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法規 名稱	地方政府辦理非營利組織陪同外國人接受詢問 作業要點 (民國 113 年 04 月 09 日修正)	Directions Governing Local Governments to Handle the Companionship of Non-Profit Organizations with Foreign Nationals for Questioning (Amended on April 9, 2024)
1	一、勞動部（以下簡稱本部）為協助從事就業服務法第四十六條第一項第八款至第十一款規定工作之外國人（以下簡稱外國人）於接受直轄市或縣（市）政府（以下簡稱地方政府）、其他行政機關及警察機關詢問時，能充分陳述意見及主張權益，爰建立非營利組織陪同外國人製作筆錄或談話紀錄之機制，特訂定本要點。	1. In order to enable the foreign nationals engaged in the jobs specified in the Subparagraphs 8 to 11, Paragraph 1, Article 46 of the Employment Service Act (hereinafter referred to as the “foreign nationals”) to state their opinions and claim their interests and rights sufficiently when undergoing questioning by a municipal or county (city) government (hereinafter referred to as the local government), other administrative agencies or police agencies, Ministry of Labor (hereinafter referred to as the Ministry) hereby establishes the mechanism for companion of non-profit organizations with foreign nationals for making of statement or interview record and the Directions accordingly.
2	二、外國人有下列情形之一者，適用本要點： （一）地方政府於處理違反就業服務法（第四十條第一項第五款至第七款及第九款、第四十四條、第四十五條、第五十七條第一款至第四款及第七款或第八款）規定之案件時，經詢問外國人有接受陪同詢問之需求。 （二）遭受人身侵害（如性侵害、性騷擾或人身傷害）。 （三）持工作簽證之人口販運被害人或疑似人口販運被害人。 （四）主動投案申訴並舉證遭謊報行蹤不明。 （五）申訴遭雇主、私立就業服務機構或其從業人員不當對待而發生行蹤不明。	2. The foreign nationals who meet any of the following circumstances shall be applicable under these Directions: (1) Where the foreign nationals answer that they need the companion for questioning upon inquiry by the local government, when the local government is resolving any cases involving violations of the Employment Service Act (the Subparagraphs 5 to 7 and Subparagraph 9, Paragraph 1, Article 40, Article 44, Article 45, and the Subparagraphs 1 to 4 and Subparagraph 7 or 8, Article 57);

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	<p>(六) 依就業服務法第五十九條轉換雇主或工作。</p> <p>(七) 遭受職業災害。</p> <p>(八) 經地方政府專案認定違反就業服務法、配合行政爭訟及刑事訴訟案件，並有製作筆錄或談話紀錄之必要。</p> <p>(九) 其他經本部專案認定有通譯需求。</p>	<p>(2) Where the foreign nationals suffer physical abuse (e.g. sexual assault, sexual harassment or physical injury);</p> <p>(3) Where the foreign nationals are victims or suspected victims of human trafficking who hold work permits;</p> <p>(4) Where the foreign nationals voluntarily surrender themselves to the police, file a complaint and bear the burden of proof but are falsely reported as untraceable;</p> <p>(5) Where the foreign nationals are mistreated by employers, private employment service institutions or practitioners and become untraceable;</p> <p>(6) Where the foreign nationals transfer to new employers or jobs pursuant to Article 59 of the Employment Service Act;</p> <p>(7) Where the foreign nationals suffer occupational disasters;</p> <p>(8) Where it is necessary for the foreign nationals to make statement or interview record, as determined by the local government violating the Employment Service Act, or in response to some administrative litigation and criminal action;</p> <p>(9) Where the Ministry determines that the foreign nationals require a simultaneous interpreter.</p>
3	<p>三、本要點所稱非營利組織如下：</p> <p>(一) 立案之社會團體章程中明定辦理外國人服務者。</p> <p>(二) 財團法人社會福利機構。</p> <p>(三) 財團法人社會福利慈善事業基金會。</p> <p>(四) 財團法人宗教組織或文教基金會捐助章程中明定辦理社會福利者。</p>	<p>3. The non-profit organizations referred to herein include the following:</p> <p>(1) Accredited social groups whose charters expressly state the services to foreign nationals;</p> <p>(2) Social welfare organizations;</p> <p>(3) Welfare and charity foundations;</p>

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		(4) Religious organizations or culture and education foundations whose donation charters expressly state the social welfare operations.
4	<p>四、陪同人員係陪同外國人於接受詢問時，適時協助外國人陳述意見、提供心理支持、法律諮詢，並於陪同過程，提醒外國人注意相關權益事項。陪同人員之指派方式如下，且應探詢外國人意見擇定之：</p> <p>（一）地方政府洽請非營利組織，由非營利組織指派。</p> <p>（二）非營利組織依外國人之要求，由該組織自行指派。</p> <p>通譯人員係協助外國人於接受詢問時，提供翻譯服務，將外國人之主張陳述詳實傳達，並作為陪同人員與詢問人員間之溝通。</p> <p>經指派之陪同人員不具雙語能力時，應另行指派通譯人員，通譯人員之指派方式如下，且應探詢外國人意見擇定之：</p> <p>（一）地方政府指派所屬外國人諮詢服務人員或經其他政府機關及民間團體建置之通譯人員。</p> <p>（二）非營利組織指派所屬通譯人員或經其他政府機關及民間團體建置之通譯人員。</p> <p>非營利組織自行指派之陪同人員及通譯人員，應符合第二點之陪同事由及第五點所定資格條件，經地方政府審核不符相關規定者，不予核發相關費用。</p>	<p>4. The personnel accompanying the foreign nationals shall assist them in expressing their opinions, provide psychological support and legal advice and remind the foreign nationals of the relevant rights and interests in a timely manner when accompanying the foreign nationals for questioning. The accompanying personnel shall be appointed in the following manner and decided only upon inquiry with the foreign nationals:</p> <p>(1) The personnel may be appointed by the non-profit organization, if the local government contacts the non-profit organization.</p> <p>(2) The personnel may be appointed by the non-profit organization directly per the foreign national's request.</p> <p>The simultaneous interpreter assists the foreign nationals by providing the translation services during questioning to communicate the foreign nationals' claims in detail and help the communication between the accompanying personnel and interviewers. When the appointed accompanying personnel are not bilingual, a simultaneous interpreter shall be appointed separately. The simultaneous interpreter shall be appointed in the following manner and decided only upon inquiry with the foreign nationals:</p> <p>(1) Foreign nationals' consultation service personnel appointed by the local</p>

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		<p>government or any simultaneous interpreters employed by other government agencies and private groups.</p> <p>(2) Simultaneous interpreters appointed by the non-profit organizations or any simultaneous interpreters employed by other government agencies and private groups.</p> <p>The accompanying personnel and simultaneous interpreters appointed by the non-profit organization independently shall meet the reasons referred to in Clause 2 herein and the eligibility criteria referred to in Clause 5 herein. No related expenses will be reimbursed if they are found failing to meet the relevant requirements upon the local government's review.</p>
5	<p>五、地方政府或非營利組織依下列程序辦理（流程圖如附件一）：</p> <p>（一）地方政府得洽請非營利組織指派或由非營利組織自行指派陪同人員（陪同人員資格條件及工作注意事項如附件二）。</p> <p>（二）經指派之陪同人員不具雙語能力時，地方政府或非營利組織應另行指派所屬通譯人員或經其他政府機關及民間團體建置之通譯人員（通譯人員資格條件及工作注意事項如附件三）。</p> <p>（三）陪同人員及通譯人員應於接獲通知後於約定時間內到場，與外國人晤談及瞭解案情，並協助進行筆（紀）錄製作。</p> <p>（四）確認筆（紀）錄製作完成後，陪同人員及通譯人員應於筆（紀）錄上簽名，並填寫陪同外國人接受詢問回報單（如附件四），於三個工作日內回報所屬非營利組織，並傳送地方政府。</p>	<p>5. The local government or non-profit organization shall apply the following procedures (please refer to Attachment 1 for the flow chart):</p> <p>(1) The local government may ask the non-profit organization to appoint the personnel, or have the non-profit organization appoint the accompanying personnel independently (please refer to Attachment 2 for the eligibility requirements and work instruction about the accompanying personnel).</p> <p>(2) When the appointed accompanying personnel are not bilingual, the local government or non-profit organization shall appoint its own simultaneous interpreters or any simultaneous interpreters employed by other government agencies and private groups separately (please refer to</p>

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	經地方政府或非營利組織自行指派人員陪同詢問或協助翻譯，遇同一案件須協助通譯之外國人人數眾多，且有特殊情形者，得增派人員。	<p>Attachment 3 for the eligibility requirements and work instruction about the simultaneous interpreters).</p> <p>(3) The accompanying personnel and simultaneous interpreters shall be present at the site within the agreed time limit upon receipt of notice, in order to interview with the foreign nationals, verify the case and help the production of the statement (record).</p> <p>(4) Upon confirmation of the completion of the statement (record), the accompanying personnel and simultaneous interpreter shall enter their signatures onto the statement (record) and complete the report form for companion of the foreign national to undergo questioning (see Attachment 4). The same shall be fed back to the relevant non-profit organization and sent to the local government.</p> <p>Where a large number of foreign nationals need the assistance from the simultaneous interpreter in the same case, after the local government or non-profit organization appoints its own personnel to accompany the foreign nationals for questioning or help translation independently, and there are special circumstances at the same time, additional personnel may be appointed.</p>
6	<p>六、陪同費用補助標準如下：</p> <p>（一）陪同人員每案每次補助新臺幣（以下同）一千五百元。</p> <p>（二）陪同人員到場所乘坐之交通工具，市內以搭乘公共汽車、捷運，長途以搭乘火車、公民營客運汽車或高鐵為原則；有等位者，以中等（標準）等位標準支給，並應檢據按實報</p>	<p>6. The companion expenses shall be subsidized in the following manners:</p> <p>(1) The accompanying personnel shall be subsidized NT\$1,500 each time per case.</p> <p>(2) The transportation means taken by the accompanying personnel in the case of the travel within a city shall be buses or MRT, or, in the case of a long-distance travel, trains,</p>

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	<p>支。陪同人員駕駛自用汽機車者，其交通費得按同路段公民營客運汽車乘坐車種票價報支。陪同人員因時間急迫、行動不便或為夜間時段，市內得搭乘計程車，依實支數報支。</p> <p>（三）同一案件於同日分次所作之詢問筆（紀）錄，其陪同費用之補助標準，以一案計。同一案件於不同日所作之詢問筆（紀）錄，其陪同費用分別計算之。</p> <p>陪同人員具雙語能力者，應依第七點規定另行給付通譯費用。</p>	<p>private buses or high-speed rail. Those who are waiting for seats shall be paid based on the medium (standard) waiting seat rate and on a reimbursement basis. Where the accompanying personnel drive their own cars or motorcycles, their transportation expenses shall be reimbursed based on the fare for public or private buses of the same routes.</p> <p>Where the accompanying personnel need to race against time or have trouble in moving, or it is nighttime, they may take a taxi in the case of a travel within a city and be paid on a reimbursement basis.</p> <p>(3) For the statement (record) made in steps for the same case on the same day, the subsidy of the companion expenses shall be calculated for only one case. (3) For the statement (record) made in steps for the same case on different dates, the subsidy of the companion expenses shall be calculated separately.</p> <p>The accompanying personnel who are bilingual shall be paid the simultaneous interpreter fees separately according to Clause 7 herein.</p>
7	<p>七、通譯費用補助標準如下：</p> <p>（一）地方政府所屬外國人諮詢服務人員協助翻譯者：</p> <p>1. 上班期間出勤者，其交通費用比照國內出差旅費報支要點及補助各縣市政府外國人諮詢服務人員經費標準表規定覈實補助，不補助翻譯費用。</p> <p>2. 非上班時間出勤者，依勞動基準法延長工時計算加班費。但以二十小時為限；交通費用比照國內出差旅費報支要點及補助各縣市政府外國人諮詢服務人員經費標準表規定覈實補助。</p>	<p>7. The simultaneous interpreter fees shall be subsidized in the following manners:</p> <p>(1) Where the foreign nationals' consultation service personnel subordinated to the local government help the translation:</p> <p>1. The transportation expenses for those who perform job duties during working hours shall be paid on a reimbursement basis, in accordance with the Directions Governing Reimbursement of Domestic Business Travel Expenses and Standards for</p>

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	<p>(二) 非營利組織、其他政府機關及民間團體建置之通譯人員協助翻譯者，依下列規定辦理：</p> <p>1. 時數認定：</p> <p>(1) 以通知通譯人員到場之約定時間或實際開始通譯時間起至實際結束通譯時間。</p> <p>(2) 第三小時起，未滿三十分鐘者，以半小時計；三十分鐘以上未滿一小時者，以一小時計。</p> <p>(3) 每次通譯時間以四小時為限。但經通譯人員同意者，可延長至八小時。</p> <p>(4) 連續通譯四小時，經通譯人員同意者，得暫停翻譯並休息，休息時間不計入時數。但案件有連續性或緊急性者，得另行調配其休息時間。</p> <p>2. 費用計算：</p> <p>(1) 日間通譯費用：每案次前二小時內補助一千元，第三小時起，每一小時補助五百元。</p> <p>(2) 夜間通譯費用：執行通譯時間為夜間時段（二十二時至翌日六時）者，每案次前二小時內補助二千元，第三小時起，每一小時補助一千元。</p> <p>(3) 每案次前二小時跨日間及夜間時段，採夜間通譯費用計算。第三小時起若跨日間及夜間時段，則該跨越時段之費用，以夜間通譯費用計算，其餘依各時段通譯費用計算。</p> <p>(4) 通譯人員之交通費用，比照第六點陪同人員之規定覈實補助。</p>	<p>Subsidies to Various County/City Governments' Funds for Foreigner Consultation Service Personnel.</p> <p>Notwithstanding, no translation expenses will be subsidized.</p> <p>2. Those who perform job duties beyond working hours shall receive the overtime pay calculated based on the extended working hours pursuant to the Labor Standards Act. Notwithstanding, the extended working hours shall be no more than 20 hours. The transportation expenses shall be paid on a reimbursement basis, in accordance with the Directions Governing Reimbursement of Domestic Business Travel Expenses and Standards for Subsidies to Various County/City Governments' Funds for Foreigner Consultation Service Personnel.</p> <p>(2) Simultaneous interpreters appointed by the non-profit organizations, other government agencies and private groups to assist in translation shall apply the following requirements:</p> <p>1. Recognition of hours:</p> <p>(1) From the agreed time when the simultaneous interpreter shall arrive at the site or the actual start time for the interpretation until the actual end time for the interpretation.</p> <p>(2) As of 3rd hour, the interval less than 30 minutes shall be counted as half an hour, and the interval more than 30 minutes but less than one hour shall be counted as one hour.</p> <p>(3) The time limit for the interpretation shall be no more than four hours each time,</p>

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		<p>Provided that it may be extended as 8 hours upon approval of the simultaneous interpreter.</p> <p>(4) Upon expiration of four consecutive hours for the interpretation, subject to the interpreter's approval, he/she may suspend the interpretation and take a break. The break time will be excluded from the interpretation hours. Notwithstanding, if the case is continuous or urgent in nature, the break time may be arranged separately.</p> <p>2. Calculation of charges:</p> <p>(1) Daytime simultaneous interpretation fees: The subsidy, NT\$1,000, will be paid for the first two hour, and NT\$500 per hour as of the 3rd hour, in each case.</p> <p>(2) Nighttime simultaneous interpretation fees: For the interpretation provided at nighttime (from 22:00 until 6:00 on next day), the subsidy, NT\$2,000, will be paid for the first two hour, and NT\$1,000 per hour as of the 3rd hour, in each case.</p> <p>(3) For the first two hours which span both daytime and nighttime, the nighttime simultaneous interpretation fee rate shall apply. Where, as of the 3rd hour, the interpretation hours span the daytime and nighttime periods, the fees for the hours spanning said periods shall be calculated based on the nighttime simultaneous interpretation fee rate, while the rest hours are calculated based on the simultaneous interpretation fees applicable to various time periods.</p> <p>(4) The simultaneous interpreter's transportation expenses shall be paid on a</p>

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		reimbursement basis as same as the accompanying personnel referred to in Clause 6 herein.
8	<p>八、建立陪同人員、通譯人員名冊備檔：</p> <p>（一）非營利組織辦理陪同外國人接受詢問作業，應建立陪同人員、通譯人員資格條件及名冊之相關資料檔案，並將資料檔案分別彙送管轄地方政府備案及副知本部勞動力發展署。</p> <p>（二）陪同人員、通譯人員資料有變動時，應分別彙送相關資料至管轄地方政府及副知本部勞動力發展署。</p>	<p>8. Creation of the name list of accompanying personnel and simultaneous interpreters for backup:</p> <p>(1) When a non-profit organization sends its personnel to accompany a foreign national to undergo questioning, it shall create the related files containing the qualifications and name list of the accompanying personnel and simultaneous interpreters, and submit the files to the local government for backup, with a carbon copy to the Workforce Development Agency of the Ministry.</p> <p>(2) In the case of any changes in the information about the accompanying persons or simultaneous interpreters, the relevant information shall be submitted to the jurisdictional local government, with a carbon copy to the Workforce Development Agency of the Ministry.</p>
9	<p>九、陪同及通譯費用請領方式：</p> <p>（一）陪同人員或通譯人員協助之外國人符合第二點第一款、第二款或第四款至第九款規定者，由年度就業安定基金補助各地方政府辦理「外國人諮詢服務中心」實施計畫經費項下支應，併入地方政府每四個月為一期之「外國人諮詢服務中心」經費作業，向本部勞動力發展署申報請領，並覈實辦理結報作業。</p> <p>（二）陪同人員或通譯人員協助之外國人符合第二點第三款規定者，由年度就業安定基金補助各地方政府辦理「外國人臨時收容安置費」實施計畫經費項下支應，於其終止安置後，併入持工作簽證之人口販運被害人及疑似人口販運被害人安置保護費用個案結報作業合併辦理。但有跨年度繼續安置者，應併入當年度之安置保護費用結報作業合併辦理。</p>	<p>9. How to claim the accompanying personnel and simultaneous interpreter fees:</p> <p>(1) Where the foreign nationals assisted by the accompanying personnel or simultaneous interpreters meet the requirements under the Subparagraphs 1, 2, or 4 to 9 of Clause 2 herein, the annual Employment Security Fund will cover the subsidy to the local government for implementation of the "Foreign Nationals' Consultation Service Center" plan, as a part of the local government's funding operations of the "Foreign Nationals' Consultation Service Center" organized for once per four months. The local government may claim the funds against the Workforce</p>

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		<p>Development Agency of the Ministry and verify the closing report honestly.</p> <p>(2) Where the foreign nationals assisted by the accompanying personnel or simultaneous interpreters meet the requirements under the subparagraph 3 of Clause 2 herein, the annual Employment Security Fund will cover the subsidy to the local government for implementation of the "Foreign Nationals' Accommodation and Settlement" plan. Meanwhile, upon termination of the settlement, they shall be included into the closing report for cases for settlement and protection of the victims or suspected victims of human trafficking who hold work permits. Notwithstanding, those who continue to be settled across the year shall be included into the closing report on the settlement and protection expenses for the current year.</p>
10	<p>十、非營利組織、其他政府機關及民間團體應於每月十日前，將上月「陪同外國人接受詢問及通譯費用印領清冊」（如附件五）正本三份及請款收據一份，函報指派之地方政府審核。但符合第二點第三款之陪同或通譯費用，應併入年度就業安定基金補助各地方政府辦理「外國人臨時收容安置費」實施計畫經費請款作業合併辦理。</p> <p>未依前項期限辦理者，應以書面說明事由及研擬改善措施函報地方政府，無正當理由者，不予補助相關經費。</p>	<p>10. The non-profit organizations, other government agencies and private groups shall submit the previous month's "Payroll Register of Expenses for Companion of Foreign Nationals for Questioning and Simultaneous Interpretation" (see Attachment 5) in triplicate and one copy of the bill to the relevant local government for review by 10th day of each month. Notwithstanding, the companion or interpretation fees which meet the requirements under the Subparagraph 3 of Clause 2 herein shall be included into the billing operations for the annual Employment Security Fund to cover the subsidy to the local government for implementation of the</p>

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		<p>"Foreign Nationals' Accommodation and Settlement" plan.</p> <p>In the case of failure to meet the time limit requirements referred to in the preceding paragraph, they shall submit written explanation and corrective action plan to the local government. No related subsidy will be granted to the claim without justified reasons.</p>
11	<p>十一、地方政府於收到非營利組織、經地方政府洽請指派人員之其他政府機關及民間團體所報陪同外國人詢問及通譯費用請領領據後，經審核符合請領規定，應於每月二十五日前覈實辦理經費核撥核銷作業。</p>	<p>11. Upon receipt of the billing statements for companion and interpretation fees from non-profit organizations, other government agencies requested by the local government to send its personnel, and private groups, the local government shall verify and allocate the fund upon confirmation that the relevant requirements are met, by 25th day of each month.</p>