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Topic: According to the proviso referred to in Paragraph 1 of Article 7 of the Directions of the Employment Transfer Regulations and Employment Qualifications for Foreigners Engaging in the Jobs Specified in the Subparagraphs 8 to 11, Paragraph 1 of Article 46 of the Employment Services Act, a foreign worker may transfer to a different type of job, subject to the new employer's satisfaction with required qualifications, as of the date when the new employer renews the employment of the foreign worker.

Subject: Concerning the principles for determining whether a foreign worker is allowed to transfer to another type of job after his/her employment is renewed by an employer who is qualified to hire foreign workers, please take notice of this matter.

Descriptions: 1. The NGO reflects the inconsistency in various employment service centers' determination of the issue referred to in the Subject paragraph. Accordingly, we hereby provide our resolution in this regard.

2. According to Paragraph 1 of Article 7 of the Directions of the Employment Transfer Regulations and Employment Qualifications for Foreigners Engaging in the Jobs Specified in the Subparagraphs 8 to 11, Paragraph 1 of Article 46 of the Employment Services Act, foreigners processing the transfer of registration are restricted to engage in the same type of job in their original industry, unless in any of the following cases: 1. Applying for renewed employment by employers satisfying the qualifications referred to in subparagraph 1 or 2, Paragraph 1 of Article 6 thereof; 2. Approved by the Central Competent Authority.

3. According to said Directions, the employers who may introduce foreigners but have not introduced a sufficient number during the valid period of their recruitment permit (namely the qualifications prescribed in the subparagraph 1, Paragraph 1 of Article 6 thereof,

or those consistent with the qualification to employ foreigners stipulated by us. If the number of foreigners hired has not reached the upper limit in terms of proportion or number as referred to in the Reviewing Standards and Employment Qualifications for Foreigners Engaging in the Jobs Specified in Subparagraphs 8 to 11, Paragraph 1 of Article 46 of the Employment Service Act (namely, the qualifications prescribed in the subparagraph 2, Paragraph 1 of Article 6 thereof), they are allowed to apply for renewed employment of foreign workers to have them engaged in different types of jobs. The foreign worker may transfer to a different type of job, subject to the new employer's satisfaction with the required qualifications, as of the date when the new employer renews the employment of the foreign worker. Taking the foreigners engaged in family care services as an example, if an employer engaged in the manufacturing industry who has not yet introduced a sufficient number during the valid period of its recruitment permit or holds any specific process or special schedule certificate issued by the Industrial Development Bureau, the Ministry of Economic Affairs applies for renewed employment of any foreigner initially engaged in family care services with a Public Employment Service Agency. The hired foreigner may transfer to job in the manufacturing industry as of the date when the new employer engaged in the manufacturing industry renews the foreigners' employment.

4. Further, according to Article 7 of the Reviewing Standards and Employment Qualifications for Foreigners Engaging in the Jobs Specified in Subparagraphs 8 to 11, Paragraph 1 of Article 46 of the Employment Service Act, foreigners hired to perform the housemaid jobs or care services shall have one of the following qualifications:
 - i. They shall be trained and held qualified by the foreign health examination hospitals approved by the Central Competent Health and Welfare Authority of the Republic of China, or designated by their domestic labor administrations.

ii. Have worked in the Republic of China and performed the same jobs for over six months. Therefore, any foreigner who is not engaged in housemaid jobs or care services initially may not transfer to another type of job or engage in housemaid tasks or care services instead after a new employer entitled to hire foreign housemaids or care workers applies for renewed employment of such foreigner unless such foreigner has been held qualified upon completion of the training or has performed the same jobs or services for over six months.