

Content

Title : Review Directions of Entrepreneur Visa Qualification for Foreign Nationals
Ch

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Legislative : 1.Promulgated on June 29, 2015
2 Amended on December 18, 2015
3 Amended on April 26, 2017
4 Amended on December 19, 2019
5 Amended on August 13, 2021
6 Amended on October 21, 2022

Content : 1.These directions have been drawn up in relation to the Executive Yuan's plan for the promotion of Entrepreneur Visa, to regulate the qualification examination for the issuing of Entrepreneur Visa.

2. When a foreign national applies for an Entrepreneur Visa, the examination of the applicant's qualification for the issuing of an Entrepreneur Visa shall be conducted by the Investment Commission, Ministry of Economic Affairs (hereinafter referred to as "the Investment Commission, MOEA") in consultation with other relevant industry competent authorities; other agencies may be invited to participate in joint review where necessary.

3. A foreign national applying for an Entrepreneur Visa must meet the following criteria:

(1) An individual applicant should comply with at least one of the following criteria:

a. The applicant has secured investment from a domestic or overseas venture capital firm, secured investment from the Executive Yuan National Development Fund Startup Angel Project, or obtained funding of at least NT\$2 million in investment (fund-raising) from a government-approved domestic, foreign, or international startup fund-raising platform

b. The applicant that has been physically stationed within one year, or is physically stationing in, the following parks or startup incubators, and has been recommended by such parks or startup incubators:

(i) International start-up parks and projects approved by the central or local governments in Taiwan.

(ii) The central or local government-operated startup incubators in Taiwan, or those registered in the MOEA international startup incubators and approved and announced by the MOEA.

(iii) Foreign startup incubators recognized by the central or local governments in Taiwan.

c. The applicant has been awarded an invention patent in a foreign country or domestic invention or design patents, or can demonstrate other evidence of professional expertise.

d. The applicant has obtained plant variety rights, or animal name registration in Taiwan, but does not include those implemented by rights assignment or authorization.

e. The applicant has won an award in a leading domestic or overseas business start-up or design competition, or has received approval to the project of encouraging overseas entrepreneurs to invest

in Taiwan from government. e. The applicant who once stationed or is now stationing accelerator facility that is approved by related government institutions.

f. The applicant has been shortlisted or awarded in indicative domestic/international fashion shows, film festivals, international style awards.

g. The applicant possesses such other innovation capability as may be specified or recommended by the central competent authority.

h. The applicant has already established an enterprise with the amount of investment at least NT\$1 million in Taiwan that meets the Directions of Recognition for Startups with Innovation Capability, and been serving as the legal representative, manager or director of that enterprise.

(2) A team or group applicant:

a. The applicant who has not yet established an enterprise in Taiwan shall meet with at least one of Items a, b, c, d, e, f, g under Paragraph (1) above.

b. For the applicant who has already established an enterprise in Taiwan that meets the Directions of

Recognition for Startups with Innovation Capability, the members of the team or group shall be serving as legal representative, executive officers or managers of the enterprise, and the members of the team or group shall have invested a combined total of at least NT\$1 million in the enterprise.

4. The term Directions of Recognition for Startups with Innovation Capability as used in the previous article refers to an enterprise that has been lawfully registered under Taiwan's Company Act or Commerce Registration Act for less than five years, and meet at least one of the following applies. However, enterprises that have received additional approval from the central competent authority shall not be subject to the aforementioned five-year limit:

(1)The applicant has secured investment from a domestic or overseas venture capital firm, meets the requirements in Article 23-2 of the Statute for Industrial Innovation, secured investment from the Executive Yuan National Development Fund Startup Angel Project, or obtained funding of at least NT\$2 million in investment (fund-raising) from a government-approved domestic, foreign, or international startup fund-raising platform

(2)The enterprise is already listed on the Go Incubation Board for Startup and Acceleration Firms (GISA, TPEx), Taipei Exchange (TPEx).

(3)The enterprise has either been awarded an invention or design patent in Taiwan, or been transferred or licensed of invention or design patent rights by the holder of a Taiwanese invention or design patentee and been registered with the Intellectual Property Office, MOEA.

(4)The applicant has obtained plant variety rights, or animal name registration in Taiwan, but does not include those implemented by rights assignment or authorization.

(5) The applicant that has been physically stationed within one year, or is physically stationing in, the following parks or startup incubators, and has been recommended by such parks or startup incubators:

a. International start-up parks and projects approved by the central or local governments in Taiwan.

b. The central or local government-operated startup incubators in Taiwan, or those registered in the MOEA international startup incubators and approved and announced by the MOEA.

c. Foreign startup incubators recognized by the central or local governments in Taiwan.

(6)The enterprise or its legal representative has won an award in a leading domestic or overseas business start-up or design competition.

(7)The enterprise or its legal representative has been shortlisted or awarded in indicative domestic/international fashion shows, film festivals, international style awards.

(8)The enterprise conforms to such other requirements as may be specified by the central competent authority.

Regarding the applicable scope of Items b, e, and f of Paragraph (1) of Article 3, and of Paragraphs (5) to (7) of the preceding Articles, please refer to the Directions of Recognition for Startups with Innovation Capability and the attachments thereto.

5. The concerning documents of Articles 3, 4 and 7, and the industry competent authorities that must be invited to participate in qualification examination, are shown in Appendix.

6. Applicant applying for an Entrepreneur Visa and Alien Resident Certificate shall submit the application via Internet transmission to the Foreign Professionals Online Application Platform (hereinafter referred to as the "Foreign Professionals Application Platform") established by the National Immigration Agency of the Ministry of the Interior (hereinafter referred to as "the NIA") in accordance with the following rules:

(1)Attach color scanned e-file(s) of the following documents:

a. Passport with at least 6-month validity remaining.

b. 2-inch hatless facial color photo taken within 6 months.

c. The concerning documents specified in Appendix.

(2) Choose the validity period of the Alien Resident Certificate and pay the stipulated fees.

After the Investment Commission, MOEA has reviewed the application for compliance with eligibility, the NIA shall notify the applicant to bring the Passport Submission Notice and his/her passport (original) to an overseas embassy, representative office, or office of the Ministry of Foreign Affairs (or the Bureau of Consular Affairs of the Ministry of Foreign Affairs if the applicant has entered the ROC) for visa application within six months; after entering the ROC, the applicant shall register with the Service Center of the NIA to receive the Alien Resident Certificate; at each stage of

the procedure, the disposition to approve or reject shall be made by each competent authority according to its respective jurisdiction.

Where an application is submitted by a team or group, the application shall be submitted by team

member(s) who jointly conform to one of the requirements specified in Paragraph (2) of Article 3 above via Foreign Professionals Application Platform, and, after receiving the application number, the rest of the team member(s) shall submit their applications with the application number; if each of the team member respectively conforms to the requirements for a single-person application, then each of them may submit a single-person application on presentation of a Memorandum of Understanding (MoU); the number of persons that may be included in a team or group application may not exceed three persons, except in cases where special permission being given by a joint-agency approval.

7. Initial validity for an approved Entrepreneur Visa and Alien Resident Certificate shall be two years; however, when the applicant's business enterprise in Taiwan meets at least one of the criteria listed below, the applicant may apply for an extension within four months before the expiry date of his/her Alien Resident Certificate and submit the qualification review documents specified in Appendix via Foreign Professionals Application Platform. The maximum permitted period of each extension may not exceed two years:

- (1) The sales revenue of the applicant's enterprise for the most recent year, or the average for the most recent three years, is at least NT\$3 million.
- (2) The operating expenses of the applicant's enterprise for the most recent year, or the average for the most recent three years, is at least NT\$1 million.
- (3) The applicant's enterprise employs at least three full-time Taiwanese nationality employees.
- (4) The applicant's enterprise can demonstrate some other category of operational performance that leads the industry competent authority to determine that the enterprise is making a positive contribution to Taiwan's economic development.

After the NIA accepted the extension application, the Investment Commission, MOEA shall review whether the application meets one of the criteria listed in the preceding Paragraph, and the NIA may reject an application that does not meet the criteria.

Foreign nationals holding Alien Resident Certificate issued according to Paragraph (1) who are eligible for the criteria listed in Article 4 Subparagraph 2 of the Act for the Recruitment and Employment of Foreign Professionals may apply for an Employment Gold Card via Foreign Professionals Application Platform before the expiry date of his/her Alien Resident Certificate.

8. The provisions of these Directions shall apply mutatis mutandis to the provision of assistance by the MOEA for the examination of applications for resident visas in order to engage in entrepreneur activity that are submitted by residents of Hong Kong or Macao to the Ministry of the Interior or to the Mainland Affairs Council offices in Hong Kong and Macao.

Attachments : Appendix.pdf
Appendix.odt

Data Source : Ministry of Economic Affairs R.O.C.(Taiwan) Laws and Regulations Retrieving System