

## **HOUSEHOLD REGISTRATION LAW**

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### **General Provisions**

- Article 1                    The household registration for the nationals of the Republic of China (ROC) shall be implemented in accordance with this law.
- Article 2                    The competent authorities in charge of the administration of household registration are the Ministry of the Interior in the Central competent authority, the municipal governments in special municipalities, and the county(city) governments in counties(cities).
- Article 3                    The household registration shall be made on household basis.

All members living together in a family or a place under the same managing person, or engaging in common businesses shall belong to one household, with the head of family or the managing person as the head of the household. Who lives independently may constitute a household with himself/herself as the head of the household.

One person cannot be registered at two households.

Article 4

Household registration used herein shall mean the following registrations:

1.Registrations of personal status:

- (1) Birth Registration
- (2) Acknowledgement Registration
- (3) Adoption and end of adoption registration
- (4) Marriage and Divorce Registrations
- (5) Guardianship Registration
- (6) Supplementary registration
- (7) Registration of the executing or exercising of the right and obligation for the under-age children
- (8) Death and Death Announcement Registrations

2. Registrations of household initiation.

3. Registrations of movement:

- (1) Moving-out Registration
- (2) Moving-in Registration
- (3) Address Alteration Registration

4. Separation (Union) Household Registration.

5. Birth Place Registration

Article 5

The special municipal and the county (city) governments shall establish census offices to deal with the household registrations in the area under individual office's jurisdiction.

## Chapter 2. Categories of Registrations

Article 6

Any birth under 12 years of age shall be subject to birth registration, and the same shall also apply to any abandoned or helpless child without household

registration.

Article 7 Any acknowledgement shall be subject to the acknowledgement registration.

Article 8 Any adoption shall be subject to the adoption registration.

Any termination of adoption shall be subject to the Adoption termination registration.

Article 9 Any marriage shall be subject to the marriage registration.

Any divorce shall be subject to the divorce registration.

Article 10 Those who have registered for marriage or divorce, they are able to apply for marriage certificate or divorce certificate from the registry office where the domicile place is registered.

The format of the certificates should be stipulated by the central competent authority.

Article 11 For those people under disability or with restricted disability, when they are placed, selected, altered, considered, appointed, or delegated a guardian, they should register for guardianship.

Article 12 For those mentally retarded or mental disabled people with slightly conscious to show their intention or people who have insufficient abilities to recognize their intentions and announced as need of assistance should be registered with assistance registration.

Article 13 For the executing or exercising of the right and obligation for the under-age children, , once it is agreed by both parties according related laws or the court judges that they should be assisted by either or both parties, he/she or they should register for the registration of the executing or

exercising of the right and obligation for the under-age children.

Article 14

Any death or announcement of death shall be subject to the death registration or death announcement registration.

After the inspection unit, military inspection unit, medical institute have issued the autopsy certificate, death certificate or the court has declared death of the person, it is necessary to hand the certificate or announcement to the competent authorities of municipal and the county (city) the domicile place is registered.

Regulations on the processing procedure, duration, methods and other items to be followed are prescribed by the central competent authority.

Article 15

Those who don't have domestic household registration shall make initial household registration if they meet one of the following:

- a. A ROC citizen enters the country and has been approved to reside domestically.
- b. A foreigner or a person without nationality has naturalized or regained his or her nationality and has been approved to reside domestically.
- c. A citizen from China, Hong Kong or Macau and has been approved to reside domestically.
- d. Those who are under 12 years old and reside in Taiwan legally but without birth registration.

Article 16

Moving out of the jurisdictional area for three months and up shall be subject to the Moving-out Registration, except the movement is made owing to military service, schooling within the country and putting into jail.

When the house members move, the prisoner shall be moved accordingly.

Duration of departure from ROC for two years and up shall be subject to the Moving-out Registration. The people with the following situations are not applicable to above provisions:

a. A person who has stationed overseas by government order or its families.

b. Working on a ROC oceangoing fishing ship.

For a ROC citizen departs from the country, but enters with another country's visa or entrance permit, though he or she is in the country, he or she is still applied to the duration of departure from ROC for two years and up shall be subject to the moving-out registration.

Article 17

Moving in from other jurisdictional domiciliary areas for three months and up shall be subject to the Moving-in Registration.

When a person having domicile originally, who moved out to a foreign country, enters ROC territory with a foreign passport for over three months, may apply for the Moving-in Registration. When the person having domicile originally loses his or her nationality but is later approved to restore the nationality shall apply to the above item.

Article 18

Any address alteration made within the same domiciliary area of jurisdiction over three months shall be subject to the Address Alteration Registration.

Article 19

Separation (Union) Household Registration should be made if a household in a household address want to separate into two or more households, or multi-households in the same household address want to union as a household

Article 20

When a ROC national who applies for Initial Household, the place of birth shall meet one of the following conditions:

1. For the application of household registration, the place of birth shall be the province (city) or the county (city) where the national was born.
  2. For an abandoned and helpless child whose birthplace is unknown, the place of birth shall be the place where he/she was found.
  3. For a child who was born on a ship or an airplane thus it is unable to define the birthplace, the place of birth shall be the place where such ship or airplane parks (stations) after the birth of the child.
  4. For a child whose birthplace is unknown but is accommodated and reared in a children welfare organization, the place of birth shall be the place where such organization is located.
  5. For a child who was born in a foreign country or area, the place of birth shall be the country or area to which the birthplace where he/she was born belongs.
  6. As stipulated in Item 5, if the birthplace is unknown, the place of birth shall be the place where he/she resides.
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### Chapter 3 Alteration, Correction,

#### Revocation and Deletion of Registrations

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| Article 21 | Any alteration of items of the household registration shall be subject to the Alteration Registration.   |
| Article 22 | Any error or omission of items of the household registration shall be subject to the Correction Registration.  |
| Article 23 | Any item of the household registration that does not exist from the beginning or is invalid from the beginning shall be subject to the Revocation Registration.  |
| Article 24 | Any item of the household registration that does not exist afterward shall be subject to the Deletion Registration, which shall also apply to the person who loses ROC nationality.  |
| Article 25 | In case a litigation occurs after registration, the application for Alteration, Correction, Revocation or Deletion Registration shall be made only after a decision is ascertained, or a reconciliation or mediation is arrived. |

## Chapter 4 Applications for Registration

### Article 26

The application of household register shall be filed with the registry office where the applicant's permanent residence is located, except for the following:

1. For register of an item announced and assigned by the central competent authority, the applicant shall apply with the registry office outside of the registry office where his or her permanent residence is located.
2. If both parties concerned don't have a registration within the country, their marriage and divorce within the country can be registered at any party's household office where his or her residence is located.
3. if both or either of the party concerned has or had a household registration within the country, when they are married or divorced overseas, they have to bring relating documents to our embassies or consular services, representative offices, diplomatic office, other offices authorized by the MOFA (the other offices), organizations or civilian groups in Hong Kong and Macau designated by the Executive Yuan to apply for certificates. After verification, the certificates will be forwarded to the applicant's household place or original domiciliary household office for marriage or divorce registration.
4. If both or either of the party concerned don't have a household registration within the country, when they are married or divorced overseas, they have to bring relating documents to the above offices, organizations or civilian groups in Hong Kong and Macau designated by the Executive Yuan to apply for certificates. After verification, the certificates will be forwarded to the household office where the central competent authority is located designated by the central competent authority for marriage or divorce registration.
5. For initial registration, the applicant must apply with the registry office where he or she lives currently.
6. For relocation register, the applicant must apply with the registry office where he or she is to immigrate.

- Article 27 For a register application, the applicant shall apply with the registry office in written or oral form or through the Internet.  
For items of register applied for through the Internet in accordance with the previous regulation, the announcement and assignment are made by the Interior Ministry.
- Article 28 The application form for registration shall be signed or affixed with chop by the applicant. If the application is made verbally, the census office shall fill out the application form for the applicant, and shall read to the applicant, then ask him/her to sign or affix chop. If the application is made through Internet, the application form shall have the electronic seal.  
The electronic seal is restricted only to the naturalized person certificate by the Certificate Authority of MOI.
- Article 29 The applicant of Birth Registration shall be the parents, grandparents, head of family, cohabitant or rearer.  
  
For the abandoned or helpless child, the applicant of Birth Registration mentioned in the previous paragraph may be the children welfare organization.
- Article 30 The applicant of acknowledgement registration shall be the recognizer. In case the recognizer does not make the application, the recognized one may be the applicant.
- Article 31 The applicant of Adoption Registration shall be the adopter or the adoptee.
- Article 32 The applicant of Adoption Termination Registration shall be the adopter or the adoptee.
- Article 33 The applicant of Marriage Registration shall be one of the parties concerned. However, people who are married before May 22, 2008 (including May 22) or their marriage is effective, one of the parties concerned can be the applicants.  
  
For above proviso, if necessary, the census authority or household offices are eligible to ask relating units to verify the marriage and check any documents that prove the marriage.

- Article 34 The applicant of divorce registration shall be both parties concerned. However, for the divorce that is sentenced by court, the applicant may be one of the parties concerned.
- Article 35 The applicant of guardianship registration shall be the guardian.  
The applicant of assistance registration shall be the advisor.  
The applicant of registration of the executing or exercising of the right and obligation for the under-age children shall be one or both of the parties concerned.
- Article 36 The applicant of death registration shall be the spouse, relative, head of family, cohabitant, the person handling burying, or the managing person of house or land of the dead when he/she died.
- Article 37 In the case of execution or death in jail, detention house or other shelters, and no one claims the dead, the jail, detention house or shelter shall notify the census office in the place where the domicile of the dead was to make the Death Registration.
- Article 38 In case of death due to disasters or the dead being unidentifiable, or investigated and verified by police department but no one claims the dead, the police department shall notify the census office in the place where the domicile of the dead was to make the Death Registration.
- Article 39 The applicant of death announcement registration shall be the person applying for the announcement or the interested person.
- Article 40 The applicant of initial registration shall be himself/herself
- Article 41 The applicant of registration of movement shall be the person himself/herself or the head of family.  
The applicant of registration of household movement shall be the head of family.
- Article 42 For the person departing from the country, who shall be subject to the Moving-out Registration pursuant to the third paragraph of Article 16, the census office in the place where the person's domicile is may proceed with the Moving-out Registration at its discretion.

- Article 43 The applicant of separation (union) household shall be himself/herself or the head of the household.
- Article 44 The applicant of birth place registration shall be himself/herself or the applicant mentioned in Article 29.
- Article 45 After the cases for household registrations occur or are ascertained, but no applicants are available for those cases stated in Article 29 to 32, the first proviso of Article 33, proviso of Article 34, Article 36 and Article 40, Article 41 and its first two provisos, the interested persons may act as the applicants.
- Article 46 The applicant of Alteration, Correction, Revocation or Deletion Registration shall be the person himself/herself, the original applicant or interested person. If the person concerned cannot and will not apply the application, the applicant should be the original applicant or interested person. The household office should also notify the person after registration.
- Article 47 In case the applicant can not make application personally, he/she may entrust some other person in writing to make such application.  
Except that there are due reasons which are approved by the census office, the provision set forth in the previous paragraph does not apply to the registrations of acknowledgement, termination of adoption, marriage or the divorce agreed by both parties concerned.
- Article 48 The applications of household registrations should be made within thirty (30) days after the cases concerned occur or are ascertained; however, the birth registration must be made within 60 days.  
The census office should still accept the overdue applications.  
When the census office finds overdue applications that are not made within the statutory time limit, it shall notify in writing the persons who shall make the applications. When an inspector announces a person's death or abdicates one person's ROC status or Taiwan citizenship, it is eligible skip advance notification and be executed at the census office's discretion.

In case of birth, guardianship, advisory, executing or exercising of the right and obligation for the under-age children, death, death claim announced other than inspector, alteration, correction, revocation or deletion registration, or confirmed acknowledgement, adoption, termination of adoption, divorce registration judged by the court, when parties concerned still failed to register after written notification, the census office shall proceed at its discretion.

#### Article 49

In case of the family name of the party of the birth registration is not sure according to relating laws, if the child is legitimate, the applicant can decide the child to be registered with the father or mother's family name upon taking a draw; if the child is illegitimate, the child is registered with the mother's family name; if the child is abandoned or helpless, the child is registered with the guardian's family name.

In case of the household office registers a child according to the third paragraph of previous Article, if the child is legitimate, the applicant can decide the child to be registered with the father or mother's family name upon taking a draw; if the child is illegitimate, the child is registered with the mother's family name; if the child is abandoned or helpless, the child is registered with the guardian's family name and the Head of the office should give the child a first name.

#### Article 50

In case the whole household removes out of its domicile place without making Moving-out Registration within the statutory time limit so that the notification is unable to be made, the census office may process the Moving-out Registration straightly pursuant to the application made by the house owner or local government. In case the house owner or local government mentioned in the prior paragraph does not make the application, the census office may process the registration directly.

When a inmate in correctional institution meets one of the above, the household office shall alter the inmate's registration to the correctional institution, and it's not

bound by the first proviso and second paragraph of Article 16.

When the household office receives the notification from the correctional institution that inmate is released, it is necessary to verify the fact and shall proceed move-in registration by the household office.

## Chapter 5 National Identification Card and Household Certificate (or Household Registration Certificate)

- Article 51            A national identification card represents one person's identity, and is effective in all country.  
The household certificate should list all the members within the household and the household head should be listed in the first column.
- Article 52            The format, content, photo specification of the ID Card and household certificate shall be stipulated by the central competent authority.  
The issuing, photo file content, preservation, usage and other items of the ID Card and household certificate shall be stipulated by the central competent authority.
- Article 53            The ID card and household certificate shall be printed only by the competent authorities of municipalities and the counties (cities). The ID card, if necessary, shall be printed only by the central competent authority.
- Article 54            The ID card and household certificate shall be printed and issued by the household office according to household registration data.
- Article 55            The serial number generation of ID card and household certificate shall be stipulated by the central competent authority and be executed by the household office.
- Article 56            One must always carry his or her ID card. An ID card shall not be detained unless a law formulates.  
The household certificate shall be kept by the head. When a household member is proceeding with household registration, the head shall provide the book and can't detain it.
- Article 57            The nationals who have reached the age of fourteen (14) shall apply for citizen's identification Cards; and who are

under the age of fourteen (14) may apply for citizen's identification cards.

Those who lost or damaged their ID cards and household certificates shall apply for re-issuing.

A registered household shall apply for the household certificate.

Article 58

When a person applies for household registration and results in changes on ID card information, he or she shall at the same time apply for a replacement of ID card.

One must apply for a replacement of ID card when his or her ID card is damaged.

When there are changes in household certificate, it is a must to apply for a replacement of household certificate.

Otherwise, the household office must write down necessary notes on the certificate.

Article 59

The national-wide replacement process and other items to be followed should be stipulated by central competent authority.

The replacement of ID cards and the invalid date of old ID cards shall be announced by the central competent authority and be published on the government agenda.

Those who have ID cards should replace their cards during the due period.

The replacement of household certificates shall be applicable to the first three paragraphs.

Article 60

In case of Initial Issuance or re-issuance of ID card, the person concerned shall claim the card in person.

In case of replacement of ID card, he/she may entrust some other person in writing to make the claim.

When the household head in person or by delegation to proceed relocation registration for whole household or partial household members, the applicant can at the same time apply for replacement of ID cards and is not bound by the restriction mentioned above.

Article 61

The initial issuance, replacement, re-issuance and national-wide replacement of ID card shall be proceeded as followed:

a. initial issuance, replacement, re-issuance of ID card:

Apply at the registered household office.

b. Replacement: When applying for household registration and has thus caused changes in ID card information shall apply for replacement at the registered household office; for damaged ID card, the applicant can apply at any household office.

For the situation stipulated in the first paragraph above, for register of an item announced and assigned by the central competent authority, the applicant shall apply with the registry office outside of the registry office where his or her permanent residence is located.

#### Article 62

In cases of death, death announcement, deletion of household registration, revocation of household registration, re-issuance, replacement, national-wide replacement of ID cards, the original cards shall be clipped and collected by the household office.

If an ID card is obtained illegally, falsely used or faked, the organization who finds out the fact shall notify the issuing direct govern cities, counties (cities) o annul the renewal information.

#### Article 63

Upon the initial issuance or national-wide replacement of household certificates, it can be claimed by the household head himself/herself or on delegation by others.

Upon the re-issuance or replacement of household certificates, it can be claimed by the household head himself/herself or on delegation by others at any household offices.

#### Article 64

Any record of household registration shall not be carried out of the places where they are kept, except for avoiding natural disasters and accidents, census, or approved by the chief of the office.

The central competent authority shall stipulate the form and the retention period of the record mentioned in the previous paragraph.

#### Article 65

A person himself/herself or the interested persons may apply for reviewing the household record or ask for the household certificate transcript. In case the applicant is

unable to make the application personally, he/she may entrust other person to make with a letter of authorization. When a interested person apply for the application as regulated above, the household office shall only provide partial household record or transcript that concerns the applicant.

Article 66

The central competent authority shall stipulate the format of household certificate transcript and the interest range. The application for household certificate transcript can be done at any household office. When applying for reviewing of original household registration record or the record before the Japanese Occupation census data is online, the applicant should apply for the application at the original household office.

Article 67

Any household record required for every authority shall be based on that registered in the household registration. For the record mentioned, it should be provided by the census authority or household offices. The application method, content, fees and other items that should be observed shall be stipulated by the central competent authority.

Article 68

In the need of the census authority and household offices to verify the items of the household registration, relevant authorities, schools, organizations or persons shall provide required information accordingly.

Article 69

Nationals who apply to the census authorities for ID card, household certificate, household certificate transcript, marriage certificate, divorce certificate, extract of household registration, household statistics, reviewing of household record pursuant to the present Law shall pay fees, of which the criteria shall be stipulated by the central competent authority.

## Chapter7. Census and Population Statistics

Article 70

Census may be made before making household registrations.

Article 71

The census office may send personnel to check and correct the items of household registration.

- Article 72 The census office shall check and record the educational backgrounds of the population of fifteen (15) years and over of age.
- Article 73 Every middle school and above shall prepare the register of graduates at the year, and furnish it to the census authority. The list of junior high new students can be ignored.
- Article 74 Municipal and city (county) governments and their household registration offices should prepare all kinds of statistical lists separately and deliver them to their superior agency in the order of date. If necessary, other household surveys and statistics should be conducted.

### Chapter 8 Fines

- Article 75 Providing fake identities, faking or illegal altering ID cards with intention to damage or cause benefits losses to the public or other innocent people should be penalized for no less than five years in prison, detention or fines of not less than five hundred thousand (500,000) NT dollars. Those who fake and alter the ID cards shall be punished as the same.
- Providing his or her own ID cards to others to be used or faking others or using cards lost or delivered by others to damage or cause benefits losses to the public or other innocent people should be penalized for no less than three years in prison, detention or fines of not less than three hundred thousand (300,000) NT dollars.
- Article 76 Any applicant who makes a false application intentionally, or any relevant authority, school, organization or national that provides census authorities with false information shall be penalized by a fine of over three thousand (3,000) but less than nine thousand (9,000) N.T. dollars.
- Article 77 Any person, without proper reasons, who refuses the census, or any relevant authority, school, organization or national that refuses to provide census authorities with the information of household registration according to Article 68 shall be penalized by a fine of three thousand (3,000) N.T. dollars and upward to less than nine thousand (9,000) N.T. dollars.

Article 78 If a civil servant doesn't do as stipulated according to second paragraph of Article 14 shall be punished by the organization he or she serves. If a medical institute doesn't do as regulated in the same article, it shall be fined over one thousand (1,000) but no more than three thousand (3,000) NT dollars.

Article 79 If a person, without proper reasons, violates the first paragraph of Article 48 and doesn't apply for registration with legal time shall be fined over three hundred (300) but no more than nine hundred (900) NT dollars. If the person still fails to do so after written notification, the person shall be fined for nine hundred (900) dollars.

Article 80 If a household head doesn't provide household certificate as described in the second paragraph of Article 56, he or she shall be fined over one thousand (1,000) but nor more than three thousand (3,000) NT dollars.

Article 81 The punishment of fines shall be executed at the discretion of the household office.

#### Chapter 9. Supplementary Provisions

Article 82 Rules for the enforcement of this law shall be prescribed by the central competent authority.

Article 83 Except for Articles 10, 26, 45 and 69 are executed starting from May 23, 2008; the sixth item of first subparagraph of Article 4, Article 12, second paragraph of Article 35, fourth paragraph of Article 48 about assistance registration shall come into force as stipulated by the Executive Yuan, the rest shall come into force on the date of promulgation.