

Regulations for Determining Lack of Bad Conduct by Persons Applying for Naturalization

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Articles 2 and 3 amended and promulgated via Ministry of the Interior Order Tai-Nei-Hu-Tzu No. 1110243554, dated September 22, 2022; took effect from date of promulgation.

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Article 1 These Regulations are formulated in accordance with Paragraph 2 of Article 3 of the Nationality Act (hereinafter referred to as the “Act”).

Article 2 “Bad conduct” as referred to in Subparagraph 3 of Paragraph 1 of Article 3 of the Act means any of the following circumstances:

1. The applicant has received a deferred prosecution disposition, or has been sentenced by a final judgment to short-term imprisonment or a fine, or has been granted a suspension of sentence. This shall not apply where the offense was committed negligently.
2. The applicant has committed any of the following acts in violation of the Social Order Maintenance Act and has been subject to a final disposition imposing detention or a fine, the detention or fine having not yet been fully executed or paid:
 - 1) Carrying harmful instruments, chemical compounds, or other hazardous items without justifiable reasons.
 - 2) Placing, casting, or launching harmful articles in a way that may jeopardize another person’s body or property.
 - 3) Heading, controlling, or joining a gang that might undermine social order.
 - 4) Using or injecting hallucinogenic substances other than opium or narcotic drugs.

- 5) Soliciting with the intent to commit prostitution or procure for prostitution in public places or publicly accessible places.
 - 6) Procuring or engaging in sexual transactions in a manner not permitted by for prostitution or committing prostitution that is in violation of self-government ordinances.
 - 7) Gathering people with the intent to engage in fighting.
3. The applicant has failed to perform the legal duty to support his/her spouse or minor children, as determined by a court final decision; or there are sufficient facts to establish that the applicant has failed to perform such legal obligation without justified reason.
 4. The applicant has habitually committed acts of domestic violence and a final court judgment has been rendered; or there are sufficient facts to establish such conduct, except where the circumstances warrant compassion, the conduct was committed in self-defense, or the conduct is not attributable to the applicant.
 5. During the applicant's period of residence in the Republic of China, he/she has committed an act of sexual assault, sexual exploitation, sexual bullying, sexual harassment, stalking and harassment against a child or youth, or has violated the provisions of Article 49, Paragraph 1 of the Child and Juvenile Welfare and Rights Protection Act, as verified by the competent authority.

Article 3 If any of the following circumstances apply, the applicant may be regarded as having no bad conduct:

1. The period of deferred prosecution or suspension of sentence has expired without revocation.
2. A fine imposed on the applicant has been fully executed.
3. More than three years have elapsed since completion of the execution of short-term imprisonment imposed on the applicant.
4. The applicant has committed a crime for which the maximum principal punishment is imprisonment for not more than six months, short-term imprisonment, or a fine, and more than three years have elapsed since the expiration of the limitation period for execution of the sentence.

5. The punishment specified in Subparagraph 2 of the preceding Article has been fully executed or paid, or the limitation period for its execution has expired; or the applicant has committed an act specified in Item 5 or 6 of Subparagraph 2 of the preceding Article under circumstances that warrant compassion or are not attributable to the applicant.
6. The applicant has not committed any act listed in the preceding Article during the three-year period following the termination or completion of the conduct specified in Subparagraph 3 or 4 of the preceding Article.
7. More than three years have elapsed since the conduct constituting the violation specified in Subparagraph 5 of the preceding Article ended, the execution of a punitive adverse disposition was completed, the fine was fully paid, the limitation period for execution expired, or the punishment was waived in accordance with law.

Where the act specified in Subparagraph 5 of the preceding Article constitutes a crime, or where the applicant intentionally commits against a child or youth an offense under the Chapter of Offenses of Causing Injury of the Criminal Code, and the applicant is subject to a decision of deferred prosecution or a final judgment of suspension of sentence or fine, the applicant may be regarded as having no bad conduct only after more than five years have passed since the occurrence of the circumstance specified in Subparagraph 1 or 2 of the preceding paragraph; where the applicant has been sentenced to short-term imprisonment, more than five years must have passed since completion of its execution.

Article 4 The competent authority shall invite experts, scholars, and impartial members of society to determine whether there are sufficient facts to establish the absence of a justified reason, whether the circumstances warrant compassion, whether the conduct was committed in self-defense, or whether the conduct is not attributable to the applicant, as provided in Subparagraphs 3 and 4 of Article 2 and the latter part of Subparagraph 5 of Paragraph 1 of the preceding Article.

Article 5 Where the applicant has performed at least 240 hours of voluntary service for public welfare purposes at a government agency or institution, an administrative corporation, a

community, or other relevant entities, the three-year period specified in Subparagraphs 3, 4 and 6 of Paragraph 1 of Article 3 may be reduced to two years.

Article 6 Where an applicant is a defendant in a criminal case that is under investigation or trial, the determination as to whether the applicant has bad conduct shall be made only after a non-prosecution disposition, deferred prosecution, or judgment has become final.

Article 7 The competent authority shall convene a meeting at least once every three years and invite experts, scholars, and representatives of impartial members of society to review the scope for determining bad conduct under Article 2, and may invite relevant agencies or units to attend the meeting and provide their opinions.

The experts, scholars, and impartial members of society invited to the meeting referred to in the preceding paragraph shall number between eleven and fifteen. Persons of either gender shall constitute no less than one-third of the total, and representatives of new immigrant organizations shall constitute no less than one-fifth.

Article 8 These Regulations shall take effect from their date of promulgation.