

Establishment of and Review Directions for the Review Panel on Revoking Nationality Applications

Enacted and promulgated per order No. Tai-Nei-Hu-Tzu-Ti 1061201017 on May 26, 2017.

1. To handle all cases regarding revocation of naturalization or loss or restoration of the nationality of the Republic of China, the Ministry of the Interior (hereafter referred to as the Ministry) specifically provides concerned persons with the opportunity to express their opinions. Hence, a panel to review any change of nationality (hereafter referred to as the Panel) has been set up in accordance with Paragraph 5 of Article 19 of the Nationality Act (hereafter referred to as the Act).

2. The Panel shall have 11 to 13 members. One of these members shall be the convener and this position shall be filled by the Administrative Deputy Minister of the Ministry as a concurrent job. The convener shall comprehensively manage the Panel's affairs. The remaining members shall be comprised of representatives of competent authorities, impartial individuals from society and academics/experts appointed by the Ministry. The term of office of the members shall be two years, and the appointment can be renewed for a second term. However, as regards the members representing competent authorities, their term of office shall be according to the beginning and ending of their position in the authority in question.
The representatives of relevant authorities referred to in the preceding paragraph shall be the relevant business supervisors of respective authorities and those who have the grade of the 10th senior level or above.
The number of the impartial individuals from society and academics/experts referred to in the 1st paragraph shall not be less than a majority of the total number of the members, whereas the number of any gender of the members shall not be less than one third of the total number of the members.

3. The Panel shall have an executive secretary, and this position shall be filled by the Director-general of the Ministry's Department of Household Registration as a concurrent job. The executive secretary shall handle the Panel's affairs as instructed by the convener. At the same time, the Panel shall also have several clerk personnel who shall be appointed by the Ministry from its personnel and who shall work for the Panel as a concurrent job.

4. The Panel shall convene meetings whenever required by business needs, and for which the convener shall call and chair the meeting. In case the convener cannot attend a meeting for any reason, he or she shall appoint another member to attend the meeting on his or her behalf.

5. The Panel members shall attend Panel meetings in person. However, if a member from the representatives of authorities cannot attend a meeting in person, he or she shall appoint a representative to attend the meeting on his or her behalf.

The appointed representative referred to in the preceding paragraph shall be included in the number of the members present and eligible to speak at the meeting and to participate in resolutions.

6. If any of the following circumstances occurring involve a member, the involved member shall enter recusal on his or her own or the Panel shall resolve to order the member to recuse himself or herself:

(1) When the member, his or her spouse, ex-spouse, blood relative within the 4th degree of kinship or in-law relative within the 3rd degree of kinship or anyone who once had such aforesaid kinship with the member is the concerned person of the case.

(2) When the member or his or her spouse or ex-spouse is in the relationship of joint obliges or joint obligors with the concerned person of the case.

(3) When the current or past agent or assistant of the member is the concerned person of the case.

(4) When the member was once the person-in-charge of or witness of the case.

(5) When there is other specific evidence to show that the member is likely to have a bias in examining the case.

7. A Panel meeting shall not begin until a majority of the members are present, whereas the resolution items shall be approved by a majority of the members present at the meeting before being adopted. If there is an equal number of yes votes and no votes in a resolution, the adoption shall be determined by the chairperson.

8. When convening a meeting, the Panel shall provide the opportunity for concerned persons to express their opinions at the meeting. If necessary, the Panel shall invite the following persons to attend the meeting as guests:

(1) The agent or assistant of the concerned person.

(2) An Interpreter.

(3) A Witness. °

(4) Representatives of the relevant authorities.

(5) Any personnel applied for by the concerned person for attending the meeting and approved by the Panel.

After expressing their opinions or giving required explanations at the meeting, the aforesaid attending persons shall promptly leave the meeting.

In a case where any concerned person cannot attend the meeting in person to express his or her

opinions, he or she may submit his or her opinions in writing to the Panel. Those who have been duly served with the meeting notice but fail to attend the meeting on the meeting date and neither have any due reason nor have submitted any written opinions, shall be deemed to waive the opinion statement. If this is the case, the Panel may directly bring the case to resolution.

9. The Ministry shall collect relevant data, such as juridical documents, investigation records, enquiry records, etc. and provide them to the Panel members for review.

The concerned person shall also offer other information beyond the aforesaid data to the Panel as the evidence for review.

10. The Panel meetings shall not be externally disclosed. Those persons and guests attending the meeting shall all keep the details of meeting discussion and resolution items confidential.

11. The Ministry shall notify the concerned person or his or her agent or assistant of the review results of the Panel's meeting resolution items in writing.

12. The resolutions adopted in the Panel's meeting shall be executed by the Ministry.

13. The Panel's external issuance of its documents shall be made under the name of the Ministry.

14. The Panel's members, executive secretary and clerk personnel shall all serve in their positions without pay.

15. The funding required by the Panel shall come from the relevant budget items of the Ministry.