

# Taiwan Entry Permit Application for PRC Nationals

In general, PRC nationals can receive entry permits to come to Taiwan for business-related activities. Taiwan business entities can choose one of the following four methods to apply for entry permits for PRC nationals. Grant Thornton Taiwan specialists can guide you to complete all the steps related to the application in an efficient manner.

## Introduction

Due to the unique relationship between the People's Republic of China (PRC) and Taiwan, Taiwan's government does not issue work permits to PRC nationals, but issues entry and exit permits (EEPs) for them to work in Taiwan. Only a Taiwan business entity can apply for an EEP after obtaining permission in accordance with the regulations outlined in the Act Governing Relations between the People of the Taiwan Area and the Mainland Area (the Taiwan business entity is also referred to as the applicant in this article).

In general, applicants can choose one of the four methods to apply for EEPs for PRC nationals:

## Method 1: Business Management Personnel

A Taiwan business entity may apply for an EEP for a Director, Supervisor, General Manager, Branch Manager, or Representative Office (RO) Representative of the business. This kind of EEP may be granted validity for a maximum period of 3 years. After this period, no extension is allowed. If the management personnel needs to stay

longer in Taiwan, then the Taiwan entity must apply for another EEP.

## Applying for an EEP for PRC management personnel

A Taiwan entity sponsoring the EEP for PRC management personnel must satisfy the following conditions:

- 1 The Taiwan entity must have paid-in capital of at least 10 million NT if they have been registered for less than one year. For entities that have been registered for over one year, the entity must have annual sales revenue of 10 million NT. For ROs, the PRC national must be registered as the sole representative.
- 2 The PRC national must have a university degree or at least 5 years of work experience and relevant training certificates.
- 3 If the applicant is an RO established in Taiwan, it must present proof that it has delivered "good business results." However, in practice, it is very difficult to receive approval for an EEP for a PRC national under an RO, due to strong suspicion from the Taiwan government that such personnel may recruit local professionals to work in

Mainland China, spy, steal Taiwan local trade secrets, etc.

- 4 Where an applicant fails to satisfy any of the above three conditions, the government may still approve its application for an EEP for a PRC National manager if the applicant is deemed to have made significant contributions to the economic development of Taiwan or otherwise meets special circumstances approved by the authorities.

When applying for an EEP for management personnel, the Taiwan sponsoring entity must submit the following:

- A copy of the most recent year's corporate income tax return (not required if the company has been established for less than one year, or if it is an RO).
- A copy of the company's responsible person's ID card/passport, company registration certificate/business registration, and any applicable business permit, as well as a copy of a letter of foreign investment approval issued by a competent authority.
- A copy of the guarantee letter for the PRC national, designating the Taiwan entity's responsible person as guarantor.

In addition to the above, any business entity applying for an EEP for managerial personnel must satisfy one of the following conditions:

- 1 At least one-third of the Taiwanese entity's ultimate beneficial owners are PRC nationals or foreigners, and the PRC national employee is registered as a management officer of the entity.
- 2 The PRC national management officer is registered as the branch manager of a Taiwan branch office of a foreign-owned company. Please note that a Taiwan-registered company must receive Mainland Chinese investment approval from the Taiwan authorities before it can register a PRC

national as a Director, Supervisor, General Manager, Branch Manager, or Representative Office (RO) Representative of the business.

- 3 The PRC national management officer is registered as the representative of an RO that has been approved by the authorities.
- 4 The PRC national management officer is registered as the Managing Director, Director, General Manager, or Supervisor of a foreign or locally owned Taiwan Company.

Additionally, the PRC managerial personnel must provide the following:

- The manager's passport copy
- Passport photo (can be a jpeg file)
- PRC ID card

The maximum length of stay for this kind of EEP is one year. The authorities may grant single or multiple entries according to their discretion, with up to one year of stay per entry.

## Method 2: Inter-Company Transfer

### Applying for an EEP for a PRC national manager or professional through inter-company transfer

Taiwan-sponsoring entities seeking an EEP for a PRC manager or professional must satisfy one of the following conditions:

- 1 Total worldwide assets for the multinational group exceeds 2 billion USD in the past year.
- 2 Total number of employees in Taiwan exceeds 100, 50 or more of which must have technical training (post high school) or above.
- 3 Taiwan annual operating revenue exceeds 1 billion NT.

- 4 Annual sales in the Asia Pacific region (combined with their affiliate offices) of at least NTD 1.5 billion.
- 5 If the applicant is a RO established in Taiwan, it must present proof that it has delivered "good business results." However, in practice, it is very difficult to receive approval for an EEP for a PRC national under a RO, due to suspicion from the Taiwan government that such personnel may recruit local professionals to work in Mainland China, spy, steal Taiwan local trade secrets, etc.
- 6 Where an applicant fails to satisfy any of the above three conditions, the government may still approve its application for an EEP for a foreign employee if the applicant is deemed to have made significant contributions to the economic development of Taiwan or satisfies special circumstances approved by the proper government authority.

When applying for an EEP for a PRC inter-company transfer professional or manager, the Taiwan sponsoring entity must submit the following documentation:

- A copy of the most recent year's corporate income tax return (not required if it is an RO)
- A copy of the company's responsible person's ID card/passport, company registration certificate/business registration, and any special business permit, as well as a copy of the letter of foreign investment approval issued by the relevant government authority
- A copy of the guarantee letter for the PRC national, designating the Taiwan entity's responsible person as guarantor.

The PRC National must provide the following documents:

- Provide a certificate of employment from the current employer
- Provide full CV and proof of work experience documentation

- A copy of the PRC employee's passport
- Passport photo (can be a jpeg file)
- PRC ID card

The maximum length of stay for this kind of EEP is usually 3 years, with a multiple entry and exit permit. The duration of each stay is up to the Taiwan authorities to decide.

### **Method 3: Performance of Service Contract**

Taiwan entities wishing to sponsor an EEP through the performance of a service contract with a PRC company do not have to fulfill any special qualifications, but must provide the following documents listed below:

- A copy of the Taiwanese sponsor company responsible person's ID card/passport, company registration certificate/business registration, and any special business permit
- A copy of the contract (construction, sales, technical cooperation, or other agreement) signed between the Taiwanese company and the Mainland Chinese company
- An assignment letter issued by the PRC company designating its PRC national employee to work in Taiwan
- A copy of the PRC employee's passport
- Passport photo of the PRC employee (jpeg file)
- A copy of the guarantee letter for the PRC national, designating the Taiwan entity's responsible person as guarantor.

The maximum length of stay for this kind of EEP is 1 year, with a multiple entry or single permit given at the discretion of the Taiwan authorities. The duration of each stay is 1-3 months at a time, which is also up to the Taiwan authorities' discretion.

### **Method 4: Business Visit**

Taiwan entities wishing to sponsor an EEP through a short-term business visit do not have

to fulfill any special qualifications but must provide the documents below.

- A copy of the Taiwanese company responsible person's ID card/passport, company registration certificate/business registration, and any special business permit
- A detailed daily schedule for the employee including activities and business items. Once this schedule is approved, it cannot be changed unless with permission from the authorities.
- A copy of the PRC employee's passport
- Passport photo of the PRC employee (jpeg)
- A copy of the guarantee letter for the PRC national, designating the Taiwan entity's responsible person as guarantor.

The maximum length of stay for this kind of EEP is 1 year, with a multiple-entry or single-entry permit given at the discretion of the Taiwan authorities. This type of EEP is usually issued for the first time as a single entry permit valid for one month, but for the third application onwards the Taiwan authorities may grant a multiple entry permit valid for up to one year.

## Other Considerations:

### Processing time

In addition to the above general requirements, certain application forms need to be signed and other administrative matters must be attended to before an EEP is issued.

If the qualifications and required documents of both the Taiwan sponsoring entity and the PRC national meet the criteria mentioned above, the Taiwan entity can expect to receive the EEP within the following timeframes (subject to the Taiwan immigration office):

- Business management personnel EEP: 5-10 weeks after the application submission.
- Inter-company transfer EEP: 5-10 weeks after the application submission.

- Contractual relationship EEP: 1-4 weeks after the application submission.
- Short-term business EEP: 3-10 business days after the application submission.

## Mainland China Permit for Travel to Taiwan

If the employee still resides in Mainland China at the time of the application, then he/she must undergo an exit process with the PRC authorities which may take 1-3 months to be completed depending on their place of residence in China.

However, if the PRC national resides overseas at the time of application, then he/she can apply for entry at a Taiwan Representative Office overseas and does not need to go through the China exit process, which may require an interview. If he/she applies at the Taiwan Representative Office in Macau or Hong Kong, then he/she must perform an exit interview with the Taiwan office.

### Guarantor

All applications for PRC Nationals to visit Taiwan for business purposes must be backed by a local guarantor in Taiwan. The guarantor must be the responsible person for the Taiwan applicant entity but can either be a Taiwan National or a Foreign National. The guarantor will be legally responsible for the PRC nationals during their stay in Taiwan.

## Hong Kong and Macau Permanent Residents

If the PRC national is a permanent resident of Hong Kong or Macau, then he/she does not need to apply for an EEP. He/she should instead apply for a work permit, visa, and alien resident certificate card similar to foreigners from other countries. This article does not include entry permit instructions for residents of the Hong

Kong or Macau Special Administrative Regions. This guide is meant for PRC nationals only.

### **Expiration and renewal of EEPs**

After the EEP expiration date, if the PRC national needs to stay longer in Taiwan, then the Taiwan applicant entity must apply for another EEP; no extension is possible.

### **Penalties for non-compliance**

Those who employ a PRC National under a Taiwan entity illegally without undergoing the process above (unless married to a Taiwanese citizen), violating Article 15 of the Act Governing Relations between the People of the Taiwan Area and the Mainland Area, shall be sentenced to fixed-term imprisonment of not less than one year but not more than seven years, and may also be fined not more than NTD 1 million.

A person who violates Article 15 of the Act Governing Relations between the People of the Taiwan Area and the Mainland Area with intent to make a profit shall be sentenced to fixed-term imprisonment of not less than three years but not more than ten years, and may also be fined not more than NTD 5 million.

### **Performing services for other companies**

A PRC National cannot perform services or participate in business activities for another Taiwan entity during his/her assignment. If they are needed by another Taiwan entity, then the new Taiwan entity should apply for a new EEP.

### **Salary or Bonuses in Taiwan**

With the exception of inter-company transfer, A PRC National cannot receive salary or bonuses from Taiwan.

### **Need of Return Plane Ticket**

With the exception of inter-company transfer, PRC Nationals who enter Taiwan using an EEP are required to buy a return plane ticket in advance before their arrival in Taiwan.

### **Assignment Schedules**

Detailed assignment schedules must be approved by the competent authorities in advance.

### **Dependent EEPs**

Dependent spouses and minor children of PRC Nationals may also enter Taiwan and obtain EEPs using the EEP of the family member on which they rely.

### **National Health Insurance**

National Health Insurance is required for PRC Nationals working in Taiwan for inter-company transfer purposes. Their spouses and minor children may also join Taiwan's National Health Insurance. However, PRC Nationals cannot enroll in labor insurance.

### **Spouses of Taiwan Nationals**

A PRC National with legal resident status in Taiwan through marriage to a Taiwanese citizen can legally work in Taiwan without applying for an EEP.

### **COVID and other restrictions**

The Taiwan government has placed restrictions on the issuance of EEPs during the COVID pandemic which have lasted for a considerable time. In addition, political and other factors may play a role in ongoing restrictions or adjustments to the issuance of EEPs. Therefore for the latest restrictions and requirements, please be sure to contact us.

## Recommendation

Grant Thornton Taiwan specialists can guide you to complete all the steps related to EEP application in an efficient manner. If in doubt, please do not hesitate to contact our service team members.

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