

110年公務人員特種考試司法人員、法務部調查局
調查人員、海岸巡防人員、移民行政人員考試及110年
未具擬任職務任用資格者取得法官遴選資格考試試題

考試別：移民行政人員
等別：二等考試
類科組：移民行政
科目：憲法與英文
考試時間：2小時

座號：_____

※注意：(一)禁止使用電子計算器。

(二)不必抄題，作答時請將試題題號及答案依照順序寫在試卷上，於本試題上作答者，不予計分。

一、入出國及移民法第 58 條第 2 項規定：「跨國（境）婚姻媒合不得要求或期約報酬」。此一規定，限制人民那些基本權利？其是否符合比例原則及平等原則？司法院釋字第 802 號解釋關於此等問題有何見解？試詳述之。（25 分）

二、憲法保障人民之基本權利，除主觀公權利功能之外，尚有所謂客觀法秩序之功能。基本權利客觀法秩序功能之內容有那些？試詳述並舉例說明之。（25 分）

三、試述下列名詞之意涵：請就以下五段短文中畫線的五個英文詞語以中文做適當的定義與解釋（每小題 3 分，共 15 分）

(一) Many governments have implemented the use of biometrics to enhance their safety measures when issuing passports, visas or residence permits to people who migrate to their countries. Biometric measures rely on a computerized system that scans and collects a person's special traits such as his/her fingerprints, face, iris, retina or ear features. This storing of the data can also be utilized to look for or verify a person's identity to reduce the mistakes that might happen when providing the immigration services to travelers.

(二) Climate migration is a unique kind of environmental migration; it describes a type of migration that is caused by climate change. In this context, people who are environmental refugees are usually forced to move away from their places of origin because they cannot live any longer in their residency where their living environment has much been damaged by the drastic change of climate. They usually have to adapt to a different living surrounding when they move to stay in a different place.

(三) It is common for most people to express xenophobia when they encounter strangers, foreigners or immigrants who also stay in their communities or countries. People often tend to discriminate against someone who is different from them. But this dislike or fear of strangers and foreigners from other countries can be strong and unreasonable sometimes. Therefore, it is important that the government should introduce the practice of social inclusion to reduce discrimination against immigrants.

- (四) Some governments carry out the visa waiver program (VWP) by allowing some countries to travel to their nations for a certain phase of time without the need to apply for a visa. But travelers who wish to use this kind of scheme still need to seek for authorization of the countries they plan to travel to. Countries such as the United States impose certain limits on visitors who are eligible for using this service.
- (五) Some countries issue a visa to a family member of an international student in their country as the subsequent entrant. A family member of this kind usually applies for this visa to join or reunite with their family members who study in a foreign country. This kind of visa enables the subsequent entrant to provide emotional, psychological, or mental support to the international student. They are also allowed to stay during the duration of the stay of the international student.

四、中譯英：請將以下中文段落進行適當的英文翻譯（15分）

美國總統拜登上任後便簽署通過幾項移民法案，並對前任川普總統任內所執行的幾項移民法案做了一些變革，包括維持歐巴馬總統任內所推動的「童年抵達者暫緩驅逐辦法」，持續讓這些於孩童時就已入境美國的無照移民能夠免於面臨被遣返的命運，並讓他們能經由合法管道取得公民證、停止建造介於美國與墨西哥邊境的圍牆，以省下鉅額的建造費、消除對穆斯林國家人民到美國的旅遊禁令、將境內不具公民身分的人民亦算入全國人口數、擴大對海外自由鬥士的人道救援以及提交多項移民法案到國會進行審議與通過等。

五、英文作文：（20分）

Social inclusion is crucial for improving the ability, opportunity, and dignity of those disadvantaged in society on the basis of their identity. But to implement social integration more smoothly requires overcoming many obstacles in order to reach a more satisfactory result. Write a problem and solution essay between 250 and 300 words. State the possible problems when the government intends to enact social inclusion and their solutions. Please give specific examples to support your points.