

101年公務人員特種考試關務人員考試、101年公務人員特種考試
移民行政人員考試及101年國軍上校以上軍官轉任公務人員考試試題

代號：40120 全一張
(正面)

等 別：二等移民行政人員考試

類(科)別：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、甲為日本籍人士，於來臺觀光時適遇某團體舉行反核遊行。由於甲感於日本「311 大地震」時核電廠受損所造成的嚴重災害，因而情緒激動，甚至在群眾鼓動下上臺發表相關反核言論，此舉為主管機關所察覺。

請附具理由回答下列問題：

(一)本案涉及甲憲法上的何種基本權利？(10分)

(二)在判斷本案是否該當於「入出國及移民法」第36條以及第18條或第29條之情形時，如果就此以憲法的觀點思考，對本案的評價有何差別？(15分)

附錄法條

入出國及移民法

第三十六條(第一項第二款及第六款)

外國人有下列情形之一者，入出國及移民署得強制驅逐出國。但其涉有案件已進入司法程序者，應先通知司法機關：

二、入國後，發現有第十八條禁止入國情形之一。

六、違反第二十九條規定，從事與許可停留、居留原因不符之活動或工作。

第十八條(第一項)

外國人有下列情形之一者，入出國及移民署得禁止其入國：

一、未帶護照或拒不繳驗。

二、持用不法取得、偽造、變造之護照或簽證。

三、冒用護照或持用冒領之護照。

四、護照失效、應經簽證而未簽證或簽證失效。

五、申請來我國之目的作虛偽之陳述或隱瞞重要事實。

六、攜帶違禁物。

七、在我國或外國有犯罪紀錄。

八、患有足以妨害公共衛生或社會安寧之傳染病、精神疾病或其他疾病。

九、有事實足認其在我國境內無力維持生活。但依親及已有擔保之情形，不在此限。

十、持停留簽證而無回程或次一目的地之機票、船票，或未辦妥次一目的地之入國簽證。

十一、曾經被拒絕入國、限令出國或驅逐出國。

十二、曾經逾期停留、居留或非法工作。

十三、有危害我國利益、公共安全或公共秩序之虞。

十四、有妨害善良風俗之行爲。

十五、有從事恐怖活動之虞。

第二十九條

外國人在我國停留、居留期間，不得從事與許可停留、居留原因不符之活動或工作。但合法居留者，其請願及合法集會遊行，不在此限。

二、總統某甲連選連任成功後，為弭平朝野紛爭並凝聚共識，因此擬至立法院進行「國情報告」。但有立法委員認為，若總統要來報告，就應該接受質詢。

請依憲法規定及相關法理，附具理由回答下列問題：

(一)憲法增修條文第4條第3項規定：「立法院於每年集會時，得聽取總統國情報告。」就此一規定，主動權係在立法院、抑或總統？抑或二者皆有可能？(7分)

(二)對於總統主動要求至立法院報告，立法院可否拒絕？(10分)

(三)立法委員對於總統至立法院報告，可否「質詢」總統？(8分)

(請接背面)

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三、綜合測驗：(每題2分，共30分)

When I was 17, I read a quote that went something like: "If you live each day as if it was your last, someday you'll most certainly be right." It made an impression on me, and since then, for the past 33 years, I have looked in the mirror every morning and asked myself: "If today were the (1) day of my life, would I want to do what I am about to do today?" And whenever the answer has been "No" for too many days in a (2), I know I need to change something.

Remembering that I'll be dead soon is the most important tool I've (3) encountered to help me make the big choices in life. Because almost everything — all external expectations, all pride, all fear of embarrassment or failure - these things just fall away in the face of death, leaving only (4) is truly important. Remembering that you are going to die is the best way I know to avoid the trap of thinking you have something to lose. You are already naked. There is no reason (5) to follow your heart.

About a year ago I was diagnosed with cancer. I had a scan at 7:30 in the morning, and it clearly showed a tumor on my pancreas. I didn't even know what a pancreas was. The doctors told me this was almost certainly a type of cancer that is incurable, and that I should expect to live (6) longer than three to six months. My doctor advised me to go home and get my affairs (7) order, which is doctor's code for preparing to die. It means to try to tell your kids everything you thought you'd have the next 10 years to tell them in just a few months. It means to make sure everything is buttoned up so that it will be (8) easy as possible for your family. It means to say your goodbyes.

I lived with that diagnosis all day. Later that evening I had a biopsy. The tumor turned out to be a very rare form of pancreatic cancer that is curable with surgery. I had the surgery and I'm fine now.

This was the closest I've been to facing death, and I hope it's the closest I get for a few (9) decades. Having lived through it, I can now say this to you with a bit more certainty than (10) death was a useful but purely intellectual concept:

No one wants to die. Even people who want to go to heaven don't want to die to get there. (11) yet death is the destination we all share. No one has ever escaped it. And that is as it should be, because Death is very likely the single best invention of Life. It is Life's change agent. It clears out the old to make way (12) the new. Right now the new is you, but someday not too long (13) now, you will gradually become the old and be cleared away. Sorry to be so dramatic, but it is quite true.

Your time is limited, so don't waste it living someone else's life. Don't be trapped by dogma — which is living with the results of other people's thinking. Don't let the noise of others' opinions drown out your own inner voice. And most importantly, have the courage to (14) your heart and intuition. They somehow already know what you truly want to become. Everything (15) is secondary.

四、英譯中：(10分)

To be admitted to the Visa Waiver Program, a country must meet various security and other requirements, such as enhanced law enforcement and security-related data sharing with the United States and timely reporting of both blank and issued lost and stolen passports. VWP members are also required to maintain high counterterrorism, law enforcement, border control, and document security standards. In addition, designation as a VWP country is at the discretion of the United States government. Meeting the objective requirements of the VWP does not guarantee a successful candidacy for VWP membership.

五、中譯英：(10分)

有些臺灣人去國十幾、二十年，回臺灣沒有人懷疑他不是臺灣人；我們在這裡結婚、生活這麼久，卻一直被視為「外人」。現在《入出國及移民法》通過，讓想留下來的外國人也有機會，可以成為『新臺灣人』。