

Taiwan, Province of China Immigration Detention Data Profile



Quick Facts

Immigration detainees (2019)	13,585
Detained minors (2017)	Not Available
Immigration detention capacity (2014)	1,418
Persons expelled (2019)	16,577
International migrants (2019)	925,401
Number of immigration detainees on a given day (2019)	102

NOTES ON USING THIS PROFILE

- Sources for the data provided in this report are available online at: <https://www.globaldetentionproject.org/countries/asia-pacific/taiwan-province-of-china>
- "Observation Dates" indicate the timeframe statistical data correspond to or other data were last validated. More than one statistical entry for a year indicates contrasting reports.

STATISTICS

Detention, expulsion, and incarceration statistics

		Observation Date			Observation Date
Total number of immigration detainees by year	13,585	2019	Number of immigration detainees on a given day	102	2019
	10,682	2018			
	10,978	2017			
	9,816	2016			
	8,526	2015			
	7,090	2014			
	9,346	2013			
	10,025	2012			
	7,602	2011			
	8,045	2010			
	7,869	2009			
	5,979	2008			
	9,630	2007			
Total number of detained minors	Not Available	2017	Estimated total immigration detention capacity	1,418	2014
Number of dedicated long-term immigration detention centres	4	2015	Number of persons removed/returned (voluntary returns and deportations)	16,577	2019
				13,473	2018
				13,115	2017
				11,049	2016
				9,269	2015
				8,166	2014
				11,792	2013
				12,756	2012
				3,968	2011
				10,180	2010
				11,736	2009
				11,570	2008
				12,664	2007
Criminal prison population	61,430	2017	Percentage of foreign prisoners	0.7	2015
Prison population rate (per 100,000 of national population)	261	2017			

Demographics and immigration-related statistics

		Observation Date			Observation Date
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Population	23,574,334	2020	International migrants	925,401	2019
	23,598,776	2019		504,000	2013
	23,433,753	2014		483,900	2009
Estimated number of undocumented migrants	38,629	2013			

DOMESTIC LAW				
LEGAL TRADITION				
Legal tradition	Name		Observation Date	
	Civil law			
	Customary law			
LAWS AND REGULATIONS				
Constitutional guarantees?	Yes/No	Constitution and Articles	Year Adopted	Last Year Amended
	Yes	Constitution of the Republic of China adopted on 25 December 1946, Chapter II Rights and Duties of the People, Article 8.	1946	1946
LAWS AND REGULATIONS				
Core pieces of national legislation	Name		Year Adopted	Last Year Amended
	Republic of China. Immigration Act. 21 May 1999. As amended in February 2015.		1999	2015
	Immigration Act. No. 8800119740. Promulgated by Presidential Decree Hua-Zong-Yi-Yi-Zi. May 21, 1999. As amended in 2011.		1999	2011
	Immigration Act		1999	2016
LAWS AND REGULATIONS				
Additional legislation	Name		Year Adopted	Last Year Amended
	Act Governing Relations between the People of the Taiwan Area and the Mainland Area. Promulgated by Presidential Order on July 31, 1992. As amended on 3 March 2012.		1992	2012
	Laws and Regulations Regarding Hong Kong & Macao Affairs. Promulgated by Presidential Order on 2 April 1997. As amended on 13 December 2017.		1997	2016
	Human Trafficking Prevention Act		2009	

LAWS AND REGULATIONS			
Regulations, standards, guidelines	Name		Year Published
	Regulations Governing the Detention of the People of the Mainland China Area and the Residents of Hong Kong and Macao promulgated by Ministry of the Interior Order No. (89) Tai-Nei-Ching 8981131 on February 16, 2000. As amended on 13 November 2017.		2000
	Regulations Governing the Detention of the Aliens. Enacted and promulgated by Order (89) Tai-Nei-Yi-Tzu No.8981106 of the Ministry of the Interior on Feb.1, 2000. As amended on 27 July 2012.		2000
	Laws and Regulations Regarding Hong Kong & Macao Affairs. Promulgated by Presidential Order No. Hua-Tsung-(1)-Yi-Tze-8600080010 on April 2, 1997. As amended on 30 May 2006.		1997
GROUNDS FOR ADMINISTRATIVE IMMIGRATION-RELATED DETENTION			
Immigration-status-related grounds	Name		Observation Date
	Detention for failing to respect a voluntary removal order		2015
	Detention for unauthorised entry or stay		2015
	Detention to prevent absconding		1999
GROUNDS FOR ADMINISTRATIVE IMMIGRATION-RELATED DETENTION			
Non-immigration-status-related grounds providing for administrative detention in immigration legislation.	Name		Observation Date
	Detention on public order, threats or security grounds		1999
CRIMINALIZATION OF IMMIGRATION-RELATED OFFENCES			
Does the country provide specific criminal penalties for immigration-related violations?	Fines	Incarceration	Observation Date
	Yes	Yes	2015
CRIMINALIZATION OF IMMIGRATION-RELATED OFFENCES			
Grounds for criminal immigration-related detention/incarceration and maximum potential duration of incarceration	Grounds for Incarceration	Maximum Number of Days of Incarceration	Observation Date
	Unauthorized entry	1095	2015
	Unauthorized exit	1095	2015
LENGTH OF DETENTION			
Maximum length for administrative immigration detention in law.	Number of Days		Observation Date
	100		2015
	120		2014
LENGTH OF DETENTION			
Longest recorded instance of immigration detention.	Number of Days		Observation Date
	3650		2008

LENGTH OF DETENTION					
Average length of detention	Number of Days		Observation Date		
	28		2019		
	27		2017		
	28		2016		
	29		2015		
	45		2013		
	56		2012		
	72		2011		
	63		2010		
	76		2009		
	88		2008		
	94		2007		
PROCEDURAL STANDARDS					
Provision of basic procedural standards	Name		In Law	In Practice	Observation Date
	Right to appeal the lawfulness of detention		Yes	No	2013
	Right to legal counsel		No	Yes	2013
	Information to detainees		Yes	Yes	2013
	Access to consular assistance		No	Yes	2013
	Access to asylum procedures		No	No	2013
	Independent review of detention		No	No	2013
	Complaints mechanism regarding detention conditions		No	Yes	2013
	Access to free interpretation services		No	No	2013
NON-CUSTODIAL MEASURES (ALTERNATIVES TO DETENTION)					
Types of non-custodial measures	Name	In Law	In Practice	Observation Date	
	Release on bail	Yes		1999	

VULNERABLE PERSONS				
Is the detention of vulnerable persons provided in law? Are they detained in practice?	Name	In Law	In Practice	Observation Date
	Unaccompanied minors	Prohibited	No	2015
	Accompanied minors	Prohibited	Yes	2015
	Pregnant women	Prohibited		2015
	Persons with disabilities	Prohibited		2015
	Victims of trafficking	Prohibited		2015
	Refugees	Not mentioned		2015
	Accompanied minors		Yes	2014
	Unaccompanied minors	Not mentioned	No	2013
	Asylum seekers	Not mentioned		2013
EXPEDITED REMOVAL AND RE-ENTRY BAN				
Re-entry ban	Name		Observation Date	
	Yes		2015	

COVID-19 UPDATES

	Update Status	Observation Date
Latest Update	<p>In response to an information request jointly submitted by the Global Detention Project and Amnesty International Taiwan, the Ministry of the Interior reported that to date they have not begun systematically testing new immigration detainees for Covid-19. However, the agency also reported, "Before people are detained, they must be asked about their health condition, undergo a temperature check, and document their medical history. After they enter the detention centre, they are regularly given surgical masks. They are also requiring detention centre staff and cleaning staff to wear masks, increase hygiene awareness, undertake disinfection efforts, and introduce regular temperature checks. New detainees are put in quarantine for 17 days in an observation and quarantine area within the detention centre, after which if they have no symptoms, they are asked to return to the regular detention centre areas. Those who show symptoms are immediately given medical attention by detention centre staff." Asked whether they have halted deportation or removal flights, the National Immigration Agency said: "Various countries have introduced restrictions on entry. As such, there are people who are not yet able to be deported. The government is actively coordinating between the Ministry of Foreign Affairs and the relevant consular authorities to arrange for charter flights to deport people."</p>	2020
	<p>The government has taken extraordinary measures to contain and combat the COVID-19 pandemic, having started testing people for the virus in January when the first case was reported. As of 7 April, there were 376 cases and five deaths (as the UN does not recognize it as a sovereign state, the WHO does not publish specific data on it). However, these measures do not seem to have been extended to immigration detention. According to New Bloom journalist Brian Hioe, "special measures taken to safeguard the health of immigration detainees or other detainees in response to the COVID-19 crisis seem to be lacking." Since the number of cases in Taiwan remains limited, the government has not undertaken mass testing; accordingly, there appears to be no systematic testing in immigration detention centres. According to official statistics, there are an estimated 50,000 undocumented migrant workers, of whom approximately 290 are in immigration detention. On 27 February, it was reported that the 32nd person to contract the virus was an undocumented migrant care worker from Indonesia. Subsequently, the deputy director-general of the Ministry of Labour's Workforce Development Agency said that the government would begin checking the employment or residency status of migrant workers who accompany their employers to seek care at hospitals, including whether workers had overstayed their visas or held invalid residency permits. The Ministry of Labour also issued a press release stating that it would work with the National Policy Agency, the Military Police Command, the Coast Guard and similar institutions to increase the government's capacity to investigate and conduct arrests of undocumented migrant workers. It added that it would continue to offer a reward to members of the public who report on suspected violations of the Employment Service Act by undocumented migrant workers. The government's stated objective in issuing this press release was to close the "loophole" of virus prevention posed by the situation of undocumented workers. Civil society groups quickly moved to criticise the government's policies for deterring undocumented migrant workers from seeking medical attention and pushing an already-marginalized group further into the shadows during a global health crisis. On 1 March, in response to public backlash, the Ministry of Labour indicated that it would not investigate the immigration status of migrant workers seeking medical care. The Minister of Health and Welfare and head of the Central Epidemic Command Centre Chen Shih-chung and Minister Without Portfolio Lin Wan-i reiterated this policy on 2 March. According to a report by Taipei Times, Chen said: "I disagree with the need to strengthen reporting of undocumented workers at present. For hospitals, it does not matter if one is a documented or undocumented migrant worker or a family member of a patient. What matters to us is whether they have any questionable travel history, or illnesses, and if they know how to look after the patient." Chen also highlighted that any crackdown on undocumented migrant care workers may create an "acute shortage" of care workers available to look after patients. Nonetheless, according to CNA English News, "if a member of the general public makes a report on an undocumented migrant worker, the MOL will still dispatch the local government to investigate, although deportation will be up to the NIA." On the topic of wider protections for migrant workers, the deputy director of the Ministry of Labour Cross-Border Workforce Management Division, said: "[T]he abolition of fines, re-entry bans and restoration of documented status needs revision of the current laws, which require consensus in society." A dozen civil society groups have initiated a petition to call on the government to institute an amnesty on deportations for undocumented workers in order to ensure effective access to healthcare for all, and to stop the spread of the virus. On 21 March, the Ministry of Foreign Affairs issued a press release stating that there will be an automatic 30-day visa extension for non-citizens who arrived on or before March 21 with a visa waiver, visitor visa, or landing visa. This policy specifically excludes foreign nationals who have overstayed their visas. On 20 March, the National Immigration Agency announced the expansion of an existing voluntary departure scheme for undocumented migrants: "To overstayers who turn themselves in during the designated period of this program [1 April to 30 June], penalty relieves including no detention, no entry ban and a minimum fine of NTD 2,000 (USD66.52)." The Director of the NIA said: "The purpose of this program is to encourage overstayers to turn themselves in so the Agency can help them return home safely." The NIA also said: "[O]nce the pandemic of COVID-19 eases, the Agency will strengthen enforcement and launch nation-wide sweeps against overstaying population." Officials implemented a ban on entry by foreign nationals on March 19. Exempted categories include those holding alien resident certificates; diplomatic identification cards; special business permits; or other special permits.</p>	2020
	<p>Taiwan's National Immigration Agency (NIA) announced the start of a three-month amnesty programme from 1 April until 30 June 2020. This programme is for foreign nationals who have overstayed their visas, allowing them to pay smaller fines and avoid detention should they report to immigration authorities during the grace period. The maximum penalty will be 2,000 NT\$ (approximately 66 USD) and no re-entry ban, compared with detention, a maximum fine of 10,000 NT\$, and an entry ban of one to eight years for those who do not voluntarily report to immigration authorities. The NIA's Deputy Director-General urged all persons to use the programme, warning that heavier penalties will be imposed following the "grace period" and that a nationwide crackdown would be initiated once the pandemic subsides. (NB: Taiwanese authorities introduced a similar amnesty programme between January 1 and July 31 2019, warning of similar crackdowns in its aftermath.) In Taiwan, prisoners are volunteering to make masks. They are paid a small salary and produce around 1000 masks per day.</p>	2020

INSTITUTIONAL INDICATORS

Governing structures

Federal or centralized governing system	Federal or centralized governing system	Observation Date
	Centralized system	2015

Governing structures

Centralized or decentralized immigration authority	Centralized or decentralized immigration authority	Observation Date
	Centralized immigration authority	2015

Institutions responsible for immigration detention

Custodial authority	Agency	Ministry	Ministry Typology	Observation Date
	National Immigration Agency	Interior Ministry	Interior or Home Affairs	2015
	National Immigration Agency	Ministry of the Interior	Interior or Home Affairs	2015
	National Immigration Agency	Ministry of Interior	Interior or Home Affairs	2014
	National Immigration Agency	Ministry of the Interior	Interior or Home Affairs	2012
	National Immigration Agency	Ministry of Interior	Interior or Home Affairs	2007

Institutions responsible for immigration detention

Detention Facility Management	Entity Name	Entity Type	Observation Date
	National Immigration Agency	Governmental	2015
	National Immigration Center	Governmental	2015

Institutions responsible for immigration detention

Formally designated detention estate?	Formally designated immigration detention estate?	Types of officially designated detention centres	Observation Date
	Yes	Dedicated immigration detention facilities	2015

Institutions responsible for immigration detention

Types of detention facilities used in practice	Immigration detention centre (Administrative)	Immigration field office (Administrative)	Transit centre (Administrative)	Reception centre (Administrative)	Offshore detention centre (Administrative)	Hospital (Administrative)	Border guard (Administrative)	Police station (Criminal)	National penitentiary (Criminal)	Local prison (Criminal)	Juvenile detention centre (Criminal)	Informal camp (Ad hoc)	Immigration detention centre (Ad hoc)	Surge facility (Ad hoc)	Observation Date
	Yes														2015
															2015
	Yes														2014

Detention monitoring institutions								
Authorized monitoring institutions	Institution		Institution Type					Observation Date
	Control Yuan Joint Committee		National Human Rights Institution (or Ombudsperson) (NHRI)					2018
	Taiwan Association for Human Rights		Non-Governmental Organizations (NGO)					2013
	Columban Fathers. Missionary Society of Saint Columban.		Non-Governmental Organizations (NGO)					2013
	Hsinchu Catholic Diocese Migrants and Immigrants Service Centre		Non-Governmental Organizations (NGO)					2013
	Caritas Taiwan		Non-Governmental Organizations (NGO)					2013
Detention monitoring institutions								
Does NHRI carry out visits?	Does NHRI carry out visits in practice?					Observation Date		
	Yes					2018		
Detention monitoring institutions								
Do NGOs carry out visits?	Do NGOs regularly carry our visits?					Observation Date		
	Yes					2013		
Expenditures								
Estimated annual budget for detention operations	Estimated total annual budget for detention operations (in USD)	Building and maintenance	Security	Staffing	Food	Medical	Transport	Observation Date
	1,390,420							2014
	1,484,980							2013
	1,704,770							2012

More information about immigration detention in Taiwan, Province of China is available at the website of the Global Detention Project (www.globaldetentionproject.org)