



Act for the Recruitment and Employment of Foreign Professionals

National Development Council
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1. The Process of the Legislation

Taiwan is currently facing the demographic change of a falling working-age population. Since it also lacks incentives for attracting foreign professionals in an environment of intense international competition for talent, it is experiencing a **talent outflow** and a **talent shortage** that are growing more and more serious. Hence, taking measures to strengthen the recruitment of foreign professionals, and to create a friendly living environment, stands high on the government's current policy agenda, as crucial for uplifting national competitiveness.

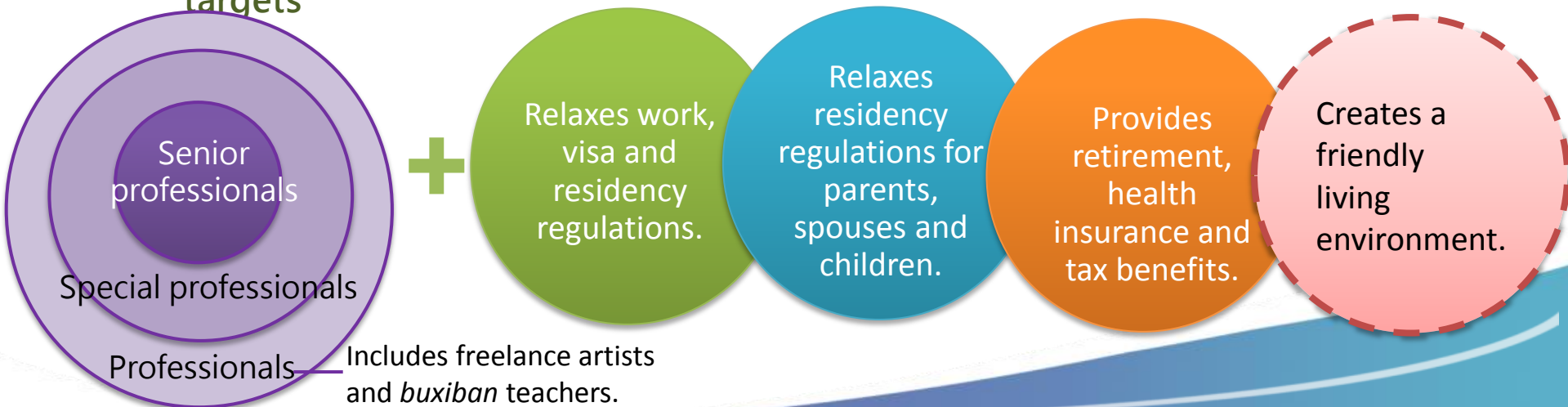
To speedily and comprehensively loosen the various regulatory restrictions impeding foreign professionals from coming to Taiwan and staying to work and live here, the NDC, consulting with other relevant ministries and commissions, drew up the draft of the Act for the Recruitment and Employment of Foreign Professionals. Passing its 3rd reading in the Legislative Yuan on October 31, 2017, this Act **sets an important milestone for Taiwan's talent retention and recruitment.**

2. The Purposes and Structure of the Legislation

The Act for the Recruitment and Employment of Foreign Professionals enables the loosening of regulations on visas, employment, stay and residence for foreign professionals, and improves their treatment relating to insurance, tax and retirement. The Act aims to build a friendly environment that attracts foreign professionals to come to work and live in Taiwan, so as to promote industrial upgrading and transformation, and enhance Taiwan's international competitiveness.

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Foreign recruitment targets



3. The Main Items of Loosening

(1) Relaxation of work, visa and residency regulations (1/2)

1. Foreign Professionals

This Act does not change the qualifying and screening criteria for foreign professionals¹ coming to work in Taiwan. Foreign professional is defined as a person engaging in work as listed in Article 46 Paragraph 1 Subparagraphs 1 to 6 of the Employment Services Act. The regulations for such foreign professionals are relaxed as follows:

- **Opening for foreign freelance artists to work in Taiwan:** The regulations are relaxed to allow foreign artists to apply direct to the Ministry of Labor for permission to work in Taiwan, without being required to apply through an employer. (Article 10)
- **Permitting *buxibans* to hire foreign teachers who possess specialized knowledge or skills:** The regulations are relaxed to allow employers to apply to the Ministry of Labor to hire foreign teachers with specialized knowledge or skills to be *buxiban* teachers of subjects other than languages. (Article 6)
- **Issuance of “job-seeking visas”:** Providing for the issuance of “job-seeking visas” to foreign nationals who have the intention of coming to Taiwan to engage in professional employment and need to spend some time seeking work. The visas allow for a total stay of up to six months. (Article 19)
- **Easing the regulations on cancellation of permanent residence:** Relaxing the former requirement that, after obtaining a permanent residence permit from the NIA, a foreign national must stay in Taiwan for at least 183 days every year in order to retain it. (Article 18)
- **Returning the issuance of teachers’ work permits to the Ministry of Education:** Encouraging schools to expand their recruitment of foreign teachers. (Article 5)

Note 1: “Foreign professional” means a foreign national who, in this country, engages in work as listed in Article 46 Paragraph 1 Subparagraphs 1-6 of the Employment Services Act.

(1) Relaxation of work, visa and residency regulations (2/2)

2. Foreign Special Professionals

For those among foreign professionals who match the specified criteria for eligibility as “foreign special professionals,”² the following work incentives are offered:

- **Issuance of Employment Gold Card:** Foreign special professionals who plan to engage in professional work in Taiwan may apply to the NIA to be issued with a 4-in-1 Employment Gold Card (personal employment pass) that combines work permit, resident visa, ARC and re-entry permit. This will be valid for 1 to 3 years, and when it expires, the holder can apply for its renewal. This Employment Gold Card gives the holder the fullest convenience in freely seeking, taking up and changing employment. (Article 8)
- **Longer duration for foreign special professionals’ work permits:** The maximum duration of work permits for foreign special professionals taking up employment in Taiwan is extended from 3 years to 5 years, and an extension can be applied for at its expiration. (Article 7)

Note 2: “Foreign special professionals” include, for example, national academicians, winners of well-known international prizes, persons recommended by trusted public associations, persons of international repute who have served in an overseas professional body, or persons who have held an important senior executive management position, etc.

(2) Relaxation of Residency Rules for Parents, Spouses and Children

- **Broader eligibility for spouses and children to apply for permanent residency:** Based upon consideration of international practice and human rights, when a foreign professional has been granted permanent residency, his/her spouse, minor children, and adult children who are unable to live independently due to physical or mental disability, after having resided in Taiwan lawfully and continuously for 5 years, may apply for an APRC, without requiring proof of financial ability. (Article 16)
- **Letting spouses and children join a foreign senior professional's³ application for permanent residency:** In concert with proposed amendment of Article 25 of the Immigration Act, the rules are relaxed to allow a foreign senior professional's spouse, minor children, and adult children who are unable to live independently due to physical or mental disability, to apply for permanent residency together with the foreign senior professional. (Article 15)
- **Issuing personal work permits to adult children:** If the adult children of an APRC-holding foreign professional meet the conditions for extension of residence, they can apply for a work permit, according to Article 51 of the Employment Services Act. (Article 17)
- **Extended limit of stay for lineal ascendants:** The maximum length of a stay in Taiwan for the lineal ascendants of a foreign special professional or his/her spouse under a family visit visa is extended from 6 months to 1 year. (Article 13)

Note 3: "Foreign senior professional" means a senior professional needed by Taiwan as prescribed in Article 25 Paragraph 3 Subparagraph 2 of the Immigration Act. It would, for example, include one who possessed unique capability in the R&D or management of a special technology or S&T institution, one who possessed special ability in some aspect of science, research, industry or commerce, and a winner of an award or distinction in an international competition.

(3) Provision of Retirement, Health Insurance and Tax Benefits

➤ **Strengthened retirement protection**

- Foreign nationals who are employed in professional work in Taiwan and have been approved for permanent residency may be included in the retirement pension system. (Article 11)
- Foreign nationals who are employed as full-time, qualified, paid teachers within the authorized manning strength of a public school in Taiwan, and who have been approved for permanent residency, shall have their retirement governed, *mutatis mutandis*, by the retirement regulations for public school teachers, and may opt for either a one-time lump sum pension payment or a monthly pension. (Article 12)

➤ **Relaxation of restrictions on National Health Insurance coverage:** For foreign professionals employed in professional work in Taiwan, their spouse, minor children, and adult children who are unable to live independently due to physical or mental disability, having obtained documentary proof of residence, will no longer be subject to a 6-month wait for inclusion in NHI coverage. (Article 14)

➤ **Provision of tax benefit:** When a foreign special professional obtains first-time approval to work in Taiwan, for the first three years thereafter, he/she will be excused from paying income tax on half of the part of his/her annual salary in excess of NT\$3 million. (Article 9)

4. Conclusion

To enhance the Act's efficacy, the NDC is now actively coordinating with the authorities concerned to complete all related regulations and measures. The Act and subordinate regulations are expected to be implemented before the lunar new year in 2018. At the same time, the NDC will also move forward in coordinating with the authorities concerned to actively formulate policies for attracting foreign talent and kicking off a new round of action for global talent recruitment.



End of Briefing

Please let us have your comments and suggestions.