

Regulations Governing Visiting, Residency, and Permanent Residency of Aliens

1. Entire Regulations with 19 Articles enacted and promulgated by Decree Tai-Nei-Yi-Tzu No.8981105 of the Ministry of the Interior on February 1, 2000 and set to be effective on the same date
2. Article 12 amended and promulgated by Decree Tai-Nei-Ching-Tzu No.0910004233 of the Ministry of the Interior on July 15, 2002
3. Entire Regulations with 25 Articles amended and promulgated by Decree Tai-Nei-Yi-Tzu No.0971027546 of the Ministry of the Interior on August 1, 2008 and set to be effective on a date determined by the Ministry of the Interior
Promulgated and set to be effective on August 1, 2008 by Decree Tai-Nei-Yi-Tzu No.0971035715 of the Ministry of the Interior on August 1, 2008
4. Articles 6, 12, and 17 amended and promulgated by Decree Tai-Nei-Yi-Tzu No.0980959392 of the Ministry of the Interior on February 27, 2009 and set to be effective on February 27, 2009

Article 1 This Regulations is enacted in accordance with Article 35 of the Immigration Act (hereinafter referred to as “the Act”).

Article 2 The period of stay for an alien entering the country with a visitor visa, or a visa-waiver, starts from the day following entry; an alien shall leave the country before the expiration of the duration of stay.

Article 3 Aliens applying for an extension of stay pursuant to paragraph 1, Article 31 of the Act, shall submit the following documents and a photograph to the National Immigration Agency of the Ministry of the Interior (hereinafter referred to as “NIA”) within fifteen(15) days before the expiration of the duration of stay:

1. An application form;
2. The passport;
3. The visitor visa;
4. Other supporting documents.

Each extension granted shall not exceed the duration of stay permitted by

the original visitor visa, with the total duration of stay not exceeding six months. However, an alien who can provide supporting documentation of the following circumstances may be granted an extension to his/her duration of stay at the discretion of the NIA:

1. Being pregnant for over seven months, or having given birth or undergone an abortion within the past two months;
2. Being hospitalized due to illness or pregnancy, for which the exit aboard a plane or ship may endanger his/her well being;
3. The spouse, any blood relative whose kinship with the alien is lineal or collateral within the third-degree, or any in-law relative within the second-degree of kinship; any of the aforesaid whose household registration is within the Taiwan Area, having been hospitalized due to serious illness or injury necessitating the care of another, or having died and the funeral for whom requires one to organize and manage such;
4. Being subjected to natural disaster or other inevitable major incident;
5. Being constrained by law upon the personal freedom.

An extension granted in accordance with subparagraphs 1 and 2 of the preceding paragraph shall not exceed two months. An extension granted in accordance with subparagraph 3 of the preceding paragraph shall not exceed two months from the occurrence of the condition. An extension granted in accordance with subparagraph 4 of the preceding paragraph shall not exceed one month. An extension granted in accordance with subparagraph 5 of the preceding paragraph shall be determined according to the specific circumstance.

Article 4 Having made entry under a visa-waiver, or a visa applied for upon the arrival, any alien who is unable to leave Taiwan before the expiration of the duration of stay due to any of the conditions stated in the subparagraphs of Article 4 of the Enforcement Rules for Issuance of ROC Visas on Foreign Passports, shall apply for a visitor visa with the Bureau of Consular Affairs of the Ministry of Foreign Affairs, or one of its subordinate branches.

Article 5 Any alien upon entry into the country with a resident visa may apply for residency with the National Immigration Agency by submitting the following documents and a photograph; an Alien Resident Certificate shall be issued upon approval:

1. An application form;

2. The passport and the resident visa;
3. Other supporting documents.

Applicants applying for Alien Resident Certificate pursuant to paragraphs 1 to 3, Article 26 of the Act shall be exempted from submitting the document stated in subparagraph 2 of the preceding Article.

Article 6 Any alien meeting one of the conditions stated in subparagraphs 1 to 5, paragraph 1, Article 23 of the Act, may apply for residency with the National Immigration Agency by submitting the following documents and a photograph; upon approval, the alien shall be issued an Alien Resident Certificate:

1. An application form;
2. The passport and the visitor visa;
3. Other supporting documents.

The applicant applying in accordance with one of the conditions stated in subparagraph 1, paragraph 1, Article 23 of the Act may file the application 30 days before the expiration of his/her duration of stay. The applicant applying in accordance with one of the conditions stated in subparagraphs 2 to 5, paragraph 1, Article 23 of the Act may file the application fifteen (15) days before the expiration of his/her duration of stay.

The validity of Alien Permanent Resident Certificate applied for in accordance with the preceding paragraph shall begin from the date of its issuance.

No stateless person who entered Taiwan with a visitor visa may apply for residency.

Any alien whose marriage with 1) an ROC citizen currently residing in the Taiwan Area; 2) or a Tibetan who was registered on September 2001 and granted permission to reside in Taiwan; occurred before 26 Dec, 2007 when the Act was amended and promulgated, and having entered Taiwan with a visitor visa granted under an Indian travel document, may apply for residency with the National Immigration Agency. In addition, any children

under twenty(20) years old whose birth is from the marriage thereof, may apply for residency with the National Immigration Agency.

Any alien born in Taiwan may apply for the Alien Permanent Resident Certificate through his/her parent, custodian, or a child and juvenile welfare organization.

Article 7 Stateless persons of Thailand, Myanmar, or Indonesia who entered Taiwan and had not been deported before the Act became effective on May 21, 1999, shall submit the following document and a photograph to the National Immigration Agency; an Alien Resident Certificate shall be issued upon approval:

1. An application form;
2. A Health Certificate indicating good health;
3. The Indictment or the Non-Prosecution Disposition;
4. The document attesting place of birth;
5. The Certificate of Entry Date;
6. Other supporting documents.

Any children of the stateless person stated in the preceding paragraph may along apply for residency.

The validity of the Alien Resident Certificates issued pursuant to this Article shall begin from the day of its issuance.

Article 8 Aliens applying for an extension of residency pursuant to paragraph 1, Article 31 of the Act, shall submit the following document and a photograph to the National Immigration Agency within thirty(30) days before the expiration of residency:

1. An application form;
2. The passport and the Alien Resident Certificate;
3. Other supporting documents.

Article 9 The validity of Alien Resident Certificate issued to the following aliens shall not exceed one year:

1. Anyone undertaking study in a school, or a Chinese language institute affiliated with an university, registered with the education competent authorities;
2. Anyone undergoing study or training with the approval of the

- education or other competent authorities;
- 3. A foreign missionary or Buddhist preacher;
- 4. First-time applicant of residency based on the marriage to an citizen ROC national;
- 5. Any others for whom such residency is necessary.

Where the alien stated in subparagraph 1 of the preceding Article is a recipient of a university scholarship award under the special approval of the Ministry of Education, the validity of Alien Resident Certificate thereof shall be exempted from the one year restriction.

Article 10 The validity of Alien Resident Certificate issued to an alien, whose residency is granted on the joint-family basis, shall correspond with the validity of residency for the joint-family relative; where the joint-family relative is a ROC national, the validity of Alien Resident Certificate shall not exceed three(3) years.

Article 11 Aliens applying for permanent residency shall submit to the NIA the following documents and a photograph; an Alien Permanent Resident Certificate shall be issued upon approval:

1. An application form;
2. The passport;
3. The Alien Resident Certificate;
4. A Health Certificate indicating good health;
5. The document attesting to one's the wealth or special skills to be self-sufficient;
6. The police records of the past five(5) years issued by both Taiwan and applicant's country of origin;
7. Other supporting documents;

Aliens applying pursuant to paragraphs 3 and 4, Article 25 of the Act shall also submit the approval document issued by the related central competent authorities or an authorized organization, and shall be exempted from submitting the documents stated in subparagraphs 3, 5, and 6 of the preceding paragraph.

The examinations necessary for a satisfactory Health Certificate stated in subparagraph 4 of paragraph 1 shall be undertaken in accordance with the requirements for Health Certificate determined by the Department of Health of the Executive Yuan.

Subsequent to the cancellation in accordance with subparagraph 4, Article 33 of the Act, of the Alien Permanent Resident Certificate, should the alien still retain the requisite conditions of residency, he/she may apply for residency.

Article 12 The National Immigration Agency may grant permanent residency to aliens applying for investment immigration to Taiwan who have met one of the following conditions:

1. Having invested worth over NTD(New Taiwan Dollar)15,000,000 in a for-profit enterprise, and having created five or more job opportunities for ROC nationals for over 3 years;
2. Having invested worth over NTD(New Taiwan Dollar)30,000,000 in an Immigrant Investment Fund, designated by the National Immigration Agency in consultation with the related competent authorities, for over five(5) years.

Article 13 The receipt and expenditure, the custody, and the utilization of the Immigrant Investment Fund stated in subparagraph 2 of the preceding Article shall be managed by the financial institution authorized by the NIA in consultation with the related competent authorities.

The financial institution managing the receipt and expenditure, and the investment, of the Immigrant Investment Fund stated in the preceding paragraph shall establish the operation directions relating to trade and utilization, and its operating procedures, subject to the approval of the NIA in consultation with the related competent authorities.

At the start of every year, the financial institution stated in paragraph 1 shall deliver the proposed investment plan to be reviewed by the NIA in consultation with the related competent authorities, and upon approval, implement the investment plan. The financial institution shall regularly deliver reports and statements on the receipt and expenditure, and investment.

The NIA may, at any time, and in consultation with the related central competent authorities, send personnel to the financial institution stated in paragraph 1 to learn the status regarding the operation and investment of the Immigrant Investment Fund; or demand a business report within a specific period.

The NIA may commission appropriate organization or professional to perform the activities stated in the preceding paragraph.

Article 14 The funding source of Immigrant Investment Fund includes the following:

1. Fund deposited, by aliens for the purpose of undertaking investment immigration, in accounts designated by the financial institution authorized by the NIA in consultation with the related competent authorities;
2. Interests or dividend accrued by the Immigrant Investment Fund;
3. Other amounts allocated by the government.

The expenditure of the Immigrant Investment fund shall be limited to the payments for the investment amount of the applicants applying for permanent residency pursuant to paragraph 2 of Article 12.

The Immigrant Investment Fund may be utilized in the following means:

1. Deposit in the financial institution;
2. Investments in government bonds, treasury bills, financial bonds, corporate bonds, or other short-term securities in Taiwan;
3. Investments in publically traded or Over-The-Counter stocks of corporations in Taiwan;
4. Investments in the beneficiary certificates of the security investment trust funds;
5. Approved special usage, or public investment.

Article 15 The spouse and any underage children of any alien whose application for permanent residency is approved based upon investment immigration, may also apply for permanent residency.

Article 16 In accordance with paragraph 1, Article 28 of the Act, aliens over 14 years of age inside Taiwan's national border, shall carry on his/her person the passport, the Alien Resident Certificate, or the Alien Permanent Resident Certificate.

Should an alien have none of the documents stated in the preceding paragraph, another identification document designated by the competent authorities shall be carried upon his/her person.

Article 17 Any ROC citizen currently residing in the Taiwan Area who has entered Taiwan with a foreign passport and is applying for residency, or an extension of stay or residency, shall first register with the Household Registration Office his/her place of residency in the foreign country, before the NIA may accept his/her application.

With respect to the application stated in the preceding paragraph, the NIA shall not accept the application filed by a draft-age, or near draft-age, male whose military service obligation has not been completed, and under one of the following conditions:

1. Having neither an Overseas Compatriot Identity Certificate nor a notation of Overseas Chinese Status marked on his ROC passport for the purpose of military service exemption;
2. Being an overseas Chinese draftee who has resided in the Taiwan Area for over one year;
3. Having been subjected to conscription in accordance with the law and is being restricted from leaving the country.

Article 18 Having been granted residency pursuant to any of the conditions stated in the subparagraphs of paragraphs 1, Article 23 of the Act, after entry into Taiwan with a visitor visa; an alien whose condition underlying his/her residency has changed, shall apply to amend the basis of residency with the NIA within thirty(30) days from the occurrence of such change; the validity of residency shall be determined upon review. However, any change of residency not matching any of the conditions stated in the subparagraphs of Article 23 of the Act, the alien applying shall within fifteen(15) days from the occurrence of such change, first reapply for resident visa with the Bureau of Consular Affairs of the Ministry of the Foreign Affairs, or its subordinate branch, before applying with the National Immigration Agency.

Article 19 The period of each departure permitted in the proviso stated subparagraph 4, Article 33 of the Act is to a maximum of two years.

Article 20 Any alien, within the period of residency, seeking to exit and reenter Taiwan, shall apply for a reentry permit with the National Immigration Agency in accordance with Article 34 of the Act.

The reentry permits stated in the preceding paragraph shall be either the single reentry permit or the multiple reentries permit; the validity thereof

shall not exceed the validity of the Alien Resident Certificate. The application for the multiple reentries permit may be submitted along with the application for the Alien Resident Certificate. However, any alien under one of the following conditions shall be eligible for only the single reentry permit:

1. Being employed in Taiwan pursuant to subparagraphs 8 to 10, paragraph 1, Article 46 of the Employment Services Act;
2. Overseas Chinese student studying in Taiwan holding a foreign passport.

Upon the cancellation of Alien Resident Certificate, the associated permit for reentry shall likewise be deemed cancelled.

Aliens with permanent residency may make multiple reentries with the Alien Permanent Residency Permit and a valid passport.

Article 21 Any related competent authorities, or related authorities, upon the discovery or knowledge of an alien whose basis for stay or residency is no longer applicable, shall notify the NIA.

Article 22 An alien, the residency for whom is granted based on the investment in Taiwan, the employment in Taiwan pursuant to subparagraphs 1 to 7, paragraph 1, Article 46 of the Employment Services Act, or the special approval by the Ministry of the Foreign Affairs; may leave the country within fifteen(15) days after the expiration of his/her residency, should his/her application for such be approved by the NIA. The aforesaid application shall include the alien's plane ticket for the departure from Taiwan and other related supporting documents, and shall be submitted to the NIA prior to the expiration of his/her residency.

Article 23 Upon the death of any alien within Taiwan's national borders, the related party; or the embassy, or an authorized organization, of the country of origin; shall register his/her death with the NIA within fifteen(15) days from the occurrence of such; or the National Immigration Agency may register his/her death after an investigation to verify the matter.

Upon registering the death of any alien, the NIA shall immediately forward the matter to, where the estate tax thereof may be applicable, the local tax collection competent authorities of the Central Government.

Article 24 Any alien unable to be deported due to the refusal by the country of issuance of his/her passport, or other countries, to receive the alien, may be issued a provisional alien registration permit for stay, subject to limitations on his/her place of residence and other conditions.

Article 25 The effective date of the Regulations shall be determined by the Ministry of the Interior.