

提案表 (Suggestions)

案次 (case number) /提案人 (name) /國籍 (nationality) /職務 (occupation)	問題 (Issue)	各相關單位回應說明 (Response from Each Respective Organization)	
1. / 黃懿姿 / Taiwan / Research Assistant	<p>根據移民法第 23 條 外籍人士持工作證明文件或公文資料，若其停留簽證 60 天以上且無任何註記者，可直接至移民署申辦外僑居留證</p> <p>最近，本所邀請外籍訪問研究工作學者至本所訪問一年，持院方公文、護照影本、簽證影本及本所開立之工作證明書至移民署辦理外僑居留證，但移民署承辦人員要求所持之工作證明書須由院方開立。</p> <p>長久以來，依循工作分層負責的概念下，本所之約聘雇人員、訪問學者來訪辦理外僑居留證所開立之在職證明書、聘用契約書或工作證明書皆由本所開立。</p> <p>此次，承辦人員要求工作證明書須由院方開立，經由各方努力至今尚未辦理完成訪問學人之外僑居留證，煩請協助釐清申辦外僑居留證手續。此外，外籍學生以交換學生身份來院從事研究，若不以研究助理身份申辦簽證來臺，則該申辦何種簽證來臺。</p>	<p>移民署：</p> <p>1. 查 貴院（中央研究院）即為中央目的事業主管機關，爰該院得核准外國學人來臺擔任訪問學者，與一般白領外國人須經行政院勞工委員會核發工作許可函不同。</p> <p>2. 持停留期限 60 日以上、且未經加註不得延期或其他限制之停留簽證，以工作事由申請外僑居留證者，應備文件同時包含工作許可函及 1 個月內開立之在職證明書。</p> <p>3. 貴院邀請之外籍人士，蒞本署各服務站申辦居留證，所需之工作證明文件由貴院之各所開立證明即可。</p>	<p>National Immigration Agency</p> <p>1. Academia Sinica itself is the central competent authority and can issue work permits for foreigners. Therefore, it is unnecessary for foreigners employed by Academia Sinica to apply for work permit approved by Council of Labor Affairs.</p> <p>Any foreigner enter Taiwan with a visitor visa valid for over 60 days and has not been restricted from an extension or imposed with other restrictions may apply for residency for the purpose of working. The required documents include both work permit and employment certificate issued within one month to prove the employment status. Since foreigners employed by Academia Sinica already submit work permit issued by Academia Sinica, it is allowed that they submit an employment certificate issued by the institute belonging to Academia Sinica.</p> <p>2. With regard to the proof of employment required for ARC application for visiting foreign researcher invited, a Work Certificate issued by the concerned department of the Academia Sinica should suffice.</p>

<p>2. / Tatsuhiko Hasegawa / Japan / Faculty Member</p>	<p>I am scheduled for a retirement in 2016. I already qualify for Taiwan pension. Can I stay with a new ARC in Taiwan after my retirement from Academia Sinica ? (規劃在 2016 年退休，已符合退休金請領，若從中研院退休後，可以申請新的居留證嗎?)</p>	<p>移民署： 1. 依移民法第 31 條第 4 項規定，外國人於居留期間內，因居留原因消失者，本署應廢止其居留許可。是以，以應聘事由在臺居留者，其因離職、退休而致居留原因消失，無法繼續在臺居留。但台端如於退休前取得永久居留許可，則退休後仍可繼續在臺居留，無須申請換發新證。 2. 依移民法第 25 條規定，外國人合法連續居留滿 5 年，每年在臺居住逾 183 天，且符合特定要件（如品行端正、有相關之財產或技能足以自立、符合我國國家利益）者，可向本署申請永久居留。</p>	<p>1. According to Article 31 Section 4 of the Immigration Act, foreigners' residence certificates (ARC) may be revoked if their reasons for residence are no longer valid. In effect, foreigners residing in Taiwan for employment reasons may not continue to reside in Taiwan after their termination of employment or after retirement. However, if foreigners apply for permanent residence (APRC) prior to retirement, they may continue to reside in Taiwan indefinitely after retirement without needing to be issued a new document. 2. According to Article 25 of the Immigration Act, foreigners who have legally resided in Taiwan for five consecutive years and for more than 183 days in each year may apply for permanent residence through the NIA if they meet certain requirements, such as maintaining good conduct or possessing considerable property, skills, or talents that would allow them to be self-sufficient.</p>
<p>3. / REVANNATH NIKAM / INDIAN / Student</p>	<p>My VISA is single entry type but ARC is multiple entry so can I use this visa for multiple entry. (簽證態樣是單次入境，但居留證是多次入境，我能否使用簽證為多次入境。)</p>	<p>外交部： 居留簽證之作用僅限供外籍人士入境後向內政部入出國及移民署申請外僑居留證及重入國許可。當事人申獲外僑居留證及重入國許可者，得持憑在臺合法居留及入出境我國。其在臺停留期限以該外僑居留證效期為限，期滿須向該署申換。</p>	<p>Ministry of Foreign Affairs The function of Resident Visa is for foreigners to apply for Alien Resident Certificate (ARC) and re-entry permit at local Immigration Office after they have entered Taiwan with the said visa only. Foreigners who have obtained the ARC and re-entry permit could stay in Taiwan legally with the said certificates; and the duration of stay in Taiwan is restricted accordingly to the validity of the ARC. Foreigners have to apply for changing the ARC before its validity at local Immigration Office.</p>

<p>4. / Matteo Nespoli / Italian / Student</p>	<p>I would like to know what social gatherings and/or political activities and demonstrations a foreigner with a student visa (with ARC) is free to attend and/or take part in organizing. (關於外國學生能否自由參與或加入組織社會集會、政治活動和示威活動。)</p>	<p>移民署： 1. 依據「入出國及移民法」第 29 條但書及本署「外國人參與集會遊行處置作為作業程序」第 3 點規定，外國人在臺為合法居留者，得參與合法集會遊行。爰此，持有居留證之外籍學生依規得自由參加合法集會遊行。 2. 另有關外籍學生可否召集或組織集會遊行乙節，按「集會遊行法」第 10 條第 2 款規定，無中華民國國籍者，不得為應經許可之室外集會、遊行負責人、代理人或糾察員。據此，持有居留證之外籍學生依規不得召集或組織應經許可之室外集會、遊行。</p>	<p>National Immigration Agency 1. In accordance with article 29 of Immigration Act and article 3 of Operating Procedure of Aliens Participate in Assembly or Procession: Aliens who are visiting or residing in the state may not engage in employment or activities that are different from the purposes of their visits or residence. The acts of filing petitions or participating in lawful assembly and demonstration by those aliens who reside legally shall not be subject to the foresaid restriction. Therefore, foreign students with Aliens Residence Certification (ARC) are permitted to participate in lawful assembly or demonstration. 2. In accordance with subparagraph 2 of article 10 of the Assembly and Procession Act: a person without Republic Of China(R.O.C) nationality is not permitted to be a president, an agent, a supervisor or any executive member of a lawful outdoor assembly or demonstration. Therefore, foreign students with Aliens Residence Certification (ARC) shall not permit to host or organize an outdoor assembly or a demonstration.</p>
<p>5. / Anna Ahlers / German / Student</p>	<p>I would like to know what kind of documents are necessary for an extension of an ARC; also in the probable case that one is no longer affiliated to any institute as a visiting scholar, but would just like to finish things and extend the stay for a couple of weeks. (居留延期所需文件；不屬於任何機構之訪問學者，能去完成某些事件或延期 2 個星期。)</p>	<p>移民署： 1. 申請書，照片 1 張（同身分證規格）。 2. 護照及居留簽證正本及影本各 1 份。 3. 相關證明文件正本（主管機關工作許可函及 1 個月內之在職證明正本及影本各 1 份）及影本各 1 份。</p>	<p>National Immigration Agency 1. The Application form, with Personal ID- sized photograph attached. 2. Original and a copy of Passport and ARC. 3. Original and a copy of the following documents: * Work Permit issued by the Administrative Enforcement Agency. * Certificate of Employment within the last month.</p>

<p>6. / Gergely Imreh / Hungarian / Postdoc</p>	<p>Why the ARC expires the same day as the foreigners' working contract ends? That means someone still have to finish work that day but by midnight have to leave Taiwan otherwise there's a fine for being here on an expired Visa? It is especially bad because salary comes on the first day of the next month, so one cannot even be in Taiwan when the salary arrives.</p> <p>(為何居留效期到期日與工作合約到期日相同?也就是工作截止日當日工作完後,即須於半夜離境,否則將因逾期被裁處罰鍰。)</p>	<p>移民署： 依 101 年 10 月 25 日修正施行之外國人停留居留及永久居留辦法第 22 條規定，外國人來臺投資，或依就業服務法第 46 條第 1 項第 1 款至第 7 款應聘來臺者，其於居留效期即將屆滿，有必要者，得檢具離境機票等相關證明文件，向本署申請於效期屆滿後 90 日內離境。</p>	<p>National Immigration Agency</p> <p>As of October 25, 2012, foreigners who obtain their resident visa through investment or employment pursuant to Subparagraphs 1 to 7 of Article 46 and Subparagraph 1, Paragraph 1 of Article 48 of the Employment & Service Act, or approval of the Ministry of Foreign Affairs, they may, along with their spouse and children, apply through the National Immigration Agency for additional stay of 90 days after their ARC expires.</p>
<p>7. / Pak Guan Teoh / Malaysian / Student</p>	<p>Hi, it is understandable every national agency has their own policy, however, I would like to point out some problems which the international students are facing regarding the ARC expiry date:</p> <p>Most of the international students arrive at Taiwan at the end of August before the new semester starts, hence the expiry date of the ARC is due end of August every year. However, the school registration procedure is only considered complete (so called a registered student) after the tuition fee payment which is around mid of September. Hence, some of the student are facing problem during the ARC renewal. The ARC renewal date fall during the summer break and students are not considered as a "student" since we have not registered for the next semester.</p> <p>Every officer has their own discretion or judgement over this matter,</p>	<p>移民署：</p> <ol style="list-style-type: none"> 1. 基於管理之必要，我國針對來臺就學之外籍學生，會依其係就讀大學、碩士班或博士班之最長修業年限，律定其總居留效期，且須確認當事人已完成註冊程序後，始准予辦理居留延期，合先敘明。 2. 以就讀大學之外籍學生為例，其取得國內大學核發之入學許可後，即可向我駐外使領館處申辦居留簽證並持憑入境，其若在學校開學前之 7、8 月間入境，向本署申辦外僑居留證時，本署均會核發效期至隔年 9 月 30 日之外僑居 	<p>National Immigration Agency</p> <ol style="list-style-type: none"> 1. The National Immigration Agency (NIA) must confirm that international students have completed the school registration before they may start applying for residence. 2. Usually, the NIA would decide when to issue the ARC based upon the applicants' preference on a case-by-case basis. 3. Since the NIA and many colleges are strategic partners, international students can apply for visa extension through their schools. The NIA local branches can also send their employees to schools to collect applications.

<p>it depends on who is handling the ARC renewal application. The statement is made after several different outcomes were observed during the ARC renewal:</p> <ul style="list-style-type: none"> - The new ARC due date is end of July (7/31) which the last day of the semester instead of the initial arrival date. Hence, it indicates that we are having shorter stay period (11 months instead of 12 months) in Taiwan for the subsequent year. The confirmation letter from university registration office stating the ARC holder is a valid student might not be accepted by some officers, the reason given was the letter is merely a reference but not a student registration confirmation document. -The due date is extended till the end of September (9/30) for the same year (1 month) and we have to renew the ARC again immediately after the school registration is done. In this case, the student would need to travel again to the immigration office for ARC renewal again after one month. Therefore, the new due date for the ARC is 9/30 for the subsequent years. The due date will back to end of August (the initial arrival date) during the final year. - Some students even have their due date according to the renewal date, if that's the case, the stay period is getting shorter and shorter. We were advised to renew the ARC around the last day of the expiry date in order to have "longer" stay period. <p>Recently, my ARC expiry date has been rectified (from 7/31 to 8/30) by a nice officer without any question. Since the main reason for the issue is directly related to the university policy for semester registration, is there any win-win solutions for this?</p>	<p>留證(因居留效期逾1年、而未滿2年,將收取新臺幣2千元之規費),使其能有足夠之居留期間,在隔年新學期完成註冊程序後向本署申請延期居留。</p> <p>3. 有部分外籍學生認為前述作法等同預繳下一年度之規費,因此不願依此方式辦理,基於尊重當事人之意願,本署會配合先行核發1年效期之外僑居留證,至於當事人於隔年欲延期時,因尚未完成註冊程序,本署亦會先行准予延期至9月30日,俟其完成註冊程序後,再行補足其居留證效期。是以採取此一方式之外籍學生須多次至本署申請。</p> <p>4. 有關外籍學生在臺,最長可居留至畢業當年度的9月底。</p> <p>5. 外籍學生辦理在臺居留延期之手續,可洽請本署當地服務站提供到校辦理服務。</p>	<p>4. The foreign student may remain in Taiwan until the end of September of the year of graduation.</p> <p>5. The foreign student may request the on-campus service of the local NIA Service Center for the extension of the ARC.</p>
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	<p>Most of the PhD students required 6-7 years to graduate, however, some of the students are facing problem during their ARC renewal, especially after 3rd or 4th year onward. Since no one can give a assured date for completing the degree, accusation of taking long period to finish the study is not applicable. FYI, foreign MSc students also facing the same problem, extension was not allowed especially during the thesis defense season.</p> <p>Frankly speaking, the expiry date issue does not affecting our life here since we are working the lab most of the time, however, we have to pray for having a nice and considerate officer during the ARC renewal application every year.</p> <p>(大部分國際學生通常到達臺灣時間，為8月底、開學前，因此居留證之到期日是介於每年8月底，學校註冊時間約為9月中旬，因此學生面臨居留證延期間題。)</p>		
<p>8. / Ramon Brasser / Dutch / Any Other</p>	<p>After landing in Taiwan, one is unable to accomplish much without a valid ARC. This includes, but is not limited to: opening a bank account; signing a contract for a mobile phone; signing a lease for an apartment or a house. The processing delay and restrictions are an expensive undertaking since foreigners are required to stay in hotels and wait until their ARC has been processed. So a question I have is this: why can't the ARC be processed at the time and place of landing? Why is additional paperwork needed?</p> <p>(入境後無法馬上取得有效居留證，面臨開銀行帳戶、購買手機、租公寓等問題。)</p>	<p>移民署：</p> <ol style="list-style-type: none"> 1. 為落實來臺居留外籍人士之動態管理，故要求外籍人士於入境後之15日內向居住地之本署服務站申辦外僑居留證。 2. 製發外僑居留證需有一定之作業流程，故需相當之工作時間，尚祈見諒。 	<p>National Immigration Agency</p> <p>The NIA needs time to process applications in order to issue the ARCs.</p>

<p>9. / Scarlett Chiu / U. S. A. / Faculty Member</p>	<p>1. 居留證的日期，是否可以與聘書日期一致？五年一聘卻要每三年換一次居留證，而且居留証到期日還不是以起聘日計算，實在很麻煩。</p> <p>2. 擁有美國護照者，若父母及配偶都不是中華民國國籍，在現行法規下幾乎無法可以歸化為中華民國國民。以致退休後無法領取月退，似乎也無法加入健保。對於計劃在台灣長期定居的研究者而言，同樣是長期穩定的為中研院工作到退休卻無法得到退休後的保障，很不公平。</p> <p>3. 在台灣銀行開戶，卻鎖住國外提款密碼，不准外籍人士在國外提領自己帳戶內的現金，但是中華民國國籍者卻可以這樣做。在沒有任何證據之前，直接就把所有外籍人士視為洗錢嫌疑犯，這是很不公平的。</p> <p>4. 申辦手機時，電信公司要求要具備身份証者才可以辦理 2 年期的帳戶。即使居留證長達三年也不行。</p> <p>5. 剛剛到台灣的時候，還沒有居留證，無法租屋、無法開郵局帳戶，而沒有郵局帳戶就無法完成報到手續。中研院人事處卻說，"此事不急，三個月以後再辦居留證就可以了。"還怪我多事。但是規章上卻說是入境 15 日之內要辦好。請把法規做清</p>	<p>財政部：</p> <p>1. 依所得稅法第 2 條規定，凡有中華民國來源所得之個人，應就其中華民國來源之所得課徵綜合所得稅。至於課徵方式，應視所得人課稅身分而定，不因所得人國籍而有不同：</p> <p>(1) 中華民國境內居住之個人(以下簡稱居住者)：就其當年度綜合所得總額減除免稅額及扣除額後之綜合所得淨額，按累進稅率(目前為 5%~40%)課徵綜合所得稅，並於次年度 5 月 1 日起至 5 月 31 日止，辦理結算申報。</p> <p>(2) 非中華民國境內居住之個人(以下簡稱非居住者)：毋需辦理結算申報，其取得所得稅法第 88 條規定應扣繳範圍之所得，由給付人於給付時依規定之扣繳率就源扣繳(目前薪資所得扣繳率為 18%，惟全月薪資給付總額在行政院核定每月基本工資之 1.5 倍以下者，扣繳率為 6%，至其他所得類別扣繳率多為 20%)；如有非屬扣繳範圍之所得，則由所得人依規定之扣繳率申報納稅。</p> <p>2. 至居住者與非居住者認定原則，依所得稅法第 7 條規定：</p> <p>(1) 居住者係指符合下列條件之一者：</p> <p>a. 第 1 款規定：在中華民國境內有住所，並經常居住中華民國境內者。</p> <p>b. 第 2 款規定：在中華民國境內無住所，而於一課稅年度內在中華民國境內居留合計滿 183 天者。</p>	<p>Ministry of Finance</p> <p>1. Any individual having income from sources in the Republic of China (ROC) shall be subject to the Income Tax in accordance with Article 2 of the Income Tax Act. The income tax liability of an individual is dependent on his/her residence status for tax purposes, namely, "resident" or "non-resident" and no differentiation is made for nationality.</p> <p>(1) A resident individual is taxed on the net consolidated income which is calculated from the gross consolidated income after deduction of exemptions and deductions and at progressive rates from 5% to 40% for the current year. Such individual shall file an annual income tax return between May 1 and May 31 of the following year.</p> <p>(2) A non-resident individual having income that is subject to withholding tax under Article 88 of the Income Tax Act is not required to file an annual income tax return. However, such individual shall be subject to a withholding tax and the tax shall be withheld by the payer upon payment of income at a rate prescribed by the regulations. Currently, the withholding tax rate on wages or salaries is 18%, and except for the case of wages or salaries not exceeding 1.5 times the monthly basic salary as assessed by the Executive Yuan (i.e., not exceeding NTD 26,820 in 2011 and NTD 28,170 in 2012), the rate is 6%. As to other categories of income, the withholding rates are mostly 20%. Furthermore, a non-resident individual having income that is not subject to withholding tax shall file an income tax return at a rate prescribed by the regulations.</p> <p>2. The terms "resident" and "non-resident" are determined in accordance with Article 7 of the Income Tax Act as follows:</p> <p>(1) The term "resident" refers to an individual who maintains a domicile in the ROC and is ordinarily residing in the ROC; or an individual who resides in</p>
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	<p>楚的說明並通告所有承辦人員。</p> <p>6. 上政府網站留意見，網站拒絕居留証號碼，不讓外籍人士留言。</p> <p>7. 去年因研究所需公差出國多次，國稅局說，不管任何理由，也不管任何收入等級，只要在台灣日期沒有多於 183 天，稅率一律以 18% 計算。請在稅法中補上此一缺漏。</p>	<p>(2) 非居住者係指上述規定以外之個人。</p> <p>3. 外籍人士於一課稅年度內在我國居留合計未滿 183 天者，即為非居住者，其境內雇主給付之薪資所得應依上開規定，於給付時按 6% 或 18% 扣繳率就源扣繳。</p> <p>4. 外籍人士為非居住者，而有中華民國來源所得，其配偶如屬居住者時，非居住者可選擇與其配偶合併申報綜合所得稅，或依非居住者課徵所得稅。</p> <p>內政部戶政司：</p> <p>外國人或無國籍人，其父母或配偶雖未具我國國籍，仍得依國籍法第 3 條或第 5 條第 1 項第 2 款規定，具備現於中華民國領域內有住所；每年合計有 183 日以上合法居留之事實繼續 5 年以上或曾在中華民國領域內合法居留繼續 10 年以上；年滿 20 歲有行為能力；品行端正，無犯罪紀錄；有相當之財產或專業技能，足以自立，或生活保障無虞；具備我國基本語言能力及國民權利義務基本常識；喪失其原有國籍等要件，得申請歸化我國國籍。</p>	<p>the ROC for 183 days or more in a taxable year.</p> <p>(2) The term “non-resident” refers to an individual who does not meet the conditions of the “resident”.</p> <p>3. An alien who resides in the ROC less than 183 days in a taxable year shall be considered as a non-resident. Thus, his/her employer in the ROC shall withhold the tax upon payment of wages and salaries at a rate of 6% or 18% as aforementioned.</p> <p>4. In the case that an alien who is a non-resident and whose spouse is a resident has income from sources in the ROC, he/she may elect to file an annual income tax return jointly with his/her spouse, or to be taxed on his/her income under the status of “non-resident”.</p> <p>Department of Household Registration</p> <p>According to Article 3 or subparagraph 2 of paragraph 1 Article 5 of the Nationality Act, a foreign national or stateless person whose spouse or parents are not R.O.C. nationals and who now has a domicile in the territory of the Republic of China, if meeting concurrently the requisites provided in the following requirements, can apply for naturalization provided that: He/She annually has resided annually in the territory of the Republic of China for more than 183 days in total for more than 5 consecutive continuous years or He/She has legally resided in the territory of the Republic of China for more than 10 years continuously consecutively; He /She is 20 years old or older and has the capacity to act in accordance with both the laws of the Republic of China and the laws of his/her own country; He/She behaves decently and has no records of crime; He/She has enough property or professional skills for his/her self-support or ensuring his/her living; He/She possesses basic language ability in the language of our country and understands the basic common knowledge of national’s rights and obligations.</p>
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<p>10. / Yap Key-chong 葉其忠 / Malaysian / Faculty Member</p>	<p>1. How good is the chance of extending monthly retirement pensions to non-R.O.C. citizens at the Academia Sinica? 中研院編制內的外籍研究人員或其他學術領域的同行取得月退的可能性有多高?</p> <p>2. Are children of either R.O.C. mothers and non-R.O.C. fathers or vice versa entitled to at least the P.R. status after more than twenty years of stay in Taiwan? 父或母是中華民國籍的成年子女已在臺灣居留超過二十年是否有資格取得永久居留證?</p>	<p>教育部： 所提意見詳如附表。</p> <p>行政院勞工委員會：</p> <p>1. 關於勞工老年生活保障，一般可分為三個層次，有關第一層之勞工保險部分，查依勞工保險條例第6條第1項第1款至第5款規定，受僱於僱用5人以上事業單位之員工、依法不得參加公教人員保險之政府機關及公、私立學校之員工及受僱從事漁業生產之勞動者，應以其雇主為投保單位，參加勞工保險。同條第3項規定，所稱勞工，包括在職外國籍員工。是以，外籍人士如係依法在我國工作，並符合上開規定，即應依規定參加勞工保險。又依規定參加勞工保險為被保險人者，無論本國人或外國人，於符合保險給付條件時，得請領相關保險給付。</p> <p>2. 依勞工保險條例第58條第1項規定，保險年資合計滿15年，年齡滿60歲且離職退保者，得請領老年年金給付；保險年資未滿15年者，得請領老年一次金。同條第2項規定，98年1月1日前有保險年資者，於符合舊制老年給付條件之一時，亦得選擇一次請領老年給付。</p> <p>3. 另中央研究院之研究人員，如非依公務人員法制進用者，不論國籍，自97年1月1日起適用勞動基準法，復依勞工退休金條例第7條規定，該條例之適用對</p>	<p>Ministry of Education As per the attached documents.</p> <p>Council of Labor Affairs</p> <p>1. The protection of labor welfare in old age generally can be divided into three levels, the first level being labor insurance. According to the provisions of paragraph 1, subparagraphs (1) to (5) inclusive, of Article 6 of Labor Insurance Act, workers employed by a company or firm with more than five employees, employees of government offices or public or private schools who are not legally entitled to join civil servants' insurance or the insurance of teachers and employees of private schools or workers employed in fishing production, shall all be insured under this program as insured persons, with their employers as the insured units. And the preceding provisions apply to employed foreign nationals. Therefore, foreign workers who are allowed to work according to related regulations, shall be insured as insured persons referred to the preceding provisions.</p> <p>2. In addition, according to the provision of Article 58 of the same act, an insured person who is at least 60 years of age, and whose insurance coverage has reached the fifteenth year may claim for old-age pension benefit, or claim for a lump sum old-age benefit if the insurance coverage year has not reached the fifteenth year. If the insured person has insurance coverage before the enforcement of Labor Insurance Act on January 1, 2009 and meets the conditions of a lump sum old-age benefit, may choose to claim lump sum old-age benefit.</p> <p>3. Starting from Jan. 1 2008, the Labor Standards Act applies to researchers at Academia Sinica, regardless of their nationality, providing that they are not</p>
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<p>11. /吳啟訥 / USA / Faculty Member</p>	<p>1. 目前，擁有中華民國國籍，同時擁有外國籍者，除非擔任政府機構極高階主管，不需放棄其外國籍。中華民國政府是否有可能比照此例，對於外國籍研究人員加入中華民國國籍者，要求其對中華民國宣示效忠，但不要求其提出放棄原國籍證明？如此，則外籍專才在臺灣機構任職的退休福利問題即可迎刃而解；外籍專才在其原國籍國本來擁有之權利、累積之社福權益等，不致因放棄國籍而於一夜間喪失殆盡。事實上，在臺灣工作的外籍專才、教會人士等，都是長期奉獻臺灣、認同及熱愛臺灣，會以擁有中華民國國籍為榮者，政府考量渠等來臺之前在其原國籍國的經歷和權益，顯有益於臺灣與外籍專才雙方之利益。如果能做到這樣，那麼以下兩個問題都不會存在，政府機構在執行上也會大幅簡化。</p> <p>2. 如前項提問涉及國籍法部分一時無法更動，是否有可能在外國人永久居留制度執行細則項下，增列永久居留者退休福利比照國民之條款？</p> <p>3. 外國人永久居留制度是否有可能詳盡規定永久居留者之家庭團聚等基於人道理由的後續事項，以使渠等真正紮根臺灣，成為臺灣社會的正常分</p>	<p>內政部戶政司：</p> <p>按國籍法第 9 條規定，外國人欲申請歸化我國國籍，應提出喪失其原有國籍之證明。但能提出因非可歸責當事人事由，致無法取得該證明並經外交機關查證屬實者，不在此限。參照世界各國亦有部分國家之國籍法或移民法有類似規定，現行歸化我國國籍，仍應依上開規定辦理。</p> <p>內政部社會司：</p> <p>1. 為感念馬偕博士在我國創建醫院、興辦學校及扶弱濟貧等貢獻，對於秉持馬偕博士關懷弱勢的精神，長期在我國無私奉獻之外籍人士，經本部邀集相關部會及縣市政府會商，同意比照我國老人提供搭乘國內大眾運輸工具、進入公立育樂場所享有免費或半價以上優待措施，以感謝他們的偉大貢獻。本部於 100 年 5 月 26 日函頒，並自 100 年 6 月 1 日施行。</p> <p>2. 馬偕計畫適用對象係針對在我國居住 20 年以上，每年居住超過 183 日，且持</p>	<p>Department of Household Registration</p> <p>According to Article 9 of the Nationality Act, a foreign national who applies for naturalization according to Article 3 to Article 7 shall provide the certification of his/her loss of previous nationality. But if he/she alleges he/she can't obtain the certification for causes not attributable to him/her and foreign affairs authorities have investigated and determined that this is true, then he/she needs not to provide the certification. This regulation is pursuant to methods existing in other countries, where laws are similar to the nationality and immigration law of Taiwan. Therefore, the naturalization process must be in accordance with the above regulations.</p> <p>Department of Social Affairs</p> <p>1. In order to appreciate and commemorate the contributions made by Dr. Mackay as he established hospital, school, and helped the minor and underprivileged in R.O.C. (Taiwan), hereby, the foreign nationals who adhered to the spirit of Dr. Mackay and have unselfishly made long-term dedications to Taiwanese people, will share the same privileges with Taiwanese senior citizens for traveling by domestic public transportations and accessing to the public-operated scenic areas, amusement fields, cultural and educational facilities and long-term care . As such, Mackay Project is stipulated. The "Mackay Project" was implemented from June 1, 2011.</p>
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	<p>子？</p>	<p>有外僑永久居留證，並年滿 65 歲，對我國社會福利、醫療服務、宗教、教育、文化等領域，長期提供服務或具有特殊貢獻之外籍人士。</p> <p>3. 另為因應符合馬偕計畫優待對象可能潛在之長期照顧需求，本部並於 100 年 12 月 27 日修正函頒馬偕計畫，擴增「長期照顧服務」優待項目，針對長期在臺灣奉獻服務之外籍人士，在其年老失能時，可比照我國老人享有長期照顧服務補助；所需經費由內政部、衛生署及各縣市政府共同負擔。</p> <p>4. 馬偕計畫之優待項目僅限搭乘國內大眾運輸工具、進入公立育樂場所及使用長期照顧服務。</p> <p>5. 至於非屬馬偕計畫適用對象之外籍人士，所需各項福利擬比照國人乙節，查老人福利法係屬內國法，服務對象以本國國民為限。考量國家財政負擔及有限資源之配置，仍應以本國國民為優先照顧之對象。</p>	<p>2. This project is applied to foreign nationals who are aged over 65, have resided for more than 20 years and stayed for more than 183 days every year in Taiwan, have been issued with Alien Permanent Resident Certificate (APRC) by the National Immigration Agency (NIA), Ministry of the Interior of Taiwan, and have made long-term dedications or particular contributions to Taiwan.</p> <p>3. The long-term dedications or particular contributions mentioned in the second point regard the fields of social welfare, medical service, religion, education, and culture, etc..</p> <p>4. For those who meet the above qualifications, will be granted to the same privileges or services with Taiwanese senior citizens in the following items:</p> <p>(1) To travel by domestic public transportations, including domestic publicly- and privately-operated railways (enclosing the High Speed Rail), highway buses, city buses, mass rapid transit, vessels and civil aviation transportations.</p> <p>(2) To access to publicly-operated scenic areas, amusement fields, or cultural and educational facilities (summed up as public amusement locations).</p> <p>(3) To provide long-term care, including home services, day-care, family support service, homecare, home (community) recovery service, purchase and rental of assisting instruments, improvement of household barrier-free environments, senior citizens food service, respite</p>
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<p>12. / Vijay Dhurandhar e / Indian / Student</p>	<p>1. My ARC limited for 3 years I need information about extension of ARC. 2. I plan to bring my family here. (居留延期資訊；家人來臺問題。)</p>	<p>移民署： 1. 居留延期所需之證件 (1)申請書，照片1張(同身分證規格)。 (2)護照及居留簽證正本及影本各1份。 (3)相關證明文件(主管機關工作許可函及1個月內之在職證明)正本及影本各1份。 2. 文件及手續同受聘來臺之外籍人士，另須備雙方關係文件(如婚姻關係證明)。</p>	<p>National Immigration Agency 1. Required Documents for ARC Extension Application. (1) The Application form, with one ID-sized photograph attached. (2) Original and a copy of passport and the ARC. (3) Original and a copy of the following documents: * Work Permit issued by the competent authorities. * Certificate of Employment within the last month. 2. The documents and procedure required are the same as employment-based applications. In addition, documents of relationship proof (e. g. Marriage Certificate) is also required.</p>
<p>13. / Ahmed Atef Ahmed Ali / Egyptian / Student</p>	<p>*My father is an old man, and he need somebody to take care of, So I need to bring him to Taiwan, what are the procedures? and do he need to apply for ARC when he arrives to Taiwan?* If I travel to my country, what is the maximum duration to stay out of Taiwan?* If I wish to travel for the Chinese new year holiday out of Taiwan, what are the countries that I may enter without acquiring a Visa, only using my passport and Taiwan ARC?Can you send me the answers by email, I may not be able to attend the meeting.Thanks in advance. (家人來臺居留問題，來臺旅遊最長可停留多久?)</p>	<p>移民署： 1. 有關居留延長之相關資訊，可查閱本署網站或逕洽本署各服務站。 2. 我國目前政策上未開放直系血親尊親屬來臺依親，令尊僅能入境停留探視。 3. 持有我國有效外僑居留證者，其於該證有效期間內(指有相同期間之重入國許可)，均可自由進出臺灣，無日數限制。 4. 持有我國永久居留證者，每年須在臺住滿183天，未住滿183天，其外僑居留證將被廢止。</p>	<p>National Immigration Agency 1. Foreigners can go to the NIA local service branches or go online to check how to extend their resident certificates. 2. To date, parents and grandparents of foreigners are not yet included in the family reunion category of the Immigration Act. 3. If you are an ARC holder, you can leave and enter Taiwan whenever you'd like, so long as your ARC is valid. There's no time limitation for your travel. 4. As for Alien Permanent Resident Certificate (APRC) holders, their APRC will be revoked if they remain outside of Taiwan for more than 183 days in one year.</p>

<p>14. / Christa Desmonda / Indonesian / Research Assistant</p>	<p>- ARC extension - pension - labor insurance (居留延期；退休金；勞工保險)</p>	<p>教育部： 所提意見詳如附表</p> <p>行政院勞工委員會：</p> <p>1. 關於勞工老年生活保障，一般可分為三個層次，有關第一層之勞工保險部分，查依勞工保險條例第6條第1項第1款至第5款規定，受僱於僱用5人以上事業單位之員工、依法不得參加公教人員保險之政府機關及公、私立學校之員工及受僱從事漁業生產之勞動者，應以其雇主為投保單位，參加勞工保險。同條第3項規定，所稱勞工，包括在職外國籍員工。是以，外籍人士如係依法在我國工作，並符合上開規定，即應依規定參加勞工保險。又依規定參加勞工保險為被保險人者，無論本國人或外國人，於符合保險給付條件時，得請領相關保險給付。</p> <p>2. 依勞工保險條例第58條第1項規定，保險年資合計滿15年，年齡滿60歲且離職退保者，得請領老年年金給付；保險年資未滿15年者，得請領老年一次金。同條第2項規定，98年1月1日前有保險年資者，於符合舊制老年給付條件之一時，亦得選擇一次請領老年給付。</p> <p>3. 另中央研究院之研究人員，如非依公務</p>	<p>Ministry of Education</p> <p>As per the attached documents.</p> <p>Council of Labor Affairs</p> <p>1. The protection of labor welfare in old age generally can be divided into three levels, the first level being labor insurance. According to the provisions of paragraph 1, subparagraphs (1) to (5) inclusive, of Article 6 of Labor Insurance Act, workers employed by a company or firm with more than five employees, employees of government offices or public or private schools who are not legally entitled to join civil servants' insurance or the insurance of teachers and employees of private schools or workers employed in fishing production, shall all be insured under this program as insured persons, with their employers as the insured units. And the preceding provisions apply to employed foreign nationals. Therefore, foreign workers who are allowed to work according to related regulations, shall be insured as insured persons referred to the preceding provisions.</p> <p>2. In addition, according to the provision of Article 58 of the same act, an insured person who is at least 60 years of age, and whose insurance coverage has reached the fifteenth year may claim for old-age pension benefit, or claim for a lump sum old-age benefit if the insurance coverage year has not reached the fifteenth year. If the insured person has insurance coverage before the enforcement of Labor Insurance Act on January 1, 2009 and meets the conditions of a lump sum old-age benefit, may choose to claim lump sum old-age benefit.</p> <p>3. Starting from Jan. 1 2008, the Labor Standards Act applies to researchers at Academia Sinica, regardless of their nationality, providing that they are not</p>
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<p>15. / Mai Khaleel / Jordanian / Student</p>	<p>1. my daughter was born in Taiwan before 3 months, what Privileges that she can get?? like Taiwanese passport?? or permanant residency?? 2. my ARC is worker b/c I was working as a research assistant in academia sinica, but now I became student, and if I want to change to student visa, I should leave taiwan and apply from outside. is there any solution for my situation if I couldnot leave taiwan, specially I have a baby and I don't have enough money to travel. (外國人在臺出生子女能申請臺灣護照或永久居留？從工作變成學生身分需離臺申請學生簽證？)</p>	<p>移民署： 1. 依移民法第 26 條第 3 款規定，在我國出生之外國人（指父或母之一方，非為在臺設有戶籍國民），出生時其父或母持有外僑居留證或外僑永久居留證者，應於出生後 30 日內，向本署申辦外僑居留證。 2. 依移民法第 23 條第 2 項規定，居留事由變更不包含本案所列情形，是以仍應於出境後，重新申請居留簽證入境。</p>	<p>National Immigration Agency 1. Your daughter is born as a foreigner in Taiwan and you are an ARC holder, so you should apply for her residence through the NIA within 30 days starting from the second day of her birth. 2. In your case, you have to leave Taiwan and apply for a visa at an overseas Taiwanese Embassy or Consulate in order to come back.</p>

<p>16. / Paul Katz / USA / Faculty Member</p>	<p>1. I am a full-time faculty member. I am a U.S. citizen, and have an ARC. My wife is a ROC citizen. She is not a citizen or permanent resident of any foreign country. If she dies before me, what are the rules about foreign spouses inheriting ROC citizens' money and property? (We own an apartment, but it is in her name)</p> <p>2. We have two children. Both are U.S. citizens, and have ARC's. What are the rules for their inheriting my wife's property?</p> <p>3. If I die first, what are the rules for my wife inheriting my money?</p> <p>4. What are the rules for my children inheriting my money and property?</p> <p>5. If I decide I want to live the rest of my life in Taiwan, does it make more sense for me to apply for citizenship or permanent residence?</p> <p>6. Will the rules be changed so that foreigners can have the same monthly pensions that ROC citizens enjoy? (外國人、國人配偶與小孩，有關財產繼承問題?)</p>	<p>內政部地政司：</p> <p>1. 美國人取得我國土地權利部分： (1) 土地法第 18 條規定：「外國人在中華民國取得或設定土地權利，以依條約或其本國法律，中華民國人民得在該國享受同樣權利者為限。」易言之，即在平等互惠原則下，始准許外國人在我國取得或設定土地權利。 (2) 依本部 98 年 9 月 16 日台內地字第 0980174868 號函修正「外國人在我國取得或設定土地權利互惠國家一覽表」美國除奧克拉荷馬州之人民，不得取得我國不動產外，其他各州是可依土地法第 17 條至第 20 條規定取得。</p> <p>2. 土地登記部分： (1) 關於法定繼承人順序及其應繼分部分： a. 被繼承人為中華民國國籍者，應依民法第 1138 條至第 1141 條及第 1144 條規定辦理，如案次 16.1 問題，倘提問者之妻死亡，其繼承人（提問者及其二名子女）若具有中華民國國籍或有上開土地法第 18 條平等互惠關係者，得平均繼承之。 b. 被繼承人為外國籍者，依涉外民事法律適用法第 58 條規定，應依被繼承人死亡時之本國法規定辦理，其繼承人應將合法繼承人製成系統表並簽註負責（參依繼承登記法令補充規定第 97 條規定）。 (2) 關於申請繼承登記應附文件部分，繼承人應依土地登記規則第 34 條及</p>	<p>Department of Land Administration</p> <p>1. Can foreigners acquire real estate in Taiwan, ROC ? Foreigners are allowed to acquire land in Taiwan to the extent that citizens of Taiwan are allowed to acquire land in the country of that foreigner. To find out which nationalities are allowed to acquire real estate in Taiwan, you can check the list of Reciprocal Nations for Foreigners Acquiring Land in Taiwan, ROC. (download from the website: http://www.land.moi.gov.tw/enhtml/filedown.asp?cid=624) Acquisition of land by foreigners is subject to self-use, investment or public welfare purposes, provided that such acquisition is consistent with the following land use: residences, business operations, churches, hospitals, foreign schools, embassies or consulates, public welfare institutions offices, cemeteries, or other uses approved by Taiwan. (Article 19, Land Act) But land used for forests reserves, fisheries and aquaculture, hunting reserves, desalination fields, mineral deposits areas, water resources, military purposes, or land adjacent to frontiers shall not be leased or transferred to foreigners, or used as collateral to foreigners. (Article 17, Land Act)</p> <p>2. How to apply for the registration of inheritance ? (1) If the decedent is Taiwanese, according to Article 1138 of the Taiwan Civil Code, their children are the first order of heirs to the property. The spouse is the heir apparent and shall have equal claim to the inheritance as the children. (2) If the decedent is of another nationality, according to Article 58, the Application of Laws to Civil</p>
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		<p>第 119 條規定提出相關文件申請登記，倘為外國人者，可以護照或中華民國居留證代替身分證明；在國外無法申請者，得檢附經我駐外館處驗證之授權書，授權第三人辦理土地登記事宜(參依土地登記規則第 40 條及第 41 條 7 款規定)。</p> <p>移民署： 外國人想在臺安渡餘生，其究應申請永久居留或歸化我國國籍，其適用法令不同，各有利弊，應由當事人自行決定最佳方式。</p> <p>行政院勞工委員會： 1. 關於勞工老年生活保障，一般可分為三個層次，有關第一層之勞工保險部分，查依勞工保險條例第 6 條第 1 項第 1 款至第 5 款規定，受僱於僱用 5 人以上事業單位之員工、依法不得參加公教人員保險之政府機關及公、私立學校之員工及受僱從事漁業生產之勞動者，應以其雇主為投保單位，參加勞工保險。同條第 3 項規定，所稱勞工，包括在職外國籍員工。是以，外籍人士如係依法在我國工作，並符合上開規定，即應依規定參加勞工保險。又依規定參加勞工保險為被保險人者，無論本國人或外國人，於符合保險給付條件時，得請領相關保</p>	<p>Matters Involving Foreign Elements, matters of inheritance should be in accordance with the law of his country of origin.</p> <p>(3) The application for registration of inheritance, foreigner should submit the passport or the residence permit of the ROC. For further information, please visit the website of Department of Land Administration, Ministry of the Interior. (http://www.land.moi.gov.tw/)</p> <p>National Immigration Agency For foreigners who would like to spend the rest of their lives in Taiwan, they may choose to apply for APRC or naturalization.</p> <p>Council of Labor Affairs 1. The protection of labor welfare in old age generally can be divided into three levels, the first level being labor insurance. According to the provisions of paragraph 1, subparagraphs (1) to (5) inclusive, of Article 6 of Labor Insurance Act, workers employed by a company or firm with more than five employees, employees of government offices or public or private schools who are not legally entitled to join civil servants' insurance or the insurance of teachers and employees of private schools or workers employed in fishing production, shall all be insured under this program as insured persons, with their employers as the insured units. And the preceding provisions apply to employed foreign nationals. Therefore, foreign workers who are</p>
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<p>17. / Tatsuhiko Hasegawa / Japan / Faculty Member</p>	<p>I was informed I would be eligible for an early retirement. (I am 60 years old this year. I worked since 2005.) If I retire and receive one-time pension, will I be allowed to stay in Taiwan (in a retirement home)? In other words, can I get a new ARC upon retirement from Academia Sinica? Am I supposed to go back to Japan, and visit Taiwan only 6 months every year? I am single. Am I supposed to marry a Taiwan citizen to have a strong tie to Taiwan to get an ARC? (假如退休並請領一次退休金,可以在臺繼續居留?我能從中研院獲得新的居留證?)</p>	<p>移民署： 1. 依移民法第 31 條第 4 項規定，外國人於居留期間內，因居留原因消失者，本署應廢止其居留許可，並註銷其外僑居留證。是以，以應聘事由在臺居留者，其因離職、退休而致居留原因消失，無法繼續在臺居留，合先敘明。 2. 依移民法第 25 條規定，外國人合法連續居留滿 5 年，每年在臺居住逾 183 天，且符合特定要件（如品行端正、有相關之財產或技能足以自立、符合我國國家利益）者，可向本署申請永久居留。當事人若符合申請永久居留之規定者，可建議其於退休前向本署申請永久居留，經許可後，即不受前述居留原因消失之影響。</p>	<p>National Immigration Agency 1. The Immigration Act stipulates that the NIA shall revoke the residence permit of an alien and cancel the alien's ARC if the reasons for residence are no longer valid(e.g. dismissal, retirement) during his/her residence. 2. You can apply for APRC if you meet the requirements of Article 25 of the Immigration Act(e.g. legally and continuously resided in Taiwan for 5 years and for more than 183 days each year). You can apply APRC before you retire, and the permanent resident status won't be affected once it is approved.</p>
<p>18. / Ngo Huynh Buu Trong / Vietnam / Student</p>	<p>i. What are the requirements (or documents) for TIGP student to apply visa for their family (wife and kids) to live in Taiwan? (not traveling visa) ii. When my wife can come to Taiwan by this type of visa, Can she apply for working license (or similar document) to work in Taiwan? iii. For traveling visa, How many visa one can apply for their family once? How long they can stay? (TIGP 學生需要何種文件,才能否申</p>	<p>外交部： 1. 依據規定，持外僑居留證在我國就學或研習者，其配偶及未成年子女倘擬來我國依親，須俟被依人在華居留滿一年，並備妥親屬關係證明及財力證明等文件，始得向駐外館處申請依親居留簽證。 2. 該等學生之家屬申獲外僑居留證後，得否免經許可在臺工作乙節，宜請行政院勞工委員會答覆。 3. 有關在臺就學之外籍人士親屬申請來臺簽證事，其得申請數量並無限制，本</p>	<p>Ministry of Foreign Affairs 1. According to the regulation for foreigners who hold Alien Resident Certificates (for study or research) in Taiwan, their spouse and children (under age 20) are eligible for applying for resident visas for joining family only after the student or researcher himself/herself has obtained an Alien Resident Certificate for more than one year. They may submit their applications, together with marriage registration certificates, birth certificates, and proofs of financial support at an Republic of China overseas mission.</p>

	<p>請家人來臺居留？外籍人士配偶來臺居留能申請工作許可？一次可申請多少家人簽證及能停留多久？）</p>	<p>部授權駐外館處審核後決定簽證之准駁、種類及停留期限。申請人得親辦亦得委託他人代辦。</p> <p>行政院勞工委員會：</p> <p>1. 依據就業服務法(以下簡稱本法)第 43 條規定，外國人未經雇主申請許可，不得在中華民國境內工作；復依本法第 48 條第 1 項規定，雇主聘僱外國人工作，應向本會申請許可。</p> <p>2. 目前開放得申請外籍專業人士之工作，依據本法第 46 條第 1 項第 1 款至第 6 款規定，計有(1)專門性或技術性(2)僑外資事業主管(3)教師(4)補習班語文教師(5)運動教練及運動員(6)宗教、藝術及演藝工作等 6 類工作。復查外國人從事就業服務法第 46 條第 1 項第 1 款至第 6 款工作資格及審查標準(以下簡稱審查標準)，已針對前揭 6 類工作之雇主資格及外國人聘僱標準訂定相關規範。其中，專門性或技術性人員來臺工作應具備下列資格之一：(一)</p>	<p>2. Regarding the issue about work permit, please consult the Council of Labor Affairs, Executive Yuan.</p> <p>3. For each family of the student or researcher, there is no limitation to the number of resident visa applications for family reunion purposes. The Ministry of Foreign Affairs has authorized the ROC overseas missions to process and make decisions on visa applications. The applicant can apply in person or authorize an agent to apply on his/her behalf for the visa.</p> <p>Council of Labor Affairs</p> <p>1. Legislation applicable to the applications for foreigners to work in Taiwan mainly include the Employment Services Act (hereinafter the “Act”), the Regulations on the Permission and Administration of the Employment of Foreign Workers (hereinafter the “Employment Regulations”) and the Standard of Qualification and Review for Foreigners Performing Work under Subparagraphs 1 to 6, Paragraph 1, Article 46 of the Employment Services Act (hereinafter the “Review Standards”).</p> <p>2. In accordance with Article 43 of the Act, foreigners are not allowed to work within the Republic of China without a permit, the application of which is to be filed by the employer. Paragraph 1, Article</p>
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		<p>依專門職業及技術人員考試法規定取得證書或執業資格者。(二)取得國內外大學相關系所之碩士以上學位者，或取得相關系所之學士學位而有2年以上相關工作經驗者。(三)服務跨國企業滿1年以上經指派來我國任職者。(四)經專業訓練，或自力學習，有5年以上相關經驗，而有創見及特殊表現者。而受聘僱薪資部分，以上各款外國人受僱薪資需達每月新臺幣4萬7,971元。</p> <p>3. 倘外籍學生之配偶與雇主均符合前揭審查標準之規範，經雇主提出申請經本會許可後，該配偶即可在臺工作。</p> <p>4. 另若外籍學生之配偶係具備外國學生來臺留學辦法規定之外國學生身分，則可依本法第50條以及雇主聘僱外國人許可及管理辦法之相關規定，以外國學生之身分逕向本會申請工作許可。</p>	<p>48 of the Act also stipulates that any employer hiring any foreign worker must apply for a permit with the Council.</p> <p>3. Currently white-collar foreign professionals are subject to the employer application system (employment permit). If both the spouse of the foreign student and the employer thereof meet the requirements under the above-mentioned Standards, after the employer files an application with the Council and receives a permit, the spouse can work in Taiwan.</p> <p>4. Also, if the spouse of the foreign student meets the qualification of foreign student under the Regulations Regarding International Students Undertaking Studies in Taiwan, an application for work permit may be filed with the Council as a foreign student.</p>
<p>19. / Muhammad Usman / Pakistan / Student</p>	<p>I want to discuss the document attestation issue for visa to Pakistan. To attest documents for Pakistani student they have to go Saudi Arabia which is very hard way for students. So my question is that is it possible for Pakistani students to do documents attestation from any other country. (巴基斯坦學生驗證問題?)</p>	<p>外交部： 巴基斯坦籍學生申請來臺就學事涉巴國相關文件驗證事宜，由於駐外館處辦理文件驗證有轄區之限制，在巴國未設有我國駐外館處之情形下，本部考量其國家語言、人文風俗、宗教、兩國關係、駐外館處與兼轄國(地)使領館領務互動關係(例如：交換領務簽章樣式、協查證照文件、申請簽證等)有無困難及文件與身分查證便利性等情，故指定駐沙烏地阿拉伯代表處兼轄辦理巴國文件驗證。</p>	<p>Ministry of Foreign Affairs In accordance with the “Act of Document Authentication by the Ministry of Foreign Affairs and Overseas Missions”, an ROC overseas mission can only authenticate document submitted within its consular jurisdiction. Since the ROC government currently doesn’t have a mission in Pakistan, after taking into consideration such factors as language, culture, religions, bilateral relations and the possibility of verifying the document, the Taipei Economic and Cultural Representative Office in the Kingdom of Saudi Arabia has been designated to take charge of Pakistani related affairs, including authentication of</p>

			<p>Pakistani documents.</p> <p>Should you have any questions, please contact <u>TAIPEI ECONOMIC AND CULTURAL REPRESENTATIVE OFFICE IN THE KINGDOM OF SAUDI ARABIA</u> Tel : (966-1)4881900 E-mail : sau @mofa.gov.tw Web site : www.taiwanembassy.org/SA</p>
20. / Abirami Santhanam / Indian / Student	1)I want to ask about the yearly health check-ups. We know there is annual health check up for Sinica employees, why do not it be extended to TIGP student especially foreigners? 2)Can they provide any support for building Family Dorms? (關於中研院員工每年健康檢查,能否擴大到 TIGP 學生?能否提供支持建立家人宿舍。)	中央研究院： 有關本院每年定期舉辦之員工健康檢查, 檢查對象為本院全體人員及其眷屬, 並依「中央研究院接受委託及補助研究計畫管理費收支處理要點」第4點第4項規定「補助從事稀少性、危險性、重點研究項目、特殊環境工作之科學技術人員及辦理相關業務工作繁重人員之健康檢查費用」辦理補助, 是以, 本院 TIGP 學生得參加本院辦理之健康檢查, 至於健檢費用是否補助則由本院各單位依上開作業要點規定辦理, 不符規定者須全額自費。	Academia Sinica The Academy's yearly health check-ups are offered to all the staff and their family members, and the subsidies for the staff are provided according to the regulation for science and technical staff who engage in dangerous and rare research projects and the staff who manages burdensome tasks. TIGP students can also join the health check-ups, but it is decided by each unit whether or not the fees will be covered.
21. / Masanori Nakamura / Japanese / Any Other	In addition to the pension issue, the end of year bonus is not provided for a visiting scholar position. I would like to ask about this regulation. (除退休金議題外,能否提供訪問學者年終獎金, 想知道規定。)	教育部： 有關中研院是否發給其所聘邀訪問學者年終獎金, 宜請該院本權責卓處。 行政院勞工委員會： 查事業單位依民俗發給勞工之年終獎金, 屬事業單位之勞工福利事項, 有關其發放之要件、標準、方式等事宜, 勞動基準法並無規定。可由勞雇雙方自行協商或依事業單位所訂工作規則辦理。	Ministry of Education As per the attached documents. Council of Labor Affairs The custom of a business entity giving year-end bonuses to its employees is a labor benefit practice. There is no regulation regarding the related conditions, standards and approaches. They can be conducted according to the results of employee-employer negotiations or the work rules established by the business entity. Academia Sinica According to the Regulations governing 2011

		<p>及慰問金發給注意事項」規定，年終工作獎金發給對象及比照適用對象，摘要如下：</p> <p>(1) 發給對象：各級政府年度總預算所列員額與年度進行中經核准增加員額之現職軍公教人員（含技警工友），及於一百年中退休（役、職）、資遣、死亡人員核發年終工作獎金。</p> <p>(2) 比照適用對象：</p> <p>a. 考試錄取分發（配）各機關訓練或學習人員及服替代役役男，比照本注意事項規定核發年終工作獎金。</p> <p>b. 各機關臨時人員、聘用人員、約僱人員及職務代理人，依其月支（或日支）報酬金額比照計發年終工作獎金。</p> <p>2. 基上，因訪問學者非前開注意事項之發放對象，故訪問學者並無發放年終獎金。</p>	<p>Year-end bonus and consolation pension for military, government, and teaching staff, persons who can receive the year-end bonus include current military, government and teaching staff and those staff who retire, are dismissed, or are deceased in the current year, and also alternative military servicemen, temporary, and contract employees. Accordingly, visiting scholars are not included in these categories and therefore cannot receive the year-end bonus.</p>
<p>22. / Sachin Shivatare / India / Student</p>	<p>About Incom Tax regulation for students (關於學生繳稅規定。)</p>	<p>財政部：</p> <p>1. 我國所得稅課稅規定說明如案次 9，不因所得人是否具學生身分而不同。</p> <p>2. 至中華民國政府或外國政府，國際機構、教育、文化、科學研究機關、團體，或其他公私組織，為獎勵進修、研究或參加科學或職業訓練而給與之獎學金及研究、考察補助費等，依所得稅法第 4 條第 1 項第 8 款規定，免納所得稅。但受領之獎學金或補助費，如係授與人提供勞務所取得之報酬，不適用之。</p>	<p>Ministry of Finance</p> <p>1. The taxation of the income tax on individuals in the ROC is elaborated in Item 9. The elaboration above on the income tax liability of an individual does not differentiate between the status of students and others.</p> <p>2. Scholarships and subsidies shall be exempted from income tax if such scholarships and subsidies are granted by the ROC government or foreign governments, international institutes, educational, cultural or scientific research organizations, associations, or other private or public associations for the encouragement of advanced studies, research or participation in scientific or professional training. However, such exemption shall not apply if the scholarships or subsidies are the remuneration for services rendered.</p>

<p>23. / Pola Someshwar / India / Postdoc</p>	<p>Income Tax Deduction from salary each Institute is different for PosDoc's, please find it. (每個機構所扣繳之稅額不同。)</p>	<p>財政部： 有關我國薪資所得扣繳規定說明如下： 1. 外籍人士於一課稅年度內，在我國境內居留未滿 183 天者，依所得稅法規定，係屬非居住者，其薪資所得，應由扣繳義務人於給付時按 18% 稅率扣繳所得稅，但全月薪資給付總額在行政院核定每月基本工資 1.5 倍以下者(2011 年為 26,820 元、2012 年 28,170 元)，按 6% 稅率扣繳所得稅。 2. 外籍人士於一課稅年度內，在我國境內居留滿 183 天者，則屬居住者，其薪資所得應由扣繳義務人於給付時按居住者扣繳(依薪資所得扣繳稅額表扣繳或按全月給付總額扣取 5%)，並應辦理所得稅結算申報。 3. 扣繳義務人可就外籍人士護照或居留證所載居留期間判斷，如經核准在一課稅年度內在我國居留滿 183 天者，即可按居住者扣繳，其護照或居留證所載居留期不超過 183 天者，或其未提供居留證以證明其在一課稅年度將居留滿 183 天以上者，扣繳義務人應按非居住者扣繳，嗣該外籍人士於一課稅年度內實際在我國境內居留超過 183 天時，應依法辦理結算申報，其已扣繳稅款得抵繳結算申報應納稅款。</p>	<p>Ministry of Finance</p> <p>1. An alien who resides in the ROC less than 183 days in a taxable year shall be considered as a non-resident in accordance with the Income Tax Act. The wages or salaries received by such alien shall be subject to a withholding tax and the tax shall be withheld by the withholding agent upon payment of wages or salaries at a rate of 18%. However, in the case of the amount of wages or salaries not exceeding 1.5 times the monthly basis salary as assessed by the Executive Yuan (i.e., not exceeding NTD 26,820 in 2011 and NTD 28,170 in 2012), the withholding tax rate is 6%.</p> <p>2. An alien who resides in the ROC 183 days or more in a taxable year shall be considered as a resident. Wages or salaries received by the alien shall be subject to a withholding tax and the tax shall be withheld by the withholding agent upon payment of wages or salaries at a rate applied to "resident" (at a rate of 5% or in accordance with "The Regulations Governing the Withholding of Tax on Wages"). However, such alien shall file an annual income tax return and the amount of aforesaid withholding tax already declared and paid may be deducted from the amount of income tax payable.</p> <p>3. The withholding agent may refer to the alien's passport or resident certificate when determining the residence status of the alien: if the accumulated days of stay in the ROC recorded on the passport or the period of the validity of the resident certificate of the ROC is 183 days or more in a taxable year, the withholding agent may withhold income tax at a rate prescribed to "resident"; if the accumulated days of stay in the ROC recorded on the passport or the period of the validity of the resident certificate of the ROC is less than 183 days in a taxable year or the alien fails to present the resident certificate to prove his/her length of stay in the ROC is 183 days or more in a taxable year, the withholding agent shall withhold income tax at a rate prescribed to "non-resident". In the latter case, if the alien afterward resides in the ROC for 183 days or more in a taxable year, he/she shall file an annual income tax return and the amount of aforesaid withholding tax already declared and paid may be deducted from the amount of income tax payable.</p>
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<p>24. / Nagababu / Indian / Postdoc</p>	<p>why only few departments have the rule to cut (every year) 18% Tax from the salary, but not in other departments. within academia sinica having different rules? (為何僅有少數單位有刪除薪水扣稅18%的制度?中央研究院是否還有其他相關規定?)</p>	<p>財政部： 有關我國薪資所得扣繳規定說明如下： 1. 外籍人士於一課稅年度內，在我國境內居留未滿 183 天者，依所得稅法規定，係屬非居住者，其薪資所得，應由扣繳義務人於給付時按 18%稅率扣繳所得稅，但全月薪資給付總額在行政院核定每月基本工資 1.5 倍以下者(2011 年為 26,820 元、2012 年 28,170 元)，按 6% 稅率扣繳所得稅。 2. 外籍人士於一課稅年度內，在我國境內居留滿 183 天者，則屬居住者，其薪資所得應由扣繳義務人於給付時按居住者扣繳(依薪資所得扣繳稅額表扣繳或按全月給付總額扣取 5%)，並應辦理所得稅結算申報。 3. 扣繳義務人可就外籍人士護照或居留證所載居留期間判斷，如經核准在一課稅年度內在我國居留滿 183 天者，即可按居住者扣繳，其護照或居留證所載居留期不超過 183 天者，或其未提供居留證以證明其在一課稅年度將居留滿 183 天以上者，扣繳義務人應按非居住者扣繳，嗣該外籍人士於一課稅年度內實際在我國境內居留超過 183 天時，應依法辦理結算申報，其已扣繳稅款得抵繳結算申報應納稅款。</p>	<p>Ministry of Finance 1. An alien who resides in the ROC less than 183 days in a taxable year shall be considered as a non-resident in accordance with the Income Tax Act. The wages or salaries received by such alien shall be subject to a withholding tax and the tax shall be withheld by the withholding agent upon payment of wages or salaries at a rate of 18%. However, in the case of the amount of wages or salaries not exceeding 1.5 times the monthly basis salary as assessed by the Executive Yuan (i.e., not exceeding NTD 26,820 in 2011 and NTD 28,170 in 2012), the withholding tax rate is 6%. 2. An alien who resides in the ROC 183 days or more in a taxable year shall be considered as a resident. Wages or salaries received by the alien shall be subject to a withholding tax and the tax shall be withheld by the withholding agent upon payment of wages or salaries at a rate applied to "resident" (at a rate of 5% or in accordance with "The Regulations Governing the Withholding of Tax on Wages"). However, such alien shall file an annual income tax return and the amount of aforesaid withholding tax already declared and paid may be deducted from the amount of income tax payable. 3. The withholding agent may refer to the alien's passport or resident certificate when determining the residence status of the alien: if the accumulated days of stay in the ROC recorded on the passport or the period of the validity of the resident certificate of the ROC is 183 days or more in a taxable year, the withholding agent may withhold income tax at a rate prescribed to "resident"; if the accumulated days of stay in the ROC recorded on the passport or the period of the validity of the resident certificate of the ROC is less than 183 days in a taxable year or the alien fails to present the resident certificate to prove his/her length of stay in the ROC is 183 days or more in a taxable year, the withholding agent shall withhold income tax at a rate prescribed to "non-resident". In the latter case, if the alien afterward resides in the ROC for 183 days or more in a taxable year, he/she shall file an annual income tax return and the amount of aforesaid withholding tax already declared and paid may be deducted from the amount of income tax payable.</p>
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<p>25. / Fabian Heubel 何乏筆 / German / Faculty Member</p>	<p>最關鍵的問題還是退休金的問題(外籍人士目前的對待不公不正);若此問題不解決,將是離開中研院的重要理由。</p>	<p>教育部: 所提意見詳如附表。</p> <p>行政院勞工委員會:</p> <ol style="list-style-type: none"> 1. 關於勞工老年生活保障,一般可分為三個層次,有關第一層之勞工保險部分,查依勞工保險條例第6條第1項第1款至第5款規定,受僱於僱用5人以上事業單位之員工、依法不得參加公教人員保險之政府機關及公、私立學校之員工及受僱從事漁業生產之勞動者,應以其雇主為投保單位,參加勞工保險。同條第3項規定,所稱勞工,包括在職外國籍員工。是以,外籍人士如係依法在我國工作,並符合上開規定,即應依規定參加勞工保險。又依規定參加勞工保險為被保險人者,無論本國人或外國人,於符合保險給付條件時,得請領相關保險給付。 2. 依勞工保險條例第58條第1項規定,保險年資合計滿15年,年齡滿60歲且離職退保者,得請領老年年金給付;保險年資未滿15年者,得請領老年一次金。同條第2項規定,98年1月1日前有保險年資者,於符合舊制老年給付條件之一時,亦得選擇一次請領老年給付。 3. 另中央研究院之研究人員,如非依公務 	<p>Ministry of Education</p> <p>As per the attached documents.</p> <p>Council of Labor Affairs</p> <ol style="list-style-type: none"> 1. The protection of labor welfare in old age generally can be divided into three levels, the first level being labor insurance. According to the provisions of paragraph 1, subparagraphs (1) to (5) inclusive, of Article 6 of Labor Insurance Act, workers employed by a company or firm with more than five employees, employees of government offices or public or private schools who are not legally entitled to join civil servants' insurance or the insurance of teachers and employees of private schools or workers employed in fishing production, shall all be insured under this program as insured persons, with their employers as the insured units. And the preceding provisions apply to employed foreign nationals. Therefore, foreign workers who are allowed to work according to related regulations, shall be insured as insured persons referred to the preceding provisions. 2. In addition, according to the provision of Article 58 of the same act, an insured person who is at least 60 years of age, and whose insurance coverage has reached the fifteenth year may claim for old-age pension benefit, or claim for a lump sum old-age benefit if the insurance coverage year has not reached the fifteenth year. If the insured person has insurance coverage before the enforcement of Labor Insurance Act on January 1, 2009 and meets the conditions of a lump sum old-age benefit, may choose to claim lump sum old-age benefit. 3. Starting from Jan. 1 2008, the Labor Standards Act
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<p>26. / Peter ZARROW (沙培德) / USA / Faculty Member</p>	<p>Is there no way to provide full-time foreign employees who retire in Taiwan with the option of receiving their pension in the form of monthly payments, instead of only a single lump-sum payment? (對於在臺灣退休的全職外籍勞工給予退休金的方式,是否可採月退制而非一次領取?)</p>	<p>教育部： 所提意見詳如附表。</p> <p>行政院勞工委員會：</p> <p>1. 關於勞工老年生活保障，一般可分為三個層次，有關第一層之勞工保險部分，查依勞工保險條例第6條第1項第1款至第5款規定，受僱於僱用5人以上事業單位之員工、依法不得參加公教人員保險之政府機關及公、私立學校之員工及受僱從事漁業生產之勞動者，應以其雇主為投保單位，參加勞工保險。同條第3項規定，所稱勞工，包括在職外國籍員工。是以，外籍人士如係依法在我國工作，並符合上開規定，即應依規定參加勞工保險。又依規定參加勞工保險為被保險人者，無論本國人或外國人，於符合保險給付條件時，得請領相關保險給付。</p> <p>2. 依勞工保險條例第58條第1項規定，保險年資合計滿15年，年齡滿60歲且離職退保者，得請領老年年金給付；保險年資未滿15年者，得請領老年一次金。同條第2項規定，98年1月1日前有保險年資者，於符合舊制老年給付條件之一時，亦得選擇一次請領老年給付。</p> <p>3. 另中央研究院之研究人員，如非依公務</p>	<p>Ministry of Education As per the attached documents.</p> <p>Council of Labor Affairs</p> <p>1. The protection of labor welfare in old age generally can be divided into three levels, the first level being labor insurance. According to the provisions of paragraph 1, subparagraphs (1) to (5) inclusive, of Article 6 of Labor Insurance Act, workers employed by a company or firm with more than five employees, employees of government offices or public or private schools who are not legally entitled to join civil servants' insurance or the insurance of teachers and employees of private schools or workers employed in fishing production, shall all be insured under this program as insured persons, with their employers as the insured units. And the preceding provisions apply to employed foreign nationals. Therefore, foreign workers who are allowed to work according to related regulations, shall be insured as insured persons referred to the preceding provisions.</p> <p>2. In addition, according to the provision of Article 58 of the same act, an insured person who is at least 60 years of age, and whose insurance coverage has reached the fifteenth year may claim for old-age pension benefit, or claim for a lump sum old-age benefit if the insurance coverage year has not reached the fifteenth year. If the insured person has insurance coverage before the enforcement of Labor Insurance Act on January 1, 2009 and meets the conditions of a lump sum old-age benefit, may choose to claim lump sum old-age benefit.</p>
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		<p>人員法制進用者，不論國籍，自 97 年 1 月 1 日起適用勞動基準法，復依勞工退休金條例第 7 條規定，該條例之適用對象為適用勞動基準法之本國籍勞工，故中央研究院非依公務人員法制進用之外籍研究人員，其第二層企業退休金制度之保障，適用勞動基準法之退休金規定。符合勞動基準法退休要件者，其退休金給與標準，依勞動基準法第 84 條之 2 及同法第 55 條規定辦理；適用勞動基準法後之工作年資，其退休金依勞動基準法第 55 條計算並一次發給。</p> <p>4. 勞工退休金條例於 94 年 7 月 1 日施行，依該條例規定，勞工年滿 60 歲，提繳年資滿 15 年以上者，請領月退休金；未滿 15 年者，請領一次退休金。為利該項制度之推行、勞工退休金適用對象及範圍明確，故以適用勞動基準法之本國籍勞工為適用對象。</p>	<p>3. Starting from Jan. 1 2008, the Labor Standards Act applies to researchers at Academia Sinica, regardless of their nationality, providing that they are not employed according to civil service regulations. And, according to Article 7 of the Labor Pension Act, the Act applies to local employees who are subject to the regulations in the Labor Standards Act. Therefore, pension provisions of the Labor Standards Law are applicable to foreign researchers at Academia Sinica who have not been employed according to civil service regulations are applicable to the pension provisions of the Labor Standards Law so as to ensure the second pillar of the pension system for such workers. The standards of retirement benefits for those who meet the requirement conditions in the Labor Standards Act shall be calculated in accordance with Articles 84-2 and 55 of the Act. After the application of the Labor Standards Act, the standards of retirement benefits for the seniority accumulated shall be calculated in accordance with Articles 55 of the Act and paid in one lump sum.</p> <p>4. The Labor Pension Act was implemented on July 1, 2005. An employee who is sixty years or older and whose seniority exceeds fifteen years, shall claim for monthly pension payment. However, an employee whose seniority is less than fifteen years shall claim for lump-sum payment of retirement. To facilitate the implementation of the said system as well as to ensure unmistakable definition of the subjects and range to which labor pension regulations apply, the said act applies only to local employees who are subject to the Labor Standards Act.</p>
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<p>27. / Lim Siow Chiow, Carmay / Malaysian / Faculty Member</p>	<p>1. I came to work in Academia Sinica starting 1 Jan 1995. I now have permanent residency in Taiwan. When I retire, what benefits do I get? Do I get a monthly payment like local Taiwanese? How is this amount computed?</p> <p>(我自 1995 年開始在中研院工作，而現已取得永久居留身份，請問退休時可享有哪些福利?是否可與臺灣人同樣享有月退制?是怎麼計算?)</p>	<p>教育部： 所提意見詳如附表。</p> <p>行政院勞工委員會：</p> <p>1. 關於勞工老年生活保障，一般可分為三個層次，有關第一層之勞工保險部分，查依勞工保險條例第 6 條第 1 項第 1 款至第 5 款規定，受僱於僱用 5 人以上事業單位之員工、依法不得參加公教人員保險之政府機關及公、私立學校之員工及受僱從事漁業生產之勞動者，應以其雇主為投保單位，參加勞工保險。同條第 3 項規定，所稱勞工，包括在職外國籍員工。是以，外籍人士如係依法在我國工作，並符合上開規定，即應依規定參加勞工保險。又依規定參加勞工保險為被保險人者，無論本國人或外國人，於符合保險給付條件時，得請領相關保險給付。</p> <p>2. 依勞工保險條例第 58 條第 1 項規定，保險年資合計滿 15 年，年齡滿 60 歲且離職退保者，得請領老年年金給付；保險年資未滿 15 年者，得請領老年一次金。同條第 2 項規定，98 年 1 月 1 日前有保險年資者，於符合舊制老年給付條件之一時，亦得選擇一次請領老年給付。</p> <p>3. 另中央研究院之研究人員，如非依公務</p>	<p>Ministry of Education</p> <p>As per the attached documents.</p> <p>Council of Labor Affairs</p> <p>1. The protection of labor welfare in old age generally can be divided into three levels, the first level being labor insurance. According to the provisions of paragraph 1, subparagraphs (1) to (5) inclusive, of Article 6 of Labor Insurance Act, workers employed by a company or firm with more than five employees, employees of government offices or public or private schools who are not legally entitled to join civil servants' insurance or the insurance of teachers and employees of private schools or workers employed in fishing production, shall all be insured under this program as insured persons, with their employers as the insured units. And the preceding provisions apply to employed foreign nationals. Therefore, foreign workers who are allowed to work according to related regulations, shall be insured as insured persons referred to the preceding provisions.</p> <p>2. In addition, according to the provision of Article 58 of the same act, an insured person who is at least 60 years of age, and whose insurance coverage has reached the fifteenth year may claim for old-age pension benefit, or claim for a lump sum old-age benefit if the insurance coverage year has not reached the fifteenth year. If the insured person has insurance coverage before the enforcement of Labor Insurance Act on January 1, 2009 and meets the conditions of a lump sum old-age benefit, may choose to claim lump sum old-age benefit.</p> <p>3. Starting from Jan. 1 2008, the Labor Standards Act</p>
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<p>28. / Alec Maassen van den Brink / Nether lands / Faculty Member</p>	<p>I second Steve Roffler's issue about the pension inequality between Taiwanese and overseas staff. Apart from this, Taiwan is a pretty convenient place for foreigners to work. Of course, it's always nice to have documents, websites, etc. available in English. (相對於臺灣人及海外員工的退休金，有不平等待遇)</p>	<p>教育部： 所提意見詳如附表。</p> <p>行政院勞工委員會： 1. 關於勞工老年生活保障，一般可分為三個層次，有關第一層之勞工保險部分，查依勞工保險條例第 6 條第 1 項第 1 款至第 5 款規定，受僱於僱用 5 人以上事業單位之員工、依法不得參加公教人員保險之政府機關及公、私立學校之員工</p>	<p>Ministry of Education As per the attached documents.</p> <p>Council of Labor Affairs 1. The protection of labor welfare in old age generally can be divided into three levels, the first level being labor insurance. According to the provisions of paragraph 1, subparagraphs (1) to (5) inclusive, of Article 6 of Labor Insurance Act, workers employed by a company or firm with more than five employees, employees of government offices or public or private schools who are not legally entitled</p>

		<p>及受僱從事漁業生產之勞動者，應以其雇主為投保單位，參加勞工保險。同條第3項規定，所稱勞工，包括在職外國籍員工。是以，外籍人士如係依法在我國工作，並符合上開規定，即應依規定參加勞工保險。又依規定參加勞工保險為被保險人者，無論本國人或外國人，於符合保險給付條件時，得請領相關保險給付。</p> <p>2. 依勞工保險條例第58條第1項規定，保險年資合計滿15年，年齡滿60歲且離職退保者，得請領老年年金給付；保險年資未滿15年者，得請領老年一次金。同條第2項規定，98年1月1日前有保險年資者，於符合舊制老年給付條件之一時，亦得選擇一次請領老年給付。</p> <p>3. 另中央研究院之研究人員，如非依公務人員法制進用者，不論國籍，自97年1月1日起適用勞動基準法，復依勞工退休金條例第7條規定，該條例之適用對象為適用勞動基準法之本國籍勞工，故中央研究院非依公務人員法制進用之外籍研究人員，其第二層企業退休金制度之保障，適用勞動基準法之退休金規定。符合勞動基準法退休要件者，其退休金給與標準，依勞動基準法第84條之2及同法第55條規定辦理；適用勞</p>	<p>to join civil servants' insurance or the insurance of teachers and employees of private schools or workers employed in fishing production, shall all be insured under this program as insured persons, with their employers as the insured units. And the preceding provisions apply to employed foreign nationals. Therefore, foreign workers who are allowed to work according to related regulations, shall be insured as insured persons referred to the preceding provisions.</p> <p>2. In addition, according to the provision of Article 58 of the same act, an insured person who is at least 60 years of age, and whose insurance coverage has reached the fifteenth year may claim for old-age pension benefit, or claim for a lump sum old-age benefit if the insurance coverage year has not reached the fifteenth year. If the insured person has insurance coverage before the enforcement of Labor Insurance Act on January 1, 2009 and meets the conditions of a lump sum old-age benefit, may choose to claim lump sum old-age benefit.</p> <p>3. Starting from Jan. 1 2008, the Labor Standards Act applies to researchers at Academia Sinica, regardless of their nationality, providing that they are not employed according to civil service regulations. And, according to Article 7 of the Labor Pension Act, the Act applies to local employees who are subject to the regulations in the Labor Standards Act. Therefore, pension provisions of the Labor Standards Law are applicable to foreign researchers at Academia Sinica who have not been employed according to civil service regulations are applicable to the pension provisions of the Labor Standards Law so as to ensure the second pillar of the pension</p>
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		動基準法後之工作年資，其退休金依勞動基準法第 55 條計算並一次發給。	system for such workers. The standards of retirement benefits for those who meet the requirement conditions in the Labor Standards Act shall be calculated in accordance with Articles 84-2 and 55 of the Act. After the application of the Labor Standards Act, the standards of retirement benefits for the seniority accumulated shall be calculated in accordance with Articles 55 of the Act and paid in one lump sum.
29. / Dr. Shura Hayryan / Armenian / Postdoc	1. I am 58 years old and have been working in AC for 13 and half years without break. My current project allows me to work for another 2 and half years, after which, most probably, I will retire (at age 60 or 61). Question: what kind of pension may I hope for? (我現年 58 歲，已工作了 13 年半，預計再過 2 年半後退休，請問退休金的相關制度?)	教育部： 所提意見詳如附表。 行政院勞工委員會： 1. 關於勞工老年生活保障，一般可分為三個層次，有關第一層之勞工保險部分，查依勞工保險條例第 6 條第 1 項第 1 款至第 5 款規定，受僱於僱用 5 人以上事業單位之員工、依法不得參加公教人員保險之政府機關及公、私立學校之員工及受僱從事漁業生產之勞動者，應以其雇主為投保單位，參加勞工保險。同條第 3 項規定，所稱勞工，包括在職外國籍員工。是以，外籍人士如係依法在我國工作，並符合上開規定，即應依規定參加勞工保險。又依規定參加勞工保險為被保險人者，無論本國人或外國人，於符合保險給付條件時，得請領相關保險給付。 2. 依勞工保險條例第 58 條第 1 項規定，保險年資合計滿 15 年，年齡滿 60 歲且	Ministry of Education As per the attached documents. Council of Labor Affairs 1. The protection of labor welfare in old age generally can be divided into three levels, the first level being labor insurance. According to the provisions of paragraph 1, subparagraphs (1) to (5) inclusive, of Article 6 of Labor Insurance Act, workers employed by a company or firm with more than five employees, employees of government offices or public or private schools who are not legally entitled to join civil servants' insurance or the insurance of teachers and employees of private schools or workers employed in fishing production, shall all be insured under this program as insured persons, with their employers as the insured units. And the preceding provisions apply to employed foreign nationals. Therefore, foreign workers who are allowed to work according to related regulations, shall be insured as insured persons referred to the preceding provisions. 2. In addition, according to the provision of Article 58 of the same act, an insured person who is at least 60 years of age, and whose insurance coverage has

		<p>離職退保者，得請領老年年金給付；保險年資未滿 15 年者，得請領老年一次金。同條第 2 項規定，98 年 1 月 1 日前有保險年資者，於符合舊制老年給付條件之一時，亦得選擇一次請領老年給付。</p> <p>3. 另中央研究院之研究人員，如非依公務人員法制進用者，不論國籍，自 97 年 1 月 1 日起適用勞動基準法，復依勞工退休金條例第 7 條規定，該條例之適用對象為適用勞動基準法之本國籍勞工，故中央研究院非依公務人員法制進用之外籍研究人員，其第二層企業退休金制度之保障，適用勞動基準法之退休金規定。符合勞動基準法退休要件者，其退休金給與標準，依勞動基準法第 84 條之 2 及同法第 55 條規定辦理；適用勞動基準法後之工作年資，其退休金依勞動基準法第 55 條計算並一次發給。</p>	<p>reached the fifteenth year may claim for old-age pension benefit, or claim for a lump sum old-age benefit if the insurance coverage year has not reached the fifteenth year. If the insured person has insurance coverage before the enforcement of Labor Insurance Act on January 1, 2009 and meets the conditions of a lump sum old-age benefit, may choose to claim lump sum old-age benefit.</p> <p>3. Starting from Jan. 1 2008, the Labor Standards Act applies to researchers at Academia Sinica, regardless of their nationality, providing that they are not employed according to civil service regulations. And, according to Article 7 of the Labor Pension Act, the Act applies to local employees who are subject to the regulations in the Labor Standards Act. Therefore, pension provisions of the Labor Standards Law are applicable to foreign researchers at Academia Sinica who have not been employed according to civil service regulations are applicable to the pension provisions of the Labor Standards Law so as to ensure the second pillar of the pension system for such workers. The standards of retirement benefits for those who meet the requirement conditions in the Labor Standards Act shall be calculated in accordance with Articles 84-2 and 55 of the Act. After the application of the Labor Standards Act, the standards of retirement benefits for the seniority accumulated shall be calculated in accordance with Articles 55 of the Act and paid in one lump sum.</p>
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<p>30. / Jonathan Evans / USA / Faculty Member</p>	<p>1. The retirement pension system that is biased against non-ROC citizens. Of course, I would be honored to become an ROC citizen, but I don't want to renounce my current citizenship. ROC citizens are permitted to take a second citizenship without renouncing ROC citizenship.</p> <p>2. Bilingual education beyond 6th grade. The only option for parents who can't help their kids to master Chinese is to send them to private school which is not at all affordable. Some parents even have to send their kids back to their passport country to finish school.</p> <p>(現有的退休金制度對於非臺灣籍的勞工不公平。雙語教育僅提供至 6 年級,如果繼續升學就必須要送到負擔不起的私立學校或是送回原籍國。)</p>	<p>教育部： 所提意見詳如附表。</p> <p>行政院勞工委員會：</p> <p>1. 關於勞工老年生活保障，一般可分為三個層次，有關第一層之勞工保險部分，查依勞工保險條例第 6 條第 1 項第 1 款至第 5 款規定，受僱於僱用 5 人以上事業單位之員工、依法不得參加公教人員保險之政府機關及公、私立學校之員工及受僱從事漁業生產之勞動者，應以其雇主為投保單位，參加勞工保險。同條第 3 項規定，所稱勞工，包括在職外國籍員工。是以，外籍人士如係依法在我國工作，並符合上開規定，即應依規定參加勞工保險。又依規定參加勞工保險為被保險人者，無論本國人或外國人，於符合保險給付條件時，得請領相關保險給付。</p> <p>2. 依勞工保險條例第 58 條第 1 項規定，保險年資合計滿 15 年，年齡滿 60 歲且離職退保者，得請領老年年金給付；保險年資未滿 15 年者，得請領老年一次金。同條第 2 項規定，98 年 1 月 1 日前有保險年資者，於符合舊制老年給付條件之一時，亦得選擇一次請領老年給付。</p> <p>3. 另中央研究院之研究人員，如非依公務</p>	<p>Ministry of Education As per the attached documents.</p> <p>Council of Labor Affairs</p> <p>1. The protection of labor welfare in old age generally can be divided into three levels, the first level being labor insurance. According to the provisions of paragraph 1, subparagraphs (1) to (5) inclusive, of Article 6 of Labor Insurance Act, workers employed by a company or firm with more than five employees, employees of government offices or public or private schools who are not legally entitled to join civil servants' insurance or the insurance of teachers and employees of private schools or workers employed in fishing production, shall all be insured under this program as insured persons, with their employers as the insured units. And the preceding provisions apply to employed foreign nationals. Therefore, foreign workers who are allowed to work according to related regulations, shall be insured as insured persons referred to the preceding provisions.</p> <p>2. In addition, according to the provision of Article 58 of the same act, an insured person who is at least 60 years of age, and whose insurance coverage has reached the fifteenth year may claim for old-age pension benefit, or claim for a lump sum old-age benefit if the insurance coverage year has not reached the fifteenth year. If the insured person has insurance coverage before the enforcement of Labor Insurance Act on January 1, 2009 and meets the conditions of a lump sum old-age benefit, may choose to claim lump sum old-age benefit.</p> <p>3. Starting from Jan. 1 2008, the Labor Standards Act</p>
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		<p>人員法制進用者，不論國籍，自 97 年 1 月 1 日起適用勞動基準法，復依勞工退休金條例第 7 條規定，該條例之適用對象為適用勞動基準法之本國籍勞工，故中央研究院非依公務人員法制進用之外籍研究人員，其第二層企業退休金制度之保障，適用勞動基準法之退休金規定。符合勞動基準法退休要件者，其退休金給與標準，依勞動基準法第 84 條之 2 及同法第 55 條規定辦理；適用勞動基準法後之工作年資，其退休金依勞動基準法第 55 條計算並一次發給。</p>	<p>applies to researchers at Academia Sinica, regardless of their nationality, providing that they are not employed according to civil service regulations. And, according to Article 7 of the Labor Pension Act, the Act applies to local employees who are subject to the regulations in the Labor Standards Act. Therefore, pension provisions of the Labor Standards Law are applicable to foreign researchers at Academia Sinica who have not been employed according to civil service regulations are applicable to the pension provisions of the Labor Standards Law so as to ensure the second pillar of the pension system for such workers. The standards of retirement benefits for those who meet the requirement conditions in the Labor Standards Act shall be calculated in accordance with Articles 84-2 and 55 of the Act. After the application of the Labor Standards Act, the standards of retirement benefits for the seniority accumulated shall be calculated in accordance with Articles 55 of the Act and paid in one lump sum</p>
<p>31. / John Wang / USA / Faculty Member</p>	<p>Is it possible to become a Taiwan citizen? For foreigners the retirement money is currently a lump sum. Will this change in the future? (要怎麼歸化成臺灣人?外籍人士的退休制度仍為一次領取,是否有改的可能?)</p>	<p>內政部戶政司： 外國人或無國籍人得依國籍法第 3 條至第 9 條規定，具備每年合計有 183 日以上合法居留之事實繼續一定期間以上或曾在中華民國領域內合法居留繼續 10 年以上；年滿 20 歲有行為能力；品行端正，無犯罪紀錄；有相當之財產或專業技能，足以自立，或生活保障無虞；具備我國基本語言能力及國民權利義務基本常識；喪失其原有國籍等要件，得申請歸化我國國</p>	<p>Department of Household Registration According to Article 3 or subparagraph 2 of paragraph 1 Article 5 of the Nationality Act, a foreign national or stateless person whose spouse or parents are not R.O.C. nationals and who now has a domicile in the territory of the Republic of China, if meeting concurrently the requisites provided in the following requirements, can apply for naturalization provided that: He/She annually has resided annually in the territory of the Republic of China for more than 183</p>

		<p>籍。</p> <p>教育部： 所提意見詳如附表。</p> <p>行政院勞工委員會：</p> <p>1. 關於勞工老年生活保障，一般可分為三個層次，有關第一層之勞工保險部分，查依勞工保險條例第6條第1項第1款至第5款規定，受僱於僱用5人以上事業單位之員工、依法不得參加公教人員保險之政府機關及公、私立學校之員工及受僱從事漁業生產之勞動者，應以其雇主為投保單位，參加勞工保險。同條第3項規定，所稱勞工，包括在職外國籍員工。是以，外籍人士如係依法在我</p>	<p>days in total for more than 5 consecutive continuous years or He/She has legally resided in the territory of the Republic of China for more than 10 years continuously consecutively; He /She is 20 years old or older and has the capacity to act in accordance with both the laws of the Republic of China and the laws of his/her own country; He/She behaves decently and has no records of crime; He/She has enough property or professional skills for his/her self-support or ensuring his/her living; He/She possesses basic language ability in the language of our country and understands the basic common knowledge of national's rights and obligations.</p> <p>Ministry of Education As per the attached documents.</p> <p>Council of Labor Affairs</p> <p>1. The protection of labor welfare in old age generally can be divided into three levels, the first level being labor insurance. According to the provisions of paragraph 1, subparagraphs (1) to (5) inclusive, of Article 6 of Labor Insurance Act, workers employed by a company or firm with more than five employees, employees of government offices or public or private schools who are not legally entitled to join civil servants' insurance or the insurance of teachers and employees of private schools or workers employed in fishing production, shall all be insured under this program as insured persons, with</p>
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		<p>國工作，並符合上開規定，即應依規定參加勞工保險。又依規定參加勞工保險為被保險人者，無論本國人或外國人，於符合保險給付條件時，得請領相關保險給付。</p> <p>2. 依勞工保險條例第 58 條第 1 項規定，保險年資合計滿 15 年，年齡滿 60 歲且離職退保者，得請領老年年金給付；保險年資未滿 15 年者，得請領老年一次金。同條第 2 項規定，98 年 1 月 1 日前有保險年資者，於符合舊制老年給付條件之一時，亦得選擇一次請領老年給付。</p> <p>3. 另中央研究院之研究人員，如非依公務人員法制進用者，不論國籍，自 97 年 1 月 1 日起適用勞動基準法，復依勞工退休金條例第 7 條規定，該條例之適用對象為適用勞動基準法之本國籍勞工，故中央研究院非依公務人員法制進用之外籍研究人員，其第二層企業退休金制度之保障，適用勞動基準法之退休金規定。符合勞動基準法退休要件者，其退休金給與標準，依勞動基準法第 84 條之 2 及同法第 55 條規定辦理；適用勞動基準法後之工作年資，其退休金依勞動基準法第 55 條計算並一次發給。</p> <p>4. 勞工退休金條例於 94 年 7 月 1 日施行，依該條例規定，勞工年滿 60 歲，提繳</p>	<p>their employers as the insured units. And the preceding provisions apply to employed foreign nationals. Therefore, foreign workers who are allowed to work according to related regulations, shall be insured as insured persons referred to the preceding provisions.</p> <p>2. In addition, according to the provision of Article 58 of the same act, an insured person who is at least 60 years of age, and whose insurance coverage has reached the fifteenth year may claim for old-age pension benefit, or claim for a lump sum old-age benefit if the insurance coverage year has not reached the fifteenth year. If the insured person has insurance coverage before the enforcement of Labor Insurance Act on January 1, 2009 and meets the conditions of a lump sum old-age benefit, may choose to claim lump sum old-age benefit.</p> <p>3. Starting from Jan. 1 2008, the Labor Standards Act applies to researchers at Academia Sinica, regardless of their nationality, providing that they are not employed according to civil service regulations. And, according to Article 7 of the Labor Pension Act, the Act applies to local employees who are subject to the regulations in the Labor Standards Act. Therefore, pension provisions of the Labor Standards Law are applicable to foreign researchers at Academia Sinica who have not been employed according to civil service regulations are applicable to the pension provisions of the Labor Standards Law so as to ensure the second pillar of the pension system for such workers. The standards of retirement benefits for those who meet the requirement conditions in the Labor Standards Act shall be calculated in accordance with Articles 84-2</p>
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		<p>年資滿 15 年以上者，請領月退休金；未滿 15 年者，請領一次退休金。為利該項制度之推行、勞工退休金適用對象及範圍明確，故以適用勞動基準法之本國籍勞工為適用對象。</p>	<p>and 55 of the Act. After the application of the Labor Standards Act, the standards of retirement benefits for the seniority accumulated shall be calculated in accordance with Articles 55 of the Act and paid in one lump sum.</p> <p>4. The Labor Pension Act was implemented on July 1, 2005. An employee who is sixty years or older and whose seniority exceeds fifteen years, shall claim for monthly pension payment. However, an employee whose seniority is less than fifteen years shall claim for lump-sum payment of retirement. To facilitate the implementation of the said system as well as to ensure unmistakable definition of the subjects and range to which labor pension regulations apply, the said act applies only to local employees who are subject to the Labor Standards Act.</p>
<p>32. / Tiow Gan Ong / Malaysia / Faculty Member</p>	<p>The pension system. Other Children benefit system (退休制度?兒童福利制度?)</p>	<p>教育部： 所提意見詳如附表。</p> <p>行政院勞工委員會： 1. 關於勞工老年生活保障，一般可分為三個層次，有關第一層之勞工保險部分，查依勞工保險條例第 6 條第 1 項第 1 款至第 5 款規定，受僱於僱用 5 人以上事業單位之員工、依法不得參加公教人員保險之政府機關及公、私立學校之員工及受僱從事漁業生產之勞動者，應以其雇主為投保單位，參加勞工保險。同條第 3 項規定，所稱勞工，包括在職外國籍員工。是以，外籍人士如係依法在我國工作，並符合上開規定，即應依規定參加勞工保險。又依規定參加勞工保險為被保險人者，無論本國人或外國人，</p>	<p>Ministry of Education As per the attached documents.</p> <p>Council of Labor Affairs 1. The protection of labor welfare in old age generally can be divided into three levels, the first level being labor insurance. According to the provisions of paragraph 1, subparagraphs (1) to (5) inclusive, of Article 6 of Labor Insurance Act, workers employed by a company or firm with more than five employees, employees of government offices or public or private schools who are not legally entitled to join civil servants' insurance or the insurance of teachers and employees of private schools or workers employed in fishing production, shall all be insured under this program as insured persons, with their employers as the insured units. And the preceding provisions apply to employed foreign</p>

		<p>於符合保險給付條件時，得請領相關保險給付。</p> <p>2. 依勞工保險條例第 58 條第 1 項規定，保險年資合計滿 15 年，年齡滿 60 歲且離職退保者，得請領老年年金給付；保險年資未滿 15 年者，得請領老年一次金。同條第 2 項規定，98 年 1 月 1 日前有保險年資者，於符合舊制老年給付條件之一時，亦得選擇一次請領老年給付。</p> <p>3. 另中央研究院之研究人員，如非依公務人員法制進用者，不論國籍，自 97 年 1 月 1 日起適用勞動基準法，復依勞工退休金條例第 7 條規定，該條例之適用對象為適用勞動基準法之本國籍勞工，故中央研究院非依公務人員法制進用之外籍研究人員，其第二層企業退休金制度之保障，適用勞動基準法之退休金規定。符合勞動基準法退休要件者，其退休金給與標準，依勞動基準法第 84 條之 2 及同法第 55 條規定辦理；適用勞動基準法後之工作年資，其退休金依勞動基準法第 55 條計算並一次發給。</p>	<p>nationals. Therefore, foreign workers who are allowed to work according to related regulations, shall be insured as insured persons referred to the preceding provisions.</p> <p>2. In addition, according to the provision of Article 58 of the same act, an insured person who is at least 60 years of age, and whose insurance coverage has reached the fifteenth year may claim for old-age pension benefit, or claim for a lump sum old-age benefit if the insurance coverage year has not reached the fifteenth year. If the insured person has insurance coverage before the enforcement of Labor Insurance Act on January 1, 2009 and meets the conditions of a lump sum old-age benefit, may choose to claim lump sum old-age benefit.</p> <p>3. Starting from Jan. 1 2008, the Labor Standards Act applies to researchers at Academia Sinica, regardless of their nationality, providing that they are not employed according to civil service regulations. And, according to Article 7 of the Labor Pension Act, the Act applies to local employees who are subject to the regulations in the Labor Standards Act. Therefore, pension provisions of the Labor Standards Law are applicable to foreign researchers at Academia Sinica who have not been employed according to civil service regulations are applicable to the pension provisions of the Labor Standards Law so as to ensure the second pillar of the pension system for such workers. The standards of retirement benefits for those who meet the requirement conditions in the Labor Standards Act shall be calculated in accordance with Articles 84-2 and 55 of the Act. After the application of the Labor Standards Act, the standards of retirement benefits</p>
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33. / Steve Roffler / USA	In contrast to Taiwan, nearly all industrialized nations, including Japan, the USA and the entire European Union (Austria, Belgium, Bulgaria, Cyprus,	<p>教育部： 所提意見詳如附表。</p> <p>行政院勞工委員會：</p> <ol style="list-style-type: none"> 1. 關於勞工老年生活保障，一般可分為三 	<p>Ministry of Education As per the attached documents.</p> <p>Council of Labor Affairs</p> <ol style="list-style-type: none"> 1. The protection of labor welfare in old age generally can be divided into three levels, the first level being

<p>/ Faculty Member</p>	<p>Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, United Kingdom) treat long-term foreign residents the same as local workers with respect to pension benefits. For example, a green card in the USA entitles the holder to all social benefits including social security and retirement benefits. In the European Union, persons who have acquired long-term resident status enjoy equal treatment with nationals including retirement pensions. In Japan, all people who are registered to reside in Japan and aged between 20 and 59, irrespective of their nationality, are covered by the National Pension system. At the age of 65, foreign workers who have been enrolled in the National Pension Scheme for over 25 years are eligible to receive a pension.</p> <p>Question: Why does Taiwan unfairly treat foreign workers, such as those who work at Academia Sinica, differently</p>	<p>個層次，有關第一層之勞工保險部分，查依勞工保險條例第6條第1項第1款至第5款規定，受僱於僱用5人以上事業單位之員工、依法不得參加公教人員保險之政府機關及公、私立學校之員工及受僱從事漁業生產之勞動者，應以其雇主為投保單位，參加勞工保險。同條第3項規定，所稱勞工，包括在職外國籍員工。是以，外籍人士如係依法在我國工作，並符合上開規定，即應依規定參加勞工保險。又依規定參加勞工保險為被保險人者，無論本國人或外國人，於符合保險給付條件時，得請領相關保險給付。</p> <p>2. 依勞工保險條例第58條第1項規定，保險年資合計滿15年，年齡滿60歲且離職退保者，得請領老年年金給付；保險年資未滿15年者，得請領老年一次金。同條第2項規定，98年1月1日前有保險年資者，於符合舊制老年給付條件之一時，亦得選擇一次請領老年給付。</p> <p>3. 另中央研究院之研究人員，如非依公務人員法制進用者，不論國籍，自97年1月1日起適用勞動基準法，復依勞工退休金條例第7條規定，該條例之適用對象為適用勞動基準法之本國籍勞工，故中央研究院非依公務人員法制進用之</p>	<p>labor insurance. According to the provisions of paragraph 1, subparagraphs (1) to (5) inclusive, of Article 6 of Labor Insurance Act, workers employed by a company or firm with more than five employees, employees of government offices or public or private schools who are not legally entitled to join civil servants' insurance or the insurance of teachers and employees of private schools or workers employed in fishing production, shall all be insured under this program as insured persons, with their employers as the insured units. And the preceding provisions apply to employed foreign nationals. Therefore, foreign workers who are allowed to work according to related regulations, shall be insured as insured persons referred to the preceding provisions.</p> <p>2. In addition, according to the provision of Article 58 of the same act, an insured person who is at least 60 years of age, and whose insurance coverage has reached the fifteenth year may claim for old-age pension benefit, or claim for a lump sum old-age benefit if the insurance coverage year has not reached the fifteenth year. If the insured person has insurance coverage before the enforcement of Labor Insurance Act on January 1, 2009 and meets the conditions of a lump sum old-age benefit, may choose to claim lump sum old-age benefit.</p> <p>3. Starting from Jan. 1 2008, the Labor Standards Act applies to researchers at Academia Sinica, regardless of their nationality, providing that they are not employed according to civil service regulations. And, according to Article 7 of the Labor Pension Act, the Act applies to local employees who are subject to the regulations in the Labor Standards</p>
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	<p>than local workers with respect to retirement pensions? (外籍勞工與本國籍勞工,在退休金制度上不公平)</p>	<p>外籍研究人員,其第二層企業退休金制度之保障,適用勞動基準法之退休金規定。符合勞動基準法退休要件者,其退休金給與標準,依勞動基準法第 84 條之 2 及同法第 55 條規定辦理;適用勞動基準法後之工作年資,其退休金依勞動基準法第 55 條計算並一次發給。</p> <p>4. 勞工退休金條例於 94 年 7 月 1 日施行,依該條例規定,勞工年滿 60 歲,提繳年資滿 15 年以上者,請領月退休金;未滿 15 年者,請領一次退休金。為利該項制度之推行、勞工退休金適用對象及範圍明確,故以適用勞動基準法之本國籍勞工為適用對象。</p>	<p>Act. Therefore, pension provisions of the Labor Standards Law are applicable to foreign researchers at Academia Sinica who have not been employed according to civil service regulations are applicable to the pension provisions of the Labor Standards Law so as to ensure the second pillar of the pension system for such workers. The standards of retirement benefits for those who meet the requirement conditions in the Labor Standards Act shall be calculated in accordance with Articles 84-2 and 55 of the Act. After the application of the Labor Standards Act, the standards of retirement benefits for the seniority accumulated shall be calculated in accordance with Articles 55 of the Act and paid in one lump sum.</p> <p>4. The Labor Pension Act was implemented on July 1, 2005. An employee who is sixty years or older and whose seniority exceeds fifteen years, shall claim for monthly pension payment. However, an employee whose seniority is less than fifteen years shall claim for lump-sum payment of retirement. To facilitate the implementation of the said system as well as to ensure unmistakable definition of the subjects and range to which labor pension regulations apply, the said act applies only to local employees who are subject to the Labor Standards Act.</p>
<p>34. / Ciska Kemper / Dutch / Faculty Member</p>	<p>Why is it not possible for new arrivals (and for new-born foreign babies) to immediately enroll for health insurance? Why do you need to wait for several months until after getting the ARC? I arrived from a country where I did not need to have health insurance (the UK), and somehow I was not aware that I</p>	<p>行政院衛生署： 為降低帶病投保之風險,全民健康保險法規定,對於新加保者需在 4 個月等待期後才符合加保資格,開始繳納保險費並享有健保醫療給付。該規定對於本國國民或外籍人士均一體適用,但受僱者則免除</p>	<p>Department of Health The National Health Insurance (NHI) has a 4 month waiting period to reduce the risk of pre-existing conditions. According to NHI regulations, all foreigners holding an Alien Residents Certificate (ARC) and who have stayed in Taiwan for four consecutive months must join the NHI program, but people who get work permits with ARC must join the</p>

	could not immediately get health insurance in Taiwan. So I was without health insurance for a few months -- very dangerous! If I had known I would have taken private health insurance for a few months, but I did not know. It is all solved now for me, but it might be good for the future to offer some sort of solution for newcomers, and for foreign babies born in Taiwan. (是否有可能讓新來的外籍人士或新生兒立即加保?為何需數月的等待期?)	等待期之限制。	program starting from the first work day. The same rule applies equally to both Taiwanese and foreign nationals who have established a registered domicile for at least 4 consecutive months in Taiwan area and are eligible for the NHI program. During the 4 month waiting period, there is no premium to be collected and also no NHI coverage to be paid. The aforementioned waiting period of 4 months has to be extended to 6 months starting from 2013.
35. / Vicky Liao / ROC / Any Other	外籍人士眷屬需設籍滿 4 個月才能加健保, 即便夫妻雙方都在本院工作, 其新生嬰兒仍需待出生 4 個月後才能加健保, 可否於出生後即可加保?	行政院衛生署: 外籍人士在臺生育之新生兒, 需取得居留證且在臺連續居留滿4個月才能以眷屬身分依附投保。	Department of Health Newborn babies of foreigners have to hold an Alien Residents Certificate (ARC), stay in Taiwan for four consecutive months, and must become a dependents of their parents in order to join the NHI program. The aforementioned waiting period of 4 months has to be extended to 6 months starting from 2013.
36. / Jennifer Karr / Canadian / Postdoc	I would like to address the issue of National Health insurance and babies born in Taiwan to non-Taiwanese parents. My husband and I are not Taiwanese (I am a Canadian post-doc, my husband is a faculty member at ASIAA, from Japan), and we are planning on having children in Taiwan. As it currently stands, the four month residency requirement for health insurance applies to infants born to non-Taiwanese parents. This means that when we have a baby, my delivery and health care will be covered, but the care of the baby will	行政院衛生署: 為降低帶病投保之風險, 全民健康保險法規定, 對於新加保者需在 4 個月等待期後才符合加保資格, 開始繳納保險費並享有健保醫療給付。該規定對於本國國民或外籍人士均一體適用, 但受僱者則免除等待期之限制。	Department of Health The National Health Insurance (NHI) has a 4 month waiting period to reduce the risk of pre-existing conditions. According to NHI regulations, all foreigners holding an Alien Residents Certificate (ARC) and who have stayed in Taiwan for four consecutive months must join the NHI program, but people who get work permits with ARC must join the program starting from the first work day. The same rule applies equally to both Taiwanese and foreign nationals who have established a registered domicile for at least 4 consecutive months in Taiwan area and are eligible for the NHI program. During the 4 month waiting period, there is no premium to be collected and

	<p>not. In the event of serious problems (premature baby, congenital birth defects, complications of delivery) we would be responsible for the entire bill, which can run to several million Taiwanese dollars.</p> <p>There are very few options for external health insurance that would cover this, and no local options that would cover a baby from birth. International ex-patriate medical insurance is available through international companies, but must be purchased for the mother *before* getting pregnant, in order to have the option of adding a child to the plan. These options are expensive - we are currently paying \$2800 USD per year for insurance and will do so until after the baby is born, when we will pay an extra \$1500 for the child's coverage.</p> <p>We are lucky that we have two incomes to cover the cost. If we were a single income family on an academic salary, we would have to choose between leaving Taiwan or accepting the risk of being bankrupted by medical costs.</p> <p>(對於父母皆為外籍人士的新生兒仍需有 4 個月的等待期嗎?)</p>		<p>also no NHI coverage to be paid. The aforementioned waiting period of 4 months has to be extended to 6 months starting from 2013.</p>
<p>37. / Sarah / Cheung / Hong Kong / Student</p>	<p>Can I have a health insurance if I have HK passport (持香港護照可以納入健保嗎?)</p>	<p>行政院衛生署： 外籍人士需取得居留證且在臺連續居留滿 4 個月才能符合參加健保資格。</p>	<p>Department of Health Foreigners holding an Alien Residents Certificate (ARC) and who have stayed in Taiwan for four consecutive months must join the NHI program, but people who get work permits with ARC must join the program starting from the first work day. The aforementioned waiting period of 4 months has to be extended to 6 months starting from 2013.</p>

<p>38. / Rajesh / Indian / Postdoc</p>	<p>What is the rule to apply health insurance for dependents (i.e. wife or childrens) and how much we have to pay for before and after getting health insurance card? (眷屬要怎樣納入健保?給付的方式如何?)</p>	<p>行政院衛生署： 可依附被保險人投保之眷屬包括：被保險人之未成年或尚就學之子女、被保險人未就業之配偶、被保險人未就業之父母。眷屬之保險費與被保險人相同，被保險人若有多名眷屬同時依附投保，至多僅收取 4 份保險費。</p>	<p>Department of Health The insured's children and unemployed spouse who holds an Alien Residents Certificate (ARC) and who has stayed in Taiwan for four consecutive months must be a dependent to join the NHI program. The premium for dependents is the same as the insured. If the insured has multiple dependants, the total number of premium charges paid will not exceed four.</p>
<p>39. / Dedi / Indonesian / Student</p>	<p>I need help to make National Health Insurance (NHI) for my Son (我的孩子要怎麼納入健保?)</p>	<p>行政院衛生署： 請先為孩子申請居留證,持有居留證且在臺連續居留滿4個月時即可以眷屬身分依附您投保健保。</p>	<p>Department of Health Foreigners holding an Alien Residents Certificate (ARC) and who have stayed in Taiwan for four consecutive months must join the NHI program, but people who get work permits with ARC must join the program starting from the first work day. The aforementioned waiting period of 4 months has to be extended to 6 months starting from 2013.</p>
<p>40. / Guthikonda Kiran Kumar / INDIAN / Postdoc</p>	<p>1. Why does the family members of the foreign employee were not allowed to have health insurance until 4 months after getting ARC? 2. The contracts are usually for 1 year and are renewed each time but for many things like getting a credit card or a telephone rental connection we need a contract for 2 years or more.. any solutions for this? 3. Pension is about 4% of the salary...can we increase it in order to save more</p>	<p>行政院衛生署： 為降低帶病投保之風險,全民健康保險法規定,對於新加保者需在 4 個月等待期後才符合加保資格,開始繳納保險費並享有健保醫療給付。該規定對於本國國民或外籍人士均一體適用,但受僱者則免除等待期之限制。</p>	<p>Department of Health The National Health Insurance (NHI) has a 4 month waiting period to reduce the risk of pre-existing conditions. According to NHI regulations, all foreigners holding an Alien Residents Certificate (ARC) and who have stayed in Taiwan for four consecutive months must join the NHI program, but people who get work permits with ARC must join the program starting from the first work day. The same rule applies equally to both Taiwanese and foreign nationals who have established a registered domicile for at least 4 consecutive months in Taiwan area and are eligible for the NHI program. During the 4 month waiting period, there is no premium to be collected and also no NHI coverage to be paid. The aforementioned waiting period of 4 months has to be extended to 6</p>

	<p>for later...? (為何外籍勞工的眷屬在 4 個月的等待期內不能享有健保?信用卡或辦理電話大多要簽 2 年以上的契約,請問可以改善嗎?退休金大約是 4%的薪水,可以提高存數嗎?)</p>	<p>行政院勞工委員會：</p> <ol style="list-style-type: none"> 1. 關於勞工老年生活保障,一般可分為三個層次,有關第一層之勞工保險部分,查依勞工保險條例第 6 條第 1 項第 1 款至第 5 款規定,受僱於僱用 5 人以上事業單位之員工、依法不得參加公教人員保險之政府機關及公、私立學校之員工及受僱從事漁業生產之勞動者,應以其雇主為投保單位,參加勞工保險。同條第 3 項規定,所稱勞工,包括在職外國籍員工。是以,外籍人士如係依法在我國工作,並符合上開規定,即應依規定參加勞工保險。又依規定參加勞工保險為被保險人者,無論本國人或外國人,於符合保險給付條件時,得請領相關保險給付。 2. 依勞工保險條例第 58 條第 1 項規定,保險年資合計滿 15 年,年齡滿 60 歲且離職退保者,得請領老年年金給付;保險年資未滿 15 年者,得請領老年一次金。同條第 2 項規定,98 年 1 月 1 日前有保險年資者,於符合舊制老年給付條件之一時,亦得選擇一次請領老年給付。 3. 另中央研究院之研究人員,如非依公務人員法制進用者,不論國籍,自 97 年 1 	<p>months starting from 2013.</p> <p>Council of Labor Affairs</p> <ol style="list-style-type: none"> 1. The protection of labor welfare in old age generally can be divided into three levels, the first level being labor insurance. According to the provisions of paragraph 1, subparagraphs (1) to (5) inclusive, of Article 6 of Labor Insurance Act, workers employed by a company or firm with more than five employees, employees of government offices or public or private schools who are not legally entitled to join civil servants' insurance or the insurance of teachers and employees of private schools or workers employed in fishing production, shall all be insured under this program as insured persons, with their employers as the insured units. And the preceding provisions apply to employed foreign nationals. Therefore, foreign workers who are allowed to work according to related regulations, shall be insured as insured persons referred to the preceding provisions. 2. In addition, according to the provision of Article 58 of the same act, an insured person who is at least 60 years of age, and whose insurance coverage has reached the fifteenth year may claim for old-age pension benefit, or claim for a lump sum old-age benefit if the insurance coverage year has not reached the fifteenth year. If the insured person has insurance coverage before the enforcement of Labor Insurance Act on January 1, 2009 and meets the conditions of a lump sum old-age benefit, may choose to claim lump sum old-age benefit. 3. Starting from Jan. 1 2008, the Labor Standards Act applies to researchers at Academia Sinica, regardless
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<p>41. / Masanori Nakamura / Japanese / Any Other</p>	<p>1. About national health care; I support my dependents (non-working spouse + 2 kids) for their medicare with a single wage. Cost per person would depend on my monthly income and total fee for whole family member is just multiplying x 4. Under some circumstances, I wonder why no regulation exists for family medicare plan (with some discount benefit, not purely x 4).</p> <p>2. For visiting scalar, we do not have any services for having pension and an occasion of increasing salary which has happened this past summer. These are some crucial impacts on our living life at Taipei especially with family members without additional income by the spouse.</p>	<p>教育部：</p> <p>1. 查外國人如任中華民國公立中等以上學校教師者，係依學校教職員退休條例（以下簡稱退休條例）第 20 條規定，準用本條例辦理退休，但以支領一次退休金為限。</p> <p>2. 依退休條例第 3 條第 1 項規定，教職員須任職 5 年以上，年滿 60 歲或任職滿 25 年始得申請退休，並無短期任職者可請領退休金之規定。</p> <p>行政院勞工委員會：</p> <p>1. 關於勞工老年生活保障，一般可分為三個層次，有關第一層之勞工保險部分，查依勞工保險條例第 6 條第 1 項第 1 款至第 5 款規定，受僱於僱用 5 人以上事業單位之員工、依法不得參加公教人員保險之政府機關及公、私立學校之員工及受僱從事漁業生產之勞動者，應以其雇主為投保單位，參加勞工保險。同條第 3 項規定，所稱勞工，包括在職外國</p>	<p>Ministry of Education</p> <p>As per the attached documents.</p> <p>Council of Labor Affairs</p> <p>1. The protection of labor welfare in old age generally can be divided into three levels, the first level being labor insurance. According to the provisions of paragraph 1, subparagraphs (1) to (5) inclusive, of Article 6 of Labor Insurance Act, workers employed by a company or firm with more than five employees, employees of government offices or public or private schools who are not legally entitled to join civil servants' insurance or the insurance of</p>

	<p>I would appreciate your kind consideration and offering some discussions.</p> <p>(目前我以個人薪資來支付一家四口的健保費，為何沒有家庭式健保費?對於訪問學者的薪俸，為何沒有任何的退休金保障或是兼職的可能。)</p>	<p>籍員工。是以，外籍人士如係依法在我國工作，並符合上開規定，即應依規定參加勞工保險。又依規定參加勞工保險為被保險人者，無論本國人或外國人，於符合保險給付條件時，得請領相關保險給付。</p> <p>2. 依勞工保險條例第 58 條第 1 項規定，保險年資合計滿 15 年，年齡滿 60 歲且離職退保者，得請領老年年金給付；保險年資未滿 15 年者，得請領老年一次金。同條第 2 項規定，98 年 1 月 1 日前有保險年資者，於符合舊制老年給付條件之一時，亦得選擇一次請領老年給付。</p> <p>3. 另中央研究院之研究人員，如非依公務人員法制進用者，不論國籍，自 97 年 1 月 1 日起適用勞動基準法，復依勞工退休金條例第 7 條規定，該條例之適用對象為適用勞動基準法之本國籍勞工，故中央研究院非依公務人員法制進用之外籍研究人員，其第二層企業退休金制度之保障，適用勞動基準法之退休金規定。符合勞動基準法退休要件者，其退休金給與標準，依勞動基準法第 84 條之 2 及同法第 55 條規定辦理；適用勞動基準法後之工作年資，其退休金依勞動基準法第 55 條計算並一次發給。</p>	<p>teachers and employees of private schools or workers employed in fishing production, shall all be insured under this program as insured persons, with their employers as the insured units. And the preceding provisions apply to employed foreign nationals. Therefore, foreign workers who are allowed to work according to related regulations, shall be insured as insured persons referred to the preceding provisions.</p> <p>2. In addition, according to the provision of Article 58 of the same act, an insured person who is at least 60 years of age, and whose insurance coverage has reached the fifteenth year may claim for old-age pension benefit, or claim for a lump sum old-age benefit if the insurance coverage year has not reached the fifteenth year. If the insured person has insurance coverage before the enforcement of Labor Insurance Act on January 1, 2009 and meets the conditions of a lump sum old-age benefit, may choose to claim lump sum old-age benefit.</p> <p>3. Starting from Jan. 1 2008, the Labor Standards Act applies to researchers at Academia Sinica, regardless of their nationality, providing that they are not employed according to civil service regulations. And, according to Article 7 of the Labor Pension Act, the Act applies to local employees who are subject to the regulations in the Labor Standards Act. Therefore, pension provisions of the Labor Standards Law are applicable to foreign researchers at Academia Sinica who have not been employed according to civil service regulations are applicable to the pension provisions of the Labor Standards Law so as to ensure the second pillar of the pension system for such workers. The standards of</p>
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<p>42. / Vikas Saxena / Indian / Student</p>	<p>1. If we can invite our parents to stay with us. My father is 77 years Old. 2. My father can get health insurance cover, as we are availing it? 3. If foreigners can buy real estate property in Taiwan e.g. House and Land for personal usage? (我父親現年 77 歲，是否可以來臺依親?是否可納入健保?目前外國人是否可以在臺持有房產土地等不動產物權?)</p>	<p>內政部地政司： 1. 外國人在我國取得土地，應符合土地法第 18 條平等互惠原則，及同法第 19 條為供自用、投資、公益之使用目的，得取得住宅、營業處所、辦公場所、商店及工廠等用途之土地。另依同法第 17 條規定，外國人不得取得、設定或租賃之土地為林地、漁地、狩獵地、鹽地、礦地、水源地、要塞軍備區域及領域邊境。 2. 至有哪些國家是屬平等互惠，可查閱本部 98 年 9 月 16 日台內地字第 0980174868 號函修正「外國人在我國取得或設定土地權利互惠國家一覽表」。</p>	<p>Department of Land Administration 1. Can foreigners acquire real estate in Taiwan, ROC? Foreigners are allowed to acquire land in Taiwan to the extent that citizens of Taiwan are allowed to acquire land in the country of that foreigner. Which nations are belong to the reciprocal, you can check the list of Reciprocal Nations for Foreigners Acquiring Land in Taiwan, ROC. (download from the website: http://www.land.moi.gov.tw/enhtml/filedown.asp?cid=624) Acquisition of land by foreigners is subject to self-use, investment or public welfare purposes, provided that such acquisition is consistent with the following land use: residences, business operations, churches, hospitals, foreign schools, embassies or consulates, public welfare institutions offices, cemeteries, or other uses approved by Taiwan. (Article 19, Land Act) But land used for forests reserves, fisheries and aquaculture, hunting reserves, desalination fields, mineral deposits areas, water resources, military purposes, or land adjacent to frontiers shall not be leased or transferred to</p>

		<p>行政院衛生署： 請先為父親申請居留證,持有居留證且在臺連續居留滿4個月時即可以眷屬身分依附您投保健保。</p> <p>移民署： 我國目前政策上未開放直系血親尊親屬來臺依親。</p>	<p>foreigners, or used as collateral to foreigners. (Article 17, Land Act)</p> <p>Department of Health Foreigners holding an Alien Residents Certificate (ARC) and who have stayed in Taiwan for four consecutive months must join the NHI program, but people who get work permits with ARC must join the program starting from the first work day. The aforementioned waiting period of 4 months has to be extended to 6 months starting from 2013.</p> <p>National Immigration Agency To date, parents and grandparents of foreigners are not yet included in the family reunion category of the Immigration Act.</p>
<p>43. / Yongmao Cai / P.R. China / Postdoc</p>	<p>您好,我是中研院原分所一名新進博士後。 請問,我在臺灣這一年期間,我的配偶可以來臺探親嗎? 可以的話,都需要什麼文件,辦理手續多長時間?</p>	<p>移民署：</p> <ol style="list-style-type: none"> 1. 依據「大陸地區人民進入臺灣地區許可辦法」第3條第1項第9款及第20條第1項第1款第1目規定,大陸地區人民其子女或配偶依大陸地區專業人士來臺從事專業活動許可辦法申請進入臺灣地區從事專業活動,並經許可在臺停留期間逾6個月,得申請進入臺灣地區探親。停留期間不得逾2個月,並不得申請延期,每年來臺不得逾3次。 2. 申請時之應備文件為申請書、經海基會驗證之親屬關係公證書、被探人之入出境許可證、保證書、委託書、大陸地區人民身分證影本及證照費新臺幣600元。 3. 備齊應備文件後向本署各縣市服務站申請,本署發證工作天數為5個工作日。 	<p>National Immigration Agency</p> <p>For a resident of the Mainland China Area who has been issued a permit to enter and stay in the Taiwan area for more than 6 months pursuant to regulations governing Mainland China Area residents entering Taiwan to engage in professional activities, her/his parents and children are eligible to apply for entry permit to Taiwan to visit her/him. The maximum duration of stay for these parents or children in each visit is 2 months without extension and each applicant is eligible for no more than 3 such visits per year.</p> <p>Documents required for the above application include completed application form, certificate of kinship notarized in Mainland China and authenticated by the Strait Exchange Foundation, photo-copy of the entry permit of the person being visited, written endorsement by a Taiwan Area resident, power of attorney, and photo-copy of the applicant's Mainland ID. The application fee is NT\$600 per application.</p> <p>Please submit complete set of required documents to a local NIA service office. Each application will be approved in 5 working days.</p>

<p>44. / Johanna Muller / french / Postdoc</p>	<p>What is the Labor Standards Act? What are the advantages for foreigners? How to apply? Is the 6% mandatory contribution automatically transferred to the employee's account when he/she resigns? (什麼是勞動基準法?對外國人有什麼相關福利?如何申請?對於 6%的提存是否會在離職時自動匯入帳戶?)</p>	<p>行政院勞工委員會： 1. 勞動基準法為我國保護勞工之重要法律，旨在規定勞動條件之最低標準，維護勞工基本權益。 2. 依該法第3條規定意旨，除部分行業及工作者因其經營型態、管理制度及工作特性等因素適用該法確有窒礙難行之處，而經行政院勞工委員會公告排除適用者外，原則上適用於一切勞雇關係。 3. 至事業單位應否適用勞動基準法，依該法第3條及其施行細則第3條規定，其事業之認定，依中華民國行業標準分類規定之場所單位之主要經濟活動為其分類基礎。事業單位如屬適用勞動基準法者，雇主與受僱勞工所訂勞動條件，不論國籍，均不得低於該法規定；反之，不適用者其勞動條件則依勞雇雙方自行約定辦理。 4. 關於勞工老年生活保障，一般可分為三個層次，有關第一層之勞工保險部分，查依勞工保險條例第6條第1項第1款至第5款規定，受僱於僱用5人以上事業單位之員工、依法不得參加公教人員保險之政府機關及公、私立學校之員工及受僱從事漁業生產之勞動者，應以其雇主為投保單位，參加勞工保險。同條第3項規定，所稱勞工，包括在職外國籍員工。是以，外籍人士如係依法在我國工作，並符合上開規定，即應依規定參加勞工保險。又依規定參加勞工保險為被保險人者，無論本國人或外國人，於符合保險給付條件時，得請領相關保險給付。 5. 依勞工保險條例第58條第1項規定，保險年資合計滿15年，年齡滿60歲且離職退保者，得請領老年年金給付；保險年資未滿15年者，得請領老年一次</p>	<p>Council of Labor Affairs 1. The Labor Standards Act is the basic law for protection of workers in the ROC. The Act is enacted to provide minimum standards for working conditions, protect workers' rights and interests . 2. The Act shall apply to all forms of employee-employer relationships. However, this principle shall not apply if the application of the Act would genuinely cause undue hardship to the business entities involved due to the factors relating to the types of management, if the administration system and the characteristic of work involved, and if it belongs to the business (or industries) or worker designated and publicly announced by the Central Competent Authority. 3. Article 3 of the Labor Standards Act and Article 3 of the Enforcement Rules of the Labor Standards Act stipulate that the recognition of whether a business entity is subject to the regulation of the Labor Standards Act shall be determined in accordance with the Standard Business Classification of the Republic of China in which the principal economic activity of a business entity is taken as the basis of classification. Business entities that are subject to the regulation of the Labor Standards Act shall establish working conditions no lower than the stipulations set forth in the Act regardless of the nationality of the workers. The working conditions</p>
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<p>45 中研院</p>	<p>外籍白領專業人才來臺，辦理許多事項所需證件都要正本，非常不方便。</p>	<p>移民署：</p> <p>為釐清當事人確實身分及是否符合申請居留或永久居留要件，相關證明文件應出具正本供本署審查(證書驗畢即退還申請人)，以避免當事人冒用身分或持偽變造文件情事發生，影響國家安全及外來人口管理。</p> <p>申辦證件，為檢驗檢附證明文件之真偽，仍請申請人持正本，正本驗俾後即退還申請人，並留影本辦理後續申請事宜。</p>	<p>National Immigration Agency</p> <p>In order to verify the identity of applicants and to determine whether they meet the requirements for residence or permanent residence, it is mandatory that the applicants provide the original copies of necessary documentation for review (once authenticated, the documents will be returned to the applicant).</p> <p>National Immigration Agency</p> <p>To ensure the integrity and authenticity of the submitted document, the original document is required. The original will be returned to the applicant after inspection and a duplicate will be used to process the application.</p>

<p>46 中研院</p>	<p>申請永久居留或歸化，限制非常的多，程序也很繁複。</p>	<p>移民署： 為簡外國人申請永久居留程序，本署已研議修法，放寬外國人於合法連續居留5年期間，每次出國在3個月以內者，申請永久居留時，得免附健康檢查合格證明及本國刑事紀錄證明，該修正案(外國人停留居留及永久居留辦法第11條)將於近期發布施行。</p> <p>內政部戶政司： 1. 外國人或無國籍人得依國籍法第3條至第9條規定，具備每年合計有183日以上合法居留之事實繼續一定期間以上或曾在中華民國領域內合法居留繼續10年以上；年滿20歲有行為能力；品行端正，無犯罪紀錄；有相當之財產或專業技能，足以自立，或生活保障無虞；具備我國基本語言能力及國民權利義務基本常識；喪失其原有國籍等要件，得申請歸化我國國籍。 2. 查世界各國為確保移入人口對其國家忠誠；並維護國家安全、社會安定、保障移入人口生活水準並能融入當地生活，制定移民規定，亦有合法居留期限、行為能力、品行端正，無犯罪紀錄、財力證明、基本語言能力及喪失原有國籍等相關規定，是以，上揭國籍法規定係參考世界各國移民法規訂定。</p>	<p>National Immigration Agency As of October 25, 2012, foreigners who have legally and continuously resided in Taiwan for 5 years, don't have to submit their health certificate and police clearance certificate from their countries of origin when applying for APRC if they remain outside of Taiwan for less than 3 months.</p> <p>Department of Household Registration 1. According to Article 3 or subparagraph 2 of paragraph 1 Article 5 of the Nationality Act, a foreign national or stateless person whose spouse or parents are not R.O.C. nationals and who now has a domicile in the territory of the Republic of China, if meeting concurrently the requisites provided in the following requirements, can apply for naturalization provided that: He/She annually has resided annually in the territory of the Republic of China for more than 183 days in total for more than 5 consecutive continuous years or He/She has legally resided in the territory of the Republic of China for more than 10 years continuously consecutively; He /She is 20 years old or older and has the capacity to act in accordance with both the laws of the Republic of China and the laws of his/her own country; He/She behaves decently and</p>
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			<p>has no records of crime; He/She has enough property or professional skills for his/her self-support or ensuring his/her living; He/She possesses basic language ability in the language of our country and understands the basic common knowledge of national's rights and obligations.</p> <p>2. The above regulations are in observance of the methods used by other countries to preserve national loyalty within immigrants, and also in consideration of national security, social stability, the welfare of immigrants and of their ability to assimilate into local life. In addition, the aforementioned Nationality Act of Taiwan was designed in reference to immigration law present in other countries.</p>
47 中研院	<p>研究單位中的研究人員(博士後研究或是研究助理等)，工作型態無法以勞基法規範(如工時)，渠等也不願適用勞基法，經統計中研院人員有 87%表示不願納入勞基法。故是否有可能於勞基法中設立特別管理相關規定。</p>	<p>行政院勞工委員會：</p> <p>1. 勞動基準法係規定勞動條件最低標準之法律，其立法意旨不僅在保障勞工權益，還有加強勞雇關係，促進社會經濟發展的目的。勞工之基本勞動條件權益獲致保障，將有助於勞雇關係和諧及事業之永續發展。每一位受僱者都應有適當的法規保障其基本勞動權益，為普世的價值。</p> <p>2. 本會已於民國 96 年 11 月 30 日勞動 1 字第 0960130914 號公告，指定公部門各業非依公務人員法制進用之臨時人員適用勞動基準法，並自中華民國 97 年 1 月 1 日生效。中央研究院因其行業係屬公立學術研究服務業，故院內非依公務人員法制進用之臨時人員(包括研究人員)自 97 年 1 月 1 日起適用勞動基準法。</p>	<p>Council of Labor Affairs</p> <p>1. The Labor Standards Act is enacted to provide the minimum standards of working conditions. Its legislative purpose is not just to protect worker's rights and interests, but also to strengthen employee-employer relationships and promote social and economic development. Protection of workers' basic rights and interests is essential in the development of harmonious employee-employer relationships and sustainability of businesses.</p> <p>2. Academia Sinica is classified as a public academic research service operation; therefore, starting from Jan. 1 2008, the Labor Standards Act applies to the temporary workers (including researchers) at Academia Sinica who have been employed not</p>

		<p>3. 該院曾多次要求本會重新考量，將院內非依公務人員法制進用之臨時人員（包括研究人員）排除適用勞動基準法，惟經查中央研究院主要經濟活動之行業歸屬，核屬公立學術研究服務業，該院非依法令所進用之研究人員，未有類同教育人員法制之進用可據，無法排除勞動基準法適用。</p> <p>4. 另本會已於 98 年 8 月 20 日公告，核定「學術研究及服務業之研究人員中符合勞動基準法施行細則第 50 條之 1 第 2 款或第 4 款規定者為勞動基準法第 84 條之 1 之工作者」。故該院研究人員符合勞動基準法第 84 條之 1 之工作者後，可由勞雇雙方在不損及勞工健康及福祉之前提下，就工時、例（休）假等事項，另訂書面勞動契約約定。</p>	<p>according to civil service regulations.</p> <p>3. Academia Sinica has requested the CLA on several occasions to render the Labor Standards Act inapplicable to its temporary workers (including researchers) that have been employed not according to civil service recruitment regulations. However, since Academia Sinica is classified as a public academic research service operation due to its principal economic activity, no regulations similar to those for teachers are applicable to researchers that Academia Sinica has employed not according to related recruitment regulations. Therefore, the CLA is unable to render the Labor Standards Act inapplicable to those researchers.</p> <p>4. In addition, the CLA already publicly announced on Aug. 20 2009 its approval of “researchers in academic research institutes and service industries who comply with the regulations set forth in Subparagraph 2 or Subparagraph 4 of Article 50-1 of the Enforcement Rules of the Labor Standards Act are to be considered as of the status of the workers described in Article 84-1 of the Labor Standards Act.” Therefore, researchers working at Academia Sinica whose status belong to the workers described in Article 84-1 of the Labor Standards Act may arrange their own working hours, regular days off, national holidays and female workers’ night work through other agreements with their employers under the premise that the negotiation does not jeopardize the health and benefits of the workers. And these agreements shall be submitted to the local competent authorities for approval and record.</p>
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<p>48 中研院</p>	<p>臺商表示，希望外勞政策能更開放，讓產業留在臺灣，可創造更多就業機會。</p>	<p>行政院勞工委員會：</p> <ol style="list-style-type: none"> 1. 按政府開放引進外籍勞工之基本原則，係依據就業服務法第 42 條規定，為保障國民工作權、聘僱外國人工作，不得妨礙本國人之就業機會、勞動條件、國民經濟發展及社會安定。在不影響國人就業機會之基本原則下，勞委會對於國內所缺乏之基層勞工，採取補充性方式開放引進外籍勞工，以補充國內產業勞動力之不足，並透過跨國勞動力政策協商諮詢小組(以下簡稱政策小組)之勞資學政社會對話機制，配合國家經濟發展需要與就業情勢，共同研商適切之外籍勞工政策。 2. 現行製造業外籍勞工政策係經勞委會及與經濟部跨部會通盤協商檢討，並經勞資學政各方以社會對話方式取得共識；為協助傳統產業、中小企業之特定製程工作所面臨勞動力缺乏問題，依跨國勞動力政策協商諮詢小組(以下簡稱政策小組)會議協商共識，整體考量缺工情形及產業特性之需求，於 99 年 10 月 1 日起施行製造業新制，調整各業聘僱外籍勞工之適用比率，分級為 10%、15%、20%、25%、35%等 5 級制，以有效分配製造業外籍勞工名額，協助維繫企 	<p>Council of Labor Affairs</p> <ol style="list-style-type: none"> 1. The basic principles of the government's allowance of the introduction of foreign workers are based on Article 42 of the Employment Services Act. In order to protect the working rights of nationals, the hiring of foreign workers should not interfere with the employment opportunities and labor conditions of nationals or the national economic development and social stability. Under the basic principle of not impacting the employment opportunities of the nationals, the Council of Labor Affairs allows the introduction of foreign workers to supplement insufficient numbers of bottom-level workers inside the country and to make up for the insufficient manpower of the domestic industries. Suitable foreign worker policies are jointly negotiated through a mechanism of social dialogues among the workers, employers, academics, and politics through the Cross-Border Manpower Policy Negotiation and Consultation Committee (hereinafter the "Policy Committee") in accordance with the requirements of national economic development and employment status. 2. The current foreign worker policy for the manufacturing industry came from thorough negotiations and reviews by the Council of Labor Affairs and various departments of the Ministry of Economic Affairs, as well as the consensus acquired from the social dialogues among representatives from the 4 fields of workers, employers, academics and politics. To help traditional industries and solve the issue of insufficient manpower for specific manufacturing process tasks by small and medium enterprises, the Cross-Border Manpower Policy Negotiation and Consultation Committee (hereinafter the "Policy Committee") held meetings of negotiations and consensus, forming a global
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		<p>業營運與發展之政策目的。</p> <p>3. 上開 3K5 級制核配方式，已可滿足一般製造業者之缺工需求；惟對於有特殊更高額度但非基於低薪資考量之外勞配額需求決議加核配比率 1%至 5%、6%至 10%及 11%至 15%，分別外加就業安定費依次為新臺幣(以下同)3,000 元、5,000 元、7,000 元，但最高上限仍為 40%。</p> <p>4. 又為鼓勵臺商回國投資，目前正研議予以附加 15%或 20%外勞核配比率，但豁免 5 年外加就業安定費之優惠措施。</p>	<p>understanding of the situation of insufficient workers and the specific requirements of the industries. On 1 October 2010, a new system was implemented for the manufacturing industry, adjusting the applicable ratio of employment of foreign workers to 5 levels of 10%, 15%, 20%, 25% and 35%, effectively allocating the quota of foreign workers in the manufacturing industry to assist with the purpose of the policy to maintain enterprise operation and development.</p> <p>3. Such 3K 5 allocation mechanism already supplement the labor shortage by general manufacturers. However, with regard to the requirement for quotas of foreign worker under special items, other than low cost labor considerations, a mechanism will be established allowing for the increase of foreign worker quotas by contribution of employment stability fee. But the maximum limit will remain at 40%.</p>
49 中研院	<p>目前有許多跨國企業總部設在臺灣，希望能開放包含大陸地區幹部來臺訓練停留期間之相關限制。</p>	<p>移民署：</p> <p>大陸地區人民依「大陸地區人民來臺從事商務活動許可辦法」之規定來臺受訓者，倘邀請單位為在臺設有營運總部或研發中心，其來臺停留期間不得逾 3 個月。上揭規定係由經濟部考量實務現況所擬定。目前經濟部並未針對大陸地區人民來臺受訓之停留期間提修法建議。</p>	<p>National Immigration Agency</p> <p>According to “Regulation Governing The Approval of People of The Mainland Area to Engage in Business Activities in Taiwan”, mainlanders invited by corporations with operational headquarters or R&D centers in Taiwan to receive training are able to stay in Taiwan for up to 3 months. The above regulation was suggested by Ministry of Economic Affairs concerning about the present situations and it will not be amended in the near future.</p>

<p>50 中研院</p>	<p>目前陸生來臺就學，規定不得結婚，也不能給獎學金，相關規定似也很嚴格，有違延攬人才之常理。</p>	<p>教育部：</p> <ol style="list-style-type: none"> 1. 陸生來臺政策突破，從民國 81 年臺灣地區與大陸地區人民關係條例初次公布開始算起，到 99 年陸生三法在立法院通過，耗費了將近 20 年之久，足見相關政策不論在在共識的凝聚或法規的鬆綁上，都具有相當的困難，為有效降低社會各界疑慮，在政策推動的初期，妥協性和限制的推動原則，是不得不然的措施。教育部也正在積極協調各部會，進行相關法規的鬆綁，望能有所進展。 2. 政府並未規定陸生來臺就學不得結婚，惟對於陸生來臺許可事由變更有所規定。例如，內政部「一人一證一事由」原則、陸配須先在陸辦理結婚登記始能申請團聚並在臺結婚登記之相關規定。另我國入學管道係以身分區別，不同身分有不同入學方式及權利義務。目前陸生應循陸生聯招會管道申請入學；而持依親居留期長期居留證之大陸配偶，為準國人身分，應依一般國內學生管道考試入學。兩者在得就讀系所範圍、升學等規定均有不同，兩者依循法源及權利義務差異甚大。為求入學之公平性及學生適法性，陸生在臺就學期間，若欲改以其他入境事由在臺停留居留者，需先行辦理退學後，再以適當入 	<p>Ministry of Education</p> <p>As per the attached documents.</p>
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51 中研院	<p>領取外交部臺灣獎學金的外國學生不需要支付與私立大學外國學生最低額度之學雜費，僅需支付與本地學生相同之學雜費；本院國際研究生學程之外國學生是否可比照辦理。因中研院招收並指導國際研究生，其目的亦為協助台灣拓展國民外交。藉由養成之傑出人才，發揮國際影響力，協助提升他國科研水準，善盡國際社會責任。未來，外國學生學成歸國服務，能發揮更多影響力，</p>	<p>教育部：</p> <p>1. 有關外國學生在臺就學所繳費用係依據本部「外國學生來臺就學辦法」第 21 條辦理，該條第 1 項第 1 款僅具合法居留身分就讀高級中等以下學校學生及外交部臺灣獎學金學生得依本國生標準繳費，本部臺灣獎學金生、國合會及國科會等政府獎學金受獎人均不包含</p>	<p>Ministry of Education</p> <p>As per the attached documents.</p>

	<p>並將使我國產業更有機會往該國推展</p>	<p>在內，先予敘明。</p> <p>2. 上揭條文係本部於 99 年 12 月修訂，考量各大專校院教學及行政成本，以及國際教育慣例，規範外國學生比照私立學校標準繳費。中研院獎學金生如有獎學金不敷使用之情形，建請該院編列預算支應。</p>	
<p>52 中研院</p>	<p>港澳學生若採一般生方式來臺就學，而不具僑生身份，則其在台居留期滿半年後，則需離境後，再重新辦理來臺之簽證，且是類學生因無法辦理居留簽證，故無法辦理外僑居留證及加入健保。是否可請移民署及相關單位開放此門檻，以吸引更多優秀的港澳學生來臺就學，未來，該學生學程返回港澳服務，必能發揮更多國際影響力。</p>	<p>教育部：</p> <p>1. 我國政府為辦理香港澳門居民來臺就學，依據「香港澳門關係條例」第 19 條規定，授權由教育部訂定「香港澳門居民來臺就學辦法」（以下簡稱本辦法），規範港澳居民申請來臺就學應具備之資格、申請程序、招生及分發等有關機制等。</p> <p>2. 依本辦法第 6 條規定，港澳居民符合第 2 條、第 3 條規定，在臺灣地區已達就學年齡，並具有臺灣地區合法居留身分者，得於來臺之次日起 90 日內，依下列規定申請分發入學至國民中小學、國立華僑實驗高級中學或私立高中職學校及專科學校或大學附設之五年制專科部。</p> <p>3. 另依本辦法第 7 條規定，港澳居民符合第 2 條、第 3 條規定者，於每年招生期間，得檢具相關表件，向海外聯合招生委員會（以下簡稱海外聯招會）或其指定機構，申請分發來臺灣地區就讀大學以上學校或國立臺灣師範大學僑生先修部（以下簡稱臺師大僑生先修部）。凡依本辦法正常來臺就學者，通稱為</p>	<p>Ministry of Education</p> <p>As per the attached documents.</p>

		<p>「港澳學生」，得比照「僑生」享有獎助學金、課業輔導、健保及工讀等權益。</p> <p>4. 有關「港澳居民自行來臺報考大學校院」之建議，本部已錄案研參。</p> <p>移民署：</p> <p>1. 按香港澳門關係條例第 19 條規定，香港或澳門居民來臺灣地區就學，其辦法由教育部擬訂，報請行政院核定後發布之。</p> <p>2. 依「香港澳門居民進入臺灣地區及居留定居許可辦法」第 17 條第 1 項第 8 款，經中央目的事業主管機關核准來臺就學者，得申請在臺灣地區居留。港澳學生須依教育部「香港澳門居民來臺就學辦法」就學，始符合規定。</p>	<p>National Immigration Agency</p> <p>According to “Regulation governing Hong Kong and Macau students undertaking studies in Taiwan” enacted and promulgated by the Ministry of Education, Hong Kong and Macau residents who are allowed to enter Taiwan as students by the competent authority can apply for residence.</p>
53 中研院	<p>依據「就業服務法」第 48 條規定雇主聘僱外國人工作，應檢具有關文件，向中央主管機關申請許可。但本院人文社會科學相關所、處及中心，有部分不支薪的訪問學者來院借用相關書籍及設備進行其研究，故請同意非中研院聘僱的部分外籍人士可否依照就業服務法第 48 條之規定，持本院正式公文及在所證明書，直接至移民署辦理停留簽證改辦外僑居留證。</p>	<p>行政院勞工委員會：</p> <p>1. 凡符合就業服務法第 48 條但書規定之情形，外籍人士無須向勞委會申請工作許可。包含：(1)各級政府及其所屬學術研究機構聘請外國人擔任顧問或研究者。(2)外國人與在中華民國境內設有戶籍之國民結婚，且獲准居留者。(3)受聘僱於公私立大學進行 6 個月內之短期講座、學術研究經教育部認可者。</p> <p>2. 又本案應屬居留事宜，非屬本會主管之受聘僱來臺工作權責業務，宜請移民署依權責核處。</p>	<p>Council of Labor Affairs</p> <p>1. Any foreigner who meets the requirements under the provision of Article 48 of the Employment Services Act is not required to file any application for work permit with the Council of Labor Affairs. This waiver covers: (1) Foreigners hired as consultants or researchers by any level of government and their affiliated academic research organizations. (2) Foreigners who are married with nationals with household registrations within the Republic of China, with residence permits. (3) Foreigners employed by public or private universities to hold short-term seminars or academic research of less than 6 months, as recognized by the Ministry of Education.</p> <p>2. The matter of residency involved in this case is outside the jurisdiction of the Council of Labor Affairs. Please seek approval from the National</p>

		<p>移民署：</p> <p>「入出國及移民法」第 23 條第 1 項第 4 款規定，持停留期限在 60 日以上，且未經簽證核發機關加註限制不准延期或其他限制之有效簽證入國之外國人，「經中央勞工主管機關或目的事業主管機關許可在我國從事就業服務法第 46 條第 1 項第 1 款至第 7 款或第 11 款工作」者，得向本署申請居留。非中央研究院聘僱之外籍人士，由於不符合「就業服務法」第 46 條第 1 項第 1 款至第 7 款或第 11 款規定之範疇者，故不得依「入出國及移民法」第 23 條第 1 項第 4 款規定申請居留。</p>	<p>Immigration Agency.</p> <p>National Immigration Agency</p> <p>According to subparagraph 4, paragraph 1, Articles 23 of Immigration Act, any foreign national having made entry into Taiwan with a visitor visa valid for over 60 days and has not been restricted from an extension or imposed with other restrictions, and is permitted to engaged in the work of subparagraph 1 to subparagraph 7 or subparagraph 11, paragraph 1, Articles 46 of Employment Services Act in our country by the central labor competent authorities or the central competent authority, may apply for residency. Therefore, foreigners conduct research in Academia Sinica without employment relationship do not comply with the above requirements and may not apply for residency.</p>
54 中研院	請台北市教育局協助修改臺北市南港區南港國民小學雙語教育班學生入班申請辦法，並同意外籍博士生子女優先就讀市立南港國小雙語班及於誠正國中設置雙語班，以供本院外籍同仁籍學生之子女就讀。	<p>臺北市政府：</p> <p>1. 有關中央研究院外籍博士生子女優先就讀本市國小雙語教育班一節，本局將納入本市國小雙語教育班實施計畫之修訂，另案進行研議。</p> <p>2. 另關於本市誠正國中設置雙語班一節，本局業於 100 年 3 月 3 日召開「研商臺北市立誠正國民中學成立雙語教學資源班會議」，該次會議決議如下： (1) 教師及學生係班級運作之基本要素，惟目前本地或外籍師資聘請來</p>	<p>Taipei City Government</p> <p>1. Regarding the foreign Doctor's children of Academia Sinica to attend cities' elementary school bilingual class with priority, Department of Education, Taipei City Government, will enclose the plan in the revision of cities' elementary school bilingual classes' implementation act.</p> <p>2. Regarding the establishment of the bilingual classes of Taipei Cheng Zheng Junior High School, Department of Education, Taipei City Government, hosted "The Establishment of Bilingual Classes of Taipei Cheng Zheng Junior High School" meeting on March 3th, 2011. The resolutions are as follows: (1)The hiring process of domestic or foreign teachers,</p>

		<p>源或方式及學生來源等細節尚待確認，爰請誠正國中就下列事項評估後再行召開會議討論：</p> <p>a. 師資聘請管道、薪津待遇、行政院勞委會「就業服務法」等相關規定。</p> <p>b. 中研院、南港軟體工業園區、內湖科學園區之外籍、歸國學人子女未來就讀誠正國中雙語班之可能意願及人數。</p> <p>c. 了解西湖國小及南港國小雙語教育班近年畢業生動向。</p> <p>(2) 本局業請誠正國中向國立政治大學附屬高級中學、國立科學工業園區實驗高級中學、南港國小及西湖國小等校瞭解相關課程設計、教師授課節數等相關細節後，研擬未來雙語教學資源班課程規劃，俾下次會議一併討論。</p>	<p>student sources and other details still need to be confirmed. Please have Taipei Cheng Zheng Junior High School evaluates the following items before hosting the meeting:</p> <p>a. the teacher hiring resources, salary and benefits, the Council of Labor Affairs Executive Yuan “Employment Services Act” and other regulations</p> <p>b. the willingness and the number of students from foreign employee’s children of Academia Sinica, NanKang Software Park and NeiHu Technology Park to attend Bilingual Classes of Taipei Cheng Zheng Junior High School</p> <p>c. the trend of graduated students from Taipei XiHu Elementary school and Taipei Nangang Elementary School bilingual classes</p> <p>(2)Department of Education, Taipei City Government, requests Taipei Cheng Zheng Junior High School realize the details of the relative courses designs, teacher’s teaching hours and other related details from the Affiliated High School of National Chengchi University, National Experimental High School At Hsinchu Science Park, NanKang Elementary School and XiHu Elementary School. Afterward, the junior high school is required to prepare the outline of the future bilingual curriculum plan for the next meeting discussion.</p>
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