

General Explanation of the Draft Amendments to the Act for the Recruitment and Employment of Foreign Professionals

The current Act for the Recruitment and Employment of Foreign Professionals (hereafter “this Act”) was promulgated on November 22, 2017 and came into effect on February 8, 2018. Amendments to this Act have been drafted for the purposes of bolstering the recruitment of foreign professionals, simplifying their work and residence permit application procedures, increasing incentives for their long-term stay in Taiwan, and enhancing provision for keeping their families together and meeting their health insurance needs. The main points of the amendments are as follows:

1. Amending the scope of professional work, adding foreign subject teachers and work relating to experimental education, and adding provision to exempt certain foreign professionals from applying for work permits. (Articles 4 and 5 of the amended draft)
2. Adding provision to exempt graduates of the world’s top 500 universities from being required to have at least two years’ work experience as a prerequisite for taking up specialized or technical work in Taiwan. (Article 7 of the amended draft)
3. Changing “minor children” to “children under 18 years old” and changing “children over 20 years old” to “children aged 18 or older” in conformity with the planned amendment of the Civil Code to lower the age of majority from twenty to eighteen. (Article 8 and Articles 18 to 22 of the amended draft)
4. Adding provision for foreign special professionals who have already entered the country and apply for an Employment Gold Card to be exempted from applying for a resident visa, and amending reference

to applying for pre-expiration “renewal” of an Employment Gold Card to applying for its “extension.” (Article 9 of the amended draft)

5. Adding provision for foreign professionals and foreign special professionals to apply for an extension of residency of up to one year, provided they apply before the expiration of their originally permitted period of residency or Employment Gold Card. (Article 10 of the amended draft)
6. Extending to five years the period in which foreign special professionals can utilize the tax concession bestowed on them by this Act. (Article 11 of the amended draft)
7. Adding provision to allow foreign professionals and foreign special professionals who enter the country with a visa exemption or visitor visa, and who obtain permission or are exempt from requiring permission to engage in professional work in Taiwan, to apply direct to the NIA for an ARC without needing to apply for a resident visa, and the same for their dependent relatives. (Article 13 of the amended draft)
8. Easing the conditions for foreign professionals to obtain permanent residency, requiring legal and continuous residence for five years and residing on average more than 183 days a year, with the requisite duration of residence shortened to three years for foreign special professionals, and allowing time spent at school in Taiwan obtaining advanced degrees of master’s level and above to be partially counted toward fulfilling the requisite duration of continuous residence. (Article 14 of the amended draft)
9. Providing for foreign researchers in government institutions and their

subsidiary academic institutes to have matters concerning their retirement governed, *mutatis mutandis*, by the retirement regulations for public school teachers. (Article 16 of the amended draft)

10. Providing for the lineal ascendants of foreign special professionals and senior professionals who are not in employment to apply for visitor visas valid for one year. (Article 17 of the amended draft)
11. Relaxing the law to provide for foreign special professionals and foreign senior professionals who meet the criteria for being insured as employers or self-employed business owners under Article 10 Paragraph 1 Subparagraph 1 Item 4 of the National Health Insurance Act, together with their dependent relatives, to join the NHI system without having to wait for six months. (Article 18 of the amended draft)
12. Relaxing the law to provide for the dependent relatives of foreign special professionals to apply for permanent residence upon having continuously resided for three years and for an average of more than 183 days a year. (Article 20 of the amended draft)
13. Amending one of the conditions to be met for adult children of foreign professionals to apply for personal work permits, by lowering the required age of entry to Taiwan from 16 to 14, and adding provision that the age limit of 14 does not apply to those who entered the country before the age of 16 prior to this amendment, to protect their rights. Also, adding provision for the dependent relatives of foreign professionals, foreign special professionals, and foreign senior professionals, having been approved for permanent

residency, to be exempted from applying to the Ministry of Labor or Ministry of Education for a work permit. (Article 21 of the amended draft)

14. Adding provision that, when a foreign professional, foreign special professional, or foreign senior professional has been approved for naturalization as an ROC citizen, their dependent relatives and lineal ascendants may still utilize the relevant preferential treatment originally accorded to them by this Act. (Article 26 of the amended draft)