

Table 11: The periodical requirement of regular inspection for the number of foreigners hired by an employer, the total number of foreigners

recruited as defined in Article 14-10, and the salary of domestic workers hired

I.The inspection of the number of foreigners:

1.Those who have obtained the qualifications specified in Article 14-9 and have newly established labor insurance certificate numbers before applying for the initial recruitment permit:

(1) Employers who hire foreigners (excluding the recruited foreigners mentioned in the Article 14-3, the proviso of Paragraph 3 of Article 14-5, and the Paragraph 2 of Article 14-10, but the remaining foreigners of the same labor insurance certificate number shall be included) shall comply with the provisions of Paragraph 1 of Article 15-7, and when the Central Competent Authority inspects the ratio of hired foreigners, the calculation formula used is as follows:

The maximum number of employed foreigners= (The number of employees) × (The each ratio prescribed by respective Subparagraphs of Paragraph 1 of Article 15-7)

The elements defined in the preceding formula are as follows:

(1)The number of employees: it shall be recognized pursuant to Paragraph 3 of Article 15-4.

(2) The each ratio of specified in Paragraph 1 of Article 15-7:It is limited to the ratio of foreigners as prescribed for such industries of the factory owned by the employer that have been recognized to be in the free trade port areas or the various industries specified in Table 6.

(2) Employers who hire foreigners (including the ones employed for other cases in the same labor insurance certificate number and the ones recruited pursuant to Article 13 and Article 14-2 to 14-5), the Central Competent Authority use the following calculation formula to examine the ratio of employer's employment of foreigners:

The maximum number of employed foreigners=[(The number of employees) × (The each ratio prescribed by respective Subparagraphs of Paragraph 1 of Article 15-7) +

(The increased ratio prescribed in Article 14-3) + (The increased ratio prescribed in Paragraph 2 of Article 14-10)]

The elements defined in the preceding formula are as follows:

- (1) The number of employees: it shall be recognized pursuant to Paragraph 3 of Article 15-4.
  - (2) The ratio of specified in Paragraph 1 of Article 15-7: It is limited to the ratio of foreigners as prescribed for such industries of the factory owned by the employer that have been recognized to be in the free trade port areas or the various industries specified in Table 6.
  - (3) The increased ratio prescribed in Article 14-3: It is limited to recruited foreigners specified in the first Paragraph of Article 14-3 who have already been under periodic inspection. The rate of increase is limited to the highest value of the hiring ratio prescribed to foreigners under periodic inspection according to the respective regulations
  - (4) The increased ratio prescribed in Paragraph 2 of Article 14-10: It is limited to recruited foreigners befitting the definition under Paragraph 2 of Article 14-10 and already under periodic inspection.
- (3) Methods and regulations to be carried out by the Central Competent Authority for inspections are as follows:
1. Foreigners recruited by employers specified in Article 14-3 shall be regulated in accordance with the provisions of I-1(1) and (2) and Paragraph 2 to 4 of Article 15-4.)
  2. Foreigners recruited by employers according to Article 14 -9 shall be handled according to following regulations:
    - (1) The first inspection:

Regarding foreigners recruited by employers as defined in Article 14-9, the Central Competent Authority shall, from the first recruited foreigner entering the country for one year, inspect the number of foreigners hired by employers based on provisions prescribed in I-1(1) and (2) and the regular inspection month recently processed in the current year.

However, in the case that the difference between the month of the first foreigner who enters the country for one year and the current year's regular inspection month is less than two months, it should be postponed to the next regular inspection month. The number of foreigner hired and the number of employees in the preceding paragraph shall be calculated by the number of employees participating labor insurance in the base month based on according to the month in of which the first foreigner enters the country for one year.

Whenever the number of foreigners hired by employers exceeds the number specified in this Table, the Central Competent Authority shall, in accordance with the provisions of Article 72 of the Act, annul the employer's recruitment and employment permits of exceeding the prescribed number, and include it in the number stipulated in the provisions of Subparagraph 3, Paragraph 1 of Article 14-7.

(2) The second inspection and after:

After conducting the first inspection according to regulations, the Central Competent Authority shall carry out the second inspection and after every three months in accordance with the regulations specified in the I-1(1)and (2)and the Paragraphs 3 to 4 of Article 15-4.

2. Those who have obtained the qualification of Article 14-9, yet have not established a new labor insurance certificate number

(1) Foreigners hired by employers according to the provisions prescribed in the fore part of Paragraph 1 of Article 14-10 (that is, only those who are recruited according to the requirements of Article 14-2, but and the remaining foreigners of the same labor insurance number are not included) shall comply with the regulation defined in Paragraph 1 of Article 15-7. When inspecting the ratio of foreigners hired by employers, the calculation formula used by the Central Competent Authority shall be as follows:

The maximum number of foreigners to be hired = [(The number of employees) — (The number of employees hired by the benchmark)] X (The each ratio prescribed in each Subparagraph of Paragraph 1 of Article 15-7)

The elements defined in the preceding formula are as follows:

- (1) The number of employees: It is determined according to the provisions of Paragraph 3 of Article 15-4. However, such number shall not be included in the number of recruited foreigners mentioned in Article 14-3, the proviso of Paragraph 3 of Article 14-5, and Paragraph 2 of Article 14 -10.
- (2) The number of employees hired by the benchmark: to be determined by the same number of insurance certificates of employees of the same number of insurance certificates on the month of the date when the employers register for domestic recruitment to public employment service agencies.
- (3) The each ratio prescribed in each Subparagraph of Paragraph 1 of Article 15-7: It is limited to the ratio of foreigners as prescribed for such industries of the factory owned by the employer that have been recognized to be in the free trade port areas or the various industries specified in Table 6.
- (2) For employers who hire foreigners (including the hired foreigners of other cases in the same number of insurance certificates and recruited foreigners specified in Article 13, Articles 14-2 to 14-5) when the Central Competent Authority inspects the ratio of hired foreigners, the calculation formula shall be as follows:

The maximum number of foreigners to be hired = [(The number of employees) — (The number of employees hired by the benchmark)] X (The each ratio prescribed in each Subparagraph of Paragraph 1 of Article 15-7) + (The increased hiring ratio specified in Article 14-3)+(The increased ratio mentioned in Paragraph 2 of Article 14-

10)]

The elements defined in the preceding formula are as follows:

- (1) The number of employees: It is determined according to the provisions of Paragraph 3 of Article 15-4. However, such number shall not be included in the number of recruited foreigners mentioned in Article 14-3, the proviso of Paragraph 3 of Article 14-5, and Paragraph 2 of Article 14 -10.
- (2) The number of employees hired by the benchmark: to be determined by the same number of insurance certificates of employees of the same number of insurance certificates on the month of the date when the employers register for domestic recruitment to public employment service agencies.
- (3) The each ratio prescribed in each Subparagraph of Paragraph 1 of Article 15-7: It is limited to the ratio of foreigners as prescribed for such industries of the factory owned by the employer that have been recognized to be in the free trade port areas or the various industries specified in Table 6.
- (4) The increased ratio prescribed in Article 14-3: It is limited to recruited foreigners specified in the first Paragraph of Article 14-3 who have already been under periodic inspection. The rate of increase is limited to the highest value of the hiring ratio prescribed to foreigners under periodic inspection according to the respective

regulations

- (5) The increased ratio prescribed in Paragraph 2 of Article 14-10: It is limited to recruited foreigners befitting the definition under Paragraph 2 of Article 14-10 and already under periodic inspection.
- (3) Methods and regulations to be carried out by the Central Competent Authority for inspections are as follows:
1. For foreigners recruited by the employers according to Article 14-3 shall be handled in accordance with provisions prescribed in I-2(1) and (2) and Paragraphs 2 to 4 of Article 15-4.
  2. Foreigners recruited by employers as defined in Article 14-9 shall handle according to the following regulations.
- (1) The first inspection:

Regarding foreigners recruited by employers as defined in Article 14-9, the Central Competent Authority shall, from the first recruited foreigner entering the country for one year, inspect the number of foreigners hired by employers based on provisions prescribed in I-1(1) and (2) and the regular inspection month recently processed in the current year. However, in the case that the difference between the month of the first foreigner who enters the country for one year and the current year's regular inspection month is less than two months, it should be postponed to the next regular inspection

month.

The number of employees and the number of employees in the preceding paragraph shall be calculated by the number of employees participating in the base month based on the month in which the first foreigner enters the country for one year.

Whenever the number of foreigners hired by employers that exceeds the numbers specified in this Table, the Central Competent Authority shall, in accordance with the provisions of Article 72 of the Act, annul the employer's recruitment and employment permits of exceeding the prescribed number, and include it in the number stipulated in the provisions of Subparagraph 3, Paragraph 1 of Article 14-7.

(2) The second inspection and after:

After conducting the first inspection according to regulations, the Central Competent Authority shall carry out the second inspection and after every three months in accordance with the regulations specified in the I-1(1)and (2)and the Paragraphs 3 to 4 of Article 15-4.

## II Regular inspection of the salary of employed domestic laborers:

1.Starting from the month the employer commences recruitment via a public employment service institution, on the labor insurance certificate number of the employer, the following shall be added: the name of the newly hired domestic worker, the sum of its salary covered by labor insurance and the sum of its allocated retirement



pension. Both sums shall surpass the minimum threshold amount of thirty thousand three hundred New Taiwan Dollars. (NT\$30,300).

The increased number of domestic employees mentioned in the preceding paragraph is limited to the number of domestic workers estimated by The Central Industry Competent Authorities; when the number of foreigners recruited by the employer is lower than the estimated number of foreign employees, the number of domestic workers to be additionally recruited shall be calculated according to the quota ratio apportioned to foreigners according to Article 14-10.

2. Methods and regulations to be carried out by the Central Competent Authority for inspections are as follows:

(1) The first inspection:

The Central Competent Authority shall, in the month following a year after the first recruited foreign recruiter has made entry into the country, inspect the insurance salary for labor insurance and labor pension contribution wage, as registered under the labor insurance certificate number of the same month.

(2) The second inspection and after:

After performing the initial inspection in accordance with the regulations, the Central Competent Authority shall inspect the insurance salary for labor insurance and labor pension contribution wage occurred on May in the current year of the

additionally employed domestic labors as registered under the same labor insurance certificate number on July of each year.

3. Whenever employers who do not meet the required number of people granted and have violated the provisions of II-1 and I-2 , their recruitment and employment permits shall be abolished according to the regulations prescribed in Article 72 of the Act, and shall be included in the number mentioned in Subparagraph 3, Paragraph 1 of Article 14-7.