

**名稱：** 歸化我國國籍者及歸國僑民服役辦法（民國 91 年 12 月 30 日修正）

**Title:** Conscription Regulations for Naturalized Aliens & Returning Overseas Chinese (as amended on December 30, 2002)

第 1 條 本辦法依兵役法施行法第二十三條規定訂定之。

Article 1 These Regulations are duly enacted in accordance with Article 23 of the Conscription Law.

第 2 條 歸化我國國籍之役齡男子，自初設戶籍登記之翌日起，屆滿一年時，依法辦理徵兵處理。

Article 2 A naturalized male alien within the range of conscription age shall be subject to conscription enlistment according to law upon expiry of one-year period beginning the day next to his initial household registration.

第 3 條 原有戶籍國民具僑民身分之役齡男子，自返回國內之翌日起，屆滿一年時，依法辦理徵兵處理。

無戶籍國民具僑民身分之役齡男子，自返回國內初設戶籍登記之翌日起，屆滿一年時，依法辦理徵兵處理。

依前二項應辦理徵兵處理之歸國僑民有下列情形之一者，得填具暫緩徵兵處理申請書，向戶籍地鄉（鎮、市、區）公所申請，轉報直轄市、縣（市）政府核准暫緩徵兵處理：

一 依照華僑回國投資條例申請投資，經核准並已實行投資，金額在新臺幣一千萬元（或其他等值貨幣）以上，經各該目的事業主管機關證明者。

二 在僑資經營事業機構中，擔任總經理、廠長、總工程師或專門技術人員，經各該目的事業主管機關證明者。

三 在核准設立外商銀行分支機構中（含辦事處）擔任重要主管職務或具有金融專業技術人員，經銀行主管機關證明者。

四 因僑居地政府拒絕入境或因僑居地環境特殊為政治、經濟等原因被迫回國暫居及僑居地發生戰亂未能按時返回，經外交或僑務主管機關證明者。

五 因訴訟案懸未結，必須本人處理，未能按時返回僑居地，經司法機關證明者。

前項各款之暫緩徵兵處理於原因消滅時為止。但第四款以三年為限，第五款以三個月為限。第五款如屆滿期限有特殊原因發生，仍須繼續暫緩徵兵處理，經司法機關證明屬實者，得依前項規定，再申請暫緩徵兵處理。

Article 3 A draftee-to-be in the status of an Overseas Chinese having previously established household registration in the Republic of China shall be subject to conscription enlistment according to law upon expiry of one-year period beginning the day next to his return to the Republic of China.

A draftee-to-be in the status of an Overseas Chinese having not established household registration in the Republic of China previously shall be subject to conscription enlistment according to law upon expiry of one-year period beginning the day next to his initial household registration following his return to the Republic of China.

A returning Overseas Chinese subject to conscription enlistment falling within two preceding paragraphs may fill out application for deferred enlistment and apply to the *Hsiang* (township, city, district) government to be referred to the municipal, county (city) government for approval for deferred enlistment if meeting any of the following:

1. Having applied for investment in accordance with Statute Governing Investigation by Returning Overseas Chinese, having been approved and already enforced the investment amounting to NT\$10 million minimum (or equivalent value of other currencies), as verified by a certificate issued by the competent authority in charge of the target businesses.
2. Having served as the general manager, plant manager, general engineer or a specialized professional engineer in a business entity operated by Overseas Chinese, as verified by a certificate issued by the competent authority in charge of the target businesses.
3. Having served a key department head in a branch (including office) of an accredited foreign bank or having been a financial specialist, as verified by a certificate issued by the competent authorities in charge of banks.
4. Having been denied entry by the government of the foreign country of his residence, or forced to return to the Republic of China for temporary stay due to political, economic factors in the extraordinary environments in his residence abroad or having been unable to return to his residence abroad due to war there, as verified by a certificate issued by the competent authority in charge of foreign affairs or overseas affairs.
5. Having been unable to return to his residence abroad due to pending litigation which he must manage in person, as verified by a certificate

issued by the judicial authority.

The deferred enlistment set forth in each clause of the preceding paragraph remains valid until the cause ceases to exist except the cases in Clause 4 which are up to three years maximum, and in Clause 5 which are up to three (3) months maximum. In a case under Clause 5 where the Overseas Chinese calls for continuing deferred enlistment after expiry due to occurrence of an extraordinary cause as verified by the judicial authority, he shall apply for deferred enlistment afresh in accordance with the aforementioned requirements.

第 4 條 前條第一項及第二項屆滿一年之計算，以有下列情形之一者為準：

- 一 連續居住滿一年。
- 二 中華民國七十三年次以前出生之役齡男子，以居住逾四個月達三次者為準。
- 三 中華民國七十四年次以後出生之役齡男子，以曾有二年，每年一月一日至十二月三十一日期間累積居住逾一百八十三日為準。

歸國僑民之役齡男子返國就學者，在符合緩徵條件之期間，不列入前項居住時間計算。

Article 4 The expiry of one-year period set forth in Paragraphs 1 and 2 of the preceding article shall meet any of the following requirements:

1. Having continually resided for one year in full.
2. Having resided for three times of four months period minimum each in case a draftee-to-be born in the year before 1984.
3. Having resided for up to 183 days minimum in accumulation during the period of January 1~December 31 of every year for two years in case a draftee-to-be born in the year after 1984.

In case of a draftee-to-be as an Overseas Chinese returning for schooling, the period conforming to the requirements of deferred enlistment shall not be counted into the period of residence.

第 5 條 持外國護照入境之歸國僑民，具有役齡男子身分者，適用本辦法有關歸國僑民之規定。

原具香港、澳門僑民身分之男子，具有下列條件之一，經僑務主管機關出具證明者，適用本辦法有關歸國僑民之規定：

- 一 於中華民國八十六年七月一日前自香港地區、或於中華民國八十八年十二月二十日前自澳門地區以僑民身分返回國內初設戶籍登記，並取得當地永久居留資格者。
- 二 在臺灣地區出生並設有戶籍，於中華民國八十六年七月一日前在香港

地區、或於中華民國八十八年十二月二十日前在澳門地區居住四年以上，並取得當地永久居留資格者。

Article 5 These Regulations governing returning Overseas Chinese are equally applicable to a draftee-to-be in the capacity of an Overseas Chinese returning in a foreign passport.

These Regulations governing returning Overseas Chinese are equally applicable to male Overseas Chinese returning from Hong Kong, Macao meeting any one of the following as verified by a certificate issued by the competent authority in charge of Overseas Chinese affairs:

1. Having returned from Hong Kong and completed the initial household registration prior to July 1, 1997 or returned from Macao completed the initial household registration prior to December 20, 1999 in the capacity of an Overseas Chinese and having obtained permanent resident permit of the said regions.
2. Born in Taiwan with household registration duly established, having resided for four years minimum in Hong Kong since July 1, 1997 or in Macao since December 20, 1999 and having obtained permanent resident permit of the said regions.

第 6 條 經核准暫緩徵兵處理者，於暫緩徵兵處理之原因消滅或已屆滿規定期限，應自原因消滅或屆滿規定期限之翌日起三十日內，向戶籍地鄉（鎮、市、區）公所申報。

Article 6 One having been approved of deferred enlistment shall declare to the *Hsiang* (township, city, district) government within thirty days from the day next to extinguishments of the cause for deferred enlistment or next to expiry of the cause for deferred enlistment.

第 7 條 歸國僑民之身分，以申請人取得僑務主管機關核發之役政用華僑身分證明書，或持有僑居身分加簽之護照者認定之。

Article 7 The capacity of a returning Overseas Chinese shall be judged on the grounds of conscription-oriented Overseas Chinese certificate issued by the competent authorities in charge of Overseas Chinese affairs or the passport bearing endorsement of Overseas Chinese status.

第 8 條 本辦法所定書、表格式，由內政部定之。

Article 8 The documents, formats covered in these Regulations shall be established by the Ministry of the Interior.

第 9 條 本辦法自發布日施行。

Article 9 These Regulations come into effect upon the date of promulgation.