

因應 COVID-19 疫情期間

恢復外籍家庭看護工及外籍家庭幫傭轉換雇主或工作暨其他產業雇

主承接得例外轉換移工之 PCR 檢驗問答集

Restoration of the Right of Foreign Home Care Workers

and Home Help to Change Employers or Work and

PCR Tests for Exemption Transfer Foreign Workers

Taken on by Employers in Other Industries

in Response to COVID-19

-- Questions and Answers --

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壹、 雇主承接家庭類移工

1. Employer Transfers for Live-in Foreign Workers

問題一：110 年 7 月 1 日起家庭類移工起恢復轉換程序嗎？有其他產業移工嗎？

回答：依指揮中心指示，自 110 年 7 月 1 日起恢復外籍家庭看護工及外籍家庭幫傭(下稱家庭類移工)，其他產業除有符合雇主關廠歇業、遭受性侵害、性騷擾、暴力毆打或經鑑別為人口販運被害人等特殊情事外，仍暫緩轉換。

Q1: From July 1, 2021, will the right of foreign home care workers and home help to change employers be restored? What about foreign workers in other industries?

A: In accordance with instructions from the Central Epidemic Command Center (CECC), from July 1, 2021, foreign home care workers and home help (hereafter live-in foreign workers) will have their right to change

employers restored. At present, foreign workers in other industries will still not be permitted to change employers other than in cases where an employer shuts down a factory or the foreign employee is subject to sexual assault, sexual harassment, violence or identified as a victim of human trafficking.

問題二：只有家庭類雇主可以承接家庭類移工嗎？

Q2: Can live-in foreign workers only be transferred to home care employers?

回答：自 110 年 7 月 1 日起恢復家庭類移工轉換雇主或工作，可由家庭看護工或家庭幫傭雇主(下稱家庭類雇主)承接，其他產業如製造業、營造業、安養護機構、農漁業及其他產業別仍暫緩轉換。

A: From July 1, 2021, the right of live-in foreign workers to change employers or work is restored. Such home care workers and home help can only be transferred to home care employers. Foreign workers in other industries, whether manufacturing, construction, nursing home, agriculture, fisheries and others sectors are currently not allowed to change employers.

問題三：家庭類雇主和移工可以合意承接轉換的方式有那些？

Q3: What are the acceptable ways for home care employers and live-in foreign workers to agree to transfers?

回答：家庭類雇主和移工可以辦理以承接轉換：

A: Home care employers and live-in foreign workers can arrange transfers in the following ways:

- 一、合意接續聘僱：在移工原聘僱期間內，由移工與新雇主合意辦理接續聘僱，到新雇主家中從事被看護者的照顧工作。
如:移工 SITI 原聘僱期間到 110 年 8 月 30 日，在這之前的

110年7月15日和新僱主阿明合意，由阿明接續聘僱照顧家中失能父親，即為合意接續聘僱，110年7月15日是為接續聘僱起日，這天必須要安排移工做PCR。

1. Agreed employer transfer: This involves a foreign worker and prospective new employer agreeing to the transfer of the former, while still under his/her original employment contract, to the home of the new employer to look after a care recipient. For example, the original employment period of foreign worker SITI runs until Aug. 30, 2021, however, on July 15, 2021, SITI comes to an agreement with new employer A-ming to care for A-ming's incapacitated father at his home. This is called an "agreed employer transfer" and in this case the first day of the new employment period is July 15, 2021, on which day the new employer is required to arrange for the foreign worker to receive a COVID-19 Polymerase Chain Reaction (hereafter PCR) test.

二、期滿轉換：在移工原聘期到期前申請由新僱主期滿轉換，等到原期聘結束後，再轉到新僱主家工作。如：移工 SITI 原聘期為 110 年 8 月 30 日，在 110 年 5 月中時就申請聘期結束後到新僱主阿明家工作並由本部同意，到 110 年 8 月 31 日再到新僱主阿明家工作，110 年 8 月 31 日即為新聘期起日，這天必須安排移工做 PCR。

2. Contract completion employer transfer: In this situation an application is made, before the existing employment contract expires, for the foreign worker to transfer to a new employer when the current contract is completed. Once the original contract is completed the foreign worker transfers to the home of the new employer. For example, the original employment period of foreign worker SITI ends on Aug. 30, 2021, but in the middle of May SITI applies to transfer to new employer A-ming's home

when the contract ends and with the agreement of the Ministry of Labor, SITI moves into A-ming's home on Aug. 31, 2021. In this example, the first day of the new employment period is Aug. 31, on which day the employer must arrange for the foreign worker to receive a COVID-19 PCR test.

問題四：110年7月1日起家庭類雇主接續聘僱家庭類移工，防疫部分要配合辦理什麼？

Q4: When a live-in foreign worker transfers to a home care employer from July 1, 2021, what pandemic prevention measures are required?

回答：家庭類雇主接續家庭類移工後，必須於接續聘僱當日安排移工檢採 PCR，之後依本部雇主指引進行移工健康監測、記錄移工出入足跡，有助移工及家庭成員疫情期間安全。

(一)安排移工核酸檢驗(下稱 PCR):承接家庭類移工之新雇主應於接續聘僱(含期滿轉換)當日內安排移工至合格醫療機構檢驗 PCR，檢測費用應由新雇主支付。比如:110年7月10日雇主阿明接續聘僱家庭類移工 SITI 照顧失能的父親，在7月10日當天阿明就要安排 SITI 去醫院採檢 PCR，若當天未做 PCR，將無法聘僱移工。做 PCR 的費用也必須由雇主阿明負擔，不可向移工收取。若為期滿轉換，需在期滿轉換移工開始新聘期當天辦理 PCR。

(二)雇主應辦理防疫措施:倘若接續聘僱移工檢測 PCR 確診時，新雇主應負雇主責任，並依本部「因應嚴重特殊傳染性肺炎雇主聘僱移工指引：移工工作、生活及外出管理注意事項」(下稱本指引)，配合衛生單位安排就醫或送集中檢疫所隔離治療，並依確診個案處置及解除隔離治療條件續處。倘若接續聘僱移工檢測 PCR 陰性，新雇主應依雇主指引，每日進行移工健康監測及記錄移工出入足跡。例如每日量測移工

體溫，注意有無發燒、頭痛、流鼻水、喉嚨痛、咳嗽、肌肉痠痛等情形，關心瞭解移工外出的情形，有無旅遊史、接觸史及群聚情形等。

A: When a live-in foreign worker transfers to a home care employer, the latter is required to arrange for the foreign worker to receive a COVID-19 PCR test on the first day of work. Thereafter, in accordance with the Ministry of Labor's Foreign Worker Employment Guidelines employers are required to monitor the health and record the comings and goings of the foreign workers, to ensure their health and the health of family members for the duration of the pandemic.

(1) Arrange for the foreign worker to take a COVID-19 PCR test: When a live-in foreign worker transfers to a new employer, the latter must arrange for said worker to receive a COVID-19 PCR test at a qualified medical facility on the first day of the new job (including contract completion employer transfers), the cost of which must be paid by the new employer. For example, if live-in foreign worker SITI transfers to new employer A-ming to care for his incapacitated father on July 10, 2021, then A-ming is required to arrange a COVID-19 PCR test at a hospital for SITI on the same day. If no test is conducted on that day then A-ming cannot employ the foreign worker. The cost of the PCR test must be paid by the new employer and reimbursement cannot be sought from the foreign worker. If the employment transfer takes place when the original contract ends then the PCR test must be taken on the day the transferring foreign worker begins their new employment contract.

(2) Pandemic prevention measures to be undertaken by employers: If the COVID-19 PCR test arranged for a transferred foreign worker comes back positive it is the responsibility of the new employer, in conjunction with

the health authorities, to arrange medical treatment or place the worker in a government quarantine facility where he/she can be treated, in accordance with the Ministry of Labor's "Foreign Worker Employment Guidelines in Response to Severe Pneumonia with Novel Pathogens (COVID-19): Managing the Work, Life, and Outdoor Activities of Foreign Workers" (hereafter The Guidelines) and thereafter be processed based on the "Severe Pneumonia with Novel Pathogens Positive Case and Quarantine Release Treatment Conditions." If the COVID-19 PCR test arranged for a transferred foreign worker comes back negative it is the responsibility of the new employer, in accordance with the Employment Guidelines, to conduct daily health monitoring and record the comings and goings of the foreign worker. For example, the worker's temperature should be taken every day, with attention paid to whether he/she has a fever, headache, runny nose, sore throat, cough, muscle soreness etc. Attention should also be paid to where the foreign worker visits, specifically their travel history, contact history or connection to clusters.

問題五：自 110 年 7 月 1 日起家庭類新雇主接續聘僱（期滿轉換）家庭類移工，新雇主承接日起負雇主責任，即應依規定安排採檢而未依規定安排移工採檢 PCR，會核准接續聘僱許可嗎？有無處罰？

回答：

- 一、新雇主在接續聘僱當日沒有安排移工檢驗 PCR，未善盡照顧責任違反就業服務法(下稱本法)第 57 條第 9 款規定，將處新臺幣 6 萬元至 30 萬元罰鍰，並且不予核發接續聘僱許可。
- 二、新雇主在移工期滿轉換報到當日，未善盡照顧責任而沒有安排移工檢驗 PCR，依違反本法第 57 條第 9 款規定，將處新臺幣 6 萬元至 30 萬元罰鍰，並且廢止聘僱許可。

Q5: From July 1, with new home care employers permitted to take on transferred (contract completion transfer) live-in foreign workers, in accordance with existing regulations the new employer is responsible for arranging a COVID-19 PCR test on the first day of employment. If he/she fails to arrange the test will they still be permitted to hire the foreign worker? Will they be fined?

A:

1. If a new employer fails to arrange a COVID-19 PCR test for a transferred foreign worker on the first day of employment and thereby fails to live up to their duty of care that violates Paragraph 9, Article 57 of the Employment Service Act (hereafter The Act) and will result in a fine of NT\$60,000-NT\$300,000. In addition, the application for an employment permit for the transferred worker will be denied.
2. If a new employer fails to live up to their duty of care by not arranging a COVID-19 PCR test on a foreign worker's first day of work after a contract completion transfer, then based on Paragraph 9, Article 57 of the Employment Service Act he or she will be fined NT\$60,000-NT\$300,000 and their employment permit be revoked.

問題六：自 110 年 7 月 1 日起家庭類新雇主接續聘僱（期滿轉換）家庭類移工，仲介公司有接受雇主委任，但未於接續聘僱（期滿轉換）當日，安排移工 PCR，仲介公司有會受處罰嗎？

回答：另雇主如委託私立就業服務機構(下稱仲介公司)辦理移工生活照顧，未為雇主於接續聘僱（期滿轉換）新聘期起日，安排移工檢測 PCR，因仲介公司未善盡受任事務，致雇主違反規定，將依仲介公司違反本法第 40 條第 1 項第 15 款規定，處 6 萬元以上至 30 萬元以下罰鍰。

Q6: From July 1, with new home care employers permitted to hire transferred (contract completion transfer) live-in foreign workers, if a labor brokerage is appointed by the employer but fails to arrange a COVID-19 PCR test on the first day of employment (contract completion transfer), will the brokerage be fined?

A: If an employer appoints a private employment service agency (hereafter labor brokerage) to be responsible for foreign worker life care and the agency fails to arrange a COVID-19 PCR test on behalf of the employer on the first day of employment (contract completion transfer), the brokerage's failure to carry out its assigned task places the employer in violation of regulations. In addition, the labor brokerage is in violation of Subparagraph 15, Paragraph 1, Article 40 of The Act, resulting in a fine of NT\$60,000-NT\$300,000.

問題七：110 年 7 月 1 日起家庭類雇主接續聘僱（含期滿轉換接續聘僱）家庭類移工，必須於接續聘僱當日安排移工至合格醫療機構進行 PCR 檢驗，新雇主或所委託私立就業服務機構於本部線上申辦系統申請接續聘僱（期滿轉換）時，如何檢附 PCR 證明文件？

回答：請於本部線上申辦系統應備文件上傳頁籤點選最下面「其他」選項，再上傳 PCR 掃描檔即可。本部也會在線上申辦系統外籍家庭看護工及家庭幫傭接續聘僱申請項目提示雇主或所委託私立就業服務機構應檢附上傳接續聘僱當日移工之 PCR 證明文件。

Q7: From July 1, with home care employers permitted to take on transferred (including contract completion transfer employment) live-in foreign workers, they are required to arrange for the foreign worker

to visit a qualified medical facility and take a COVID-19 PCR test on the first day of employment. When the new employer or appointed labor brokerage applies for continued employment (contract completion transfer) on the Ministry of Labor’s online application system how should they attach the PCR documents?

A: Once you are in the MOL online application system go to the prepared document upload tab, click the menu option “others” at the bottom and upload the scanned PCR test results file. The ministry has also posted a reminder in the foreign live-in care worker and home help employer transfer section of the application system that employers or their appointed labor brokerages need to upload documents that show the foreign worker received a COVID-19 PCR test on the first day of new employment.



問題八：110年7月1日起家庭類雇主接續聘僱（含期滿轉換接續聘僱）家庭類移工，必須於接續聘僱當日安排移工至合格醫療機構核酸檢驗（下稱PCR），倘新雇主或所委託私立就業服務機構於申請期滿轉換接續聘僱時尚未屆接續聘僱，如何檢附PCR證明文件？

回答：新雇主申請期滿轉換接續聘僱許可時，倘尚未屆家庭類移工期滿轉換接續聘僱當日，暫時無須檢附PCR證明文件，本部將先行核

發期滿轉換接續聘僱許可函，並保留廢止權，請新雇主於接續聘僱當日之翌日起 15 日內向本部補附接續聘僱當日之 PCR 證明文件，倘逾期未補附，將依行政程序法第 123 條規定廢止期滿轉換接續聘僱許可，同時以新雇主違反就業服務法第 57 條第 9 款規定，及所委託私立就業服務機構違反本法第 40 條第 1 項第 15 款規定，移請地方政府裁處。另於審理期間倘已屆家庭類移工接續聘僱當日，本部將發函請新雇主先行補附家庭類移工接續聘僱當日之 PCR 證明文件後再續行審查期滿轉換接續聘僱許可申請案。

Q8: From July 1, new home care employers permitted to hire transferred (including contract completion transfer employment) live-in foreign workers are required to arrange for the foreign worker to visit a qualified medical facility and take a COVID-19 PCR test on the first day of employment. However, if the original contract has not ended and the worker has not yet had his or her first day of employment when the new employer or appointed labor brokerage applies for a contract completion employer transfer how can they attach PCR test documents?

A: When a new employer applies for a contract completion transfer employment permit before the live-in foreign worker starts his or her first day at work, provisionally there is no requirement to include PCR test documents. The ministry will first send a letter approving the contract completion transfer employment permit, while reserving the right to revoke it. In such situations, the new employer is required to submit the COVID-19 PCR test taken on the first day of employment to the ministry within 15 days of the first day of employment (not inclusive). Failure to provide the documents within the allotted time period will lead to the revocation of the

contract completion transfer employment permit in accordance with Article 123 of the Administrative Procedure Act. At the same time, the new employer is in violation of Paragraph 9, Article 57 of the Employment Service Act and the appointed labor brokerage of Subparagraph 15, Paragraph 1, Article 40 of The Act, with the punishment to be determined by the local government. If during the application processing period, the transferred live-in foreign worker has his or her first day of employment the ministry will issue a letter instructing the new employer to send the COVID-19 PCR test documents from the first day of work before continuing to review the contract completion employer transfer employment permit application.

問題九：雇主和移工合意廢止聘僱轉換，在等待轉換期間，移工和雇主又再合意接續聘僱，移工願再回到雇主家工作，依本部 110 年 7 月 1 日函釋，該雇主是否屬於函釋所稱的「新雇主」？

回答：是。本項問題的前後任雇主雖為同一人，但以接續聘僱規定而言，在廢止聘僱後再行接續同一名移工，此時該名雇主仍為法律上的「新雇主」，移工在等待轉換期間，或有另行居住，為確保疫期期間安全，仍需依本部 110 年 7 月 1 日函釋為移工安排檢驗 PCR。

Q9: If an employer and foreign worker agree to terminate an employment transfer but while they wait for the transfer period agree to continue the employment contract, then based on the ministry's July, 1, 2021 administrative interpretation is the employer classified as a "new employer" as defined in the interpretation?

A: Yes. In this instance, although the former and latter employer are the same person, in transfer employment regulations if an employer terminates

employment and then goes on to re-employ the same foreign worker then legally speaking that employer is designated the “new employer.” Moreover, while the foreign worker waits for the transfer period he or she might live elsewhere and so to ensure safety during the pandemic prevention period it is still necessary to arrange a COVID-19 PCR test according to the administrative interpretation issued by the ministry on July 1.

問題十：產業類移工想轉換為家庭類移工，可由家庭類雇主接續聘僱嗎？

回答：不可以。依指揮中心指示，僅原從事家庭類工作移工可辦理轉出，由家庭類雇主承接，其他產業移工無法跨業轉換。

Q10: If an industry category foreign worker wants to transfer to the live-in foreign worker category can a home care employer hire them?

A: No. Based on instructions from the Central Epidemic Command Center only foreign workers originally engaged in live-in care work can be transferred and hired by home care employers. Foreign workers in other industries cannot transfer between sectors.

問題十一：其他業別的期滿移工，可依指揮中心 110 年 7 月 1 日規定轉換為家庭類移工，由家庭類雇主承接嗎？

回答：不可以。依指揮中心指示，僅原從事家庭類工作期滿移工可辦理轉出，由家庭類雇主承接，其他業別期滿移工無法跨業轉換。

Q11: Based on the July 1 rules issued by the CECC, can a foreign worker who completes his or her employment period in another industry transfer to become a live-in foreign worker and be hired by a

home care employer?

A: No. The directions of the CECC state that only foreign workers originally engaged in live-in care work can be transferred and hired by home care employers. Foreign workers in other industries who complete their period of employment cannot transfer between sectors.

貳、家庭類移工重新轉換

2. Right of live-in foreign workers to transfer employers restored

問題一：家庭類移工已於 110 年 6 月 5 日(含)前經本部核准轉出，且已至公立就業服務機構辦理轉出登記，但因本部 110 年 6 月 7 日函釋暫緩轉換作業，如 110 年 7 月 1 日起想要恢復轉換，該如何處理？

Q1: After July 1, how should live-in foreign workers approved by the Ministry of Labor to transfer employers before June 5, 2021 (inclusive) and who registered the transfer with a public employment service agency but saw all transfers postponed by an administrative interpretation issued by the ministry on June 7, go about restarting the transfer process?

回答：本部將自 110 年 7 月 1 日次日起，由轉換雇主系統自動重新給予 60 日轉換期限；家庭類移工如果想要停止轉換公告，得向登記轉換公告的公立就業服務機構申請撤銷。

A: Beginning on July 2, the Ministry of Labor's employer transfer system automatically provides a 60 day employer transfer period; If a live-in foreign worker wants to stop the employer transfer announcement, then he

or she must apply to the public employment service agency that registered the transfer announcement to have it removed.

問題二：家庭類移工已於 110 年 6 月 5 日(含)前經本部核准轉出，但尚未至公立就業服務機構辦理轉出登記，因本部 110 年 6 月 7 日函釋暫緩轉換作業，如 110 年 7 月 1 日起想要恢復轉換，該如何處理？

回答：家庭類移工或雇主應自 110 年 7 月 1 日次日起 14 日內，至公立就業服務機構辦理轉出登記。

Q2: After July 1, how should live-in foreign workers approved by the Ministry of Labor to transfer employers before June 5, 2021 (inclusive) who did not register the transfer with a public employment service agency but saw all transfers postponed by an administrative interpretation issued by the ministry on June 7, go about restarting the transfer process?

A: Live-in foreign workers or employers have 14 days to file the transfer registration with a public employment service agency starting on July 2.

問題三：家庭類移工已向本部申請轉出，但本部未同意轉換，因本部 110 年 6 月 7 日函釋暫緩轉換作業，如 110 年 7 月 1 日起想要恢復轉換，該如何處理？

回答：家庭類移工自始未經本部核准轉換，可自 110 年 7 月 1 日次日起 60 日內，由雇主或移工向本部重新申請轉換程序，倘雇主未於上開期限內提出申請，可於超過上開期限後 15 日內向本部補行申請，並以 1 次為限。且於本部核發重新轉換函送達後 14 日內至公立就業服務機構辦理轉出登記。

Q3: After July 1, how should live-in foreign workers who applied to

the Ministry of Labor to transfer employers but received no approval of the transfer before all transfers were postponed by an administrative interpretation issued by the ministry on June 7, go about restarting the transfer process?

A: If live-in foreign workers never received employer transfer approval from the Ministry of Labor then the foreign worker or employer has a 60 day period to re-apply for an employer transfer starting July 2. If the employer does not file an application within the aforementioned period of time, he/she has a further one-time period of 15 days to file a supplementary application with the ministry. The applicants have 14 days from the arrival of the transfer approval letter to register the transfer with a public employment service agency.

問題四：因本部暫緩轉換函釋所定停止轉換程序，且未符合得例外轉換情事者，經本部核發行政處分不予核准轉換的家庭類移工，雇主如何向本部申請重新轉換程序？

回答：雇主可填具 NAF-022-4 資料異動申請書，勾選其他事由，向本部提出申請，本部於審認後將核發重新轉換函，雇主應於本部核發重新轉換函送達後 14 日內至公立就業服務機構辦理轉出登記。

Q4: Because the ministry's administrative interpretation postponing employer transfers stopped transfer procedures and live-in foreign workers who did not qualify for a special circumstance exemption did not receive ministry approval, how do employers reapply for a transfer?

A: The employer should fill in NAF-022-4 data change application form. Select other reasons, file the application and after a

review the ministry will issue a re-transfer letter. The employer has 14 days on receiving the letter to register the transfer with a public employment service agency.

參、申請合意接續聘僱

3. Applications for agreed employer transfer

問題一：家庭類移工於 110 年 6 月 6 日(含)後合意接續聘僱，因本部 110 年 6 月 7 日函釋暫緩轉換作業，經本部不予許可，如 110 年 7 月 1 日起想要恢復轉換作業，該如何處理？

回答：該類移工或雇主，可自 110 年 7 月 1 日次日起 60 日內，向本部重新申請轉換程序，倘未於上開期限內提出申請，可於超過上開期限後 15 日內向本部補行申請，並以 1 次為限。且於本部核發重新轉換函送達後 14 日內至公立就業服務機構辦理轉出登記。

Q1: If a live-in foreign worker agreed with an employer to continue employment on or after June 6, 2021, but all transfers were postponed by the ministry's June 7 administrative interpretation, then having not received approval from the ministry, how should they proceed following the restoration of transfers from July 1?

A: From July 1 (not inclusive), this category of foreign worker or employer has 60 days to reapply to the ministry for a transfer. Those who fail to file an application within the aforementioned period will be given a one time only additional 15 days to file a supplementary application. The employer has 14 days on receiving the letter to register the transfer with a public

employment service agency.

問題二：家庭類移工與家庭類雇主想要合意接續聘僱，但因 110 年 6 月 6 日起暫緩轉換作業，導致移工或雇主皆未向本部申請合意轉換，如 110 年 7 月 1 日起想要恢復轉換作業，該如何處理？

回答：自 110 年 7 月 1 日起，依外國人受聘僱從事就業服務法第 46 條第 1 項第 8 款至第 11 款規定工作之轉換雇主或工作程序準則(下稱轉換準則)及雇主聘僱外國人許可及管理辦法(下稱本辦法)規定，向本部重新申請期滿轉換、期滿續聘、一般轉出或一般接續聘僱程序。

Q2: If a live-in foreign worker and home care employer wanted to agree to a continuation of employment but as a result of the postponement of transfers on June 6 neither applied to the ministry for an agreed employer transfer, how should they proceed following the restoration of transfers from July 1?

A: From July 1, applications can be made to the ministry for contract completion transfers, contract completion continuation of employment, general transfers or general continuation of employment, based on employer or work transfer procedures (hereafter transfer rules) for foreigners employed in work detailed in Article 46.1.8 to 46.1.11 of the Employment Service Act and the provisions of the Regulations on Permission and Administration of Employment of Foreign Workers (hereafter the regulations).

肆、申請期滿轉換

4. Applications for contract completion employer transfers

問題一：家庭類移工於 110 年 6 月 6 日(含)後向本部申請期滿轉換，因本部 110 年 6 月 7 日函釋暫緩轉換作業，經本部不予許可，移工現行原聘期尚未屆滿者，如 110 年 7 月 1 日起想要恢復轉換作業，該如何處理？

Q1: After July 1, how should live-in foreign workers who applied to the Ministry of Labor for a contract completion employer transfer on June 6, 2021 or after, but saw all transfers postponed by an administrative interpretation issued by the ministry on June 7, and so did not receive permission from the ministry, go about restarting the transfer process when their original period of employment is still incomplete?

回答：自 110 年 7 月 1 日起，依轉換準則及本辦法規定，向本部重新申請期滿轉換、期滿續聘、一般轉出或一般接續聘僱程序。

A: From July 1 they can reapply to the ministry for a contract completion transfer, contract completion continuation of employment, a general transfer or general continuation of employment, based on the transfer regulations or these measures.

問題二：家庭類移工於 110 年 6 月 6 日(含)後申請期滿轉換，因本部 110 年 6 月 7 日函釋暫緩轉換作業，經本部不予許可，移工現行原聘期已屆滿者，如 110 年 7 月 1 日起想要恢復轉換作業，該如何處理？

回答：自 110 年 7 月 1 日起，依本部 109 年 11 月 23 日函釋規定向本部申請轉換程序。

Q2: After July 1, how should live-in foreign workers who applied for a contract completion employer transfer on June 6, 2021 or after, but saw all transfers postponed by an administrative interpretation issued by the Ministry of Labor on June 7, and so did not receive permission from the ministry, go about restarting the transfer process when their original period of employment is complete?

A: From July 1 they can apply to the ministry for an employer transfer based on the ministry's administrative interpretation issued on Nov. 23, 2020.

問題三：因 110 年 6 月 6 日(含)起暫緩轉換作業，家庭類移工或雇主於 110 年 6 月 6 日(含)後未向本部申請期滿轉換，移工現行原聘期尚未屆滿者，如 110 年 7 月 1 日起想要恢復轉換作業，該如何處理？

回答：自 110 年 7 月 1 日起，依轉換準則及本辦法規定，向本部重新申請期滿轉換、期滿續聘、一般轉出或一般接續聘僱程序。

Q3: If as a result of the postponement of transfer procedures from June 6, 2021 (inclusive), live-in foreign worker or employers were unable on that day or later to apply to the ministry for a contract completion transfer and the foreign worker's current period of employment has not yet ended, then following the restoration of transfers from July 1 how should they proceed?

A: From July 1 a reapplication can be made to the ministry for contract completion transfers, contract completion continuation of employment, general transfers or general continuation of employment, in accordance with the transfer rules and the regulations.

問題四：因 110 年 6 月 6 日(含)起暫緩轉換作業，家庭類移工或雇主

於 110 年 6 月 6 日(含)後未向本部申請期滿轉換，移工原聘期已屆滿者，如 110 年 7 月 1 日起想要恢復轉換作業，該如何處理？

回答：自 110 年 7 月 1 日起，依 109 年 11 月 23 日函釋規定，由原雇主或移工於 110 年 7 月 1 日次日起 60 日內，向本部重新申請轉換程序。

Q4: If as a result of the postponement of transfer procedures from June 6, 2021 (inclusive), live-in foreign worker or employers were unable on that day or later to apply to the ministry for a contract completion transfer and the foreign worker's original period of employment has ended, then following the restoration of transfers from July 1 how should they proceed?

A: From July 1 (non inclusive) the original employer or foreign worker has a 60 day period to reapply to the ministry for a transfer, in accordance with the administrative interpretation issued on Nov. 23, 2020.

肆、其他產業雇主承接得例外轉換移工

4. Exemption transfers of foreign workers to employers in other industries

問題：其他產業雇主承接得例外轉換移工是否需於接續做 PCR 檢驗？

Q: Are exemption transfer foreign workers who transfer to employers in other industries required to take a COVID-19 PCR test?

回答：非家庭類雇主（製造業、營造業、海洋漁撈業、農林牧漁業（含農業外展）、安養護機構等），承接本部 110 年 6 月 7 日函釋因被看護者亡、雇主關廠歇業、受人身侵害或人口販運，可以例

外轉換的移工，考量現處防疫期間，新雇主自 110 年 7 月 2 日起應於承接得例外轉換移工時，比照鬆綁的家庭類雇主，於接續聘僱移工合意接續聘僱日或期滿轉換新聘期起始日之當日內安排移工至合格醫療機構檢驗 PCR，檢測費用應由新雇主支付。

A: Based on the Ministry of Labor policy explanation given on June 7, 2021, when foreign workers subject to a work transfer exception, as a result of the death of a care recipient, an employer closing a plant, personal assault or human trafficking, are transferred to a non home care employer (in the manufacturing, construction, marine fishing, agriculture, forestry, animal husbandry and fisheries (including agricultural outreach), nursing home sectors etc) from July 2, 2021 the same rules apply as for home care employers. In other words, on the first day of the agreed employer transfer or the contract completion employer transfer, the new employer must make arrangements for the foreign worker to receive a COVID-19 PCR test at a qualified medical facility and pay the cost of said test.

伍、其他問題

5. Other Issues

問題一：110 年 6 月 7 日函釋全面暫緩轉換雇主，除非有特殊情事者才可以繼續辦理轉換雇主。那自 110 年 7 月 1 日起非屬家庭類移工，但符合特殊情事的其他產業移工，是否仍可以依 110 年 6 月 7 日函釋繼續辦理轉出？

Q1: The June 7, 2021, administrative interpretation from the Ministry of Labor postponed employer transfers, allowing only those with special circumstances to continue. After July 1, 2021, can non live-in

foreign workers from other industries who qualify under the special circumstances exemption continue to undertake transfers in accordance with the June 7, 2021 administrative interpretation?

回答：可以。指揮中心自 110 年 7 月 1 日起恢復家庭類移工辦理轉換雇主或工作，此未影響本部 110 年 6 月 7 日函釋規定符合特殊情事的其他類別移工可辦理轉出作業。因此，其他非家庭類移工如符合 110 年 6 月 7 日函釋所定特殊情事者，仍可繼續轉換雇主或工作。

A: Yes. The decision by the Central Epidemic Command Center (CECC) to restore the right of live-in foreign workers to change employers or work from July 1 has no impact on the Ministry of Labor's June 7, 2021 administrative interpretation that foreign workers from other industries who qualify under the special circumstances exemption can transfer employers. As such, non live-in foreign workers who qualify under the special circumstances detailed in the June 7, 2021 administrative interpretation can continue to change employers and work.

問題二：家庭類雇主申請聘僱外籍家庭看護工或家庭幫傭，因 110 年 6 月 6 日起暫緩轉換雇主，其中涉申請文件(如巴氏量表或失能診斷證明、長照中心推介及家庭幫傭的求才證明書等)效期，該如何計算?

回答：家庭類雇主為申請移工所取得的文件，因 110 年 6 月 6 日起暫緩轉換雇主，其文件效期說明如下：

- 一、聘僱家庭看護工的醫療機構醫療團隊評估日 assessing patient，得於原有效申請期間得再加計 30 日效期、被看護者為重度身心障礙的長期照顧管理中心完成推介日，得於原有效期間再加計 30 日。
- 二、聘僱家庭幫傭的求才證明書得於原有效期間，再加計 30 日。

Q2: Following the postponement of employer transfer procedures from June 6, 2021 (inclusive), how should the validity dates be calculated for various documents (such as the Barthel Sale, incapacitation diagnostic certificate, long-term care home recommendations and live-in home help jobs available ads) required in home care employer applications to hire foreign national home care givers or home help?

A: When a home care employer obtained documents for the purpose of applying to employ a foreign worker, following the June 6 postponement employer transfers the validity date of those documents is as follows:

1. Thirty days should be added to the validity date on which a care recipient was assessed by a medical facility or group that employs live-in carers. When the care recipient is severely disabled 30 days should be added to the recommendation date given by a long-term care facility.
2. Thirty days should also be added to the validity date of jobs available documentation seeking to hire home help

問題三：110 年 7 月 1 日起恢復家庭類移工轉換，原先已在公立就業服務中心登記轉換者，由本部自動重新給予 60 日轉換期限，該如何查詢重新轉換期限呢？

Q3: After the restoration of the right of live-in foreign worker to change employers on July 1, how can those who already registered for a transfer at a public employment service center and automatically receive a 60 day period to complete the transfer by the Ministry of Labor check the employer transfer period?

回答：自 110 年 7 月 1 日起，家庭類移工恢復轉換雇主或工作，如果 110 年 6 月 5 日已至本部「[跨國勞動力權益維護資訊網站](https://fw.wda.gov.tw/)」-「移工轉換雇主專區」登錄轉出資料者，而且還在有效轉換期間，也還沒有新雇主承接，將由系統自動重新給予 60 日轉換期，移工可至權益網站的「移工轉換雇主專區」查詢進度，操作步驟如下：

A: After the right of live-in foreign workers to change employers or work was restored on July 1, those who registered employer transfer information on the “Foreign Worker Employer Transfer Section” of the Ministry of Labor’s “Information Site of Foreign Workers Rights Defense” by June 5, 2021, are still within the permitted transfer period and have not been taken on by a new employer, will automatically receive a 60 day transfer period from the system. Workers can visit the “Foreign Worker Employer Transfer Section” on the website to check the transfer progress, by observing the following steps:

1. 開啟瀏覽器，於網址列輸入 <https://fw.wda.gov.tw/>，進入跨國勞動力權益資訊網站，點選「移工轉換雇主專區」。

1. Type the URL <https://fw.wda.gov.tw/> into a browser to visit the



“Information Site of Foreign Workers Rights Defense” and click “Foreign Worker Employer Transfer Section.”

2. 進入「移工轉換雇主專區」頁面後，點選「轉出外國人資料查詢」

2. After accessing the “Foreign Worker Employer Transfer Section” webpage click “Search Transferring Foreign National Information”

The screenshot shows the 'Search Transferring Foreign National Information' page on the Ministry of Labor website. The page has a yellow and white color scheme. At the top, there is a navigation bar with the Ministry of Labor logo and various service links. Below the navigation bar, there is a breadcrumb trail: 首頁 > 移工轉換雇主專區 > 目前頁面: 轉出外國人資料查詢. The main content area is titled '轉出外國人資料查詢' and contains a search form with the following fields and options:

- 籍別 (Nationality):** Radio buttons for 全部, 菲律賓, 印尼, 泰國, 越南, 馬來西亞, 蒙古.
- 工作類別 (Job Category):** Radio buttons for 全部, 家庭看護工, 家庭幫傭, 製造工, 營造工, 義工機構, 漁工及其它, 雙語人員, 廚師, 傭穿工, 農林牧或農場養殖工作, 外展農務工作, 外展製造工作.
- 希望工作區域 (Region):** A dropdown menu with the placeholder text '請選擇'.
- 剩餘工作年限 (Remaining Work Term):** A dropdown menu with the placeholder text '請選擇'.
- 語言 (Language):** Checkboxes for 中文, 英文, 台語, 客家語, 其他.
- 護照號碼 (License Number):** A text input field with the placeholder text '請選擇'.
- 登錄案號 (Registration Number):** A text input field with the placeholder text '請選擇'.

At the bottom of the form, there are two buttons: '查詢' (Search) and '重設' (Reset).

3. 進入「轉出外國人資料查詢」頁面後，輸入欲查詢移工之個人資料後，即可查詢該移工轉換進度。

3. After accessing the “Search Transferring Foreign National Information” webpage, enter the personal data of the foreign worker being searched for to check the progress of the foreign workers employer transfer.

移工轉換雇主專區



訊息標題	日期	點閱率
[置頂] 因應 COVID-19 疫情期間暫緩轉換雇主或工作—移工重新轉換、雇主責任及仲介費用等補充問答集	2021/06/18	1,544
[置頂] 維護公告	2021/05/31	100
COVID-19 疫情三級以上警戒期間 暫緩轉換雇主或工作及調派程序問答集	2021/06/17	1,396
110年6月6日起，暫停移工轉換及產業移工調派。	2021/06/08	170

更多訊息

專區連結

 資料查詢	一般轉換	轉出外國人資料查詢	接續聘僱雇主資料查詢
	期滿轉換	期滿轉換外國人資料查詢	
	綜合查詢	移工轉換雇主查詢	
 資料登錄	轉出外國人資料登錄功能於暫緩轉換期間暫停使用，如係例外得轉出者請以書面向公立就業服務機構申請登錄轉換作業		
	接續聘僱雇主資料登錄		

