

## **Instructions on Document Submission in Applications for an Alien Resident Certificate by Aliens Who Enter the State with a Visitor Visa or Visa Exemption**

### **Article 1: Legal Basis:**

- (1) Articles 23, 24, 65, 70 and 71 of the Immigration Act (hereinafter referred to as “the Act”).
- (2) Articles 3, 6, 9 and 17 of Regulations Governing Visiting, Residency, and Permanent Residency of Aliens.
- (3) Article 12 of the Act for the Recruitment and Employment of Foreign Professionals (hereinafter referred to as “the Foreign Professionals Act”).

### **Article 2: Eligibility:**

- (1) Where an alien enters the country with a valid visa for a visit of 60 days or longer, the visa not being annotated by the issuing authority with prohibition of extension or other restriction, and comes within one of the following situations, he/she can apply to the National Immigration Agency (hereinafter referred to as “the NIA”) for residency, and if the application is approved, shall be issued with an Alien Resident Certificate.
  - a. The alien’s spouse is a citizen of the R.O.C. (Taiwan) currently residing in and with household registration or permission to reside in the Taiwan Area, or is a foreign national with permission to reside or permanently reside in the Taiwan Area. However, if the foreign spouse with permission to reside has been permitted by the central competent authority for labor to engage in work in the State as specified in Article 46 Paragraph 1 Subparagraphs 8 to 10 of the Employment Service Act, they may not apply.
  - b. The alien is a minor whose lineal ascendant is a citizen of the R.O.C. (Taiwan) currently residing in and with household

registration or permission to reside in the Taiwan Area, or is a foreign national with permission to reside or permanently reside in the Taiwan Area. If the relationship is the result of adoption, the adoptee must reside together with the adopter in the Taiwan Area.

- c. The alien has been permitted by the central competent authority for labor or the central competent authority for the industry concerned to engage in work in the State as specified in Article 46 Paragraph 1 Subparagraphs 1-7 or Subparagraph 11 of the Employment Service Act.
  - d. The alien is an investor, or the representative of a foreign legal person investor, that the central competent authority of the industry concerned has approved to make, or has recorded as making, an investment in the State above a specified amount.
  - e. The alien is the person in charge of a foreign company that is located within the State.
  - f. The alien has been approved by the Ministry of Foreign Affairs to change to a resident visa as a special case based on considerations of diplomacy.
- (2) The holder of a 180-day visitor visa annotated with “no extension” may submit an application. However, the holder of a working holiday visa or a visa annotated with prohibition of obtaining a resident visa or resident certificate in Taiwan may not apply.
- (3) A foreign professional or foreign special professional who enters the State with a visa exemption or holding a visitor visa, and who has been approved to engage in professional work in the State, or is exempted from such approval under the provisions of Article 7 of the Act, may apply direct to the NIA for residency, and if approved, will be issued with an Alien Resident Certificate.
- (4) In respect of an applicant as referred to in the preceding subparagraph, their spouse, minor children, and children over

the age of majority who are unable to live independently due to physical or mental disability, having entered the State with a visa exemption or holding a visitor visa, shall be subject to the same provisions as said applicant.

**Article 3: Required Documents:**

Documents produced outside Taiwan must be authenticated by an R.O.C. (Taiwan) overseas mission. A document in a foreign language must have a Chinese translation attached. If a foreign-language document has been authenticated by an R.O.C. (Taiwan) overseas mission without the Chinese translation, the Chinese translation must be notarized by a court (or notary public) in Taiwan.

(1) Application form:

- a. Please collect the application form from an NIA Service Center, photocopy it on A4 white paper, or download it from the website at <http://www.immigration.gov.tw>, and fill it out fully and accurately.
- b. Attach one color photograph (matching the specifications for an R.O.C. (Taiwan) ID card: a 2-inch hatless front-view color photo with a white background, taken within six months, measuring 4.5 cm by 3.5 cm, with the face no less than 3.2 cm and no more than 3.6 cm from top of head to bottom of jaw).

(2) Passport and visitor visa (the original will be returned after verification and a copy retained). But a foreign professional or foreign special professional who entered Taiwan with a visa exemption is not required to present a visa, and the same applies to their spouse, minor children, and children over the age of majority who are unable to live independently due to physical or mental disability.

(3) A satisfactory health examination certificate that is no more than three months old:

- a. Applicants as specified in Article 23 Paragraph 1 Subparagraphs 3 to 6 of the Act (those who are employed in white-collar jobs, are investors in Taiwan, are persons in charge of foreign companies, or are special cases of the Ministry of Foreign Affairs) are exempted.
- b. Applicants who are dependent relatives of foreign nationals permitted to reside in Taiwan as being employed in white-collar jobs, investors in Taiwan, persons in charge of foreign companies, or special cases of the Ministry of Foreign Affairs, or are dependent relatives of holders of valid Employment Gold Cards (dependent relatives here meaning foreign spouse and minor lineal descendants, as specified in Article 23 Paragraph 1 Subparagraphs 1 and 2 of the Act), and who come from visa-waiver countries (not including visa-waiver program trial countries), are exempted.
- c. For children aged six and under, a vaccination certificate may be used in place of a health examination certificate.
- d. The health examination certificate must be in accordance with the latest announcement by the Ministry of Health and Welfare on the items to be examined for foreigners applying for residence or settlement (see the ministry's website). The health examination form to be used for this purpose is the Items of Examination Required for a Health Certificate (Form B) announced by the Ministry of Health and Welfare for current use by listed domestic main medical institutions and their newly added health examination hospitals (pdf file) (xls file). (The form in use since June 30, 2015 is attached for reference.)
- e. A certificate for a health examination conducted overseas must be authenticated by an R.O.C. (Taiwan) overseas mission. If the items of examination are incomplete, a supplementary examination of the missing items must be conducted in Taiwan.
- f. The health certificate shall be valid for 3 months from its date

of issuance, and the application must be submitted within its validity period. (Applicants should if possible go to a qualified medical institution for the examination after entering Taiwan).

(4) Criminal record certificate:

- a. Applicants as specified in Article 23 Paragraph 1 Subparagraphs 3 to 6 of the Act (those who are employed in white-collar jobs, are investors in Taiwan, are persons in charge of foreign companies, or are special cases of the Ministry of Foreign Affairs) are exempted.
- b. Applicants who apply as a dependent lineal descendant of one permitted to reside in Taiwan due to being employed in a white-collar job, an investor in Taiwan, the person in charge of a foreign company, or a special case of the Ministry of Foreign Affairs, or apply as the foreign spouse of a holder of an Employment Gold Card, their marriage relationship having already existed prior to their current entry to Taiwan, are exempted. (In accordance with the provisions of Article 23 Paragraph 1 Subparagraph 1 of the Act.)
- c. The criminal record certificate of the applicant's country must have been issued within one year, but must not be past an expiry date specified on the certificate (the criminal record referred to herein means the national record in the applicant's country of origin: e.g., if the applicant is a United States citizen, it must be issued by the FBI; if the applicant is a citizen of Vietnam, it must be that nation's Criminal Record Form No. 2).
- d. The criminal record must include the record for the most recent five years.
- e. If an applicant had previously resided in Taiwan, left the country, and subsequently applies for residency as holder of a visitor visa, then provided they had not left Taiwan for

longer than three months, they are exempted from submitting a criminal record certificate of their home country.

- (5) Proof of current place of residence (such as a lease agreement, or the owner's agreement to lend a place of residence with an appended photocopy of the owner's title deed, or a photocopy of the front and back of the ID card of a home owner who is an R.O.C. (Taiwan) citizen and the owner's statement of consent, or other supporting documentation sufficient to prove the applicant's actual residential address).
- (6) Applicants born in the Mainland Area and having been granted the status as the people of the Mainland Area thereof, in addition to submitting documents to meet the requirements prescribed in Article 7 Paragraphs 1 and 2 of the Enforcement Rules for the Act Governing Relations between the People of the Taiwan Area and the Mainland Area, shall also submit one of the following certifications:
  1. Original certification of non-establishment of Mainland household registration verified by the Straits Exchange Foundation.
  2. Original notarial certification of cancellation of Mainland household registration verified by the Straits Exchange Foundation.
  3. Documentary proof sufficient to prove renunciation of status as the people of the Mainland Area, verified by an R.O.C. (Taiwan) embassy or overseas mission.
  4. Other documentary proof sufficient to prove renunciation of status as the people of the Mainland Area.
- (7) Documentary proof related to reasons for application (original documents to be verified and photocopies retained): (The following refer to Article 23 Paragraph 1 of the Act):
  - a. For application under Subparagraph 1: documentary proof

of marriage.

- (a) Where the applicant is the foreign spouse of a foreign national who has been approved for residence in Taiwan, if the applicant's visa is annotated with the code indicating the spousal relationship and the spouse's name and ID number, this will be considered the same as verification by an R.O.C. (Taiwan) embassy or overseas mission, the applicant will be exempted from submitting documentary proof of marriage authenticated by an R.O.C.(Taiwan) embassy or overseas mission, and it will suffice to submit the dependent spouse's proof of identity at the time of the application. If the applicant utilizes a visa waiver or holds a visitor visa that is annotated only with a "P" (indicating any of tourist, visitor, or visiting family member) and is not annotated with the spousal relationship, name, and ID number or ARC number, then documentary proof of the spousal relationship must be authenticated by an R.O.C. (Taiwan) embassy or overseas mission.
  - (b) Where the applicant is the foreign spouse of an R.O.C. (Taiwan) national with household registration in Taiwan, and the household registration of the marriage has been completed, they are exempted from submitting documentary proof of having registered the marriage in a household registration office in Taiwan.
- b. For an application under Subparagraph 2:
- (a) Original of the transcript of the entire household registration of lineal ascendants issued within the last 3 months or original of their Alien Resident Certificate(s) (to be returned upon verification).
  - (b) Documentary proof of relationship (such as birth certificate or certification of court ruling on adoption). Where a foreign national who is a minor applies on the basis of relationship to lineal ascendants, if the

applicant's visa is annotated with a code indicating such relationship and the relative's full name and R.O.C. (Taiwan) ID or ARC number, it will suffice to submit documentary proof of said relative's identity at the time of the application.

c. For an application under Subparagraph 3:

- (a) The letter of approval from the Ministry of Labor or the central competent authority of the industry concerned for the employment of a foreign professional (must be at least a 6-month validity period for the employment in the approval letter).
- (b) Certification of taking up employment valid within one month (a holder of a personal work permit with no employer is exempted from submission).
- (c) Those who are exempted from applying to the Ministry of Labor for a work permit under the provisions of Article 48 of the Employment Service Act can submit the letter of approval from the competent authority of the industry concerned.

d. For an application under Subparagraph 4:

- (a) Letter of approval from the central competent authority of the industry concerned, issued within the last three months (the amount of the investment must be at least US\$200,000).
- (b) List of directors and supervisors.
- (c) Company registration (or change of registration) form.

e. For an application under Subparagraph 5:

- (a) Letter of approval from the Department of Commerce, MOEA.
- (b) Registration form for establishment (or change) of foreign company branch or representative office.
- (c) If the applicant is a foreign company branch office



representative or litigation or non-litigation agent who concurrently serves as branch manager, a work permit issued by the Ministry of Labor must also be submitted in addition to the documents specified in Items 1 and 2.

- f. For an application under Subparagraph 6: Submit the letter of approval from the competent authority.
  - g. Where the applicant is a foreign professional's or foreign special professional's adult child who is unable to live independently due to physical or mental disability, the application must include a diagnostic certificate stating that the applicant is paralyzed, unable to care for himself/herself, or is in a condition that requires full assistance from another, or has been assessed by a physician as having a score of 30 points or less on the Barthel Index.
- (8) Certificate fee: NT\$1,000 per Alien Resident Certificate per year of validity, but with an additional fee of NT\$2,200 for an applicant who entered Taiwan visa-free or with a visitor visa.
- (9) Other supporting documents.

#### **Article 4: How to Apply:**

Apply at any NIA Service Center. But those applying on the basis of relationship to an R.O.C. (Taiwan) national must apply at the NIA Service Center in the place where the local relative currently resides.

#### **Article 5: Related Matters:**

- (1) Applicants under Article 23 Paragraph 1 Subparagraph 1 of the Act may submit an application within 30 days prior to the expiration of their visitor visa.
- (2) Applicants under Article 23 Paragraph 1 Subparagraphs 2 to 5 of the Act, and applicants under Article 12 of the Foreign Professionals Act who entered Taiwan with a visa exemption,

may submit an application within 15 days prior to the expiration of their visitor visa or permitted duration of stay.

- (3) The validity period of an Alien Resident Certificate shall be calculated from the day following the date of approval.
- (4) An applicant for residency based on marriage to an R.O.C. (Taiwan) national with household registration in the Taiwan Area may only apply for an Alien Resident Certificate with a validity period of one year at the first time of application, and must be accompanied by their spouse when applying.
- (5) An R.O.C. (Taiwan) national with household registration in the Taiwan Area who enters Taiwan with a foreign passport must first conduct moving-out registration at a household registration office before the NIA will accept their application for residency. The NIA will not accept an application from a draft-age or near draft-age male who has not performed his military service obligation if one of the following situations applies:
  - a. He has neither an Overseas Compatriot Identity Certificate for the purpose of military service nor an Overseas Compatriot Identity Endorsement on his R.O.C. (Taiwan) passport.
  - b. He is an overseas Chinese draftee who has resided in the Taiwan Area for over one year.
  - c. He is subject to conscription in accordance with the law and is restricted from leaving the country.
- (6) An applicant who is unable to obtain an Alien Resident Certificate before the expiration of their visitor visa or permitted duration of stay is required to leave the country in accordance with the limit on their stay.
- (7) If an applicant leaves the country during the application process, their application will be closed and filed (ending the review). If the applicant re-enters the country and meets the conditions specified in any subparagraph of

Article 23 Paragraph 1 of the Act, they may re-apply in accordance with the provisions of these Instructions.