

Statement in Response to April 7th Media Report on Adjustments made for Mainland Spouses Obtaining Identity Card

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The Mainland Affairs Council (MAC) issued the following statement in response to a media report on April 7th on the adjustments made to the system for granting identity cards to Mainland spouses:

1. The amendments drafted by the MAC adjusting the system for Mainland spouses to obtain identity cards in Taiwan is done in adherence to the policy of equalizing rights granted to foreign spouses and Mainland spouses. The draft amendments to Article 17 of the Act Governing Relations between the People of the Taiwan Area and the Mainland Area would reduce the period of residency required before Mainland spouses can obtain identity cards to four to eight years, which is comparable to the system for foreign spouses. Regulations on the number of years required to apply for citizenship residency and obtain identity card, calculation of period of residency in Taiwan, and the additional commonsense requirement for citizen rights and obligations would be the same for both foreign and Mainland spouses.
2. The media reported that naturalized foreign spouses could apply for citizenship residency after the full year of their fourth year of residency in Taiwan, while Mainland spouses could obtain identity cards by the 335th day of their fourth year of residency. These reports misunderstood the content of the draft amendments to the Immigration Act and Act Governing Relations between the People of the Taiwan Area and the Mainland Area, which have both been submitted to the Legislative Yuan for review. The Ministry of the Interior's draft amendment to the Immigration Act was submitted to the Legislative Yuan (Internal Administration Committee) for review on November 14, 2012. The amendment specified that, within the year after foreign spouses apply for naturalization (i.e. the fourth year of residency), they may apply for citizenship residency after residing in Taiwan for 335 days of the said year. This is identical

to Article 17 of the Act Governing Relations between the People of the Taiwan Area and the Mainland Area soon to be reviewed by the Legislative Yuan's Internal Administration Committee (submitted with the Immigration Act draft amendment to the Committee on November 14, 2012), in which stipulated that application for citizenship residency could be made after residing in Taiwan for 335 days out of the fourth year of residency. The misleading report is therefore a result of failure to fully grasp contents of the relevant draft amendments.

3. The report has also mistakenly claimed that the system for foreign spouses is more stringent than the system for Mainland spouses since foreign spouses must have resided in Taiwan for five years before applying for permanent residency, while Mainland spouses could apply for citizenship residency after three years. The five-year residency requirement for foreign spouses to apply for citizenship residency is only applicable to situations where a foreign spouse does not apply for naturalization, has not applied for citizenship residency to obtain identity card, and has chosen instead to apply for permanent residency in Taiwan, which is similar to the Green Card system abroad. On the other hand, Mainland spouses may apply for citizenship residency to obtain identity card after applying for long-term residency. This is the same as the system for foreign spouses' application for naturalization and citizenship residency to obtain identity card. The system for both Mainland and foreign spouses require a period of four to eight years of long-term residency. Therefore, the report has made an inaccurate and misleading comparison in comparing the system for foreign spouses applying for permanent residency to that of Mainland spouses applying for citizenship residency. An accurate comparison would be between the systems for citizenship residency for naturalized foreign spouses and the citizenship residency system for Mainland spouses.

The MAC drafted amendments to the system for Mainland spouses to obtain identity cards were made from human rights protection perspectives, hoping to guarantee fair treatment for Mainland spouses through legal terms. It is inappropriate for outside parties to view amendments concerning human rights protection from a political or electoral perspective.