

Qualifications and Criteria Standards for foreigners undertaking the jobs specified under Article 46.1.1 to 46.1.6 of the Employment Service Act

Article 4

“Specialized or technical work” mentioned in Article 46.1.1 of this Act refers to the following work that requires specialized knowledge, expertise, or techniques for which a foreigner is hired to perform:

1. Civil engineering or practice of architecture;
2. Communications and transportation;
3. Tax and financial services;
4. Practice of real estate agency;
5. Immigration services;
6. Practice of attorneys, or of patent attorneys;
7. Practice of technicians;
8. Health care;
9. Environmental protection;
10. Culture, sports, and recreation services;
11. Academic research;
12. Practice of veterinarians;
13. Manufacturing;
14. Wholesales; or
15. Other work designated as per the joint consultation of the central governing authority and the central competent authorities.

Article 5-1

Other than meeting with other criteria specified in the Standards, foreign students, overseas Chinese students and ethnic Chinese students who have graduated from university **with bachelor's degrees or higher level degrees** in the Republic of China and have accumulated a minimum of 70 points derived from the criteria in the attached table, may be employed to undertake the jobs with exemption from the limitations in the preceding Article.

The Central Competent Authorities shall announce the quota, application period, documents for approval and the procedure for issuing the employment permit.

Article 11

The employers of the foreigners referred to in the preceding Article shall acquire the business license issued by the authority concerned.

Foreigners to be employed as tour guides, tour leaders, or travel agency managers in the tourism industry, as specified in Article 10.5, should respectively obtain a tour guide license, tour leader license, or travel agency management certificate issued by the authority concerned at the central government level.

Article 24

Foreigners to be employed for attorney's assignments should be qualified with one of the following:

1. Lawyers/ attorneys recognized in the Republic of China.
2. Lawyers/attorneys specialize in foreign laws.

Article 25-1

Foreigners to be employed to engage in the practice of patent attorneys shall qualify as patent attorneys **of the Republic of China**.

The employer which is to hire foreign patent attorneys as set forth in the preceding Paragraph shall be a firm that operates and handles patent business, and satisfies one of the following conditions:

1. Patent attorneys of the Republic of China;
2. Attorneys of the Republic of China;
3. Patent agents of the Republic of China.

Article 27

A foreigner to be employed to engage in healthcare in a medical institution to shall qualify for one of the following:

1. A physician who has obtained a medical professional certificate issued by any of the concerned central governing authorities, traditional Chinese medical practitioner, dentist, pharmacist, medical technologist, medical radiation technologist, physical therapist, licensed nurse, nutrition specialist, clinical psychologist, counseling psychologist, respiratory therapist, speech pathologist, dental technician, licensed midwife, an occupational therapist, audiologist, **or optician**.
2. Other than the professionals as set forth in the preceding Paragraph, any other medical specialist or technician whom is recognized as necessary in healthcare business by the joint consultation of the central governing authority and central competent authorities.

Article 33

Foreign employees who are hired by veterinarian clinic or other organizations recognized by the central competent authorities along with authority concerned at

the central government level should obtain the veterinarian certificate issued by the latter.

Article 36

An employer who is to hire a foreigner as set forth in Subparagraph 15 of Article 4, Paragraph 1 of Articles 22, Paragraph 1 of Articles 23, Articles 29, Subparagraphs 1 to 4 and 7 of Paragraph 1 of Article 31, Articles 34 or 35 shall meet one of the following requirements:

1. Domestic company:

(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 dollars and above, respectively.

(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.

2. Foreign branch company established in the Republic of China or Mainland China branch company established in the Republic of China:

(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.

(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.

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, and has actual performance records in Taiwan.

4. The employer is a research and development center, or a corporate operation headquarter, and its establishment has been approved by the authority concerned at the central government level.

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.

Article 37

Whereas an employer which is to hire a foreigner to engage in the work as set forth in Article 4 is a juridical person, a juridical association, a government agency (institution), an administrative juridical person, or a non-government organization, it shall meet one of the following requirements:

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 million (5,000,000) New Taiwan Dollars.
2. Juridical association: it has no less than fifty (50) members.
3. Government agency (institution): a government agency at any level and its affiliated agency (institution).
4. Administrative juridical person: the administrative juridical person established pursuant to laws.
5. 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.

Article 38

An expatriate to be hired to serve as a director or manager of a business invested or established by overseas Chinese or foreigner(s) and approved by the Government of the Republic of China, as set forth in Article 46.1.2, shall qualify for one of the following conditions:

1. The expatriate has ever acted as a manager of a company invested in by overseas Chinese or foreigner(s), pursuant to the Statute for Investment by Overseas Chinese, or Statute for Investment by Foreign Nationals, whereas the amount of shares held by or the capital contributed by the overseas Chinese or foreigner(s) exceeds one third (1/3) of the total amount of shares, or the total capital of the business, respectively.
2. The foreigner has ever acted as a manager of a foreign branch company.
3. The foreigner has ever acted as a representative of a representative office, approved by the central industry competent authorities.
4. The foreigner has ever acted as the deputy director or manager or the equivalent

position in the start-up business recognized as capable of innovation in accordance with the Article 6.2. authority concerned at the central government level.

If the number of expatriates to be hired by the employer pursuant to the preceding Paragraph 1 to 3 exceeds one (1), the qualifications of the expatriates and the employer, or other qualifications thereof shall conform to provisions set forth in Chapter 2.

If the number of expatriates to be hired by the employer pursuant to the preceding Paragraph 4 exceeds one (1), the wages or remuneration of the expatriates shall not be lower than the amount published by the central competent authority set forth in the Article 8.

The provisions referred to in the preceding three paragraphs shall apply to a foreigner to be hired by a Mainland China branch company or representative office to act as a manager of the company.

Article 39

The employer who is to hire a 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.
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.
3. Whereas the employer is a representative office of a foreign company, whose establishment has been approved by the authority concerned at the central government level, with actual performance records in Taiwan, provided that no such performance records are needed, if it has been established for less than one year.
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.

Article 45

Employers must qualify as one of the following when hiring foreigners for the work stipulated in the previous two Articles:

1. Schools.
2. Government agencies (**institutions**) or administrative corporation.
3. Non-profit sports groups.
4. Companies that are involved in physical educations, sports and related businesses.
5. Companies or organizations that participate in the sports competitions and games organized by national sports federations or associations, with certificates proving participation.

Article 47

Employers who employ foreigners mentioned in the preceding Article shall fall into one of the following categories:

1. Schools, public social education and cultural institutions.
2. Tourist hotels.
3. Tourism and leisure industry.
4. Performing arts industry.
5. Cultural and educational foundation.
6. Performing Arts groups, academic culture or art groups.
7. Publishing industry.
8. Film industry.
9. Wireless, cable or satellite radio and television industry.
- 10. Arts and literature service industry.**
- 11. Government agencies (**institutions**) or administrative corporation.**
- 12. Foreign embassies, institutions and international organizations in Taiwan.**

Reference Table

Item	Content/Level	Points
Education	PhD	30
	Master degree	20
	Bachelor degree	10
Employment Salary	Monthly average above 47,971 New Taiwan Dollars	40
	Monthly average above 40,000 New Taiwan Dollars and no more than 47,971 New Taiwan Dollars	30
	Monthly average above 35,000 New Taiwan Dollars and no more than 40,000 New Taiwan Dollars	20
	Monthly average above 31,520 New Taiwan Dollars and no more than 35,000 New Taiwan Dollars	10
Work Experience	More than two years	20
	More than 1 year and no more than 2 years	10
Job Qualifications	Demonstrated capabilities and talents towards the company and job position requirements	20
Chinese Language proficiency	Scored “fluency” and above in Test of Chinese as a Foreign Language	30
	Scored “high-level” and above in the Test of Chinese as a Foreign Language	25
	Scored “mid-level” and above in the Test of Chinese as a Foreign Language	20
Foreign Language Proficiency	Proficiency in 2 or more other language other than Chinese	20
	Proficiency in one foreign language other than Chinese	10
Overseas Experience	Continuous residence in foreign country for at least six straight years	10
Cooperation with government policy	Employment by an enterprise following governmental industrial development policies	20