

General explanation of the National Development Council Directions for Conducting the Recognition of Foreign Special Professionals with Special Expertise

Industries are changing quickly in today's digital age, with the constant emergence of new forms of industry, new modes of business operation, new development models, and new types of job function. This can give rise to the situation where otherwise excellently qualified foreigners who wish to apply for recognition as foreign special professionals cannot be identified as falling within the qualifying ambit of special expertise in the targeted fields as currently specified by the relevant central competent authorities. Thus, they cannot be recognized as foreign special professionals. To resolve this problem, in the July 7, 2021 amendment of the Act for the Recruitment and Employment of Foreign Professionals (hereafter "the Act"), provision was added to Article 4 Subparagraph 2 expanding the definition of foreign special professional. The amended definition includes any foreign professional who possesses special expertise as so recognized by the NDC in consultation with the central competent authority of the industry concerned.

To facilitate the implementation of the aforesaid provision, the NDC has drafted the National Development Council Directions for Conducting the Recognition of Foreign Special Professionals with Special Expertise, the main points of which are as follows:

1. The legal basis and purpose of the Directions. (Point 1)
2. The conditions under which the NDC may conduct consultation and recognition. (Point 2)
3. The recognition procedure. (Point 3)
4. The eligibility conditions for recognition as possessing special expertise. (Point 4)

National Development Council Directions for Conducting the Recognition of Foreign Special Professionals with Special Expertise

Provisions	Explanation
<p>1. These Directions are established by the National Development Council (hereafter “the Council”) for the purpose of conducting the recognition of special expertise in accordance with the provisions of the second part of Article 4 Subparagraph 2 of the Act for the Recruitment and Employment of Foreign Professionals (hereafter “the Act”).</p>	<p>The purpose and basis of establishment.</p>
<p>2. Where a foreign professional applies for an Employment Gold Card, or in respect of some other matter, as being a foreign special professional who possesses special expertise in a field specified in the first part of Article 4 Subparagraph 2 of the Act, and is not recognized by the central competent authority of the industry concerned as belonging to said field, recognition of the applicant’s special expertise may be conducted by the Council as prescribed in the second part of the aforesaid subparagraph.</p>	<p>1. Sets forth clear provision for consultation and recognition by the NDC.</p> <p>2. The “some other matter” referred to here includes application for a foreign special professional’s employment permit and other applications that require qualification as a foreign special professional under the provisions of the Act.</p>
<p>3. In conducting recognition of special expertise as prescribed in the preceding Point, the Council shall consult with the central competent authority of the industry concerned. The method of consultation may be in writing or via the Internet or by convening a meeting.</p>	<p>Specifies that the NDC must consult with the central competent authority of the industry concerned when conducting the recognition of special expertise as prescribed in the second part of Article 4 Subparagraph 2 of the Act for the Recruitment and Employment of Foreign Professionals. Also prescribes that such consultation may be conducted in writing or by convening a meeting.</p>

<p>4. One who can be placed in a qualifying field as a result of consultation under the preceding Point shall be referred to the central authority in charge of that field to determine whether they qualify as a foreign special professional according to that authority's announced determinants of special expertise.</p> <p>One who cannot be placed in a qualifying field as a result of consultation under the preceding Point, and who meets any of the conditions listed below, shall be recognized by the Council as a foreign special professional:</p> <ol style="list-style-type: none"> (1) The winner of a Nobel Prize, Tang Prize, Wolf Prize, Fields Medal, or other comparable international award. (2) A professional at the level of National Academician. (3) Has served or is currently serving as a researcher in a corporate enterprise or a non-profit organization, and has distinctive ability or outstanding performance in an area of expertise for which research talent is pressingly needed in our country. (4) Has obtained a doctoral degree from a public or private university in our country or from a foreign university that meets the academic qualification recognition requirements, and possesses key skills for the development of a domestic key industry, and has upward of four years of relevant work experience. (5) Is qualified as a foreign attorney or skilled in a foreign specialist field of medicine, and plans to invest their expert knowledge or skills in the development of a key industry in our country. 	<ol style="list-style-type: none"> 1. Paragraph 1 prescribes the method of recognition in cases where the consultation determines that the applicant can be considered as belonging to a qualifying field. Paragraph 2 sets forth the conditions for recognition by the NDC under these Directions in cases where the applicant cannot be placed in a qualifying field. 2. Considering that each professional field encompasses an extensive range of special expertise, which would be difficult to list exhaustively, and taking account of the special expertise currently required of targeted foreign special professionals in science & technology, the economy, education, culture, the arts, sports, finance, law, architectural design, and other fields, Subparagraphs 1 to 11 set forth an exemplifying list of relevant qualifying conditions as follows: <ol style="list-style-type: none"> (1) The eligibility conditions set forth in Subparagraphs 1 to 3 reference items 4 to 6 of the current eligibility conditions for Foreign Special Professionals Possessing Special Expertise in Science and Technology. (2) The eligibility conditions set forth in Subparagraph 4 reference the current eligibility conditions for Foreign Special Professionals Possessing Special Expertise in Science and Technology and for Foreign Special Professionals with Specialized Knowledge/Skills in the Economic Field, providing for those who have doctoral degrees and match specified credentials to also be recognized as foreign special professionals, and in line
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<p>(6) Has served or is currently serving as a senior executive of a world-renowned business enterprise with annual revenue upward of US\$100 million, and has accumulated at least five years of leadership experience.</p> <p>(7) Has experience of the successful listing of a startup company in Taiwan or overseas, as a senior executive or as a core technical member of an R&D team.</p> <p>(8) Has served or is currently serving as a senior executive or as a core technical member of an R&D team in an overseas startup that has received investment upward of US\$5 million or in a Taiwan startup that has received investment upward of US\$1 million, and has accumulated at least five years of relevant work experience.</p> <p>(9) Has served as a senior executive or as a core technical member of an R&D team in an overseas startup that has been successfully merged or acquired by another company for upward of US\$5 million, and has accumulated at least five years of relevant work experience.</p> <p>(10) The head, cofounder or important technical personnel of an internationally renowned online system platform, having developed a company that averages upward of 100,000 monthly active users and has annual revenue upward of US\$100 million, and having upward of four years of relevant work experience.</p> <p>(11) Has held or currently holds an important position in an international organization, an NGO, a government organization, or a charitable</p>	<p>with focal targeting for the development of domestic industries, specifying that they should also possess key skills required by the targeted industries.</p> <p>(3) The provision in Subparagraph 5 takes account of transnational professional talent needs for the development of national key industries, including talent in the fields of law and medicine. To encourage such talent to come and invest their abilities in those industries, this provision stipulates that, in addition to having qualified as a foreign attorney or possessing medical expertise (not limited to having obtained national or regional medical certifications), they should also have a plan for the development of a key industry in Taiwan as a prerequisite for application under this subparagraph. Moreover, the involvement of medical expertise in our key national industries should tie in with the biomedical and precision medicine industries.</p> <p>(4) The provision in Subparagraph 6 references the second of the eligibility conditions for Foreign Special Professionals with Specialized Knowledge/Skills in the Economic Field, and the Singapore Tech. Pass eligibility condition for an applicant to “have at least five cumulative years of experience in a leading role in the development of a tech product that has at least US\$100 million annual revenue.”</p> <p>(5) The provisions in Subparagraphs 7</p>
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<p>institution, with above four years of relevant work experience.</p> <p>(12) Has other professional skills or transnational experience for which there is a pressing need in our country, and with a current or previous most recent monthly salary of at least NT\$160,000 in this or another country.</p>	<p>to 9 reference items 10 to 12 of the eligibility conditions and required supporting documents for Foreign Special Professionals Possessing Special Expertise in Science and Technology, in respect of the investment thresholds for domestic and overseas startups, and the transaction thresholds for merger or acquisition by another company, and also reference the Singapore Tech. Pass eligibility condition for an applicant to “have at least five cumulative years of experience.”</p> <p>(6) The provision in Subparagraph 10 references the third of the eligibility conditions for Foreign Special Professionals with Specialized Knowledge/Skills in the Economic Field, and the Singapore Tech. Pass eligibility condition re “the development of a tech product that has at least 100,000 monthly active users or at least US\$100 million annual revenue.”</p> <p>(7) The provisions in Subparagraph 11 take account of the current eligibility conditions for Foreign Special Professionals Possessing Special Expertise in the Field of Culture and Arts, and in addition to broadening their scope to include recognition of the main or important members of international organizations as foreign special professionals, also pay heed to considerations of equity by further including those who have held important positions in NGOs, government organizations, or charitable institutions. Moreover, taking account of the eligibility</p>
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	<p>conditions for Foreign Special Professionals Possessing Special Expertise in Science and Technology and for Foreign Special Professionals with Specialized Knowledge/Skills in the Economic Field, it adds a requirement for four years of work experience.</p> <p>(8) Subparagraph 12 sets forth a general eligibility condition encompassing those who possess other professional skills or transnational experience for which there is pressing need in Taiwan.</p>
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