two subparagraphs and Taiwan's industrial development needs.</p>
<p><b>Article 20</b></p> <p>For foreign mid-level technicians engaging in mid-level technical work in the State, regulations governing their work qualifications, employer conditions, review standards, permit application, permit cancellation, employment administration, and other matters requiring compliance, will be set by the Ministry of Labor in consultation with the relevant central competent authorities. Regulations on the administration of health checks will be set by the central competent authority for</p>	<p>1. Paragraph 1 specifies that regulations governing the work qualifications, employer conditions, review standards, permit application, permit cancellation, employment administration, and other matters requiring compliance for the employment of foreign mid-level technicians shall, in accordance with the powers and responsibilities of executive departments, be set by the</p>



Text	Explanation
<p>health in consultation with the Ministry of Labor.</p> <p>Wages or compensation for the employment of foreign mid-level technicians may not be lower than such amount as announced by the Ministry of Labor, and they shall possess professional certification or other certifying documents issued or validated by the relevant central competent authority or its approved professional certification body.</p> <p>The wages or compensation as referred to in the preceding paragraph shall be no lower than the amount computed at the seventieth (70<sup>th</sup>) percentile of the average weighted total salary according to the most recent year’s survey on employment categories salary.</p> <p>The review standards of mid-level technical work skills for job qualification, as referred to in the preceding three paragraphs, will adopt a points system, to be set by the Competent Authority in consultation with the relevant central competent authorities.</p> <p>An annual total number cap and individual industry quotas for foreign mid-level technicians will be set by the Competent Authority in consultation with the relevant central competent authorities.</p>	<p>Ministry of Labor in consultation with the relevant central competent authorities. It also specifies that regulations on the administration of their health checks shall be set by the central competent authority for health in consultation with the Ministry of Labor.</p> <p>2. Paragraph 2 stipulates that the employment of foreign mid-level technicians must comply with a wage threshold announced by the Ministry of Labor, and that such technicians must possess recognized professional qualifications.</p> <p>3. Paragraph 3 stipulates the pay threshold for foreign mid-level technicians, calculated at the 70<sup>th</sup> percentile of the average weighted total salary in their occupational category according to the most recent year’s survey on employment categories salary. Applying this to mid-level industrial technicians with reference to the 2017 wages of “technicians &amp; associate professionals” and “craft &amp; related trades workers, and plant &amp; machine operators” yields a figure of NT\$41,393; and applying it to mid-level social welfare manpower with reference to “health care workers” yields a figure of NT\$32,000.</p>

Text	Explanation
	<p>4. Paragraph 4 provides for a points system to be used as the basic standard for assessing foreign mid-level technicians' work qualification, with salary and recognition of professional qualifications as basic thresholds, and with education and age among the basic point-scoring items. There will also be extra point-scoring items, differing according to differences in the type of employment, such as schooling experience in Taiwan, engagement in work related to field of study, etc. Given that the central competent authority of each industry concerned can be assumed to have the best understanding of the particular talent needs in the industry under its purview, this Article stipulates that the point-scoring criteria shall be set by the Competent Authority (the NDC) in consultation with each of the relevant central competent authorities.</p> <p>5. Paragraph 5 stipulates that the annual total number cap and individual industry quotas for foreign mid-level technicians shall be set by the Competent Authority (the NDC) in consultation with the relevant central competent authorities.</p>

Text	Explanation
<p><b>Article 21</b></p> <p>The permission for a foreign mid-level technician to be employed to engage in mid-level technical work in the State shall have a maximum duration of three years; if there is need to continue the employment upon the expiration thereof, the employer may apply for an extension of up to three years at a time.</p>	<p>This Article prescribes a 3-year limit for the original duration and each extension of a foreign mid-level technician's employment permit.</p>
<p><b>Article 22</b></p> <p>A foreign mid-level technician employed to engage in mid-level technical work in the State may change his/her employer within the effective duration of his/her employment permission. When he/she wants so to change, the new employer shall apply for permission, submitting documentary proof of the employee's resignation. However, he/she may not be employed by two or more employers at the same time.</p>	<p>To strengthen inducement for foreign mid-level technicians to remain in Taiwan, this Article provides that they may change their employer during the effective duration of their employment permit, with the stipulation that the new employer must apply for approval in accordance with the provisions of this Act, but prohibiting them from working for more than one employer at the same time.</p>
<p><b>Article 23</b></p> <p>Unless this Act provides otherwise, the employment administration, penalties applicable to breaches of regulations, and other relevant matters pertaining to foreign mid-level technicians employed to engage in mid-level technical work in the State, will be handled in accordance with the provisions applicable to those engaging in work under Article 46 Paragraph 1 Subparagraphs 1 to 6 of the Employment Services Act, excepting the provisions of Article 51 Paragraph 1 Subparagraph 2 of said Act.</p>	<p>This Article stipulates that mid-level foreign technicians employed in Taiwan, unless this Act provides otherwise, shall have their employment administration, penalties, and other relevant matters handled in accordance with the provisions of the Employment Services Act pertaining to those engaging in work under Article 46 Paragraph 1 Subparagraphs 1 to 6 of that Act, but excludes them from the application of Article 51 Paragraph 1 Subparagraph 2 allowing those working lawfully for</p>

Text	Explanation
	five years to obtain work permits unlimited by industry category or job qualification.
<p><b>Article 24</b></p> <p>Where a foreign mid-level technician is approved to engage in mid-level technical work in the State under the provisions of Article 19 Paragraph 2 Subparagraphs 1 and 2, having originally been approved to reside for the purpose of schooling, training, or engaging in work under the provisions of Article 46 Paragraph 1 Subparagraphs 8 to 10 of the Employment Services Act, he/she shall apply to the National Immigration Agency, Ministry of the Interior to change his/her purpose of residence, and if approved, will be issued with a new Alien Resident Certificate, with the effective duration of his/her residence reviewed and set.</p>	<p>This Article prescribes that overseas compatriot students, foreign students, and foreign basic-level workers who are approved to remain in Taiwan to engage in mid-level technical work must apply to the NIA to change their purpose of residence and be issued with a new ARC.</p>
<p><b>Article 25</b></p> <p>Where a foreign mid-level technician is hired to come to the State to engage in mid-level technical work, his/her visa application, permission to stay, residence permit and Alien Resident Certificate are subject, <i>mutatis mutandis</i>, to the provisions of Article 9.</p> <p>Where a foreign national enters the State holding a visitor visa for a duration of stay of above sixty days and without annotation of a restriction disallowing extension or other limitation, and has been approved to engage in mid-level technical work in the State, he/she may apply to the National Immigration Agency, Ministry of</p>	<ol style="list-style-type: none"> <li>1. Paragraph 1 stipulates that a foreign mid-level technician employed to come to Taiwan to engage in mid-level technical work is subject, <i>mutatis mutandis</i>, to the provisions of Article 9 of this Act pertaining to visa, stay, residence permit and ARC applications.</li> <li>2. Paragraph 2 stipulates that a foreign national who enters Taiwan with a visitor visa, and subsequently obtains approval to engage in mid-level technical work in Taiwan, may apply to the NIA for residence.</li> </ol>

Text	Explanation
<p>the Interior, for residence, and if approved, will be issued with an Alien Resident Certificate.</p> <p>Where a foreign national who holds an Alien Resident Certificate changes his/her purpose of residence to that of engaging in mid-level technical work, he/she shall apply to the National Immigration Agency, Ministry of the Interior, for change of purpose of residence, and if approved, will be issued with a new Alien Resident Certificate, with the effective duration of his/her residence reviewed and set.</p>	<p>3. Paragraph 3 stipulates that an ARC-holding foreign national who changes his/her purpose of residence to that of engaging in mid-level technical work must apply to the NIA to be issued with a new ARC.</p>
<p><b>Article 26</b></p> <p>Where a foreign mid-level technician engaging in mid-level technical work in the State is approved for residence, his/her Alien Resident Certificate will have an effective duration of up to three years, starting from the next day after approval. If he/she requires to continue residence after the effective duration expires, he/she may, prior to its expiration, apply to the National Immigration Agency, Ministry of the Interior, for an extension of up to three years at a time.</p>	<p>This Article prescribes a 3-year limit for the original duration and each extension of a foreign mid-level technician's residence permit.</p>
<p><b>Article 27</b></p> <p>A foreign mid-level technician who has continuously resided in the State for seven years, staying an average of more than one hundred and eighty-three (183) days each year, and meets the requirements listed in each subparagraph below, may apply to the National Immigration Agency, Ministry of the Interior, for permanent residence, and will not be subject to the</p>	<p>1. Paragraph 1 prescribes the conditions that foreign mid-level technicians must meet to obtain permanent residence in Taiwan. It specifies that they must have continuously resided in Taiwan for seven years, and excludes them from application of the provisions of Article 25 Paragraph 1 of the Immigration Act requiring five years of</p>

Text	Explanation
<p>provisions of Article 25 Paragraph 1 of the Immigration Act:</p> <ol style="list-style-type: none"> <li>1. Is above twenty years old.</li> <li>2. Has no bad behavior, and has no criminal case recorded on a police criminal record certificate.</li> <li>3. Has sufficient assets or skills to be self supporting.</li> <li>4. Is in keeping with the national interests of the State.</li> </ol> <p>The seven years of continuous residence as referred to in the preceding paragraph is limited to residence approved for the purpose of engaging in mid-level technical work or professional work in the State.</p>	<p>continuous lawful residence exceeding 183 days per year. This provision takes into account that many countries set different permanent residence conditions for foreign talent and manpower with different levels of expertise. Also, Subparagraph 3 of this paragraph stipulates the requirement of having sufficient assets to be self supporting, the basis of determination for which will be separately decided by the NIA.</p> <p>2. Paragraph 2 stipulates that the continuous residence referred to in the preceding paragraph is limited to residence permitted for engaging in mid-level technical or professional work. It cannot include any period of residence for schooling, training, or engaging in work under the provisions of Article 46 Paragraph 1 Subparagraphs 8 to 10 of the Employment Services Act, or as a dependent relative, or for any other purpose.</p>
<p><b>Article 28</b></p> <p>Where a foreign mid-level technician has been approved for permanent residence, or has obtained permission to reside for work and his/her salary has reached an amount above the median total salary of professionals according to the most recent year's survey on employment categories salary, his/her</p>	<p>This Article prescribes the conditions for residence of foreign mid-level technicians' dependent relatives. A foreign mid-level technician's spouse and minor children may apply for residence if the technician has obtained permanent residence, or if they have not gained permanent residence but their salary</p>

Text	Explanation
<p>spouse and minor children may apply to the Ministry of Foreign Affairs or its overseas mission for the issuance of a resident visa, and after being checked and permitted to enter the State by the National Immigration Agency, Ministry of the Interior, obtain a residence permit. Such person receiving a residence permit shall, within thirty days starting from the day following entry to the State, apply to the National Immigration Agency, Ministry of the Interior, for an Alien Resident Certificate. The Alien Resident Certificate in such cases will have an effective duration of up to three years, extendable for up to three years at a time.</p>	<p>has reached an amount above the median total salary of professionals according to the most recent year's survey on employment categories salary (NT\$52,842 in 2017). This provision, drawing reference from Singapore's S Pass work visa system, is intended to uphold foreign mid-level technicians' right to family reunion and ensure that they can shoulder the living needs of dependent relatives.</p>
<p><b>Article 29</b></p> <p>After a foreign mid-level technician has been approved for permanent residence, his/her spouse and minor children who have, with permission, resided in the State continuously for seven years, staying an average of more than one hundred and eighty-three (183) days each year, and meet the requirements listed in each subparagraph below, may apply to the National Immigration Agency, Ministry of the Interior, for permanent residence, and will not be subject to the provisions of Article 25 Paragraph 1 of the Immigration Act:</p> <ol style="list-style-type: none"> <li>1. Has no bad behavior, and has no criminal case recorded on a police criminal record certificate.</li> <li>2. Has sufficient assets or skills to be self supporting.</li> </ol>	<ol style="list-style-type: none"> <li>1. Paragraph 1 prescribes the conditions for permanent residence of foreign mid-level technicians' dependent relatives, requiring continuous residence of seven years in Taiwan. In addition, Subparagraph 2 stipulates that they must have sufficient assets or skills to be self-supporting. These conditions are stricter than those under which the dependent relatives of foreign professionals may apply for permanent residence under this Act, and are framed with consideration to the expertise level of foreign mid-level technicians and to ensure that their dependent relatives can live worry free. The criteria for determining if the self supporting condition is met will be set</li> </ol>

Text	Explanation
<p>3. Is in keeping with the national interests of the State.</p> <p>Where the permanent residence permit of a foreign mid-level technician is revoked or cancelled, the permanent residence permits of his/her spouse and minor children shall be revoked or cancelled at the same time.</p>	<p>separately by the NIA.</p> <p>2. Paragraph 2 stipulates that if the permanent residence of a foreign mid-level technician is revoked or cancelled, then the permanent residence granted to his/her family members as dependent relatives will also be revoked or cancelled at the same time.</p>
<p><b>Article 30</b></p> <p>An overseas compatriot may engage in work in the State without requirement to obtain permission. However, in the case of one who concurrently holds the nationality of a foreign country, his/her permission to work will be handled in accordance with the relevant provisions of this Act as applicable to foreign professionals and foreign mid-level technicians.</p>	<p>Overseas compatriots are targets for active recruitment under this Act, hence they may engage in professional work or mid-level technical work in the State without having to obtain permission. Also, in accordance with the current provisions of Article 79 of the Employment Services Act, where overseas compatriots concurrently hold the nationality of a foreign country, their employment to work in Taiwan will be handled in accordance with the provisions applying to foreign nationals.</p>
<p><b>Article 31</b></p> <p>An overseas compatriot may be exempted from applying for permission to enter the State or may apply for permission to enter the State at the time of entry. Regulations on those to whom these apply, the approval conditions, and other matters requiring compliance will be set by the Ministry of the Interior in consultation with the relevant authorities.</p> <p>An overseas compatriot who engages in work in the State under this Act may apply to the National Immigration Agency,</p>	<p>1. Paragraph 1 is specified in accordance with the current provisions of Article 5 of the Immigration Act, which stipulates that ROC nationals without registered permanent residence in Taiwan must apply for permission to enter Taiwan. But under Taiwan's current visa exemption rules, citizens of countries to which Taiwan grants visa exemption may enter Taiwan without a visa and stay for up to 90</p>



Text	Explanation
<p>Ministry of the Interior, for residence, and if approved, will be issued with a Taiwan Area Resident Certificate.</p> <p>An overseas compatriot who has obtained to engage in mid-level technical work in the State, and who was originally approved to reside for the purpose of schooling, training, or engaging in work under the provisions of Article 46 Paragraph 1 Subparagraphs 8 to 10 of the Employment Services Act, shall apply to the National Immigration Agency, Ministry of the Interior, to modify his/her reason of residence, and if approved, will be reissued with a new Taiwan Area Resident Certificate, with the effective duration of his/her residence reviewed and set.</p> <p>The Taiwan Area Resident Certificate as referred to in the second paragraph shall have an effective duration of up to three years, starting from the next day after entry to the State. If the holder requires to continue residence after the effective duration expires, he/she may apply to the National Immigration Agency, Ministry of the Interior, for an extension of up to three years at a time before the residence period expires.</p>	<p>days. Considering that, among overseas compatriots living outside Taiwan, there are many with outstanding talents in all fields of expertise, and that they have a blood and emotional attachment to Taiwan, they ought to be subject to relatively favorable rules. Therefore, this Article relaxes the law to allow overseas compatriots to whom this Act applies to be granted exemption from applying for an entry permit, and provides for regulations on those to whom this applies, the approval conditions, and other matters requiring compliance to be set separately by the regulatory authority (the MOI) in consultation with the relevant authorities.</p> <p>2. Paragraph 2 prescribes that, in accordance with the provisions of Article 9 Paragraph 1 Subparagraphs 6 and 11 and Article 3 of the Immigration Act, overseas compatriots who have been approved to engage in professional work in Taiwan may apply to the NIA for residence and the issuance of a Taiwan Area Resident Certificate. But considering that those to whom this Act applies also include persons engaging in professional and mid-level technical work without having needed to obtain</p>

Text	Explanation
	<p>permission, the law is accordingly relaxed to allow all such overseas compatriots to apply for residence.</p> <p>3. Paragraph 3 stipulates that when overseas compatriot students approved to engage in mid-level technical work in Taiwan are students or basic-level workers, they must apply to the NIA to modify their reasons of residence and to be issued with a new resident certificate, the same as applies to foreign students and foreign basic-level workers who are approved to work as mid-level technicians.</p> <p>4. Paragraph 4 is specified in accordance with the current provisions of Articles 9 Paragraphs 3 to 5 of the Immigration Act.</p>
<p><b>Article 32</b></p> <p>Where an overseas compatriot engaging in work in the State under this Act has been approved for residence, and meets one of the requirements prescribed in the subparagraphs below, and still possesses his/her original qualifications for residence, he/she may apply to the National Immigration Agency, Ministry of the Interior, for registered permanent residence in the State:</p> <ol style="list-style-type: none"> <li>1. Residing for full one year and staying more than three hundred and thirty-five (335) days.</li> <li>2. Continuously residing for full two</li> </ol>	<p>This Article is specified in accordance with the current provisions of Article 10 Paragraph 1 Subparagraph 1 and Paragraph 3 of the Immigration Act, which prescribe that overseas compatriots permitted to reside in Taiwan to engage in work must have continuously resided in the Taiwan Area or resided for a certain period of time before they may apply for registered permanent residence. To encourage overseas compatriots to return to Taiwan to develop, and taking into account that overseas compatriots will sometimes have to travel back and forth between Taiwan</p>

Text	Explanation
<p>years and staying an average of more than two hundred and seventy (270) days each year.</p> <p>3. Continuously residing for full three years and staying an average of more than one hundred and eighty-three (183) days each year.</p>	<p>and their overseas home due to life or work needs, this provision relaxes the conditions that overseas compatriots permitted to reside in Taiwan for work must meet in order to qualify for registered permanent residence in Taiwan.</p>
<p><b>Article 33</b></p> <p>Where an overseas compatriot engaging in work in the State under this Act has been approved for residence, his/her dependent relatives as specified below may apply to the National Immigration Agency, Ministry of the Interior, for residence:</p> <ol style="list-style-type: none"> <li>1. If the person they are dependent relatives of is engaging in professional work: Spouse, minor children, and adult children who are unable to live independently due to physical or mental disability.</li> <li>2. If the person they are dependent relatives of is engaging in mid-level technical work: Spouse and minor children.</li> </ol> <p>Where a dependent relative as referred to in the preceding paragraph is an overseas compatriot, his/her permission to enter the State and the effective duration and duration of extensions of his/her Taiwan Area Resident Certificate are subject, <i>mutatis mutandis</i>, to the provisions of Article 31; and where he/she is a foreign national, after entering the State under visa exemption or holding a visitor visa, he/she may apply to the</p>	<ol style="list-style-type: none"> <li>1. Paragraph 1 is specified in accordance with the current provisions of Article 9 Paragraph 2 and Article 23 Paragraph 1 Subparagraphs 1 and 2 of the Immigration Act, which prescribe that when an overseas compatriot is permitted to reside in Taiwan to engage in professional work, his/her spouse and minor children may apply to the NIA for residence. But considering that those to whom this Act applies also include persons engaging in professional work without having needed to obtain permission and as mid-level technicians, the law is accordingly relaxed to allow the dependent relatives of such overseas compatriots to apply with them for residence. It is further provided that, in the case of overseas compatriots who are engaging in professional work, their adult children who are unable to live independently due to physical or mental disability may also reside with them, which is the same as the provision that</li> </ol>

Text	Explanation
<p>National Immigration Agency, Ministry of the Interior, for residence, and the effective duration and duration of each extension of his/her Alien Resident Certificate will be subject, <i>mutatis mutandis</i>, to the provisions of Article 11 Paragraph 1.</p> <p>Where an overseas compatriot's permission to reside as referred to in Paragraph 1 is revoked or cancelled, his/her dependent relatives' permission to reside shall be revoked or cancelled at the same time.</p>	<p>applies to foreign professionals.</p> <p>2. Paragraph 2 follows the current provisions of Article 22 and Article 9 Paragraphs 3 to 5 of the Immigration Act on the entry to Taiwan and the effective duration and extension of resident certificates for the dependent relatives of overseas compatriots, stipulating that if a dependent relative is an overseas compatriot, he/she shall be subject to the provisions of Article 31 of this Act the same as apply to the overseas compatriot whose dependent relative he/she is, and if a foreign national, he/she shall be subject to the provisions of Article 11 of this Act the same as apply to foreign professionals.</p> <p>3. Paragraph 3 stipulates that if an overseas compatriot's permission to reside is for any reason revoked or cancelled, his/her dependent relatives' permission to reside as dependent relatives will be revoked or cancelled at the same time.</p>
<p><b>Article 34</b></p> <p>Where a dependent relative of an overseas compatriot receives permission to reside in the State as prescribed in the preceding Article, he/she if a foreign national may apply for permanent residence under the relevant provisions of</p>	<p>Under the current provisions of Article 25 and Article 10 of the Immigration Act, once a dependent relative of an overseas compatriot has been approved to reside in Taiwan, he/she may apply for permanent residence or registered</p>

Text	Explanation
<p>the Immigration Act, and if an overseas compatriot may apply to the National Immigration Agency, Ministry of the Interior, for registered permanent residence under the <i>mutatis mutandis</i> application of the provisions of Article 32.</p>	<p>permanent residence. But considering that Article 32 of this Act relaxes the conditions that overseas compatriots approved to reside in Taiwan for work must meet in order to qualify for registered permanent residence in Taiwan, this Article similarly relaxes the conditions that their dependent relatives must meet in order to qualify for permanent residence or registered permanent residence.</p>
<p><b>Article 35</b>  Foreign professionals, foreign special professionals, foreign senior professionals, foreign mid-level technicians, overseas compatriots (hereafter referred to as “subjects of this Act”), and their spouses and children, having been approved for permanent residence, are not required to apply to the Ministry of Labor or Ministry of Education for permission to engage in work in the State.</p>	<p>According to the current provisions of Article 51 Paragraphs 1 and 2 of the Employment Services Act, when foreign nationals who have been granted permanent residence are hired to engage in work, they must apply to the relevant central competent authority for a work permit. To simplify the related process and provide a friendly environment for immigrants, this Article stipulates that those to whom this Act applies, along with their spouses and children, after obtaining permanent residence, can work in Taiwan straight away without needing to apply to the central competent authorities for a work permit or renewal of work permit.</p>
<p><b>Article 36</b>  Subjects of this Act and their spouses and children, having been approved for permanent residence, and being employed to engage in work in the State, will be covered by the provisions of the</p>	<p>1. To actively recruit the manpower and talent needed for national economic development, Paragraph 1 relaxes the law to provide that the subjects of this Act and their spouses and children, having been approved</p>

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<p>Employment Insurance Act.</p> <p>After a person as referred to in the preceding paragraph enters into employment, and is then approved for permanent residence, his/her employer or the organization to which he/she belongs shall on the date of approval declare said person's participation in employment insurance.</p> <p>Where a person as referred to in Paragraph 1 obtained permanent residence before the effective date of this Act and continues in employment, his/her employer or the organization to which he/she belongs shall on the effective date of this Act declare said person's participation in employment insurance.</p> <p>In the case of declaration for participation in employment insurance as referred to in the preceding two paragraphs, the insurance coverage will begin from the date on which the declaration shall be made. But if said employer or organization fails to declare as prescribed, apart from being fined pursuant to Article 38 of the Employment Insurance Act, the insurance coverage will begin on the date after the declaration.</p> <p>The provisions of the preceding four paragraphs do not apply to a person as referred to in Paragraph 1 who was already covered by the Employment Insurance Act on the effective date of this Act.</p>	<p>for permanent residence and during the time of their employment to work in Taiwan, are included as beneficiaries under the Employment Insurance Act, without being subject to the limitation prescribed in Article 5 Paragraph 1 Subparagraphs 1 and 2 of the Employment Insurance Act. Also, participants in employment insurance under this Act and their insured establishments, except as otherwise provided in this Act, are subject to the Employment Insurance Act and related regulations concerning commencement and termination of insurance, monthly insurance salary, insurance salary adjustment, responsibility for insurance premiums, payment of insurance premiums, levying and handling of insurance premium grace period and late payment surcharge, calculation and issuance of insurance benefits, penalties, and other related matters.</p> <p>2. For employed workers who should participate in employment insurance as insured persons, under the current provisions of the Employment Insurance Act, their employer or the organization to which they belong is required to declare their</p>

Text	Explanation
	<p>participation in the insurance on the date they enter into employment. But in the case of the subjects of this Act and their spouses and children who are approved for permanent residence after being hired to work in Taiwan, and those who were approved for permanent residence before the effective date of this Act and continue to be employed to work in Taiwan, there are no current provisions of the Employment Insurance Act that are applicable to when to apply to declare their participation in the insurance, when the insurance coverage begins, and the effect of failure to apply to declare participation in the insurance as prescribed. Hence, additional clear provisions are required for this purpose, and these matters are provided for in Paragraphs 2 to 4.</p> <p>3. In the case of the subjects of this Act and their spouses and children who have already been approved for permanent residence before this Act enters into effect and who are already covered by the provisions of Article 5 Paragraph 1 Subparagraph 2 of the Employment Insurance Act, Paragraph 5 specifies that the provisions of Paragraphs 1 to 4</p>

Text	Explanation
	of this Article do not apply to them.
<p><b>Article 37</b></p> <p>Subjects of this Act and their spouses and children, having been approved for permanent residence, and being employed to engage in work in the State, shall from the date of enforcement of this Act be included in the retirement pension system under the Labor Pension Act. However, this shall not apply to those who obtained employment prior to the enforcement of this Act and are still serving in the same business entity, provided that, within six months of the date of enforcement of this Act, they submit to their employer a written declaration of opting to remain in the retirement pension system under the Labor Standards Act.</p> <p>Those as referred to in the preceding paragraph who obtain permission for permanent residence after the enforcement of this Act shall be included in the retirement pension system under the Labor Pension Act from the date of said permission. However, this shall not apply to those who obtained employment prior to the enforcement of this Act and are still serving in the same business entity, provided that, within six months of the date on which they receive said permission, they submit to their employer a written declaration of opting to remain in the retirement pension system under the Labor Standards Act.</p> <p>Those who have once submitted to their employer a written declaration of opting to</p>	<p>1. Under the current provisions of Article 11 of the Act for the Recruitment and Employment of Foreign Professionals, foreign professionals employed in Taiwan are included in the retirement pension system of the Labor Pension Act. This Article extends that inclusion to all the subjects of this Act as well as to their spouses and children, so that once they have been approved for permanent residence, they will be able to utilize the retirement pension system under the Labor Pension Act, and so be provided with basic protection after retirement.</p> <p>2. In the case of the subjects of this Act and their spouses and children who have already been approved for permanent residence before this Act enters into effect, if they are already covered by the provisions of the Labor Pension Act under Article 7 Paragraph 1 of that Act and Article 11 of the Act for the Recruitment and Employment of Foreign Professionals, then since such persons are already covered by the retirement pension system under the Labor Pension Act as provided for in Article 8-1 of that Act or in Article</p>



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<p>remain in the retirement pension system under the Labor Standards Act, in accordance with the provisos of the two preceding paragraphs, may not thereafter change to opting for inclusion in the retirement pension system under the Labor Pension Act.</p> <p>For those included in the retirement pension system under the Labor Pension Act as provided for in Paragraphs 1 and 2, their seniority prior to their inclusion in said system shall be treated in accordance with the provisions of Article 11 of said Act.</p> <p>To include a person in the retirement pension system under the Labor Pension Act as referred to in Paragraph 1, said person's employer shall conduct the procedures for payment to the Bureau of Labor Insurance, Ministry of Labor, and shall file no later than fifteen (15) days after the expiration of the time limit stipulated in Paragraphs 1 and 2.</p> <p>The provisions of the preceding five paragraphs shall not apply to persons as referred to in Paragraph 1 who were already covered by the Labor Pension Act prior to the enforcement of this Act.</p>	<p>11 of the Act for the Recruitment and Employment of Foreign Professionals, or else have elected to continue using the retirement pension system under the Labor Standards Act, they are already protected and covered by the relevant provisions, hence Paragraph 6 of this Article specifies that the provisions of Paragraphs 1 to 5 do not apply to them.</p>
<p><b>Article 38</b></p> <p>Foreign nationals who are currently employed as full-time, qualified, paid teachers and researchers within the authorized manning strength of a public school in the State, and foreign nationals who are currently employed as full-time, qualified, paid researchers within the authorized manning strength of a</p>	<p>1. Under the current provisions of Article 12 of the Act for the Recruitment and Employment of Foreign Professionals, a foreign professional who is currently employed as a full-time, qualified, paid teacher within the authorized manning strength of a public school in the State, and who has been approved for</p>

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<p>government agency or an academic or research institution (organization) belonging to a government agency, having matters concerning their retirement governed, <i>mutatis mutandis</i>, by the retirement regulations for public school teachers, and having obtained approval for permanent residence, may opt for either a one-time lump sum pension payment or a monthly pension.</p> <p>Where a retired foreign teacher or foreign researcher has received a monthly pension as referred to in the preceding paragraph, and said person's permanent residence permit has been revoked or cancelled, their right to claim the monthly pension shall be forfeited. However, this restriction shall not apply if the permanent residence permit was revoked or cancelled due to regaining nationality of the State, obtaining nationality of the State, or concurrently possessing nationality of the State.</p>	<p>permanent residence, shall have matters concerning his/her retirement governed, <i>mutatis mutandis</i>, by the retirement regulations for public school teachers, and may opt for either a one-time lump sum pension or a monthly pension. However, this does not include foreign nationals who are currently employed as full-time, qualified, paid researchers within the authorized manning strength of a public school in the State, or foreign nationals who are currently employed as full-time, qualified, paid researchers within the authorized manning strength of a government agency or an academic or research institution (organization) belonging to a government agency. Considering that such people have matters concerning their retirement governed, <i>mutatis mutandis</i>, by the retirement regulations for public school teachers, and that it is their purpose to permanently settle and develop in this country, they ought to be provided with quasi-national treatment for safeguarding their welfare in old age. Therefore, this Article provides for their inclusion in being able to choose between receiving a one-time lump sum pension payment or a monthly</p>

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	<p>pension.</p> <p>2. Paragraph 2 is specified in accordance with the current provisions of Article 12 Paragraph 2 of the Act for the Recruitment and Employment of Foreign Professionals.</p>
<p><b>Article 39</b></p> <p>Subjects of this Act and their spouses and children, having been approved for permanent residence, will be eligible to receive government-provided child-rearing and childcare related cost subsidies, emergency aid, assistance for family in hardship, and self-pay long-term care services.</p>	<p>At present, government child-rearing and childcare related cost subsidies, emergency aid, assistance for family in hardship, long-term care services, etc., are mainly provided to our own people. Considering that the subjects of this Act and their spouses and children, having been approved for permanent residence, have the purpose of permanently settling and developing in this country, and to encourage them to have children, to add to our country's population, and also based on a humanitarian stance, to provide them with social security, this Article accordingly prescribes that they may also apply for child-rearing and childcare related cost subsidies, emergency aid, assistance for family in hardship, and self-pay long-term care services, and may be eligible for other government subsidies depending on the situation of government finances, so as to provide them with more complete living assistance and protection.</p>
<p><b>Article 40</b></p> <p>Employed subjects of this Act,</p>	<p>Under the provisions of Article 9 of the National Health Insurance Act and Article 14 of the Act for the</p>

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<p>themselves and their dependent relatives, 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 the State prescribed in Article 9 Subparagraph 1 of the National Health Insurance Act. But foreign special professionals and foreign senior professionals need not be employed.</p>	<p>Recruitment and Employment of Foreign Professionals, foreign professionals and foreign special professionals employed to engage in professional work, as well as their dependent relatives residing with them in Taiwan, shall participate in National Health Insurance, without being subject to a six-month wait. Since foreign mid-level technicians as newly provided for by this Act have not yet been included, and considering that the favorable treatment of National Health Insurance should be accorded to all subjects of this Act under employment in Taiwan, this Article accordingly makes such provision. Also, foreign special and senior professionals who have obtained Employment Gold Cards may not be under employment, so that neither they themselves nor their dependent relatives can utilize this provision, and in order to provide them with best access to the medical system, this Article accordingly expands the coverage of this benefit to include them and their dependent relatives.</p>
<p><b>Article 41</b> The provisions of Articles 5 to 8, Articles 19 to 23, and Article 40 shall apply, <i>mutatis mutandis</i>, to residents of Hong Kong and Macau. Matters concerning their entry, stay, and residence shall be handled in accordance with the provisions of the Act Governing Relations with Hong Kong</p>	<p>1. Under the current provisions of Article 13 of the Act Governing Relations with Hong Kong and Macau, residents of Hong Kong or Macau who are employed to work in the Taiwan Area are subject, <i>mutatis mutandis</i>, to the relevant provisions of the</p>

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and Macau and its related regulations.	<p>Employment Services Act concerning the employment and administration of foreign nationals. Also, to attract professionals from Hong Kong and Macau, and to grant them parity of rights with foreign professionals, the first part of this Article stipulates that residents of Hong Kong or Macau who engage in professional work or mid-level technical work in the Taiwan Area come within the scope, <i>mutatis mutandis</i>, of the relevant provisions of this Act.</p> <p>2. Since Hong Kong and Macau residents' entry, visiting and stay are dealt with in accordance with the relevant provisions of the Laws and Regulations Regarding Hong Kong &amp; Macao Affairs and the Regulations Governing Permits for People from Hong Kong and Macau Setting up Residence or Permanent Residence in R.O.C. while foreign nationals are subject to different provisions under the Act Governing the Issuance of ROC Visas in Foreign Passports and the Immigration Act, therefore the second part of the Article stipulates that matters concerning Hong Kong and Macau residents' entry, stay and residence shall be handled by the Ministry of the Interior in</p>

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	<p>accordance with the Act Governing Relations with Hong Kong and Macau and its related regulations.</p>
<p><b>Article 42</b> A citizen of the State who concurrently holds foreign citizenship and has not established household registration in the State, and who uses a foreign passport to come to the State to engage in work, shall be treated in accordance with the relevant provisions of this Act as pertain to foreign nationals.</p>	<p>Stipulated in accordance with the current provisions of Article 21 of the Act for the Recruitment and Employment of Foreign Professionals.</p>
<p><b>Article 43</b> The effective date of this Act shall be decided by the Executive Yuan.</p>	<p>The enforcement of this Act still requires time for preparation, hence this Article stipulates that its effective date will be separately decided by the Executive Yuan.</p>