中英對照版

法院裁定准予再延長收容之簡要說明

裁定字號：○○年度再收字第○○○號

主　　文：○○○再延長收容。

理由概要：

一、行政法院認再延長收容之聲請為有理由者，應為再延長收容之裁定，入出國及移民法第38條之4第6項準用行政訴訟法第237條之14第2項後段定有明文。

二、受收容人○○○因受強制驅逐出國處分，經內政部移民署依入出國及移民法第38條之4第4項規定，於延長（或再延長）收容期間屆滿前，向本院聲請裁定再延長收容，本院認有再延長收容事由（受收容人因天然災害、疫情等不可抗力因素，致無法強制驅逐出國，且有下列情形之一：一、未經許可入國。二、曾犯國家安全法或反滲透法之罪，經有罪判決確定），且有繼續收容之必要，本件聲請為有理由，受收容人○○○應准再延長收容。

救濟教示：

如不服本裁定，應於送達後5日內向本院提出抗告狀。

Brief Description of the Court Granted Petition for a Further Extension of Detention

Case Number of Ruling: Zai-Shou-Zhi No.◯◯◯ of ◯◯◯ year
Content of Ruling: The detention against◯◯◯is further extended.
Summary of Reasons:

1. When a petition for a further extension of detention is considered reasonable, the Administrative Court shall grant the petition by ruling. Such regulation is prescribed in Paragraph 4, Article 38-4 of the Immigration Act and applicable to Paragraph 2, Article 237-14 of Administrative Litigation Act.
2. Detainee ◯◯◯ is under the sentence of deportation by the order of the National Immigration Agency. However, the agency could file for a petition for a further extension of detention pursuant to Paragraph 2, Article 38-4 of Immigration Act before the detention period expires. If the Court believes that the reason for a further extension of detention still exists (e.g. the passport or travelling document of the detainee is lost or expired, and is not yet replaced, re-issued or extended, or the detainee cannot be deported from the State due to natural disasters, epidemic or other force majeure), the detention remains necessary. This petition is reasonable and granted, and the detention against detainee ◯◯◯ shall be further extended.

Reminder for Remedy:
If the filing party feels dissatisfied with this ruling, a notice of appeal shall be filed to the Court within five days after the delivery of the ruling document.