

中央警察大學 105 學年度碩士班入學考試試題

所 別：國境警察學系碩士班

科 目：國境安全與管理

作答注意事項：

1. 本試題共 4 題，每題各占 25 分；共 5 頁。
2. 不用抄題，可不按題目次序作答，但應書寫題號。
3. 禁用鉛筆作答，違者不予計分。

一、在國際性(跨國性)之網路犯罪(International cybercrimes)方面，其對國境安全與管理而論，是一項新興之挑戰，請根據本題所附之英文資料，論述以下之問題：何謂網路犯罪？國際性(跨國性)之網路犯罪有何特色？國際社會上，有何防治作為？（請用中文作答，使用英文回答者，不予計分）

There is no commonly agreed single definition of "cybercrime". It refers to illegal internet-mediated activities that often take place in global electronic networks. Cybercrime is "international" or "transnational" --- there are 'no cyber-borders between countries'. International cybercrimes often challenge the effectiveness of domestic and international law and law enforcement. Because existing laws in many countries are not tailored to deal with cybercrime, criminals increasingly conduct crimes on the Internet in order to take advantages of the less severe punishments or difficulties of being traced.

No matter in developing or developed countries, governments and industries have gradually realized the colossal threats of cybercrime on economic and political security and public interests. However, complexity in types and forms of cybercrime increases the difficulty to fight back. In this sense, fighting cybercrime calls for international cooperation. Various organizations and governments have already made joint efforts in establishing global standards of legislation and law enforcement both on a regional and on an international scale. U.S.-China's cooperation is one of the most striking progress recently because they are the top two source countries of cybercrime.

Information and communication technology (ICT) plays an important role in helping ensure interoperability and security based on global standards. General countermeasures have been adopted in cracking down cybercrime, such as legal measures in perfecting legislation and technical measures in tracking down crimes over the network, Internet content control, using public or private proxy and computer forensics, encryption and plausible deniability, etc. Due to the heterogeneity of law enforcement and technical countermeasures of different countries, this article will mainly focus on legislative and regulatory initiatives of international cooperation.

International legislative responses and cooperation----

(一) G8---

Group of Eight (G8) is made up of the heads of eight industrialized countries: the U.S., the United Kingdom, Russia, France, Italy, Japan, Germany, and Canada. In 1997, G8 released a Ministers' Communiqué that includes an action plan and principles to combat cybercrime and protect data and systems from unauthorized impairment. G8 also mandates that all law enforcement personnel must be trained and equipped to address cybercrime, and designates all member countries to have a point of contact on a 24 hours a day/7 days a week basis.

(二) United Nations----

In 1990 the UN General Assembly adopted a resolution dealing with computer crime legislation. In 2000 the UN GA adopted a resolution on combating the criminal misuse of information technology. In 2002 the UN GA adopted a second resolution on the criminal misuse of information technology.

(三) ITU----

The International Telecommunication Union (ITU), as a specialized agency within the United Nations, plays a leading role in the standardization and development of telecommunications and cybersecurity issues. The ITU was the lead agency of the World Summit on the Information Society (WSIS). In 2003, Geneva Declaration of Principles and the Geneva Plan of Action were released, which highlights the importance of measures in the fight against cybercrime. In 2005, the Tunis Commitment and the Tunis Agenda were adopted for the

Information Society.

(四) Council of Europe---

Council of Europe is an international organisation focusing on the development of human rights and democracy in its 47 European member states. In 2001, the Convention on Cybercrime, the first international convention aimed at Internet criminal behaviors, was co-drafted by the Council of Europe with the addition of USA, Canada, and Japan and signed by its 46 member states. But only 25 countries ratified later. It aims at providing the basis of an effective legal framework for fighting cybercrime, through harmonization of cybercriminal offences qualification, provision for laws empowering law enforcement and enabling international cooperation.

(quoted from : International cybercrime--- Wikipedia, the free encyclopedia)

二、南韓之國力，愈來愈強，就南韓之移民政策（Immigration policy of South Korea）及移民管理（含國境及移民執法）而論，請根據本題所附之英文資料，論述以下之問題：南韓之移民政策、國籍法與全般性之移民計畫（含國境及移民執法），有何特色？（請用中文作答，使用英文回答者，不予計分）

In South Korea, immigration policy is handled by the immigration services of the Ministry of Justice, Ministry of Labor, Ministry of Health and Welfare and the Ministry of Foreign Affairs and Trade. The Nationality Act, Immigration Control Act, Multicultural Families Support Act, and the Framework Act on Treatment of Foreigners are the foundations of immigration policy in Korea. The Korean government initiated a discussion in 2003 on establishing an independent immigration office to accommodate fast-growing immigrant and to prepare inclusive and rational immigration policies; however, there has been little progress. The Foreigner Policy Committee, headed by the Prime Minister, coordinates foreigner-related policies which were handled by many ministries. However, its role is limited because of a shortage of resources and manpower. The establishment of an Immigration Office is expected to solve these problems by concentrating all related resources and manpower under one umbrella.

According to the UN Recommendations on Statistics of International

Migration revised in 1998, long-term international immigration is recorded after an individual enters a country and establishes his place of residence there for one year or more. Therefore, when the Korean government develops new policies immigrant laborers and children of illegal migrants should be counted (to follow this guideline).

Nationality Act ---

Effective June 14, 1998, persons with at least one Korean parent are automatically granted Korean nationality from birth, regardless of their decision on whether to choose the nationality of the foreign parent or country of birth (if born outside Korea).

The requirements for General Naturalization are as follows:

- Must have had domicile address in the Republic of Korea for more than five consecutive years
- Must be a legal adult, according to Korean civil law
- Must have good conduct
- Must have the ability to maintain a living standard on his/her own assets or skills (or is a dependent member of a family capable of that)
- Must have basic knowledge befitting a Korean national (such as an understanding of the Korean language, customs and culture)

National plan----

Its vision is a world-class Korea, where foreigners live in harmony with Koreans.

1.National competitiveness

- Attracting talent
- Attracting foreign workers for balanced national development
- Creating a foreigner-friendly living environment

2.Social integration

- Promoting understanding of a multicultural society
- Helping immigrants through marriage settle
- Creating a sound environment for multicultural children
- Creating a friendly environment for the Korean diaspora

3.Law enforcement

- Enforcing immigration laws
- Managing borders and information on foreigners to protect national security
- Securing solid citizens

4.Human rights

- Preventing discrimination and protecting human rights
- Protecting the human rights of foreigners in detention
- Establishing an effective system for determining refugee status and supporting refugees.

(quoted from: Wikipedia, the free encyclopedia)

三、近年來我國政府積極推動兩岸觀光交流，致使陸客來臺人數大幅上升，若以國境人流之「源頭安全管理」角度，檢視大陸地區人民來臺的安全管理機制，我國在國境人流管理上，仍面臨許多挑戰。請先從法令面及實務面，說明現行大陸地區人民來臺之管理機制後，再依此論述現行管理機制面臨之挑戰，並提出建議。

四、根據國際移民組織（IMO）的統計，從 2000 年至 2014 年，至少已經有 2 萬 2,000 名移民喪失性命在前往歐洲的海路上。對於大批非法移民與難民的湧入，歐盟各國國境安全面臨挑戰。請先敘述此波難民潮發生之背景，再分析歐盟為此採取的幾項措施，繼而論述歐盟邊境安全面臨之困境。