

# Nationality Act

1. Promulgated on February 5, 1929, by the National Government of the Republic of China
2. Amended and Promulgated on February 9, 2000, by Hua-Zong-(1)-Yi-Zi No. 8900032920 Order of President
3. Amended and Promulgated Article 20 on June 20, 2001, by Hua-Zong-(1)-Yi-Zi No. 9000118960 Order of President
4. Promulgated on June 15, 2005, by Hua-Zong-(1)-Yi-Zi No. 09400088881 Order of President, Deleting Article 21 and Amending Article 3 to Article 6 and Article 15
5. Amended and Promulgated Articles 10 and 20 on January 27, 2006, by Hua-Zong-(1)-Yi-Zi No. 09500011641 Order of President
6. Amended and Promulgated Articles 3,4,9,11, and 19 on December 21, 2016, by Hua-Zong-(1)-Yi-Zi No. 10500160001 Order of President

Article 1 Acquisition, loss, restoration, and revocation of the nationality of the Republic of China (hereinafter referred to as the ROC) shall be subject to the provisions of this Act.

Article 2 A person shall have the nationality of the ROC under any of the conditions provided by the following Subparagraphs:

1. His/her father or mother was a national of the ROC when he/she was born.
2. He/she was born after the death of his/her father or mother, and his/her father or mother was a national of the ROC at the time of death.
3. He/she was born in the territory of the ROC, and his/her parents can't be ascertained or both were stateless persons.
4. He/she has undergone the naturalization process.

Preceding Subparagraph 1 and Subparagraph 2 shall also apply to the persons who were minors at the time of the

amendment and promulgation of this Act.

Article 3 Foreign nationals or stateless persons who currently have domicile in the territory of the Republic of China may apply for naturalization if they:

1. have legally resided in the territory of the ROC for more than 183 days each year for at least five consecutive years;
2. are aged 20 or above and legally competent in accordance with the laws of both the ROC and their original nation;
3. have demonstrated good moral character and have no criminal record;
4. possess sufficient property or professional skills to support themselves and lead a stable life; and
5. possess basic proficiency in the national language of the ROC and basic knowledge of the rights and obligations of ROC nationals.

With regard to Subparagraph 3 of Paragraph 1, the Ministry of the Interior shall establish assessment criteria; solicit input from experts, scholars, and impartial individuals to help formulate related procedures; maintain a regular review mechanism; and formulate other relevant regulations to be observed.

With regard to Subparagraph 5 of Paragraph 1, the Ministry of the Interior shall establish assessment criteria, create tests, define conditions for test exemptions, set test fees, and formulate other standards to be observed.

Article 4 Foreign nationals or stateless persons who currently have domicile in the territory of the ROC, meet the conditions prescribed in Subparagraphs 2 to 5 of Paragraph 1 of Article 3, and have legally resided in the territory of the ROC for more than 183 days each year for at least three consecutive years, may apply for naturalization if any of the following circumstances apply:

1. If they are married to an ROC national, they are not

required to meet the conditions prescribed in Subparagraph 4 of Paragraph 1 of Article 3.

2. They have divorced an ROC national due to domestic violence and have not since remarried, or their ROC spouse has died and they have not remarried and can demonstrate they remain in contact with family members of their deceased spouse. However, those who had been married to an ROC national for at least two years before his or her death are exempted from the aforementioned requirement concerning contact with family members.
3. They support their children who possess ROC nationality and who are legally incompetent or have limited legal competence, exercise rights and obligations on behalf of such children, and meet and interact in person with them.
4. They have at least one parent who is or was an ROC national.
5. They have been adopted by an ROC national.
6. They were born in the territory of the ROC.
7. They are the guardian or assistant of an ROC national.

Foreign nationals or stateless persons who are unmarried minors, whose (adoptive) father or (adoptive) mother is an ROC national, who have legally resided in the territory of the ROC for less than three years, and who do not meet the conditions prescribed in Subparagraph 2, 4, and 5 of Paragraph 1 of Article 3, may apply for naturalization.

Article 5 A foreign national or stateless person who now has a domicile in the territory of the ROC, if meeting the requisites provided in Subparagraph 2 to Subparagraph 5 of Paragraph 1 of Article 3, under any of the conditions provided by the following Subparagraphs, can also apply for naturalization:

1. He/she was born in the territory of the ROC, and his/her father or mother was also born in the territory of the ROC.
2. He/she has legally resided in the territory of the ROC for more than 10 consecutive years.

Article 6 A foreign national or stateless person who has made special contributions to the ROC but doesn't meet the requisites provided in Subparagraphs of Paragraph 1 of Article 3, can also apply for naturalization. Preceding permission of naturalization by the MOI shall be approved by the Executive Yuan.

Article 7 Unmarried minor children of a naturalized person may apply for accompanying naturalization.

Article 8 A foreign national or stateless person who applies for naturalization files the application with the MOI and shall acquire the nationality of the ROC from the date of the permission.

Article 9 Foreign nationals applying for naturalization shall provide a certificate of loss of original nationality within one year from the day of approval of naturalization or from the day of reaching the age at which they may renounce nationality under the law of their original country.

Failure to submit a certificate of loss of original nationality within the prescribed period shall result in the revocation of the approval of naturalization. However, an application for a deadline extension may be filed in the event of inability to submit said certificate due to legal or administrative restrictions of their original country as verified by the Ministry of Foreign Affairs.

Foreign nationals shall not be allowed to reside in Taiwan prior to the submission of a certificate of loss of original nationality as prescribed in the preceding two paragraphs.

Foreign nationals may be exempted from submitting a certificate of loss of original nationality if any of the following circumstances apply:

1. They apply for naturalization pursuant to Article 6.
2. They are high-level professionals in the technological, economic, educational, cultural, art, sports, or other domains who have been recommended by the central

competent authority, whose specialties are deemed to serve the interests of the ROC, and who have been approved through a joint review organized by the Ministry of the Interior and conducted by relevant agencies and impartial individuals.

3. They are unable to obtain a certificate of loss of original nationality for reasons not attributable to them.

Standards to define high-level professionals as referred to in Subparagraph 2 of the preceding paragraph shall be prescribed by the Ministry of the Interior.

Article 10 Naturalized foreign nationals or stateless persons have no right to hold the following government offices:

1. President, vice president.
2. Legislator.
3. Premier, vice premier or minister without portfolio of the Executive Yuan; president, vice president or Grand Justices of the Judicial Yuan; president, vice president or members of the Examination Yuan; president, vice president, members or auditor-general of the Control Yuan.
4. Personnel specially appointed or designated.
5. Deputy Minister of each Ministry.
6. Ambassador extraordinary and plenipotentiary, minister extraordinary and plenipotentiary.
7. Vice minister or commissioner of the Mongolian and Tibetan Affairs Commission; vice minister of the Overseas Compatriot Affairs Commission.
8. Other government offices shall be compared with personnel holding selected ranks above the thirteenth grade.
9. General officer of the land, navy or air force.
10. Local government office position elected by the people.

The foregoing restrictions shall be lifted after 10 years from the date of naturalization, but if otherwise provided by any other act, the provisions of that act shall prevail.

Article 11 ROC nationals shall lose their ROC nationality, subject to approval by the Ministry of the Interior, if any of the following circumstances apply:

1. They are legally incompetent persons or persons with limited legal competence whose rights and obligations are exercised by, or who are under the guardianship of, their (adoptive) father or (adoptive) mother of foreign nationality, and who seek to acquire the nationality of their foreign (adoptive) father or (adoptive) mother and relocate with him or her to a location outside the territory of the ROC.
2. They are married to a foreign national.
3. They are competent under ROC law and voluntarily acquire the nationality of another country. Persons under assistantship must obtain approval from their assistant.

Unmarried minor children of persons who lose their ROC nationality pursuant to the preceding paragraph shall also lose their ROC nationality subject to approval by the Ministry of the Interior.

Article 12 For a person who applies to lose his/her nationality according to the preceding Paragraph, under any of the following conditions, the MOI shall not permit the loss of nationality:

1. A male from January 1 of the next year after he was 15 years old, who is not exempted from military service and has not fulfilled his military service. But nationals, who reside overseas and were born overseas, and have no household registration in the ROC or moved overseas before December 31 of the year they were 15 years old, shall be excluded.
2. He/she is in active military service.
3. He/she now holds a government official of the ROC.

Article 13 Under any of the following conditions, a national who meets the provisions of Article 11 shall not lose his/her nationality:

1. He/she is a criminal defendant under investigation or trial.
2. He/she was sentenced to fixed-term imprisonment and the

sentence has not been completely served.

3. He/she is a civil defendant.
4. He/she is the subject of a court judgment or administrative order and the judgment or order has not been fully executed yet.
5. He/she was pronounced bankrupt and his/her rights were not restored.

He/she is obligated to pay overdue tax or arrears of tax penalty.

Article 14 For a person who loses the nationality of the ROC according to Article 11, during the time he/she has not acquired the nationality of another country, his/her loss of nationality may be withdrawn with the permission of the MOI.

Article 15 For a person who loses the nationality of the ROC according to Article 11, if he/she now has a domicile in the territory of the ROC and meets the requisites provided in Subparagraph 3 and Subparagraph 4 of Paragraph 1 of Article 3, he/she may apply for restoring his/her nationality of the ROC.

The preceding Subparagraph shall not apply to naturalized persons and their children naturalized concurrently who lost the nationality of the ROC.

Article 16 Minor children of a person who has restored his/her nationality of the ROC may apply for concurrently restoring their nationality of the ROC.

Article 17 A person who applies for restoring his/her of the nationality of the ROC according to Article 15 to Article 16 shall file the application with the MOI and shall have his/her nationality of the ROC restored from the date of permission.

Article 18 A person who has had restored the nationality of the ROC has no right to hold the government offices provided in the Subparagraphs of Paragraph 1 of Article 10 within 3 years from the date of restoration of the nationality, but if otherwise provided by another act, the provisions of that act shall

prevail.

Article 19 In addition to the revocation of approval of naturalization pursuant to Paragraph 1 of Article 9, naturalization or loss or restoration of ROC nationality may also be revoked by the Ministry of the Interior within two years of discovering any circumstances that are not in conformity with this Act. However, naturalization or loss or restoration of ROC nationality may not be revoked if five or more years have passed since it took effect.

The time restriction on revocation as described in the preceding paragraph does not apply to persons who, in accordance with a ruling by a judicial court, have been found to have become naturalized ROC nationals by colluding to conclude a fraudulent marriage or adoption.

Before revoking naturalization or loss or restoration of nationality, the Ministry of the Interior shall convene a review panel to accord the person concerned an opportunity to state his or her views. However, this shall not apply to the revocation of approval of naturalization in any of the following circumstances:

1. Pursuant to Article 2, it has been determined that the person concerned possesses ROC nationality.
2. It has been determined by a final ruling of a judicial court that the person concerned has become a naturalized ROC national by colluding to conclude a fraudulent marriage or adoption.

The review panel referred to in the preceding paragraph shall be composed of representatives of competent authorities, impartial individuals, experts, and scholars, who are selected and appointed by the Ministry of the Interior. Neither gender shall constitute less than one-third of the review panel members, while impartial persons, experts, and scholars shall not constitute less than half of the review panel members.



The formation, review criteria, procedures, and other matters pertaining to the review panel referred to in Paragraph 3 shall be prescribed by the Ministry of the Interior.

Article 20 A national of the ROC who acquires the nationality of another country has no right to hold government offices of the ROC. If he/she has held a government office, the relevant authority shall discharge his/her government office; a legislator shall be discharged by the Legislative Yuan, government service personnel elected by the people of a municipality, county(city), township(city) shall be discharged by the Executive Yuan, the MOI, or a county government respectively, a village chief shall be discharged by the township(city, district) office, but the following Subparagraphs shall not be subject to this restriction if provided by the competent authorities:

1. Presidents of public universities, teachers who concurrently serve as administrative governors of public school of all levels, principals, vice principals or researchers (including researchers who concurrently serve as governors of academic research) of research organizations (bodies) and principals, vice principals and contracted professionals (including part-time governors) of social education or culture bodies established with the approval of the competent administrative authority of education or culture authorities.
2. Personnel in public-operated utilities other than the persons who take primary decision-making responsibility for the operational policy.
3. Non-governor positions focusing on technology research and design regularly engaged through contract by various authorities.
4. Commissioners without position engaged through selection for consultation only according to the organizational law by the competent authority of overseas Compatriot affairs.
5. Otherwise provided by other acts.

Persons in Subparagraph 1 to Subparagraph 3 of the preceding Paragraph shall be limited to talents who have expertise or special skills difficult to find in our country and occupy positions not involving state secrets.

Government services of Subparagraph 1 don't include teachers, lecturers and research personnel, professional technical personnel who do not concurrently serve as administrative governors at all levels of public schools.

If a national of the ROC who concurrently has the nationality of another country wants to hold a government office limited by nationality as determined by this Article, he/she shall handle the waiver of the other country's nationality before taking office, and complete the loss of that country's nationality and the acquisition of certification documents within 1 year from the date of taking office, but if otherwise provided by another act, the provisions of that act shall prevail.

Article 21 ( Deleted )

Article 22 The enforcement rules of this Act shall be enacted by the MOI.

Article 23 This Act shall come into force from the date of promulgation.