

法規名稱：MEMORANDUM OF UNDERSTANDING BETWEEN THE REPUBLIC OF CHINA (TAIWAN) AND THE REPUBLIC OF THE MARSHALL ISLANDS CONCERNING COOPERATION ON IMMIGRATION AFFAIRS AND HUMAN TRAFFICKING PREVENTION

簽訂日期：民國 106 年 10 月 30 日

生效日期：民國 106 年 10 月 30 日

The Republic of China (Taiwan) and the Republic of the Marshall Islands (hereinafter referred to as “ the Parties ”)

CONSCIOUS of the principle of equality, reciprocity and comity between States;

RECOGNISING the importance of cooperation between immigration agencies in both countries;

ACKNOWLEDGING the need for both countries to continue bilateral cooperation on issues of mutual concern;

DESIROUS of promoting cooperation between immigration agencies in both countries on the issue of transnational crimes and in particular human trafficking, through the exchange of information and promotion of capacity building; MINDFUL of the impact of human trafficking in both countries; HAVE agreed as follows:

Article 1

Competent Authorities

1. The Competent Authorities that implement the terms of this Memorandum of Understanding(MOU) shall be the National Immigration Agency of the Ministry of the Interior of the Republic of China(Taiwan) and the Division of Immigration of the Ministry of Justice of the Republic of the Marshall Islands.
2. The Parties shall engage themselves in exchange and sharing of information activities and cooperation in accordance with

their respective domestic laws and national policies.

Article 2

Scope of Cooperation

The Parties agree to cooperate in the following areas:

1. To cooperate in the sharing and exchange of information pertaining to the prevention of human trafficking, illegal immigration and other transnational crimes;
2. To cooperate in relation to capacity building related to entry and exit control;
3. To foster cooperation between the immigration agencies of both countries as set out in the preamble of this MOU specifically in relation to human trafficking, smuggling and other transnational crimes;
4. To foster cooperation in the use of best practices and sharing of experience in relation to detecting, infiltrating and dismantling persons or groups involved in human trafficking, smuggling and other transnational crimes and explore personnel training on these issues; and
5. To facilitate cooperation on other matters related to human trafficking, smuggling and other transnational crimes.

Article 3

Forms of Cooperation

For the purpose of effectively enforcing Article 2, the Parties shall undertake, on the principle of equality, reciprocity and comity, to cooperate as follows:

1. To facilitate the exchange of criminal information;
2. To facilitate exchange visits for official business;
3. To invite one to three immigration officers from the other Party to participate in immigration training held by one of the Parties if possible; and
4. To implement other mutual assistance that might be requested

but not mentioned above.

Article 4

Request for Assistance

1. The Parties agree that requests for assistance shall be made in writing through formal diplomatic channels.
2. In the event of urgency, an informal note in writing may be made to the foreign ministry of the Requested Party but the official request must be done within ten (10) days of the informal request.
3. The written request shall include the following content:
 - a. The name of the department that is making the request;
 - b. The purpose of the request;
 - c. The details of the request;
 - d. The summary of the case;
 - e. Other information necessary for meeting the request.
4. In case the request cannot be met due to inadequate information contained in the request, the Requesting Party may be required to provide additional information.

Article 5

Refusal of Requests

The Parties agree that in the event the request is contrary to the Constitution, domestic laws, public policy or national security interest of the Requested Party; the request shall be refused.

Article 6

Request Fulfillment

1. The Requested Party undertakes to expedite requests for assistance provided that the requests have complied with the provisions of this MOU and the laws of the Requested Party. The Requesting Party shall be informed as soon as practicable about any information pertaining to the request.

2. The Requested Party shall immediately notify the Requesting Party through proper diplomatic channels in circumstances where it has no authority to satisfy the request.

Article 7

Confidentiality

1. The Parties undertake that all information, documents, and personal data are kept confidential.
2. In the event that the information is to be used for any purpose not consistent with this MOU, the Requesting Party shall obtain the consent of the Requested Party.

Article 8

Expenses

1. The funds needed to cover the expenses for personnel training as stated in subparagraph 3 of Article 3 shall be decided by the Parties on a case-by-case basis through bilateral consultation.
2. General expenses incurred in fulfilling a request by a Party in accordance with this MOU will be borne by the Requested Party unless otherwise mutually agreed.
3. In circumstances where the request involves additional expenses, the Parties shall negotiate beforehand to affirm the defrayment of those expenses.

Article 9

Languages

The Parties shall use English as the medium of their communication when they engage in cooperation in accordance with this MOU.

Article 10

Meetings and Consultations

The representatives of the Parties may hold meetings or conduct consultations in order to discuss and improve the cooperation to be carried out in accordance with this MOU.

Article 11

Differences or Misinterpretations

Differences arising with respect to the application of this MOU shall be resolved through discussions by the Parties.

Article 12

Effectiveness, Termination and Amendments

1. This MOU shall be effective on the date of signature by the Parties and may be terminated by either Party by giving the other Party a thirty-day prior written notice.
2. This MOU may be amended by the mutual consent of the Parties.

IN WITNESS WHEREOF, the undersigned being duly authorized thereto by their respective governments have signed this MOU.

Done in duplicate at Majuro, on the 30th day of October in the year 2017 in the Chinese and English languages, both texts being equally authentic.

FOR THE REPUBLIC OF
CHINA (TAIWAN)

H.E. David Tawei Lee,
Ph.D.

Minister of Foreign
Affairs

FOR THE REPUBLIC OF THE
MARSHALL ISLANDS

H.E. John M. Silk

Minister of Foreign
Affairs