

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

等 別：三等移民行政人員考試

類(科)別：移民行政

科 目：法學知識與英文（包括中華民國憲法、法學緒論、英文）

考試時間：1 小時

座號：_____

※注意：(一)本試題為單一選擇題，請選出一個正確或最適當的答案，複選作答者，該題不予計分。

(二)本科目共 50 題，每題 2 分，須用 2B 鉛筆在試卡上依題號清楚劃記，於本試題上作答者，不予計分。

(三)禁止使用電子計算器。

- 1 審計長應於行政院提出決算後三個月內，依法完成其審核，並向何者提出審核報告？
(A)立法院 (B)總統府 (C)監察院 (D)行政院主計總處
- 2 依憲法增修條文規定，全國不分區及僑居國外國民一共應選出幾席立法委員？
(A) 32 席 (B) 33 席 (C) 34 席 (D) 35 席
- 3 有關監察院之敘述，下列何者正確？
(A)監察院院長由監察委員互相選舉產生 (B)監察委員之任期為六年
(C)監察院應依合議制行使職權 (D)審計長由總統提名，監察院同意後任命之
- 4 下列何者非中華民國憲法制定之目的？
(A)鞏固國權 (B)保障民權 (C)維護政府權威 (D)增進人民福利
- 5 依憲法本文及增修條文規定，下列何者於任期屆滿後不得連任？
(A)司法院大法官 (B)立法委員 (C)考試委員 (D)監察委員
- 6 下列何者不屬於憲法所定之人民基本義務？
(A)依法納稅 (B)服公職 (C)依法服兵役 (D)受國民教育
- 7 憲法第 171 條第 2 項規定，法律與憲法有無牴觸發生疑義時，由司法院解釋之，下列何者係以司法院之名義解釋憲法？
(A)最高法院 (B)最高行政法院 (C)司法院院長 (D)大法官
- 8 下列何者並非憲法第 170 條所稱之立法院通過，總統公布之法律？
(A)交通部組織法 (B)道路交通案件處理辦法
(C)交通部民用航空局所屬航空站組織通則 (D)道路交通管理處罰條例
- 9 依憲法規定，全國陸海空軍效忠的對象為：
(A)領袖 (B)總統 (C)國家 (D)執政黨
- 10 依憲法第 4 條規定，中華民國領土範圍為何？
(A)依固有之疆域 (B)依建國時之領土範圍
(C)依法律規定 (D)由總統決定之
- 11 關於司法制度，憲法第 107 條規定為何？
(A)由縣立法並執行之 (B)由省立法並執行之
(C)由中央立法並執行之 (D)中央執行或交由省縣執行
- 12 行政院不管部會政務委員如何產生？
(A)由行政院院長任命之 (B)由行政院院長提請總統任命之
(C)由總統提名經立法院同意任命之 (D)由行政院院長提名經立法院同意任命之
- 13 依憲法增修條文第 9 條第 1 項第 1 款規定，省政府委員之人數為：
(A) 7 人 (B) 8 人 (C) 9 人 (D) 10 人
- 14 大眾運輸工具如以國內各不同族群所慣用之語言播音，是為了落實何種基本權利？
(A)言論自由 (B)宗教自由 (C)集會自由 (D)平等權
- 15 憲法增修條文第 1 條規定，中華民國自由地區選舉人應於領土變更案提出後，至少經公告多久投票複決之？
(A) 1 個月 (B) 3 個月 (C) 半年 (D) 1 年
- 16 下列關於「法律」的敘述，何者錯誤？
(A)法律是以國家強制力為其實現手段的一種社會生活規範
(B)憲法中所稱法律，僅限於經立法院通過，總統公布的法律
(C)法律與憲法牴觸者，無效
(D)習慣法不具有法律的效力

- 17 民國 100 年 4 月 27 日總統令制定公布「行政法人法」，其第 42 條規定：「本法自公布日施行。」此法律自何日起發生效力？
(A)民國 100 年 4 月 27 日 (B)民國 100 年 4 月 28 日 (C)民國 100 年 4 月 29 日 (D)民國 100 年 4 月 30 日
- 18 關於法律不溯及既往原則，下列敘述何者錯誤？
(A)是法律適用的原則，不是立法的原則
(B)就刑法規定而言，僅刑罰規定有此原則的適用，保安處分規定不適用
(C)亦適用於民法領域
(D)法官不得將法律適用於該法律尚未生效前的具體案件上
- 19 甲公務員因有違法的行為而遭「撤職」，此「撤職」屬於下列何種處罰？
(A)行政刑罰 (B)行政秩序罰 (C)行政懲戒罰 (D)以上皆非
- 20 原則上我國各種類訴訟的法院審級制度設計為：
(A)民事及刑事訴訟採三級二審制 (B)刑事及行政訴訟採三級二審制
(C)民事及行政訴訟採二級二審制 (D)民事及刑事訴訟採三級三審制
- 21 下列何者屬於憲法基本國策之規定？
(A)人民有依法律服兵役之義務 (B)人民除現役軍人外，不受軍事審判
(C)現役軍人不得兼任文官 (D)總統統率全國陸海空軍
- 22 下列何者並非我國現行法院？
(A)勞工法院 (B)智慧財產法院 (C)最高行政法院 (D)臺灣高等法院
- 23 司法院釋字第 696 號解釋認定夫妻合併報繳所得稅規定違反平等原則，請問係針對何類所得作成解釋？
(A)薪資所得 (B)自力耕作、漁、牧、林、礦之所得
(C)非薪資所得 (D)競技、競賽及機會中獎之獎金或給與
- 24 全民健康保險特約醫事服務機構合約（以下簡稱醫事服務機構合約）之法律救濟途徑，下列何者正確？
(A)醫事服務機構合約係全民健保各別醫事服務機構之間所締結之契約
(B)醫事服務機構合約所生履約爭議，經全民健康保險爭議審議委員會審議後，得逕向高等行政法院請求救濟
(C)醫事服務機構合約之法律性質為私法契約
(D)醫事服務機構合約所生履約爭議，經全民健康保險爭議審議委員會審議後，得向地方法院請求救濟
- 25 依公司法規定，公司有下列何種情事時，主管機關得依職權或利害關係人之申請，命令解散之？
(A)公司名稱經法院判決確定不得使用，公司於判決確定後六個月內辦妥名稱變更登記者
(B)公司設立登記後六個月尚未開始營業，但已辦妥延展登記者
(C)未於申請設立登記時或設立登記後三十日內，檢送經會計師查核簽證之文件者
(D)開始營業後自行停止營業六個月以上，但已辦妥停業登記者
- 26 下列何者不是民法規定對自然人的民事制裁方式？
(A)損害賠償責任 (B)人格的剝奪
(C)權利的剝奪 (D)法律行為的無效或契約的解除
- 27 內政部入出國及移民署實施面談辦法之法律性質為何？
(A)法律 (B)行政規則 (C)法規命令 (D)職權命令
- 28 有關消費者保護法之定義規定，下列何者正確？
(A)消費爭議係指金融消費者與金融服務業間因商品或服務所生之民事爭議
(B)消費者保護團體係指以保護消費者為目的而依法設立登記之法人
(C)消費者係指接受金融服務業提供金融商品或服務者
(D)消費者保護法之主管機關為行政院金融監督管理委員會
- 29 依據司法院解釋，下列何種案件屬於私法爭議，應向民事法院請求救濟？
(A)人民依國有林地濫墾地補辦清理作業要點申請訂立租地契約，對林區管理處未為准許之決定表示不服
(B)學生不服大學對其所為行政處分或其他公權力措施，侵害學生受教育權或其他基本權利者
(C)受刑人不服行政機關不予假釋之決定者
(D)公營事業與其所屬人員就契約關係已否消滅雙方有爭執者
- 30 依中央法規標準法規定，法律定有施行期限者，期滿當然廢止，後續應如何處理？
(A)應經立法院通過，總統公布之 (B)應由主管機關公告之
(C)應報請立法院備查 (D)應逐條公布廢止之條文
- 31 There are exceptions to this rule, but ____ this is a good rule of thumb to use.
(A) by and large (B) at large (C) by accident (D) at length
- 32 Woodpeckers are common throughout North America, but in some areas they are in ____ due to habitat loss.
(A) shape (B) defect (C) decline (D) sight

- 33 The experimental project turned out to be a big disaster ____ underestimation and miscalculation.
(A) according to (B) following up (C) on behalf of (D) owing to
- 34 John, a mathematical ____, made his name when he was ten.
(A) follower (B) heathen (C) prodigy (D) suspect
- 35 The policeman manifested his disgust with a frown.
(A) The policeman was disgusted by the crowd.
(B) The policeman made a disgusting hand gesture.
(C) The policeman disguised his feeling with a frown.
(D) The policeman displayed a disapproving facial expression.
- 36 Despite the grim atmosphere in the airline industry, business- and first-class passengers remain a lushly profitable segment.
(A) Although the prospect of the airline industry is not rosy, the airline companies can still make profits from business- and first-class passengers.
(B) The airline industry is attempting to attract more business- and first-class passengers; however, the promotions do not progress as well as expected.
(C) The grim atmosphere in business- and first-class cabins has great impacts on the airline industry.
(D) Business- and first-class passengers cannot bring the airline companies enough profits to support the industry.

請依下文回答第 37 題至第 41 題。

In both civil and criminal court cases in the United States, a jury is called to give a verdict. The jury is made up of members of the general population—individuals who typically have little or no legal training. Such a jury is valued because it offers a trial by one's peers. In preparation for hearing a court case, a jury must understand the presumption of innocence and the burden of proof. Before a legal trial, an explanation is read to jurors, as follows: "The defendant enters this courtroom as an innocent person, and you must consider him to be an innocent person until the State convinces you beyond a reasonable doubt that he is guilty of every element of the alleged offense. If, after all the evidence and arguments, you have a reasonable doubt as to the defendant's having committed any one or more of the elements of the offense, then you must find him not guilty."

In determining whether or not the State has proven the defendant's guilt beyond a reasonable doubt, jury members should be guided only by a full and fair evaluation of the evidence. Jurors should not be influenced by their own personal bias or sympathy.

- 37 In an American court of law, who decides whether a defendant is guilty or not?
(A) The judge (B) The State (C) The jury (D) The lawyers
- 38 According to the article, what is the major feature of a jury verdict?
(A) Jury members are experts on legal arguments.
(B) All jury members share the responsibility of the final verdict.
(C) The final verdict is reached by a majority vote.
(D) The final verdict is reached by a group of common, ordinary people.
- 39 Which of the following things are the jurors NOT supposed to do?
(A) Hearing testimonies from witnesses and police officers.
(B) Sympathizing with a defendant who looks innocent and honest.
(C) Evaluating arguments from both sides.
(D) Examining criminal evidence provided by the State.
- 40 In the "presumption of innocence," which of the following statements is true?
(A) The burden of proof lies with the jury.
(B) The burden of proof lies with the defendant.
(C) A defendant must be considered guilty unless proved otherwise.
(D) A defendant must be considered innocent unless proved otherwise.
- 41 What does it mean when a person is said to have committed an "alleged offense"?
(A) The offense is proven beyond any reasonable doubt.
(B) The offense has been reported or investigated, but it has not yet been proven in court.
(C) The jury decides to convict the person with enough evidence from various sources.
(D) The offense is so serious that a sentence of three years or more is likely.

請依下文回答第 42 題至第 45 題。

The writer—like the musician or painter—must be free to explore; otherwise she or he will never discover what is needed to be known. This means, very often, finding oneself considered “unacceptable” by masses of people who think the writer’s obligation is to second the masses’ motions, whatever they are. Yet the gift of a writer’s loneliness is sometimes a radical vision of society or one’s people that has not previously been taken into account. Jean Toomer was, I think, a lonely, wandering man, accustomed to being misunderstood—and yet, *Cane* is a great reward; though Toomer himself probably never realized it. The same is true of Zora Neale Hurston. It is interesting to contemplate what would have been the result and impact on black women—since 1937—if they had read and taken to heart Hurston’s *Their Eyes Were Watching God*. Would they still be as dependent on material things—fine cars, furs, big houses, pots and jars of face creams—as they are today? Or would they, learning from the main character of the book that materialism is the dragrope of the soul, have become women immune to the accumulation of things, and aware that love, fulfillment as women, peace of mind, should logically come before, not after, selling one’s soul for a golden stool on which to sit. Sit and be bored.

- 42 According to the author, why are writers often considered “unacceptable” by the public?
- (A) They usually explore the unknown.
(B) They are usually lonely and wandering.
(C) They usually write to second the masses’ opinions.
(D) They usually fail to realize the value of their work.
- 43 What does “a golden stool” symbolize?
- (A) A radical vision
(B) A great art work
(C) A luxurious object
(D) An unacceptable writer
- 44 According to the passage, which of the following statements is true?
- (A) Hurston realized that her work was important.
(B) Toomer did not know that his work was great.
(C) The author did not agree that *Cane* was a great work.
(D) Hurston’s book was considered more important than Toomer’s.
- 45 According to the passage, what should black women do after reading *Their Eyes Were Watching God*?
- (A) Be dependent on material luxuries.
(B) Choose a golden stool instead of fine cars and furs.
(C) Sell one’s soul for accumulation of things.
(D) Choose self-fulfillment instead of a golden stool.

請依下文回答第 46 題至第 50 題。

Changes in information technology are both threatening and enhancing the ability of a business to develop long-term relationships with its customers, requiring relationship marketing. The Internet allows a customer to contact a business any time of the day or night from any location to gather information, make purchases, or obtain information on the status of accounts. This information can be 46 to the needs of the individual customer. This has shifted 47 to the customer because the Internet allows buyers to easily find information on competitive products and services. Companies can also more easily find new customers and serve existing customers by using databases to develop personal 48 and then targeting customers with customized information that can meet specific needs. Amazon.com, 49, personalizes e-mail, customizes web pages, and offers products based on a buyer’s past purchases. Dell develops purchase portals for businesses, allowing for customized purchasing and invoicing. The Internet is 50 a hyper-competitive environment where information technology is used as a vital part of marketing strategy and relationship development.

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| 46 (A) personalized | (B) visualized | (C) maximized | (D) categorized |
| 47 (A) energy | (B) power | (C) key | (D) strategy |
| 48 (A) accessories | (B) agendas | (C) properties | (D) profiles |
| 49 (A) after all | (B) in addition | (C) as usual | (D) for example |
| 50 (A) carrying away | (B) doing without | (C) bringing about | (D) remarking upon |