

Sujet : TAIWAN FOREIGN RECRUITMENT ACT
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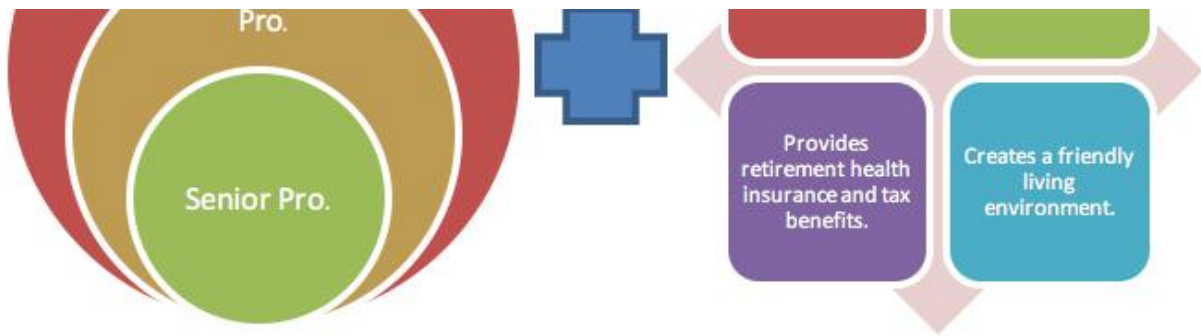
A QUICK INSIGHT INTO TAIWAN'S FOREIGN TALENT RECRUITMENT ACT

"Act for the Recruitment and Employment of Foreign Professional Talent"

The Legislative Yuan just passed the "[Act for the Recruitment and Employment of Foreign Professional Talent](#)" ("Talent Act" as followed) by the end of October. Since the Talent Act has not yet take into effect, we give you a quick insight of this new law and its features for foreign talents who wish to work in Taiwan or even wish to apply for permanent residency in Taiwan.

STRUCTURE OF THE ACT





WHAT KIND OF PROFESSIONALS?

Article 4 of the “Talent Act” states the definition of three different types of professional talent.

§4(1) “Foreign professional”:

A Foreign National Engaging in Professional Work in The State.

The list of professional works are listed in the *Employment Service Act §46(1)(1~6)*. And the following chart:

A01 Civil Engineering or Architecture	A02 Communication and Transportation	A03 Tax and Financial Services	A04 Real Estate Agency	A05 Immigration Services
A06 Attorneys or Patent Attorneys	A07 Technicians	A08 Health Care	A09 Environment Protection	A10 Culture, Sports and Recreation Services
A11 Academic Research	A12 Veterinarians	A13 Manufacturing	A14 Wholesales	A15 Other work designated

For more information: WORKFORCE DEVELOPMENT AGENCY [\[1\]](#)

The above chart stated the regular foreign professionals in Taiwan.

§4(2) “Foreign special professional”:

A Foreign Professional as Referred to in The Preceding Paragraph Who Possesses Special Expertise Needed by The State in Science & Technology, The Economy, Education, Culture, The Arts, Sports and Other Fields, as Announced by The Relevant Authority.

The “Talent Act” recruitment policy is mainly focused on the special professionals - different from the professionals described in the chart above - who has been endorsed in the fields that are designated by the government of Taiwan.

Although the definition is not yet released, we still can tell from the newsletter released [\[2\]](#) by the National Development Council:

1. Compensation reach-up to certain among as the foreign professionals (regular) in Taiwan
2. Endorsed or recommended by the Academia Sinica, ITRI, or through the MOU of technology, international trade, and Academic research.
3. Be hired as President or Manager of the research center, operation headquarter, or global company.
4. Academicians.
5. Exceptional talents in the field of technology, E-commerce, new-material, digital marketing, green energy, and Tech-management.
6. Other talents in technology, economic, education, art, culture, sports or special know-how who is an emerging leader in the field that the government would like to recruit.

For those among foreign professionals who match the specified criteria for eligibility as “foreign special professionals”, the following work incentives are offered [\[3\]](#):

- **Issuance of Employment Gold Card:** Foreign special professionals who plan to engage in professional work in Taiwan may apply to the NIA to be issued with a 4-in-1 Employment Gold Card (personal employment pass) that combines work permit, resident visa, ARC and re-entry permit. This will be valid for 1 to 3 years, and when it expires, the holder can apply for its renewal. This Employment Gold Card gives the holder the fullest convenience in freely seeking, taking up and changing employment. (Article 8)

- **Longer duration** for foreign special professionals’ work permits: The maximum duration of work permits for foreign special professionals taking up employment in Taiwan is extended from 3 years to 5 years, and an extension can be applied for at its expiration.

(Article 7)

§4(3) “Foreign senior professional”:

“Foreign Senior Professional” Means A Senior Professional Needed by The State as Prescribed In Article 25 Paragraph 3 Subparagraph 2 of The Immigration Act.

Senior professional needed by Taiwan as prescribed in Article 25 Paragraph 3 Subparagraph 2 of the Immigration Act. It would, for example, include one who possessed unique capability in the R&D or management of a special technology or S&T institution, one who possessed special ability in some aspect of science, research, industry or commerce, and a winner of an award or distinction in an international competition (ex: the Olympics). This would reserve for only a handful of persons and the standards are listed in the **Plum Blossom Card** [\[4\]](#).

MAIN FEATURES



OTHER FEATURES

Work Permit

- § 5: the Foreign teacher shall apply for a permit to the Ministry of Education.
- § 6: Opening for professional work as a *buxiban*(cram school) teacher.
- § 10: Professional works as an *artist* may, without applying through an employer, apply directly to the Ministry of Labor for a permit.

Permanent Residency

- The "Talent Act" set out the 5 years working permit which adapts to the "183 days/ 5 years" requirement for applying Taiwan PR.
- § 18: Foreign Pro. who has obtained the PR will no longer have to stay in Taiwan for more than 183 days/year in order to keep the PR.

Benefits

- §§ 11, 12: Foreign Pro who has obtained the PR may enjoy the **retirement pension system** in Taiwan.
- § 14: Spouse and minor children who have obtained the residence should participate in **National Health Insurance**.

INSIGHTS

The Taiwanese government is eager for foreign talents to come to Taiwan recently, but the recruitment policy before was outdated. Thus, this new “Talent Act” can be regarded as the step-one for the policy of foreign white-collar workers.

However, this recruitment policy is similar to the “[Tier 1 Visa](#)” (Exceptional Talent) of the UK, rather than H-1B Visa of the USA. According to the Evaluation Report made by the National Development Council, the “Talent Act” is mainly focus on the “Special Professionals”. And regarding the standards for the category of “Special”, less than 2% of all the foreign white-collar workers in Taiwan would be able to meet the standard [5]. As a result, a regular foreign professional would only benefit from the Talent Act who has already possessed the Permanent Residency in Taiwan.

Fortunately, there are expected to have more policies on foreigner white-collar workers in

Taiwan in the coming years. Besides the field of technology, Taiwan is likely to open for foreign teachers or specialists in the fields like art, culture, cuisine, movie, animation, etc. and allow foreign professionals in these fields to work in Taiwan without having a bachelor's degree.

[1] Specialized or Technical Works for Foreign Professionals to Work in Taiwan:
<http://ezworktaiwan.wda.gov.tw/ezworken/home.jsp?pageno=201508070002>

[2] 國發會針對「人才專法吸引外籍白領」相關報導之回應說明, 發布日期2017/1/18。

[3] National Development Council, Act for the Recruitment and Employment of Foreign Professionals, p.5, 2017.11.2.

[4] Submission Directions for Senior Professionals and Investment Immigrants Applying for the Alien Permanent Resident Card (Plum Blossom Card) (Serial No. 0917). See:
<https://www.immigration.gov.tw/ct.asp?xItem=1090225&ctNode=30085&mp=2>

[5] 國家發展委員會, 「外國專業人才延攬及僱用法草案」法案影響評估報告, 2017年9月, 頁15。

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