4. The Problems of Arising from the Different Visa Requirements for Taiwan and PRC Passport Holders

The Republic of China (ROC) government officials in Taiwan often boast that Taiwan people receive “visa free” treatment in over 100 countries around the world. In contrast, in the current era, most countries still require visas for Chinese (i.e. “People’s Republic of China”) passport holders.

However, in order for ROC passport holders to pass through customs and actually receive such treatment can often prove to be a major hassle.

For example, a question which is often encountered at customs checkpoints in foreign countries is: “Please prove that you are Taiwanese and not Chinese.”

A dialogue similar to the following is often encountered:

“A person from the Republic of Algeria is an Algerian. A person from the Republic of Romania is a Romanian. A person from the Republic of Cuba is a Cuban. Hence, it naturally follows that a person from the Republic of China is Chinese. Why do you say that you are Taiwanese? Please offer proof that you are Taiwanese and not Chinese.”

Under such circumstances, there is little proof that can be offered. The Taiwanese person is holding a passport which (on the cover) clearly indicates: REPUBLIC OF CHINA. Even if he/she has certified translated copies of a Taiwan driver’s license, or Taiwan Identity Card, such documents all indicate that the bearer is “a Republic of China citizen.”

Such is the situation when going through customs. Inside the foreign country, however, similar problems may be encountered when stopped by police. Due to the differing visa requirements, a “Chinese” person can be charged with “illegal entry” if he/she does not have the proper visa in his/her passport.

Stories of native Taiwanese people being hassled by customs officials, police officials, and other security personnel in foreign countries are frequently mentioned in Taiwanese media.

In Europe, some Taiwanese students on a study tour were very frustrated by this problem, and simply bought some colored stickers which they then pasted on the front cover of their passports, to cover up the REPUBLIC OF CHINA lettering. However, the next time they went through a customs checkpoint the officials there removed the stickers, and told them that “alteration” of official documents (such as passports) in this fashion was a crime, and they could be subject to criminal penalties. The customs officials even accused the students of being “Chinese” citizens who were trying to enter the country by falsely imitating Taiwanese!

Again, the entire issue is greatly complicated by the fact that the visa requirements for persons from Taiwan and from the PRC are quite different.

As a result, the students spent several hours of time explaining themselves out of this problem. Various travel arrangements had to be completely rescheduled. Inconvenience, frustration, and financial loss were the results.

However, when returning to Taiwan and being interviewed by a TV host about their experiences, the students stressed that the European officials were very unsympathetic to the students’ complaints regarding their Taiwan passports’ cover design, and the resulting confusion which this generated in the international community.

The officials’ statements were: “Don’t bring your internal problems here to our country.”

5. The Problems of Graduation Certificates

Of course, in foreign countries, it is common for native Taiwanese students to present copies of their personal identification documents to school officials when registering for academic programs at all levels, from elementary school to college/university, graduate school, Ph.D. programs, or even in various supplementary courses in training institutes, etc.

It is often seen that Graduation Certificates will include the name and birthdate of the individual involved, as well as his/her nationality. So, of course, for Taiwanese students who have been forced since a young age to carry “Republic of China” passports, it is not uncommon to see the nationality entry on the Graduation Certificate filled in with the word “Chinese.”

Native Taiwanese people typically consider themselves to be “Taiwanese” and not “Chinese,” and they also note that the post-WWII treaties did not award Taiwan to China. Hence, they object to school officials by saying that: “I am not Chinese.”

Again, dialogue such as the following is often heard:

“People from the Republic of Estonia are Estonians. People from the Republic of Mongolia are Mongolians. People from the Republic of Indonesia are Indonesians. It certainly must follow that people from the Republic of China are Chinese.”

Due to the prevalence of this type of logical-progression thinking, the special situation of the Republic of China issuing passports to native Taiwanese people on Taiwan, or the legal rationale for such issuance, is not easily explained.

As a result, in many instances, the only agreement which can be reached with school officials is to leave the “nationality” entry on the Graduation Certificate completely blank.

However, later, when such a Graduation Certificate is presented as evidence of educational achievement in connection with an employment application, graduate school application, research grant request, etc. the matter of the missing data in the “nationality” entry is immediately brought up. Some officials even jump to the conclusion that the Graduation Certificate must be counterfeit, because it was not filled in completely.

So, arguments and difficulties over this technical procedural issue of “nationality” frequently occur, with the result that the native Taiwanese individuals suffer much harm in terms of lost time, lost money, and missed opportunities.

In some instances, it has been necessary to re-submit the Graduation Certificate to the issuing institution, and ask that the “nationality” entry be filled in. The officials there were typically only willing to enter the word “Chinese,” and not willing to add any small notation by the side, such as “under duress.”

6. The Problems of the “Chinese Sex Trap”

This issue is slightly X-rated, and may not be suitable for all audiences.

It is available at the following internet address –

<http://www.taiwanbasic.com/misc/new/sex-trap.htm>

7. In the case of Sheng v. Rogers (DC Circuit, Oct. 6, 1959), the judges found that Taiwan was not a part of the national territory of the Republic of China (ROC). In the current era, the "Taiwan" entry in the U.S. Dept. of State publication Treaties in Force clearly notes that "The United States does not recognize the Republic of China as a state or a government."

However, under the Republic of China (ROC) legal structure currently in place in Taiwan, the local inhabitants owe “allegiance” to the ROC government, Taiwan is held to be an integral part of ROC national territory, and ROC laws stipulate penalties for rebellion, insurrection, or conspiring to overthrow, put down, or to destroy by force the Government of the Republic of China, or any seditious conspiracy, such as the advocacy of the division of national territory, etc.

(For reference, similar laws in the United States are found in 18 USC Chapter 115 - TREASON, SEDITION, AND SUBVERSIVE ACTIVITIES.)

United States policy on the Taiwan status question, as well as Executive Branch statements, US court decisions, and relevant treaty stipulations confirm that (1) the ROC is a non-sovereign entity, neither a state nor a government; (2) native Taiwanese people are essentially stateless; (3) the international legal status of Taiwan is undetermined, and Taiwan is not a part of ROC national territory; (4) the Taiwan Relations Act does not recognize the sovereignty of the ROC over Taiwan; (5) Taiwan has no uniformly recognized government, etc. Moreover, in consideration that Taiwan was Japanese national territory until the coming into force of the San Francisco Peace Treaty (SFPT) on April 28, 1952, it is clear that (6) when the ROC moved its central government to Taiwan in early December 1949, it was moving *outside* of China’s national territory, and therefore immediately became a government in exile.

Based on the above, it certainly follows that (7) the “Republic of China Constitution” cannot be regarded as the true *organic law* of Taiwan. In other words, there is no legal basis to consider the ROC Constitution as the fundamental law in Taiwan on which all other laws must be based.

Under the authority of the Ministry of the Interior, ROC, Taiwanese people can establish associations, foundations, etc. to promote their social goals, and encourage people to work together to solve social problems.

All of the above seven points can be regarded as part of the US policy toward Taiwan, however the advocacy of any or all of these seven points would be considered seditious in Taiwan. In other words, any ROC passport holder who advocated such points as these as being the necessary “recognition of fundamental truths in Taiwan,” and used them as the basis for the establishment of an Association, Foundation, etc. under the Ministry of the Interior would no doubt be subject to criminal penalties. (A foreigner who did this would probably just be deported.)

Hence, this is another example where ROC passport holders clearly have no human rights, no freedom of speech, etc.

Moreover these ROC passport holders cannot work together to rectify the abuses they are suffering now, or have suffered in the past, because it is impossible to found an Association or Foundation to promote the “recognition of fundamental truths in Taiwan.”

8. The Problems of the Taiwan Compatriot Permit

The People’s Republic of China (PRC) does not recognize the validity of the Republic of China (ROC) passport. Hence, ROC passport holders to wish to visit, travel, or work in the mainland China PRC area must obtain a “Taiwan Compatriot Permit” (TCP) from the PRC's Ministry of Public Security.

Most travel agencies in Taiwan provide full assistance in making application for these Permits. For more details, see

<http://en.wikipedia.org/wiki/Mainland_Travel_Permit_for_Taiwan_Residents>

However, recent news reports have stated that the PRC authorities are now becoming much more rigorous in their enforcement of the use of the TCP. It has been reported that ROC passport holders who are merely transiting through airports in the PRC, and making connections for other destinations, are now required to have a valid TCP.

Without the possession of a valid TCP, the ROC passport holders are not allowed to exit the aircraft, even if they have made reservations on connecting flights. Hence, for many ROC passport holders returning from long stays abroad, this can be a great source of confusion, frustration, inconvenience, and financial harm – since they can easily miss their connecting flights, may have to return to their original country of boarding, suffer additional lodging and meal expenses, etc.

RECOMMENDATION: If the travel documents (aka “passports”) for native Taiwanese people were issued under the authority of a sovereign nation, it is felt that all of these sorts of problems could be avoided, and one passport valid for travel to all countries of the world could be used by each individual. Hence, any and all problems associated with the use of the TCP could be eliminated.