

Introduction

The following proposals for immigration reform are predicated on the following propositions: that Taiwan is historically an immigrant country, that a more open immigration policy is an integral part of transforming Taiwan's manufacturing and export-oriented economy, that increased immigration will help Taiwan meet the challenges of a declining, aging population with one of the world's lowest birth rates, and that Taiwan's current restrictive immigration policies are inconsistent with its commitments to being an open and democratic society.¹

Despite a long history of immigration that continues today, Taiwan's immigration policies reflect an official view that Taiwan is essentially a monocultural nation state based on shared ethnicity and culture. This illiberal view, combined with Taiwan's isolated political situation and national development strategy have created immigration and labor laws that discourage immigration by tightly controlling residence, work rights, and the acquisition of Taiwanese nationality.

The effects of these policies are particularly striking with respect to permanent residence and work authorization for foreign professionals. Currently, Taiwan has 9,627 permanent residents and 27,856 foreign professionals with work permits.² These figures show that Taiwan is slightly more liberal than South Korea in terms of the number of foreign permanent residents and Japan in terms of work permits.

¹ Taiwan's fertility rate in 2013 was 1.07%. This rate is one of the lowest in the world and is well below the replacement rate of 2.1%. As a result, Taiwan is expected to become an aged society in 2018 and a 'hyper-aged' society in 2025. In 2010, 74% of Taiwan's population was between 15 and 64 years of age. By 2060, just 51% of the population will be of working age while 39% will be 65 and over. "Institutional Structures and Foreign Professionals", Slide 3. Presentation by Professor Liu Shi-hao (Ming Chuan University) to Small and Medium Enterprise Administration, Ministry of Economic Affairs R.O.C. 18 March 2014.

² Permanent resident figure from February 2014. Foreign professionals with work permits as of March 2014.

	Taiwan	South Korea	Japan
Population (millions)	23.34	50.21	126.66
Permanent residents (PR)	9,627	3,928	414,913
PR % of population	0.04%	0.008%	0.328%
Professional Work Permits (WP)	27,547	47000	142,107
WP % of population	0.118%	0.094%	0.112%

In contrast, Taiwan is less liberal than Hong Kong, Singapore, or Shanghai.

	Taiwan	Hong Kong	Singapore	Shanghai
Population (millions)	23.34	7.16	5.31	14
Permanent residents (PR)	9,627	?	531,200	1,587
PR % of population	0.04%	?	10.004%	.001%
Professional Work Permits (WP)	27,856 ³	70,649	326,200	100,000
WP % of population	0.118%	0.987%	6.143%	0.71%

While it is politically unlikely that democratic Taiwan will model its immigration policies on Singapore or Hong Kong, it could take a middle course to distinguish itself from South Korea and Japan by liberalizing its immigration laws and regulations and setting quotas on the number and kinds of professionals it permits to work in Taiwan, obtain residency and naturalize. The following proposals for liberalization recommend changes to three specific areas of law affecting foreign professionals in Taiwan: residence, work, and citizenship. Several other proposals are made to address long-standing concerns of foreigners already living and working in Taiwan. These proposals do not address Taiwan's migrant labor policies or immigration from China.

In addition to liberalizing its laws, Taiwan should also configure target levels of immigration and diversity to ensure that legal changes not only actually increase

³ This total overstates the number of professionals in Taiwan because it includes teachers and missionaries. In October 2013 there were 5,120 language teachers teaching at private language schools (buxibans), 1,925 missionaries, and 2,329 teachers at primary, secondary, and post-secondary schools. Just 300 of these teachers are licensed teachers teaching at public schools. In contrast, Taiwan has just 37 registered foreign lawyers. Hong Kong has about 1,400 registered foreign lawyers, Singapore 1,142, and Shanghai around 400 (2011). The actual number of foreign professionals in Taiwan is around 15,000.

immigration, but also control and target it to fit Taiwan's evolving economy. We recommend setting a target of 200,000 foreign professionals.

To jump start immigration in Taiwan and to address problems that long-term residents now face, Taiwan should create a special path to permanent residency for foreign nationals who currently hold an ARC and have resided in Taiwan for five consecutive years during which they have been in Taiwan for at least 183 while holding an ARC. We proposed that these residents be granted an ARC valid for three years during which they may work in any field without a work permit. After three years, these residents will be eligible for permanent residence if they have an employment record and no criminal record.

Once the number of foreign professional reaches 100,000, the National Immigration in consultation with relevant agencies should adopt quotas and a points-based system to target foreign nationals with the skills Taiwan needs. To address the urgent need to develop the culture/innovation sector (文創業) of the economy, it is further urged that this sector be allocated 33% of the foreign professionals who are granted work authorization and exempted from the proposed liberalized minimum salary requirements applicable to other industries (see Employment, Issue 6).

The most important proposals are:

1. Simplifying qualification for permanent residence (Residence, Issue 2)
2. Liberalizing experience, salary, and capital requirements to hire foreign professional employees (Employment, Issues 5,6, and 7)
3. Abandoning the renunciation of original nationality for those who wish to become Taiwanese citizens by nationalizing (Nationality, Issue 2).

The following table prioritizes nine of our proposals based on the difficulty of implementing the proposal and its expected effect. A proposal's difficulty is classified as 'low' if it can be effected by the executive branch alone. If a proposal requires the Legislature to amend a law, the proposal's difficulty is classified as being 'moderate'. If a proposal is expected to be controversial and requires legislative action, it is classified as 'high'.

Priority	Proposal	Difficulty	Effect
Short Term (< 6 months)	Two-year work experience requirement	Low	Moderate
	Considerable property or skills requirement for permanent residence	Low	Low
	Minimum Salary Requirements	Low-moderate	Large
	Minimum capital requirements: Employees	Low-moderate	Large
Medium term (1-2 years)	Amnesty for residents	Moderate	Moderate
	Permanent residence: acquisition	Moderate	Moderate
Long term (< 5 years)	Recognition of lawful marriages and civil unions in foreign jurisdictions for purpose of residence	High	Low
	Renunciation of foreign citizenship to naturalize	High	Moderate
	Just and Favorable Terms of Employment	High	Low

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2. Employment Services Act 就業服務法 (ESA)
3. Immigration Act 入出國及移民法 (IA)
4. The Enforcement Rules of the Immigration Act 入出國及移民法施行細則 (IA Enforcement Rules)
5. Qualifications and Criteria Standards for foreigners undertaking the jobs specified under Article 46.1.1 to 46.1.6 of the Employment Service Act 外國人從事就業服務法第四十六條第一項第一款至第六款工作資格及審查標準 (ESA Qualifications and Criteria Standards)
6. Nationality Act 國籍法 (NA)
7. Statute Governing the Retirement of School Faculty and Staff 學校教職員退休條例 (School Retirement Statute)



I. RESIDENCE

Residence

Issue	Current Law or regulation	Proposed amendment	Reasons and benefits
<p>1. Recognition of lawful marriages and civil unions in foreign jurisdictions for purpose of residence. IA §23</p>	<p>Where an alien who possess a valid visa for a visit for the period of sixty (60) days or up and such a visa is with annotated disapproval of extension of a visit or other restrictions by marked by the visa issuing authority meets one of the following circumstances, he/she can apply to National Immigration Agency for residence. After the Agency permits the application, it shall issue an Alien Resident Certificate to the alien.</p> <p>1. The alien's spouse who holds</p>	<p>Where an alien who possess a valid visa for a visit for the period of sixty (60) days or up and such a visa is with annotated disapproval of extension of a visit or other restrictions by marked by the visa issuing authority meets one of the following circumstances, he/she can apply to National Immigration Agency for residence. After the Agency permits the application, it shall issue an Alien Resident Certificate to the alien.</p> <p>1. The alien's spouse who holds</p>	<p>Taiwan currently does recognize lawful same sex marriages and civil unions from foreign jurisdictions. This proposal is intended to allow both Taiwanese nationals and aliens to obtain residence and other rights in Taiwan for same sex partners. The benefits of this proposal include the ending of discrimination based on sexual orientation and the reinforcement of Taiwan's reputation as the most open and tolerant society in East Asia.</p>

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	<p>the nationality of the State resides in the Taiwan Area currently and is with registered permanent residence or permitted to reside in the area. With respect to the alien's spouse being an alien, the spouse is permitted to reside or permanently reside in the area. The alien's spouse being an alien, who is permitted to reside in the area and whose engagement in works set forth in Subparagraphs 8 to 10, Paragraph 1, Article 46 of the Employment & Service Act is permitted by the central authorities in charge of labor affairs or the field of his/her</p>	<p>the nationality of the State resides in the Taiwan Area currently and is with registered permanent residence or permitted to reside in the area. With respect to the alien's spouse being an alien, the spouse is permitted to reside or permanently reside in the area. The alien's spouse being an alien, who is permitted to reside in the area and whose engagement in works set forth in Subparagraphs 8 to 10, Paragraph 1, Article 46 of the Employment & Service Act is permitted by the central authorities in charge of labor affairs or the field of his/her</p>	

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	<p>employment, however, cannot apply for the issuance of an Alien Resident Certificate. 2. An alien is younger than the age of twenty (20) and his/her parents or grandparents are the nationals who hold nationality of the State, have registered permanent residence in the Taiwan Area currently or permitted to reside in the area. With respect to the alien's parents or grandparents being aliens, the parents or grandparents are permitted to reside or permanently reside in the area. The alien is relatively connected to the adopters because he/she is</p>	<p>employment, however, cannot apply for the issuance of an Alien Resident Certificate. Spouse in this sub-paragraph means any person who is lawfully married or joined in a civil union pursuant to the laws of the State or of any foreign jurisdiction to a person who holds the nationality of the State and resides in the Taiwan Area currently or a person who has been granted permanent residence or is permitted to reside in the area without regard to gender.</p> <p>2. An alien is younger than the age of twenty (20) and his/her parents</p>	

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	<p>adopted the adopters; and he/she does not reside with the adopters after entering the State.</p> <p>3. Has been approved to work in the Taiwan Area by the central authorities in charge of labor affairs or the field of his/her employment pursuant to Subparagraphs 1 to 7 or Subparagraph 11, Paragraph 1 of Article 46 of the Employment & Service Act.</p> <p>4. An investor who has made an investment in the Taiwan Area in the amount that is more than a certain amount of capital, and has been approved or filed for future</p>	<p>or grandparents are the nationals who hold nationality of the State, have registered permanent residence in the Taiwan Area currently or permitted to reside in the area. With respect to the alien's parents or grandparents being aliens, the parents or grandparents are permitted to reside or permanently reside in the area.</p> <p>The alien is relatively connected to the adopters because he/she is adopted the adopters; and he/she does not reside with the adopters after entering the State.</p> <p>3. Has been approved to work in the Taiwan Area by the central</p>	

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	<p>reference by the central authorities in charge of the investment. A representative of a foreign investor also must have made an investment in the Area in the foresaid amount of capital, and has been proceed for the same purposes as above-mentieond by the central authorities in charge of the investment.</p> <p>5. A person in charge of a foreign company which is recognized under the Company Act and is located domestically.</p> <p>6. An alien's re-issuance of a residence visa is approved on an ad hoc basis by the Ministry of</p>	<p>authorities in charge of labor affairs or the field of his/her employment pursuant to Subparagraphs 1 to 7 or Subparagraph 11, Paragraph 1 of Article 46 of the Employment & Service Act.</p> <p>4. An investor who has made an investment in the Taiwan Area in the amount that is more than a certain amount of capital, and has been approved or filed for future reference by the central authorities in charge of the investment. A representative of a foreign investor also must have made an investment in the Area in the</p>	

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	<p>Foreign Affairs.</p> <p>Where an alien enters the State with a residence visa meets any of the circumstances mentioned in the preceding Paragraph due to the change of the reasons for residence, he/she shall apply to National Immigration Agency for modification of reasons for residence. An alien who falls under the exceptions provided under Subparagraph 1 of the preceding Paragraph shall not apply.</p> <p>After National Immigration Agency permits an alien's application for modification of</p>	<p>foresaid amount of capital, and has been proceed for the same purposes as above-mentioned by the central authorities in charge of the investment.</p> <p>5. A person in charge of a foreign company which is recognized under the Company Act and is located domestically.</p> <p>6. An alien's re-issuance of a residence visa is approved on an ad hoc basis by the Ministry of Foreign Affairs.</p> <p>Where an alien enters the State with a residence visa meets any of the circumstances mentioned in the preceding Paragraph due to</p>	



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	<p>reasons for residence which was submitted pursuant to the preceding Paragraph, it shall reissue an Alien Resident Certificate to the alien and review the effective duration of the alien's residence.</p>	<p>the change of the reasons for residence, he/she shall apply to National Immigration Agency for modification of reasons for residence. An alien who falls under the exceptions provided under Subparagraph 1 of the preceding Paragraph shall not apply.</p> <p>After National Immigration Agency permits an alien's application for modification of reasons for residence which was submitted pursuant to the preceding Paragraph, it shall reissue an Alien Resident Certificate to the alien and review</p>	



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		the effective duration of the alien's residence.	
2. Permanent residence: acquisition. IA §25	An alien, who has legally and continuously resided in the State for five (5) years and for more than one hundred and eighty-three (183) days each year, or the alien spouse and/or children of a national with registered permanent residence in the Taiwan Area who have legally resided in the State for ten (10) years, during which period they have actually resided in the State for more than one hundred and eighty-three (183) days each year for five (5) years, may apply to	An alien, who has legally resided in the State for three (3) consecutive years and for more than one hundred and eighty-three (183) days each year, or the alien spouse and/or children of a national with registered permanent residence in the Taiwan Area who have legally resided in the State for seven (7) years, during which period they have actually resided in the State for more than one hundred and eighty-three (183) days each year for five (5) years, may apply to	1. Permanent residence was first permitted in 2000. Despite several incremental liberalizations to Taiwan's permanent residency requirements, just 9,373 foreign nationals are permanent residents. The main obstacle for long-term tax paying residents acquiring permanent residence is the requirement that legal residence must be continuous. Legal

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	<p>National Immigration Agency for permanent residence if they meet the following requirements. The foresaid periods shall not include the period of staying (residing) in the State by any of those aliens whose residence in the Taiwan Area is permitted due to studies or employment in the Taiwan Area as approved by the central authorities in charge of labor affairs or the field of their employment pursuant to Subparagraphs 8 to 10, Paragraph 1 of Article 46 of the Employment & Service Act.</p> <p>1. Are at the age of twenty (20) or</p>	<p>National Immigration Agency for permanent residence if they meet the following requirements. The foresaid periods shall not include the period of staying (residing) in the State by any of those aliens whose residence in the Taiwan Area is permitted due to studies or employment in the Taiwan Area as approved by the central authorities in charge of labor affairs or the field of their employment pursuant to Subparagraphs 8 to 10, Paragraph 1 of Article 46 of the Employment & Service Act.</p> <p>An alien, who has legally resided</p>	<p>residence means residing in Taiwan by virtue of an Alien Residence Card (ARC). IA Enforcement Rules § 15. If a resident enters Taiwan legally on a Visitor Visa or landing visa for any reason, the continuity of the alien's residence is broken. This requirement is also poorly understood and causes many candidates for permanent residency to lose their eligibility inadvertently or due to circumstances beyond</p>

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	<p>over.</p> <p>2. Have a decent character.</p> <p>3. Have considerable property, skills or talents that enable them to make a living on their own.</p> <p>4. Are beneficial to the national interests of the State. IA §25(1)</p> <p>An application for permanent residence pursuant to Paragraph 1 or Paragraph 2 shall be made within two (2) years after the period of stay and residence expires.</p>	<p>in the State for at least five (5) years and for more than one hundred and eighty-three (183) days each year as of [Month] [Day], 201[Year], is currently a legal resident and meets the requirements set forth in subparagraphs 1 and 2 of this paragraph shall have his or her period of residence extended by a period of three years from Month] [Day], 201[Year]. At the end of this three-year period, the foreign national may apply to National Immigration Agency for permanent residence regardless of whether the purpose of residence</p>	<p>their control. To increase the number of permanent residents, the requirement of continuous residence is changed to a requirement that residents reside in Taiwan with an ARC for three consecutive years and that they hold a valid resident visa for at least 183 days in each of those years.</p> <p>2. The residency period is lowered from five years to three years. This proposal follows a recent bill submitted by the Japanese</p>

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		<p>was permitted for purpose of study provided that he or she meets the requirements set forth in sub-paragraphs 1 and 2 of this paragraph and has an average income equivalent to Taiwan’s minimum monthly wage. This provision does not apply any of those aliens whose residence in the Taiwan Area is permitted due to studies or employment in the Taiwan Area as approved by the central authorities in charge of labor affairs or the field of their employment pursuant to Subparagraphs 8 to 10, Paragraph 1 of Article 46 of the Employment</p>	<p>government to the Diet.</p> <ol style="list-style-type: none"> 3. The residency period for spouses or minor children is lowered to seven consecutive years. 4. The “considerable property, skill, or talent” requirement is the most significant barrier to spouses and children of permanent residents obtaining residence. The purpose of this requirement is to ensure that permanent residents do not become wards of the state. Working

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		& Service Act. 1. Are at the age of twenty (20) or over. 2. have not been convicted of an intentional criminal act and sentenced to a term of imprisonment as a result 3. Have considerable property, skills or talents that enable them to make a living on their own or a university degree from a Taiwanese or foreign university recognized by the Ministry of Education. 4. Are beneficial to the national interests of the State. An application for permanent	residents usually meet this requirement by producing tax records verifying their income, but spouses and children of permanent residents cannot meet the requirement this way because they are not permitted to work. A university degree can serve as alternative evidence that an alien resident applying for permanent residence will be able to support him/herself. This alternative will ensure that the uniquely bicultural



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		<p>residence pursuant to Paragraph 1 or Paragraph 2 shall be made within two (2) years after the period of stay and residence expires. A former minor's application shall be considered valid provided that the minor makes an application for permanent residence pursuant to Paragraph 1 or 2 within 3 years after their period of stay or residence expires,</p>	<p>minor resident children of permanent residents who choose to pursue higher education in Taiwan will be able to continue to reside in Taiwan and contribute to society. It would also allow the spouses of permanent residents with college degrees to do the same. ⁴</p> <p>5. Aliens who become eligible as minors are given an extra year to apply so</p>

⁴This is intended to cover spouses of permanent residents who wish to work in Taiwan..



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			that they may complete their university studies. ⁵
3. Number of residents (IA §35-1)	(New article)	The competent authority shall issue regulations governing quotas and requirements for the total number of foreign residents based on Taiwan’s current economic needs when the number of aliens permitted to engage in employment pursuant to subparagraphs 1-7 of paragraph 1 of Article 46 of the Employment Services Act reaches 100,000.	Quotas and a point system such as those used in Australia or Singapore should take effect when the number of work permits reaches 100,000 to ensure that aliens permitted to work in Taiwan are meeting Taiwan’s actual human resource needs.
4. Considerable property or skills requirement for permanent	The” considerable property, skill or talent that enables one to be	The “considerable property”, skill or talent that enables one to be	The “considerable property, skill, or talent” requirement is the most

⁵ This is intended to minor children of permanent residents.

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Issue	Current Law or regulation	Proposed amendment	Reasons and benefits
<p>residence. IA Enforcement Rules §16</p>	<p>self-sufficient”, as stated in subparagraph 3, paragraph 1, Article 25 of this Act, is stipulated as follows:</p> <p>1. Anyone applying for permanent residence as the spouse of an ROC national shall present any of the following documents acknowledged by the National Immigration Agency:</p> <p>(1) Statement of income, taxation, movable or immovable property in Taiwan;</p> <p>(2) Statement issued by the employer to certify employment, or the applicant’s own statement in writing detailing job descriptions</p>	<p>self-sufficient”, as stated in subparagraph 3, paragraph 1, Article 25 of this Act, is stipulated as follows:</p> <p>1. Anyone applying for permanent residence as the spouse of an ROC national shall present any of the following documents acknowledged by the National Immigration Agency:</p> <p>(1) Statement of income, taxation, movable or immovable property in Taiwan;</p> <p>(2) Statement issued by the employer to certify employment, or the applicant’s own statement in writing detailing job descriptions</p>	<p>significant barrier preventing resident spouses and children of permanent residents from obtaining permanent residence. The resident spouses and minors of permanent residents often cannot meet the average monthly income requirement (currently twice the minimum wage, IA Enforcement Rules §16(1)(2)(1)) if they cannot work. Moreover, because these resident spouses and minor cannot work, the permanent resident must support them, making it difficult for them to meet the alternative NT\$5 million asset requirement.</p>

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	<p>and incomes;</p> <p>(3) Certificate issued by the R.O.C. government certifying that its holder is a professional or technician or has passed a technical test;</p> <p>(4) Other document that is sufficient to prove that the applicant is capable of supporting himself or herself or making a living.</p> <p>2. Anyone applying for permanent residence with circumstances other than the one stated in the preceding subparagraph shall meet one of the following conditions:</p>	<p>and incomes;</p> <p>(3) Certificate issued by the R.O.C. government certifying that its holder is a professional or technician or has passed a technical test;</p> <p>(4) Other document that is sufficient to prove that the applicant is capable of supporting himself or herself or making a living.</p> <p>2. Anyone applying for permanent residence with circumstances other than the one stated in the preceding subparagraph shall meet one of the following conditions:</p>	<p>§16(1)(2)(2). These barriers can be removed by aggregating the income and property of the permanent resident spouse and the permanent resident to act as the guarantor of the resident spouse or minor applicant just as Taiwanese nationals are currently allowed to do when their spouses or minor children apply for permanent residence. §16(2). The equal treatment of the families of Taiwanese nationals and permanent residents would be more consistent with Taiwan's commitment under Article 10 of the International Covenant on</p>

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	<p>(1) Having an average monthly income in Taiwan in the previous year that is more than twice of the Monthly Minimum Wage promulgated by the Council of Labor Affairs;</p> <p>(2) Having movable or immovable property in Taiwan with a total value worth more than NT\$5,000,000;</p> <p>(3) Having a certificate issued by the ROC government that certify people with specialized professionalism, techniques or have passed a technical test.</p> <p>(4) Other condition(s) recognized by the National Immigration</p>	<p>(1) Having an average monthly income in Taiwan in the previous year that is more than twice of the Monthly Minimum Wage promulgated by the Council of Labor Affairs;</p> <p>(2) Having movable or immovable property in Taiwan with a total value worth more than NT\$5,000,000;</p> <p>(3) Having a certificate issued by the ROC government that certify people with specialized professionalism, techniques or have passed a technical test.</p> <p>(4) Other condition(s) recognized by the National Immigration</p>	<p>Economic, Social and Cultural Rights (“The widest possible protection and assistance should be accorded to the family”) and in line with the international norm that permanent residents should enjoy the same rights as citizens with the exception of political rights. The discriminatory effects of Article 16 of the IA Enforcement Rules also arguably violates the Covenant’s prohibition on discrimination because it treats the spouses and minors of permanent residents less favourably than the spouses and minors of Taiwanese citizens.</p>

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	<p>Agency.</p> <p>Documents stated in items 1, 2 and 4 of subparagraph 1 of the preceding paragraph shall be submitted by the applicant and the following kin with household registration in Taiwan (having Taiwan citizenship) and not receiving a living allowance:</p> <ol style="list-style-type: none"> 1. Spouse; 2. Parent(s)-in-laws; 3. Parent(s). <p>The amount set in items 1 and 2 of subparagraph 2 of paragraph 1 shall include the income or property of the applicant and the following kin with household</p>	<p>Agency.</p> <p>Documents stated in items 1, 2 and 4 of subparagraph 1 of the preceding paragraph shall be submitted by the applicant and the following kin with household registration in Taiwan (having Taiwan citizenship) and not receiving a living allowance:</p> <ol style="list-style-type: none"> 1. Spouse; 2. Parent(s)-in-laws; 3. Parent(s). <p>The amount set in items 1 and 2 of subparagraph 2 of paragraph 1 shall include the income or property of the applicant and the following kin with household</p>	<p>Comment 20, International Covenant on Economic, Social and Cultural Rights.</p>

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	<p>registration in Taiwan (Having Taiwan citizenship):</p> <ol style="list-style-type: none"> 1. Spouse; 2. Parent(s)-in-laws; 3. Parent(s). <p>Certificates that certify people with specialized professionalism, techniques or have passed a technical test as stated in item 3 of subparagraph 2 and item 3 of subparagraph 1 of paragraph 1 shall be submitted by the applicant and the following kin with household registration in Taiwan (Having Taiwan citizenship):</p> <ol style="list-style-type: none"> 1. Spouse; 2. Parent(s)-in-laws; 	<p>registration or permanent residence in Taiwan:</p> <ol style="list-style-type: none"> 1. Spouse; 2. Parent(s)-in-laws; 3. Parent(s). <p>Certificates that certify people with specialized professionalism, techniques or have passed a technical test as stated in item 3 of subparagraph 2 and item 3 of subparagraph 1 of paragraph 1 shall be submitted by the applicant and the following kin with household registration or permanent residence in Taiwan:</p> <ol style="list-style-type: none"> 1. Spouse; 2. Parent(s)-in-laws; 	

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	<p>3. Parent(s). A letter of guarantee to assure the livelihood of the applicant in Taiwan shall be provided by one of the kin specified in the subparagraphs of the preceding paragraph, who has submitted the certificate that certifies people with specialized professionalism, techniques or have passed a technical test as stated in item 3 of subparagraph 2 and item 3 of subparagraph 1 of paragraph 1</p>	<p>3. Parent(s). A letter of guarantee to assure the livelihood of the applicant in Taiwan shall be provided by one of the kin specified in the subparagraphs of the preceding paragraph, who has submitted the certificate that certifies people with specialized professionalism, techniques or have passed a technical test as stated in item 3 of subparagraph 2 and item 3 of subparagraph 1 of paragraph 1</p>	
<p>5. Reporting changes of employment and residence</p>	<p>Aliens shall apply to National Immigration Agency for an extension before their visits or residence expires if they have to</p>	<p>Aliens shall apply to National Immigration Agency for an extension before their visits or residence expires if they have to</p>	<p>Changes of residence or employment must be reported in person. This inefficient process should be a simple reporting</p>

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	<p>continue their visits or residence in the State.</p> <p>The effective period of the Alien Resident Certificate of the applicant mentioned in the preceding Paragraph shall be extended from the second day of the date of the expiration of the time limit for the original residence and shall not be longer than three (3) years.</p> <p>Where an alien overstays the period of his/her residence for less than thirty (30) days and the reasons for the application for residence submitted originally still remain unchanged, he/she can re-</p>	<p>continue their visits or residence in the State.</p> <p>The effective period of the Alien Resident Certificate of the applicant mentioned in the preceding Paragraph shall be extended from the second day of the date of the expiration of the time limit for the original residence and shall not be longer than three (3) years.</p> <p>Where an alien overstays the period of his/her residence for less than thirty (30) days and the reasons for the application for residence submitted originally still remain unchanged, he/she can re-</p>	<p>requirement that foreign residents can comply with online.</p>



I. RESIDENCE

Issue	Current Law or regulation	Proposed amendment	Reasons and benefits
	<p>apply to National Immigration Agency for residence after being punished pursuant to Subparagraph 4 of Article 85. Where the alien applies for permanent residence, one (1) year shall be deducted from the period of permanent residence in the Taiwan Area.</p> <p>National Immigration Agency shall revoke the residence permit of an alien and cancel the alien's Alien Resident Certificate if the alien's reasons for residence disappear within the period of the residence. Where an alien meets one of the following</p>	<p>apply to National Immigration Agency for residence after being punished pursuant to Subparagraph 4 of Article 85. Where the alien applies for permanent residence, one (1) year shall be deducted from the period of permanent residence in the Taiwan Area.</p> <p>National Immigration Agency shall revoke the residence permit of an alien and cancel the alien's Alien Resident Certificate if the alien's reasons for residence disappear within the period of the residence. Where an alien meets one of the following</p>	

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Issue	Current Law or regulation	Proposed amendment	Reasons and benefits
	<p>circumstances, however, he/she shall be permitted to reside continually.</p> <ol style="list-style-type: none"> 1. His/Her dependent relative is deceased. 2. Is a spouse of a national with registered permanent residence in the Taiwan Area and is physically or mentally abused by his/her spouse. He/She is protected by the protection order issued by the court. 3. An alien acquires the guardianship of his/her own children with registered permanent residence in the Taiwan Area after his/her divorce. 	<p>circumstances, however, he/she shall be permitted to reside continually.</p> <ol style="list-style-type: none"> 1. His/Her dependent relative is deceased. 2. Is a spouse of a national with registered permanent residence in the Taiwan Area and is physically or mentally abused by his/her spouse. He/She is protected by the protection order issued by the court. 3. An alien acquires the guardianship of his/her own children with registered permanent residence in the Taiwan Area after his/her divorce. 	

I. RESIDENCE

Issue	Current Law or regulation	Proposed amendment	Reasons and benefits
	<p>4. Is suffered from family violence and divorced after the judgment of the court. The alien also has his/her own minor children with registered permanent residence in the Taiwan Area. subject to court divorce,</p> <p>5. Is deported from the State forcibly due to the revocation of his/her residence permit and is believed to have caused severe and irrecoverable damage to his/her own minor children with registered permanent residence in the Taiwan Area.</p> <p>6. Has a laour dispute with the domestic employer and the lawsuit</p>	<p>4. Is suffered from family violence and divorced after the judgment of the court. The alien also has his/her own minor children with registered permanent residence in the Taiwan Area. subject to court divorce,</p> <p>5. Is deported from the State forcibly due to the revocation of his/her residence permit and is believed to have caused severe and irrecoverable damage to his/her own minor children with registered permanent residence in the Taiwan Area.</p> <p>6. Has a labor dispute with the domestic employer and the lawsuit</p>	

I. RESIDENCE

Issue	Current Law or regulation	Proposed amendment	Reasons and benefits
	<p>procedure is in the process.</p> <p>In the event that an alien changes his/her domicile or his/her place of employment during the period of his/her residence, he/she shall apply to National Immigration Agency for registering the change.</p>	<p>procedure is in the process.</p> <p>In the event that an alien changes his/her domicile or his/her place of employment during the period of his/her residence, he/she shall apply to National Immigration Agency for registering the change provided that the National Immigration Agency shall provide means for the alien to do so online.</p>	
<p>6. Deportation for activities inconsistent with purpose of residence or visit. See IA §36(1)(6).</p>	<p>During visiting or residency, if aliens engage in certain activities that are different from the purposes of their visits, residence or the purpose declared on the E/D card besides tourism, visiting</p>	<p>During visiting or residency, if aliens engage in certain activities that are different from the purposes of their visits or the purpose declared on the E/D card besides tourism, visiting relatives</p>	<p>This proposed change would continue to preserve the right of visitors to engage in activities different from the purpose of their visit but broaden the rights of residents to engage in a full range</p>

I. RESIDENCE

Issue	Current Law or regulation	Proposed amendment	Reasons and benefits
	<p>relatives or friends, or other activities that are necessary in daily life and not prohibited by laws, the Subparagraph 6 of Paragraph 1 of Article 36 of the Act shall not applied. IA Enforcement Rules § 20.</p>	<p>or friends, or other activities that are consistent with full cultural, social, and political life in a democratic society and not prohibited by laws, the Subparagraph 6 of Paragraph 1 of Article 36 of the Act shall not applied. IA Enforcement Rules § 20.</p>	<p>of cultural, social, and political activities not otherwise prohibited to foreigners by law such as volunteer work, (unpaid) participation in cultural events including the performing arts, and to attend rallies and other assemblies (but not to endorse political candidates etc.). There is considerable uncertainty among foreign visitors and residents as to what activities they can participate in and what they cannot. This change seeks to remove that uncertainty and is consistent with Taiwan’s open and democratic society today.</p>



I. RESIDENCE

II. EMPLOYMENT

Employment

Issue	Current law or regulation	Proposed amendment	Reasons and benefits
1. Just and Favorable Terms of Employment. ESA §42	For the purpose of protecting nationals' right to work, no employment of foreign worker may jeopardize nationals' opportunity in employment, their employment terms, economic development or social stability.	For the purpose of protecting nationals' right to work, no employment of foreign worker may jeopardize nationals' opportunity in employment, their employment terms, economic development or social stability provided that in the matter of conditions of work, foreign workers authorised to take up employment specified in Article 46.1.1 to 46.1.6 and 46.1.11 of the Employment Service Act shall enjoy treatment not less favorable	This is intended to ensure that skilled foreign employees enjoy the full rights, benefits, and protections provided for in the Labor Standards Act. Cf 99, Taishang No. 109 (pilot case denying severance pay to foreign pilots. ⁷ This language fulfills Taiwan's obligations under International Covenant on Economic, Social and Cultural Rights §7 (just and favorable conditions of work) and the non-discrimination principle

⁷ 最高法院 99 台上字第 109 號

II. EMPLOYMENT

Issue	Current law or regulation	Proposed amendment	Reasons and benefits
		<p>than that which applies to national workers by virtue of legislative or administrative provisions, collective labor agreement or custom unless otherwise provided by law. It shall not be possible to derogate by individual contract from the principle of equal treatment referred to in the foregoing paragraph.⁶</p>	<p>articulated in GENERAL COMMENT No. 20: Non-discrimination in economic, social and cultural rights.</p>
<p>2. Definition of scope of permitted employment (ESA § 2)</p>	<p>For the purposes of the Act: 1.The term "employment services" means services provided for assisting nationals in seeking</p>	<p>For the purposes of the Act: 1.The term "employment services" means services provided for assisting nationals in seeking</p>	<p>Definition of Culture and Innovation Industry taken from Article 3 of Taiwan's Culture and Innovation Industry Development</p>

⁶ EU Charter Article 16 – Conditions of work.

II. EMPLOYMENT

Issue	Current law or regulation	Proposed amendment	Reasons and benefits
	<p>employment and employers in employing/recruiting Employee(s).</p> <p>2.The term "employment services institution" means an agency which provides employment services; a public employment services institution is one established by governmental organ(s), while a private employment services institution is one established by private individual(s) or non-governmental organization(s).</p> <p>3.The term "employer" means the person who assigns or hires employees to work.</p>	<p>employment and employers in employing/recruiting Employee(s).</p> <p>2.The term "employment services institution" means an agency which provides employment services; a public employment services institution is one established by governmental organ(s), while a private employment services institution is one established by private individual(s) or non-governmental organization(s).</p> <p>3.The term "employer" means the person who assigns or hires employees to work.</p>	<p>Act of 2010. No English translation of the Act is currently available. The purpose of this definition is to expand the scope of employment permitted to foreigners which is currently mainly limited to 'specialized and technical work'</p>

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Issue	Current law or regulation	Proposed amendment	Reasons and benefits
	<p>4.The term "Senior or Mid-Aged Persons" means nationals aging from forty-five to sixty-five.</p> <p>5.The term "long-term unemployed" means the insured person who has been unemployed for a year, and his/her accumulated at least 6 months of insurance enrollment within the day of the most recent 3 years before he/she suspended the coverage of the insurance and has registered for job seeking in public employment service agencies within a month.</p>	<p>4.The term "Senior or Mid-Aged Persons" means nationals aging from forty-five to sixty-five.</p> <p>5.The term "long-term unemployed" means the insured person who has been unemployed for a year, and his/her accumulated at least 6 months of insurance enrollment within the day of the most recent 3 years before he/she suspended the coverage of the insurance and has registered for job seeking in public employment service agencies within a month.</p> <p>Culture and Innovation Industry: The culture and innovation</p>	

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Issue	Current law or regulation	Proposed amendment	Reasons and benefits
		<p>industry refers the following industries that, based on innovation or cultural accumulation have the potential to create wealth and employment opportunities through the formation and use of intellectual property, promote the aesthetic sensibility of all members of society, and improve the living environment of the citizenry:</p> <ol style="list-style-type: none"> 1. visual arts industry 2. music and performing arts industry 3. cultural capital and exhibition facilities industry 	

II. EMPLOYMENT

Issue	Current law or regulation	Proposed amendment	Reasons and benefits
		<ul style="list-style-type: none"> 4. handicrafts industry film industry ° 5. television and radio broadcasting industry 6. publishing industry advertising industry 7. product design industry visual communications industry 8. brand design industry 9. architectural design industry 10. digital content industry Innovative life industry popular music and cultural content industry 11. Other industries 	

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Issue	Current law or regulation	Proposed amendment	Reasons and benefits
		<p>designated by the central government competent authority.</p> <p>The scope of the industries listed in the subparagraphs of the preceding paragraph shall be defined by central government competent authority in consultation with the central government competent authorities for enterprises [in that industry].</p>	
<p>3. Employment of spouses and minors of permanent residents. ESA § 51.</p>	<p>Where the employed foreign worker is amongst any of the following, the requirements as referred to in Paragraphs 1 and 3</p>	<p>Where the employed foreign worker is amongst any of the following, the requirements as referred to in Paragraphs 1 and 3</p>	<p>The dependents of a permanent resident are permitted to reside in Taiwan but not to work. This is inconsistent with the principle</p>

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Issue	Current law or regulation	Proposed amendment	Reasons and benefits
	<p>of Article 46, Article 47, Article 52, Paragraphs 3 and 4 of Article 53, Subparagraph 5 of Article 57, Subparagraph 4 of Article 72 and Article 74 are exempted, and his/her employer is also exempted from paying the employment security fees as required under Article 55:</p> <ol style="list-style-type: none"> 1. A refugee permitted to stay in the Republic of China; 2. One who has been continuously employed, with permission of the relevant competent authority(ies), to engage in work in the Republic of China, has maintained a settled practice of good-mannered 	<p>of Article 46, Article 47, Article 52, Paragraphs 3 and 4 of Article 53, Subparagraph 5 of Article 57, Subparagraph 4 of Article 72 and Article 74 are exempted, and his/her employer is also exempted from paying the employment security fees as required under Article 55:</p> <ol style="list-style-type: none"> 1. A refugee permitted to stay in the Republic of China; 2. One who has been continuously employed, with permission of the relevant competent authority(ies), to engage in work in the Republic of China, has maintained a settled practice of good-mannered 	<p>that a permanent resident should enjoy social and economic rights equivalent to those of a citizen. The inability of dependents to work creates economic difficulties for the families of permanent residents and precludes them from contributing to and participating in Taiwanese society. The benefits of this proposal are greater cohesion for families of permanent residents and the contributions of these often multilingual and bicultural persons to Taiwanese society.</p> <p>Open work rights are also</p>

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Issue	Current law or regulation	Proposed amendment	Reasons and benefits
	<p>behavior, and has kept a residence in the said territory for at least five consecutive years;</p> <p>3. One permitted to live with his/her lineal relative who has a registered domestic residence in the Republic of China; or</p> <p>4. One permitted to stay permanently in the territory of the Republic of China.</p> <p>The foreign workers as referred to in subparagraphs 1, 3 and 4 of paragraph 1 of this article may, without their employers' initiation, apply on their own initiatives to the Central Competent Authority for permits</p>	<p>behavior, and has kept a residence in the said territory for at least five consecutive years;</p> <p>3. One permitted to live with his/her lineal relative who has a registered domestic residence in the Republic of China; or</p> <p>4. One permitted to stay permanently in the territory of the Republic of China. This includes the permanent resident's spouse, and minor children.</p> <p>5. One whose period of residency has been extended for three years from [date] [month], 201[Year] pursuant paragraph 1 of Article 25 of the Immigration Act.</p>	<p>extended to residents eligible for the amnesty and accelerated path to permanent residence in Residence Proposal 2.</p>

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Issue	Current law or regulation	Proposed amendment	Reasons and benefits
	<p>to engage in work in the Republic of China.</p> <p>Where the performance of contract(s) of construction, sale, technical cooperation and so forth necessitates a foreign legal person to appoint a foreign worker to engage in work as referred to in Subparagraph 1 or 2 of Paragraph 1 of Article 46 in the Republic of China, and where such foreign legal person has not established any branch office or representative agency in the said territory, the business entity with whom such foreign legal person contracted or the agent duly</p>	<p>The foreign workers as referred to in subparagraphs 1, 3, 4, and 5 of paragraph 1 of this article may, without their employers' initiation, apply on their own initiatives to the Central Competent Authority for permits to engage in work in the Republic of China.</p> <p>Where the performance of contract(s) of construction, sale, technical cooperation and so forth necessitates a foreign legal person to appoint a foreign worker to engage in work as referred to in Subparagraph 1 or 2 of Paragraph 1 of Article 46 in the Republic of</p>	

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Issue	Current law or regulation	Proposed amendment	Reasons and benefits
	<p>authorized by such foreign legal person shall apply therefore in accordance with the regulations promulgated pursuant to Paragraphs 2 and 3 of Article 48.</p>	<p>China, and where such foreign legal person has not established any branch office or representative agency in the said territory, the business entity with whom such foreign legal person contracted or the agent duly authorized by such foreign legal person shall apply therefore in accordance with the regulations promulgated pursuant to Paragraphs 2 and 3 of Article 48.</p>	
<p>4. No eligibility for work permit if terminated employment without notice. ESA Qualifications and Criteria Standards §2-1</p>	<p>Where an employer applies for a permit to hire a foreigner for the latter to perform the work specified in the preceding Article, the foreigner may not be found to</p>	<p>Where an employer applies for a permit to hire a foreigner for the latter to perform the work specified in the preceding Article, the foreigner may not be found to</p>	<p>Foreign employees should be allowed to leave employment freely without being sanctioned for leaving.</p>

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Issue	Current law or regulation	Proposed amendment	Reasons and benefits
	<p>be engaged in any of the following circumstances within three (3) years prior to the application date:</p> <ol style="list-style-type: none"> 1. He or she has ever engaged in work without obtaining an Employment Permit; 2. He or she has ever worked or is currently working for an employer other than the employer who applied for a permit for him or her; 3. Without the employer's designation, he or she has ever engaged in work not specified in the Employment Permit; 4. He or she was absent from work without leave or a justifiable 	<p>be engaged in any of the following circumstances within three (3) years prior to the application date:</p> <ol style="list-style-type: none"> 1. He or she has ever engaged in work without obtaining an Employment Permit; 2. He or she has ever worked or is currently working for an employer other than the employer who applied for a permit for him or her; 3. Without the employer's designation, he or she has ever engaged in work not specified in the Employment Permit; 4.; 5. He or she has ever refused to 	

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Issue	Current law or regulation	Proposed amendment	Reasons and benefits
	<p>reason for three (3) consecutive days, and he or she and the employer lost contact;</p> <p>5. He or she has ever refused to undergo a health examination or provided a false specimen;</p> <p>6. He or she has ever been found significantly violating Articles 48.2 and 48.3, or 49 of this Act;</p> <p>7. He or she has ever been found significantly violating laws and regulations of the Republic of China; or</p> <p>8. He or she has ever refused to submit any information as required by laws and regulations, or has submitted false information</p>	<p>undergo a health examination or provided a false specimen;</p> <p>6. He or she has ever been found significantly violating Articles 48.2 and 48.3, or 49 of this Act; 7. He or she has ever been found significantly violating laws and regulations of the Republic of China; or</p> <p>8. He or she has ever refused to submit any information as required by laws and regulations, or has submitted false information in violation of the laws and regulations</p>	

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	in violation of the laws and regulations.		
5. Two-year work experience requirement. EA Qualifications and Criteria Standards §5	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 here above: 1. Acquire certificates or operation qualifications through the procedures specified in the Examinations of Specific Profession and Technician Guidelines.	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 here above: 1. Acquire certificates or operation qualifications through the procedures specified in the Examinations of Specific Profession and Technician Guidelines.	Taiwan is unlikely to attract experienced employees who earn higher salaries in other countries. It can attract younger employees who are willing to work for less in exchange for experience and cultural exchange. In turn, these younger employees will give their Taiwanese peers experience working in international teams and their managers experience in managing employees with diverse backgrounds. For these reasons,

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Issue	Current law or regulation	Proposed amendment	Reasons and benefits
	<p>2. Acquire credentials of Master degree or above from universities in the ROC or in foreign countries or acquire Bachelor degree and with more than two years working experiences in the specific field.</p> <p>3. Expatriates to the ROC that have been employed in multi-national companies for more than one year.</p> <p>4. Specialists who have been trained professionally or self-taught in the specific field and have more than five years experiences in related skills and have demonstrated outstanding</p>	<p>2. Acquire credentials of Master degree or above from universities in the ROC or in foreign countries or acquire Bachelor degree 3. Expatriates to the ROC that have been employed in multi-national companies for more than one year.</p> <p>4. Specialists who have been trained professionally or self-taught in the specific field and have more than five years experiences in related skills and have demonstrated outstanding performances.</p>	<p>the two-year work experience requirement is removed.⁸</p>

⁸ The Council of Labor Affairs has removed the two-year work experience requirement in Taiwan's six proposed Free Economic Pilot Zones. 自由經濟示範區規劃方案, p.12.

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Issue	Current law or regulation	Proposed amendment	Reasons and benefits
<p>6. Minimum Salary Requirements. ESA Qualifications and Criteria Standards § 8.</p>	<p>The wages or remuneration for foreign employees who, or foreigners who, according to the contract for the business lines allowed under international treaties, undertake the jobs specified in Article 4 should not be lower than the amount published by the central competent authority.</p>	<p>The wages or remuneration for foreign employees of domestic companies or branches of foreign companies recognized in Taiwan who, or foreigners who, according to the contract for the business lines allowed under international treaties, undertake the jobs specified in Article 4 shall not be lower than the amount published by the central competent authority provided that this amount shall not be higher than average monthly regular wages for</p>	<p>As of March 2014, just 27,856 foreign professionals hold work permits in Taiwan. The minimum wage requirement set by the Central Labor Authority is currently NT\$47,971.⁹ This is a significant barrier to the employment of foreign professionals because it makes Taiwanese companies less likely to hire entry-level foreigners for wages that are grossly above what is being paid in Taiwan's labor market where an entry-level</p>

⁹ NT\$37,619 for foreign graduates of Taiwanese universities and slightly less for research assistants at universities and research institution (NT\$31,520 for BAs and NT\$36,050 for MAs. This is a striking example of the willingness of public agencies to grant themselves preferential treatment in the hiring of foreigners.

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Issue	Current law or regulation	Proposed amendment	Reasons and benefits
		<p>the previous year compiled by the Department of Census, Directorate General of Budget, Accounting & Statistics for each age group. This requirement shall not apply to foreign employees of a domestic company or the branch of a recognized foreign company in the culture/innovation industry, juridical person, a juridical association, an administrative juridical person, or a non-government organization</p>	<p>employee usually makes NT\$22,000-NT\$30,000. Singapore, for example, has 154,100 S Pass employees with a minimum salary of S\$2,000 (c. NT\$47,420) with a population less than one quarter of Taiwan's. If adjusted to reflect the disparities in Taiwan and Singapore's economies, a comparable monthly salary in Taiwan would be NT\$29,170. To make foreign employees economically competitive in Taiwan's labor market and thus increase the number of foreign professional work permit holders, we propose</p>

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			<p>capping the minimum wage for foreign employees at the average monthly regular wages (經常性薪資) in the previous year by age group. For example, in 2012, the average monthly wage for 20-24 year olds was NT\$23,649 and for 40-44 year olds was NT\$38,835.¹⁰ Taiwan's culture/innovation (文創業) and non-profit sectors would be enhanced by greater internationalization of its work force but the limited resources of for profit companies in the culture/creative sector and non-profit organizations would</p>

¹⁰ These figures need to be verified and updated. The DGBAS currently seems to only report average monthly wages for all workers regardless of age.

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			<p>preclude them from hiring international talent even with the reduced minimum salary requirements proposed in the foregoing. The minimum salary requirements therefore do not apply to these organizations. They will benefit by being able to deepen their ties with foreign NGOs through exchanges, being better able to raise their profile internationally, and by diversifying the work force in the non-profit sector.</p>
<p>7. Minimum capital requirements: Employees. ESA Qualifications and</p>	<p>An employer who is to hire a foreigner as set forth in Subparagraph 15 of Article 4,</p>		<p>Other than the two year work experience requirement and the minimum salary requirement,</p>

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Issue	Current law or regulation	Proposed amendment	Reasons and benefits
<p>Criteria Standards §36.</p>	<p>Articles 22, 23, 29, Subparagraphs 1 to 4 and 7 of Article 31, Articles 34 or 35 shall meet one of the following requirements:</p> <p>1. Domestic company:</p> <p>(1) Established for less than one (1) year, and its paid-up capital has reached five million (5,000,000) New Taiwan Dollars and above, or average turnover, actual import and export revenue, or commission has reached ten million (10,000,000) New Taiwan Dollars and above, one million (1,000,000) United States dollars and above, or four hundred thousand (400,000) United States</p>		<p>minimum capital requirements to hire a foreign employee are another significant barrier. Here we have two proposals:</p> <ol style="list-style-type: none"> 1. Eliminate the minimum capital requirements, or 2. Replace them with more carefully calibrated capital and revenue requirements that will allow startups and small companies to hire foreigners while they grow organically. <p>The current minimum capital requirements not only reduce the number of Taiwanese employers</p>

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Issue	Current law or regulation	Proposed amendment	Reasons and benefits
	<p>dollars and above, respectively.</p> <p>(2) Established for more than one (1) year, and its average turnover, actual import and export revenue, or commission in the most recent year or for the past three (3) years has reached no less than ten million (10,000,000) New Taiwan Dollars, one million (1,000,000) United States dollars, or four hundred thousand (400,000) United States dollars, respectively.</p> <p>2. Foreign branch company established in the Republic of China or Mainland China branch company established in the Republic of China:</p>		<p>who can hire foreign employees, but also favor larger businesses by ensuring that smaller companies cannot have access to international talent.</p>



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Issue	Current law or regulation	Proposed amendment	Reasons and benefits
	<p>(1) Established for less than one (1) year, and its working capital, turnover, actual import and export revenue, or commission has reached five million (5,000,000) New Taiwan Dollars and above, ten million (10,000,000) New Taiwan Dollars and above, one million (1,000,000) United States dollars and above, or four hundred thousand (400,000) United States dollars and above, respectively.</p> <p>(2) Established for more than one (1) year, and its average turnover, actual import and export revenue, or commission in the most recent</p>		

II. EMPLOYMENT

Issue	Current law or regulation	Proposed amendment	Reasons and benefits
	<p>year or for the past three (3) years has reached no less than ten million (10,000,000) New Taiwan Dollars, one million (1,000,000) United States dollars, or four hundred thousand (400,000) United States dollars, respectively.</p> <p>3. The employer is a representative office of a foreign company or a Mainland China company approved by the authority concerned at the central government level specially, and has actual performance records in Taiwan.</p> <p>4. The employer is a research and development center, or a</p>		

II. EMPLOYMENT

Issue	Current law or regulation	Proposed amendment	Reasons and benefits
	<p>corporate operation headquarter, and its establishment has been approved by the authority concerned at the central government level.</p> <p>5. 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 competent authority after consultation with the authority concerned at the central government level.</p>		
8. Minimum funding and membership requirements for	Whereas an employer which is to hire a foreigner to engage in the	Whereas an employer which is to hire a foreigner to engage in the	The operating expenditures for foundations mean that smaller

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Issue	Current law or regulation	Proposed amendment	Reasons and benefits
<p>NGOs/non-profits. EA Qualifications and Criteria Standards §37</p>	<p>work as set forth in Article 4 is a juridical person, a juridical association, an administrative juridical person, or a non-government organization, it shall meet one of the following requirements:</p> <p>1. Juridical person: Established for less than one (1) year, and its total funding has reached no less than ten million (10,000,000) New Taiwan Dollars; alternatively, established for more than one (1) year, and its average operating expenditure in the most recent year or for the past three (3) years has reached no less than five</p>	<p>work as set forth in Article 4 is a juridical person, a juridical association, an administrative juridical person, or a non-government organization, it shall meet one of the following requirements:</p> <p>1. Juridical person: Established for less than one (1) year, and its total funding has reached no less than ten million (10,000,000) New Taiwan Dollars; alternatively, established for more than one (1) year, and its average operating expenditure in the most recent year or for the past three (3) years has reached no less than one</p>	<p>foundation cannot employ foreign nationals. The membership requirements for associations are unnecessarily high.</p>

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Issue	Current law or regulation	Proposed amendment	Reasons and benefits
	<p>million (5,000,000) New Taiwan Dollars.</p> <p>2. Juridical association: it has no less than fifty (50) members.</p> <p>3. Administrative juridical person: the administrative juridical person established pursuant to laws.</p> <p>4. Non-government organization: a representative office, secretariat, headquarter, or branch in Taiwan of a non-government organization, and its establishment was or is approved by the authority concerned at the central government level.</p>	<p>million (1,000,000) New Taiwan Dollars.</p> <p>2. Juridical association: it has no less than fifty (30) members.</p> <p>3. Administrative juridical person: the administrative juridical person established pursuant to laws.</p> <p>4. Non-government organization: a representative office, secretariat, headquarter, or branch in Taiwan of a non-government organization, and its establishment was or is approved by the authority concerned at the central government level.</p>	
9. Minimum capital	The employer who is to hire a		Eliminate or allow replace the



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Issue	Current law or regulation	Proposed amendment	Reasons and benefits
<p>requirements: managers and directors. Minimum capital requirements: Employees. ESA Qualifications and Criteria Standards §39.</p>	<p>foreigner specified in the preceding Article shall meet one of the following requirements: 1. Established for less than one (1) year, and its paid-up capital or working capital in Taiwan has reached five hundred thousand (500,000) New Taiwan Dollars and above, or average turnover, actual import and export revenue, or commission has reached three million (3,000,000) New Taiwan Dollars, five hundred thousand (500,000) United States Dollars and above, or two hundred thousand (200,000) United States dollars and above, respectively.</p>		<p>fixed caps under with more flexible standards that will allow small businesses to grow organically. The economic basis of the capital and revenue requirements set forth in ESA Qualifications and Criteria Standards §39 are unexplained and in practice many small business owners, especially in the service sector, are unable to meet the minimum revenue requirement in the second year and thus lose their residency. Another reason to relax this requirement is that the number of managers and directors of</p>

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Issue	Current law or regulation	Proposed amendment	Reasons and benefits
	<p>2. Established for more than one (1) year, and its average turnover, actual import and export revenue, or commission in the most recent year or for the past three (3) years has reached no less than three million (3,000,000) New Taiwan Dollars, five hundred thousand (500,000) United States dollars, or two hundred thousand (200,000) United States dollars, respectively.</p> <p>3. Whereas the employer is a representative office of a foreign company, whose establishment has been approved by the</p>		<p>foreign-invested companies is just 1,980.¹¹</p>

¹¹ “Institutional Structures and Foreign Professionals”, Slide 10. Presentation by Professor Liu Shi-hao (Ming Chuan University) to Small and Medium Enterprise Administration, Ministry of Economic Affairs R.O.C. 18 March 2014.

II. EMPLOYMENT

Issue	Current law or regulation	Proposed amendment	Reasons and benefits
	<p>authority concerned at the central government level, with actual performance records, provided that no such performance records are needed, if it has been established for less than one year.</p> <p>4. 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 competent authority after consultation with the authority concerned at the central government level.</p>		

III. Nationality

Nationality

Issue	Current law or regulation	Proposed Amendment	Reason and benefits
<p>1. Renunciation of foreign citizenship to naturalize. NA §9.</p>	<p>A foreign national who applies for naturalization according to Article 3 to Article 7 shall provide the certification of his/her loss of previous nationality. But if he/she alleges he/she can't obtain the certificate for causes not attributable to him/her and foreign affairs authorities investigate and determine that this is true, he/she does not need to provide the certificate.</p>		<p>“The requirement for renunciation of original citizenship, however, is entirely out of line with naturalization law in any advanced country or, indeed, any country that Taiwan might fairly be compared with or would wish to be identified with. For a whole host of reasons, it is strongly objectionable and should be rescinded or at least substantially revised to eliminate its harsh, indefensible, exclusionary effects.” See Appendix .</p>
<p>2. Binationals restricted from</p>	<p>A national of the ROC who</p>	<p>A national of the ROC who</p>	<p>This restriction prevents foreign</p>

III. Nationality

<p>being teachers and part of the university faculty. NA\$20.</p>	<p>acquires the nationality of another country has no right to hold government offices of the ROC. If he/she has held a government office, the relevant authority shall discharge his/her government office; a legislator shall be discharged by the Legislative Yuan, government service personnel elected by the people of a municipality, county(city), township(city) shall be discharged by the Executive Yuan, the MOI, or a county government respectively, a village chief shall be discharged by the township(city, district) office, but the following Subparagraphs shall not be subject to this restriction if</p>	<p>acquires the nationality of another country or a naturalized ROC national who continues to hold the nationality of another country has no right to hold government offices of the ROC. If he/she has held a government office, the relevant authority shall discharge his/her government office; a legislator shall be discharged by the Legislative Yuan, government service personnel elected by the people of a municipality, county(city), township(city) shall be discharged by the Executive Yuan, the MOI, or a county government respectively, a village chief shall be discharged by the township(city, district) office, but</p>	<p>nationals from being full members of Taiwan’s teaching profession both on the university level and below. This contributes to the general lack of internationalization in Taiwan’s educational system and to lower competitiveness.</p> <p>There are 1,105 full time foreign national faculty members in Taiwanese universities and 796 adjunct faculty. Respectively, that is 2.2% and 1.7% of total permanent and adjunct faculty. Taiwan has a total of about 50,000 permanent and part-time faculty in higher education.</p>
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III. Nationality

	<p>provided by the competent authorities:</p> <p>1. Presidents of public universities, teachers who concurrently serve as administrative governors of public school of all levels, principals, vice principals or researchers (including researchers who concurrently serve as governors of academic research) of research organizations (bodies) and principals, vice principals and contracted professionals (including part-time governors) of social education or culture</p>	<p>the following Subparagraphs shall not be subject to this restriction if provided by the competent authorities:</p> <p>1. Presidents of public universities, teachers of public school of all levels, principals, vice principals or researchers (including researchers who concurrently serve as governors of academic research) of research organizations (bodies) and principals, vice principals and contracted professionals (including part-time governors) of social education or culture</p>	<p>In contrast, foreign faculty at universities in Hong Kong ranges from 15% to 50%.¹²</p>
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¹² Internalization Low: Foreign Faculty Less than 2% (大專外籍師比率 平均不到 2% 國際化低). United Daily News, 5 April 2014. http://mag.udn.com/mag/edu/storypage.jsp?f_ART_ID=507071#ixzz30LWnrtwU. Last accessed 30 April 2014.

III. Nationality

	<p>bodies established with the approval of the competent administrative authority of education or culture authorities.</p> <p>2. Personnel in public-operated utilities other than the persons who take primary decision-making responsibility for the operational policy.</p> <p>3. Non-governor positions focusing on technology research and design regularly engaged through contract by various authorities.</p> <p>4. Commissioners without position engaged through selection for consultation only according to the organizational law by the competent authority of</p>	<p>bodies established with the approval of the competent administrative authority of education or culture authorities.</p> <p>2. Personnel in public-operated utilities other than the persons who take primary decision-making responsibility for the operational policy.</p> <p>3. Non-governor positions focusing on technology research and design regularly engaged through contract by various authorities.</p> <p>4. Commissioners without position engaged through selection for consultation only according to the organizational law by the competent authority of</p>	
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III. Nationality

	<p>overseas Compatriot affairs. 5. Otherwise provided by other acts. Persons in Subparagraph 1 to Subparagraph 3 of the preceding Paragraph shall be limited to talents who have expertise or special skills difficult to find in our country and occupy positions not involving state secrets. Government services of Subparagraph 1 don't include teachers, lecturers and research personnel, professional technical personnel who do not concurrently serve as administrative governors at all levels of public schools. If a national of the ROC who</p>	<p>overseas Compatriot affairs. 5. Otherwise provided by other acts. Persons in Subparagraph 1 to Subparagraph 3 of the preceding Paragraph shall be limited to talents who occupy positions not involving state secrets. Government services of Subparagraph 1 don't include teachers, lecturers and research personnel, professional technical personnel who do not concurrently serve as administrative governors at all levels of public schools. If a national of the ROC who concurrently has the nationality of another country wants to hold a</p>	
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III. Nationality

	<p>concurrently has the nationality of another country wants to hold a government office limited by nationality as determined by this Article, he/she shall handle the waiver of the other country's nationality before taking office, and complete the loss of that country's nationality and the acquisition of certification documents within 1 year from the date of taking office, but if otherwise provided by another act, the provisions of that act shall prevail.</p>	<p>government office limited by nationality as determined by this Article, he/she shall handle the waiver of the other country's nationality before taking office, and complete the loss of that country's nationality and the acquisition of certification documents within 1 year from the date of taking office, but if otherwise provided by another act, the provisions of that act shall prevail.</p>	
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IV. Living in Taiwan

Living in Taiwan

Issue	Current law or regulation	Proposed Amendment	Reasons and benefits
1. Equal Access to credit. Banking Act §33-6	New	A bank shall not discriminate against any applicant who is a citizen or lawful resident of the Republic of China, with respect to any aspect of a credit transaction on the basis of race, color, religion, national origin, sex or marital status, or age (provided the applicant has the capacity to contract).	Banks and credit card companies in Taiwan routinely discriminate against resident foreigners by refusing to extend credit simply based on the fact that they are a foreigner and therefore more likely to leave Taiwan. This is consistently cited by foreign residents as a practice that makes Taiwan a less attractive place to live and work. ¹³
2. Retirement benefits for university faculty and teachers	The retirement of the foreign teacher who serves in any public	The retirement of the foreign teacher who serves in any public	Retirement benefits are an important component of

¹³ This proposal is based on the US Equal Credit Opportunity Act of 1974. 15 U.S.C. § 1691 et seq.

IV. Living in Taiwan

Issue	Current law or regulation	Proposed Amendment	Reasons and benefits
School Retirement Statute § 20	middle schools or above in the R.O.C. may be subject to this Statute. The pension to the same shall be made in lump sum payment.	middle schools or above in the R.O.C. may be subject to this Statute.	compensation for teachers and faculty members. This regulation significantly reduces deferred compensation for foreign teachers, thereby reducing further the attractiveness of Taiwan as a destination for qualified foreign teachers and faculty. ¹⁴
3. Require business and government agencies to use ARC Numbers and enforce the same. IA §28-1	New	The National Immigration Agency shall issue alien resident numbers to residents. Electronic transactions that require ROC ID numbers from citizens shall also accept alien	Although many agencies and businesses accept alien resident numbers (外僑統一證號) in lieu of ROC ID numbers, there are still others that do not. This creates considerable inconvenience for foreign

IV. Living in Taiwan

Issue	Current law or regulation	Proposed Amendment	Reasons and benefits
		<p>resident numbers to enable foreign residents to complete such electronic transactions.</p> <p>The National Immigration Service shall issue regulations implementing the previous two paragraphs that include rewards for those who report electronic transactions that cannot be completed using an alien resident number.</p>	<p>residents who cannot buy, among other things, tickets for trains and cultural events from certain service providers. The benefits of this proposal include greater convenience for foreign residents, new customers from Taiwanese businesses and improved equivalence between ROC ID numbers and alien resident numbers.</p> <p><i>Alternative: Replace alien resident numbers with ROC ID numbers.</i></p>

Appendix

The following arguments for eliminating the renunciation of nationality requirement for naturalizing Taiwanese citizens were originally published by long-time Taiwan resident Peter Whittle on the website forum Taiwanese.¹⁵ It is reproduced here with Peter's consent and we are seeking Peter's original proposal to the CEPD since this article is in fact Peter's response to the Ministry of the Interior's rejected of the proposal.

Turning Taiwanese: A Fair Path to Citizenship

I was encouraged to learn that legislator Hsiao Bi-khim (蕭美琴) has recently raised a proposal to amend Taiwan's Nationality Act by deleting the provision that a naturalizing foreigner must renounce original citizenship as a prior condition for the bestowal of ROC citizenship. Such a change in the law has long been due, and will be warmly welcomed by many long-term foreign residents of Taiwan and their families and friends.

Currently, under the provisions of Taiwan's Nationality Act, a foreign national who fulfills certain conditions in respect of length and continuity of residence in Taiwan, sufficiency of income or assets, proficiency in Chinese and knowledge of Taiwan's laws, institutions and society, a clean criminal record, and a positive health check, is only entitled to obtain ROC citizenship upon fulfillment of the requirement to "provide certification of his/her loss of previous nationality," as prescribed in Section 9 of the Act. An applicant who has fulfilled all of the preliminary requirements to the satisfaction of the competent authority will be issued with an "ROC Naturalization Candidature Certificate" (準歸化中華民國國籍證明), and must then proceed to renounce his original citizenship and furnish proof of this within two years in order to complete the final steps toward becoming an ROC citizen.

The basic eligibility requirements for citizenship are quite reasonable and not much

¹⁵http://www.taiwanease.com/article/32/Turning_Taiwanese_A_Fair_Path_to_Citizenship. Last accessed 13 Nov. 2013

stricter than the corresponding requirements for naturalization in advanced countries such as the USA and UK. The requirement for renunciation of original citizenship, however, is entirely out of line with naturalization law in any advanced country or, indeed, any country that Taiwan might fairly be compared with or would wish to be identified with. For a whole host of reasons, it is strongly objectionable and should be rescinded or at least substantially revised to eliminate its harsh, indefensible, exclusionary effects.

Ms. Hsiao was prompted to raise the proposal on behalf of two Pakistani men, long-term residents of Taiwan with Taiwanese wives, who had applied for ROC citizenship, met all of the qualifying requirements, been issued with candidature certificates, and then duly proceeded to renounce their original citizenship. Having completed the renunciation, they were informed by the Ministry of the Interior (MOI) that their applications had been rejected due to disqualifying factors that, through no fault of the applicants, had not been revealed during the initial phase of their application. This left the two applicants in the terrible plight of being stateless, unable to regain their original citizenship, while denied new citizenship here. In this situation, they were unable to travel outside Taiwan, unable even to visit a terminally ill mother in Pakistan, and with no way of resolving this difficulty at any time in the foreseeable future. Such a situation is a stark breach of their human rights, and offends the basic decency of treatment owed to all law-abiding members of a society, whether citizens or non-citizens. It ought not to occur in any country, let alone a country as proud of its liberalism, openness, democratic institutions, and respect for human rights as Taiwan. This alone is reason enough for the law to be revised with the utmost urgency. But there are also many other equally or even more compelling reasons why this unreasonable provision of Taiwan's naturalization law needs to be changed, as I will summarize further on.

Two years ago, I submitted a suggestion for the revision of the law to the Regulatory Reform Platform operated by the Cabinet's Council for Economic Planning and Development (CEPD). I explained in detail the reasons why this provision of the law was unreasonable, and proposed several ways in which it could be amended as alternatives to the best solution of revoking it completely. The CEPD accepted and supported the suggestion, and submitted it to the MOI for consideration and response.

The MOI rejected the proposal out of hand. Its reasons for the rejection, which the stipulated procedure of the reform proposal process required it to present in written form, were extraordinarily ill-informed, inappropriate, and bordering on the downright absurd. Not one among the five listed reasons could stand up to even the most perfunctory examination.

First of all, the MOI claimed that Taiwan's renunciation requirement was similar to the current provisions of law for naturalization in Japan, South Korea, the Philippines, Indonesia, Malaysia, Thailand, the PRC, Belgium, Sweden, Saudi Arabia, Singapore, Germany, Austria and Italy. But in fact, that assertion is manifestly wrong. Research on the law in each of those countries reveals that many of them do not require renunciation of any applicant, while most of the others either apply broad exceptions to this rule (such as for applicants who are married to local citizens) or simply do not enforce it. In the case of the minority that do enforce renunciation as strictly as Taiwan, the key point is that they do not allow dual citizenship for anyone, including their own citizens. That is completely different to the situation in Taiwan, where ROC citizens are free to obtain foreign nationality without having to give up ROC citizenship, so that countless Taiwanese now possess a foreign passport in addition to their ROC one.

How can any country hold to the position of enforcing such a blatant double standard whereby it allows its birth citizens to freely hold dual nationality while denying the same benefit to naturalizing citizens? It is utterly unconscionable. We shall skip over the issue of whether Taiwan should be seeking to emulate the nationality laws of totalitarian states like the PRC and Saudi Arabia, as cited in the MOI's list, rather than liberal democracies like the US and UK. Let us, for the sake of brevity, move on to the MOI's other reasons for insisting on keeping this ridiculous law intact.

The second of the MOI's reasons addressed the suggestion that, even if it would not remove the renunciation requirement for all citizenship applicants, Taiwan should at least comply with the principle of reciprocity in waiving this requirement for citizens of countries that confer citizenship on Taiwanese without requiring them to renounce their ROC nationality (as is the case in the great majority of countries, including the USA and UK). I had pointed out in my suggestion that reciprocity is an internationally applied basic principle for the treatment of non-citizens, and is already applied by

Taiwan in many areas, such as the right of foreign nationals to purchase real estate here, the recognition of foreign driving licenses, and the enforcement of foreign arbitral awards, among many others. However, the best the MOI could rejoin to this was that other countries' nationality laws were varied and complex, and it would be too much trouble for the bureaucrats here to keep track of those laws to identify which countries' required Taiwanese to renounce and which didn't. Too difficult and troublesome? Are MOI staff really so incapable? If it is easily manageable for more minor matters, such as whether to allow a foreigner to swap his driving license for a local one, and whether or not to allow any particular foreigner to buy a house here, why not for such a weighty matter as the conferral of citizenship?

The third reason consisted of pointing out that Taiwan already amended the Nationality Act in September 2000 to insert the proviso that "if [a naturalization applicant] asserts that he cannot obtain the certification for causes not attributable to him and the foreign affairs authorities investigate and determine that this is true, then he shall not need to provide certification of the renunciation of his original citizenship," implying that that was quite enough of a concession, thank you, and we greedy Oliver Twists should not be asking for more. So the MOI is happy for its civil servants to investigate and determine the truth of this aspect of another country's nationality law, but not to perform a similar task of investigation and determination in respect of another country's renunciation conditions? Hmm. But that aside, and as pointed out to the MOI in my suggestion, the existence of this exception is actually a source of unfairness in itself, since it means that the law is applied unevenly. If you happen to come from a country that does not allow you to renounce your citizenship, you will be allowed to obtain ROC nationality without renouncing, whereas everyone else will have to renounce. This simply means that the law will be applied unevenly, and hence unfairly – contrary to the most fundamental principle that all should be treated equally by the law. It's actually a lot less fair than implementing the law on a reciprocal basis, as rejected so casually by the MOI.

The fourth reason given is that Taiwan has already established a permanent residency status for foreigners, so if we're not prepared to give up our original citizenship, we should settle gladly for PR status instead, and (presumably) be grateful for being accorded that much. Where to even begin with responding to that? Which country

anywhere else in the enlightened or semi-enlightened world does not offer PR status to qualified foreign residents? Yes, we appreciate that we can now obtain such status, even though it took so long in coming, and still falls far short of conferring the benefits and security of residence conferred by PR status in other countries. But there is a world of difference between PR status and citizenship. They should both be equally and easily available to qualified foreign residents, as successive steps toward inclusion in membership of the host society, just as they are in the USA and the UK and almost any other country whose example Taiwan should be aspiring to follow.

The last of the MOI's reasons is so risible that it leaves one scarcely knowing whether to laugh or cry. In essence, it says that the renunciation requirement is necessary in order to reduce the incidence of dual nationality in Taiwan, to prevent Taiwan from becoming too densely populated, to raise Taiwanese people's quality of life, and to prevent a mass influx of foreign migrants. Yes, it really does say all that! Apparently, in the view of the MOI, allowing us foreigners to naturalize without renouncing our original citizenship will undermine the host population's quality of life. It will lead to Taiwan being swamped with a massive wave of immigrants. We will exacerbate the already dreadful state of crowding on this small group of islands. Such terrible fears, indeed!

Only, none of these has the slightest vestige or shadow of validity. Is the government really waging a hard battle against dual nationality, which would be undermined by allowing a few score or few hundred or even few thousand naturalizing foreigners to join the ranks of the hundreds of thousands, or even millions, of ROC citizens already holding dual or multiple nationality? Where would this influx of foreigners materialize from? Would they constitute such a large and threatening addition to the several hundred thousand brides from Southeast Asia and mainland China who have been imported into Taiwan in recent years? And would they not still have to satisfy all of those other requirements to even become qualified to apply for naturalization, thus effectively keeping the inflow of foreigners at the already existing levels of numbers and quality? And how on earth would our easier conversion of PR status to citizenship status be harmful to the quality of life of the 23 million citizens of this fair country? Such an assertion boggles the mind, and is suggestive of deeply unsavory attitudes and prejudices.

Having thus decimated the best arguments that the MOI could muster against the revision of this law, let us now consider the arguments as to why it should be changed. There are enough of these to fill a whole book, but since writing a book is not my purpose here, I will just pick out and summarize the most compelling of the arguments, as follows:

1. Renouncing original citizenship is a big matter for many people. Although they have settled permanently in Taiwan, come to view this as their home, and have no intention of going back to resettle in their former homeland, they still retain strong emotional ties to the land where they were born and grew up. They often have elderly parents, siblings and other family members – usually all of their family members except their spouse and children – still living there. They are likely to want and need to make frequent visits to the old country, perhaps at very short notice, and may have to go back for an extended period to take care of sick or dying parents or attend to other such emergencies. The loss of their citizenship in that country, while carrying no benefit for Taiwan, can have significantly negative consequences for them in such situations.

2. Why, shouldn't a person hold dual citizenship in two friendly countries, such as the ROC and the USA or the UK? There is absolutely no detriment to either country stemming from such status, but rather it is a source of potentially substantial gain to both. With citizenship in both countries, they are able to spread their lives between both, moving back and forth without restriction, acting as bridges between the two, and serving as an important conduit for the interflow of mutual benefits. There are numerous examples of ROC citizens who have acquired citizenship in other countries and served both of their homelands with great distinction. It is nonsense to assert that a person can have only one homeland at any one time, and to embody this in restrictive laws that confine the role the person can play in one or other of them. It has long been irrational, a vestige of an era long past, and is becoming ever more irrational as the world becomes increasingly borderless in more and more other respects.

3. Other advanced countries do not impose such a requirement for naturalization. For example, in the United States, although naturalizing citizens are required to undertake

an oath of citizenship renouncing previous allegiances, the oath is never enforced to require the actual termination of original citizenship. Likewise, in the UK, the requirements for naturalization are comparable to those in Taiwan, except that there is no need to renounce other citizenships in order to become a British citizen.

4. Hundreds of thousands of ROC citizens have obtained citizenship in the US, Canada, Europe, and other advanced countries without needing to renounce their ROC citizenship. Those countries accept them as citizens without requiring them to give up their original citizenship. In accordance with the fundamental principle of reciprocity, the ROC should accord to foreign nationals the same rights and privileges that their countries accord to ROC nationals.

5. Taiwan has benefited greatly over the years from the contributions and assistance furnished by emigrants who have simultaneously held ROC and US passports (to take the US as an example). Many have served in the higher echelons of government, academia and big business in the US, building up precious knowledge and connections, and have then returned to Taiwan to take up high positions here and contribute their expertise to the betterment of this country. Nobel Prize-winner Lee Yuan-tse and TSMC founder Morris Chang are but two of the most prominent examples of many. In addition, they have played an important role in building bridges and opening or improving channels of communication between Taiwan and the US. Given this situation and the extent to which Taiwan has gained from it, it is extraordinary for anyone in government here to argue against allowing immigrants to have the same dual nationality status as was allowed to those emigrants from here.

6. Many countries, for example the UK, allow citizens to reclaim their citizenship after renouncing it. So a British citizen who is required to renounce his British citizenship in order to obtain ROC citizenship can immediately reclaim his British citizenship after obtaining ROC citizenship. This defeats any purpose of the requirement and makes it pointless. It just means that the applicant will need to go to a great deal of trouble and expense to first of all renounce his British citizenship and then reclaim it, but the end result will be the same as if he did not have to renounce it at all.

7. Similarly, many people already hold more than one passport. For example, a high

proportion of Canadians, Australians, South Africans and New Zealanders, among many others, hold second nationality in the UK. Since the law requires them to show proof of renunciation of a foreign nationality, they need only renounce one of their nationalities and can still keep another or others. Hence, they will be dual nationals of the ROC and another country after naturalization, which again defeats any purpose of the renunciation requirement.

8. Another objection to the requirement is that it is applied inconsistently, with citizens of some countries being required to renounce, but citizens of other countries not being required to do so (because the proviso in Article 9 excludes them from the application of this requirement if, for example, their country of original citizenship does not allow renunciation). Such inconsistency is fundamentally unfair and contrary to the basic human right of equality of treatment under the law. Also, the consequences of renunciation are inconsistent, with some (e.g., British nationals) being able to reclaim their original nationality, but others (e.g., US nationals) not being able to do so. Again, such inconsistency is fundamentally inequitable.

9. Applicants for naturalization who have renounced their original nationality must still wait for a considerable time before they obtain ROC nationality. During this time, they will be essentially stateless, which creates many difficulties and uncertainties for them, and puts them in jeopardy of remaining stateless if their application for naturalization fails.

10. The vast majority of foreigners who apply or would like to apply for ROC citizenship have Taiwanese spouses. Their children born in Taiwan automatically acquire ROC citizenship from birth. In most cases, their spouses and children are entitled to citizenship of the foreigner's country, and will usually obtain this very easily. But while the Taiwanese spouse and children can enjoy dual nationality without any obstacle or restriction, the foreigner cannot – under the law as it presently stands, he (or she) must choose between retaining his original citizenship and giving up the chance of becoming an ROC citizen, or obtaining ROC citizenship and giving up his original citizenship. His family members can be dual citizens, but he cannot. This is manifestly absurd and unfair! It can only have a negative and undermining effect on families that a new immigrant is debarred from holding the same dual nationalities as his family members.

11. If the renunciation requirement is deleted or substantially modified, there are only a few hundred – or at most one or two thousand – foreigners, mostly from Western countries, who will wish to take advantage of it (since there are only a few thousand such people residing here permanently who meet all of the other quite strict conditions for applying for naturalization). Most of those people are top-quality human resources who have made and are making a substantial contribution to Taiwan. They are lawyers, doctors, engineers, government translators, school teachers, university professors, business proprietors, etcetera. They have lived here for a long time already, have Taiwanese spouses and children, and have substantial investments here. Enabling them to obtain citizenship is the surest way to secure their full allegiance to Taiwan, and ensure that they fully integrate into this society, feel that they fully belong here, and no longer have thoughts of moving on because of a sense of not being accepted as real members of this society.

12. Being able to utilize such precious human resources is hugely beneficial for Taiwan. Taiwan can benefit from the prime working years of these people's life without having had to foot any of the cost of raising or educating them during their twenty-some pre-working years. It is a tremendous boon for any society if it can attract such people to migrate to its shores after another society has cultivated their knowledge and skills.

13. Let Taiwan be generous to these people. They have done more than enough to deserve it. Countries that are the main recipients of Taiwanese migrants treat them with exactly such generosity. Taiwan has greatly benefited, with many such emigrants subsequently returning to deliver great service for Taiwan or furnishing considerable help to Taiwan from their new homeland. Let Taiwan reciprocate and grant the same benefits to Westerners who have migrated here. It will be very much to Taiwan's credit if it does so, but can only be to Taiwan's deep discredit if it refuses to do so, and especially if it refuses to do so for reasons that cannot stand up to even the slightest scrutiny.

14. If you have settled here with no present intention or plans to leave, you are an immigrant. It is a well accepted principle of modern nationality law that immigrants should be accorded the opportunity to obtain full civil and political rights in the country in which they have settled, through naturalization on reasonable conditions.

Taiwan offers naturalization, but on conditions that are more rigid, exclusionary and discriminatory than those offered by any other advanced or nearly advanced country anywhere else in the world. Hence, we are effectively denied the basic right to convert our immigrant status into citizen status.

15. Moreover, Taiwan is alone in the world among countries at a similar level of development and liberalism in setting the double standard of requiring naturalizing foreigners to renounce other citizenships while allowing its own people to hold any number of other citizenships. Countries that require renunciation of original citizenship invariably do so because they do not allow dual citizenship for any of their citizens. Taiwan stands alone among its peers in applying the double standard of freely allowing dual nationality for its own, but insisting on renunciation of citizenship for foreigners seeking ROC nationality. That is an egregious and reprehensible act of exclusion against non-Chinese members of Taiwan's immigrant population.

16. Taiwan's government constantly, vociferously and ardently asserts that it needs and wants to embrace globalization, pursue internationalization, and align Taiwan's laws and systems with international norms. It says that it wants to create an open society that will be welcoming and attractive to prime additions to its talent pool from around the world. But the retention of the exclusionary and discriminatory naturalization provisions of its nationality law is in fundamental contradiction to such assertions. It gives the appearance, instead, that those assertions are nothing but a sham.

17. Taiwan is suffering from a brain drain. This has been explicitly acknowledged by the government. It is recognized as a matter of significant concern, and is growing increasingly severe as more and more economies, near and far, compete to attract the cream of the global work force. Taiwan needs to be able to attract foreign talent to come and settle in Taiwan, both to make up for the talent that is being lured away to other countries and to make up for pre-existing shortages in key areas of manpower. The government expressly targets this as a vital policy goal. Yet the renunciation provisions of the nationality law are fundamentally iniquitous to achieving that objective. They send out a clear and resonating message that Taiwan does not willingly welcome foreigners to integrate into this society. It is a message that can only repel rather than entice the kinds of people that Taiwan needs to come and join its work force.

18. South Korea is a good model for Taiwan to follow, having recently revised its law to allow for naturalization without condition of renunciation. The reasons given for changing the law were that the vast majority of people eligible for citizenship would never be able to accept giving up their existing citizenship, hence to require it was effectively to deny them access to citizenship; that this was not only manifestly unfair and unreasonable, but would also have negative effects on Korea's economy, since Korea was competing with other countries to attract such people to its work force, and if it did not give them what they deserved as members of Korean society, many of them would probably end up moving elsewhere, depriving Korea of highly valuable human resources. If South Korea can recognize this and liberalize its nationality law accordingly, why can't Taiwan? Korea has been internationally commended for taking this step. Let Taiwan earn similar approval from the international community, and bring itself into alignment with the mainstream liberal values of nationality law as applied in all other developed countries, by taking a similar step.

19. If Taiwan reforms its nationality law to open an easier path to naturalization for suitably qualified foreigners, it will be a feather in Taiwan's cap, something for it be proud of, to hold up as an illustration of its friendliness to foreigners, and to demonstrate its commitment to acting as a member of the global community ought to act. It will be entirely positive, and the gains for Taiwan will be substantial. But if Taiwan keeps its nationality law as it is, and continues to put up unreasonable barriers to naturalization even by those who have done everything possible to earn and deserve citizenship, it will loudly trumpet a message that Taiwan does not want outsiders to become full members of its society or to gain true equality with Taiwanese by birth on Taiwanese soil. It will be entirely negative, and the cost for Taiwan will be substantial.

20. The call for changing this part of the nationality law has wide support among members of Taiwan's white-collar foreign community. Ardent supporters include business owners and executives, university professors, and professionals in all fields. Many feel very strongly that they are treated unjustly by the renunciation requirement, and it is one of their greatest causes of discontent with the law in Taiwan. They will be very disappointed, and will feel greatly let down by the government, if the MOI continues to resist the call for this simple and overwhelmingly necessary amendment of the law.

Conclusion

The renunciation condition represents the embodiment of a double standard in Taiwan's nationality law, whereby Taiwanese citizens are permitted to hold dual or multiple citizenships, but naturalizing foreigners are not. No other developed country maintains a similar double standard in its nationality law, and it is hard to find any example of another country that does likewise.

The renunciation condition is an exclusionary rule that reflects very badly on Taiwan's attitude toward assimilating non-Chinese immigrants into its society. As such, it constitutes a serious blot on Taiwan's nationality law and international image.

The renunciation condition brings absolutely no benefit to Taiwan, either tangible or intangible. But it is severely unfair and discriminatory against new immigrants who wish to become fully integrated into Taiwan's society and enjoy the full civic rights that should be accorded to every law-abiding and tax-paying member of a society.

The renunciation provision runs contrary to the liberal trend of nationality and naturalization law in the international community. It makes Taiwan's naturalization conditions stand out as among the most conservative and restrictive of any country in the world.

People's actions and decisions are to a large extent governed by sentiments and emotions. We feel very close attachment to such things as family and place of birth. These are attachments that we cannot easily abandon, whether in symbolic or any other way. That is basic human nature. The renunciation requirement goes against this core facet of human nature. It does not give due and proper consideration to how people can be expected to feel about being required to take such a step. Hence, it is antithetical to fairness and abhorrent to enlightened reason.

Hundreds of thousands of Taiwanese go to study, live or work in the US, Canada, Britain, Australia and other foreign countries. After staying there for a few years, they become eligible to obtain citizenship. Many of them gladly become citizens because it makes their lives much easier and presents them with many advantages. But they do not have to give up their ROC citizenship in order to become citizens of those other

countries. If renunciation of ROC citizenship was a requirement, how many would be willing to do so? Evidence from foreigners settling in countries that do require renunciation suggests that the great majority would not be willing to make such a sacrifice. One of the reasons that the government of South Korea gave for dropping the renunciation requirement was that very few of their large community of long-term Chinese residents was willing to give up their Chinese citizenship in order to become Korean citizens. They hold their birth citizenship far too dear to be willing to give it up, even for the great advantages that they would obtain from becoming citizens in the country where they permanently reside.

The nationality law of those countries allows Taiwanese to become citizens while keeping their cherished ROC citizenship. Over the decades, that situation has delivered many great benefits not just to countless Taiwanese, but also to Taiwan itself, to economic, industrial, social, academic, cultural and other facets of its development. Does Taiwan really consider it reasonable to take freely from others without being willing to give anything back? Surely it cannot be so!

With its shrinking birth rate, escalating brain drain, and severe manpower shortages in many areas, Taiwan needs to be welcoming and inclusional toward the people who would become citizens under a more liberal naturalization regime. Our citizenship would be a boon to Taiwan, not any kind of burden. It is time for the Legislative Yuan to recognize the incontestable realities and imperatives of the matter, and delete or substantially liberalize the renunciation provision in Section 9 of the Nationality Act.

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