

加強外國人性侵害案件通報機制及相關單位業務聯繫分工與處理原則

Principles for Strengthening the Reporting Mechanism for Sexual Assault Cases Involving Foreign Nationals and the Communication, Division of Responsibilities, and Handling by Related Agencies

一、為加強維護外國人人身安全，避免外國人遭受性侵害，並強化相關業務單位之聯繫與分工，維護其相關權益，訂定本處理原則。

1. To strengthen the protection of personal safety of foreign nationals and prevent them from becoming victims of sexual assault, while enhancing communication and division of responsibilities among related agencies, the following principles (the “Principles”) are hereby established

二、本處理原則適用對象為受聘僱從事就業服務法第四十六條第一項第八款至第十一款規定工作之外國人（以下簡稱外國人）。

2. The Principles apply to foreign nationals (“Foreign Nationals”) employed to perform work prescribed in Subparagraphs 8 to 11, Paragraph 1, Article 46 of the Employment Service Act.

三、有關性侵害案件，依下列規定辦理：

3. Sexual assault cases involving Foreign Nationals shall be handled as follows:

(一) 通報及處理程序等規定，各單位依性侵害犯罪防治法、性侵害犯罪防治法施行細則等法令規定處理。

(1) Reporting and handling procedures shall be conducted by related agencies in accordance with the Sexual Assault Crime Prevention Act and the Enforcement Rules for the Sexual Assault Crime Prevention Act.

(二) 涉及外國人相關單位業務聯繫與分工，依本處理原則辦理。

(2) Matters involving communication and division of responsibilities among agencies related to Foreign Nationals shall be handled in accordance with the Principles.

(三) 涉及外國人、雇主之權益或罰責，依就業服務法、雇主聘僱外國人許可及管理辦法及勞動基準法等相關規定辦理。

(3) Matters concerning the rights, interests or punishment of Foreign Nationals or their employers shall be handled in accordance with the Employment Service Act, the Regulations on the Permission and Administration of the Employment of Foreign Workers by Employers, the Labor Standards Act and other related laws.

四、各直轄市、縣（市）主管機關依性侵害犯罪防治法第六條規定，設立性侵害防治中心，並協調相關機關辦理下列防治性侵害犯罪及保護被害人權益事項：

4. In accordance with Article 6 of the Sexual Assault Crime Prevention Act, each municipality and county (city) government shall establish sexual assault prevention center(s) and coordinate with related agencies to handle the following matters related to the prevention of sexual assault crimes and the protection of

victims' rights and interests:

（一）提供二十四小時電話專線服務。

(1) Provide a 24-hour telephone hotline service.

（二）提供被害人二十四小時緊急救援。

(2) Provide 24-hour emergency assistance to victims.

（三）協助被害人就醫診療、驗傷及採證。

(3) Assist victims with medical treatment, injury examinations, and evidence collection.

（四）協助被害人心理治療、輔導、緊急安置、法律諮詢及服務。

(4) Provide victims with psychotherapy, counseling, emergency placement, legal consultation, and related services.

（五）協助被害人辦理居留證延期。

(5) Assist victims in applying for an extension of their residence certificate.

外國人在臺工作，尚涉及其在臺工作權益及勞資爭議等事宜，對於遭受性侵害之外國人，各直轄市、縣（市）勞動主管機關應協助下列事項：

Since employment rights and labor disputes may also be involved for Foreign

Nationals working in Taiwan, the labor authorities of each municipality and

county (city) shall assist Foreign Nationals who are victims of sexual assault with the following matters:

(一) 安排外國人轉換雇主或返國。

(1) Arranging to change employer or the repatriation of the Foreign Nationals.

(二) 處理勞資爭議。

(2) Handling labor disputes.

依犯罪被害人權益保障法第十五條規定，保護機構及分會可協助之偵查、審判中、審判後之必要協助及其他保護措施等事項。

Pursuant to Article 15 of the Crime Victim Rights Protection Act, protection organizations and their branches may provide necessary assistance and other protective measures during the investigation, trial, and post-trial period.

五、外國人遭受性侵害時，除性侵害犯罪防治法第十一條所規定之責任通報人員依法通報外，下列單位知有疑似性侵害犯罪情事者，立即向當地性侵害防治中心通報，至遲不得超過二十四小時：

5. When a Foreign National is sexually assaulted, in addition to the report filed by the responsible personnel specified under Article 11 of the Sexual Assault Crime Prevention Act, the following entities, upon learning of any suspected sexual assault involving a Foreign National, shall immediately report the case to the local sexual assault prevention center no later than 24 hours:

- (一) 各直轄市、縣（市）性侵害防治中心或 113 保護專線：外國人遭性侵害，逕向各直轄市、縣（市）性侵害防治中心申訴及求助，或逕撥打二十四小時服務之 113 保護專線，即轉由外國人所在地之性侵害防治中心受理。

(1) Sexual assault prevention centers of municipalities and counties (cities) or the 113

Protection Hotline: If a Foreign Nationals has been sexually assaulted, he/she may directly file a complaint or seek assistance from the sexual assault prevention center(s) of the related municipality or county (city), or call the 24-hour 113 Women and Children Protection Hotline, which then refers the case to the sexual assault prevention center in the area where the Foreign Nationals resides.

- (二) 內政部警政署所屬各警察機關或 110 全國報案專線：外國人遭性侵害，可逕向內政部警政署所屬各警察機關申訴報案，或逕撥打 110 全國報案專線，即轉由外國人所在地之警察局受理，該受理警察局立即向當地性侵害防治中心通報，至遲不得超過二十四小時。

(2) Police authorities under the National Police Agency, Ministry of the Interior, or the

nationwide 110 Crime Reporting Hotline: If a Foreign Nationals has been sexually assaulted, he/she may file a complaint with any police authority under the National Police Agency or call the nationwide 110 Crime Reporting Hotline, which then refers the case to the police department in the area where the Foreign

National resides. The police department shall report the case to the local sexual assault prevention center within 24 hours.

(三) 各直轄市、縣（市）醫院、診所等醫療單位：醫事人員立即向當地性侵害防治中心通報，至遲不得超過二十四小時。

(3) Hospitals, clinics, and other medical institutions of municipalities and counties (cities): Medical personnel shall report cases to the local sexual assault prevention center within 24 hours.

(四) 各直轄市、縣（市）移工諮詢服務中心：外國人遭受性侵害，可向當地移工諮詢服務中心或撥打各直轄市、縣（市）移工諮詢服務中心服務專線提出申訴，該中心立即向當地性侵害防治中心通報，至遲不得超過二十四小時。

(4) Foreign Workers Consultation Service Centers of municipalities and counties (cities): If a Foreign National has been sexually assaulted, he/she may file a complaint with the local Foreign Workers Consultation Service Center or call its service hotline of the related municipality or county (city), which shall immediately report the case to the local sexual assault prevention center within 24 hours.

(五) 各外國人母國駐華機構：外國人遭受性侵害，可向各外國人母國駐華機構或逕撥打該等機構專線提出申訴，該等機構立即向當地性侵害防治中心通報，至遲不得超過二十四小時。

(5) Representative offices in Taiwan of Foreign Nationals' countries of origin: If a

Foreign National has been sexually assaulted, he/she may file a complaint with his/her home country's representative office in Taiwan or call the hotline of such office. The office shall immediately report the case to the local sexual assault prevention center within 24 hours.

(六) 各外國人安置單位：外國人遭受性侵害，可向經勞動部勞動力發展署（以下簡稱勞發署）備案之各外國人安置單位或逕撥打該等單位專線尋求協助，該等單位立即向當地性侵害防治中心通報，至遲不得超過二十四小時。

(6) Foreign national placement facilities: If a Foreign National has been sexually assaulted, he/she may seek assistance from foreign national placement facilities registered with the Workforce Development Agency (WDA), Ministry of Labor, or call the hotline of such unit(s). The facilities shall immediately report the case to the local sexual assault prevention center within 24 hours.

(七) 勞動部設置之 1955 勞工諮詢申訴專線：外國人遭受性侵害，可向該專線提出申訴，該專線立即通報性侵害防治中心，至遲不得超過二十四小時。

(7) The 1955 Labor Consultation and Complaint Hotline established by the Ministry of Labor: If a Foreign National has been sexually assaulted, he/she may file a complaint through the 1955 hotline. The hotline shall immediately report the case to a sexual assault prevention center within 24 hours.

六、各直轄市、縣（市）性侵害防治中心結合當地勞動主管機關、

警察機關、外國人母國駐華機構等單位行政資源，協辦相關勞工事務，並配合下列事項：

6. The sexual assault prevention centers of municipalities and counties (cities) shall coordinate with local labor authorities, police agencies, and the representative offices in Taiwan of the Foreign Nationals' countries of origin to jointly utilize administrative resources and assist in handling relevant labor affairs, and shall cooperate in the following matters:

(一) 各直轄市、各縣（市）性侵害防治中心於受理外國人性侵害通報案件後，應依權責指派社工人員直接協助被害外國人，提供相關保護措施，並徵詢外國人需求及意願後，洽請各直轄市、縣（市）勞動主管機關協助被害外國人翻譯、緊急安置、法律諮詢及服務、訟訴補助、安排外國人轉換雇主或返國及處理勞資爭議等事宜，以保障外國人人身安全及相關權益。

- (1) After receiving a report of a sexual assault involving a Foreign National, sexual assault prevention centers of municipalities or counties (cities) shall assign social workers according to their authority and responsibilities to directly assist the victim, providing necessary protection measures. After consulting the Foreign National regarding his/her needs and wishes, the center shall request the assistance of the local labor authority of the municipality or county (city) in providing interpretation, emergency placement, legal consultation and related services, litigation assistance, arrangements to change employers or repatriation, and the handling of labor disputes, so as to safeguard the personal safety and related rights and interests of the Foreign National.

(二) 為使勞發署掌握各直轄市、縣（市）外國人遭受性侵害情形，由衛生福利部定期（按季）提供外國人性侵害案件統計數據予勞發署，以利該署分析及研議外國人管理措施之參考。

(2) In order for the WDA to keep track of cases involving Foreign Nationals who are victims of sexual assault of municipalities and counties (cities), the Ministry of Health and Welfare periodically (quarterly) provides the WDA with statistical data on sexual assault cases involving Foreign Nationals, to facilitate the WDA's analysis and consideration in formulating administration measures for Foreign Nationals.

七、為加強相關單位業務聯繫及處理外國人性侵害案件責任明確，各直轄市、縣（市）性侵害防治中心、勞動主管機關、警政主管機關、衛生主管機關、外國人母國駐華機構、外國人安置單位、私立就業服務機構及勞發署等單位配合辦理下列主、協辦事項。

7. To strengthen coordination among related agencies and clarify responsibilities in handling sexual assault cases involving Foreign Nationals sexual assault prevention centers of municipalities and counties (cities), labor authorities, police authorities, health authorities, the representative offices in Taiwan of Foreign Nationals' countries of origin, foreign national placement facilities, private employment service institutions, and the WDA shall cooperate in undertaking the following primary and assisting responsibilities.

(一) 就醫診療：

(1) Medical treatment:

1.主辦：視遭受性侵害外國人需求，由社工人員協助陪同前往醫院、診所進行一般或緊急醫療（主辦單位：各直轄市、縣（市）性侵害防治中心）。

i. Primary responsibilities: Depending on the needs of the sexually assaulted Foreign National, social workers shall accompany them to a hospital or clinic for general or emergency medical treatment. (Responsible agencies: sexual assault prevention centers of municipalities and counties (cities).)

2.協辦：外國人醫療費用不足協助處理（協辦單位：外國人母國駐華機構、私立就業服務機構）。

ii. Assisting responsibilities: Assist in addressing any shortfall in the medical expenses of Foreign Nationals. (Assisting agencies: representative offices in Taiwan of the Foreign Nationals' countries of origin; private employment service institutions.)

(二) 驗傷：

(2) Injury assessment:

1.主辦：視遭受性侵害外國人需求，由社工人員協助驗傷（主辦單位：各直轄市、縣（市）性侵害防治中心）。

i. Primary responsibilities: Depending on the needs of the sexually assaulted Foreign National, social workers shall assist in arranging an injury assessment.

(Responsible agencies: sexual assault prevention centers of municipalities and counties (cities).)

2.協辦：協助翻譯（協辦單位：各直轄市、縣（市）移工諮詢服務中心、外國人母國駐華機構、外國人安置單位）。

ii. Assisting responsibilities: Provide interpretation assistance. (Assisting agencies: Foreign Workers Service Centers of municipalities and counties (cities); representative offices in Taiwan of Foreign Nationals' countries of origin; foreign national placement facilities.)

（三）報案、採證：

(3) Reporting to the police and evidence collection:

1.主辦：視遭受性侵害外國人需求，由社工人員陪同前往至各直轄市、縣（市）警察局報案、陪同偵訊，各直轄市、縣（市）警察局依規定進行偵訊、製作偵訊筆錄、協助驗傷、採證，並將驗傷證明、證物等移送法辦（主辦單位：各直轄市、縣（市）性侵害防治中心、各直轄市、縣（市）警察局）。

i. Primary responsibilities: Depending on the needs of the sexually assaulted Foreign Nationals, social workers shall accompany them to the police department of the related municipality or county (city) to file a police report and attend police questioning. The police department shall conduct interrogations, prepare interrogation records, assist with injury assessment and evidence collection, and forward proof of injury and evidence for legal proceedings. (Responsible

agencies: sexual assault prevention centers and police departments of municipalities and counties (cities).)

2. 協辦：

ii. Assisting responsibilities:

(1) 協助翻譯（協辦單位：各直轄市、縣（市）移工諮詢服務中心、外國人母國駐華機構、外國人安置單位）。

(i) Provide interpretation assistance. (Assisting agencies: Foreign Workers Consultation Service Centers of municipalities and counties (cities); representative offices in Taiwan of Foreign Nationals' countries of origin; foreign national placement facilities.)

(2) 於偵查期間，各直轄市、縣（市）警察局配合提供回復確認是否受理偵辦及偵結移送情形公文書予各直轄市、縣（市）勞動主管機關，俾該單位轉送勞發署據以辦理外國人轉換雇主（協辦單位：各直轄市、縣（市）警察局）。

(ii) During the investigation process, police departments of municipalities and counties (cities) shall issue official documents confirming whether the case has been accepted for investigation and the status of referral for prosecution, and provide such documents to the local labor authority, which then forwards them to the WDA to process a change in employer for the Foreign National. (Assisting agency: police departments of municipalities and counties (cities).)

(四) 心理治療、輔導：

(4) Psychotherapy and counseling:

1.主辦：指派社工人員協助進行心理治療或輔導（主辦單位：各直轄市、縣（市）性侵害防治中心）。

i. Primary responsibilities: Assign social workers to assist in providing psychotherapy or counseling. (Responsible agencies: sexual assault prevention centers of municipalities and counties (cities).)

2.協辦：協助翻譯（協辦單位：各直轄市、縣（市）移工諮詢服務中心、外國人母國駐華機構、外國人安置單位）。

ii. Assisting responsibilities: Provide interpretation assistance. (Assisting agencies: Foreign Workers Consultation Service Centers of municipalities and counties (cities); representative offices in Taiwan of Foreign Nationals' countries of origin; foreign national placement facilities.)

(五) 緊急安置：

(5) Emergency placement:

1.主辦：依遭受性侵害外國人之意願提供緊急安置或協調各直轄市、縣（市）勞動主管機關協助安置（主辦單位：各直轄市、縣（市）性侵害防治中心）。

i. Primary responsibilities: Provide emergency placement or coordinate with the labor

authorities of municipalities and counties (cities) to arrange placement according to the wishes of the sexually assaulted Foreign National. (Responsible agencies: sexual assault prevention centers of municipalities and counties (cities).)

2.協辦：各直轄市、縣（市）勞動主管機關得協助安置或由外國人安置單位協助被害人安置事宜，並依受聘僱從事就業服務法第四十六條第一項第八款至第十一款規定工作之外國人臨時安置作業要點第八點規定之通報程序辦理（協辦單位：各直轄市、縣（市）勞動主管機關、外國人安置單位、外國人母國駐華機構）

ii. Assisting responsibilities: The labor authorities of municipalities and counties (cities) may assist in arranging placements or coordinate with foreign national placement facilities to provide accommodation for victims. Notification procedures shall follow Point 8 of the Operational Directions for Temporary Placement of Foreign Nationals Employed to Perform Work Prescribed under Subparagraphs 8 to 11, Paragraph 1, Article 46 of the Employment Service Act. (Assisting agencies: labor authorities of municipalities and counties (cities); foreign national placement facilities; representative offices in Taiwan of Foreign Nationals' countries of origin.)

（六）法律諮詢及服務：

(6) Legal consultation and services:

1.主辦：提供法律訴訟、諮詢及經費補助等事宜（主辦單位：各直

轄市、縣（市）性侵害防治中心）。

- i. Primary responsibilities: Provide assistance in legal proceedings, legal consultation, and related financial subsidies. (Responsible agencies: sexual assault prevention centers of municipalities and counties (cities).)

2.協辦：

- ii. Assisting responsibilities:

（1）協助提供法律諮詢、陪同出庭、翻譯、聘請義務律師及補助律師費用、訴訟費用等事宜，或轉介各地財團法人犯罪被害人保護協會提供偵查、審判中及審判後之法律協助或扶助（協辦單位：各直轄市、縣（市）移工諮詢服務中心、外國人母國駐華機構、各地財團法人犯罪被害人保護協會）。

- (i) Assist in providing legal consultation, accompanying the victim to court, interpretation, appointment of pro bono lawyers, subsidizing legal and litigation fees, or referring the case to local branches of the Association for Victims Support for legal assistance or support during investigation, trial, and post-trial proceedings. (Assisting agencies: Foreign Workers Service Centers in municipalities and counties (cities); representative offices in Taiwan of Foreign Nationals' countries of origin; local branches of the Association for Victims Support.)

(2) 依外國人意願協助代辦民事賠償事宜（協辦單位：外國人母國駐華機構）。

(ii) Assist, upon a request from the Foreign National, in handling matters related to civil compensation. (Assisting agencies: representative offices in Taiwan of Foreign Nationals' countries of origin.)

（七）其他事宜：

(7) Other matters:

1.主辦：

i. Primary responsibilities:

（1）提供醫療、心理復健費用補助等事宜。（主辦單位：各直轄市、縣（市）性侵害防治中心）。

(i) Provide subsidies for medical treatment and psychological rehabilitation expenses. (Responsible agencies: sexual assault prevention centers of municipalities and counties (cities).)

（2）協助聯繫外國人家屬（主辦單位：外國人母國駐華機構、私立就業服務機構）。

(ii) Assist in contacting Foreign Nationals' family members. (Responsible agencies: representative offices in Taiwan of Foreign Nationals' countries of origin; private employment service institutions.)

(3) 派員慰問及致贈慰問金（主辦單位：勞發署、各直轄市、縣（市）勞動主管機關、外國人母國駐華機構、私立就業服務機構）。

(iii) Dispatch personnel to express consolations to the victim and offer condolence money. (Responsible agencies: WDA; labor authorities of municipalities and counties (cities); representative offices in Taiwan of Foreign Nationals' countries of origin; private employment service institutions.)

(4) 依犯罪被害人權益保障法第十五條規定可提供之其他保護措施（主辦單位：各地財團法人犯罪被害人保護協會）。

(iv) Provide other protection measures in accordance with Article 15 of the Crime Victim Rights Protection Act. (Responsible agency: local branches of the Association for Victims Support.)

性侵害案件屬非告訴乃論罪，在未偵訊完成前或起訴仍有出庭之必要，各相關單位不得有使該外國人與雇主或被看護者或其他共同生活之親屬（以下簡稱雇主）私下和解或逕自安排該外國人返國等情事。為妥善處理協助該外國人轉換雇主或安排其返國等事宜，各直轄市、縣（市）性侵害防治中心、勞動主管機關、警政主管機關、外國人母國駐華機構、外國人安置單位等，依規定配合辦理。

Sexual assaults are non-complaint-based offenses. Prior to the completion of an investigation or during prosecution, court appearances remain necessary. The related authorities shall not facilitate private settlements between the Foreign

Nationals and their employer, the care recipient or other cohabiting relatives thereof (hereinafter collectively referred to as the employer), nor will they arrange for repatriation of the Foreign Nationals. To properly ensure assistance for the Foreign Nationals in changing employer or arranging repatriation, sexual assault prevention centers, labor authorities, police authorities, representative offices in Taiwan of Foreign Nationals' countries of origin and foreign national placement facilities shall coordinate and proceed in accordance with related regulations.

(一) 安排外國人轉換雇主：

(1) Arranging a change of employer for Foreign Nationals:

1. 主辦：

i. Primary responsibilities:

- (1) 遭受性侵害外國人如有轉換雇主需要，各直轄市、縣（市）勞動主管機關檢送雇主承認犯罪行為文件，或經直轄市、縣（市）政府依職權認定雇主有犯罪行為之虞之相關文書，或檢察官起訴書。尚在偵查期間，需檢送警察機關移送司法機關偵辦之移送書或其證明公文書、及經受害外國人單方主張與雇主終止勞動契約之書面通知（如存證信函）及已送達雇主之證明文件（如存證信函回執聯）等相關資料送勞發署辦理外國人轉換雇主（主辦單位：各直轄市、縣（市）勞動主管機關）。

(i) When a Foreign National who has suffered sexual assault needs to change his/her

employer, the labor authority of the municipality or county (city) shall submit the employer's written admission of the criminal act to the WDA, or documentation from the municipality or county (city) government confirming, by its authority, that there is reasonable suspicion of the employer's criminal conduct, or an indictment issued by the prosecutor. If the case is still under investigation, the referral papers from the police for a judicial authority's investigation or official proof of such a referral, the victim's written notice of unilateral termination of the employment contract with the employer (e.g., a legal attest letter), and proof of service to the employer (e.g., return receipt for the legal attest letter) shall be submitted to the WDA for the processing of change of employer for the Foreign Nationals. (Responsible agencies: labor authorities of municipalities and counties (cities).)

(2) 勞發署依上述資料據以核處外國人轉換雇主事宜，另於電腦註記暫予管制該雇主外國人申請案，俟法院判決雇主無罪或不起訴處分時，檢具相關證明後始解除申請外國人管制（主辦單位：勞發署）。

(ii) Based on the aforementioned documents, the WDA shall process the foreign national's change of employer. The WDA shall also record in its system a temporary restriction on any applications by the employer to hire foreign workers. The restriction may be lifted only upon submission of related proof showing a court ruling of "not guilty" or a "non-indictment" disposition regarding the employer. (Responsible agency: the WDA.)

2.協辦：為利於勞動主管機關處理遭受性侵害外國人轉換雇主所需，各直轄市、縣（市）警察機關配合回復確認是否受理偵辦及偵結移送情形予各直轄市、縣（市）勞動主管機關（協辦單位：各直轄市、縣（市）警察機關）。

ii. Supporting responsibilities: To facilitate the handling of the Foreign National's change of employer by the labor authority, police authorities of municipalities and counties (cities) shall provide labor authorities of municipalities and counties (cities) with confirmation on whether the case concerned has been accepted for investigation and the current status of referral or prosecution. (Supporting agencies: police authorities of municipalities and counties (cities).)

（二）協助人口販運被害人申請工作許可：

(2) Helping victims of human trafficking apply for work permits:

1.主辦：

i. Primary responsibilities:

（1）遭受人口販運性剝削侵害之外國人，經鑑別為人口販運被害人，獲內政部移民署核發居留許可或已持有合法有效之居留許可者，可由各外國人安置單位協助外國人檢附申請書、未逾效期之臨時居留許可或合法有效之居留許可影本、足資證明經司法警察機關鑑別為人口販運被害人之文件影本等資料，送勞發署申請核發工作許可（主辦單位：外國人安置單位）。

(i) A Foreign National who has suffered sexual exploitation as a result of human

trafficking, and has been identified as a trafficking victim, and who has been granted or currently holds a valid residence certificate by the National Immigration Agency (NIA) of the Ministry of the Interior, may apply for a work permit through a foreign national placement facility. The facility will assist in submitting the application form, photocopies of an unexpired temporary residence certificate or a valid residence certificate, and photocopies of documentary proof issued by judicial or police authorities identifying the applicant as a victim of human trafficking, to the WDA for approval of the work permit. (Responsible agencies: foreign national placement facilities.)

(2) 勞發署依上述申請資料據以核發人口販運被害人工作許可事宜，並副知內政部移民署（主辦單位：勞發署）。

(ii) The WDA may issue a work permit for the human trafficking victim based on the aforementioned application materials and shall notify the NIA accordingly.

(Responsible agency: the WDA.)

2. 協辦：已獲核發工作許可之人口販運被害人，其合法有效之居留許可如經廢止，內政部移民署應通知勞發署（協辦單位：內政部移民署各地服務站）。

ii. Supporting responsibilities: If a human trafficking victim who has been granted a work permit subsequently has their valid residence certificate revoked, the NIA shall notify the WDA. (Supporting agencies: local NIA service centers.)

(三) 廢止雇主許可：雇主對其聘僱之外國人，有刑法第二百二十

一條至第二百二十九條規定，經警察機關移送、檢察機關起訴或司法機關一審判決有罪者，勞發署應依法廢止雇主招募許可及聘僱許可（主辦單位：勞發署）。

(3) Revocation of employer permits: If an employer, with respect to a Foreign

National hired by the employer, commits an offense under Articles 221 to 229 of the Criminal Code, and the case is referred by the police authorities, indicted by a prosecutor, or convicted by the court of first instance, the WDA shall, in accordance with the law, revoke the employer's recruitment and employment permits. (Responsible agency: the WDA.)

（四）安排外國人返國：

(4) Arranging repatriation of Foreign Nationals:

1.主辦：外國人經司法機關偵查終結，無配合須經司法程序出庭之必要，而有返國意願者，由當地直轄市、縣（市）勞動主管機關安排返國事宜（主辦單位：各直轄市、縣（市）勞動主管機關）。

i. Primary responsibilities: When the judicial investigation of a case involving a Foreign National has been completed, and the Foreign National is no longer required to appear for judicial proceedings and expresses a desire to return to his/her home country, the labor authorities of the local municipality or county (city) shall arrange for repatriation. (Responsible agencies: labor authorities of municipalities and counties (cities).)

2.協辦：協助安排外國人返國事宜（協辦單位：外國人母國駐華機構、外國人安置單位、私立就業服務機構）。

ii. Supporting responsibilities: Assistance in arranging the repatriation of Foreign Nationals. (Supporting agencies: representative offices in Taiwan of Foreign Nationals' countries of origin, foreign national placement facilities, and private employment service institutions.)

（五）勞資爭議處理：處理外國人與雇主、私立就業服務機構間之薪資、服務費、借款、儲蓄金、所得稅等勞資爭議事宜（主辦單位：各直轄市、縣（市）勞動主管機關）。

(5) Handling Labor Disputes: Handling disputes between Foreign Nationals and their employers or private employment service institutions, concerning wages, service fees, loans, savings, income tax, and other labor-related matters. (Responsible agencies: labor authorities of municipalities and counties (cities).)

（六）雇主涉嫌違反刑事罰部分：依刑法第二二一條規定，性侵害犯罪屬非告訴乃論罪，經移送偵辦後，依刑事訴訟結果處分雇主或其他加害人（主辦單位：法院）。

(6) Criminal liability of employers: Under Article 221 of the Criminal Code, sexual assault crimes are non-complaint-based offenses. Once the case is referred for investigation, the employer or other perpetrator(s) shall be subject to criminal proceedings and punished according to the outcome of the criminal judgment. (Responsible agency: courts.)

（七）雇主涉嫌違反就業服務法部分：

(7) Violations of the Employment Service Act by employers:

1.法院未判決前，勞發署依各直轄市、縣（市）政府所送雇主承認犯罪行為文件或經各直轄市、縣（市）政府依職權認定雇主有犯罪行為相關文書，或檢察官起訴書，或警察機關移送司法機關偵辦之移送書或其證明公文書，及經受害外國人單方主張與雇主終止勞動契約之書面通知（如存證信函）及已送達雇主之證明文件（如存證信函回執聯）等相關資料，依就業服務法第五十九條第四款規定，不可歸責於外國人之理由，同意外國人轉換雇主，並於電腦註記暫予管制該雇主後續外國人申請案。另可依雇主承認犯罪行為文件或檢察官之起訴廢止雇主招募許可及聘僱許可（主辦單位：勞發署）。

i. Prior to a judgment by a court, the WDA shall, based on the employer's written admission of criminal conduct submitted by the local municipality or county (city), documentation from the municipality or county (city) confirming, by its authority, reasonable suspicion of the employer's criminal conduct, the prosecutor's indictment, referral papers from the police for a judicial authority's investigation or official proof of such a referral, the victim's written notice of unilateral termination of the employment contract with the employer (e.g., a legal attest letter) and proof of service to the employer (e.g., return receipt of the legal attest letter), deem the reason for contract termination not attributable to the Foreign National under Subparagraph 4, Article 59 of the Employment Service

Act, and approve a change of employer.

The WDA shall also temporarily restrict any subsequent applications by the employer to hire foreign nationals in its system. Furthermore, the WDA may revoke the employer's recruitment and employment permits based on the employer's written admission of criminal conduct or the prosecutor's indictment. (Responsible agency: the WDA.)

2.經法院判決雇主確定違法後，依雇主違反就業服務法第五十四條第一項第十六款其他違反保護勞工之法令情節重大者之規定，及依法廢止雇主許可，並依違反雇主聘僱外國人許可及管理辦法第二十八條規定，不予同意雇主後續外國人申請案。(主辦單位：勞發署)。

ii. Once the employer is found guilty by a court's final judgment, the WDA shall, in accordance with the provisions regarding serious violations of labor protection-related laws and regulations under Subparagraph 16, Paragraph 1, Article 54 of the Employment Service Act, revoke the employer's permit, and, for the employer's violation of Article 28 of the Regulations on the Permission and Administration of the Employment of Foreign Workers, reject any subsequent applications by the employer to hire foreign workers. (Responsible agency: the WDA.)

3.經法院判決雇主不起訴處分或無罪，由雇主檢具法院判決文書等相關文件，勞發署據以解除其申請外國人管制，並同意辦理後

續外國人申請案（遞補、招募外國人許可等）。另該外國人尚未轉換雇主，並仍在臺者，應予廢止其得轉換雇主之同意函，並令其返國，又該外國人轉換雇主，取得聘僱許可者，應廢止其許可，並令其返國（主辦單位：勞發署）。

- iii. If the employer receives a non-indictment disposition or is acquitted by the court, he or she may submit related judicial documents to the WDA, and the WDA may lift the restriction on the employer's foreign worker applications and allow subsequent applications (including replacements and recruitment permits). If the Foreign National concerned has not yet changed employer and still remains in Taiwan, the WDA shall revoke the previously granted approval for change of employer and order repatriation. If the Foreign National has already changed employer and obtained a new employment permit, the WDA shall revoke such permit and order repatriation. (Responsible agency: the WDA.)

八、衛生福利部應推展外國人性侵害防治宣導工作，增強外國人對性侵害求助管道及權益維護之認識。

8. The Ministry of Health and Welfare shall promote sexual assault prevention education for Foreign Nationals, in order to enhance their awareness of available assistance channels and the protection of their rights.

各直轄市、縣（市）政府應協調轄內勞動主管機關與性侵害防治中心密切合作，推廣外國人性侵害防治宣導工作。

Each municipality and county (city) government shall coordinate to ensure its labor authorities and sexual assault prevention centers work closely together in

promoting sexual assault prevention education for Foreign Nationals.

勞發署應推展外國人性侵害防治宣導工作。

The WDA shall also promote sexual assault prevention education for Foreign Nationals.

九、本處理原則奉核後實施，修正時亦同。

The Principles shall take effect for implementation upon approval, with the same applying to any subsequent amendments.