

名稱： 役男出境處理辦法 (民國 90 年 09 月 10 日 修正)

Title: Regulations for Exit of Draftees (as amended on September 10, 2001)

第 1 條 本辦法依兵役法施行法第四十八條第四項規定訂定之。

Article 1 These Regulations have been incorporated pursuant to Paragraph 4 of Article 48 of Enforcement Regulations for Conscription Law.

第 2 條 年滿十八歲之翌年一月一日起至屆滿四十歲之年十二月三十一日止，尚未履行兵役義務之役齡男子（以下簡稱役男）申請出境，依本辦法及入出境相關法令辦理。

Article 2 These Regulations and applicable laws of entrance and exit shall govern the application for exit filed by any male citizen of conscription age (the Draftee) but having not yet performed his obligated military service since the first(1st) day of January of the year immediately following his full age of eighteen (18) until the thirty first (31st) day of December of the year reaching his age of forty (40).

第 3 條 本辦法所稱出境，係指離開臺灣地區。

前項臺灣地區，係指臺灣地區與大陸地區人民關係條例第二條所定之臺灣地區。

Article 3 The exit referred in these Regulations shall mean the departure from the Taiwan area.

The Taiwan Area referred in the preceding paragraph herein shall mean that as defined in Article 2 of Statute of Relation between People from the Taiwan Area and People from the Mainland China area.

第 4 條 役男申請出境應經核准，其限制如下：

一 在學役男因奉派或推薦出國研究、進修、表演、比賽、訪問、受訓或實習等原因申請出境者，最長不得逾一年。

二 未在學役男因奉派或推薦代表國家出國表演或比賽等原因申請出境者，最長不得逾三個月。

三 因前二款以外原因經核准出境者，每次不得逾二個月。

役男申請進入大陸地區者，準用前項規定辦理。

Article 4 The application for exit filed by a draftee shall be approved: Provide, however, that:

1. The period approved for the exit to a draftee shall not be longer than one (1) year if the draftee is a student who has applied for the exit on the ground of taking research project, foreign studies, performance, visit, competition event, training or field practice as assigned or recommended.

2. The period approved for the exit to a draftee shall not be longer than three (3) months if the draftee though not a student has applied for the exit on the ground of representing the nation to give performance or to participate in a competition as assigned or recommended.

3. The period approved for the exit to a draftee shall not be longer than two (2) months if the draftee who has applied for the exit on the ground other than those described in the preceding Clause 1 and 2.

Those exit conditions described in the preceding three clauses 1, 2 and 3 shall be also applicable to any draftee who has applied for the exit to enter into the Mainland China area.

第 5 條 役齡前出境，於十九歲徵兵及齡之年十二月三十一日前在國外就學之役男，符合下列各款情形者，得檢附經驗證之在學證明，向內政部警政署入出境管理局（以下簡稱境管局）申請再出境；其在國內停留期間，每次不得逾二個月：

- 一 在國外就讀經當地國教育主管機關立案之正式學歷學校，而修習學士、碩士或博士學位者。
- 二 就學最高年齡，大學至二十四歲，研究所碩士班至二十七歲，博士班至三十歲，均計算至當年十二月三十一日止。但大學學制超過四年者，每增加一年，得延長就學最高年齡一歲，畢業後接續就讀碩士班、博士班者，均得順延就學最高年齡，其順延博士班就讀最高年齡以三十三歲為限。

前項役男返國停留期限屆滿，須延期出境者，依下列規定向境管局辦理，最長不得逾二個月：

- 一 因重病、意外災難或其他不可抗力之特殊事故，檢附就醫醫院診斷書及相關證明者。
- 二 因就讀學校尚在連續假期間，檢附經驗證之就讀學校所開具之假期期間證明者。

役齡前出境，於十九歲徵兵及齡之年十二月三十一日前在香港或澳門就讀之役男，準用前二項規定辦理。

第一項役男未服役者，不得前往大陸地區就讀。但經核准赴大陸地區投資之臺商及其員工之子，於屆滿十六歲之年十二月三十一日前赴大陸地區，均與父母在大陸地區共同居住，並就讀當地教育主管機關立案之正式學歷學校，而修習學士、碩士或博士學位者，於屆役齡後申請再出境，應檢附父或母任職證明及其與父母於大陸地區居住之證明，並準用第一項及第二項之規定辦理。

前項役男於屆滿十六歲之年十二月三十一日起至年滿十九歲之年十二月三十一日止三年期間。曾返臺連續停留時間逾二個月，或父或母曾返臺連續停留時間逾二個月者，視為不符合前項在大陸地區與父母共同居住之規定。

Article 5 For any draftee who has departed from the Taiwan area before reaching his conscription age and has been studying abroad on or before the thirty first day of December of the year he has reach full nineteen (19) age of conscription when qualified with the following requirements may file the application for a re-exit, submitted together with a certificate of study duly notarized, with Entrance & Exit Administration (EEA), Police Administration Department of Ministry of Interior; and each stay shall not be longer than two (2) months:

- 1. The draftee studying abroad is taking his bachelor, master or doctor degree in a academic institute duly accredited by the regulating

authorities of education in that country;

2. The ceiling age for overseas studies is twenty-four (24) years old in case of taking bachelor degree; twenty-seven (27), master degree; and thirty (30), doctor degree; for the purposes hereunder, the ceiling age is accountable until the thirty first day of December in that current year of reaching the ceiling age: Provided, however, that the ceiling age may be extended for one (1) year accordingly if the college the draftee is taking his bachelor degree maintains a system longer than four (4) years; and the ceiling age may be extended accordingly if the draftee continues to take his master and/or doctor degrees upon being conferred with the bachelor degree; and in no case, the extension for taking his doctor degree shall be limited to thirty-three (33) years old.

In the event that the stay in Taiwan by the draftee taking foreign studies as described in the preceding subparagraphs has expired and an extension for exit is desired, the draftee may file the application for the extension with Entrance & Exit Administration pursuant to the following requirements and in no case the extension applied for shall be longer than two months:

1. If the draftee is in serious illness, a victim of a disaster or accident resulted from force majeure, a certificate of diagnosis executed by the attending hospital and related documents shall be also submitted together with the application for extension.
2. If the application for extension is filed at a time the school that the draftee attends is still in the course of a holiday or vacation, a notarized document executed by the school to certify the fact of the holiday/vacation shall be submitted together with the application form.

The preceding two clauses 1, and 2 shall be also applicable to any draftee having departed from Taiwan before reaching his conscription age and has been studying in Hong Kong or Macao on or before the thirty first day of December of the year for reaching his conscription age of nineteen.

Any draftee referred in the preceding Clause 1 who has not yet completed his military service is prevented from having abroad studies in the Mainland China area: Provided, however, that the preceding clauses 1 and 2 shall become applicable for any draftee who is a child to Taiwanese businessman or one of the employees to that businessman; has arrived in the Mainland China area on or before the thirty first (31st) day of December of the year of reaching his full age of sixteen (16) and has been living together with his parents in the Mainland China area; is taking his bachelor, master or doctor degree at a duly accredited school by the regulating authorities of education in the Mainland China area, and is now applying for a re-exit upon having reaching his conscription age. Upon filing the application, a service certificate of either of his parents and a certificate of cohabitation with his parents in the Mainland China area shall be also submitted together with the application form; and in this case, Clause 1 and 2 may become applicable.

Any draftee referred in the preceding paragraph having returned to Taiwan and stayed for a time longer than two (2) months or either of his parents having returned to Taiwan for a continuous stay longer than two (2) months during the three-year term commencing from the thirty first

day of December of the year the draftee has turned to his full age of sixteen (16) until the thirty first day of December of the year the draftee has turned to his full age of nineteen (19), shall be deemed not compliant with the requirements of his cohabitation with his parents in the Mainland China area.

第 6 條 役男已出境尚未返國前，不得委託他人申請再出境；出境及入境期限之時間計算，以出境及入境之翌日起算。

Article 6 Any draftee has departed and not yet returned to Taiwan is prevented from contracting any other person to file the application for re-exit for the draftee; for the purpose of computation of the time of exit and entrance of the draftee, it shall commence from the next day immediately following the exit and entrance.

第 7 條 第四條第一項第一款在學役男申請出境，由其就讀學校檢附相關證明，向戶籍地直轄市、縣（市）政府申請核准。第四條第一項第二款未在學役男申請出境，由其自行檢附相關證明，向戶籍地鄉（鎮、市、區）公所申請核准。

第四條第一項第三款役男申請出境，由戶籍地鄉（鎮、市、區）公所核准。但在學役男且經核准緩徵者，得由境管局依戶籍地直轄市、縣（市）政府核准之緩徵資料核准。

前項未在學役男因上遠洋作業漁船工作者，由船東出具保證書，且經轄區漁會證明後提出申請；因參加政府機關主辦之航海、輪機、電訊、漁撈、加工、製造或冷凍等專業訓練，須上遠洋作業漁船實習者，由主辦訓練單位提出申請。

前項遠洋作業漁船，係指總噸數在一百噸以上或經漁業主管機關核准從事對外漁業合作或以國外基地作業之漁船。

Article 7 For the student draftee as referred in Clause 1 of Paragraph 1 of Article 4, the application for exit submitted together with support documents executed by the school he is attending shall be filed for approval with the local government at where his household registration is maintained. For the exit application filed by a draftee no of the status of a student as referred in Clause 2 of Paragraph 1 of Article 4, the application shall forthwith submit the application together with related documents to and seek approval from the local Public Office.

The application for exit filed by a draftee as referred in Clause 3 of Paragraph 1 of Article 4 shall be filed with the local Public Office of a Hsiang (including Town, City, or District) at where the household registration of the draftee is maintained for approval: Provided, however, that if a deferred conscription has been approved for a student draftee, the approval for exit may be approved by the Entrance & Exit Administration according to the deferred conscription information approved by the local government at where the household registration of the draftee is maintained.

Any draftee referred in the preceding paragraph is not of a student status and is working on a pelagic fishery ship, the application for exit shall be submitted together with a letter of guarantee executed by the ship owner

and certified by the local fishery association at where the household registration of the draftee is maintained; or the application form shall be filed by the sponsoring training unit if the draftee is participating in a professional training program sponsored by regulating authorities of the government on sea navigation, engine operation, telecommunication, fishery, processing, manufacturing or refrigeration and a probation boarding a pelagic fishing ship is required.

The pelagic fishing ship as referred in the preceding paragraph is related to a ship has a tonnage not less than one hundred (100) tons, or has been approved by the fishery regulating authorities to engage in external fishing cooperation or to have operated on an overseas base.

第 8 條 役男出境期限屆滿，因重病、意外災難或其他不可抗力之特殊事故，未能如期返國須延期者，應檢附經驗證之當地就醫醫院診斷書及相關證明，向戶籍地鄉（鎮、市、區）公所申請延期返國，由鄉（鎮、市、區）公所轉報直轄市、縣（市）政府核准。申請延期返國期限每次不得逾二個月，延期期限屆滿，延期原因繼續存在者，應出具經驗證之最近診療及相關證明，重新申請延期返國。

現任駐外外交人員之子，隨父或母出境而就學者，得檢附經驗證之在學證明，向戶籍地直轄市、縣（市）政府申請延期返國，每次不得逾三年；其就學年齡、返國停留期限與延期出境，依第五條規定辦理。駐香港或澳門人員之子準用之。

在遠洋作業漁船工作之役男，未能如期返國須延期者，由船東檢具相關證明，並出具保證書經轄區漁會證明後，向戶籍地鄉（鎮、市、區）公所申請延期返國，轉報直轄市、縣（市）政府核准，延期期限至列入徵集梯次時止。但最長不得逾年滿二十四歲之年十二月三十一日。

Article 8 If upon the expiry of the term of exit, the draftee is prevented from returning to Taiwan for cause of serious illness, hazard or any other special accident of force de majeure and an extension for the return is required, an application for an extension of return together with a notarized diagnosis certificate executed by a local hospital and related support documents shall be submitted to the local Public Office where the household registration of the draftee is maintained and seek the approval from the local government in care of the Public Office. Up to two (2) months will be approved for each extension and a renewal of application submitted together with a certificate of the latest diagnosis and support documents is required if upon the expiry of the extension and the cause to prevent the draftee from returning to Taiwan still exists. For any son to a diplomat residing overseas, or any son who is a student having departed from Taiwan together with either of his parents may file the application for an extended return to Taiwan for a term up to three (3) years for each extension by submitting a notarized certificate of study with the local government at where his household registration is maintained; and Article 5 shall become operative in terms of age of attending school, term of stay in Taiwan, and extended exit. Provisions set forth in this paragraph is also applicable to the son of a diplomat residing in Hong Kong or Macao.

In the event that any draftee working on a pelagic fishing ship is

prevented from returning to Taiwan as scheduled and an extension is required, the ship owner shall submit related documents, execute a letter of guarantee certified by the fishery association of the jurisdiction to apply for an extended return to Taiwan for a term up to the deadline of the phase specified in the conscription order with the Public Office at where the household registration of the draftee is maintained to seek approval from the local government in care of the Public Office: Provided, however, that the term of extension applied for shall never be over the thirty first day of December of the year the draftee turns to his full age of twenty-four (24).

第 9 條 役男有下列情形之一者，限制其出境：

- 一 已列入梯次徵集對象者。
- 二 經通知徵兵體檢處理者。
- 三 歸國僑民及僑生，依歸國僑民服役辦法規定，依法應履行兵役義務者。
- 四 依兵役及其他法規應管制出境者。

前項第一款至第三款役男，因直系血親或配偶病危或死亡，須出境探病或奔喪者，檢附經驗證之相關證明，經戶籍地直轄市、縣（市）政府核准，得同意出境，期間以三十日為限。

第一項第二款役男經完成徵兵體檢處理者，解除其限制。

第一項第四款情形，由司法、軍法機關或該管中央主管機關函送境管局辦理。

Article 9 Any draftee found with any of the following events is restricted from departing from Taiwan:

1. He is already listed in a specific phase of conscription;
2. He has been notified to take the conscription examination;
3. He, as a returning Overseas Chinese or student is obligated to perform military service as provided in Conscription Regulations for Returning Overseas Chinese; or
4. He is restricted from departure according to Conscription Law and any other applicable laws and regulations.

Any draftee referred in Clauses 1 through 3 of the preceding paragraph desired to depart from Taiwan for the occasion that his direct blood, or spouse overseas is dying or deceased may file the application for exit submitted together with notarized support documents with the local government for approval, and the term of exit when approved shall not be longer than thirty (30) days.

The restriction shall be lifted for any draftee referred in Clause 2 of Paragraph 1 who has completed the conscription examination.

For the event described in Clause 4 of Paragraph 1, the judicial, military institute or the regulating authorities at the central level shall serve an official act to the Entrance and Exit Administration for handling.

第 10 條 役男出境逾規定期限返國者，或役齡前出境在國外就學返國逾規定停留期限者，不予受理其當年及次年出境之申請。

前項役男直系血親或配偶病危或死亡，須出境探病或奔喪者，得依前條第

二項規定辦理。

- Article 10 The application for exit filed in then current year or the next year immediately followed filed by any draftee who fails to returned to Taiwan before the expiry of the term specified for the exit, or who having exited from Taiwan for overseas studies at a time before reaching his conscription age and later returned to Taiwan to stay for a term exceeding that as approved.
If the draftee referred in the preceding paragraph shall exit in case of any of his direct blood, or spouse living overseas is dying or deceased, Paragraph 2 of Article 9 shall prevail.

第 11 條 依第五條、第八條及第九條應繳附之文件應附中文譯本；其在國外、香港或澳門製作者，中、外文本均應經我駐外使領館、代表處、辦事處、駐香港、澳門機構、經政府授權機構或受政府委託之民間團體驗證；其在大陸地區製作者，應經行政院設立或指定之機構或委託之民間團體驗證。

- Article 11 Submittals specified in Articles 5, 8, and 9 shall be each attached with a copy of Chinese translation. For any document prepared in a foreign country, Hong Kong, or Macao, both versions of Chinese and foreign language shall be certified by ROC embassy, consulate, representative office, office, agency reside in Hong Kong, Macao, any agency authorized by or any civil organization contracted by the government of the Republic of China; if prepared in the Mainland China area, by any agency created or appointed by Executive Yuan, or any civil organization contracted by Executive Yuan.

第 12 條 役男依第四條申請出境或第五條申請再出境者，其護照效期以三年為限，並應加蓋「尚未履行兵役義務」戳記。
護照加蓋「尚未履行兵役義務」戳記者，未經內政部核准，其護照不得為僑居身分加簽。

- Article 12 The valid term for the passport issued to a draftee who has applied for exit under Article 4 or the re-exit under Article 5 shall not be longer than three (3) years, and the passport shall be separately operated with the chop reading "Conscription Obligation Pending".
Unless provided with the prior approval from MOI, no additional visa for the status of Overseas Chinese shall be operated on any passport already operated with the chop reading "Conscription Obligation Pending".

第 13 條 各相關機關對申請出境之役男，依下列規定配合處理：

- 一 外交部：於核發護照時，末頁加蓋尚未履行兵役義務戳記。
- 二 境管局：
 - (一) 對役男申請出境，符合規定者，核准出境；其護照末頁未加蓋尚未履行兵役義務戳記者，應予以補蓋。
 - (二) 每月列印核准出境之役男入出境動態資料通報名冊，分送相關直轄市、縣 (市) 政府。
 - (三) 經核准出境之役男，出境逾規定期限者，通知相關直轄市、縣 (市)

) 政府。

三 直轄市、縣 (市) 政府：

- (一) 依據學校造送之名冊或境管局之通知，對逾期未返國役男，通知鄉 (鎮、市、區) 公所對本人、戶長或其家屬催告。
- (二) 經催告仍未返國服役者，徵兵機關得查明事實並檢具相關證明，依妨害兵役治罪條例規定，移送法辦。
- (三) 對役男申請出境，符合規定者，核准出境；其護照末頁未加蓋尚未履行兵役義務戳記者，應予以補蓋。

四 鄉 (鎮、市、區) 公所：

- (一) 役男出境及其出境後之入境，戶籍未依規定辦理，致無法辦理徵兵處理者，查明原因，轉報直轄市、縣 (市) 政府辦理，其有妨害兵役治罪條例之事實者，移送法辦。
- (二) 對役男申請出境，符合規定者，核准出境；其護照末頁未加蓋尚未履行兵役義務戳記者，應予以補蓋。

在學緩徵役男因休學、退學或經開除學籍，其肄業學校應依免役禁役緩徵緩召實施辦法規定，於學生離校之日起三十日內，通知其戶籍地直轄市、縣 (市) 政府，廢止其緩徵核准。

Article 13 All the regulating authorities shall coordinate to process the application for exit by a draftee according to the following requirements:

- 1. Ministry of Foreign Affairs: to operate the chop reading "Conscription Obligation Pending" on the final page of the passport issued to the draftee.
- 2. Entrance & Exit Administration:
 - (1) To approve the exit to any draftee qualified with the exit requirements and to operate the chop reading "Conscription Obligation Pending" on the last page of the passport if not previously operated by MOFA.
 - (2) To print out a monthly communication list of the information on the entrance and exit records of the draftee approved for exit, and deliver the same to all local governments.
 - (3) To notify the local government concerned for any draftee approved for exit has not yet returned upon the expiry date of the term approved for the exit.
- 3. Local Government:
 - (1) To notify the Public Office to demand the principal, the head of the household or his family of the draftee not yet having returned to Taiwan according to the list produced and delivered by the school, or as notified by the Entrance & Exit Administration.
 - (2) For any draftee though having been served with the demand and not yet returned to Taiwan, the conscription agency shall verify the facts and submit support documents to refer the draftee to the law pursuant to Regulations of Disposition of Interference with Conscription.
 - (3) To approve the exit to any draftee qualified with the exit requirements and to operate the chop reading "Conscription Obligation Pending" on the last page of the passport if not previously operated by MOFA.

4. Public Office:

- (1) To investigate into the cause of the absence of duly processing the conscription formalities due to the failure of the draftee having departed from Taiwan and later re-entering into Taiwan after the exit to complete the household registration as required, and then refer the matter to the local government to refer the failure of the draftee to the law if found with the offense against Regulations of Disposition of Interference with Conscription.
- (2) To approve the exit to any draftee qualified with the exit requirements and to operate the chop reading "Conscription Obligation Pending" on the last page of the passport if not previously operated by MOFA.

For any student approved with a deferred conscription when having suspended his studies, dropped out of the school or terminated with his student status, the school having suspended, rejected, or terminated the draftee shall notify the local government at where the household registration of the draftee is maintained within thirty (30) days upon the draftee is separated, to revoke its approval for a deferred conscription granted to the draftee pursuant to Enforcement Regulations of Exemption, Restriction, Deferred Calling and Deferred Conscription.

第 14 條 在臺原有戶籍兼有雙重國籍之役男，應持中華民國護照入出境；其持外國護照入境，依法仍應徵兵處理者，應限制其出境。

Article 14 For a draftee having maintained his household registration in Taiwan and has at the same time the status of double nationalities shall enter into and depart from Taiwan by presenting his ROC passport; any draftee entering into Taiwan by presenting a foreign passport and is duly subject to conscription shall be restricted from departing from Taiwan.

第 15 條 役男出境後其護照效期屆滿，未經內政部核准，不得辦理換領新護照。

Article 15 Unless provided with the prior approval from MOI, the application for a renewal of passport by a draftee that is outdated after his departure from Taiwan.

第 16 條 基於國防軍事需要，得由國防部會同內政部陳報行政院核准停止辦理一部或全部役男出境。

Article 16 If and when by the national defense and military purposes, MOD may jointly with MOI seek the approval from Executive Yuan to suspend accepting all or any part of the applications for exit filed by draftees.

第 17 條 依法免役、禁役之役男，或待訓之國民兵、已訓之國民兵、補充兵辦理入出境手續，不受本辦法限制。

僑民、大陸地區、香港、澳門來臺役男，依法尚不須辦理徵兵處理者，應憑相關證明，向境管局申請出境核准。

Article 17 These Regulations are not applicable to the application for entrance or exit filed by any draftee who is duly exempted from or restricted from taking military service, or who is a national guard already completed or

pending the training, or a replacement.

Any draftee who is an Overseas Chinese, or coming from the Mainland China area, Hong Kong, or Macao and not yet required to be subject to conscription process according to the law applying for exit shall submit support documents to file for the approval with Entrance & Exit Administration.

第 18 條 本辦法中華民國八十七年六月二十六日修正施行前，已於役齡前出境而在國外就讀正式學歷學校之男子，屆役齡後返國申請再出境者，其應檢附經驗證之正式學歷學校在學證明，不受第五條第一項第一款修習學士、碩士或博士學位之限制。

Article 18 For any male citizen who had departed from Taiwan before reaching his conscription age and is now studying at a duly accredited school overseas before the enactment of these Regulations as amended on June 26, 1989 has returned to Taiwan after having reached his conscription age and is applying for a re-exit, shall submit together with the application form a notarized certificate of study executed by a duly accredited school without being subject to the limits set forth in Clause 1 of Paragraph 1 of Article 5 on taking bachelor, master or doctor degree.

第 19 條 本辦法所定相關表冊格式，由內政部另定之。

Article 19 MOI shall separately specify the format respectively for the lists and forms provided under these Regulations.

第 20 條 本辦法自中華民國八十七年六月二十六日施行。
本辦法修正條文自發布日施行。

Article 20 These Regulations shall become operative on and after June 26, 1998. These Regulations as amended shall become operative on and after the day they are published.