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Summary:
In response to the severe and special infectious pneumonia epidemic, and to encourage employers in the manufacturing industry that temporarily have no need for migrant workers to release those workers during the epidemic prevention period to other employers within the country that need migrant workers, it was agreed that, from 27 March through 17 June 2020, foreign persons transferred with permission from the Ministry of Labor will not count toward their restricted number of employed migrant workers.

Purpose:
In response to the severe and special infectious pneumonia (COVID-19) epidemic in migrant workers' countries of origin, migrant workers transferred between manufacturing employers during the epidemic prevention period will be subject to the qualifications and standards set forth in Article 46, paragraph 1, subparagraphs 8 to 11 of the "Qualifications and Criteria Standards for foreign persons undertaking the jobs specified under Article 14.7.1 of the Employment Service Act" ("the Standards") or the quota for foreign personnel set forth in the same document (see attachment).

Details:

1. Related laws and regulations

(1) In accordance with Article 73, Paragraph 3 and Article 74 of the Employment Service Act ("the Act"), if a migrant worker's employment is terminated, his employment permit will be annulled and he/she will be ordered to leave the country immediately and no longer be allowed to work in Taiwan. Article 45, paragraph 2 of the Regulations on the Permission and Administration of the Employment of Foreign Workers ("the Regulations") stipulate that the employer must notify the local competent authority before the migrant worker leaves the country if their employment relationship is terminated during the period of the employment permit. The local competent authority will check the intention of the migrant worker.

(2) In accordance with Article 58, paragraphs 1 and 2 and Article 20, paragraph 4 of

the Act, if a migrant worker leaves the country during the validity period of the employment permit for reasons not attributable to the employer, the employer may apply to this Ministry for detention. If an employer's original migrant worker is barred from leaving the country due to custody, a sentence, major injury or illness, or other reasons not attributable to the employer, the employer may bring in new migrant workers after special approval of this Ministry.

(3) In accordance with Article 59 of this Act and Article 46, paragraph 1, subparagraphs 8 to 11 the Employment Service Act of, and Articles 7 and 11 of the Directions of the Employment Transfer Regulations, migrant workers may, after approval from this Ministry, change employers or jobs within 60 days, provided they follow the relevant regulations. However, under special circumstances and after approval from the central competent authority, the conversion period may be extended once with 60 days.

2. In response to the severe and special infectious pneumonia epidemic in migrant workers' countries of origin, and to encourage employers in the manufacturing industry that temporarily have no need for migrant workers to release those workers during the epidemic prevention period to other employers within the country that need migrant workers, it was agreed that, from 27 March through 17 June 2020, foreign persons transferred in accordance with Article 59 of this Act, with permission from the Ministry of Labor, will not count toward their restricted number of employed migrant workers. In some cases, there is no application date (for example, if a labor dispute cannot be attributed to either Party, and the employer has been changed by this Ministry), the date of annulment of the employment permit will be between 27 March through 17 June 2020.