

Work Permit Application for Foreign Professionals

Introduction

In most cases, a foreign national can work in Taiwan only if he or she has obtained a work permit in accordance with the regulations outlined in the Employment Service Act. A foreigner who is married to a Taiwanese citizen with registered permanent residence in the Republic of China and who is legally permitted to reside in Taiwan can legally work in Taiwan without applying for a work permit.

In general, employers can choose between two methods to apply for work permits for foreign employees:

Method 1:

Employment Relationship - A business entity registered in Taiwan enters into an employment contract with a foreigner, subject to meeting a list of conditions outlined below.

Method 2:

Contractual Relationship - A foreign company sends a technical worker to Taiwan to fulfil an obligation under a signed contract (construction, sale, technical cooperation).

1. Employment Relationship Approach

An employer may apply for a work permit for a maximum period of 3 years. The employer may apply for an extension 4 months prior to the expiration date of the work permit. When the original work permit is granted for a period of less than 6 months, the employer may apply for an extension when two-thirds (2/3) of the granted period has been reached.

- i. **Applying for a work permit for a foreigner appointed to a managerial position or an overseas Chinese/foreigner invested in a Taiwanese entity or engaged in managerial work for a Taiwan branch office/representative office of a Mainland Chinese company:**

The employer must be able to meet one of the following qualifications:

- In the case of a local company or a Taiwan branch of a foreign- or Mainland Chinese-owned company trading in Taiwan which has been established for less than 1 year, either the branch office's paid-in capital or operational capital have reached NTD 500,000, turnover exceeds NTD 3 million, actual import and export revenue exceed USD 500,000, or commission exceeds USD 200,000.
- In the case of a local company or a Taiwan branch of a foreign- or Mainland Chinese-owned company trading in Taiwan which has been established for 1 year or longer, either the branch's turnover, actual import and export revenue, and commission in the most recent year or its average turnover, average actual import and export revenue, and average commission over the past 3 years exceed NTD 3 million, USD 500,000, and USD 200,000 respectively.
- A representative office (RO) that has been established in Taiwan for more than 1 year presents proof of having delivered good business results (an RO established in Taiwan for less than one year is exempted from this requirement).
- The employer had made significant contributions to the economic development of Taiwan or otherwise met a special circumstance approved by the proper government authority.

Required documents from the employer include:

- Copy of the most recent year's corporate income tax return (not required if the company is newly formed).
- Copy of the company 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.

- Copy of the employment contract.

Note: In order to qualify for the above, the name of the managerial personnel needs to be registered and reflected in the “Managers” section of the Taiwan entity’s registered statutory record.

Foreign employees to be hired for management work in a business entity shall meet one of the following qualifications:

- At least one-third (1/3) of the Taiwanese entity is owned by overseas Chinese or foreigners, and the foreign employee is registered as a manager of the entity.
- The foreign employee is registered as the branch manager for a Taiwan branch office of a foreign company.
- The foreign employee is registered as the representative of a representative office that has been approved by the proper government authority.
- The foreign employee is registered as the branch manager of a Taiwan branch office of a Mainland Chinese company.
- The foreign employee is registered as the representative of a representative office of a Mainland Chinese company.

Required documents from foreign managerial personnel include:

- Copy of passport
- Passport photo (2 copies)
- In the case of employment change, when the new employer applies for a work permit, the employee shall provide copies of the employment termination certificate issued by the former employer, the original work permit approval letter, withholding tax certificates, and the income tax statement of the previous fiscal year.

ii. Applying for a work permit for a foreign employee (“special professions or technical assignments”)

When hiring a foreign employee, the employer must be able to meet one of the following qualifications:

- In the case of a newly-formed local company or a Taiwan branch of a foreign- or Mainland Chinese-owned company trading in Taiwan which has been established for less than 1 year, either the entity’s paid-in capital or operational capital reaches NTD 5 million, turnover exceeds NTD 10 million, actual import and export revenue exceed USD 1 million, or commission exceeds USD 400,000.
- In the case of a local company or a Taiwan branch of a foreign- or Mainland Chinese-owned company trading in Taiwan which has been established for 1 year or more, either the turnover, actual import and export revenue, and commission during the most recent year or the average turnover, average actual import and export revenue, and average commission from the past 3 years exceed NTD10 million, USD 1 million, USD 400,000 respectively.
- The company is a representative office of a foreign or Mainland Chinese company that is approved by the central competent authorities and delivers concrete beneficial business outcomes.
- The company possesses research and development centres or business operation headquarters that have been approved by the proper government authority.
- The employer has made significant contributions to the economic development of Taiwan or satisfied special circumstances approved by the proper government authority.

Required documents from the employer:

- Copy of the most recent year’s corporate income tax return (not required if newly formed).
- Copy of the company 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 a competent authority.
- Copy of employment contract

Foreign employees undertaking “special professions or technical assignments” shall meet one of the following conditions:

- Acquire certification or operation qualifications through the procedures specified in the Examinations of Specific Profession and Technician Guidelines.
- Obtain a master’s degree or above from a university in the ROC or acquire a bachelor’s degree in a foreign country and have more than 2 years’ experience working in the specific field.
- Have been employed in a multinational company for more than 1 year.
- Have received professional training or taught oneself in the specific field, and have demonstrated outstanding performance in more than 5 years’ related work experience.

The above work experience requirements do not apply to foreigners or overseas Chinese who graduated from a public or private university in Taiwan during or after the 2011 school year and earn a minimum salary or NTD 37,619 per month.

Other foreigners who work in one of the “special professions or technical assignments,” shall receive a monthly average salary of no less than NTD 47,971. If the foreign employee earns less than the minimum salary level, he or she will be deemed insufficiently skilled to qualify for a work permit.

Required documents from foreign employee:

- Copy of education diploma (authentication by a designated Taiwan Embassy/Consular division is required for certain countries)
- Copy of work experience certificate (authentication by a designated Taiwan Embassy/Consular division is required for certain countries)
- Copy of passport
- Passport photo (2 copies)
- In the case of employment change, when the new employer applies for a work permit, the employee shall provide copies of the employment termination certificate issued by the previous employer, the original work permit approval letter, withholding tax certificates, and the income tax statement of the previous fiscal year.

2. Contractual Relationship Approach

When the cumulative work period of the foreigner who has been assigned to Taiwan for fulfilling an obligation under a signed construction, sale, or technical cooperation contract exceeds 90 days, he/she must meet one of the following criteria:

- Acquire certification or operation qualifications through the procedures specified in the Examinations of Specific Profession and Technician Guidelines.
- Have obtained a master’s degree or above from a university in the ROC or in a foreign country or have acquired a bachelor’s degree and more than 2 years’ working experience in the specific field.
- Have received professional training or taught oneself in the specific field and have demonstrated outstanding performance in more than 5 years’ related work experience.

The aforementioned cumulative work period covers the total work period within 1 year prior to the application date, plus the work period of the application.

Required documents for applying for a work permit based on a contractual relationship include the following:

- Copy of the Taiwanese company responsible person’s ID card/passport, company registration certificate/business registration, and any special business permit
- Copy of contract (construction, sales, technical cooperation, or other agreement) signed between the Taiwanese company and the foreign company
- Assignment letter issued by the foreign company designating its foreign employee to work in Taiwan
- Copy of the foreign employee’s education diploma (authentication by a designated Taiwan Embassy/Consular division is required for certain countries. This document is not required for those whose work duration is less than 90 days)
- Copy of the foreign employee’s work experience certificate (authentication by a designated Taiwan Embassy/Consular division is required for certain countries. This document is not required for those whose work duration is less than 90 days)

- Copy of passport
- Passport photo (2 copies)

Processing Time

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

If qualification and document requirements of both the employer and the foreign employee are met, the employer will receive the work permit issued by the competent authority within 7-10 working days.

Early Employment Termination

If the foreign employee is unjustifiably absent from his/her work and contact is lost for 3 consecutive days or the employment is terminated early, the employer shall notify the local competent authority within three days in writing to avoid a fine of NTD 30,000 to NTD 150,000.

Penalties for Non-compliance

Employers who hire a foreign employee without obtaining the proper approval will be fined a sum between NTD 150,000 and NTD 750,000. In the case of recurrent violation within five years, the employer will be sentenced to imprisonment for no more than three years and/or a fine of no more than NTD 1.2million.

Foreign employees who work in Taiwan without approval will be fined NTD 30,000 to NTD 150,000, and will be ordered to leave the country within a prescribed timeframe.

Grant Thornton Taiwan specialists can guide you and work with you to complete all the steps regarding your work permit application, visa, and alien residence certificate in an efficient manner.

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