

# Regulations Governing the ad hoc Stay, Residency, and Permanent Residency for Human Trafficking Victims

Announced Date 2009.06.01

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- Article 1 These Regulations are enacted in accordance with paragraph 3, Article 28 of the Human Trafficking Prevention and Control Act (hereinafter referred to as the Act).
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- Article 2 Human trafficking victims (hereinafter referred to as victim) applying for the ad hoc stay, residency, or permanent residency shall apply with the central competent authorities personally, or through a commissioned proxy or civil organization working on his/her behalf.
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- Article 3 Any victim facing risk to his/her own personal safety upon repatriation to the country (area) of origin due to having assisted an investigation or trial, may apply with the shelter for the Description of the Risk to Victim's Personal Safety upon Return (hereinafter referred to as the Description). Upon such application, the shelter may issue the document thereof and assist the victim in the application for the ad hoc permission of stay or residency with the central competent authorities.
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- Article 4 The Description stated in the preceding Article shall include the following information:
1. The victim's name, gender, date of birth, residence, and the serial number of his/her passport or travel document;
  2. The investigation or trial for which the assistance was provided;
  3. The explanation concerning the risk to the victim's personal safety upon return;
  4. The period of time for which the risk to the victim's personal safety is present upon return.
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- Article 5 The victim applying for the ad hoc permission for stay shall submit to the central competent authorities the following documents:
1. The application form, and an authorization from the
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victim if there is a proxy or civil organization commissioned working on the victim's behalf;

2. The passport or travel document, or other relevant document if the passport or travel document is being withheld;

3. The Description, where the victim has a period at risk of less than six months if he/she returns to the original country.

The central competent authorities reviewing the case for the ad hoc permission of stay shall take into consideration the related case documents of judicial authorities or judicial police authorities; when necessary, the central competent authorities may request an overseas ROC office to assist.

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Article 6 Any victim having been granted the ad hoc permission of stay in Taiwan shall be issued a special case permit of stay; the validity of the permit shall not exceed six months. Upon the expiry of the validity of special case permit of stay stated in the preceding paragraph, any victim whose cause underlying his/her original application of the ad hoc permission of stay continues to persist, may apply for an extension; each extension shall not exceed six months.

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Article 7 The victim applying for an extension to the ad hoc permission of stay shall submit to the central competent authorities the following documents within 15 days before the expiry of the validity:

1. The application form;
2. The special case permit of stay;
3. Supporting documents.

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Article 8 The victim applying for the ad hoc permission for residency shall submit to the central competent authorities the following documents:

1. The application form, and an authorization from the victim if there is a proxy or civil organization commissioned working on the victim's behalf;
2. The passport or travel document, or other relevant document if the passport or travel document is being withheld;
3. The Description, where the victim has a period at risk of

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greater than six months if he/she returns to the original country;

4. A satisfactory Health Certificate indicating good health;

5. Police criminal records in Taiwan.

The examinations necessary for a satisfactory Health Certificate stated in subparagraph 4 of the preceding paragraph shall be undertaken in accordance with the requirements for the Health Certificate determined by the central health authorities.

For victims failing to pass the examinations designated for the Health Certificate, the central competent authorities may issue the special case permit of stay; with the exception of any victim having the conditions stated in Article 14.

The central competent authorities reviewing the case for the ad hoc permission of residency shall take into consideration the related case documents of judicial authorities or judicial police authorities; when necessary, the central competent authorities may request an overseas ROC office to assist.

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Article 9

Any victim having been granted the ad hoc permission of residency in Taiwan shall be issued a special case permit of residency; the validity of the permit shall not exceed three years.

Upon the expiry of the validity of special case permit of residency stated in the preceding paragraph, any victim whose cause underlying his/her original application of the ad hoc permission of residency continues to persist, may apply for an extension; each extension shall not exceed three years.

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Article 10

The victim applying for an extension to the ad hoc permission for residency shall submit to the central competent authorities the following documents 30 days before the expiry of the validity:

1. The application form;
2. The special case permit of residency;
3. Supporting documents.

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Article 11

Any victim having continuously resided in Taiwan for five years, of which over 270 days per year the victim was

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physically present, and also meeting the following conditions, may apply for permanent residency:

1. Being over 20 years old;
2. Having substantial wealth or skill to be self-sufficient;
3. Having the conditions that are consistent with Taiwan's national interest.

The victim applying for permanent residency shall submit to the central competent authorities the following documents:

1. The application form, and an authorization from the victim if there is a proxy or civil organization commissioned working on the victim's behalf;
2. The passport or travel document, or other relevant document if the passport or travel document is being withheld;
3. The special case permit of residency;
4. A satisfactory Health Certificate indicating good health;
5. Police criminal records in Taiwan for the past five years;
6. Other supporting documents.

The examinations necessary for a satisfactory Health Certificate stated in subparagraph 4 of the preceding paragraph shall be undertaken in accordance with the requirements for the Health Certificate determined by the central health authorities.

Victims applying for permanent residency pursuant to paragraph 1 shall apply within 2 years following the expiry of the stay or residency.

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Article 12	Any victim having been granted permanent residency in Taiwan under ad hoc permission shall be issued a permit of permanent residency.
Article 13	The central competent authorities, upon issuing to the victim the special case permit of stay, the special case permit of residency, or the permit of permanent residency, shall abolish the victim's previous permit for temporary stay, stay, or residency, and order its return.
Article 14	The central competent authorities shall not approve the application for the ad hoc permission of stay for the victim, under any of the following conditions: <ol style="list-style-type: none"><li>1. Having reason to believe that the victim would likely act</li></ol>

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against the Taiwan's national interest, public safety, and social order;

2. Having reason to believe that the victim has engaged in terrorist activity;

3. Learning that the victim has withheld important information of serious consequence.

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Article 15 The central competent authorities shall revoke or abolish the victim's ad hoc permission of stay, and cancel his/her special case permit of stay, for any of the following conditions:

1. Fitting any of the conditions stated in the subparagraphs of Article 14;
2. Being subsequently identified to be not a victim;
3. No longer facing any risk to personal safety.

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Article 16 The central competent authorities shall not approve the victim's application for the ad hoc permission of residency or permanent residency for any of the following conditions:

1. Fitting any of the conditions stated in Article 14;
2. Failing any of the examinations for the Medical Certificate designated by the central health competent authorities;
3. Being sentenced to an imprisonment over one year, except any crime resulting from negligence.

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Article 17 The central competent authorities shall revoke or abolish the victim's ad hoc permission of residency, and cancel the special case permit of residency, for any of the following conditions:

1. Fitting any of the conditions stated in the subparagraphs of Article 14;
2. Being subsequently identified to be not a victim;
3. Being sentenced to an imprisonment over one year, except any crime resulting from negligence;
4. No longer facing any risk to personal safety.

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Article 18 The central competent authorities shall revoke or abolish the permanent residency, and cancel the permit of permanent residency, of any victim having any of the conditions stated in subparagraphs 1 to 3 of the preceding Article.

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Article 19      The National Immigration Agency of the Ministry of the Interior shall order the victim whose ad hoc permission of stay, residency, or permanent residency is revoked or abolished, to leave the country within a certain period of days.

Upon receiving the order stated in the preceding paragraph, the victim shall exit Taiwan within ten days.

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Article 20      The effective date of this Regulations shall be determined by the central competent authorities.

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