

Regulations Governing the Detention of the People of the Mainland China Area and the Residents of Hong Kong and Macao

Article 1

The Regulations herein is enacted pursuant to Paragraph 11, Article 18-1 of the Act Governing the Relations between the People of the Taiwan Area and the Mainland China Area, and Paragraph 9, Article 14-1 of the Laws and Regulations Regarding Hong Kong and Macao Affairs.

Article 2

The detention of the people of the Mainland China area and the residents of Hong Kong and Macao shall be detained by places of detention centers, temporary detention centers, or other designated appropriate locations as necessary (hereinafter referred to as “detention centers”) set up by the National Immigration Agency, Ministry of the Interior (hereinafter referred to as “NIA”).

Article 3

Upon entering a detention center, any detainee shall be searched and examined by the officers of the detention center, and have his or her fingerprint pressed and photograph taken. If the detainee is a woman, the search and examination shall be carried out by females.

The detainees shall be accommodated separately by genders in the detention area. In accordance with the gender dysphoria diagnosis or medical proof showing on detainees’ identification certificate, gender change or transgender detainees may occupy a solitary accommodation within a detention center.

Article 4

Articles carried in by a detainee shall be examined, and except for the daily necessities in needed, such articles shall be put in the custody of a detention center. A Personal Property Record shall be made by the duty officer upon receiving such articles. The articles shall be returned when the detainee leaves the detention center. For valuable articles, a Valuable Personal Property Record shall be made. When the articles are considered as not suitable for custody by the detention center, the detainee shall be ordered to properly dispose such articles immediately. The above requirements shall also apply to articles mailed to detainees.

To ensure the safety and security of all detention area and for the purpose of management, the detainees shall be inspected if necessary.

Article 5

Upon entering a detention center, detainees shall be informed that he or she shall comply, with the rules and regulations specified as follows:

1. No suicide, self-mutilation, or behavior injuring others life or body.
2. No clamoring, quarreling, fighting, attacking the management, or escaping from the facility.
3. No drinking alcohol or gambling.
4. No hiding of prohibited items, contraband, or other dangerous goods.
5. No violation of the administrative orders or rules, and no behavior or actions against the order of the detention.
6. No smearing, polluting, destructing, or damaging the public property or facility.
7. Other requirements set forth by detention centers shall be complied with.

The rules and regulations referred to in the preceding paragraph shall be posted at a clear spot in the detention center.

Article 6

In the events of detainees violate the rules referred to in Paragraph 1 of the preceding article, the detention center shall stop such behaviors or acts immediately and may take the following measures as necessary:

1. Admonishment.
2. Labor service.
3. Phone call restrictions.
4. Visitation restrictions.
5. Solitary confinement.

In case measures referred to the aforesaid Subparagraphs 2 to 5 are taken, a warning in writing shall be issued by the detention center. The measures taken shall be justified by due purpose of legitimacy, and choose the means of minimize infringement to detainees.

Article 7

Upon application, permission may be granted for detainees to keep their younger children under the age of three (3) with them in a detention center.

Article 8

Detainees with illness conditions shall receive medical care or treatment, or be removed to hospital for the purpose of treatment. In case of any detainee's communicable diseases may cause cluster infection, the local health competent authority shall be informed and coordinated for the medical treatment, or all measures taken to combat infection or diseases spread.

If the detainee referred to in the preceding paragraph requires a treatment of hospitalization, an officer of the detention center shall arranged for the purpose of the escort in the duration of hospitalization.

Article 9

Any necessary expense incurred during the detention period shall be paid by the detainee or by the detainee's guarantor. And if such expenses are unable to be paid by the detainee, or by the detainee's guarantor, or in a circumstance of guarantor absences, the expenses shall be paid by NIA.

Article 10

A variety of activities for detainees may be held in detention centers.

Unless kept under solitary confinement, detainees may have time to do outdoor activities in appropriate places. However, such activities may be cancelled in cases of bad weather, safety or security concerns, or insufficient space in the detention center.

Article 11

No interview visits to detention centers shall be arranged without prior approval by NIA.

Article 12

Detainees may send or receive correspondence, providing its contents passed through the required examination by detention centers. Except for such mail or correspondence is determined to be prejudicial to the administration order or jeopardize the safety and security of the detention center, every detainee shall be permitted to send or receive such mail or correspondence.

Article 13

The detainees may be permitted to be visited by families, relatives or friends.

The families, relatives or friends referred to in the preceding paragraph shall submit a visitor application to the detention center as well as visitors' identification certificate, contact information, and other necessary information. Once a visitor permit is given, all detention center visitors shall conform to the following rules within a detention center.

1. The visitation shall be conducted at the times and places designated by the detention center.
2. No prohibited items, contraband, or other hazardous articles or substance is allowed to convey or carry on.
3. Without an examination and permission, transferred, no money or any other articles shall be transferred or given to a detainee.
4. While in a detention center, all visitors shall comply with the instructions of the escort or administrative officer.
5. The length of visits will be limited to 30 minutes. However, the aforesaid limit does not apply to special cases with visits extension approval granted by chief administrative officers of the detention center.
6. Any behavior or actions that are against the visitation rules or orders are prohibited.
7. Any other rules specified by the detention center shall be complied with all visitors.

Article 14

Detention centers may refuse to admit to visiting applications or may terminate visitations earlier in any of the following circumstances:

1. The detainee received two (2) visitations on a same day.
2. The detainee has been restricted from visitation or put under solitary confinement.
3. The detention center visitors have violated any of the rules in Paragraph 2, Article 13 herein, and ignored the warning or do not comply with the instructions of the escort officer or administrator while in a detention center.

4. The detainee's visitors are suspected of being intoxicated, infected with a major contagious disease, or mentally abnormal.
5. Visits may be denied if the visitation is deemed inappropriate for the purpose of management or other concerns.

Article 15

When a detainee's medical condition becomes life-threatening, the detention center shall immediately notify or make reasonable efforts to notify the detainee's next-of-kin, friend or guarantor. In the event of such notification is failing to receive or unable to give, the provisions hereof do not apply.

In the event of a detainee's death, a written notification shall be made by NIA to the detainee's next-of-kin, friends or guarantor in dealing with funerary matters such as burials, the disposition of decedent's property and pay for expenses resulting from funerary affairs. However, NIA may take the lead in arranging the funeral affairs in any of the following circumstances:

1. In the event of the notified party fails to take relevant actions within one (1) month upon receiving such notification.
2. In the event of such written notification is impossible to give or failing to receive after one (1) month the detainee has been deceased.

Article 16

The Regulations shall be implemented on the date of promulgation.