



僑民役男 Q & A 在臺服役簡介

Q & A for Overseas Chinese Draftees
Serving Military Service in Taiwan



臺北市政府兵役局

Department Of Compulsory Military Service,
Taipei City Government

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壹、前言

當前我國與國際間之交流互動十分頻繁，海內外僑胞進出臺灣之情形相當普遍，返臺探親、度假，甚或回臺工作者，日漸增多。僑民中具役男身分者，返臺涉及兵役義務問題，依據兵役相關法令之規定，僑民仍有履行兵役之義務。惟為配合國家僑務政策，並考量僑民長期旅居國外，政府為免僑民役男一旦返國處理事務須立即接受徵兵處理，乃給予返國定居者有一段適應期，因此訂定「歸化我國國籍者及歸國僑民服役辦法」規定，以僑民役男返國居留達一定時間，始予辦理徵兵處理之優惠。

有鑑僑民出國多年，對於國內法令規定不盡熟悉，每每於返國前或返國後，詢問服兵役之相關問題者，為數頗多，故將有關僑民役男服役之規定彙集說明，以供參考：

一、僑民役男依法仍有服兵役之義務：

依兵役法規定凡具有中華民國國籍之男子依法皆有服兵役之義務，因此凡年齡屆 19 歲之年 1 月 1 日起至 36 歲之年 12 月 31 日止之役齡男子，依法皆應接受徵兵處理。僑民役男雖具雙重國籍，然因仍具有我國國籍，故依憲法第 20 條及兵役法第 1 條規定，同屬具有中華民國國籍之役男身分者，基於依法行政，皆有服兵役之義務，均應接受兵役相關法令之規範。

二、申請取得僑居身分必須具備之條件：

居住於有永久居留制度之國家或地區之具中華民國國籍接近役齡男子或役齡男子，其申請取得僑居身分（申請護照加簽為僑居身分 - 「僑居身分加簽」），必須具備下列幾項條件：

- （一）於年滿 15 歲之年 12 月 31 日以前出境國外（或於國外出生）。
- （二）持有效之中華民國普通護照。
- （三）取得僑居國有效永久居留權。
- （四）在國外居住累計滿 4 年。
- （五）在僑居地連續居住滿 6 個月或最近 2 年每年在僑居地累計居住 8 個月以上。
- （六）於接近役齡 16 歲之年 1 月 1 日至 18 歲之年 12 月 31 日期間返國，每年累計未超過 183 日者。並於屆役齡 19 歲之年 1 月 1 日以後，尚未具備上述（三）、（四）、（五）項條件前，必須未曾入出境臺灣。而居住於無

永久居留制度，或有永久居留制度而永久居留權取得困難之國家或地區之具中華民國國籍接近役齡男子或役男，其申請取得僑居身分，其所須具備條件，除「取得僑居地居留資格連續 4 年，且能繼續延長居留。」之條件與上述第（三）項不同外，餘均相同。又僑民身分之認定，係由其主管機關僑務委員會認定之。

三、申請註銷「尚未履行兵役義務」戳記並為僑居身分加簽：

「護照條例施行細則」第 16 條第 7 項規定：僑居身分之認定，依僑務委員會主管之法規辦理。另依「尚未履行兵役義務男子申辦護照及僑居身分加簽限制辦法」第 12 條第 2 項規定：所持護照經加蓋尚未履行兵役義務戳記之接近役齡男子或役男，除有特殊原因，經內政部同意者外，其護照不得為僑居身分加簽。所持護照未加蓋尚未履行兵役義務戳記之接近役齡男子或役男，於年滿 15 歲當年之 12 月 31 日以前出國，年滿 16 歲當年之 1 月 1 日以後，尚未具僑居加簽資格時，有入出境之情形者，亦同。又「接近役齡男子出境審查作業規定」第 4 點規定：接近役齡男子之護照效期，以 5 年為限。有下列情形之一者，除有特殊原因，經內政部同意外，不得為僑居身分加簽：

- （一）護照加蓋尚未履行兵役義務戳記者。
- （二）未具僑民身分之接近役齡男子，持外國護照入出境者。
- （三）接近役齡男子於年滿 15 歲之年 12 月 31 日以前出國，所持護照未加蓋尚未履行兵役義務戳記，在未具僑居加簽資格前，有入出境之情形者。年滿 15 歲之年 12 月 31 日以前出國，若接近役齡期間返國，每年累計未逾 183 日者，於符合僑居身分加簽資格時，得向外交部領事事務局或我國駐外館處申請逕為註銷尚未履行兵役義務戳記，並為僑居身分加簽。（註：所稱「接近役齡男子」，係指年滿 15 歲之翌年 1 月 1 日起，至屆滿 18 歲之年 12 月 31 日之男子。）



四、歸國僑民役男之服役辦法：

依據我國現行之「歸化我國國籍者及歸國僑民服役辦法」，其服役規定以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 1 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 1 年時，依法辦理徵兵處理。僑民返國居住滿 1 年之計算方式：

- (一) 連續居住滿 1 年。
- (二) 中華民國 73 年次以前出生之役齡男子，以居住逾 4 個月達 3 次者為準。
- (三) 中華民國 74 年次以後出生之役齡男子，以曾有 2 年，每年 1 月 1 日至 12 月 31 日期間累積居住逾 183 日為準。

又歸國僑民役男之身分，以申請人取得僑務主管機關（僑務委員會）核發之役政用華僑身分證明書，或持有僑居身分加簽之中華民國護照者認定之。



貳、僑民役男在臺服役 Q & A

Q1. 什麼年齡叫做「役齡男子」？19歲徵兵及齡如何計算？「兵役年齡」又如何計算呢？

A1

凡年齡屆 19 歲之年 1 月 1 日起至 36 歲之年 12 月 31 日止之男子，依法皆應接受徵兵處理，稱為「役齡男子」，簡稱「役男」；徵兵及齡男子，為年齡屆 19 歲之年 1 月 1 日起之具中華民國國籍之男子，其計算方式：以現為民國幾年減去出生年次，其數目如為 19，即為徵兵及齡（例：民國 105 年-86 年次=19 歲）；承上例，86 年次 1 月 1 日至 12 月 31 日出生之役男，於民國 105 年 1 月 1 日起至 12 月 31 日止，一整年時間皆為 19 歲，以此類推。

Q2. 僑民役男服役之主要法令為何？其立法依據及目的為何？

A2

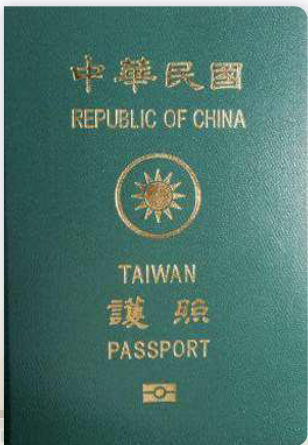
僑民役男服役之主要法令為「歸化我國國籍者及歸國僑民服役辦法」。上述辦法，係依據兵役法施行法第 23 條規定訂定。本辦法係以配合國家僑務政策，並考量僑民長期旅居國外，為免其返國處理事務立即接受徵兵處理，及給予返國定居者能有適應期，因此訂定「歸化我國國籍者及歸國僑民服役辦法」規定，以僑民役男返國居留達一定時間，始予辦理徵兵處理之優惠。



Q3. 具雙重國籍的男子在臺灣要不要當兵？ 如何取得僑民身分？

A3

依我國憲法第 20 條及兵役法第 1 條規定，凡具有中華民國國籍之役齡男子皆有服兵役之義務，基於依法行政，具雙重國籍的役齡男子在臺灣均有服兵役之義務，應接受兵役相關法令之規範。有關我國之僑民身分，應經申請取得，並非具有雙重國籍即當然為「僑民」，又不具僑民身分，即屬國內一般役男身分。僑民身分之申請取得，在國外，以向我國駐外館處申請於中華民國護照內加蓋《僑居身分加簽》；在國內，可向僑務委員會申請《役政用華僑身分證明書》證明，或向該會申請確認為僑民身分後，持憑核准公文再向外交部領事事務局申請於中華民國護照內加蓋《僑居身分加簽》。凡持有「役政用華僑身分證明書」或「僑居身分加簽之中華民國護照」之役齡男子，即為「僑民役男」。



華僑身分證明書(僅供役政用)

(○○)僑綜證字第○○○○○號

茲證明 ○○○ 君係僑居 ○○ 之華僑

中文姓名：○○○

外文姓名、別名：○○○

出生日期：民國 ○○ 年 ○○ 月 ○○ 日

國民身分證統一編號：○○○○○○○○○○

法律依據：華僑身分證明條例

證明書效期：自核發之日起算為一年

僑務委員會

中華民國 ○○ 年 ○○ 月 ○○ 日

Q4. 我國男子幾歲以前移民國外才可以辦理僑居身分加簽？如何辦理？有問題要向哪個機關查詢？

我國男子必須是 15 歲以前出境臺灣移民國外，才可以辦理僑居身分加簽。自臺灣移居國外的男子，於符合下列僑居身分加簽資格時，得向外交部領事事務局或我國駐外館處申請逕為註銷尚未履行兵役義務戳記，並為僑居身分加簽：

- (一) 須於年滿 15 歲之年 12 月 31 日以前出境國外（或於國外出生）。
- (二) 持有效之中華民國普通護照。
- (三) 取得僑居國有效永久居留權。
- (四) 在國外居住累計滿 4 年。
- (五) 在僑居地連續居住滿 6 個月或最近 2 年每年在僑居地累計居住 8 個月以上。
- (六) 於接近役齡 16 歲之年 1 月 1 日至 18 歲之年 12 月 31 日期間返國，每年累計未超過 183 日者。並且，屆役齡 19 歲之年 1 月 1 日以後，尚未具有上述（三）、（四）及（五）項條件前，必須未曾入出境臺灣。

有關僑居身分加簽方面問題，可以直接向僑務委員會、外交部領事事務局或我國駐外館處查詢。



Q5. 僑民役男服役的規定如何？

A5

依據我國 91 年 12 月 30 日修正發布之現行「歸化我國國籍者及歸國僑民服役辦法」，僑民役男服役規定以：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 1 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 1 年時，依法辦理徵兵處理。僑民返國居住滿 1 年之計算方式：

- (一) 連續居住滿 1 年。
- (二) 中華民國 73 年次以前出生之役齡男子，以居住逾 4 個月達 3 次者為準。
- (三) 中華民國 74 年次以後出生之役齡男子，以曾有 2 年，每年 1 月 1 日至 12 月 31 日期間累積居住逾 183 日為準。

僑民役男一旦須依法辦理徵兵處理，其兵役義務即與國內一般役男完全相同。關於服兵役，依兵役法規定之徵兵處理，役男應接受「兵籍調查」，之後並依通知到指定之檢查醫院接受「徵兵檢查（體格檢查）」，檢查結果體位判定為常備役體位者，應參加「抽籤」，並依所抽中之軍種兵科及號次，按順序「徵集」入營服役，願意服替代役者，則可於常備役體位申請服替代役期間，依公告規定申請服替代役；若檢查結果體位判定為替代役體位者，則參加入營順序抽籤，依抽籤號次徵集入營服替代役；若為免役體位者，則免服兵役。





A6

Q6. 有關73年次以前出生之僑民役男在國內居留逾4個月如何計算？

依歸化我國國籍者及歸國僑民服役辦法第4條第1項第2款所稱居住逾4個月之計算，係指回國停留時間，超逾4個月，但入境日及出境日不計算國內停留日數。例如：2月25日入境，6月26日出境，該次國內停留計4個月，若該次是6月27日出境，則計至6月26日國內停留為4個月又1日，應記錄逾4個月1次。

A7

Q7. 有關74年次以後出生之僑民役男在國內居留逾183日如何計算？

依歸化我國國籍者及歸國僑民服役辦法第4條第1項第3款所稱居住逾183日之計算，例如：某僑民役男77年次，係於役齡前（80年12月5日）出境，屆役齡後返國，95年累積在臺居住計99日、96年累積在臺居住計91日，95年、96年合計在臺居住190日，倘非「連續居住滿1年」之情形，則應以按其居住在臺之各年度（每年1月1日至12月31日）計算有無逾183日，若1年內未逾183日則不予計算該年度臺居住時間；倘屆役齡後曾有2個年度均已逾183日，即屬居住屆滿1年之計算，則應依法辦理徵兵處理。

Q8. 持外國護照入境之歸國僑民，是否不受中華民國相關之兵役法令約束？

A8

依現行「歸化我國國籍者及歸國僑民服役辦法」第 5 條第 1 項規定：持外國護照入境之歸國僑民，具有役齡男子身分者，適用該辦法有關歸國僑民之規定。其入出境紀錄列計在臺居留期間；其持本國護照及外國護照在臺停留時間，合併計算。在臺居留若屆滿 1 年時，應依法辦理徵兵處理，並按「役男出境處理辦法」第 9 條第 1 項第 3 款規定：歸國僑民役男，依「歸化我國國籍者及歸國僑民服役辦法」規定，應限制出境至履行兵役義務時止。及同法第 14 條規定：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。（嗣依法補行徵兵處理，並履行兵役義務後，始得解除其限制。）

Q9. 歸國僑民之男子返國就學者，其兵役問題如何處理？

A9

歸國僑民之男子返國就學，於役齡前（18 歲前）在臺居留並不涉及兵役問題，其就學悉依教育部及僑務委員會相關規定。歸國僑民返國就學之役齡男子，依據我國 91 年 12 月 30 日修正發布之「歸化我國國籍者及歸國僑民服役辦法」第 4 條第 2 項規定，在符合緩徵條件之期間，返國就學不列入居住時間計算，但在離開學校（休學、退學或畢業）之後，就必須依規定計算在臺居留時間，於居住屆滿 1 年時，依法辦理徵兵處理。又，具有僑居加簽身分役男於國外高級中等以上學校畢業，再返國就讀相同等級或低於原等級學校，並不符合「歸化我國國籍者及歸國僑民服役辦法」第 4 條第 2 項之在學緩徵條件，一併敘明。再者，為配合政府僑教政策，凡具僑民身分之役男，經依規定輔導回國就學者，其在就讀國立臺灣師範大學僑生先修部期間，得不計算其在臺居住時間。



Q10. 原具香港、澳門僑民身分之男子，是否適用有關歸國僑民之規定？

A10

原具香港、澳門僑民身分之男子，具有下列條件之一，經僑務委員會出具證明者，適用「歸化我國國籍者及歸國僑民服役辦法」有關歸國僑民之規定：

- (一) 於中華民國 86 年 7 月 1 日前自香港地區，或於中華民國 88 年 12 月 20 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 86 年 7 月 1 日前在香港地區，或於中華民國 88 年 12 月 20 日前在澳門地區居住 4 年以上，並取得當地永久居留資格者。

Q11. 歸國僑民及原具香港、澳門地區僑民身分之役男，依法尚不須辦理徵兵處理者，如何申辦出境？

A11

僑民役男在臺居住未屆滿 1 年者，應檢附已加簽僑居身分護照或僑委會出具之有效僑民身分證明、護照正本等相關證明，向內政部移民署申請出境核准；又香港、澳門來臺役男在臺設戶籍未屆滿 1 年者，應檢附初次設戶籍之戶籍謄本、身分證影本、護照正本等相關證明，向內政部移民署申請出境核准。



Q12. 申請註銷護照內「尚未履行兵役義務」戳記之「特殊原因」認定為何？

A12

對於所持護照經加蓋尚未履行兵役義務戳記之接近役齡男子或役男，為辦理僑居身分加簽，申請註銷護照內「尚未履行兵役義務」戳記之「特殊原因」認定，須經內政部（役政署）同意。所稱「特殊原因」，係指已合於辦理僑居之役男，因故未辦理，或於年滿 15 歲當年之 12 月 31 日以前出國，在未取得僑居加簽前，因配偶或直系血親病危或死亡急難事件發生等不可抗力情事須返國處理，因而護照經加蓋尚未履行兵役義務戳記者，始予視為特殊原因。

Q13. 僑民或海外留學生返國服兵役有無優待？

A13

僑民或海外留學生役男返國服兵役之權利與義務，與國內一般役男完全相同。



Q14. 有關僑民役男在國內居住尚未屆滿1年，或歸化我國國籍者、大陸地區、香港、澳門來臺役男尚未設籍滿1年，可否提前辦理徵兵處理？

A14

依「歸化我國國籍者及歸國僑民服役辦法」第2條規定，歸化我國國籍之役齡男子，自初設戶籍登記之翌日起，屆滿1年時，依法辦理徵兵處理。同辦法第3條規定，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1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1年時，依法辦理徵兵處理。另依「徵兵規則」第39條規定，大陸地區、香港、澳門來臺之役男，自初設戶籍登記之翌日起，於屆滿1年後，依法辦理徵兵處理。惟依內政部役政署102年6月19日役署徵字第1025022732號函釋略以：「依徵兵規則及歸化我國國籍者及歸國僑民服役辦法規定，有關僑民役男在臺居住屆滿1年，或歸化我國國籍者、大陸地區、香港、澳門來臺役男初設戶籍屆滿1年，始須辦理徵兵處理，但渠等倘以放棄居住或設籍屆滿1年之適應期權益，切結申請志願提前接受徵兵處理，為衡酌其生涯規劃因素考量，得予以受理，並依檢查結果判定體位。」準此，前述徵兵處理條件尚未成就，但切結申請志願提前辦理徵兵處理之役男，均得依徵兵檢查結果判定體位並續辦理徵兵處理事宜。



Foreword

As a result of the frequent interaction between our and other countries nowadays, it is getting common for Overseas Chinese to enter and exit Taiwan to visit relatives, be on holidays, even to work in Taiwan. Overseas Chinese males who are in the capacity of draftees are facing military-service-related issues. According to the laws, Overseas Chinese draftees are still obligated to serve military service. However, in order to comply with the country's policies governing Overseas Chinese affairs, the government has also taken into consideration the need of Overseas Chinese to deal with quotidian affairs once they return to Taiwan. Therefore, Conscription Regulations for Naturalized Aliens & Returning Overseas Chinese has been amended to accommodate the need of Overseas Chinese draftees, allowing them a period of acclimatization; that is, they shall be subjected to military service enlistment only after staying for a certain period of time.

Due to the plentiful questions regarding military service raised by Overseas Chinese who have stayed abroad for years, and thus unfamiliar with the conscription laws, this pamphlet has been compiled in the hope to clarify the aforementioned conscription-related issues.

1. Overseas Chinese draftees are still obligated to serve military service according to the laws:

According to the Conscription Law, men who possess ROC (Taiwan) citizenship are obligated to render mandatory military service. Those who are 19 years of age on January 1st to 36 years of age on December 31st are subject to conscription enlistment. Though having dual citizenship, Overseas Chinese draftees still possess ROC (Taiwan) citizenship; hence they are still qualified as draftees based on Article 20 of the Constitution and Article 1 of the Conscription Law.

2. The requirements for applying for Overseas Chinese Status:

To apply for Overseas Chinese Status (Overseas Chinese Identity Endorsement), those approaching, or of military service age who live in countries with permanent residence system and who are reaching conscription age shall meet the requirements as follows:

- (1) Having emigrated before December 31st of the year in which they reach 15 years of age, (or were born abroad.)
- (2) In possession of a valid ROC (Taiwan) Passport.
- (3) Having obtained permanent residence status in the country of residence.
- (4) Having been living abroad for at least 4 years in accumulation.
- (5) Having continually resided in the country of residence for 6 months in full or having resided for more than 8 months in accumulation per year in the last two years.
- (6) Having returned to ROC (Taiwan) during the period of January 1st of the year in which draftees reach the age of 16 to December 31st of the year in which they reach the age of 18 and having stayed for less than 183 days in accumulation.

Additionally, having not entered or exited Taiwan after January 1st of the year in which they reach the age of 19 before meeting Items 3, 4 and 5.

As for those who live in countries without permanent residence system or who live in countries where permanent residency is hard to obtain, the requirements shall be the same as the preceding Items except for Item (3); that is, they shall be able to establish prolonged status of residency along with the residence permit for four consecutive years. Furthermore, the eligible identity of Overseas Chinese Status is to be verified by the judicial authority, the Overseas Chinese Affairs Commission.

3. To apply to nullify the stamp “Not Fulfilled Military Service Obligations” and obtain Overseas Chinese Identity Endorsement:

According to Article 16, Paragraph 7 of “Enforcement Rules of the Passport Act”, the eligible identity of Overseas Chinese status is subjected to the regulations of Overseas Chinese Affairs Commission. In addition, based on Article 12, Paragraph 2 of “Regulations Governing the Issuance of Passports for Men Who Have Not Fulfilled Military Service Obligations and Overseas Chinese Identity Endorsement”, men approaching, or of military service age with the stamp “Not Fulfilled Military Service Obligations” cannot apply for Overseas Chinese Identity Endorsement except for occurrences of extraordinary causes as verified by the Ministry of the Interior. It also applies to men without the stamp (“Not Fulfilled Military Service Obligations”) who leave Taiwan before December 31st in the year in which they reach 15 years of age or after January 1st in the year in which they reach the age of 16. Furthermore, according to Item 4 of “Operational Directions for Exit of Men Approaching Military Service Age”, the validity of passport issued to men approaching military service age is up to 5 years. Also, except for occurrences of extraordinary causes as verified by the Ministry of the Interior, they cannot apply for Overseas Chinese Identity Endorsement if meeting any of the following:

- (1) In possession of a passport stamped with “Not Fulfilled Military Service Obligations.”
- (2) Men approaching military service age without the eligible identity of Overseas Chinese who enter or exit Taiwan in a foreign passport.
- (3) Having left Taiwan before December 31st in the year in which they reach the age of 15, men approaching military service whose passports are without the stamp “Not Fulfilled Military Service Obligations” enter or leave Taiwan before they get qualified for Overseas Chinese Identity Endorsement. If men as the preceding Item (3) have entered Taiwan and stayed less than 183 days in accumulation per year before they reach military service age, they can apply to nullify the stamp “Not Fulfilled Military Service Obligations” and apply for Overseas Chinese Identity Endorsement. (Remarks: the so-called “men approaching military service age” refer to all male citizens 15 years of age on January 1st to 18 years of age on December 31st.)

4. Regulations Governing Returning Overseas Chinese Draftees:

According to “Conscription Regulations for Naturalized Aliens & Returning Overseas Chinese” , the regulations governing Overseas Chinese draftees are as follows:

A draftee-to-be in the status of an Overseas Chinese having previously established household registration in the Republic of China (Taiwan) 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 (Taiwan).

A draftee-to-be in the status of an Overseas Chinese having not established household registration in the Republic of China (Taiwan) 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 (Taiwan).

The expiry of one-year period set forth in Paragraphs 1 and 2 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 1985.

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.



Q&A for Overseas Chinese Draftees Serving Military Service in Taiwan

Q1. Who are “men of conscription age” ?
How is “conscription age” calculated?

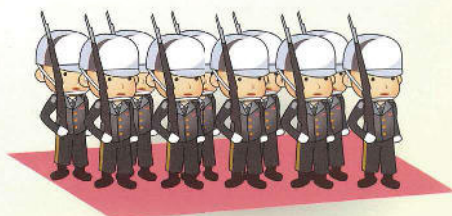
A1

According to the laws, all male citizens 19 years of age on January 1st to 36 years of age on December 31st are obligated to render mandatory military service; they are considered men of conscription age and are referred to as draftees. Draftees are those who possess ROC (Taiwan) citizenship and who are 19 years of age on January 1st, and the calculation method is as follows: the current year minus the birth year yielding an answer of 19 and above is considered conscription age (e.g. 2016 - 1997 = 19). Draftees who were born between January 1st and December 31st in 1997 are considered as being 19 years of age from January 1st to December 31st of 2016.

Q2. What is the law governing military service for Overseas Chinese? What is its legal basis and purpose?

A2

The regulations governing military service for Overseas Chinese are “Conscription Regulations for Naturalized Aliens & Returning Overseas Chinese”. These regulations are duly enacted in accordance with Article 23 of the Conscription Law. The regulations have been established in accordance with Taiwan’s policy regarding Overseas Chinese affairs and have taken into consideration the need of Overseas Chinese to deal with quotidian affairs without being conscripted as soon as they come back to Taiwan, thus allowing them a period of acclimatization. The regulations stipulate that Overseas Chinese draftees could stay for a certain period of time without being conscripted.



Q4. Who could apply for Overseas Chinese Identity Endorsement? What does the application process entail? To which agency should queries be directed?

A4

Only those who have emigrated before the age of 15 could apply for Overseas Chinese Identity Endorsement. Citizens emigrated from Taiwan could apply to nullify the stamp “Not Fulfilled Military Service Obligations” in their passport and obtain Overseas Chinese Identity Endorsement if meeting the following:

1. Having emigrated before December 31st of the year in which they reach 15 years of age. (or were born abroad.)
2. In possession of a valid ROC (Taiwan) Passport.
3. Having obtained permanent residence status in the country of residence.
4. Having been living abroad for at least 4 years in accumulation.
5. Having continually resided in the country of residence for 6 months in full or having resided for more than 8 months in accumulation per year in the last two years.
6. Having returned to ROC (Taiwan) during the period of January 1st of the year in which draftees reach the age of 16 to December 31st of the year in which they reach the age of 18 and having stayed for less than 183 days in accumulation.

Additionally, having not entered or exited Taiwan after January 1st of the year in which they reach the age of 19 before meeting Items 3, 4 and 5.

Queries regarding Overseas Chinese Identity Endorsement shall be directed to Overseas Chinese Affairs Commission, Bureau of Consular Affairs of Ministry of Foreign Affairs or overseas embassies of the Ministry of Foreign Affairs.



Q5. What are the regulations governing military service for Overseas Chinese draftees?

A5

According to “Conscription Regulations for Naturalized Aliens & Returning Overseas Chinese” amended on December 30th, 2002, the regulations for Overseas Chinese draftees are as follows:

A draftee-to-be in the status of an Overseas Chinese having previously established household registration in the Republic of China (Taiwan) 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 (Taiwan).

A draftee-to-be in the status of an Overseas Chinese having not established household registration in the Republic of China (Taiwan) 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 (Taiwan).

The expiry of one-year period set forth in Paragraphs 1 and 2 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 1st to December 31st of every year for two years in case a draftee-to-be born in the year after 1985.

Once the conscription enlistment is in place, Overseas Chinese draftees have the same obligations as regular draftees. Draftees shall undergo Military Registration Investigation and Conscription(Physical) Examination. Those whose physical fitness falls in the level “Regular” shall be drafted after drawing lots. Alternatively, if they are willing to serve alternative service, they could apply for serving Alternative Service. Those whose physical fitness falls in the level “Alternative Servicemen” shall make an application in accordance with relevant governing regulations. Those whose physical fitness falls in the level “Military Exemption” shall be exempted from military service.

Q6. How is the four-month residing period for Overseas Chinese draftees born before 1984 calculated?

A6

According to Article 4, Paragraph 1, Subparagraph 2 of “Conscription Regulations for Naturalized Aliens & Returning Overseas Chinese”, the four-month residing period does not contain the days of departure and arrival. For example: an Overseas Chinese draftee born before 1984 who arrived in Taiwan on February 25th and left Taiwan on June 26th would have a residing period of exactly four months. Alternatively, if he left on the 27th of June, then the residing period would have been four months and one day, thereby causing him to exceed the stipulated four-month residing period.

Q7. How is the 183-day residing period for Overseas Chinese draftees born after 1985 calculated?

A7

According to Article 4, Paragraph 1, Subparagraph 3 of “Conscription Regulations for Naturalized Aliens & Returning Overseas Chinese”, the 183-day residing period for Overseas Chinese draftees is calculated as follows:

Take for instance, an Overseas Chinese draftee born in 1988 who left Taiwan before reaching conscription age (on December 5th, 1991) and returned after reaching conscription age. He has stayed in Taiwan for 99 days in 2006 and 91 days in 2007. He has stayed for 190 days in accumulation in the year 2006 and 2007. If he has not stayed continually in Taiwan for a year, then he has not exceeded the 183-day residing period. If he has stayed for more than 183 days for two years (from January 1st to December 31st), then he would be subject to conscription enlistment.



Q8.

Are the Regulations governing returning Overseas Chinese not equally applicable to a draftee-to-be in the capacity of an Overseas Chinese returning in a foreign passport?

A8

According to Article 5, Paragraph 1 of “Conscription Regulations for Naturalized Aliens & Returning Overseas Chinese”, conscription laws also apply to returning Overseas Chinese in a foreign passport. The residing periods of an Overseas Chinese draftee-to-be entering Taiwan in a foreign and Taiwanese passport respectively shall be combined in calculation. An Overseas Chinese draftee-to-be exceeding the residing period stipulated above will be restricted from leaving Taiwan regardless of the passport with which he entered Taiwan. (See Article 9, Paragraph 1, Subparagraph 3 of “Exit Procedures for Men of Conscription Age” and Article 14 of “Conscription Regulations for Naturalized Aliens & Returning Overseas Chinese”)

Q9.

What is the drafting process for Overseas Chinese returning to Taiwan to receive education?

A9

Overseas Chinese below conscription age (below the age of 18) are not subject to conscription enlistment and are regulated by Ministry of Education and Overseas Chinese Affairs Commission. According to Article 4, Paragraph 2 of the amended “Conscription Regulations for Naturalized Aliens & Returning Overseas Chinese” published on December 30th, 2002, Overseas Chinese draftees above conscription age meeting draft deferral requirements do not need to include the period of education in the aforementioned residing period. However, once he is out of school (on account of deferral, withdrawal or graduation), the residing period shall be calculated continually. Furthermore, Overseas Chinese draftees with foreign high school diploma or above studying in schools of the same level or below do not meet the draft deferral requirements mentioned in Article 4, Paragraph 2 of “Conscription Regulations for Naturalized Aliens & Returning Overseas Chinese”. Finally, in accordance with Taiwan’s Overseas Chinese education policies, Overseas Chinese draftees studying in the Division of Preparatory Programs for Overseas Chinese Students of National Taiwan Normal University do not need to include the period of education in the residing period.

Q10. Are regulations regarding Overseas Chinese applicable to those who possessed citizenship of Hong Kong or Macau?

A10

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.

Q11. What are the procedures for departure for draft-ees who possessed citizenship of Hong Kong or Macau?

A11

Overseas Chinese draftees who have not lived in Taiwan for more than a year shall apply to National Immigration Agency with passports along with Overseas Chinese Identity Endorsement or with valid identification of Overseas Chinese, passport and other documentation. Those who possessed citizenship of Hong Kong or Macau and have not lived in Taiwan for more than a year shall apply to National Immigration Agency with certificate of household registration, a copy of identification card and passport.



A12

Q12. What can be verified as an “extraordinary cause” to apply for the nullification of the stamp “Not Fulfilled Military Service Obligations” in passport?

Draftees-to-be could apply to nullify the stamp “Not Fulfilled Military Service Obligations” and apply for the endorsement of Overseas Chinese status due to occurrence of an extraordinary cause as verified by the National Conscription Agency of the Ministry of the Interior. The “extraordinary cause” refers to the circumstance where an eligible Overseas Chinese in question has not applied for the endorsement of Overseas Chinese status due to some certain reason or has left the country before December 31st of the year in which he reaches 15 years of age and whose presence in Taiwan is strongly required as a result of critical illness or death of his direct blood relatives or spouses.

A13

Q13. Is there preferential treatment regarding military service for Overseas Chinese or students who have obtained their education overseas?

Overseas Chinese or students who have obtained their education overseas have exactly the same rights and obligations as regular draftees.



Q14. Can Overseas Chinese draftees apply for early drafting before the one-year residing period has passed?

A14

According to “Conscription Regulations for Naturalized Aliens & Returning Overseas Chinese”, A draftee-to-be in the status of an Overseas Chinese having previously established household registration in the Republic of China (Taiwan) 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 (Taiwan).

A draftee-to-be in the status of an Overseas Chinese having not established household registration in the Republic of China (Taiwan) 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 (Taiwan). However, according to Administrative Rule No. 1005008986 published by the National Conscription Agency on June 19th, 2013, special concessions shall be made to accommodate career plans of Overseas Chinese draftees. Overseas Chinese draftees could apply for early drafting after signing an affidavit. Apart from reasons of deviating measurement of body weight and height, conscription enlistment would be carried out as usual. Those not eligible for conscription due to reasons of deviating measurement of body weight and height would be reexamined after the one-year residing period has passed.



參、附錄—歸國僑民役男之 服役相關法令規定

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

第 1 條 本辦法依兵役法施行法第 23 條規定訂定之。

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 1 年時，依法辦理徵兵處理。

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 1 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 1 年時，依法辦理徵兵處理。

依前 2 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 4 款以 3 年為限，第 5 款以 3 個月為限。第 5 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。

第 4 條 前條第 1 項及第 2 項屆滿 1 年之計算，以有下列情形之一者為準：

一、連續居住滿 1 年。

二、中華民國 73 年次以前出生之役齡男子，以居住逾 4 個月達 3 次者為準。

三、中華民國 74 年次以後出生之役齡男子，以曾有 2 年，每年 1 月 1 日至 12 月 31 日期間累積居住逾 183 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。

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 86 年 7 月 1 日前自香港地區、或於中華民國 88 年 12 月 20 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 86 年 7 月 1 日前在香港地區、或於中華民國 88 年 12 月 20 日前在澳門地區居住 4 年以上，並取得當地永久居留資格者。

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 30 日內，向戶籍地鄉（鎮、市、區）公所申報。

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。

第 8 條 本辦法所定書、表格式，由內政部定之。

第 9 條 本辦法自發布日施行。



肆、各有關單位諮詢電話、 地址及網址

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臺北市政府 兵役局	(02)23654361 臺北市羅斯福路4段92號9樓 http://docms.gov.taipei
內政部 役政署	(049)2394447 南投縣南投市中興新村光明路21號 http://www.nca.gov.tw
內政部 移民署	(02)23883929、23889393 臺北市廣州街15號 http://www.immigration.gov.tw
外交部 領事事務局	(02)23432888 臺北市濟南路1段2-2號中央聯合 辦公大樓3至5樓(北棟) http://www.boca.gov.tw
僑務委員會	(02)23272929 臺北市中正區徐州路5號3樓及15至17樓 http://www.ocac.gov.tw
臺北市各區公所 兵役課	
松山區公所	(02)87878787 臺北市八德路4段692號7樓 http://ssdo.gov.taipei
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文山區公所	(02)29365522 臺北市木柵路3段220號8樓 http://wsdo.gov.taipei
南港區公所	(02)27831343 臺北市南港路1段360號8樓 http://ngdo.gov.taipei
內湖區公所	(02)27925828 臺北市民權東路6段99號4樓 http://nhdo.gov.taipei
士林區公所	(02)28826200 臺北市中正路439號9樓 http://sldo.gov.taipei
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「在臺設有戶籍之尚未履行兵役義務男子」 申辦護照加簽僑居身分一貼心叮嚀

- 一、現在或曾在臺設有戶籍之尚未履行兵役義務男子申請護照加簽僑居身分，除需符合「華僑身分證明條例」（下稱本條例）第 4 條第 1 項之規定外，並須符合「尚未履行兵役義務之接近役齡或役齡男子申請護照加簽僑居身分辦法」第 4 條第 1 項之規定，即在國外出生或年滿 15 歲之年 12 月 31 日以前有出境紀錄，在符合本條例第 4 條第 1 項規定前，於接近役齡期間（16 歲至 18 歲）返國，每年在臺累計未逾 183 日；於屆役齡 19 歲之年 1 月 1 日以後，至尚未符合本條例第 4 條第 1 項規定前，未曾有入境臺灣紀錄。
- 二、如有相關疑問，歡迎於臺北時間，週一至週五早上 9 時至下午 5 時致電僑務委員會（服務專線：02-2327-2929）洽詢，將有專人為您服務。

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## 臺北市政府兵役局

Department Of Compulsory Military Service,  
Taipei City Government

中華民國107年1月

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