

Issuing unit: Council of Labor Affairs

Document
number: Lao-Zhi-Wai-Zi No. 0930207299

Issuing date: 15 November 2004

Summary: Employers must apply to the Council for a work permit within fifteen (15) days after the recruited foreign national has entered the country.

Full text: 1. Article 6 of the Regulations Governing Management of the Health Examination of Employed Aliens (the "Regulations") stipulates that the employer must arrange for a Category C person to undergo a health examination in a designated hospital within three (3) days after entering the country. When applying for a work permit for the above personnel, the employer must submit a health examination certificate issued by a designated hospital. Article 8, Paragraph 2 of the Regulations stipulates that when any one of the health examination items in the previous paragraph is not positively met, then Article 73, Paragraph 4 of the Employment Service Act (the "Act") applies: the foreign worker is ordered to leave the country and the employer must immediately urge him/her to do so. However, this does not apply when the foreign worker fails the intestinal parasite fecal test by the concentrated method due to the presence of a non-invasive dysentery amoeba and passes the same test within thirty (30) days.

In addition, Article 28 of the Regulations on the Permission and Administration of the Employment of Foreign Workers stipulates that the employer must prepare a certificate issued by a domestic hospital designated by the central competent authority in charge of health within fifteen (15) days after the recruited foreign national or a Category II foreign national has entered the country when applying for a work permit.

2. According to the above regulations, employers must apply to the Council for a work permit within fifteen (15) days after a foreign national hired to work under Article 46, Paragraph 1, Paragraphs 8 to 11 of the Act, has entered the country. In the event that the foreign national only fails the health examination item for intestinal parasites and non-invasive dysentery amoeba, the employer must still apply to the Council for a work permit within the time limit stated above. In such case, the Council will order the employer to submit the foreign national's re-examination certificate within thirty (30) days, as a condition for reviewing the application and

issuing the work permit. If an employer fails to apply for a work permit with the Council within fifteen (15) days after the foreign national has entered the country, the Council will not issue a work permit.