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Summary: According to Articles 56, 59, 67, 68 of the Employment Service Act and Article 45 of the Regulations on the Permission and Administration of the Employment of Foreign Workers, an employer must notify the local competent authority in writing within three (3) days after a foreign worker's work period has expired or he/she has left the country before the expiry; this may allow for omitting a review of the departure from the country.

Full text: 1. Regarding termination of an employment relationship and leaving the country (i.e. what your company refers to as 'leaving the country halfway'): Article 56 of the Employment Service Act (the "Act") and Article 45 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 and police department in writing within three (3) days, with a courtesy copy to the central competent authority. Violation of Article 56 of the Act is punished with a fine of TWD 30,000 to TWD 150,000 in accordance with Article 68, Paragraph 1 of the Act. Violation of Article 45 of the Regulations is punished with a fine of TWD 60,000 to TWD 300,000 in accordance with Article 59 and Article 67, Paragraph 1 of the Act. However, in view of relaxing policies and convenience for the people, the Council has issued an explanation in Letter Lao-Zhi-Wai-Zi No. 0930205308 dated 27 July 2004, stating "...an employer making his foreign worker leave the country within three (3) days after termination of the employment relationship, is regarded as equivalent to a notification to the local competent authority and police department in accordance with Article 56 of the Act."

2. Regarding leaving the country upon expiry of a work permit or an extended work permit: Article 46, Paragraph 1 and Paragraph 3 of the Act stipulate that the employer submit a list of foreign workers and proof of their departure from the country and notify the central competent authority (i.e. this Council), within "30 days" from said departure. Violations are punished with fines from TWD 60,000 to TWD 300,000 in accordance with Article 59, Paragraph 9, and Article 67, Paragraph 1 of the Act. However, in view of relaxing policies and convenience for the people,

Interpretation Letter Tai (90) Lao-Zhi-Wai-Zi No. 02183478 dated 18 January 2001, describes three circumstances of foreign workers employed by employers that cause exceptions: (1) Those leaving the country without having obtained a work permit; (2) Those leaving the country while their work permit has been revoked; (3) Those who have returned to their home country with a re-entry permit issued by the police department while their employment relationship has not yet been terminated.

Pursuant to the regulations, the employer must within thirty (30) days after the foreign worker has left the country notify this Council to allow a review of the departure. After the review, the employer may be exempted from complying with Article 18, Paragraph 5 of the Regulations on the Permission and Administration of the Employment of Foreign Workers (i.e. Article 46, Paragraph 3 of the current Regulations) which sets forth the procedure for such review. Instead, this Council will of its own accord issue a letter to revoke the work permit of the foreign national.

3. As mentioned above, circumstances of a foreign worker's "work period expiry", "leaving the country halfway", etc. may be exempted from the Council reviewing the departure from the country in accordance with the above regulations. However, as per Clarification 2 above, if an employer has not received a departure investigation letter from the Council within thirty (30) days after the foreign worker has left the country, the employer must still apply for such letter with the Council within thirty (30) to sixty (60) days after the foreign worker has left the country.