

Amendments to the Regulations on **the** Permission and Administration of the Employment of Foreign Workers

A r t i c l e 5 The entry visa or the entry permit held by a foreign worker who engages in the occupations referred to below shall be deemed to be a work permit and the period of stay allowed by the visa or the permit shall be within thirty days:

1. To engage in work mentioned in Paragraph 3, Article 51 of the Act.
2. To help assist in the solution of emergency cases and related problems for the purpose of public welfare and to engage in work prescribed in Subparagraph 1, Paragraph 1, Article 46 of the Act.
3. To engage in speeches or commercial technical advisory work, as prescribed in Subparagraph 1, Paragraph 1, Article 46 of the Act, as well-known experts recognized by the central authorities in charge of the relevant industries or invited by post-secondary institutions, government agencies at all levels, and their affiliated academic research institutions.
4. To engage in non-profit artistic and cultural performances or sporting events at the invitation of government agencies at all levels or foreign missions or institutions in Taiwan.

A foreigner who holds an Academic and Business Travel Card issued by the immigration authority and is engaged in speeches or commercial technical advisory work provided in Subparagraph 1, Paragraph 1, Article 46 of the Act shall be deemed as being given a work permit in the event that the period of stay granted in the entry visa or the entry permit is

within ninety days.

Article 6 - 1 An employer may apply for employment of a foreign worker through the Internet as indicated by the Central Competent Authority following its announcement.

An employer who applies in a way provided for in the preceding paragraph shall retain the written originals of all application documents for at least five years.

Article 7 When applying for the permit to employ type A foreign worker(s), an employer shall submit the following documents:

1. Application form(s).
2. Photocopy of the applicant's or the company owner's personal identification document, company registration or commercial registration documents, the factory registration certificate, and the license for specially permitted businesses. However, those exempted from providing the factory registration certificate or the license for specially permitted businesses shall be excluded from the restriction.
3. Photocopy of the employment contract.
4. Name List of the employed foreign worker(s), photocopy of their passport(s) or alien resident certificate(s), and photocopy of their diploma(s). However, foreign workers who are employed to engage in jobs as referred to in Subparagraphs 2, 5 and 6 of Paragraph 1 of Article 46 of the Act shall be exempted of a photocopy of their diplomas.
5. Original of the receipt for examination fee.
6. Other documents as may be required by the Central Competent Authority.

In applying to employ foreign worker(s) to engage in

jobs as referred to in Paragraph 3, Article 51 of the Act, in addition to the required documents specified in Subparagraphs 1, 5 and 6 of the preceding paragraph, shall submit the following documents:

1. Photocopy of the contracts of construction, sale or technical cooperation.
2. Business registration documents of domestic and foreign legal persons under the contracts.
3. Supporting document(s) of the contract(s) undertaking appointment issued by foreign legal persons.
4. The certificates of company registration or business registration for the applicant company and, for a specially permitted business, a photocopy of the special permission supporting document(s) and the national identity card, the passport or the alien resident certificate of the owner of the applicant company.
5. Name list of the foreign worker(s) undertaking the contracts and photocopies of their passports or alien resident certificates and their diplomas. However, a foreign worker whose combined duration of employment in the previous year prior to the date of application and for the current application is less than ninety days shall be exempted from providing a photocopy of his/her diploma.

Where a submitted document in the preceding two paragraphs was made or issued in a foreign country, the Central Competent Authority may require the official verification thereof by the Republic of China's overseas mission to that foreign country.

Where the applicant employer is a civic organization, in

addition to the required documents specified in Subparagraphs 1, 3 and 6 of Paragraph 1, the personal identification document of the person in charge of the organization and a photocopy of the registration certificate for the organization shall also be submitted.

Article 16 In applying for a permit to recruit type B foreign worker(s), an employer shall submit the following documents:

1. Application form(s).
2. Photocopy of the applicant's or the company owner's personal identification document, company registration or commercial registration documents, the factory registration certificate, and the license for specially permitted businesses. However, those exempted from providing the factory registration certificate or the license for specially permitted businesses shall be excluded from the restriction.
3. Certificate of the employment demands. However, applicants seeking to employ domestic caretakers shall be exempted from this.
4. Name list of domestic workers employed following previous domestic recruitment. However, applicants seeking to employ domestic caretakers shall be exempted from this.
5. Certificates issued by governments of special municipalities and governments of counties/cities with respect to the following matters:
 - (1) That reserve of employees' pension has been transmitted to the 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 Repayment 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 violation(s) of labor laws and regulations have been paid in accordance with the relevant laws and regulations.
- (5) That labor-management meetings have been held in accordance with the relevant laws and regulations.
- (6) That there is no evidence of any strike or labor dispute, as defined in Article 10 of the Act, at the intended place of work for the type B foreign worker(s) to be recruited.
- (7) That there is no evidence suggestive of possible contraction, discontinuation and suspension of business or closure of factory.
- (8) That no deterioration in working conditions of domestic workers has been effected as a result of the employment of type B foreign worker(s).

6. Original of the receipt for examination fee.

7. Other documents as may be required by the Central Competent Authority.

The situations specified in Items 6 to 8 of Subparagraph 5 of the preceding paragraph shall be limited to any occurrence within two years prior to the date of application.

Under any of the following circumstances, an employer

applying to employ foreign worker(s) shall be exempted from providing the required documents specified in Subparagraph 5, Paragraph 1:

1. Employment of domestic helper(s) and caretaker(s).
2. Employment of foreigner(s) as fishery worker(s) by an employer (natural person) who hasn't hired any domestic worker where an agreement has been reached with his/her partner(s) to distribute earnings proportionately.

Where the applicant employer is a civic organization, in addition to the required documents specified in Subparagraphs 1 and 3 to 7 of Paragraph 1, the personal identification document of the person in charge of the organization and a photocopy of the registration certificate for the organization shall also be submitted.

Article 19-1 The Foreign Worker's Living Care Service Plan prescribed in Paragraph 1 of the preceding article should include the following items:

1. Food and housing safety and sanitation.
2. Protection of personal safety.
3. Information on recreational and cultural facilities and religious activities.
4. Consultation service for life in Taiwan.
5. Housing location and the living care service staff.
6. Other items as may be required by the Central Competent Authority.

Where an employer employs a foreign domestic helper or caretaker, items prescribed in Subparagraphs 3 and 4 of the preceding paragraph shall be exempted from the plan.

For any alteration to items in Subparagraph 5 of

Paragraph 1, an employer should, within seven days of the alteration, notify in writing the local competent authority where the foreign worker concerned lives or works.

Article 28 Within fifteen days following the entry into the territory of the Republic of China of type B foreign worker(s), an employer shall submit the following documents to apply for employment permission:

1. Application form(s).
2. Original of the receipt for examination fee.
3. Supporting documents of notification received issued by the local competent authority as prescribed in the preceding article.
4. Other documents as may be required by the Central Competent Authority.

Article 32 Overseas Chinese students referred to in Subparagraph 2, Article 50 of the Act shall be those students as defined in the Regulations Regarding Study and Counseling Assistance for Overseas Chinese Students in Taiwan.

Foreign students of Chinese origin referred to in Subparagraph 2, Article 50 of the Act shall have one of the following statuses:

1. Being a student as defined in the Regulations Governing Study by Hong Kong and Macao Residents in the Republic of China.
2. Being a student enrolled in a technical training class conducted by the OCAC.

Article 34 The validity period of the work permit issued to a type C foreign worker shall not exceed six months.

Except during summer and winter vacations, a type C foreign worker with the aforementioned work permit shall

work no more than twenty hours a week.

Article 40 An employer who employs 10 or more foreign workers, as referred to in Subparagraphs 9 and 10, Paragraph 1 of Article 46 of the Act, shall set up a living care service staff in accordance with the following provisions:

1. Where the number of employed foreign workers is less than fifty but more than ten, a living care service staff of at least one shall be set up.
2. Where the number of employed foreign workers is less than one hundred but more than fifty, a living care service staff of at least two shall be set up.
3. Where the number of employed foreign workers is above one hundred, a living care service staff of at least three shall be set up with at least one additional staff member added for each increase of one hundred in the number of foreign workers employed.

The living care service staff described in the preceding paragraph shall meet one of the following qualifications:

1. Having obtained the certificate(s) for professional employment services staff.
2. Having more than two years of work experience in providing living care service to foreign workers.
3. Having graduated from university or college with at least one year of work experience.

An employer who has violated the provisions described in the preceding two paragraphs shall be notified by the local competent authority to make the required improvement within a specified period.

Article 40-1 A private employment services institution that has been commissioned by an employer to conduct living care service

for foreign worker(s), as prescribed in the preceding article, shall set up living care service staff in accordance with the following provisions:

1. Where the number of employed foreign workers is less than fifty but more than ten, a living care service staff of at least one shall be set up.
2. Where the number of employed foreign workers is less than one hundred but more than fifty, a living care service staff of at least two shall be set up.
3. Where the number of employed foreign workers is above one hundred, a staff of at least three living care service shall be set up with at least one additional staff member added for each increase of one hundred in the number of foreign workers employed.

The qualifications described in Paragraph 2 of the preceding article shall apply to living care service staff described in the preceding paragraph.

In case of any violation of the preceding two paragraphs committed by the private employment services institution, the local competent authority shall notify the entrusting employer and the commissioned private employment services institution to make the required improvement within a specified period.

Article 41 An employer who employs thirty or more foreign workers, as referred to in Article 40, shall set up personnel with bilingual ability among those employed in accordance with the following provisions:

1. Where the number of employed foreign workers is less than one hundred but more than thirty, there shall be at least one of such personnel.
2. Where the number of employed foreign workers is less

than two hundred but more than one hundred, there shall be at least two of such personnel.

3. Where the number of employed foreign workers is above two hundred, there shall be at least three such personnel with at least one of such personnel added for each increase of one hundred in the number of foreign workers employed.

An employer who has violated the provisions described in the preceding paragraph shall be notified by the local competent authority to make the required improvement within a specified period.