

# Overall Short Introduction to the Act for the Recruitment and Employment of Foreign Professionals

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Good day to you all. Let me start by presenting a brief overview of the Act for the Recruitment and Employment of Foreign Professionals. The Act passed its 3<sup>rd</sup> reading in the Legislative Yuan on October 31 last year (2017), was promulgated by the President on November 22, and was formally put into effect by the Executive Yuan as of February 8 this year (2018).

The main focuses of the Act are the relaxation of visa, work and residency regulations for foreign professionals coming to Taiwan, the improvement of their insurance and retirement benefits, and the provision of a tax concession. These all serve the purpose of creating a friendlier work and residency environment that can attract foreign professionals to come and stay in Taiwan.

The Act is aimed at recruiting three types of foreign professionals. The first type is those who were originally referred to as foreign professionals, meaning those engaging in professional work as listed in Article 46 Paragraph 1 Subparagraphs 1 to 6 of the Employment Services Act, plus this Act's new addition of freelance artists and short-term tutorial school ("*buxiban*") teachers with specialized knowledge or skills.

The second type is foreign special professionals, a new type of professionals added under this Act. They are mainly high-skill individuals in fields of special expertise who need to be recruited by key industries targeted for promotion under Taiwan's industrial development policy, and the main eight fields include science & technology, the economy, finance, education, culture & arts, sports, law, and architectural design.

The third type is foreign senior professionals, meaning personnel needed by the state as currently specified by Article 25 Paragraph 3 Subparagraph 2 of the Immigration Act.

The content of the Act consists of 22 articles involving the powers and responsibilities of twelve ministries and commissions, and requiring the making or

amendment of eleven subsidiary executive instruments.

There are three main parts of content. The first part concerns the relaxation of work and visa regulations, a chief component of which is the Act's provision for the issuance of the Employment Gold Card to special professionals. There is also provision for the issuance of personal work permits to foreign freelance artists, and to open the way for foreign teachers with specialized knowledge or skills to be employed to teach in *buxibans* – that is, in the future, foreign teachers can be employed by *buxibans* not only to teach languages, but also to teach specialized skills. The fourth component of this part is the issuance of job-seeking visas to foreign professionals. This is a new kind of visa, allowing the holder to come to Taiwan to seek employment, and if they find employment, they can directly obtain a work permit.

The second part concerns the relaxation of stay and residency regulations for parents, spouses and children. In the first place, we have eased the rules so that the spouse and children of a permanent resident foreign professional can apply for permanent residency after staying in Taiwan for five years, without restrictions as to age or proof of financial ability. Next, provision has been made for the spouse and children of a foreign senior professional to co-apply for permanent residency together with the senior professional. Thirdly, the Act provides that if the adult children of a permanent resident foreign professional meet the specified conditions, they can obtain personal work permits. Fourthly, the maximum length of stay for a family visit by the lineal ascendants of a resident foreign special professional or their spouse has been extended from six months to one year.

The third part concerns the provision of retirement, health insurance, and tax benefits. Firstly, the Act provides enablement for permanent resident foreign professionals to utilize the New Labor Pension System, and for full-time foreign teachers in public schools to receive a monthly pension. Secondly, the Act provides for the spouse and children of foreign professionals employed in Taiwan to gain National Health Insurance coverage without a six-month wait. Thirdly, the Act creates a tax benefit for foreign special professionals, who for three years after first coming to work in Taiwan can have the portion of their salary above NT\$3 million discounted by half for the assessment of personal income tax.

A special webpage for the Act has been set up on the website of the NDC. This contains a large amount of information, including the Act itself, related subsidiary executive instruments, and a Q&A of most frequently asked questions. If anything is still not clear enough or anyone wishes to know more details, we have provided a contact window of the agency or agencies concerned for each article of the Act. We hope everyone can make plenty of use of this webpage.

As regards applying for the Employment Gold Card, an online platform for the application process has been developed and set up by the Ministry of the Interior. It not only enables applications to be processed in a shortened number of days via a streamlined procedure, but also enables many tasks to be conducted more efficiently online.

For the content of the Act's 22 articles, a simple process can be utilized to explain which preferential treatments apply to someone according to their foreign professional status.

First of all, since the principal targets of this Act are foreign nationals, you can only enjoy the relevant benefits if you are a foreign national pure and simple, or if you have dual nationality but use a foreign passport to enter Taiwan.

If you are already in Taiwan, you can see this page.

If you are outside Taiwan, you can see page 11. There are some differences between the two.

For an applicant who is already in Taiwan and who qualifies as what was originally called a foreign professional: **Item Aa** is that they can teach subjects other than languages in *buxibans*; **Item Ab** is that if they are an artist, they can apply direct for a work permit without needing to apply through an employer. Also, **Item Ac** is that the spouse, minor children and disabled adult children of these foreign professionals can obtain NHI coverage without a 6-month wait. **Items Ad and Ae**, which apply to foreign professionals who have already obtained permanent residency in Taiwan, are that their spouse and children can apply for permanent residency after five years' continuous residence, and without need to prove financial ability as was previously required; and that if their adult children meet the conditions for extension of residence, they can apply for personal work permits. These changes constitute a substantial easing of restrictions that previously applied to foreign professionals and their family members. In addition, **Items Af and Ag** are newly created benefits that enable foreign professionals to utilize the New Labor Pension System, and enable foreign teachers in public schools to apply for monthly pension payments.

**B Items** apply to those who qualify as the aforementioned foreign special professionals. Since they can enjoy even more favorable conditions, the qualifying criteria are comparatively high. If you meet the conditions to qualify as a foreign special professional, you can apply for an Employment Gold Card, and your work permit can be lengthened in duration from the former maximum of three years to a new maximum of five years. Also, your or your spouse's lineal ascendants can stay in Taiwan with a family visit visa for up to one year. If you additionally meet certain prescribed conditions, such as having already obtained permanent residency, you can

enjoy all of the **A Item** preferential treatments listed above. For foreign senior professionals, as previously mentioned, the main additional benefit is being able to co-apply with spouse and children for permanent residency.

If an applicant is not yet in Taiwan, it will be the same as stated on the previous page, so that if, for instance, they are a foreign professional, they can likewise apply to the Ministry of Labor for the benefits of **Items Aa to Ac**. But since they will not yet have obtained permanent residency, they will not have the benefits of **Items Ad to Ag**.

For foreign special professionals, in addition to the three **B Item** benefits previously described, there is also the tax concession that, if it is the first time they have received approval to work in Taiwan, then within three years the portion of their salary above NT\$3 million will be discounted by half for the assessment of personal income tax. But they must meet certain conditions to qualify for this benefit. Foreign senior professionals who meet the qualifying conditions can also enjoy the same benefits.

Furthermore, applicants who are not yet in Taiwan can apply for the employment-seeking visa that has been newly provided for by this Act, allowing them to come to Taiwan for the purpose of looking for a job.

As regards the content of the items just now introduced, page 7 and 8 will have comprehensive explanations of the relevant procedures and case examples.

If you still have a question about any rules relating to this Act, this page provides details of the phone numbers and contact persons of the service windows in the government agencies concerned, and you may contact them direct.

This concludes my overall introduction to this Act. Thank you.