

Amendment of Article 6 and 38 of “Qualifications and Criteria Standards for foreigners undertaking the jobs specified under Article 46.1.1 to 46.1.6 of the Employment Service Act”

Article 6

In order to assist companies in retaining professional and technical employees in response to the changes in the industry environment, foreigners employed in accordance with Article 5.2 may be exempted from the limitation of **two-year** work experience by the agreement with the central competent authorities in consultation with the central industry competent authorities. **The startup businesses recognized as capable of innovation by the agreement with the central competent authorities in consultation with the central industry competent authorities are not subject to the limitation of five-year related experience as stated under Article 5.4.**

Article 38

An expatriate to be hired to serve as a director or manager of a business invested or established by overseas Chinese or foreigner(s) and approved by the Government of the Republic of China, as set forth in Article 46.1.2, shall qualify for one of the following conditions:

1. The expatriate has ever acted as a manager of a company invested in by overseas Chinese or foreigner(s), pursuant to the Statute for Investment by Overseas Chinese, or Statute for Investment by Foreign Nationals, whereas the amount of shares held by or the capital contributed by the overseas Chinese or foreigner(s) exceeds one third (1/3) of the total amount of shares, or the total capital of the business, respectively.
2. The foreigner has ever acted as a manager of a foreign branch company.
3. The foreigner has ever acted as a representative of a representative office, approved by the central industry competent authorities.
4. The foreigner has ever acted as the deputy director or manager or the equivalent position in the start-up business recognized as capable of innovation in accordance with the Article 6.2. authority concerned at the central government level.

If the number of expatriates to be hired by the employer pursuant to the preceding Paragraph 1 to 3 exceeds one (1), the qualifications of the expatriates and the employer, or other qualifications thereof shall conform to provisions set forth in Chapter 2.

If the number of expatriates to be hired by the employer pursuant to the preceding Paragraph 4 exceeds one (1), the wages or remuneration of the expatriates shall not be lower than the amount published by the central competent authority set forth in the Article 8.

The provisions referred to in the preceding three paragraphs shall apply to a foreigner to be hired by a Mainland China branch company or representative office to act as a manager of the company.