

Taiwan, Republic of China

Executive Summary

Taiwan has a 3-tier immigration protocol that differentiates foreign nationals in general, PRC nationals and citizens of Hong Kong SAR and Macau SAR. To better reflect the evolving needs of its globalized economy, the government of Taiwan has taken steps to streamline many of its entry and immigration requirements, such as simplifying the qualifications that non-Taiwan citizens must meet in order to obtain a work permit and relaxing the entry rules for PRC nationals and citizens of Hong Kong SAR and Macau SAR. In this brief, the term “foreign nationals” means non-Taiwan nationals other than nationals of the Peoples Republic of China, Hong Kong SAR or Macau SAR.

Most foreign national business travelers may obtain short-term visitor visas through a Taipei Economic and Cultural Office or ROC (Taiwan) Embassy or Consulate, unless they are from countries that participate in Taiwan’s visa-exempt program. Foreign nationals who intend to work in Taiwan must meet certain requirements in order to obtain a work permit. Nationals of the PRC and citizens of Hong Kong SAR and Macau SAR may travel to and work in Taiwan, provided that they meet the special immigration and entry requirements and policies.

Key Government Agencies

The Ministry of Foreign Affairs is responsible for ROC visas, whether processed through ROC Embassies and Consulates, Taipei Economic and Cultural Offices or overseas Representative Offices.

The National Immigration Agency of the Ministry of the Interior is responsible for immigration and naturalization services for foreign

nationals, PRC nationals, and citizens of Hong Kong SAR and Macau SAR.

The Bureau of Employment and Vocational Training of the Council of Labor Affairs of the Executive Yuan is responsible for processing and issuing work permits.

Current Trends

The governments of Taiwan and the Peoples' Republic of China have executed the Economic Cooperation Framework Agreement ("ECFA") on June 29, 2010. Therefore, the exchanges between the Taiwan Strait in many fields will increase in a speedy manner. As such, the Taiwan government continues to relax its restrictions on the immigration and short term visit and relevant procedures applicable to PRC nationals.

Business Travel

Visitor Visas

Foreign nationals who intend to travel to Taiwan for business visits should apply for a Visitor Visa at an overseas ROC Embassy, Consulate or trade office unless they are from countries that participate in Taiwan's visa exempt program.

Passport holders from certain countries are eligible for a visa waiver for their visits not exceeding thirty days. The visa-exempt program currently includes Australia, Austria, Belgium, Canada, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Japan, Republic of Korea, Latvia, Liechtenstein, Lithuania, Luxembourg, Malaysia, Malta, Monaco, Netherlands, New Zealand, Norway, Poland, Portugal, Singapore, Slovakia, Slovenia, Spain, Sweden, Switzerland, U.K., U.S.A. and Vatican City State ("Visa-Exempt Countries").

Travelers entering into Taiwan on a Visitor Visa must hold return or onward air tickets. Emergency or temporary passport holders of Visa-Exempt Countries who wish to stay up to thirty days and their emergency or temporary passport is valid for at least six months (or for U.S. citizens who hold an ordinary passport that is valid for less than six months), they may apply for landing visas upon arrival.

Training

Organizations that meet the following conditions are eligible to sponsor foreign nationals for internships in Taiwan - with exceptions for special cases that are approved by the competent authority of the target industries:

- Domestic and foreign-invested enterprises with annual revenues of at least NT\$10 million in the most recent year, or new domestic and foreign-invested enterprises with capital of at least NT\$5 million;
- Taiwan branches of foreign enterprises with annual revenues of at least NT\$10 million, or Taiwan branches of new foreign enterprises that have operating funds of at least NT\$5 million;
- Taiwan representative office of foreign companies procurement of at least US\$1 million, although no minimum procurement amount is required for financial service businesses;
- Free Trade Zone enterprises regulated by Article 3, subparagraph 2 of the Act for the Establishment and Management of Free Trade Zones;
- Corporate bodies under the MOEA that have business funds of at least NT\$5 million in the most recent year; or

- Foreign chambers of commerce.

Applicants are limited to a maximum stay of six months, with the possibility of a single extension of up to the same length.

Employment Assignments

Both foreign nationals who wish to work in Taiwan and their employers in Taiwan must meet the qualifications criteria before the foreign nationals will be granted work permits. The Bureau of Employment and Vocational Training (“BEVT”) serves as the country’s one-stop-shop for work permits for foreign professionals. The BEVT aims to reduce the confusion that existed when different governmental organizations were separately responsible for processing and issuing foreign work permits for professionals in industries under their purview. The BEVT processes work permits in the following areas:

- Architecture and civil engineering;
- Transportation;
- Taxation and financial services;
- Real estate agencies;
- Immigration services;
- Attorneys-at-law (legal services);
- Technicians;
- Medical and/or health care;
- Environmental protection;

- Cultural, sports and recreation services;
- Academic research;
- Veterinarians;
- Manufacturing;
- Wholesaling; and
- Other jobs designated by the Central Competent Authority and competent authorities.

Employer Qualifications

Employers seeking to engage foreign technical and professional personnel to work in Taiwan must satisfy one of the following criteria:

- Local companies established for less than one year must have operating capital of at least NT\$5 million; or companies established for more than one year must have annual revenue of NT\$10 million for the most recent year or average annual revenue of NT\$10 million for the past three years; or with average import/export transactions of at least US\$1 million or average agent commissions of at least US\$400,000.
- Foreign branch offices established in Taiwan for less than one year must have operating capital of more than NT\$5 million; or foreign branch offices established for more than one year must have annual revenue of at least NT\$10 million for the most recent year or average revenue of NT\$10 million for the past three years; or with average import/export transactions of at least US\$1 million or average (agent) commissions of at least US\$400,000.

- Representative offices of foreign companies that have been approved by the competent authorities at the central government level and has actual performance record in Taiwan.
- Research and development centers and business operations headquarters that have applied to establish their business and have been approved by the relevant competent authorities concerned at the central government level.
- The employer has made substantial contribution to the domestic economic development. Alternatively, he, she, or it has a special circumstance that is treated as a special case by the central governing authorities and central competent authorities. After the joint consultation between the authorities, the authorities have approved the circumstance.

Foreign National Employee Qualifications

Foreign nationals other than a company's managerial representative must, as applicable, meet the education and experience requirements listed below before being granted a permit to work in Taiwan:

- Earn a master's degree or above in a relevant field;
- Earn a bachelor's degree in a relevant field and with more than two years' working experience in a specific field;
- Have been employed with multinational companies for more than one year and is assigned by that company to work in Taiwan; or
- Professionally trained or self-taught specialists who have more than five years work experience in their specialization and have demonstrated creative and outstanding performance.

The above-mentioned qualifications are not required for a foreign national employed as an executive or managerial officer (*e.g.*, General Manager or Branch Manager) of a foreign company in Taiwan.

Resident Visa and Alien Resident Certificate (“ARC”)

Resident visas may be granted to foreign nationals who intend to stay in Taiwan for more than six months for the purposes of joining family, pursuing studies, accepting employment, making investments, doing missionary works, or engaging in other activities. A resident visa is valid for three months, good for a single entry or multiple entries, and allows a stay in Taiwan for a period of more than six months.

Applicants coming to Taiwan for employment or investment purposes are required to submit relevant documents to the competent authorities of the central or municipal/county government for approval. Resident visa holders for various purposes must apply for an ARC within fifteen days of their arrival in Taiwan. A multiple re-entry permit will be automatically included in the ARC so that ARC holders may leave and re-enter into the country as many times as they require. The length of residence will depend on the validity date of the ARC.

A foreign national who holds a Visitor Visa that allows him or her to stay in Taiwan for more than sixty days (which is not otherwise annotated by the issuing authority to prohibit extensions) can directly apply to the National Immigration Agency for an ARC, provided that at least one of the following requirements is satisfied:

- Is married to a ROC citizen who resides in Taiwan and has a valid household registration or is allowed to reside in Taiwan;
- Is younger than twenty years of age and his or her immediate relatives are ROC citizens who have valid household registrations or are allowed to reside in Taiwan;

- Has obtained employment approvals issued by the Bureau of Employment and Vocational Training or other relevant competent authorities;
- Are permitted by the Ministry of Foreign Affairs for diplomatic reasons.

Other Comments

Foreign nationals may apply for an Alien Permanent Resident Certificate (“APRC”) after a period of legal and continuous residence. A waiver of many of the requirements of the APRC may be granted to foreign nationals who have made special contributions to Taiwan or have acquired high technology knowledge, as well as to qualified investors. Citizenship through Naturalization is possible.

Hong Kong SAR and Macau Citizens

The Taiwan government does not treat Hong Kong SAR and Macau SAR citizens as PRC nationals or foreign nationals. This special category includes persons who hold Certificates of Identity or passports issued by the governments of Hong Kong SAR or Macau SAR, BNO, or Portuguese passports. Citizens of Hong Kong SAR or Macau SAR who visit Taiwan or seek to become residents of Taiwan must apply for Entry and Exit Permits. In Hong Kong SAR, applications can be made at the Chung Hwa Travel Service.

Citizens of Hong Kong SAR or Macau SAR, who were born locally, hold valid Entry and Exit Permits, or have previously been admitted to Taiwan, may apply for a fourteen-day Temporary Entry and Stay Certificate upon arrival. This Certificate may be extended under certain circumstances.

Since 2005, expedited thirty-day Temporary Entry and Stay Certificates have been available online through the website of the

National Immigration Agency. Approved applications will automatically generate reference numbers that enable the applicants to pick up their Temporary Entry and Stay Certificates from the Chung Hwa Travel Service in person. The Certificate is good for two entries within three months from the date of issue.

Entry and Exit Permit

To qualify for an Entry and Exit Permit, an applicant must:

- Have been to Taiwan before;
- Be a Hong Kong SAR or Macau SAR permanent resident who holds a passport that is valid for more than six months; and
- Submit one passport-sized photo, a self-addressed return envelope, original and photocopy of the Hong Kong SAR or Macau SAR permanent identity card.

The processing time at Chung Hwa Travel Service in Hong Kong SAR is approximately two weeks. A Taiwan Entry and Exit Permit is usually granted, valid for six months, for an initial period of stay of three months. Thereafter, renewals are granted for various periods.