

Regulations on the Permission and Administration of the Employment of Foreign Workers

Promulgated by the Council of Labor Affairs, Executive Yuan on January 13, 2004, Amended by the Council of Labor Affairs, Executive Yuan on December 30, 2005, October 3, 2006, January 3, 2008 and December 24, 2008

Chapter 1 General Principles

Article 1

The Regulations are stipulated in accordance with Paragraph 2 of Article 48 of the Employment Service Act (hereinafter “The Act”).

Article 2

For the purposes of the Regulations:

1. The term “Class A Foreign Worker(s)” means those foreign person(s) who are employed to engage in jobs as referred to in Subparagraphs 1 to 6 of Paragraph 1 of Article 46 of The Act;
2. The term “Class B Foreign Worker(s)” means those foreign person(s) who are employed to engage in jobs as referred to in Subparagraphs 8 to 11 of Paragraph 1 of Article 46 of The Act;
3. The term “Class C Foreign Worker(s)” means those foreign person(s) who engage(s) in jobs in accordance with Subparagraphs 1 or 2 of Article 50 of The Act;
4. The term “Class D Foreign Worker(s)” means those foreign person(s) who engage(s) in jobs as referred to in Subparagraphs 1 to 4 of Paragraph 1 of Article 51 of The Act.

The Central Competent Authorities, after evaluating the conditions of the supply of and the demand for labor in terms of the circumstances of the domestic economic development and the employment market, may announce the number and proportion of, and the categories of occupations engaged in by the Class A Foreign Workers as referred to in Article 2 to be domestically recruited by employers.

Article 4

The entry visa held by a Foreign Worker shall be deemed as a work permit, should such visa be granted on the basis of an international written agreement specifying the scope of work, the number of people and the period of stay albeit the primary purpose of such agreement is not to enter the Republic of China to work.

The period of stay as referred to in Paragraph 1 of this Article shall not be longer than one hundred and eighty (180) days, prior to the expiration of which period an extension to the validity of visa may be applied for, but no such extended stay shall be longer than one hundred and eighty (180) days.

Article 5

The entry visa held by a Foreign Worker who engages in occupations as referred below shall be deemed as a work permit, should the period of stay permitted by the visa be within thirty (30) days:

1 Engage in the work mentioned in the Paragraph 3 of Article 51 of the Act.

2 To help assist in the solution of emergency cases and relating problems for the purpose of public welfare to engage in the works regulated in the Subparagraph 1 of Paragraph 1, Article 46 of the Act.

3 Recognized as the well-known experts by the agencies of main responsibilities to engage in the speech or commercial technical advisory work regulated in the Subparagraph 1, Paragraph 1 of Article 46 of the Act.

Article 3

Chapter 2 Application for the Permit to Employ the Class A Foreign Workers

Article 7

In applying for the permit to employ the Class A Foreign Worker(s), an employer shall submit the following documents:

1. Application form(s).
2. Photocopy of the national identity card or passport of the person in charge of the Applicant Company, the certificates of the company registration or business registration. Specially permitted businesses shall attach photocopy of the evidence document for specially permission.
3. Photocopy of employment contracts.
4. Name List of the employed Foreign Worker(s), and photocopy of their passport(s) and diploma(s). But Foreign Worker(s) who is employed to engage in jobs as referred to in Subparagraphs 2, 5 and 6 of Paragraph 1 of Article 46 of the Act is exempted of photocopy of diploma(s).
5. Original of the receipt for examination fee.
6. Other documents as may be required by the Central Competent Authorities.

Article 6

Unless otherwise provided for in The Act or in the Regulations, an employer shall apply to the Central Competent Authorities for a permit to recruit Foreign Worker(s) to engage in occupations in the territory of the Republic of China. Prior to granting the permit as referred to in Paragraph 1 of this Article, the Central Competent Authorities may consult the Central Competent Authorities administering the occupations in question for reviewing opinions and comments thereon.

5. Name List of the Foreign Worker(s) undertaking the contracts, and photocopy of their passport(s) and diploma(s).

Where a submitted document in the previous two Paragraphs was made/issued in a foreign country, the Central Competent Authorities may require the official verification thereof by the Republic of China's embassy or consulate to that foreign country.

Article 8

Should an employer find it necessary to continue the employment of the Class A Foreign Worker(s), the employer shall, within four (4) months prior to the expiration of the employment permit, apply for extension of the employment permit with the documents as referred to in Subparagraph 1, Subparagraphs 3 to 6 of Paragraph 1 of Article 7 to the Central Competent Authorities. But those whose duration of Employment Permit is less than six (6) months may only apply their extension after two-third of the duration of Employment Permit.

Article 9

Should the period of stay of Foreign Worker(s) as referred to in Article 5 be thirty-one (31) days or more but not over ninety (90) days, the employer(s) may apply pursuant to Article 7 for permit to employ such Foreign Worker(s) within thirty (30) days following such Foreign Worker(s)' entry into the Republic of China.

In applying to employ Foreign Worker(s) to engage in jobs as referred to in Paragraph 1 of Article 51 of the Act, in addition to the required documents specified in the

Subparagraphs 1, 5 and 6 of the Previous Paragraph, shall submit the following documents. Whenever granting the permit or the extension thereof to employ the Class A Foreign Worker(s), the Central Competent Authorities shall also notify the Ministry of Foreign Affairs of such grant.

2. Photocopy of the contracts related to construction, sale or technology cooperation.

Article 10

2. Photocopy of the registration documents of domestic and foreign legal persons under the contracts.

Should any of the following events occur, the Central Competent Authorities shall not grant all or part of employment permit(s), nor the extension thereof, for employment of legal persons.

Class A Foreign Worker(s):

1. Provide false or expired information.
2. Photocopy of the certificates of the company registration or business registration of the Applicant Company.
3. Photocopy of the applicant's health examination passport conducted in accordance with regulations administering health examinations of employed person in charge of the Applicant Company.
4. Photocopy of the applicant's health examination passport conducted in accordance with regulations administering health examinations of employed person in charge of the Applicant Company.

Foreign Workers stipulated by the Central Competent Health

3. The application so filed is not made in conformity with the relevant requirements, and the Employer fails to make necessary supplements and/or rectifications thereof within the specified period.

4. Any violation of the standards as set forth in accordance with Paragraph 2 of Article 46 of The Act.

provided, and the name, address and telephone number of the Public Employment Service Agency which processed the registration.

When conducting the recruitment as referred to in Paragraph 1 of this Article, the Employer shall notify the labor union or labors of the business entity of such recruitment, and shall announce the recruitment publicly in such a place as to make it apparent and obvious to the labors in the business entity.

Article 12-1

Employers of the Class A Foreign Worker(s) shall provide written notice to the Central Competent Authorities within three (3) days if the Foreign Worker(s) had the event of being with authority, and the evaluation that taken-carer(s) needs twenty-four (24) hours caring, domestic cares have been recommended by the Long-Term Care

Article 11-2

Administration Center of the Municipal City Government and the County/City

Government, yet referral unsuccessful due to legitimate reasons of unable to satisfy the caring demand, may apply for employing foreign in-house nurses to the Central Republic of China to work in accordance with Paragraph 3 of Article 51 apply, except Competent Authorities.

specified otherwise in the Act, to the specifications of the Class A Foreign Worker(s)

referred to Subparagraph 1 of Article 2.

Taken-cares who possess specific severe degree of disability card (pamphlet) may skip the evaluation procedure in Paragraph 1 of this Article and apply directly to the Long-Term Care Administration Center of the Municipal City Government and the County/City Government for domestic carer referral.

Chapter 3 Application for the Permit(s) to Recruit and Employ the Class B

Foreign Worker(s)

Article 13

Article 12

Class B Foreign Worker(s) as employed by the Employer shall possess the same

specialty or qualifications as required by the Employer in the process of domestic recruitment conducted in accordance with Article 12. The Central Competent Authorities may re-examine the specialty or qualifications as allegedly possessed by the Employed Class B Foreign Worker(s) when deemed necessary. Those disqualified in re-examination shall not be granted permit.

Competent Authorities for three (3) days, and, recruitment of domestic workers shall be conducted at least twenty-one (21) days following the day on which the said advertisement is ended. When registering for employment demands, an Employer shall submit for reference the items and criteria of the domestic recruitment selection regarding the required specialty follow the specifications set forth in Article 12-1.

The said Public Employment Service Agency processing the registration. The said Public

The advertisement for employment demands as referred to in Paragraph 1 of this Article shall specify the type of work, the number of persons to be recruited, the also invite relevant experts and scholars possessing the required specialty to witness the selection test, the working hours, the working location, the employment period, whether meals are

Article 14

An Employer who has recruit domestic workers in accordance with Paragraph 1 of Article 12 can not recruit sufficiently, may, within thirty (30) days following the day on which twenty-one (21) days of recruitment is ended, submit recruitment advertisement materials, name list of employed domestic workers and documents set forth by the Central Competent Authorities, to the Public Employment Service Agency processing the registration for the certificate of employment demands.

Having examined and approved that an Employer has fully complied with Articles 12 and 13 regarding the recruitment, the said Public Employment Service Agency so processed the Employer's registration shall issue a certificate for employment demands indicating the insufficiency of the required number of workers after domestic recruitment.

Article 15

Employers, when conducting domestic recruitment in accordance with the relevant laws and regulations, shall not engage in any of the following acts toward those recommended by Public Employment Service Agency or the self-recommended job applicants:

1. Making false statements regarding the difficulty of work, the danger involved in work, and so forth.
2. Rejecting a job application on the ground of the job applicant's lack of the required technique, while the registered category of employment demands is for neither technicians nor physical laborers.
3. Rejecting to employ a domestic worker based on any other unjustified reasons.

permitted businesses. The requirement of the photocopy of the certificates of factory registration or that of the license for specially permitted businesses is exempted if so provided for in other laws or regulations.

3. Certificate of the employment demands. But applicants of employing in-house nurses are exempted of this.

4. Name List of the employed domestic workers, where the domestic recruitment was previously conducted. But applicants of employing in-house nurses are exempted of this.

5. Certificates issued by the Municipal City Government or the Counties/Cities Governments with respect to the following matters, provided that the requirement of such certificates, however, is exempted should household assistants or in-house nurses be recruited.

- (1) That reserve of employees' pension has been transmitted to Workers' Retirement Preparation Fund and the Workers' Retirement Pension has been appropriated in accordance with the relevant laws and regulations
- (2) That payment has been made to the Employees' Fund for Arrear Wage Debts in accordance with the relevant laws and regulations
- (3) That Labor Insurance Premium Payments have been made in accordance with the relevant laws and regulations
- (4) That fines for and penalties of Labor laws and regulations have been paid in accordance with the relevant laws and regulations
- (5) That the Labor-Management Meetings have been held in accordance with the relevant laws and regulations
- (6) That laws and regulations on industrial dispute as defined in Article 10 of The Act in the work place for Class B Foreign Worker(s)

Article 16

In applying for a permit to recruit Class B Foreign Worker(s) as Applicant Employer(s) shall submit the following documents:

- 1. Application form(s). That there appear no concrete factual situations suggesting a probability of shrinkage of business, discontinuance of person in charge of the Applicant Company, the certificates of the company registration, business registration, factory registration, and that of the license for specially
- 2. Photocopy of the national identity card of the Applicant Employer or the person in charge of the Applicant Company, the certificates of the company registration, business registration, factory registration, and that of the license for specially

(8) That the Applicant Employer has never effected, because of the employment of Class B Foreign Worker(s), any deterioration

6. Original of the receipt for examination ^{fee} in domestic workers' working conditions.

7. Other documents as may be required by the Central Competent Authorities. The situations specified in Item 6 to 8 of Subparagraph 5 of the Previous Paragraph are limited to the occurrence within two (2) years prior to the date of application. A civilian-organization Applicant Employer, in addition to the documents as referred to in Subparagraph 1 and Subparagraphs 3 to 7 of Paragraph 1 of this Article, shall also submit the photocopy of the national identity card of the person in charge of such organization and that of the certificate of such organization's registration.

Article 16-1 (Deleted)

Article 17

In order to apply for replacement in accordance with Article 58 of The Act, an Employer shall submit the following documents:

1Application form(s).

2Name list of Foreign Workers who have left the territory of the Republic of China.

3Certificate documents of such departed Foreign Workers.

4An agreement document terminating the employment of Class B Foreign Worker(s) issued by the Municipal City Government or the Counties/Cities Governments. However, if the Employer terminates the employment with the worker(s) not because of the regulation in Article 45, they are exempted from providing the documents.

5Other documents as may be required by the Central Competent Authorities.

3. Other documents as may be required by the Central Competent Authorities.

In applying for replacement based on Paragraph 2 of Article 58 of the Act due to the missing in-house nurses, an Employer shall submit the following documents:

- 1 Application form(s).
- 2 Photocopy of agreement document terminating the employment due to consecutive absence from work and lost of contact for three days.
- 3 Other documents as may be required by the Central Competent Authorities.

Article 17-1

In order to apply for replacement of the Class B Foreign Worker(s) in accordance with Paragraph 1, Article 58 of The Act, an Employer shall apply for replacement within six months after the worker is departed or deceased. An Employer shall apply for a replacement of in-house nurse according to Paragraph 2, Article 58 of the Act within the following limit of time:

- 1 To file an application according to Subparagraph 1, Paragraph 2 of Article 58 of the Act, the application should be sent within six months of the missing of the worker.
- 2 To file an application according to Subparagraph 2, Paragraph 2 of Article 58 of the Act, the application should be sent within six months after six months of the missing of the worker.

In applying for replacement due to the death of Foreign Worker(s) in the Previous Paragraph, an Employer shall submit the following documents:

1. Application form(s).
2. Death Certificate of the said Foreign Workers.

In applying for employment of Class B Foreign Worker(s) according to Subparagraph 9 or 10, Paragraph 1 of Article 46 of the Act, an Employer shall administer genuinely the Disciplinary Plan on the Employed Foreign Workers' Life. The local competent authority may notify the employers who have violated the specifications in previous paragraph to improve within specified period.

Article 19-1

The Disciplinary Plan on the Employed Foreign Workers' Life in the previous Paragraph

1 should include the following items:

1. Safety and health conditions of worker's diet and housing.
2. Protection of physical safety.
3. Entertaining facilities and religious Information.
4. Life advisory services.
5. Location of housing and disciplinarian(s). If the Employer employs in-house servants or in-house nurses, they are exempted from the items in Subparagraph 3 and 4 in the previous paragraph. For any alterations in Subparagraph 5 of Paragraph 1, the Employer should notify the local competent authority where the worker(s) works or lives with written notification within seven days of the alteration.

Before the Regulation becomes effective on December 26, 2008, an Employer has applied for replacement of Class B Foreign Worker(s) according to Article 58, should apply for replacement within six months after the Regulation is effective at the Central Competent Authorities. If the Employer has delayed the application, the Central Competent Authorities should not grant such applications.

Article 18

Except where otherwise justified, Employers, in applying for employment of Class B Foreign Worker(s), shall not revoke registration for employment demands within six (6) months prior to the domestic recruitment.

Article 19

Article 22

The Central Competent Authorities shall refuse to grant permit for employment of Class B Foreign Worker(s) should the Applicant Employer, any individual to whom the in-house nursing services are provided or any of his/her relatives living together with him/her have ever committed any of the offences as referred to in Articles 221 to 229 of the Criminal Code against any Class B Foreign Worker that has been employed by the Applicant Employer.

Article 23 (Deleted)

Article 24

The Central Competent Authorities shall refuse to grant permit for employment of Class B Foreign Worker(s) should the application be in violation of any of the standard(s)/qualification(s) as promulgated in accordance with Paragraph 2 of Article 46 or Paragraph 2 of Article 59 of The Act.

Article 25

With respect to the application for permit to recruit Class B Foreign Worker(s), the Central Competent Authorities may prescribe the duration of validity of all sorts of document(s) so applied and the application procedures.

Should an application in accordance with Paragraph 1 of this Article for permit to recruit ~~Class B~~ Foreign Worker(s) be granted, the Applicant Employer shall complete all the necessary procedures to facilitate the entry into the Republic of China of those Class B Foreign Worker(s) from the country as permitted by the Central Competent Authorities within six (6) months following the date as specified by the notification of permission. Where an Employer is permitted by the Central Competent Authorities to re-conduct a recruitment of Class B Foreign Worker(s), the Employer shall not conduct such recruitment or consecutively employ Class B Foreign Worker(s) before the originally employed Class B Foreign Worker(s) depart from the territory of the Republic of China. The failure to complete such procedures within the specified time shall render the recruitment permit null and void.

Should the failure as referred to in Paragraph 2 of this Article be due to force majeure or any other cause not attributable to the Applicant Employer, the Applicant Employer may apply, within thirty (30) days before and after the expiration date of Employment Permit, to the Central Competent Authorities for extension to the Central Competent Authorities, and, with the approval of the Central Competent Authorities, proceed with the recruitment within three (3) months of the date application for such permit, the proportion of domestic workers that have been laid off, dismissed, or terminated by the Applicant Employer have reached the extent prescribed by Central Competent Authorities.

Article 26

No Employer may employ any Class B Foreign Worker that has already entered the territory of the Republic of China, except with the ad hoc approval of the Central Competent Authorities.

Article 27

When applying for an entry visa in accordance with the applicable laws and regulations, a Class B Foreign Worker shall submit the following documents:

1. Permit for recruitment.
2. Report, as issued by a hospital as approved or designated by the Central Competent Health Authorities of the Republic of China, certifying the Applicant Class B Foreign Worker's passage through a health examination conducted within three (3) months prior to the date of application.
3. Profession certificate.
4. Documents certifying the Applicant Class B Foreign Worker's settled practice of good-mannered behavior. However, the requirement of such documents is exempted where the Applicant Class B Foreign Worker applies for re-entry within thirty (30) days following his/her departure from the territory of the Republic of China.
5. The Applicant Class B Foreign Worker's Affidavit regarding expenses incurred for entry into the Republic of China to work and his/her wage/salary as verified by the Competent Authorities of the Labor-Exporting Country.
6. Labor contract as properly executed.
7. Affidavit of the recruited Class B Foreign Worker's acknowledgment of understanding of the relevant provisions of The Act.

Article 27-1

Employers who have applied to employ Foreign Worker(s) as referred to in the Subparagraph 8 to 10 of Paragraph 1 of Article 46 of the Act shall, within three (3) days after the Foreign Workers' entry, submit the following documents and notify the local competent authority to conduct inspection:

1 Notification of the foreign worker(s)' entry.

2 Disciplinary Plan on the Employed Foreign Workers' Life. But the said employers employing Foreign Worker(s) to conduct sea-fishing works can be exempted.

3 Name list of the said Foreign Workers.

4 The said Foreign Workers' Affidavit regarding expenses incurred for entry into the Republic of China to work and his/her wage/salary as verified by the Competent Authorities of the Labor-Exporting Country. But those who meet the provisions as referred to in Paragraph 2 of Article 27 can be exempted.

The originally employed Class B Foreign Worker(s) can be exempted from submitting the documents required as referred to Subparagraphs 3 to 5 and 7 in the previous Paragraph if their employers managed the re-conduct of recruitment by themselves, were not consigned to private employment services institution(s) and transferred application documents through the Central Competent Authority.

Within fifteen (15) days following the entry into the Republic of China of the Class B Foreign Worker(s) as recruited by an Employer, the Employer shall submit the following documents to apply for employment permit(s) therefore:

1. Application form(s).
2. Recruitment permit(s).
3. Name list of the recruited Class B Foreign Worker(s).
4. Health Examination Report issued by a domestic hospital as designated by the Central Competent Health Authorities.
5. Original of the receipt for examination fee.
6. Certificate evidence of notification acceptance issued by the local competent authority according to Article 27-1.

7. Other documents as may be required by the Central Competent Authorities.
The local competent authority shall issue a certificate of entry notification acceptance if the documents of in the previous subparagraph meet the requirements and should conduct relating checkups regulated in Article 19. If the worker(s) has qualified the checkup six months before the issuing of the certification, he is exempted from the checkup mentioned. Should the Employer has informed the local competent authority of the entry of the employed foreign worker(s) before the Regulation becomes effective on December 26, 2008 and the worker(s) have not been issued the certificate mentioned in the previous subparagraph, the worker has to do as the checkups in the previous two paragraphs.

Article 27-2

When the local competent authority deploys wage/salary audits of foreign worker(s) based on Subparagraph 8 to 10, Paragraph 1 of Article 46 of the Act should set upon the contents of the Affidavit regulated in the Subparagraph 4, Paragraph 1 in the previous Article. The contents of the Affidavit in the Subparagraph 4, Paragraph 1 in the previous Article should not be altered on account of unfavorable interests.

Article 28

Should a Foreign Student as referred to in Article 30 have been officially enrolled in a school to take courses for two (2) semesters or more in a division, department, or graduate institute thereof, or to take language course(s) for one (1) year or more, and have had an outstanding performance in academic accomplishments, and should the school in which he/she is enrolled have acknowledged the existence of any of the following factual situations, the said Foreign Student may engage in jobs relevant to the course(s) he/she takes and language he/she studies:

1. It is proved by concrete evidence that the financial situation of the said Foreign Student is unable to continuously sustain his/her studies and living.
2. The teaching or researching unit of the school in which the said Foreign Worker is enrolled is in need of his/her assistance and participation in teaching or researching work.
3. The said Foreign Student has to engage in off-campus practical training related to the course(s) he/she takes.

Foreign students who meet one of the following qualifications are not restricted by the ~~Article 29~~ as referred to in the previous Paragraph:

Should an Employer find it necessary to continue the employment of Class B Foreign Workers with exceptional specialty in a foreign language, with the ad hoc approval(s) by the Ministry of Education, or days prior to the expiration of the Employment Permit(s) or of the Extended Employment Permit(s) for a Major Construction Project, the Employer shall apply, with the application form(s) for extension for Employment Permit(s) or for an additional extension for the Extended Employment Permit(s) for a Major Construction Project, together with any other document(s) as may be required by the Central Competent Authority for such extension or additional extension, respectively thereof within the said period.

Chapter 4 Application for Permit(s) to Employ Class C Foreign Worker(s)

Article 30 Foreign Student(s), as referred to in Subparagraph 1 of Article 50 of The Act, shall conform to the qualifications as set forth in the Regulations on Foreign Students Enrolled in Schools in the Republic of China.

Article 31

Article 33

In order to apply for a work permit, a Class C Foreign Worker shall submit the following documents:

1. Application form(s).
2. Photocopy of student's identity card.
3. Original of Letter of Authorization issued by the School or by the Subsidiary Language Center affiliated with the School in which the Applicant Class C Foreign Worker is enrolled.
4. Grades certificate(s) of the latest semester or school report of full-year language course(s). The requirement of such documents is exempted where the Applicant Class C Foreign Worker meets the requirements as set forth in Paragraph 2 of Article 31.
5. Original of the receipt for examination fee.
6. Other documents as may be required by the Central Competent Authorities.

Article 32

Overseas Chinese Student(s) as referred to in Subparagraph 2 of Article 50 of The Act shall conform to the student's status as set forth in the Regulations Relating to Homecoming Overseas Chinese Students' Education of and Counsel. Foreign Students of Chinese Origin other than Overseas Chinese Student(s) as referred to in Subparagraph 2 of Article 50 of The Act shall conform to the student's status as set forth in the Regulations on Education Relating to Hong Kong and Macau Residents Coming to the Republic of China.

2. The application is not made in conformity with the relevant requirements, and the Applicant Class C Foreign Worker fails to make necessary supplements and/or rectifications thereof within the specified period

Chapter 5 Application for Permit(s) to Employ Class D Foreign Workers

Article 36

In applying for permit(s) to employ the Class D Foreign Worker(s), an Employer shall submit the following documents:

1. Application form(s).
2. Photocopy of the national identity card of the Applicant Employer or the person in charge of the Applicant Company, the certificates of the company registration, business registration, factory registration, and that of the license for specially permitted businesses. The requirement of the photocopy of the certificates of factory registration or that of the license for specially permitted businesses is exempted if so provided for in other laws or regulations.

3. Photocopy of employment contract(s) or labor contract(s).

In addition to those documents as referred to in Paragraph 1 of this Article, the Applicant Class C Foreign Worker shall also submit the following documents as referred to in Subparagraphs 1 to 3 of Paragraph 1 of Article 31 or the certificate for his/her exceptional specialty in a foreign language as referred to in Paragraph 2 of Article 31.

5. Photocopy of the employed Class D Foreign Worker(s)'s Residence Permit(s) for Foreigners or his/her Permanent Residence Permit(s)..

6. Original of the receipt for examination fee.

Article 34

7. Other documents as may be required by the Central Competent Authorities.
The validity of work permit(s) of Class C Foreign Worker(s) shall not be longer than six (6) months. Except for summer or winter vacations, Class C Foreign Worker(s) as permitted to work in Paragraph 1 of this Article shall not work more than sixteen (16) hours per week.

Article 35

The Central Competent Authorities shall refuse to grant a Class C Foreign Worker's application for work permit(s) should any of the following occur:

1. False information found in the application filed;

Employment Permit(s), the Employer shall apply, with the documents as referred to in Subparagraph 1, Subparagraphs 3 to 7 of Paragraph 1 of Article 36, to the Central Competent Authorities for extension of the Employment Permit(s) within the said period.

Article 38

In order to make applications to the Central Competent Authorities directly in accordance with Paragraph 2 of Article 51 of The Act, a Class D Foreign Worker shall submit the documents as referred to in Subparagraph 1, Subparagraphs 4 to 7 of Article 36.

Article 39

The Central Competent Authorities shall not grant employment permit(s) or the extension thereof for employment of Class D Foreign Worker(s) as applied by the Employer or directly by the Class D Foreign Worker(s), should any of the following events occur:

1. False information found in the application filed by the Employer for a permit to employ Foreign Worker(s) or for the extension thereof;
2. The application is not made in conformity with the relevant requirements, and the Applicant Employer or Applicant Class D Foreign Worker(s) fail(s) to make necessary supplements and/or rectifications thereof within the specified period

Chapter 6 Regulations Following the Foreign Worker's Entry in the Republic of China

Article 40

Where the Applicant Employer is an organized body of people, in addition to the documents as referred to in Subparagraph 1 and Subparagraphs 3 to 7 of Paragraph 1 of Article 46 of The Act reach ten (10) or more, the Employer shall set up disciplinarian(s) in accordance with the following Paragraphs:

- 1 Where the number of employed Foreign Workers is ten (10) or more but below fifty (50), there shall be at least one (1) disciplinarian.
- 2 Where the number of employed Foreign Workers is fifty (50) or more but below one hundred (100), there shall be at least two (2) disciplinarians.
- 3 Where the number of employed Foreign Workers is one hundred (100) or more, there shall be at least three (3) disciplinarians.

Should an Employer find it necessary to continue the employment of Class D Foreign Worker(s) within the period of sixty (60) days prior to the expiration of the

there shall be an additional disciplinarian per every additional one hundred (100) employed Foreign Workers. The disciplinarian(s) of the Previous Paragraph shall possess one of the following qualifications:

- 1 Obtaining the Certificate of Employment Service Professional Personnel;
- 2 Conducting Foreign Workers' disciplinary more than two (2) years of experience;
- 3 Graduate(s) of university or college and having more than one (1) year of work

experience. The local competent authority may notify the employers who have violated the specifications of Paragraph 1 and 2 of this Article to improve within specified period.

Article 40-1

Private Employment Service Agency accepting the employer's consignment of Article 40 to conduct Foreign Workers' disciplinary shall set up disciplinarian(s) in accordance with the following Paragraphs:

- 1 Where the number of Foreign Workers under disciplinary is ten (10) or more but below fifty (50), there shall be at least one (1) disciplinarian.
- 2 Where the number of Foreign Workers under disciplinary is fifty (50) or more but below one hundred (100), there shall be at least two (2) disciplinarians.
- 3 Where the number of Foreign Workers under disciplinary is one hundred (100) or more, there shall be an additional disciplinarian per every additional one hundred

of supervision work.

Article 40-3

Foreign Workers(s) who takes jobs regulated in the Subparagraph 8 to 11, Paragraph 1 of Article 1 of the Act that are recognized by the local competent authority as having the necessity to receive accommodation service should be accommodated according to the accommodation targets, duration and process by the Central Competent Authorities.

Article 41

Should the number of employed Foreign Workers as referred to in Article 40 reach thirty (30) or more, the Employer shall set up personnel with bilingual ability among the employed Foreign Workers in accordance with the following Paragraphs:

1. Where the number of employed Foreign Workers is thirty (30) or more but below one hundred (100), there shall be at least one such personnel.
2. Where the number of employed Foreign Workers is one hundred (100) or more but below two hundred (200), there shall be at least two such personnel.
3. Where the number of employed Foreign Workers is two hundred (200) or more, there shall be an additional such personnel per every additional one hundred (100) employed Foreign Workers.

(100) Foreign Workers under disciplinary. The disciplinarian(s)' qualifications of the Previous Paragraph apply to the specifications in Paragraph 2 in the previous Article.. The local competent authority may notify the consigning employer and the consigned Private Employment Service Agency to improve within specified period if the consigned Private Employment Service Agency violates the specifications of Paragraphs 1 and 2 of this Article.

Article 40-2

Private Employment Service Agency accepting the employer's consignment of Article 40 to conduct Foreign Workers' disciplinary shall achieve the responsibilities

a copy themselves the table of wage/salary indicating both in Chinese and in the native language of the Class B Foreign Worker(s)'s national country the wage/salary actually received, the items accountable for the wage/salary, the total amount of the wage/salary, the method of wage/salary paid, the items of expenses incurred and the corresponding amount thereto about National Health Insurance premium, Labor Insurance premium, Income Tax withhold or boarding fees, worker bonus, detained amount of money with the detain order from court houses or administrative agents, or other items or amount that should be deducted from wage under the regulations of other acts. These copies should be kept by the foreign worker(s) for five years.. The Employer shall prepare and keep labor contract(s) and verified Foreign Worker's Affidavit regarding expenses incurred for entry into the Republic of China to work and his/her wage/salary for the inspection of the competent authorities. The Employer who recruit Class B Foreign Worker(s) in accordance with Paragraph 2 of Article 27 are exempted from preparing and keeping the Affidavit as referred to in the Previous Paragraph. The said wage/salary as referred to in Paragraph 1, except the amount incurred by Foreign Worker(s), shall be paid by the Employer in full amount by cash and directly to Class B Foreign Worker(s). But when paying by other methods, the Employer shall issue relevant evidence documents to the Class B Foreign Worker(s) and keep a copy themselves. Suppose the Employer do not pay the said wage/salary as referred to in Paragraph 1 in full amount, the competent authorities may require them to pay in full within limited period.

The local competent authority may notify the employers who have violated the specifications of the Previous Paragraph to improve within specified period.

Article 44

Article 42

When engaging in jobs as referred to in Subparagraphs 8 to 10 of Paragraph 1 of Article 46 of The Act, no Foreign Worker is allowed to bring along his/her family to stay, unless Every written labor contract for a fixed term entered into and executed by and the Employed female Foreign Worker or the spouse of the Employed male Foreign Worker gives birth to offspring in the Republic of China during the term of employment between an Employer and a Foreign Worker in accordance with Paragraph 3 of Article 46 of The Act shall be made in Chinese and shall also be translated, as a duplicate, into the native language of the Foreign Worker's national country.

Article 43

Where an Employed Foreign Worker acts in the manner as referred to in Article 56 of The Act, in addition to notifying the local authorities and police authorities of such situation in accordance with the said Article, his/her Employer shall also notify the

Central Competent Authorities of the same. But if the reason of notification for employed Class B Foreign Workers is terminating employment relationship, then the local competent authority shall explore and verify the Foreign Workers' genuine willingness after it has received the notification; the verification procedure will be promulgated by the Central Competent Authorities.

The notification as referred to in Paragraph 1 of this Article shall contain the name of the Employed Foreign Worker, his/her sex, age, nationality, date of entry into the Republic of China, term of employment, the document number of his/her recruitment or employment permit, and the photocopy of his/her Residence Permit(s) for Foreigner.

Where the said employed person has not departed from the territory of the Republic of China, the police authorities shall make a collective report to the National Police Administration, Ministry of the Interior, Republic of China and fortify the search for such missing Employed Foreign Worker.

Article 46

An Employer shall, prior to the expiration of the validity of the employment permit(s) of any Employed Foreign Worker(s), go through the necessary formalities on behalf of the Employed Foreign Worker(s) with a view to facilitating the Employed Foreign Worker(s)'s departure from the territory of the Republic of China.

Should the Employed Foreign Worker(s) be ordered to depart from the territory of the Republic of China due to any of the following reasons, the Employer shall, within the specified period, go through the necessary formalities on behalf of the Employed Foreign Worker(s) with a view to facilitating his/her departure. In any case, however, the period, if any, specified by the Entry/Exit Authorities in accordance with the applicable laws and regulations, shall be strictly observed.

1. Employment permit(s) has/have been terminated.
2. The result of the health examination(s) has indicated that the Employed Foreign Worker(s) has/have failed some items in the health examination.
3. The Employer has not applied for employment permit(s) in accordance with the applicable laws and regulations or such application has already been rejected.