勞動部　令

發文日期：中華民國104年1月7日

發文字號：勞動發管字第10398016741號

附件：

核釋外國人從事就業服務法第四十六條第一項第一款至第六款工作資格及審查標準第六條所定之專案同意者，雇主聘僱具學士學位以上之外國人入國從事就業服務法第四十六條第一項第一款專門性及技術性工作，具下列資格之一者，其所聘僱之外國人不受工作經驗之限制：

1. 取得經濟部核發之「企業營運總部範圍證明函」、「國內外企業在臺設立研發中心計畫核定函」、於獲獎次日起一年內有效之「電子資訊國際夥伴績優廠商證明函」，或屬「新興重要策略性產業屬於製造業及技術服務業部分獎勵辦法第五條第一項附表九所列十項屬於技術服務業之公司」。
2. 科學工業園區事業單位且其聘僱之外國人從事之工作為生產產品或勞務所需之設計、提升產業技術或研究發展、經營管理及相關研究、國外特殊語言區域業務推廣及市場調查分析等。
3. 自由經濟示範區之區內事業單位。
4. 符合創業拔萃方案「具創新能力之新創事業認定原

則」之事業單位。

另雇主聘僱具學士學位以上之外國人入國從事就業服務法第四十六條第一項第一款專門性及技術性工作，受聘僱之外國人為自一百學年度起畢業於國內公立或已立案私立大學校院之外籍留學生、僑生及其他華裔學生者，不受工作經驗之限制。

本解釋令自即日生效。

前行政院勞工委員會中華民國一百零二年七月三十一日勞職管字第一○二○五一一一二七號令，自即日廢止。

部長　陳　雄 文

Ministry of Labor Ordinance

Issue Date:January 7,2015

Issue Number:No. 10398016741

Attachment:

The Ministry hereby interprets the term of consent under Article 6 as used in the Qualifications and Criteria Standards for foreigners undertaking the jobs specified under Article 46.1.1 to 46.1.6 of the Employment Services Act. In the event that any of the following criteria is met, foreigners, who are holding a bachelor’s degree (or above) and are employed to undertake the professional and technical jobs specified under Article 46-.1-.1 of the Employment Services Act, shall not be subject to the work experience requirement:

1. Employers who acquire the “certificate of the range of the enterprise operational headquarters,” “authorization letter of domestic and foreign enterprises’ plan to establish research & development centers in Taiwan,” “certificate of MOEA’s Electronics and Information International Partner Firm Awards” with one year validity starting from the next date of receiving the award, or belong to “any of the ten types of important strategic emerging manufacturing enterprises and technical service providers as set out under Annex 9 of Paragraph 1 of Article 5 of the Regulations for Encouraging Manufacturing Enterprises and Technical Service Enterprises in the Newly Emerging, Important and Strategic Industries”.
2. Business entities in the Science Parks which hire foreigners to undertake the design, industrial technology advancement or research & development, management studies and the relevant, business promotion in regions speaking uncommon languages and market research, and so on, for the purpose of product manufacturing or labor services.
3. Business entities within the Free Economic Pilot Zones.
4. Business entities that comply with definitions of “startup with innovation capability” listed in the HeadStart Taiwan Program.

In addition, in the event that employers hire graduates who are foreigners, overseas Chinese students, and other ethnic Chinese students holding bachelor’s degree (or above) from domestic public or certified private colleges/universities since the school year 2011 to undertake the professional and technical jobs specified under Article 46.-1.-1 of the Employment Services Act, those are not subject to the work experience requirement.

This interpretation shall take effect on this day.

The Order of the Council of Labor Affairs dated July 31, 2013 (Ref. No. Lao-Zhi-Gui-Zi-1020511127) shall cease to apply on this day.

Minister Chen Hsiung Wen