

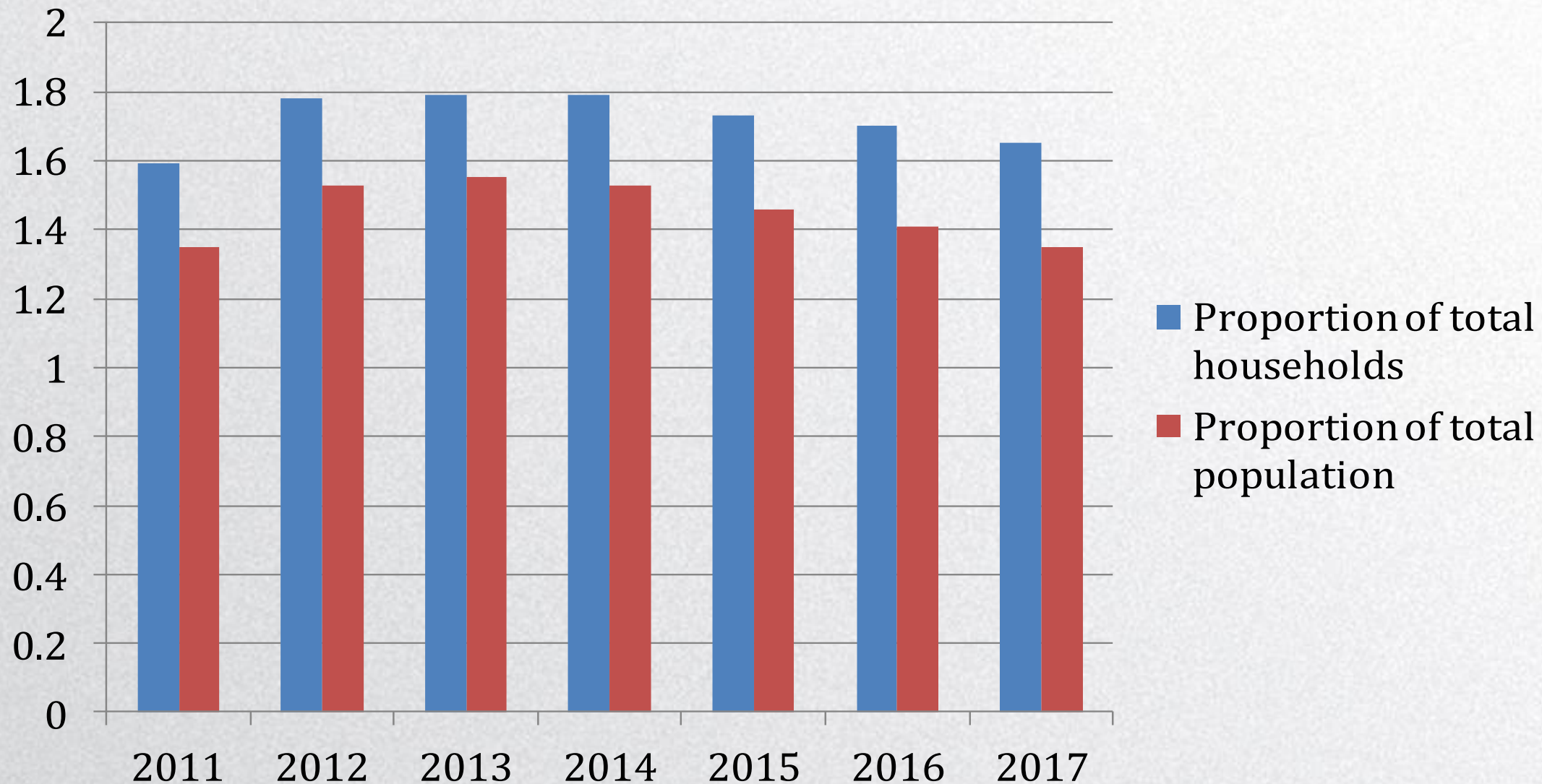
# Social Assistance and Legal Aid in Taiwan



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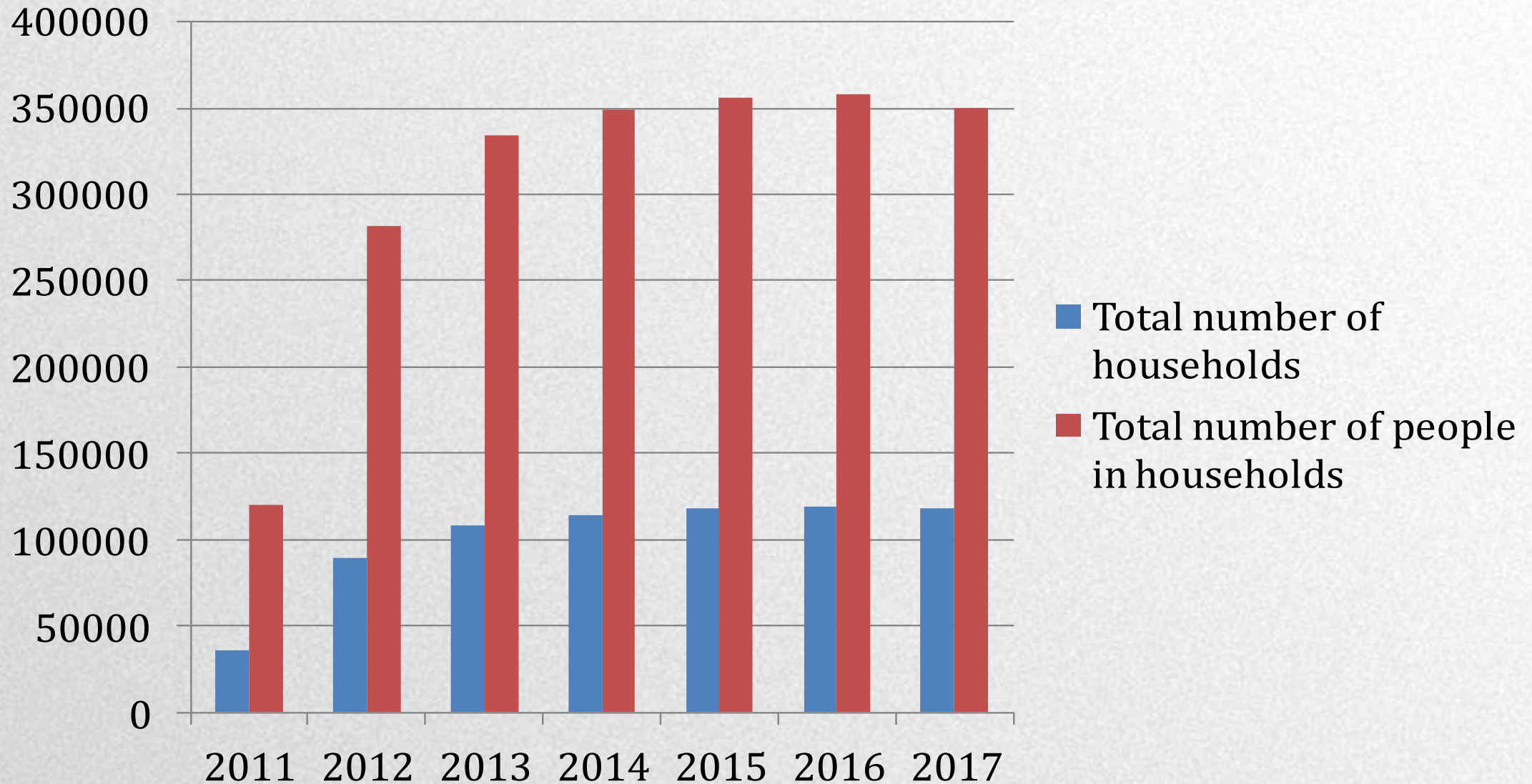
# Proportion of individuals/households in low-income households



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Low-Income Households				
Year	Number of Households	Percentage (%)	Number of People	Percentage (%)
2011	128,237	1.59	314,282	1.35
2012	145,613	1.78	357,446	1.53
2013	148,590	1.79	361,765	1.55
2014	149,958	1.79	357,722	1.53
2015	146,379	1.73	342,490	1.46
2016	145,176	1.70	331,776	1.41
2017	142,814	1.65	317,257	1.35

# Number of individuals/households in medium and low-income households



## — **Lowest living index** —

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- based on the standard announced by the authorities
- as 60% of the median rate of the expenditure per person in the past year in the local area

## — **Low-income household standard** —

- Average divided monthly income among each person in the household falls below the lowest living index.
- Total household assets do not exceed the specific amount announced by the authorities in the year of application.

# Family-based

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- The whole family is used as an unit for calculating the income of a household.
- The number of members living in a household includes the spouse, first-degree lineal blood relatives, other lineal blood relatives who live in the same dwelling or who are registered in the same household, etc.



## **The assumptions:**

- The family members have mutual obligations to maintain one another (the Civil Code).
- Only when the family becomes dysfunctional, has the state the obligation to render assistance.

# Exclusions

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1. Foreign spouses who haven't been registered in any household in Taiwan.
2. Elderly lineal blood relatives of single families who live separately from the household members, and who have never actually raised any of the household members.
3. Younger married lineal blood relatives who are lack of ability to maintain others and live separately from the household members.
4. The father or mother of single families who live separately from children and have never carried out parental duties and obligations to the children.
5. A military or substitute civilian serviceman.
6. A stated financed student.
7. An inmate.
8. Individuals who have been missing and have not been found after being reported to police authorities for more than six months.
9. In the case where individuals who have failed to carry out the obligation due to special reasons, and has consequently caused the applicant to live in hardship, the entire case must be reviewed and evaluated by the municipality or county (city) competent authority. Usually, it is not suggested to be listed in the calculation



# — Underestimated number of people in poverty —

- The property and income of individuals who do not live together or do not share resources for living are still included in calculations.
- Even if the applicant is in poor financial conditions, if the applicant has a relative in good financial conditions, the applicant may not qualify as a low-income household despite the lack of support from his/her relatives.
- The applicability of exceptions is heavily dependent on the judgment of public officials (e.g. §539 ).
- Some vulnerable citizens are excluded or fail to apply due to insufficient access to information.

# Presumptive Income

- **Individuals who are capable of working but are unemployed, the calculation of their income shall be based on the basic wage.**
- Individuals older than 16 and under 65 are considered qualifying as being “capable of employment.” Exclusions: Students, persons with disabilities, individuals with severe injuries or diseases that require treatment and long-term care from caregivers for more than 3 months, individuals who are required to support a child less than 6 years of age, individuals who are pregnant for more than 6 months, and individuals subject to the order of commencement of guardianship.



## The assumptions:

- People who are capable of employment are able to find a job.
- People who are capable of employment but are not working are lazy and dependent. Hence they do not deserve assistance.

# Presumptive income is not REAL income

- “People who are capable of employment will not become unemployed” and “People employed will have income above the basic wage” are false assumptions.
- These assumptions excluded people who are considered capable of working but actually unemployed.
- Some part-time job, temporary work or leased work laborers whose actual income are less than the basic wage do not have labor or health insurance and cannot obtain a salary certificate. However, they are considered as having income at basic-wage levels.
- The lowest living index is lower than the basic wage.  
(e.g. An unemployed individual who lives alone)

# Status of Social Welfare and Legal Aid in Taiwan



# Types of Legal Aid



**Legal Consultation**



**Mediation and Settlement  
Representation**



**Legal Document  
Drafting**



**Representing, Defending,  
and Assisting in Litigation,  
Non-contentious Cases,  
Arbitration, and Other  
Matters**



**Other Necessary  
Services and Fees for  
Legal Matters**



**Other Conditions as  
Decided by  
the Foundation**

# Standards for Legal Aid

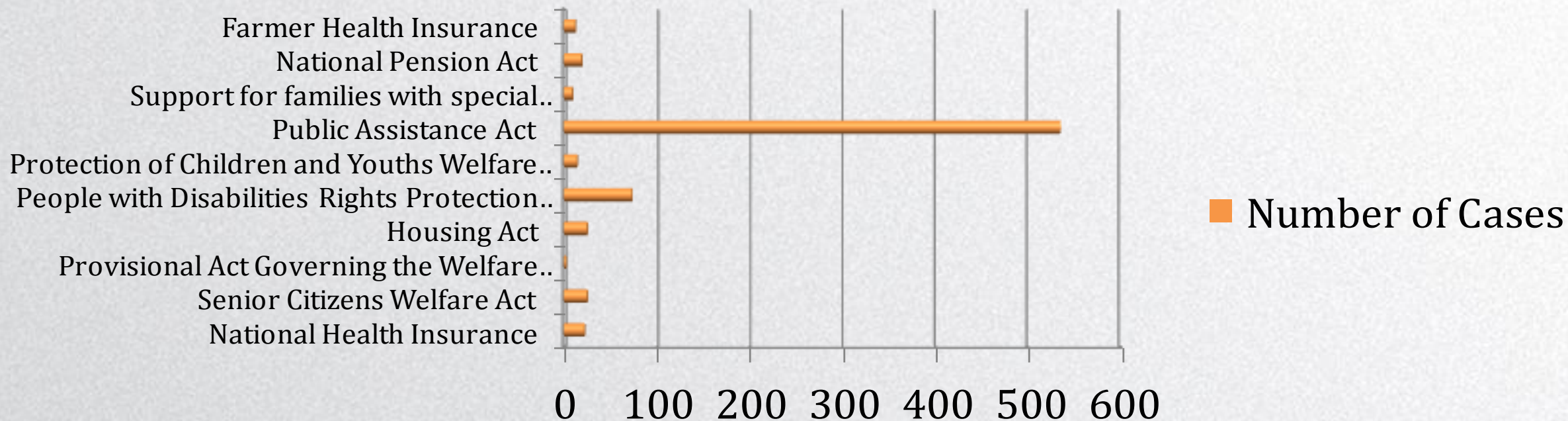
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- Means test:
  - 1) Households that qualify as low-income households or medium low-income households**
  - 2) Families that qualify as families with special circumstances**
  - 3) Citizens whose income or property value meets the financial eligibility criteria of the LAF.
- Merit test:

The case must be reasonable.

# Applications for legal aid in the social welfare category - case types

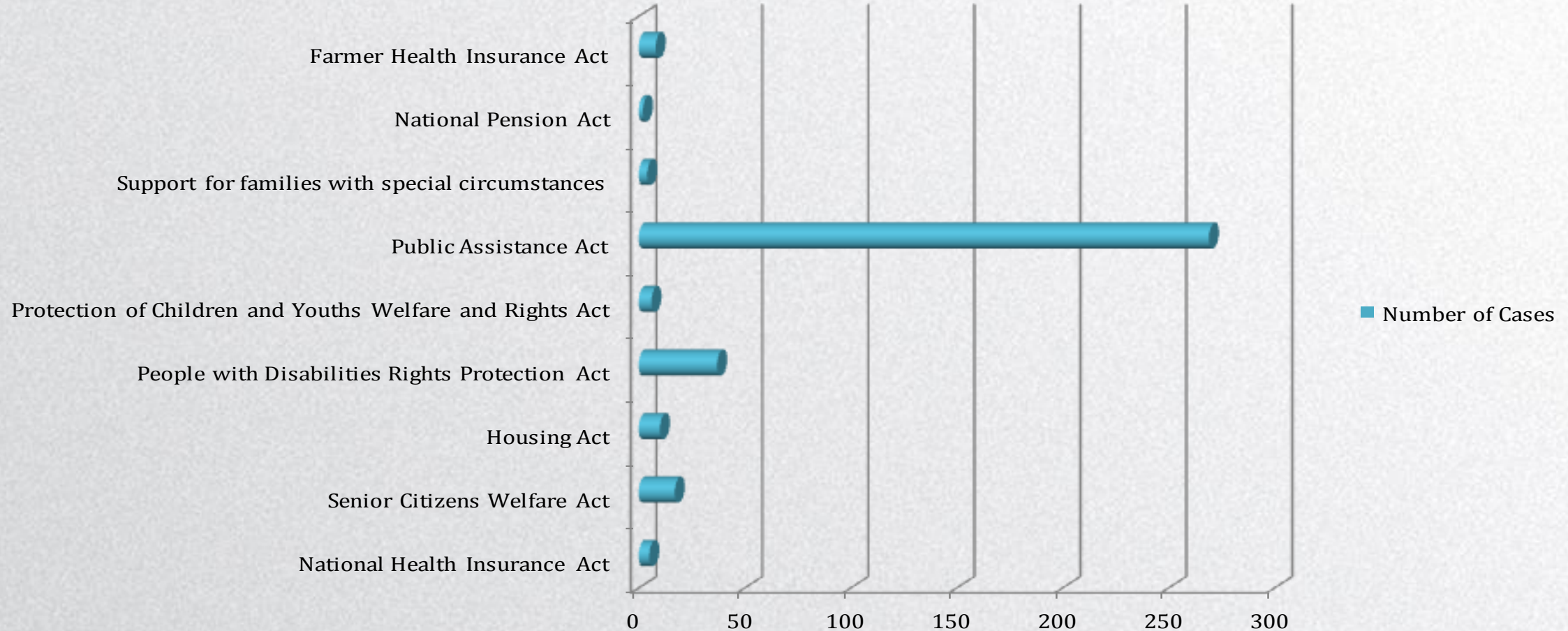
**Total: 736 cases**



**July 1, 2012 to June 30, 2018**

# Grant of legal aid in the social welfare category - case types

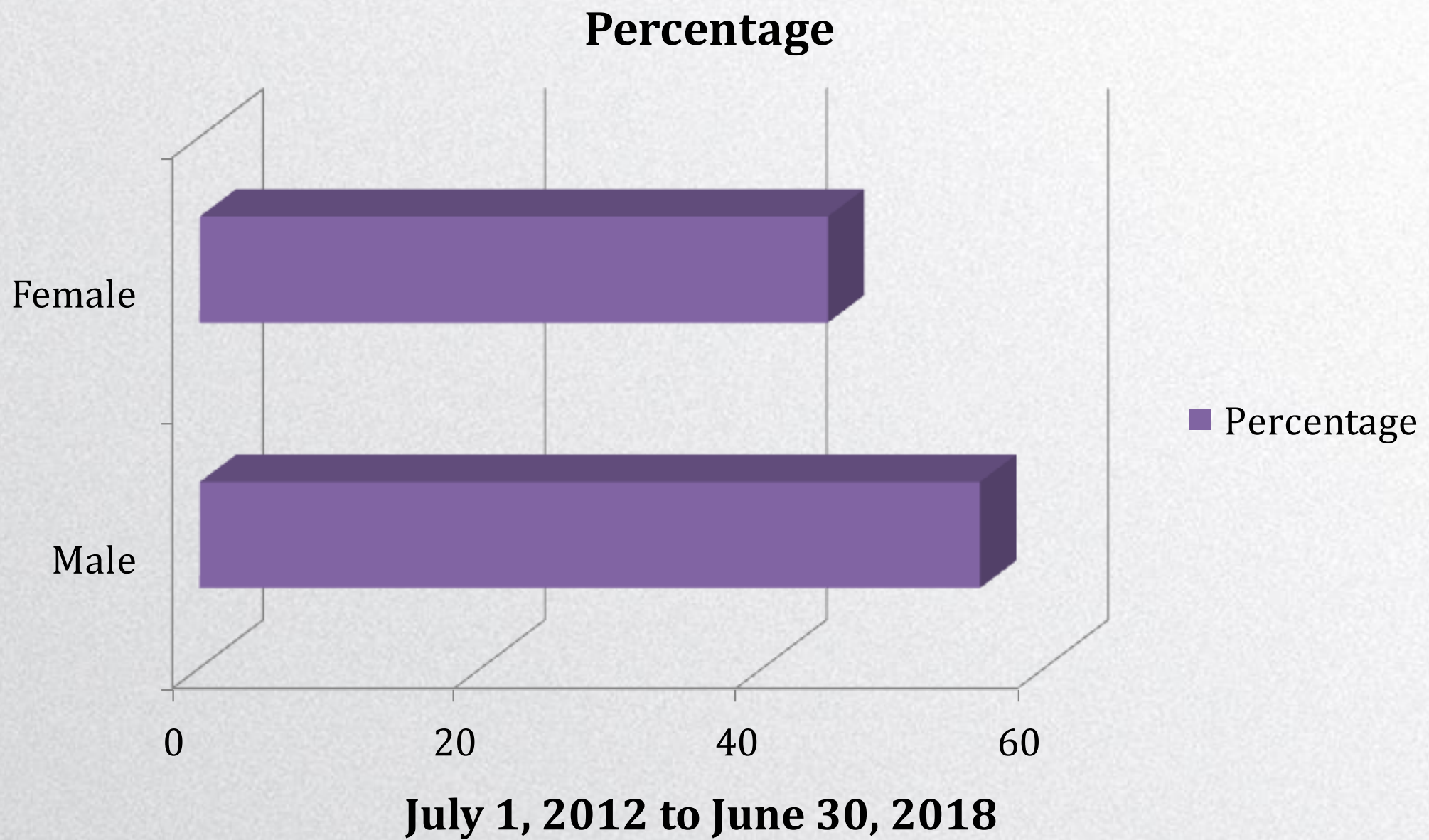
**Total: 358 cases**



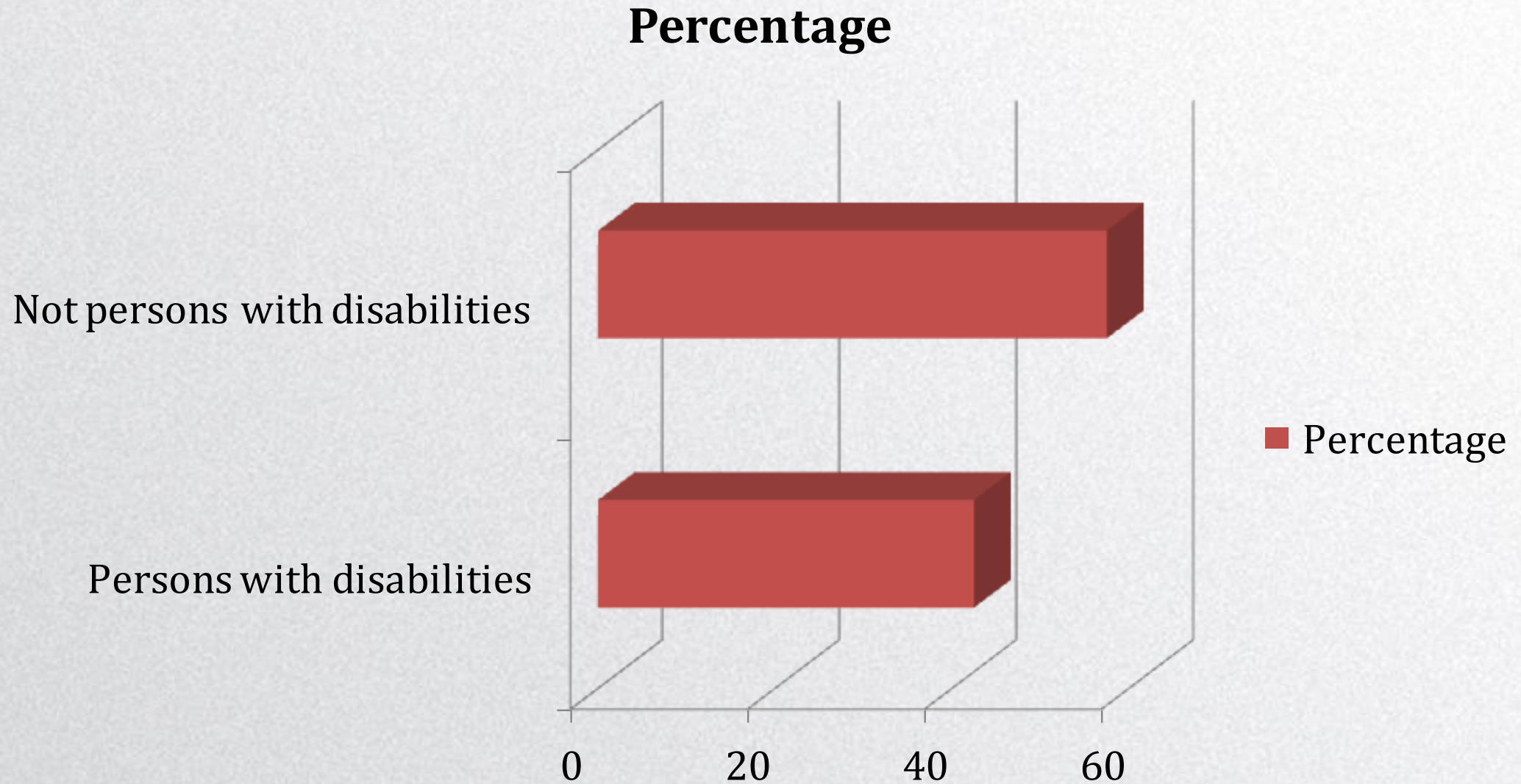
**July 1, 2012 to June 30, 2018**



# Gender ratio in social welfare legal aid cases

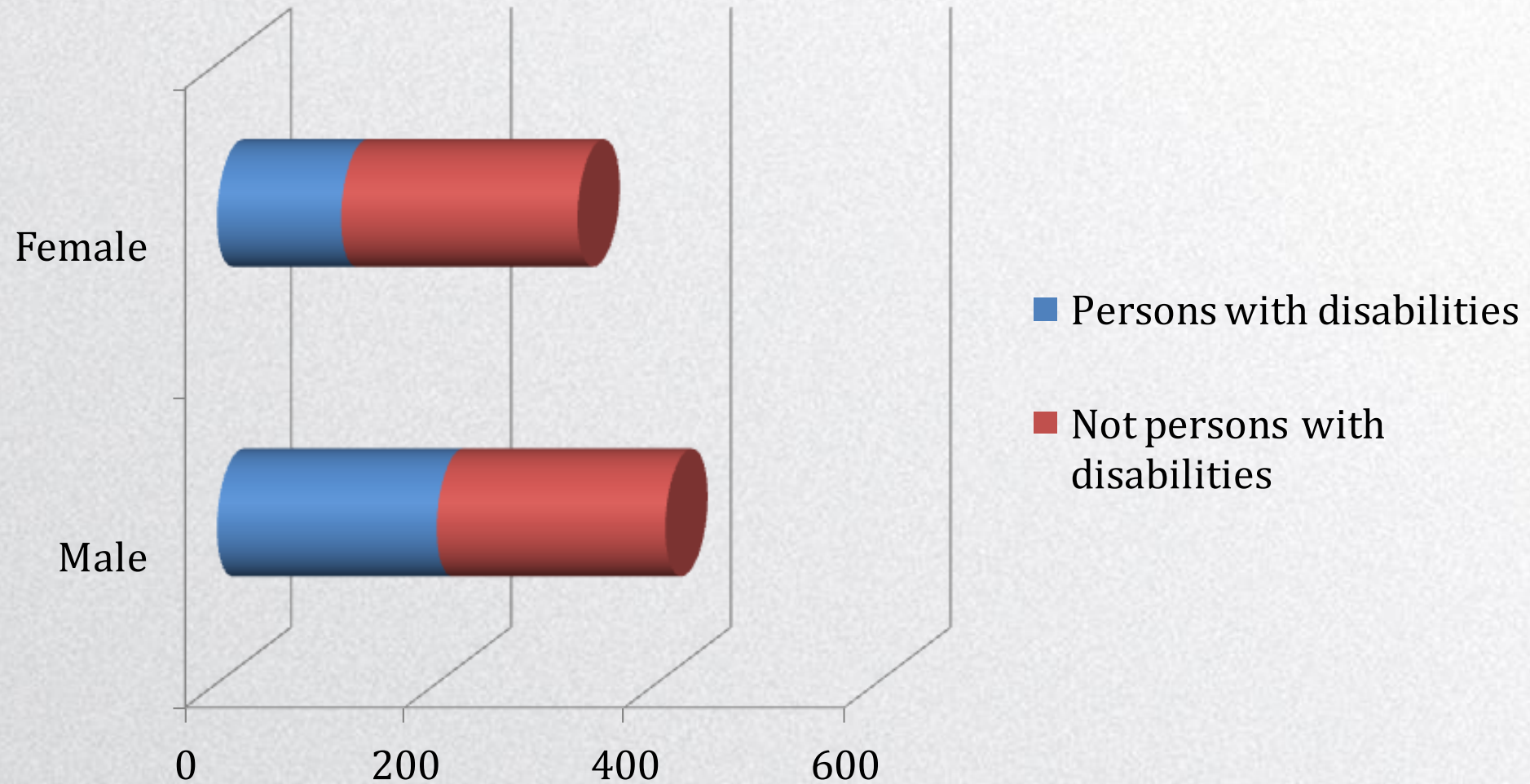


# Percentage of persons with disabilities



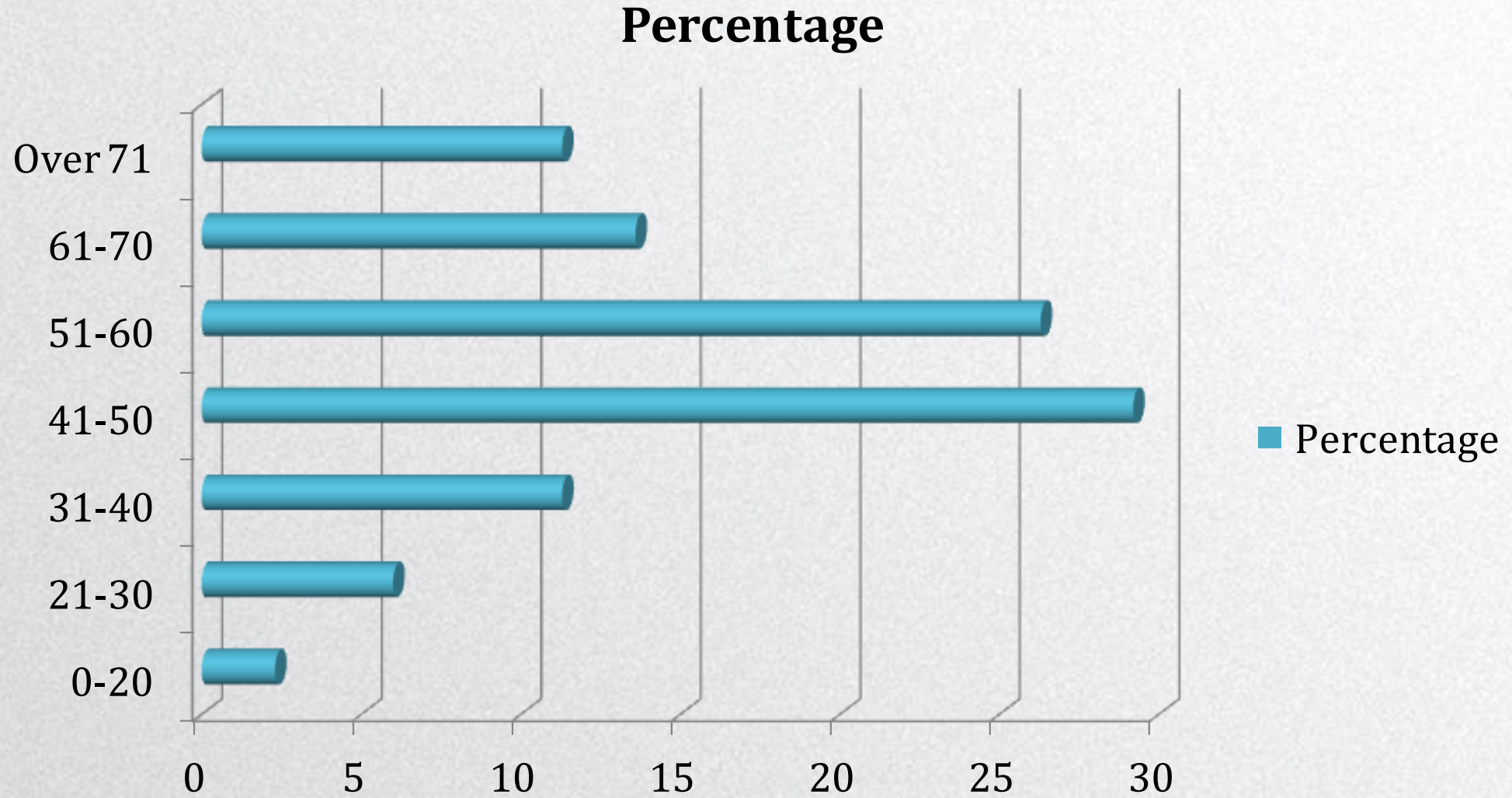
**July 1, 2012 to June 30, 2018**

# Comprehensive comparison of genders and persons with disabilities



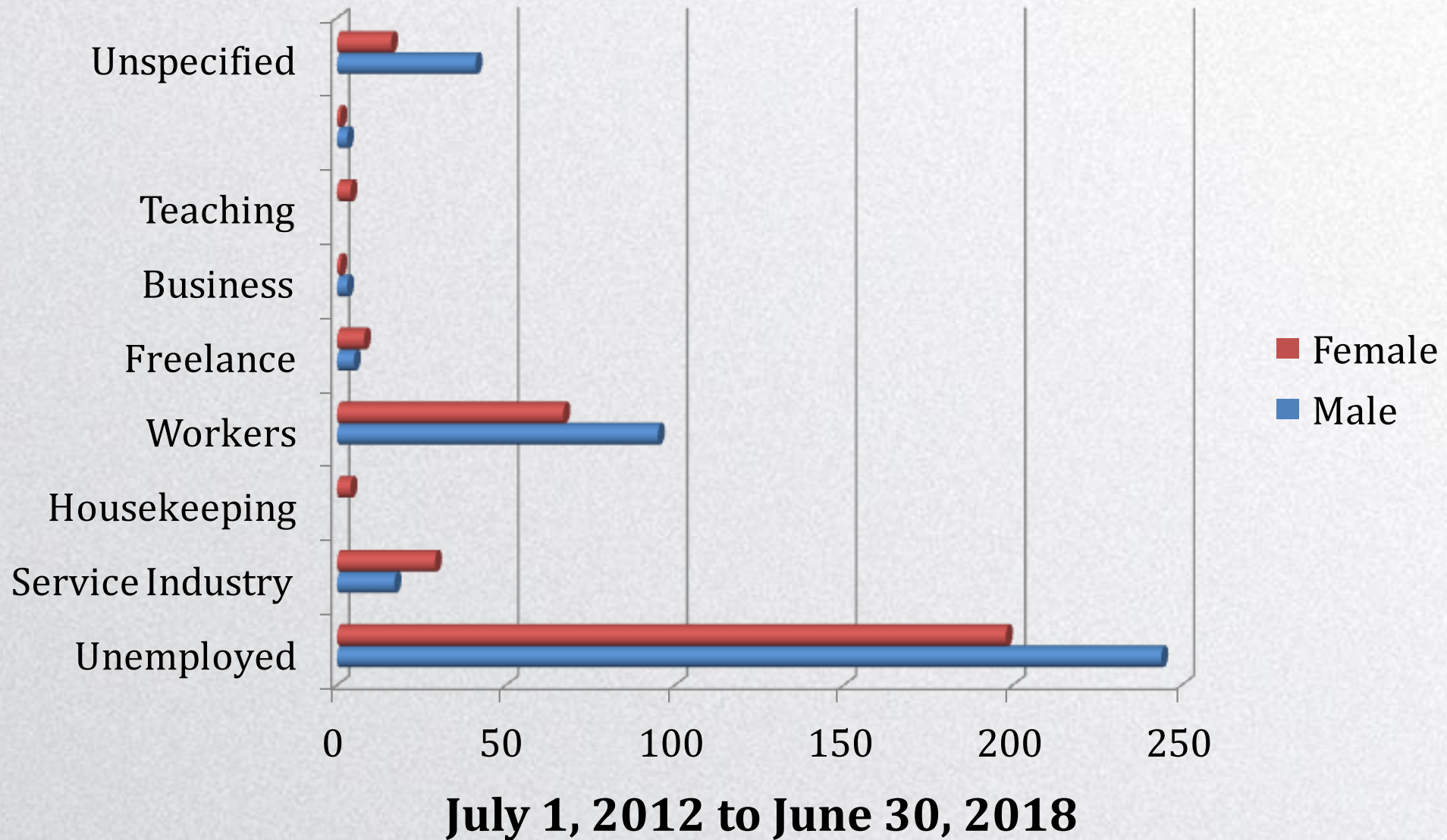
**July 1, 2012 to June 30, 2018**

# Age groups in social welfare legal aid cases



July 1, 2012 to June 30, 2018

# Occupation categories in social welfare legal aid cases



- The male-female ratio (5.5:4.5) is mostly equivalent to the male-female ratio in all cases of LAF(5.8:4.2).
- Persons with disabilities accounted for 42.5% which was higher than the percentage of persons with disabilities in all cases of LAF (14%).
- More than half (51.2%) were 50 years old or above and nearly thirty percent are between 41 and 50 years old.
- Unemployed individuals accounted for most of the applicants. The number of laborer takes the second.

- The averaged number of applications is 122 case/year; the averaged number of legal aid grants is 60 case/year. The total number of application and grants were generally constant each year.
- Compared to all applications (85,000 cases per year) and all grants (60,000 cases per year) in all cases of LAF, the number of social welfare cases is relatively low in terms of both the number of applications and the number of grants.
- The average rate for granting legal aid is 48.64% which is also relatively low compared to the rate for granting rate in all cases of LAF.

## Possible reasons

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- The qualification of allowance is reviewed every year. Maintaining good relations with the competent authorities (including Social Welfare Departments and social workers) is more important than seeking legal assistance.
- Citizens don't consider it as a legal issue.
- Is it faster to seek help from city council members?
- Examining Committee members are not familiar with the social welfare or social assistance regulations. They tend to perform legal consultation or mistakenly dismiss cases.
- Is the “transaction cost” of applications for legal aid too high?



# Possible future plans

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- Connection and collaboration with NGOs
- Coordination and cooperation with social welfare authorities
- Advocate laws and regulations amendments.
- Educating and training Examining Committee members and legal aid lawyers

# Thank You

**Thank you for listening.  
Any comments and suggestions are welcome.**



財團法人法律扶助基金會  
Legal Aid Foundation

Li Ai-Lun, Attorney-at-Law

November 3, 2018