

Content

Title :	Regulations Governing the Work Permit for Attorneys to Employ Foreigners as Assistants or Consultants CH
Announced Date :	2005.07.07
Amended Date :	2020.09.11
Legislative :	1.Promulgated on July 7, 2005 by the Order of Ministry of Justice of No. 0930804386. 2.Amended Article 1,6,7,9,13,15,16 on September 11, 2020 by the Order No.10904519470 of Ministry of Justice.
Article 1	These regulations are formulated in accordance with the provisions of Article 132 of the Attorney Regulation Act (hereinafter referred to as this Act).
Article 2	Attorneys may apply for permission to hire foreigners as assistants or consultants in accordance with the provisions of these Regulations. This provision also applies to foreign attorneys.
Article 3	The Ministry of Justice may delegate other administrative agencies to handle matters stipulated in these regulations pertinent to attorney's applications for permission to employ foreigners, employment permit extension, employment permit withdrawal or termination, employment permit extension withdrawal or termination, and their related management issues.
Article 4	Applicants applying for permits in accordance with these regulations shall pay review fees, pursuant to the provisions of the Charges And Fees Act; the fee schedule shall be determined by the Ministry of Justice.
Article 5	The salary for foreigners hired as assistants or consultants shall not be less than the amount promulgated by the central competent authority.
Article 6	The said foreigners hired by attorneys should have one of the following qualifications: 1.Graduated from law or related department of a domestic or overseas university or above. 2.Have worked for more than two years in a law office, or a legal department of a government or private agency; the work duration is not limited to the seniority after graduation. 3.Passed overseas bar examination.
Article 7	An attorney applying for a permit to employ a foreigner should submit the following documentation: 1. An Application Form; 2. A copy of applicant's Attorney License; 3. A copy of employment contract; 4. Two copies of the list of foreign employees' names; 5. A copy of the foreign employee's academic record, job experience, certificate of qualification for the overseas bar examination; 6. A copy of the foreign employee's identification documentation; 7. The original review fee receipt.However, if the payment of the review fee may be confirmed on the Internet, such receipt is not required. The following information should be stated in the employment contract, as mentioned in subparagraph 3 of the preceding paragraph: 1. Name of the employing attorney and the address of the law firm; 2. The foreign employee's name, gender, birth date, nationality, number of identification documentation , address in Taiwan, or permanent address in, or outside of, home country home country;

3. The foreign employee's position and job description;
4. Salary payment method and amount;
5. Employment duration and the start and ending dates.

If the documents as described in subparagraph 3 and subparagraph 5 of Paragraph 1 are in a foreign language, a copy of Chinese translation must be submitted; if the translation is done overseas, the said document is required, by the Ministry of Justice for the necessity of the reviewing process, to be verified by ROC embassies, consulates, representative offices, offices, or other agencies as authorized by the Ministry of Foreign Affairs.

Article 8	The validity of an employment permit for an attorney to hire a foreign employee is 3 years maximum; if it is necessary to continue the employment, an application for employment permit extension, along with the documentation as described in the first paragraph of the preceding Article, should be submitted to the Ministry of Justice within 60 days prior to the expiration of the existing employment permit.
Article 9	<p>If any one of the following situations occurs in an attorney's application for an employment permit to hire a foreign employee or an employment permit extension, the application will be denied:</p> <ol style="list-style-type: none">1. The attorney has been involved in any one of the situations as stipulated in Article 5 of this Act;2. The application documents are fabricated or false;3. The submitted documents lack detail or compliance with regulations, and where corrective action was not made within the prescribed deadline after being notified of such corrections. <p>If an application as described in the preceding paragraph violates other laws and regulations and the circumstances are significant, the Ministry of Justice shall deny the application.</p>
Article 10	The foreign employees shall assist the attorneys within the scope of their specialized knowledge and experience, and shall not handle litigations or other legal matters on their own.
Article 11	During the validity period of an employment permit, if it becomes necessary for a foreign employee to have a new employer, the new employer shall re-apply to the Ministry of Justice for an employment permit.
Article 12	The provisions of Article 48 Paragraph 3 through Paragraph 5 shall apply mutatis mutandis to the required physical examinations performed before and/or after the foreign employee's entry to Taiwan.
Article 13	When the Ministry of Justice issues employment permits or employment permit extensions, the Ministry of Labor and the Ministry of Foreign Affairs must also be notified
Article 14	An attorney must report the employment status of the foreign employees to the Ministry of Justice within ten days after their entry to Taiwan.
Article 15	<p>If any one of the following situations occurs, the Ministry of Justice shall revoke, in part or in all, the employment permit or employment permit extension:</p> <ol style="list-style-type: none">1. The application documents are fabricated or false;2. The attorney hires the foreigner as an employee for a third party;3. The attorney has been involved in any one of the situations as stipulated in Article 5 of this Act;4. The attorney did not arrange for a physical examination for the foreign employee in accordance with the Employment Service Act, or did not submit the physical examination results to the health authority pursuant to regulations, and then failed to do so even after being notified of the requirement by the health authority;5. The foreign employee refuses to undergo a physical examination, or provides false specimens, or fails the exam, or is unable to perform the assigned tasks due to mental or physical conditions, or suffers from an infectious disease as stipulated in the Communicable Disease Control Act;6. The foreign employee violates other laws or regulations, and the circumstances are serious in nature. <p>If any one of the following scenarios exists, the Ministry of Justice</p>

shall revoke, in part or in all, the employment permit or employment permit extension:

1. The attorney has been involved in any one of the situations as stipulated in Article 5 of this Act;
2. The attorney assigns the foreign employee to conduct jobs beyond the authorization of the employment permit;
3. The attorney did not arrange for a physical examination of the foreign employee in accordance with the Employment Service Act, or did not submit the physical examination results to the health authority pursuant to regulations, and then failed to do so even after being notified of the requirement by the health authority;
4. The attorney dismisses or lays off Taiwan assistants as a result of hiring the foreign employees;
5. The attorney forces the foreign employee to perform work, using coercion, threat of violence, or other illegal means.
6. The attorney illegally seizes or takes possession of the foreign employee's passport, residence document, or property;
7. The foreign employee works for an employer other than the permit applicant, or works for himself/herself to perform jobs beyond the authorization of the employment permit;
8. The foreign employee refuses to undergo a physical examination, or provides false specimens, or fails the exam, or is unable to perform the assigned tasks due to mental or physical conditions, or suffers from an infectious disease as stipulated in the Communicable Disease Control Act;
9. The foreign employee has been unexplainably absent from work, without contacting employer for three consecutive days, or the employment has been terminated;
10. The foreign employee violates other laws or regulations, and the circumstances are serious in nature.

Article 16	If the foreign employee has been unexplainably absent from work, without contacting employer for three consecutive days, or if the employment has been terminated, the attorney should notify the Ministry of Justice, the Ministry of Labor, and the local police authority in writing within three days.
Article 17	The specifications for forms and documents as stipulated in these regulations shall be determined by the Ministry of Justice.
Article 18	These Regulations shall come into force on the date of their promulgation.
