

109年公務人員特種考試司法人員、法務部
調查局調查人員、國家安全局國家安全情報
人員、海岸巡防人員及移民行政人員考試試題

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、甲原為臺中市立某高級中學學生，因其於民國105年11月間叨含香菸，受記小過1次之處分；又因無照騎乘機車，於同年12月間受記大過1次之處分。甲不服，循序提起救濟，經臺中高等行政法院106年度訴字第219號及第220號裁定、最高行政法院106年度裁字第2146號裁定及107年度裁字第141號裁定，均認原處分未對學生憲法上受教育之權利或其他基本權利造成重大影響，依司法院釋字第382號解釋（下稱系爭解釋）駁回其訴。甲因認確定終局裁定，所適用之系爭解釋，有牴觸憲法第7條及第16條之疑義，侵害其受憲法保障之訴訟權等基本權利，聲請司法院大法官解釋暨補充解釋。現在，你是主筆大法官，請論述解釋理由。（25分）
- 二、甲因涉犯通姦罪嫌，經檢察官提起公訴，臺灣高雄地方法院106年度易字第678號刑事判決判處罪刑。甲上訴後經臺灣高等法院高雄分院107年度上易字第350號刑事判決，以上訴無理由駁回確定。是本件聲請，應以前開臺灣高等法院高雄分院刑事判決為確定終局判決。甲認前開確定終局判決，所適用之通姦罪規定，有牴觸憲法之疑義，聲請司法院大法官解釋暨變更系爭解釋。現在，你是主筆大法官，請論述解釋理由。（25分）
- 三、中譯英：請回答下列5個劃底線的單字或詞在文內最為適當的英譯（每小題2分，共10分）
- (一)永續發展成為近年來各國施政重點。
 - (二)國際移民組織宣布暫緩難民重新安置時程。
 - (三)海巡署查獲民眾違規從事潛水活動。
 - (四)歐盟高峰會未能達成共識。
 - (五)雇主聘僱外籍契約工須依據現行法令。

四、英譯中：請回答下列文章內10個劃底線的單字或詞在文內最為適當的中譯（每題2分，共20分）

UN says migrants in Yemen (1) stranded, abused amid coronavirus fears

Tens of thousands of African migrants, mostly Ethiopians, stranded in Yemen have been harassed and forcibly (2) transferred internally amid fears they are spreading the coronavirus, according to the UN's migration agency.

(3) Stigmatized because people claimed they were carriers of the virus, at least 14,500 migrants have been hounded, (4) rounded up and transported to different provinces far from the main urban centers, according to a UN report. They remain stranded without adequate food, water or shelter in the (5) war-torn country, which is going through what the UN is calling the "world's worst (6) humanitarian crisis".

"For nearly six years, Yemen has been an extremely unsafe place to be a migrant." "COVID-19 has made this situation worse - migrants are (7) scapegoated as carriers of the virus and, as a result, suffer (8) exclusion and violence," she added.

Ethiopians (9) trek hundreds of miles from their home villages through countries such as Djibouti or Somalia, then across the sea and through Yemen. In many cases, migrants are at the mercy of smugglers who may imprison and torture them.

An unknown number of the migrants could be held in (10) detention centers that had poor hygiene standards even before the outbreak of COVID-19.

五、英文作文（20分）

Write a composition of no less than 250 words in length on the following topic :

Do you think our government's current immigration policy contribute more to "brain drain" or to "brain gain" ? Use reasons and specific examples to support your answer.