

Title :

Regulations Governing Forcible Deportation for Nationals without Household
Registration in the Taiwan Area

Amended Date :

2016-03-03

Article 1

These regulations are prescribed in accordance with subparagraph 5 of Article 15 of the Immigration Act (hereinafter referred to as the Act).

Article 2

Upon finding the nationals without household registration in Taiwan Area (hereinafter referred to as the nationals without household registration) shall be deported forcibly by laws, the National Immigration Agency (hereinafter referred to as the Agency) shall photograph, collect and verify the relevant information concerning such nationals, and conduct an investigatory report. If such nationals are involved in criminal cases, they shall be preferentially transferred to the judicial authorities for investigation. In cases which nationals without household registration are not adjudicated custody, arrested with a warrant, detained, restricted from exiting the State, or involved in criminal cases, the Agency will proceed with measures in compliance with the Act.

When other authorities find the nationals without household registration shall be deported forcibly by laws, the authorities shall photograph, collect and verify relevant information of such nationals, and conduct an investigatory report. If such nationals are involved in criminal cases, they shall be preferentially transferred to judicial authorities for investigation. In cases which nationals without household registration are not adjudicated custody, arrested with a warrant, detained, restricted from exiting the State, or involved in criminal cases, the authorities shall send such nationals and their relevant files and data to the Agency.

In cases which nationals without household registration sent to the Agency by other authorities in compliance with the Regulations are involved in the criminal cases which are currently under judicial processing, the authorities shall notify the Agency immediately.

Once knowing nationals without household registration who are sanctioned to be deported forcibly are involved in criminal cases which are currently under judicial processing, the Agency shall notify the judicial authorities ten (10) days prior to the actual forcible deportation.

When nationals without household registration (whose detention decision having been approved continued or extended by the court) are deported forcibly, the

Agency shall notify the ruling court immediately.

Article 3

Before being forcibly deported according to the preceding article, nationals without household registration shall be granted the opportunity to state their opinions, and the deportation decision shall be made in a language which the persons understand, with the following items contained within the written deportation decision:

1. The name, gender, nationality, date of birth, ID number and residence in Taiwan of the persons subject to compulsory exit.
2. The facts.
3. The basis and reasons for forcible deportation.
4. The method for an appealing remedy in cases where the decision is deemed unacceptable, the timeframe and the receiving agency.

The above mentioned decision shall be sent to the person being deported forcibly. The embassy, consulate or authorized organizations in Taiwan of the subject's foreign nationality or the relatives or friends designated by the subject shall also be notified of the decision no later than twenty four (24) hours. Nationals without household registration are not subject to this paragraph if they do not have other foreign nationality or relatives or friends in Taiwan

Article 4

A review committee shall be held prior to forcibly deporting nationals without household registration who have acquired the permit of residence or permanent residence, and the forcible deportation shall be suspended until the final decision is rendered by the committee. However, such nationals could directly be deported forcibly without being reviewed by the committee if they meet one of the conditions prescribed in the proviso of paragraph 4 of Article 36 of the Act.

Article 5

Nationals without household registration who are deported forcibly by laws meeting one of the following conditions can be deported by the Agency directly:

1. Entering the State without permission
2. Overstaying the deadline set to leave the State voluntarily.

Nationals without household registration who hold Taiwanese passports with entry permits and have overstayed their visit or residency may not be subject to the above paragraph should they exit the State voluntarily within a specific time frame after being fined and completing the formalities of departure.

Article 6

Before being forcibly deported, nationals without household registration under one of the following circumstances may have their deportation suspended. The Agency shall enforce the deportation after the disappearance of the following circumstances:

1. Being pregnant for more than five (5) months; have given birth or have a miscarriage for less than two (2) months;
2. Suffering from a disease that is possibly life-threatening while undergoing forcible deportation;
3. Suffering from a contagious disease that has not been cured and is possible to affect others while undergoing forcible deportation;
4. Those who are under the age of 18, senile or disabled and cannot travel independently and have no help offered to them;
5. Those who are prohibited from exiting the State with notification from the judicial or other authorities;
6. Other facts necessitating the postponing of the forcible deportation.

The above mentioned nationals without household registration shall have an affidavit drafted with nationals with household registration in Taiwan, charities or persons approved by the Agency, or they shall be able to request assistance from the embassy, consulate or other authorized organization (relevant to their specific foreign nationality) for suspension of the forcible deportation.

Except those under the age of 18, all nationals without household registration whose forcible deportation are suspended under subparagraph 1 to 4 of paragraph 1 of this Article, shall submit the diagnosis certificate issued by the hospital with accreditation validated from the Central Competent Health Authority. Those with conditions listed in subparagraph 6 of paragraph 1 of this Article shall submit the certified documents approved by the Agency.

Article 7

The Agency shall inspect the body and personal belongings of the Nationals without household registration while enforcing the forcible deportation, and agency personnel shall escort such nationals to the airport or seaport in order to monitor the deportation. The certificates and travel documents of such nationals shall be handed over to the captain or the authorized officers. The Agency may send personnel to repatriate the nationals without household registration to the designated country when such nationals are considered to likely resist or escape in the process.

The body inspection mentioned in the preceding paragraph shall be implemented by a female officer if the deported national without household registration is female. The destination of the forcible deportation mentioned in the first paragraph shall be the country or region where the nationals without household registration acquired their foreign nationality. When the country or region of their origin cannot be the deported destination, the subject may request to be deported to one of the following country or region:

1. The pre-planned country or region in which the subject holds valid travel documents.
2. The country or region where the subject possesses the valid certificate, travel documents, or residence permit before entering the State.
3. Any other countries or regions that accept the entrance of the subject.

Article 8

Nationals without household registration who are deported forcibly with the alternatives to detention by the regulation, could be exempt from being escorted or monitored upon their departure in compliance with paragraph 1 of the preceding Article, if they fulfill the following requirements during the period of alternatives to detention:

1. Report regularly on one's daily activities at the designated Specialized Operation Corps of the Agency.
2. Do not leave the restricted residence without notice for over 24 hours.
3. Accept inspections from the Agency at the designated places.
4. Are not inaccessible in three (3) consecutive contacts made by the Agency within twenty four (24) hours.
5. Violate the conditions of the preceding 4 subparagraphs with a justified reason that is approved by the Agency.

The preceding paragraph shall not apply to those nationals without household registration who have violated other laws or regulations, prohibited from exiting the State or other facts that consider whose exiting shall be escorted and monitored.

Article 9

The nationals without household registration are held fully responsible for the cost of the airplane or ship tickets derived from the forcible deportation. For those who are indeed unable to afford, the cost will be disbursed from the planned budget by the Agency. The regulation shall apply unless the other law stipulates otherwise.

Article 10

The Regulation is set to be effective on the date of promulgation.