

外籍勞工聘僱許可期滿免出國1日

Foreign workers no longer required to leave Taiwan when work permit expires

勞動部已於105年11月3日發布修正就業服務法第52條，取消外籍勞工3年期滿須出國1日規定，雇主可向勞動部申請期滿續聘，經許可後外籍勞工就可以不用出國，繼續留臺工作！

The Ministry of Labor promulgated an amendment to Article 52 of the Employment Services Act on November 3, 2016. The new regulations eliminate the requirement for foreign workers to leave Taiwan for a minimum of one day on completion of a three-year work contract. Hereafter, employers can apply to the Ministry for an extension when a work permit expires and, on approval, foreign workers may continue to work without having to leave Taiwan.

【期滿續聘】 Extending contracts on expiry

外籍勞工於聘僱期間屆滿前2至4個月內，可視其意願與雇主協議是否續聘或轉換至其他雇主處工作。如與原來的雇主雙方確認有續聘的意願，且雇主具有勞動部核發有效的招募許可，只要雇主提出申請，並經勞動部許可後即可繼續留臺工作。

Foreign workers and employers shall discuss whether to extend an existing work permit or the transfer to work for another employer 2 to 4 months before the original employment contract expires. In the event that both parties agree to extend the existing employment contract and the employer has a valid recruitment permit issued by the Ministry of Labor, said employer need only file an application for an extension and once the Ministry approves the application, the foreign worker can continue working in Taiwan.

【不續聘/期滿轉換】 No Contract Extension / Transfer to New Employer

Q：如果勞雇雙方無續聘意願，雇主後續應如何處理？

If the employer and employee decide not to extend the employment contract, how should the employer deal with the matter?

A：

- 1、外勞沒有繼續留臺工作意願，雇主依現行規定於期滿前協助外籍勞工安排返國事宜。

If a foreign worker does not want to continue working in Taiwan, the employer shall, in accordance with the present regulations, assist the foreign workers in returning home before the expiry date.

- 2、外勞有繼續留臺工作意願，雇主應於聘期屆滿前2至4個月內，備齊申請書及規定文件至勞動部辦理期滿轉換。

If the employee remains the willingness to work in Taiwan, the employer shall prepare an application form and the prescribed documents to the Ministry of Labor for applying change of employer within 2 to 4 months before the expiry of the employment period.

若您對於就業服務法第52條修正或其他權益維護相關規定有相關疑義，可撥打1955勞工諮詢申訴專線或逕上勞動部跨國勞動力權益維護資訊網站 <https://fw.wda.gov.tw/> 查詢相關訊息。

If you have any questions concerning the amendment to Article 52 of the Employment Services Act or other inquiries about protecting your rights, please call the 1955 Foreign Workers' Hotline or visit the Ministry of Labor's Foreign Workers Rights Protection website at <https://fw.wda.gov.tw/>