

## 法院裁定准予延長收容之簡要說明

裁定字號：○○年度延收字第○○○號

主 文：○○○延長收容。

理由概要：

- 一、行政法院認延長收容之聲請為有理由者，應為延長收容之裁定，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2項規定，於續予收容期間屆滿前，向本院聲請裁定延長收容，本院認有延長收容事由（受收容人所持護照或旅行證件遺失或失效，尚未能換發、補發或延期，或因天然災害、疫情等不可抗力因素，致無法強制驅逐出國），且有繼續收容之必要，本件聲請為有理由，受收容人○○○應准延長收容。

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 an Extension of Detention**

Case Number of Ruling: Yen-Shou-Zhi No. ○○○○ of ○○ year

Content of Ruling: The detention against ○○○○ is extended.

Summary of Reasons:

1. When a petition for an extension of detention is considered reasonable, the Administrative Court shall grant the petition by ruling. Such regulation is prescribed in 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 an extension of detention pursuant to Paragraph 2, Article 38-4 of the Immigration Act before the detention period expires. If the Court believes that the reason for an 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 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.