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### **Permanent Residency Status: Is It Worth It?**

*By Jeffrey Wilson*

For decades, you have probably seen Taiwanese friends and colleagues wading through the procedure of getting a green card in the United States. Now the tables are turned and foreign nationals in Taiwan are being offered the chance to apply for Permanent Residency status in Taiwan.

Is Permanent Residency a smart move for you?  
For your expatriate spouse or colleagues?

Permanent residency became a reality last year with the passage of the Immigration Law by the Legislative Yuan. The first applications for Permanent Residency were accepted on March 1, 2000 and, as of late April, 11 foreign nationals can now call themselves permanent residents of the ROC, two of them US citizens.

In a nutshell, Permanent Residency (PR) gives the foreign national a recognized, direct status with Taiwan's national government. In the past, a foreign national could obtain residency only on the basis of a relationship to another person or an entity. The five categories for such relationships were: family, employment, investment, missionary work, or study. With Permanent Residency, these relationships are not necessary to secure the right to live in Taiwan. Thus, foreign nationals with PR status are not required to leave Taiwan when the underlying reason for his or her residence here ends, such as in the case of termination of employment, or the divorce from or death of a spouse.

The new law establishes three categories for applicants, who must all be at least 20 years old:

- Foreign nationals who have resided legally in Taiwan for seven consecutive years of at least 270 days per year.
- Spouses or adult children of ROC citizens who have lived legally in Taiwan for five continuous years of at least 183 days per year.
- Spouses or adult children of ROC citizens who have lived in Taiwan legally for at least eight years during a 15-year period, of at least 183 days per year.

The formation of the latter two categories was aimed at resolving the uncertain status of foreign national spouses of local citizens, and of children born to parents of mixed-nationality—one local citizen and one foreign national. In the past, while children of local fathers and foreign mothers enjoyed ROC citizenship, those with foreign fathers and local mothers did not. This problem was addressed in a February 2000 amendment to the Nationality Law, which allows children born to a foreign man and local woman the right to obtain ROC citizenship. As a result, children under the age of 20 who have at least one ROC citizen as a parent are now automatically ROC citizens and do not need, nor qualify, for permanent residency. Children under 20 years of age whose parents are both foreign nationals may not qualify for permanent residency—even if both of their parents obtain permanent residency.

Permanent Residency is also aimed at the long-term resident without family ties who wishes to make Taiwan his or her home. But some of the requirements will prove difficult for expatriates to meet. Firstly, persons who frequently travel overseas may not meet the requirement of 270 days per year. Then too, meeting the seven-year residency requirement will prove tough for many would-be applicants because the time period must consist of legal residence using a resident visa, rather than living in Taiwan on a visitor's visa. And the seven years must be continuous. This is one of the concerns raised by the National Network of Foreign Spouses. If a foreign national drops below the 270-day requirement in any year, he or she must "begin from zero again," says Richard Hartzell, chairman of the National Network of Foreign Spouses and a dedicated lobbyist for the establishment of Permanent Residency.

Hartzell identifies two types of persons who may want to seek PR status. First are longtime residents who retire in Taiwan. Another category of candidate is persons who change jobs. Without Permanent Residency, a foreign national's residency is in a period of limbo between the two jobs. "Under the old system, you would have to change your visa, leave [Taiwan], and get a short-term visa that would have to be extended," Hartzell explains. With PR status, a foreign national's residency status and work permit can be negotiated separately.

There are a few other benefits. Rather than paying renewal fees for a resident visa, the Permanent Residency application fee is a one-time expense of NT\$10,000. There is also no need to get reentry permits. In addition, PR status would likely prove helpful whenever a foreign national needs to convince tax offices, banks, and employers that he or she should be treated as a resident with all the available benefits.

Permanent Residency, however, does not affect property or political rights, nor does it grant any employment rights. In fact, a draft amendment to the Employment Services Act would require that Permanent Residents must obtain work permits as all other foreign nationals are required to do.

But that requirement too may eventually change. One proposal provides that permanent residents would be issued a generic work permit after submitting their permanent resident documentation to the Council of Labor Affairs. The generic work permit would then allow the permanent resident to accept employment without first obtaining the approval of the government agency with jurisdiction over that particular industry. This would substantially reduce the time and expense for a large number of foreign persons who work in Taiwan.

In addition to the required periods of residency, there are several other key requirements for applicants:

. *A valid resident visa.* Converting a tourist visa to permanent residency is not allowed.

. *A health examination.* For example, positive tests for HIV or syphilis mean immediate rejection.

. *Adequate means of financial resources or possession of special skills.* Financial resources may be shown by satisfying one of two financial requirements. The first is to have had a salary of at least twice the minimum wage for the past three years (the current minimum wage is NT\$16,040 per month). Tax records must be shown to prove your salary, which also means that you must have paid taxes for the past three years.

The alternate way to prove financial means is to own real property and cash in Taiwan worth NT\$5 million. The salaries and wealth of spouses and parents may be used for applications of spouses or children.

. *Clean Criminal Record Document and Good Citizen Certificate.* The Taiwan government wants to ensure that new permanent residents are good citizens, and so requires producing two documents to prove it. Applicants must submit a Clean Criminal Record Document issued by the

police in their home country. This document attests that the foreign national has had no criminal record for the past five years. A potential snag is that the foreign national applying for permanent residency, by definition, has not been living abroad for the past five years and may not be able to find a police authority willing or able to issue such a certificate.

*The second document* is a Good Citizen Certificate issued from Taiwan police. Again, this is given to show that applicants have no criminal record in Taiwan.

Even after approval for permanent residency is finally obtained, permanence does not necessarily mean forever. A permanent resident can lose the status if he or she does not remain in Taiwan for the required 183 days per year, or does not apply for a leave of absence.

For those thinking about applying, it may be best to get your foot in the door early. The law authorizes the Ministry of the Interior to set annual permanent residency quotas by nationality or area of residence. The MOI has not yet done so, and is now waiting to see how the new system works out.

Where does one apply? The law provides for an entry, exit and immigration agency under the MOI to centralize jurisdiction over immigration matters. But the legislation to create the agency has not passed yet. So, the place to apply for the permanent residency is with the Foreign Affairs Section of your local city or county police department.

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