

## Taiwan Judicial Assistance

DISCLAIMER: THE INFORMATION IN THIS CIRCULAR IS PROVIDED FOR GENERAL INFORMATION ONLY AND MAY NOT BE TOTALLY ACCURATE IN A PARTICULAR CASE. QUESTIONS INVOLVING INTERPRETATION OF SPECIFIC FOREIGN LAWS SHOULD BE ADDRESSED TO FOREIGN COUNSEL.

### Authority

22 U.S.C. 3306(b) provides acts performed by officers of the American Institute on Taiwan under 22 U.S.C. 3306 are valid, as if performed by any other person authorized under the laws of the United States to perform such acts (consular officers).

#### Law, Regulations & Public Policy

Taiwan (AIT) is a nonprofit corporation under the laws of the District of Columbia. 22 U.S.C. 3305, 3306(a)(3). The AIT personnel parallel the acts performed by U.S. consular officers under 28 U.S.C. 1781(a)(2). See Sec. 1-201(h) of 44 Fed. Reg. 37191 (June 23, 1979).

#### Information for Americans Abroad

Under the Taiwan Relations Act (TRA), 22 U.S.C. 3309(a), the Taiwan Economic Cultural Representative's Office (TECO) was established by the people of Taiwan having the necessary authority under the laws of Taiwan to take actions on behalf of the United States in accordance with the Act.

#### Consular Notification and Access

TECO authorities on Taiwan in response to letters rogatory from foreign courts in accordance with Taiwan's "Law on the Recognition and Enforcement of Foreign Court Judgments."

#### Citizenship and Nationality

### American Institute in Taiwan

**American Institute in Taiwan, Travel Services Section (comparable to a consular section at a U.S. Embassy or Consulate), is located at 100, Sec. 3, Yi Road, Taipei, Taiwan; tel: 011-886-2-2162-2000; fax: 011-886-2-2162-2239**

#### Legal and Public Policy Information

### Service of Process

#### Family Issues

Service of process can be effected by international registered mail/return receipt requested; by agent, generally a local attorney; or by the AIT. The attorney or agent can execute an affidavit of service before a travel officer at the American Institute in Taiwan if judgment is anticipated, however, Taiwan may not consider service by registered mail or by agent acceptable and may require service pursuant to a letter rogatory. See below for a discussion of special elements necessary in preparation of a letter rogatory. See also, our general flyers, [Service of Process Abroad](#) and [Preparation of Letters Rogatory](#).

#### Law Enforcement Issues

### Retaining a Foreign Attorney

Lists of attorneys in Taiwan are available from the Office of American Citizens Services, directly from the American Institute in Taiwan or from [the Martindale-Hubbell Law Directory](#). See also our general information flyer, [Retaining a Foreign Attorney](#).

### Voluntary Depositions/Notarial Services

In accordance with 22 U.S.C. 3305 and 3306 (a)(1), AIT officers have authority to provide notarial services in connection with oaths, affirmations, affidavits or depositions, and to perform any notarial act which any notary public is required or authorized by law to perform within the United States. (See also The National Notary, Yearbook, 1980, p. 67.) To arrange to conduct a voluntary deposition of a willing witness in Taiwan before a Travel Services Officer of the American Institute in Taiwan, contact AIT Taipei directly at the address/fax number provided above. See also our general flyer, Obtaining Evidence Abroad for the information you will need to provide to AIT Taipei. Private American litigants are responsible for making their own arrangements for stenographers, interpreters, videotape operators, etc. AIT Taipei may be able to provide lists of such private commercial services.

### Travel of Local, State or Federal Government Officials:

Local, state or federal prosecutors or other Government attorneys, investigators, etc. intending to travel to Taiwan in connection with a judicial assistance matter should contact the Office of American Citizens Services for information about obtaining "host country" clearance for such travel. If depositions are to be arranged on behalf of a local, state or federal government official in the U.S., the American Institute in Taiwan can assist in retaining the services of stenographers, interpreters, videotape operators, etc. upon receipt of appropriate fiscal data from the federal agency. Local or state prosecutors, or other officials may be required by the private stenographic or other services to pay fees in advance or to provide other assurances.

### Authentication of AIT Seal:

The AIT seal can be further authenticated by the Department of State's Authentication Office, 518 23rd St., N.W., Washington, D.C. 20520, (202) 647-5002 **Fee: \$5.00**. For additional information, call the Federal Information Center: 1-800-688-9889, and choose option 6 after you press 1 for touch tone phones. Walk-in service is available from the Authentications Office from 8 a.m. to 12 noon Monday-Friday, except holidays. Walk-in service is limited to 15 documents per person per day (documents can be multiple pages). Processing time for authentication requests sent by mail is 5 working days or less. See also, the State Department Home Page: <http://www.state.gov> (Resources and Services) or [http://www.state.gov/www/about\\_state/infogen.html](http://www.state.gov/www/about_state/infogen.html), page 5. See also in general, 22 C.F.R. 131. or contact the Washington office of the American Institute in Taiwan (AIT/WASHDC), 1700 N. Moore St. (17th Fl.), Arlington, VA. 22209, FAX: (202) 841-1385.

### Letters Rogatory

Letters rogatory can be used to effect service of process and to compel production of documents or testimony of an unwilling witness in Taiwan. For general information about preparation of letters rogatory, see our information flyer [Preparation of Letters Rogatory](#). In addition, letters rogatory for use in Taiwan must comply with the following requirements:

-- Letters rogatory should contain an offer of reciprocal assistance. They should also include a statement expressing the willingness of the

requesting court to reimburse the Taiwan judicial authorities for costs incurred in executing the letter rogatory;

-- The letters rogatory and accompanying documents should be in English with certified translations in Mandarin Chinese;

-- The letter rogatory should be addressed to the "Appropriate Judicial Authority of Taiwan"; Please note: In accordance with U.S. policy, please refrain from using the terminology "Republic of China" in the letter rogatory or any accompanying documents and translations. Please refer to Taiwan simply as Taiwan.

-- -- Letters Rogatory should be accompanied by a certified check for \$735.00 payable to American Institute in Taiwan. This will be used to pay any fees charged by the Taiwan court, as well as the fee charged by the AIT, effective March 8, 2005.

-- If the letter rogatory requests the taking of evidence, the Taiwan court will not permit examination of witnesses by attorneys; witnesses would be examined by the court on the basis of written questions. A full transcription of the deposition, in Chinese, is available and should be specifically requested in the letter rogatory.

-- Letters rogatory should be sent to Department of State, Office of Overseas Citizens Services, 2100 Pennsylvania Avenue, NW, 4th Floor, Washington, DC 20037.

**Additional Information:**

The Office of American Citizens Services has available general information flyers and country specific flyers on international judicial assistance. These topics include:

[Preparation of Letters Rogatory](#)  
[Service of Process Abroad](#)  
[Obtaining Evidence Abroad](#)

**Using the Internet :** Many of our [judicial assistance flyers](#) are available on the Internet via the Department of State, [Bureau of Consular Affairs home page](#) . See also, the Department of State, [Office of the Legal Adviser for Private International Law home page](#) .

**Questions:** Should you have further question about the procedures for service of process or obtaining evidence in Taiwan not addressed in this material, please contact the Office of Overseas Citizens Services, East Asia and Pacific Division, 2100 Pennsylvania Avenue, NW, 4th Floor, Washington D.C. 20037, tel: 202-647-6769; or 202-647-5226; fax: 202-647-2835.

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