

# Enforcement Rules of the Nationality Act

1. Adopted and promulgated on February 1, 2001, by Tai(90)-Nei-Hu-Zi No.9068204 Order of the Ministry of the Interior.
2. Amended and promulgated on April 8, 2004, by Tai-Nei-Hu-Zi No.0930004575 Order of the Ministry of the Interior
3. Articles 8 and 10 amended and promulgated on December 30, 2005, by Tai-Nei-Hu-Zi No.0940071434 Order of the Ministry of the Interior
4. Partial articles amended and promulgated on February 14, 2008, by Tai-Nei-Hu-Zi No.0970026017 Order of the Ministry of the Interior
5. Article 7 amended and promulgated on November 14, 2008, by Tai-Nei-Hu-Zi No.0970184578 Order of the Ministry of the Interior
6. Partial articles amended and promulgated on December 30, 2009, by Tai-Nei-Hu-Zi No.0980234924 Order of the Ministry of the Interior
7. Articles 7 and 16 amended and promulgated on April 29, 2010, by Tai-Nei-Hu-Zi No. 0990082147 Order of the Ministry of the Interior
8. Article 8 amended and promulgated on December 30, 2014, by Tai-Nei-Hu-Zi No. 1031201951 Order of the Ministry of the Interior

Article 1 These Rules are enacted in accordance with Article 22 of the Nationality Act (hereinafter referred to as "this Act").

Article 2 Applications for naturalization, or for loss, restoration of nationality, or revocation of loss of nationality, according to this Act, shall be made by the applicant in person or by the applicant's legal representative.

Applications for naturalization, or for loss, restoration of nationality, or revocation of loss of nationality shall be filed with the local household registration office, and then

transferred to the municipal or county (city) government for the approval of the Ministry of the Interior (hereinafter referred to as the MOI).

To apply for loss of nationality or revocation of loss of nationality, an applicant who resides in a foreign country may file an application with an embassy, consulate, representative office, or other institution (hereinafter referred to as an ROC Embassy or Mission Abroad) of the Republic of China (hereinafter referred to as the ROC) authorized by the Ministry of Foreign Affairs (hereinafter referred to as the MOFA). The application shall be then transferred through the MOFA to the MOI for approval.

Under circumstances prescribed in the Proviso of Subparagraph 1 of Article 12 of this Act, applications for loss of nationality shall be filed with an ROC Embassy or Mission Abroad, and then transferred through the MOFA to the MOI for approval.

Where an application is filed incorrectly or the required documents have not been submitted in full but the matter can be rectified, a time limit shall be set within which the applicant must make the necessary corrections. In cases where the applicant fails to fulfill the required corrections within the time limit, the application shall be rejected.

When necessary, the MOI may commission any other related government agency to conduct this activities prescribed in the preceding Paragraph.

Article 3 In this Act, a "stateless person" is a person who is not recognized as the citizen of any country according to the laws of that country.

The following persons may be recognized as stateless:

1. A person who holds travel documents issued by a foreign government that prescribe that he/she is stateless.
2. A stateless person from Thailand, Myanmar, Indonesia, India or Nepal who conforms with the provisions of Paragraph 2 to Paragraph 4 of Article 16 of the Immigration

Act, and who holds an Alien Resident Certificate prescribing the holder as stateless.

3. Other persons recognized by the MOI.

Article 4 A foreign national or stateless person who has domicile in the territory of the ROC as referred to in Article 3 to Article 5 and Article 15 of this Act refers to a person who resides in the territory of the ROC with intention to reside for a long period and holds an Alien Resident Certificate or Alien Permanent Resident Certificate.

Article 5 The calculation of the duration of legal stay in the ROC as prescribed in Article 3 to Article 5 of this Act shall include the duration of legal stay as permitted by the Alien Resident Certificate or Alien Permanent Resident Certificate acquired before this Act was amended and enforced on 9 February 2000.

Under any of the following circumstances, the duration of stay recorded on the Alien Resident Certificate or Alien Permanent Resident Certificate held by the applicant shall be exempt from the calculation of the duration of legal stay as referred to in the preceding Paragraph:

1. Where the applicant is permitted by the Council of Labor Affairs, Executive Yuan, to engage in work prescribed in Subparagraph 8 to Subparagraph 10 of Paragraph 1 of Article 46 of the Employment Service Act.
2. Where the applicant comes to Taiwan for schooling.
3. Where the applicant acquires an Alien Resident Certificate depending on relatives referred to in the preceding two Subparagraphs.

Article 6 The annual legal residence for more than 183 days in total for more than 5 or 3 consecutive years as referred to in Articles 3 and 4 of this Act shall mean that the residence period of such 5 or 3 years prior to the application for naturalization shall be consecutive, as well as that the applicant has legally resided for more than 183 days in total every year during such period. Nevertheless, any residence overstay does not conform to the

requirement of legal residence, which results in the interruption of such residence period. If the overstay period does not exceed 30 days, the residence period shall be deemed not to have been interrupted.

The overstaying period as mentioned in the preceding paragraph shall not be calculated into the legal residence of the 183 days.

The consecutive residence of more than 10 years as referred to in Article 5 of this Act shall mean the consecutive residence of more than 10 years before the application for naturalization.

Article 7 A person who possesses sufficient property or professional skills sufficient to enable him/her to be self-reliant as prescribed in Subparagraph 4 of Paragraph 1 of Article 3 of this Act is as prescribed below:

1. A person who applies for restoration of nationality or naturalization due to marriage to an ROC citizen shall prepare one of the following documents recognized by the MOI:
  - (1) Proof of domestic income, tax payment, personal property, or real estate ownership in the territory of the ROC.
  - (2) Proof of employment by the employer or self-writing documentation of the applicant's job content and income.
  - (3) Certificate of a specific professional, and technical skill certificate or document of technical assessment issued by a competent authority of the government.
  - (4) Other documents that can prove the applicant is able to be self-reliant.
2. A person who applies for naturalization under circumstances other than those prescribed in the preceding Subparagraph shall conform to at least one of the following provisions:
  - (1) Earn an average monthly income within the ROC over the past year more than double the basic wage as

promulgated by the Council of Labor Affairs, Executive Yuan.

- (2) Own personal or real property, worth more than NT\$5 million.
- (3) Possess a specific professional / technical skill certificate or document of technical assessment issued by a competent authority of the government.
- (4) Serve as a skilled employee in demand by high-tech industries in the ROC as prescribed in Subparagraph 2 of Paragraph 3 of Article 25 of the Immigration Act, and thus is granted permission to reside permanently in the ROC.
- (5) Meet other requirements as recognized by the MOI.

Documents referred in Item 1 of Subparagraph 1 and Item 2, Item 4 of Subparagraph 2 of the preceding Paragraph shall include the applicant and his/her related personnel as follows who has household registration in the ROC but do not receive living subsidies:

1. His/her spouse.
2. Parent(s) of his/her spouse.
3. His/her parent(s).

The calculation of the amount listed in Item 1, Item 2 of Subparagraph 2 of Paragraph 1 shall include the income or property of the applicant and his/her related personnel as follows who has household registration in the ROC:

1. His/her spouse.
2. Parent(s) of his/her spouse.
3. His/her parent(s).

The specific professional / technical skill certificate or document of technical assessment issued by a competent authority of the government as stated in Item 3 of Subparagraph 1, and Item 3 of Subparagraph 2 of Paragraph 1 shall include the applicant and related person who has household registration in the ROC as follows:

1. His/her spouse.
2. Parent(s) of his/her spouse.
3. His/her parent(s).

As for any of the aforementioned persons who possess a specific professional / technical skill certificate or document of technical assessment issued by a competent authority of the government as stated in Item 3 of Subparagraph 1 and Item 3 of Subparagraph 2 of Paragraph 1 shall also present a certificate of security which can secure the applicant's living needs in the ROC.

Article 8 In addition to applying for the Certificate of ROC Naturalization Candidacy pursuant to Article 10 of these Enforcement Rules and losing the applicant's original nationality thereafter, an individual who applies for naturalization in accordance with Article 3 to Article 5 or Article 7 of this Act shall submit an application form:

1. A document certifying stateless status, loss of foreign nationality or a certificate issued by an ROC Embassy or Mission Abroad in accordance with the Proviso of Article 9 of this Act;
2. A valid Alien Resident Certificate or Alien Permanent Resident Certificate;
3. An Alien Resident Certificate and a certificate stating the dates of entry into and/or exit from the ROC;
4. A criminal record issued by the police or equivalent certificates issued by the government of the applicant's country of origin, and a criminal record certificate issued by the ROC police covering the applicant's period of stay in the ROC. This Subparagraph does not apply to minors under 14 years old;
5. Documentation certifying that the applicant possesses sufficient property or professional skills which enable him/her to be self-reliant. This Subparagraph does not apply to unmarried minors applying for naturalization in conjunction with the applicant's naturalization;

6. Evidential documents as listed in Paragraph 1 and Paragraph 2 of Article 3 of Standards for Identification of Basic Language Abilities and Common Sense of National Rights and Duties of Naturalized ROC Citizens. This Subparagraph does not apply to unmarried minors applying for naturalization in conjunction with the applicant's naturalization;
7. An unmarried minor is required to submit a letter of consent from his/her legal representative and a certificate describing his/her marital status;
8. Other identity certificates as needed.

For naturalization applications filed under Subparagraph 1 of Paragraph 1 of Article 4 of this Act, if the reason for residence as recorded on the Alien Resident Certificate is to reside with relatives, the applicant need not submit a criminal record issued by the police or equivalent certificates issued by the government of the applicant's country of origin as referred to in Subparagraph 4 of the preceding Paragraph.

For those who already possess an Alien Permanent Resident Certificate, when applying for naturalization, he/she may be exempt from having to submit a certificate as stated in Subparagraph 5 of Paragraph 1.

All documents referred to in subparagraphs of Paragraph 1 shall be examined first by the municipal or county (city) government and transferred along with the criminal record of such applicant as checked by the household registration office to the MOI, which, however, is not applicable to minors under 14 years old.

The documents required in Subparagraph 8 of Paragraph 1 refer to the following:

1. Household Registration Transcript with completed Marriage or Adoption Registration of the applicant;
2. In the absence of a Household Registration Record as referred to in the preceding Subparagraph, a Marriage Certificate or a decision favoring an adoption by Court's

Final Verdict in the ROC;

3. A birth certificate or other certificate proving the applicant's parent-child relationship.

If a foreign national who applies for naturalization does not conform to requirements of this Act before permitted for naturalization, the MOI shall not approve such application.

Article 9 In addition to applying for the Certificate of ROC Naturalization Candidacy pursuant to Article 10 of these Enforcement Rules and losing the applicant's original nationality thereafter, an individual who applies for naturalization in accordance with Article 6 of this Act shall submit an application form:

1. A certificate of merits;
2. A document certifying stateless status, or loss of foreign nationality, or a certificate issued by an ROC Embassy or Mission Abroad in accordance with the Proviso of Article 9 of this Act;
3. Other identity certificates.

Article 10 In order to submit a document certifying the loss of original nationality pursuant to Article 9 of this Act, a foreign national may submit an application form along with the documents specified in Subparagraph 2 to Subparagraph 8 of Paragraph 1 of Article 8 or Subparagraph 1 and Subparagraph 3 of the preceding Article to the household registration office of such applicant's domicile for the issuance of the Certificate of ROC Naturalization Candidacy. After checking the criminal record of such applicant, the household registration office shall transfer such record together with the application to the municipal or county (city) government for approval from the MOI.

The Certificate of ROC Naturalization Candidacy as referred to in the preceding Paragraph, when used for applications to the government of the applicant's native country for loss of nationality, is valid for 2 years. It may not be used as a



certificate proving that the person has been naturalized in the ROC.

After obtaining the Certificate of ROC Naturalization Candidacy as referred to in Paragraph 1, the foreign national shall submit the application for naturalization along with the document certifying the loss of original nationality to the household registration office of where the applicant is domiciled. After checking the criminal record of such applicant again, the household registration office shall transfer such record together with the application to the municipal or county (city) government for being further transferred to the MOI.

If a foreign national who applies for naturalization does not conform to requirements of this Act before permitted for naturalization, the MOI shall not approve such application.

Article 11 A person who applies for loss of nationality in accordance with Article 11 of this Act shall submit an application form enclosed with the following documents:

1. A certificate of ROC nationality;
2. A certificate proving that no tax or tax-related fine is due;
3. A letter of consent from a legal representative for a minor applicant;
4. A certificate of completion of military service, decommissioning, retirement or service exemption for a male of service age;
5. Other identity certificates.

Upon receipt of such application of the preceding Paragraph, the household registration office shall check the criminal record of such applicant, but is not applicable to minors under 14 years old or those who have never household registration in the ROC.

The certificate referred to in Subparagraph 1 of Paragraph 1 refers to any of the following:

1. Household Registration Transcript;
2. National ID Card;

3. Household Certificate;
4. Passports;
5. Nationality Certificate;
6. Overseas Compatriot Registry Certificate;
7. Overseas Compatriot Identity Certificate;
8. The ROC nationality certificates of one of the applicant's parents and the applicant's birth certificate;
9. Other certificates recognized by the MOI.

The Overseas Compatriot Identity Certificate referred to in Subparagraph 7 of Paragraph 1 does not include a certificate issued by the Overseas Compatriot Affairs Commission after the applicant submits a certificate of Chinese descent.

The documents specified in Subparagraph 5 of Paragraph 1 denote one of the following documents:

1. An applicant with domicile in the ROC shall submit a Household Registration Transcript with completed Registration of Marriage, Parentage, or Adoption;
2. A person who can't submit such a Household Registration Transcript as prescribed in the preceding Subparagraph shall submit a marriage certificate, a certificate of effective parentage acknowledgement of a natural child according to ROC laws and foreign laws, or an adoption decision by Court's Final Verdict in the ROC;
3. A Household Registration Transcript shall be separately submitted for an applicant who has household registration in the ROC upon filing his/her application in accordance with Subparagraph 5 of Paragraph 1 or Paragraph 2 of Article 11 of this Act;
4. For an ROC overseas national as defined in the Proviso of Subparagraph 1 of Article 12 of this Act, an identity document such as a certificate showing dates of entry and exit, a Household Registration Transcript proving moving abroad, and Overseas Compatriot Identity Certificate, shall be separately submitted.

Article 12 An ROC overseas national who had emigrated from the ROC on or before 31 December of the year when he/she turns 15 years old as referred to in the Proviso of Subparagraph 1 of Article 12 of this Act is a person who going abroad on or before 31 December of the year when he/she turns 15 years old, and whose date of emigration abroad has recorded in the household registration records.

Article 13 A person who applies for revocation of loss of nationality in accordance with Article 14 of this Act shall submit an application form enclosed with the following documents:

1. A Certificate of Permitted Loss of Nationality;
2. Related documents proving the rejection or agreed withdrawal of attempted acquisition of foreign nationality, or other documents proving the applicant has not acquired the nationality of that country;
3. A minor shall submit a letter of consent from his/her legal representative.

The fact that the applicant has failed to acquire foreign nationality as referred to in Subparagraph 2 of the preceding Paragraph shall be verified by MOFA when it is deemed necessary by the MOI.

Article 14 A person who applies for restoration of nationality in accordance with Article 15 or Article 16 of this Act shall submit an application form enclosed with the following documents:

1. A valid Alien Resident Certificate or Alien Permanent Resident Certificate;
2. A criminal record or other certificates issued by the government of the applicant's original country. This Subparagraph does not apply to minors who are under 14 years old.
3. A document certifying that the applicant possesses sufficient property or professional skills, which enable him/her to be self-reliant. A minor who applies for restoration of nationality in conjunction with the applicant is

not required to do so;

4. A minor shall submit a letter of consent from his/her legal representative;
5. Other related household registration or identity certificates.

Upon receipt of such application of the preceding Paragraph, the household registration office shall check the criminal record of such applicant covering the period of such applicant's residence in the ROC, but is not applicable to minors under 14 years old.

Article 15 A person who applies for naturalization, or loss or restoration of nationality in accordance with this Act, and obtains permission, shall be issued with an approval certificate of naturalization, or of loss or restoration of nationality by the MOI.

Article 16 In the event that a certificate for naturalization, loss or restoration of nationality is damaged or lost, a person may submit an application form enclosed with the following documents and apply for a replacement copy or re-issuance of the certificate:

1. A certificate of damage or loss of certificate. This Subparagraph does not apply to applicants who apply for re-issuance of certificates;
2. Related household registration or identity certificates.

Applications in the preceding Paragraph may be filed with the MOI indirectly through the original transferring agency or with the MOI directly. However, in the event that an application for revocation of a certificate of loss of nationality as per Article 13 is filed simultaneously with an application for replacement or re-issuance of the certificate, no replacement or re-issuance is required.

In the event that a Certificate of ROC Naturalization Candidacy is damaged or lost, the applicant may submit request certificate replacement or re-issuance with the original transferring agency, who will forward the application to the original issuing agency, or directly with the original

issuing agency.

- Article 17 If the document required in accordance with these Rules is in a foreign language, a Chinese translation must accompany it. If the document referred to in the preceding Paragraph is produced by a foreign embassy, consulate or authorized representative agency stationed in the ROC, verification by the MOFA is required. If it is produced abroad, verification/certification by an ROC Embassy or Mission Abroad, as well as re-verification by the MOFA, will also be required. A review by the MOFA may be waived if the application has been filed with an ROC Embassy or Mission Abroad in accordance with Paragraph 3 or Paragraph 4 of Article 2 for approval by the MOI on behalf of the MOFA. The Chinese translation of the document referred to in Paragraph 1 shall be verified by an ROC Embassy or Mission Abroad. It may also be verified by a public notary in the ROC.
- Article 18 The competent authorities as referred to in Paragraph 1 of Article 20 of this Act refer to those organizations that have the authority to employ the said civil servant. An ROC national, having acquired a foreign nationality in accordance with Paragraph 1 of Article 20 of this Act, shall be prohibited from holding public office in the ROC. This provision shall also apply to any foreigner who has acquired ROC nationality without losing his/her original foreign nationality. Those who hold public office prescribed in the Proviso of Paragraph 1 and Paragraph 2 of Article 20 shall be subject to the recognition of the competent authorities.
- Article 19 These Enforcement Rules shall come into force from the date of their promulgation.