

FAQs for Complaints

Q1: How should a discrimination complaint be filed and to which competent authority?

A: According to Article 3 of the Regulation for Petitions against Discrimination against People Residing in the Taiwan Area (hereinafter referred to as the "Regulations"), complaints must be submitted in writing; oral or other forms of complaints will not be accepted. Complaints should be filed with the Ministry of the Interior.

Q2: If there are relevant regulations for discrimination, which should take precedence?

A: The amendments made to the Immigration Act on December 26, 2007, added an anti-discrimination clause in Article 62 to address gaps in related regulations. Therefore, if other laws provide specific provisions, those should take precedence over the Immigration Act.

Q3: What is the statutory period for filing a complaint?

A: A complaint must be filed within two months from the day after the complainant becomes aware of the rights violation arising from discrimination. However, if the violation occurred more than one year ago, a complaint cannot be filed.

Q4: What documents are required for filing a complaint?

A:

1. A complaint form (containing relevant details as specified in Article 4 of the Regulations).
2. Affixed with signature or seal of the complainant or their legal representative.
3. Relevant evidence (if available, otherwise not required).
4. If there are any foreign-language documents, a Chinese translation of the relevant parts should be provided.

Q5: What details must be included in the complaint form?

A: According to Article 4 of the Regulations:

1. Name, date of birth, identification number, residence, and phone number of the complainant (or their agent).
2. Name of the respondent subject to a complaint.
3. The subject matters of the complaint.
4. Facts and reasons for the complaint.
5. Evidence (if available, otherwise not required).
6. Date of the complaint (year, month, day).

Q6: What is the procedure for handling a complaint?

A: After receiving the complaint form, the National Immigration Agency will process and register the case, ensuring that the required details are included in the complaint. If the complaint form does not meet the legal requirements, the complainant will be promptly notified to make corrections. If the complaint form meets the legal requirements but there are other legal remedies available, the complaint will be dismissed with a recommendation and sent to the review committee for a final decision. Once a decision is made, both the respondent and the complainant will be notified (for more details, refer to the Discrimination Complaints Information Section for People Residing in Taiwan).

Q7: If a complaint form does not meet the requirements and the National Immigration Agency issues a correction notice, by when should the correction be made?

A: According to Article 6 of the Regulations, if a complaint can be corrected, the complainant must make the corrections within 20 days from the day after receiving the notification.

Q8: Under what circumstances will a complaint not be accepted?

A:

1. The complaint form does not meet statutory requirements and cannot be corrected or is not corrected within the specified period.
2. The complaint is filed beyond the period specified in Article 3 of the Regulations.
3. The complainant lacks legal capacity and no legal representative files the complaint on their behalf within the specified period.
4. Other legal remedies are available.
5. The complaint is refiled for a case that has already been decided or withdrawn.

Q9: Can a complainant refile a complaint if they disagree with the decision?

A: According to Article 10, Paragraph 5 of the Regulations, complaints that have already been decided or withdrawn cannot be refiled.

Q10: When will the National Immigration Agency notify the complainant about the decision on the complaint?

A: According to Articles 11 and 12 of the Regulations, the competent authority must make a decision within three months from the day after receiving the complaint form. The decision must be duly communicated to both the complainant and the respondent.

Questions	Response	Related Laws and Regulations
How should a discrimination complaint be filed, and to which competent authority should it be submitted?	A discrimination complaint must be filed in writing; oral or other forms of complaints will not be accepted. The complaint should be submitted to the Ministry of the Interior.	■ Article 3 of the Regulation for Petitions against Discrimination against People Residing in the Taiwan Area

<p>If there are relevant regulations concerning discrimination, which should take precedence?</p>	<p>The amendments made to the Immigration Act on December 26, 2007, added an anti-discrimination clause in Article 62 to address gaps in related regulations. Therefore, if other laws provide specific provisions, those should take precedence over the Immigration Act.</p>	<ul style="list-style-type: none"> ■ Article 62 of the Immigration Act ■ Article 2 of the Regulation for Petitions against Discrimination against People Residing in the Taiwan Area
<p>What is the statutory period for filing a complaint?</p>	<p>A complaint must be filed within two months from the day after the complainant becomes aware of the rights violation arising from discrimination. However, if the violation occurred more than one year ago, a complaint cannot be filed.</p>	<ul style="list-style-type: none"> ■ Article 3 of the Regulation for Petitions against Discrimination against People Residing in the Taiwan Area
<p>What documents are required for filing a complaint?</p>	<ol style="list-style-type: none"> 1. A complaint form (containing relevant details as specified in Article 4 of the Regulations). 2. Affixed with signature or seal of the complainant or their legal representative. 3. Relevant evidence (if available, otherwise not required). 4. If there are any foreign-language documents, a Chinese translation of the relevant parts should be provided. 	<ul style="list-style-type: none"> ■ Article 4 of the Regulation for Petitions against Discrimination against People Residing in the Taiwan Area
<p>What details must be included in the complaint form?</p>	<p>According to Article 4 of the Regulations:</p> <ol style="list-style-type: none"> 1. Name, date of birth, identification number, residence, and phone number of the complainant (or their agent). 2. Name of the respondent subject to a complaint. 3. The subject matters of the complaint. 4. Facts and reasons for the complaint. 5. Evidence (if available, otherwise not required). 6. Date of the complaint (year, month, day). 	<ul style="list-style-type: none"> ■ Article 4 of the Regulation for Petitions against Discrimination against People Residing in the Taiwan Area
<p>What is the procedure for handling a complaint?</p>	<p>After receiving the complaint form, the National Immigration Agency will process and register the case, ensuring that the required details are included in the complaint. If the complaint form does not meet the legal requirements, the complainant will be promptly notified to make corrections. If the complaint form meets the legal requirements but there are other legal remedies available, the complaint will be dismissed with a recommendation and sent to the review committee for a final decision. Once a decision is made, both the respondent and the complainant will be notified</p>	<ul style="list-style-type: none"> ■ (for more details, refer to the Discrimination Complaints Information Section for People Residing in Taiwan).

<p>If the complaint form does not meet the requirements and the National Immigration Agency issues a correction notice, by when should the correction be made?</p>	<p>According to Article 6 of the Regulations, if a complaint can be corrected, the complainant must make the corrections within 20 days from the day after receiving the notification.</p>	<p>■ Article 6 of the Regulation for Petitions against Discrimination against People Residing in the Taiwan Area</p>
<p>Under what circumstances will a complaint not be accepted?</p>	<ol style="list-style-type: none"> 1. The complaint form does not meet statutory requirements and cannot be corrected or is not corrected within the specified period. 2. The complaint is filed beyond the period specified in Article 3 of the Regulations. 3. The complainant lacks legal capacity and no legal representative files the complaint on their behalf within the specified period. 4. Other legal remedies are available. 5. The complaint is refiled for a case that has already been decided or withdrawn. 	<p>■ Article 10 of the Regulation for Petitions against Discrimination against People Residing in the Taiwan Area</p>
<p>If a complainant disagrees with the decision, can they refile the complaint?</p>	<p>According to Article 10, Paragraph 5 of the Regulations, complaints that have already been decided or withdrawn cannot be refiled.</p>	<p>■ Article 10 of the Regulation for Petitions against Discrimination against People Residing in the Taiwan Area</p>
<p>When will the National Immigration Agency notify the complainant about the decision on the complaint?</p>	<p>According to Articles 11 and 12 of the Regulations, the competent authority must make a decision within three months from the day after receiving the complaint form. The decision must be duly communicated to both the complainant and the respondent.</p>	<p>■ Article 11 and 12 of the Regulation for Petitions against Discrimination against People Residing in the Taiwan Area</p>