**Explanation of Consultation mechanism for foreigners holding a bachelor’s degree or above and engaging in professional or specialized work wishing to apply for exemption in the 2-year work experience requirement.**

1. **Regulations concerning employment of foreigners holding bachelor’s degree with two years working experience:**
	1. Current regulations: In accordance with Article 5 of the Qualifications and Criteria Standards for foreigners undertaking the jobs specified under Article 46.1.1 to 46.1.6 of the Employment Service Act (the Criteria Standards herewith), “Other than meeting with other criteria specified in the Standards, foreign employees have to acquire one of the following qualifications before undertaking the jobs/assignments specified herewith:
		1. Acquired certificates or operation qualifications through the procedures specified in the Examinations of Specific Profession and Technician Guidelines
		2. Acquired credentials of master’s degree or above from universities in the ROC or in a foreign country, or acquire bachelor’s degree and with more than two years working experience in a specific field.
		3. Worked in a multinational company for more than a year and has been assigned by his/her company to work in the ROC.
		4. Specialists who have been trained professionally or self-taught in a specific field and have more than 5 years experience in related skills, and/or have demonstrated outstanding performances.”
	2. Regulations regarding consultation meeting: In accordance with Article 6 of the Criteria Standards, “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 5.1.2 may be exempted from the limitation of work experience agreed upon by the central competent authorities and the central industry competent authorities.”
	3. As stated above, the employment of foreigners undertaking professional and specialized work shall meet one of the four qualifications in Article 5 of the Criteria Standards. Among the qualifications in paragraph 2, a foreigner holding master’s degree can be exempted from previous working experience. However, a foreigner with only bachelor’s degree should have more than two years working experience in a specific field. If the foreigner meets the criteria stated in Article 6, he/she may be exempted from the limitation of work experience approved by the MOL in consultation with the central industry competent authorities.
2. **The mechanism for consultation meeting mentioned in Article 6 of the Criteria Standards:**

A foreigner with bachelor’s degree may be exempted from two years working experience set by the conference mechanism when employed to undertake specialized or technical work. However, there are still those confused about the initiation and conditions set forth by the conference. Hence, the MOL is institutionalizing the procedures and explanation for relevant departments to follow.

There are two conference mechanisms, – general consultation and project consultation – according to Article 6 of the Criteria Standards.

* 1. General consultation: A specific industry within the guideline or a business entity which associates with award establishment by the government can file the papers or call for a meeting with the relevant department to determine if the employed foreigner holding a bachelor’s degree can be exempted from the two years work experience requirement.
	2. Project consultation: In the case where an employer wishes to hire foreign professionals and file for applications individually, the MOL will call for a meeting or write to all departments for relevant advises in order to determine if the employed foreigner can be exempted from 2 years work experience requirement.
1. **Mechanisms to initiate the consultation meetings:**

The mechanism to initiate general or project consultation is pointed out respectively, which explains the procedures for both conference cases. (Please see the attached consultation flowchart)

* 1. **General Consultation:**
		1. **Mechanism to launch a general consultation:**
			1. Who can launch the mechanism to hold a conference: The MOLand relevant departments ( limited to the central departments)
			2. Procedures to launch the mechanism to hold a conference: The ministry can initiate a conference or relevant departments can state the reasons in letter to the MOL to launch a conference.
			3. Conditions required to hold a conference: A conference which meets all the following conditions shall be initiated:
				1. The subjects of the consultation (normally referring to a group) possess the professional skills that our country requires.
				2. The business entity is within a specific scope and the competent authority of the government provides a single-window service to serve the public.
				3. The business entity is within a specific industry or associates with award establishment by the government.
		2. **Consultation Procedures:**
			1. Consultation Procedures: The MOL will file the papers or call for a meeting by relevant departments to stage the conference
			2. Agreement Criteria: If the “subject” of the conference meets the conditions as specified in #3 of the above-mentioned “Conditions required to hold a conference,” and has substantial contribution to domestic economic development, the MOL approves the case of employment and the foreigner can be exempted from previous working experience. There have already been approved cases under this criteria. An example would be when the business entity possesses the following documents related to “the scope of business operations certificate” or “domestic or foreign enterprises establishing research center in Taiwan” and are authorized by the Ministry of Economic Affairs. Another example would be when the enterprise is listed among the 10 categories regulated in the Attachment 9 in accordance with the Article 5-1of the “Regulations on encouragement for emerging strategic industry belongs to manufacturing and technical service sectors,” and the business entities in the science parks of Hsinchu, central and southern Taiwan.
	2. **Project Consultation:**
		1. **Mechanism to launch a project consultation:**
			1. Qualified applicants: Employers who hire foreign professionals (the business must be registered and recognized by the government and is the legal person.)
			2. Consultation Procedures: In the case where an employer wishes to hire foreign professionals and file for the application individually, he/she is required to submit applicable proves. The employer is also expected to elaborate on why the skills of the foreign talent(s) are hard to acquire in Taiwan.
			3. Conditions required to hold a consultation: Through the information given by the employers who submitted for a project consultation, the employed foreigners hereby shall meet the required condition:
				1. The skills possess by the foreign talent is underdeveloped or limited in the country.
				2. The skills possess by the foreign talent is hard to acquire or nurture.
				3. For talents who possess high levels of professional skills or unique skills.

The employed foreigner, holding a bachelor’s degree without 2 years work experience after graduation, should fulfill the above criteria and intends to participate in specialized or technical jobs.

* + 1. **Consultation Procedures:**
			1. Procedures of consultation: The MOL will file the papers or call for a meeting by the relevant departments to make the conference.
			2. The criteria of agreement: After a meeting or having gathered various feedback from relevant departments, the MOL will evaluate if the foreign professional(s) meets the conditions as specified in #3 of the above-mentioned “Conditions required to hold a conference” for the purpose of assisting the business in recruiting international talents to undertake specialized or technical work and being exempted from working experience. There have already been approved cases under this criteria, such as the Radio Taiwan International, Da-Mei Company, Taipei Branch of Deutsche Bank.