

Ministry of Labor

Law Source Retrieving System Labor Laws And Regulations

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Title : Directions of the Employment Transfer Regulations and Employment Qualifications for Foreigners Engaging in the Jobs Specified in Items 8 to 11, Paragraph 1, Article 46 of the Employment Services Act Chinese (2020.07.07 Modified)

- Article 1 This Guideline is set up in accordance with the stipulation of Paragraph 2 to Article 59 of the Employment Service Act (hereinafter referred to as the Act).
- Article 2 Employed foreigners who fit for any condition specified in all items of Paragraph 1 to Article 59 of the Act may apply for changing employers or jobs by the foreigner or original employer with the following documents provided to the Central Competent Authority:
1. Application Form.
 2. Evidence document of any of the following reasons:
 - (1) Original employer's or the person under care's Death Certificate or emigration evidence document.
 - (2) Evidence document of fish boats unable to continue operation because of being detained, sunk or under renovation.
 - (3) Evidence document of employment contract termination due to original employer's plant closure, shut down or not paying work compensation according to employment contract.
 - (4) Evidence document of other reasons whose responsibility cannot be ascribed to employed foreigners.
 3. Transferring employer or work certificate for foreign worker.
- Foreigners who apply to transfer to another employer or job according to the stipulations referred to in the preceding paragraph but have not provided all the required documents must be cleared after verification by competent authorities.
- Article 3 Employers or Foreigners who apply to change Type 2 employers or jobs shall apply online pursuant to Article 6, sub-article 1, item 1 announced publicly on the Regulations on the Permission and Administration of the Employment of Foreign Workers. However, an application with the legitimate reason and has the approval from the Central authorities shall not be bound.
- Employers and foreigners applying to change Type 2 employers or jobs for shall submit all documents required by law, with the exception of documents already issued by the central competent authorities, free trade zone administrative authorities, public employment service institutions, and special municipalities/ provincial cities/ state-owned companies as stated in the preceding article, which can be found on the national data network.
- The aforementioned documents shall be announced publicly by the Central authorities.
- Article 4 In cases where central competent authorities have rescinded the original employer's employment permits or declined to issue permits, central competent authorities shall order foreign workers who fit the conditions specified in Paragraph 1 of Article 59 to transfer employers or jobs within a designated period of time.
- The original employers shall, within the designated period of time, provide photocopies of documents specified in Items 1 and 3 of Paragraph 1 in Article 2, a termination of employment permit, or a letter

declining the issuance of an employment permit, then go to the Public Employment Service Agency to register the transfer. Foreigners resettled under this law or by the Human Trafficking Prevention Act are not subject to this rule.

Article 5 Application cases as referred to in Paragraph 1 to Article 2, after the Central Competent Authority has examined them, the Authority will notify the clients concerned of original employment contract.
The clients concerned of original employment contract may post necessary information to the information system designated by the Central Competent Authority, and let Public Employment Service Agency process foreigners transfer procedure.

Article 6 Employers who apply for consecutively employing foreigners shall provide the following documents:

1. Application Form.
 2. Copy of applicant's National Identification Card or the identification documents of the responsible corporate representative, Corporation Registration evidence document, Commercial Registration evidence document, Factory Registration Certificate and Franchised Business Permit Certificate. Those exempt from providing the Franchised Business Permit Certificate are not restricted.
 3. Official copies are required of the name list of insured workers over a one-year period ending two months before the application is made, with the exception of foreigners specified in Articles 8.1 and 8.2 under Reviewing Standards and Employment Qualifications for Foreigners Engaging in the Jobs Specified in Items 8 to 11, Paragraph 1 to Article 46 of the Employment Service Act (hereinafter referred to as the Reviewing Standards), housemaids, institutional care givers, and home-based care givers.
 4. Original copy of evidence document concerning qualifications of consecutively employing foreigners consistent with the stipulation as referred to in Article 7.
 5. Original copy of recruitment evidence. But applicants of consecutively employing family nursing workers are exempted.
 6. Contents description of foreigners' scheduled job.
 7. Evidence documents issued by Special Municipality or County (City) Governments according to the stipulation as referred to in Item 5, Paragraph 1 to Article 16 of The Permit and Management Regulation of Employers Hiring Foreigners.
- Employers holding Recruitment Permit Letters to apply for consecutively employing foreigners are exempted from the documents as referred to in items 2, 3, 5 and 7 of the Previous Paragraph.

Article 7 Concerning employers' applications for consecutively employing foreigners, the Public Employment Service Agency shall manage its operations according to the following order of priority:

1. Those who may introduce foreigners but have not introduced a sufficient number during the valid period of the Recruitment Permit Letter.
2. Consistent with the qualification to employ foreigners stipulated by the Central Competent Authority, and the number of foreigners hired has not reached the upper limit in terms of proportion or number as referred to in the Reviewing Standards.
3. Business units of the manufacturing or construction industries which do not employ foreigners or whose number of foreigners hired has not reached the upper limit in terms of proportion or number as stipulated

by the Central Competent Authority, and processing domestic recruitment as referred to in Article 47 of the Act and whose demand cannot be satisfied after recruitment.

After examining the application registration for consecutive employment as referred to in the preceding Paragraph and finding it consistent with stipulations, Public Employment Service Agency shall post necessary information to the information system designated by the Central Competent Authority.

The application registration for consecutive employment as referred to in Paragraph 1 is valid within sixty days starting from the date of registration. After the valid period has expired and consecutive employment is still necessary, registration shall be re-managed.

Employers applying for consecutive employment for Major Investment in the manufacturing industry are limited to Item 1 in Paragraph 1.

Article 8 Foreigners processing transfer of registration are restricted to the same type of job in their original industry. But any of the following cases is not restricted by this:

1. Applying for consecutive employment by employers with qualifications referred to in Items 1 or 2, Paragraph 1 to Article 6.
2. Foreigners who are victims of sexual assault, sexual harassment or violence, or are deemed victims of human trafficking.
3. Approved by the Central Competent Authority.

Nursing and housemaid jobs are regarded as the same type of job.

Article 9 Public Employment Service Agency shall follow the priority stipulation as referred to in Paragraph 1 to Article 7, foreigners' expected employment location, type of job, remaining employment period, and other conditions designated by the Central Competent Authority to manage operation of transferring. As priority stipulation cannot be discerned, it shall be determined randomly by the information system designated by the Central Competent Authority.

Public Employment Service Agency managing operation of transferring shall follow the stipulation of preceding Paragraph to select at least ten applicants of consecutively employment, and their number of consecutively employing foreigners shall reach one and half times of transferring foreigners. But when the number to be consecutively employed does not reach the above number or proportion, these restrictions do not apply.

Article 10 Public Employment Service Agency shall adopt method of public conciliation meeting every week to manage operation of consecutively employing foreigners.

The conciliation meeting of the preceding paragraph shall notify original employer, applicant of consecutively employment and foreigners to participate.

If original employer or applicant of consecutively employment were absent, they may provide power of attorney to authorize representative to present. If applicant of consecutively employment or whose representatives were absent from the meeting, they would be regarded as abandoning consecutively employment registration this time.

Foreigners shall carry passport, Alien Residence Certificate or other related evidence documents to participate the conciliation meeting as referred to in Paragraph 1. But foreigners whose passport and Alien Residence Certificate are detained illegally are not restricted.

Foreigners who are absent without due reasons will be regarded as abandoning transferring employers or jobs.

In the conciliation meeting as referred to in Paragraph 1, applicants of consecutively employment shall describe the contents of scheduled job for foreigners, and determine with the consent of foreigners. If foreigners' number exceeded the number that employers intend to employ consecutively, Public Employment Service Agency shall conciliate.

Article 11 The Public Employment Service Agency shall, within sixty days following the original employer' s completion of the transfer registration per Paragraph 2, Article 4 herein, conduct the transfer process laid out in the two previous articles. But for those foreigners possessing special situations that have been approved by the Central Competent Authority, the operation of foreigners' transferring may be extended to sixty days and one time only.

Foreigners who are physically assaulted by employers or other employees, commissioned administrator, persons under care of or relatives of persons under care of, and the Central Competent Authority permits revocation, its application to transfer operation is not subject to restriction on the times in the preceding paragraph.

In the case of foreigners who fail to attend negotiation meetings as stipulated in the preceding article without due reason, in the duration of the transfer process or extended transfer process, after their employment permits are annulled or rejected by central competent authorities and they are notified of approval of a change in employer or job, or foreigners who fail to find a new employer or job within the designated period of transition time as stipulated in the two previous articles, the Public Employment Service Agency shall notify their original employers to facilitate procedures so they can leave the country within fourteen days starting from the day after the negotiation meeting, except for foreigners with appropriate reasons approved by the central competent authorities.

In cases where the original employers' whereabouts are unknown, Municipality or County/City-level competent authorities shall ask Police or Immigration Competent Authorities with jurisdiction to carry out the departure process.

Foreigners subject to the conditions specified in item 1 may apply for a 14-day extension of the processing deadline ahead of the original due date.

Article 12 After completion of foreigners transferring operation, Public Employment Service Agency shall issue a Consecutive Employment Certificate to the employer of consecutive employment and the original employer.

Article 13 Within fifteen days starting from the second date of obtaining the Consecutive Employment Certificate, employers of consecutive employment shall prepare the following documents to the Central Competent Authority to apply for issuing Employment Permit or extending Employment Permit:

1. Application Form.
2. Copy of applicant's National Identification Card or the responsible corporate representative's identification documents, evidence document of corporate registration or commercial registration, Factory Registration Certificate, and Franchised Business Permit Certificate. Those exempt from Franchised Business Permit Certificate are not restricted.
3. Certification documents related to Article 20 and issued by local competent authorities when accepting a report.
4. Other documents as stipulated in Attachment 1.

In cases where a foreigner is being hired by a social group, copies of

the employer's National Identification Card and the Accreditation Certificate of the organization are required in addition to the documents specified in Items 1, 3, and 4 of the preceding Paragraph.

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Attachment 1.pdf

- Article 14 The Employment Permit period for the employer offering consecutive employment is restricted to three years. However, the Employment Permit period for the employer applying for consecutive employment using the Recruitment Permit is restricted to supplementing the foreigners' remaining employment period of the original Employment Permit.
- Article 15 For the employer of consecutive employment, according to the Guideline, the number of foreigners that may be consecutively employed and the following persons shall not in total exceed the upper limit of proportion or number stipulated by the Central Competent Authority:
1. The foreigners that have been employed;
 2. Those that have obtained Recruitment Permits;
 3. Those for whom re-recruitment permit or recurrence letter of recruitment may be applied for;
 4. Those that have applied for consecutive employment in the first two years and the reasons that Recruitment Permit and Employment Permits are annulled are attributable to employers.
- Article 16 When original employer can not be traced clearly, but foreigners are regarded by the Special Municipality or the County (City) Competent Authority of the location foreigners work as consistent with any situation as referred to in Paragraph 1 to Article 59 of the Act, and situation is emergent such that immediate placement required, then after asking for agreement from foreigners, the Competent Authority shall arbitrarily notify Public Employment Service Agency to process registration for foreigners.
- Article 17 For any situation of the following, applicants may apply to the Central Competent Authority directly for consecutively employing foreigners, and stipulations from Article 2 to Article 13 do not apply:
1. Original employer has reasons of die, emigration or other situation unable to continuously employing foreigners, applicant and the person originally under care of have a relative relationship stipulated in Paragraph 4, or applicant is originally employer's spouse of the family employing housemaid.
 2. The employers engaged in the industries outlined in Article 8, Article 19-7, or Article 20 of the Reviewing Standards who experience a change in owner or responsible person shall continue to employ its domestic laborers for a period of six months from the date of the change in ownership or responsibility.
 3. Purchase or rent the original manufacturing concern's machinery, equipment or factories or purchase or rent the original employer's slaughterhouse, and continuing to employ all domestic workers of the original employer starting from the sixth month prior to such an event occurring.
 4. Original employer's plant closure or shut-down cause the stoppage of major construction, and applicants take over the responsibility of original construction.
 5. Any foreigners whose employment permit has been annulled or rejected by central competent authorities and whose employer conforms to Items 1 or 2 of Paragraph 1 in Article 7 shall sign a letter of intent to certify that both parties consent to a continuance of employment within

the period of time for the transfer as agreed on by central competent authorities (hereinafter referred to as the two-party consent to continued employment).

6. Foreigners, original employers, and employers whose application qualifications conform to any of the stipulations in Items 1 or 2 of Paragraph 1 in Article 7, shall sign a three-party letter of intent to certify their consent to continued employment (hereinafter referred to as the three-party consent to continued employment).

For the situation below, applicants may apply to the Central Competent Authority directly for any change, and stipulations from Article 2 to Article 15 do not apply:

After a merger of business units, the surviving, newly established or taken over business units continuously hire all or a segment of domestic workers from the original employer starting from the sixth month prior to such event occurring.

If the business unit involved is a legal entity, any changes in ship ownership and responsibility shall be reported to central competent authorities and are not limited to the conditions stated in the stipulations from Article 2 to Article 15.

The relationship stated in Item 1, Paragraph 1 is described as below:

1. Spouses.
2. Direct blood relatives.
3. Collateral blood relations in third rank.
4. Step-parent, stepchild, spouse's parent or step-parent, child, or step-child's spouse.
5. Grandparent and grandchild's spouse, step-grandparent and grandchild, step-grandparent and grandchild's spouse.

Article 18 The ratio to the employer's total hired foreign workers of the consecutive recruitment foreign workers applied for by an employer pursuant to Item 3, Paragraph 1 of Article 17 can increase under the following conditions. However, the total ratio shall not exceed forty percent of the average number of the employees hired by the employer in the previous year in the same period as two months before the month that the employer files the application:

1. If the ratio increases to five percent, the employer shall pay an extra three thousand New Taiwan Dollars (NT\$3,000) per month for each employed foreign worker as the employment settlement fee.
2. If the ratio exceeds between five percent and ten percent, the employer shall pay an extra five thousand New Taiwan Dollars (NT\$ 5,000) per month for each employed foreign worker as the employment settlement fee.
3. If the ratio increase exceeds between ten percent and fifteen percent, the employer shall pay an extra seven thousand New Taiwan Dollars (NT\$7,000) per month for each employed foreign worker as the employment settlement fee.

After consecutively recruiting foreign workers in accordance with the preceding paragraphs, employers shall not change the amounts of the extra employment fees to be paid by them.

Article 19 Applications of Items in the Paragraph 1 of Article 17 shall be submitted within following application periods:

1. Items 1 to 4: Within sixty days starting from such event occurred.
2. Items 5 and 6: these shall be presented within 15 days starting from the next day after two parties or three parties agree to continued employment.

Occurring dates referred to the Item 1 of the preceding Paragraph are following:

1. Item 1: Fact occurred date of original employer die or emigrate, or other reasons.
2. Items 2 and 3: Registration date of fish boats, care institutions, factories or slaughterhouse to perform a transformation or cancellation.
3. Item 4: Take over date to continue original construction.

For the situation specified in Paragraph 1 of Article 17, the applicants shall submit the application within sixty days after the standard date of merger.

After original employers obtain Recruitment Permit and before foreigners are introduced, when a foreigner encounters any event referred to in Item 1 of Paragraph 1 of Article 17, an applicant who meets the relative relationship referred to in Paragraph 4 of Article 17 may apply for Consecutive Employment Permit from the Central Competent Authority within fifteen days after foreigners arrive in the Republic of China.

For original employers as referred to in Items 2 and 3 of Paragraphs 1 and 2 of Article 17 have obtained Recruitment Permits, and have not introduced the upper limit number of foreigners within the valid period of the Employment Permit, applicants shall submit their applications together within the designated period as referred to in Paragraphs 1 and 2.

Article 20 Employers continue hiring foreigners for works stipulated in Items 8 to 10 in Paragraph 1 to Article 46 of this Act shall prepare following documents and notify the local Competent Authority to implement inspection:

1. Notification of Consecutive Employment Certificate.
2. Foreign Workers Living/Care-giving Service Planning Book.
3. Foreigner's name list.
4. Ingression work fees for foreigners and labor affidavit.
5. Other documents regulated by the Central Competent Authority.

Employers in the preceding Paragraph shall notify the local Competent Authority within following designated periods:

1. Applications in accordance with the provisions of Article 6 shall be completed within three days starting from the day that public employment service agencies issue Consecutive Employment Certificate.
2. Applicants proceeding in accordance with Article 17.1.1 to 17.1.4 and Article 17.2 shall provide documents within 60 days as stipulated in Paragraphs 2 and 3 of Article 19. Where original employers encounter situations as stated in Article 17.1.1 between the date of obtaining recruitment permission and the arrival of foreign workers, relatives of the applicant as stipulated in Article 17.4 shall provide the documentation within three days after the foreign worker enters the country.
3. People applying in accordance with Articles 17.1.5 to 17.1.6 shall provide the necessary documents within three days after both sides, or all three parties agree to continued employment.

After employers notify local Competent Authority in accordance with the two preceding Paragraphs, withdrawal of notification is not valid.

The applications supplying documents meeting the provisions of Item 1, local Competent Authority shall issue employers Notification of Consecutive Employment Certificate, and implement inspection specified in Article 19 of the Regulations. Applications qualified for inspection within six months before issuance of Notification may be exempted.

Article 21 For the employer of consecutive employment or original employer, according to the Guideline, when consecutively employing or transferring foreigners, the same foreigner cannot simultaneously and successively sign the bilateral or trilateral certification documents, or consecutively employ or transfer the foreigner through public employment institutions.

Article 22 Applications for consecutively employing foreigners in accordance with Paragraph 1 to Article 17 shall supply the following documents:

1. Application Form.
2. Documentation
3. In accordance with the provisions in the preceding Article, documentation of acceptance report issued by local Competent Authority.
4. Other documents as Attachment 2.

Documentation in Item 2 of the preceding Paragraph is the following:

1. Applicants in accordance with Article 17.1.1:
 - (1) Related documentation for death, emigration or other reasons that original employers cannot continuously employ foreigners.
 - (2) Copies of Household Certificate for the applicant and those being cared for.
2. Applicants in accordance with Article 17.1.2:
 - (1) Copies of the National Identification Card for the ship owner or person in charge of a fishing boat, fish farm or care-giving institution.
 - (2) Original copy of insurer's name list under the Labor Insurance and materials of Labor Insurance for those domestic workers hired by the original employer and those native workers consecutively hired by the applicant.
3. Applicants in accordance with Article 17.1.3:
 - (1) Copy of factory or slaughterhouse purchase invoice or rental contract notarized by court.
 - (2) Copy of factory, slaughterhouse, or corporation revised registration and cancellation documentation.
 - (3) Copy of insurer's name list under the Labor Insurance and materials of the Labor Insurance for those native workers hired by the original employer and those domestic workers consecutively hired by the applicant.
4. Applicants in accordance with Item 4, Paragraph 1 of Article 17:
 - (1) Copy of original employer's plant closure or shut-down documentation.
 - (2) Copy of applicant's corporation registration documentation.
 - (3) Copy of construction contract showing that applicant has taken over the original construction project.
5. Applications in accordance with Article 17.1.5: certificate of agreement to continued employment between employer and employee.
6. People applying in accordance with Article 17.1.6:
 - (1) One of the documents referred in Article 2.1.2.
 - (2) Certification documents for continued employment under agreement by all three parties.

Applications in accordance with Paragraph 2 of Article 17 shall supply the following documents:

1. Application Form.
2. Documentation.
3. Employer's national identification certificate, the company registration certificate of the applicant and of the foreign workers'

original employer, or the business registration certificate.

Applications in accordance with Paragraph 3 of Article 17 shall supply the following documents:

1. Application Form.
2. Business unit revised registration certificate.
3. Employer's national identification certificate.

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Attachment 2.odt

Article 23 If foreigners hired for work stipulated in Items 8 to 10 in Paragraph 1 to Article 46 of this Act agree with the original employers on discontinuation of employment and intend to be consecutively hired by new employers (hereinafter referred to as Finish Contract and under Transfer Foreign Workers), the original employers shall apply to the Central Competent Authority for transfer of employer or work and supply the following documents 2 to 4 months before expiry of the employment period of employment permit. However, if the new employers of such foreigners have applied for transfer within the period mentioned above and have obtained approval, the original employers are not required to submit such application again:

1. Application form.
2. Documentation of foreigners' agreement on transfer of employers or work.

Central Competent Authority shall register mandatory information in the specified information system according to the foreigners' willingness. Upon completion of the registration referred to in the preceding paragraph, Public Employment Service Agency shall follow foreigners' expected employment location, type of job, and other conditions designated by the Central Competent Authority to manage the foreigners' transfer process upon expiration. The relevant procedures shall follow the requirements under Paragraph 2 of Article 9, Article 10, and Article 12 herein.

Article 24 Concerning employers' applications for consecutively employing foreigners, employers may introduce foreigners but have not introduced sufficient number during valid period of Recruitment Permit Letter.

Article 25 Concerning applications for transfer of employers or work, Finish Contract and under Transfer Foreign Workers are not allowed to apply for the same type of work they were originally engaged in. Foreigners applying for transfer of the type of work shall meet the qualifications specified in the Reviewing Standards.

Article 26 Transfer of employers or work for Finish Contract and under Transfer Foreign Workers shall be completed from the day of approval of transfer of employers or work by the Central Competent Authority to 14 days prior to expiry of employment period of employment permit.

No extension of the period of transfer specified in the preceding paragraph is allowed.

If the transfer of employers or work for Finish Contract and under Transfer Foreign Workers, upon approval of Central Competent Authority, is not completed by the the period of transfer mentioned in the preceding first paragraph, the original employer is responsible to facilitate procedures by expiry of period of employment of employment permit so that such foreigners can leave the country.

Article 27 Employers meeting the qualifications specified in Article 24 and entering into the consecutive employment agreement with Finish Contract and under Transfer Foreign Workers prior to the expiration of the

foreign workers' employment permits shall apply to the Central Competent Authority for directly consecutively employing such foreigners. The stipulations in Article 2 to Article 13 and Article 23 herein do not apply.

Article 28 Employers intending to consecutively employ foreigners whose contracts are ending or under transfer shall notify the Local Competent Authority with documents specified in Paragraph 1 of Article 20 herein attached within 3 days as of the date set forth below:

1. Date when Public Employment Service Agency issues the new employer transfer certificate;
2. Date when the new employer transfer certificate, agreed by both parties, is signed with the foreign worker.

The abovementioned notification given by the employers to the local competent authority is irrevocable, with the exception of reasons not attributable to employers.

The applications supplying documents meeting the provisions of Item 1, local Competent Authority shall issue employers Notification of Consecutive Employment Certificate, and implement inspection specified in Article 19 of The Permit and Management Regulation of Employers Hiring Foreigners. Applications qualified for inspection within one year before issuance of Notification may be exempted.

Article 29 Within fifteen days starting from the second date of entering into the consecutive employment agreement, employers of consecutive employment shall prepare the following documents to the Central Competent Authority to apply for issuing Consecutive Employment Permit:

1. Application Form.
2. Copy of applicant's National Identification Card or the responsible corporate representative's identification documents, evidence document of corporate or commercial registration, Factory Registration Certificate, and Franchised Business Permit Certificate. Those exempt from Franchised Business Permit Certificate are not restricted.
3. Certification documents related to Article 28 and issued by local competent authorities when accepting a report.
4. Original of the Recruitment Permit Letter. The Recruitment Permit Letter not valid of introduction shall be attached together with the original copy of the Introduction Permit and the name list.
5. The official copy of the review fee receipt.

In cases where a foreigner is being hired by a social group, copies of the employer's National Identification Card and the Accreditation Certificate of the organization are required in addition to the documents specified in Items 1, 3, and 4 of the preceding Paragraph. Central Competent Authority shall issue the Consecutive Employment Permit on the day following expiry of employment period of original employment permit of Finish Contract and under Transfer Foreign Workers. The Consecutive Employment Permit period for the employer of consecutive employment is restricted to 3 years. However, the Employment Permit period for the employer applying for consecutive employment using the Recruitment Permit is restricted to supplement such foreigners' remaining employment period of the original Employment Permit.

Article 30 Employers continuing to hire foreigners shall bear liability as an employer in accordance with the provisions of this Act, and pay the Employment Stabilization Fee, starting from the following dates:

1. Applications in accordance with the provisions of Article 6 start from the day the public employment service agencies issue the

Consecutive Employment Certificates.

2. Applications in accordance with the provisions of Items 1 to 4 in Paragraph 1 to Article 17 start from the day the events specified in Paragraph 2 to Article 19 occur.
3. Applications in accordance with the provisions of Items 5 to 6 in Paragraph 1 of Article 17 start from the day the two parties consent to consecutive employment or the three parties consent to consecutive employment.
4. Applications in accordance with the provisions of Paragraph 2 of Article 17 start from the day the events specified in Paragraph 3 to Article 19 occur.
5. Applications in accordance with the provisions of Article 27 and Article 29 start from the day following expiry of the employment period of Employment Permit.

If the Central Competent Authority issues no Employment Permit to the employers referred to in the preceding Paragraph, the Central Competent Authority can issue foreigners Consecutive Employment Certificates from the date specified in the preceding Paragraph until the date that no Employment Permit may be issued.

Employers as specified in Paragraph 1 shall notify local competent authorities, immigration offices and police authorities, and shall also provide copies to central competent authorities regarding the continued employment of a foreigner as stipulated in Article 56 of this Law. In cases where an employment relationship is terminated with notice, local competent authorities shall proceed in accordance with paragraph 1 of to Article 45 of Regulations on Approval and Administration of the Employment of Foreign Workers.

- Article 31 An employer who intends to renew an employment contract prior to its expiration date can reopen recruitment in accordance with the Reviewing Standards and related regulations. Foreigners engaged in construction work approved by the central competent authorities shall be limited to the originally approved period of time of employment if continued employment is being considered.
- When managing renewed recruiting foreigners in the preceding Paragraph, their renewed recruited foreigners, foreigners who have been hired and the number that have obtained Recruitment Permits, shall not in total exceed the upper limit of proportion or number stipulated by the Central Competent Authority.
- The number of employees for whom the employers engaged in the manufacturing industries referred to in the Subparagraph 1 of Article 4 of the Reviewing Standards may apply for the re-recruitment permit shall be limited to that of the former recruitment permit or new employer transfer certificate under the same labor insurance certificate number. After employers have completed the procedures of applying for the Employment Permit or an extension of the Employment Permit as referred to in Article 13 or Article 17, if the period of renewed recruitment had passed, the employers may manage renewed recruitment within four months after they have obtained an Employment Permit or extension of an Employment Permit.

- Article 32 When manufacturing employers have employed the number of foreigners and consecutively recruited the total number of foreigners referred to in Items 1 and 2, Paragraph 1 of Article 7 and Item 3, Paragraph 1 of Article 17, and introduced the total number of foreigners stipulated in the preceding Article, the measures taken by the Central Competent

Authority to verify the ratio of employed foreigners by the said employers shall comply with the stipulations in Attachment 3.

The Central Competent Authority shall, starting from said employers who have employed the first foreigner for at least three months, inspect every three months the ratio or numbers of foreigners employed by said employers in accordance with the preceding Paragraph.

The number of foreigners employed and the number of workers hired referred to in Paragraph 1 are calculated as, measured by two months prior to the month of inspection conducted by the Central Competent Authority, the average number of workers who participate in the Labor Insurance three months prior to the measured month.

For employers who employ foreigners in excess of the ratios or the numbers of workers referred to in Paragraph 1, when the Central Competent Authority have given notice of amelioration by a due date, and have not ameliorated prior to the due date, shall, in accordance with Article 72 of the Act, rescind said employers' recruitment permits and employment permits of those number exceeding stipulation, and count in the number of persons referred to in Article 15 and Item 3, Paragraph 1 of Article 14-7 of the Reviewing Standards.

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Attachment 3.pdf

Article 33 For butchery employers who have employed the number of foreigners and consecutively recruited the total number of foreigners referred to in Items 1 and 2, Paragraph 1 of Article 7 and Item 3, Paragraph 1 of Article 17, and introduced total number of foreigners stipulated in Paragraph 1 of Article 31, the measures taken by the Central Competent Authority to verify the ratio of employed foreigners by the said employers shall comply with the stipulations in Attachment 4.

The Central Competent Authority shall, starting from said employers who have employed the first foreigner for at least three months, inspect every three months the ratios or numbers of foreigners employed by said employers in accordance with the preceding Paragraph.

The number of foreigners employed and the number of workers hired referred to in Paragraph 1 are calculated as, measured by two months prior to the month of inspection conducted by the Central Competent Authority, the average number of workers who participate in the Labor Insurance three months prior to the measured month.

When employers who employ foreigners in excess of the ratios or the number of workers referred to in Paragraph 1, and the Central Competent Authority have given notice of amelioration by a due date, and have not ameliorated prior to the due date, the Authority shall, in accordance with Article 72 of the Act, rescind said employers' recruitment permits and employment permits of those number exceeding stipulation, and count in the number of persons referred to in Article 15 and Item 3, Paragraph 1 of Article 19-4 of the Reviewing Standards.

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Attachment 4.odt

Article 34 Employers and foreigners who fail to issue notifications or applications on time as stipulated shall re-issue notifications or applications within 15 days of expiration after obtaining approval from central competent authorities.

Only one reissuance of the same notice and application is permitted for employers referred to in the previous paragraph.

Article 35 Related forms stipulated in the Guideline shall be proclaimed by the Central Competent Authority.

Article 36 The Guideline shall be in effective starting from the day of promulgation.

Articles of the Guideline amended and promulgated on July 6, 2017 shall become effective on January 1, 2018.