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查緝大陸偷渡犯 之研析與檢討

An assessment and overview on
cracking down illicit mainland
people trafficking outlaws



壹、國內偷渡現況研析：

依歷年查獲收容大陸偷渡犯人數統計，82至83年為大陸地區人民偷渡來台之高峰時期，其中以82年查獲6,130人最多，爾後逐年遞減，每年查獲人數平均約1,500人，惟自91年起，查獲人數又有增加趨勢，計查獲2,032人，92年查獲3,458人，93年度則又呈銳減之趨勢。

Part 1. Profiling the current state of local illicit people trafficking:

According to the number of illegal mainland traffickers that have been arrested over the years, it shows the period between 1993 and 1994 was the high-tide period, of which the number of interdictions in 1993 reaches a high point reporting at 6,130 individuals. Though declining thereafter, the average number of yearly interdictions was about 1,500 individuals. From the year of 2002, it showed a growing trend at 2,032 busts, with 2003 reporting a total of 3,458 in interdictions, and that in 2004 drops sharply however.

歷年來全國收容偷渡犯人數統計 Total interdictions: Calander Year 1993 to 2004

年度 Year	男性 Male	女性 Female	緝獲人數 Total
82年(1993)	5,856	274	6,130
83年(1994)	3,067	150	3,217
84年(1995)	2,029	152	2,181
85年(1996)	1,432	197	1,629
86年(1997)	994	99	1,093
87年(1998)	1,023	92	1,115
88年(1999)	1,653	109	1,762
89年(2000)	1,201	326	1,527
90年(2001)	872	597	1,469
91年(2002)	826	1,206	2,032
92年(2003)	538	2,920	3,458
93年(2004)	706	1,077	1,783
合計 Grand Total	20,197	7,199	27,396

為解決國內偷渡犯罪日益猖獗問題，行政院自92年11月1日起，成立「獵蛇專案」之跨部會編組，以結合各有關機關及情治單位力量，規劃具體之聯合查緝作為，期藉偵辦偷渡犯罪組織案件，有效追本斷源，澈底瓦解偷渡犯罪組織，計93年度共查獲大陸偷渡犯1,783人，計畫性、組織性仲介偷渡及色情集團案件共42案，已有效遏止大陸偷渡犯罪情事；94年起將「獵蛇專案」敘態化後，採以「靖海專案」持續執行。

貳、執行策略：

To address the ever rampant problem of local trafficking criminals, the Executive Yuan has since November 1, 2003 launched a cross-department task force, dubbed the "Snake Hunting Project", which serves to integrate the strength of all relevant government agencies and intelligence units in a move to develop tangible joint investigation and crackdown moves that would effectively curtail the problems right from the source through effective investigation and processing of organized trafficking criminal cases. In 2004, statistics showed a total crackdown of 1,783 illegal mainland traffickers, 42 cases of premeditated organized brokering trafficking and organized sex trade incidents, which have successfully deterred illegal mainland people trafficking incidents. In 2005, as the "Snake Hunting Project" becomes a routine operation, the project will now be revamped under the "Sea eradication mission" for continued enforcement action.

Part 2. Implementation strategies

一、斷源於對岸：

去(93)年度本署藉由行政院「獵蛇專案」建立兩岸共同打擊犯罪情資交流管道，提供大陸地區相關單位偵破計畫偷渡至臺灣地區案件6件，查獲預備偷渡之大陸地區人民共計121人。

二、防堵於岸際：

據本署統計，去(93)年度計查獲非法入出國案422件，查獲偷渡犯776人(含外國人12人、本國人47人)、涉案雇主或仲介229人；偷渡犯中大陸地區人民717人，佔92.39%(男性231人，佔32.22%；女性486人，佔67.78%)；其中在海域、漁港及岸際地區查獲111件，緝獲涉案雇主或仲介42人、偷渡犯364人、佔46.91%，另針對查獲之涉案漁船，均已函請主管機關依「臺灣地區與大陸地區人民關係條例」等規定逕行沒入等處分，以有效遏止不法偷渡。

三、查緝於內陸：

去(93)年度本署在內陸地區查獲非法入出國案件315件，緝獲涉案雇主或仲介180人、偷渡犯412人(佔本署查獲數53.09%)，有效進行追本斷源的工作。

I. Curtailing right from the source across the Taiwan Strait:

In 2004, in response to the Executive Yuan's "Snake Hunting Mission", the administration has since instilled a cross-strait joint criminal intelligence exchange venue that has yielded six cases of joint crackdown working with mainland authorities, nailing a total 121 illicit traffickers from the mainland region.

II. Blocking entries right from the shoreline:

According to the Coast Guard Administration statistics, in 2004, a total of 422 cases of illegal entries have been reported, interdicting a total of 776 illegal traffickers (consisting of 12 foreigners and 47 natives), uncovering 229 employers or brokers involving in the cases; a total of 717 illegal traffickers came from china, which account for 92.39% (231 males, 32.22%, and 486 females, 67.78%); a total of 111 cases were uncovered at sea, fishing port or coastal areas, involving 42 employers and brokers, indicating 364 illicit traffickers, which account for 46.91%. In addition, with regard to fishing boats involved in the case, referrals have been made to competent government agencies for confiscation of the vessels in accordance with the Law of population relationship between Taiwan, R.O.C. and mainland China, in order to effectively interdict illegal trafficking.

III. Cracking down right at inland:

In 2004, the Coast Guard Administration has solved in a total of 315 cases of illegal entries and exits, involving 180 employers and brokers, indicting 412 illicit traffickers (which account for 53.09% of the total cases), which has been proven effective in curtailing the crime right from the source.

Part 3. The routes of mainland people flow into Taiwan

With many means for Mainland Chinese residents to enter Taiwan, a large number of them tend to take to the means of illegal entries covered by legitimate names; some of the common phenomena are described as follows,

I. Illegal trafficking with entries by sea:

During the period from 2000 to 2004, traffickers who enter Taiwan via the migrant smuggling vessels that have been taken in by various law enforcement agencies totaled to 10,269, among whom the administration has arrested and indicted 3,844, which account for 37.43% of the national statistics; detailed figures are as shown below:

參、大陸人士來台途徑分析：

大陸人士來台，有不同管道途徑，其中不乏以合法掩護非法，茲分述如次：

一、以海上偷渡進入：

自89年迄93年止，自海上搭乘船舶偷渡來台，各治安單位共緝獲1萬0269人，其中本署查獲3,844人，佔全國總查獲數37.43%。詳如下表：





五年來全國收容偷渡犯人數統計 Number of traffickers arrested over the past five years				本署緝獲數 Number of traffickers arrested by the administration	百分比 Percentage
年度 Year	男性 Male	女性 Female	緝獲人數 Number of arrests		
89 年(2000)	1,201	326	1,527	352	23.05%
90 年(2001)	872	597	1,469	455	30.97%
91 年(2002)	826	1,206	2,032	876	43.11%
92 年(2003)	538	2,920	3,458	1,385	40.05%
93 年(2004)	706	1,077	1,783	776	43.52%
合計 Total	4,143	6,126	10,269	3,844	37.43%

資料來源：內政部入出境管理局 Source: Immigration office, NPA , Ministry of Interior

二、以合法掩護非法進入：

自 89 年迄 93 年止利用兩岸各項交流名義，以結婚、探親、觀光、假證件、大陸漁工等合法掩護非法入境，申請入境後，從事與許可目的不符之活動總計 16,152 人，相關管道入境人數分列如后：

II. Illegal trafficking camouflaged by legitimate cover-ups:

Of the period from 2000 to 2004, the number of illicit traffickers taking to the namesake of cross-strait exchange by the legal entry means, such as marriage, family reunion, tourism, fake ID, bogus mainland fishermen, for engaging in illicit activities upon entering totaled to 16,152; statistics on the number of traffickers by entry means are charted as follows:

類別 Type /year	89 年(2000)	90 年(2001)	91 年(2002)	92 年(2003)	93 年(2004)	合計 Total
假結婚 Bogus marriage	147	240	229	235	2,751	3,602
假探親 Bogus family visitation	2,019	2,627	2,771	2,380	2,222	12,019
假觀光 Bogus tourist				4	53	57
假證件 Fake ID	6	11	16	12	327	372
假漁工 Bogus fishermen					102	102
海上偷渡 Sea trafficking	1,527	1,469	2,032	3,458	1,783	10,269
小計 Subtotal	3,699	4,347	3,016	6,089	7,238	26,421

資料來源：警政署入出境管理局 Source: Immigration office, NPA , Ministry of Interior

三、有關不法來台之綜合分析：

(一) 以合法掩護非法有日益增長之趨勢：據上述統計資料，五年來大陸地區人民非法入境管道，自海上搭乘船舶入

III. The analysis on illegal entries to Taiwan:

(I) Camouflaging the illegal with the legal is on an increasing trend:

Based on the foresaid data, the number of illicit traffickers entering to Taiwan by sea in the past five years numbered to 10,269. And that through the means of legal exchange for

境，遭緝獲人數計有 1 萬 0269 人。另利用兩岸交流合法管道掩護非法活動，遭緝獲人數計有 1 萬 6152 人，兩者相比約 1 : 1.57；另以 93 年度為例，自海上搭乘船舶入境，遭緝獲人數計有 1,783 人。另利用兩岸交流合法管道掩護非法活動，遭緝獲人數計有 5,455 人，兩者相比約 1 : 3.06，顯示大陸地區人民利用兩岸交流合法管道入境，藉以掩護非法活動之方式，佔大多數，且有逐年成長之趨勢。

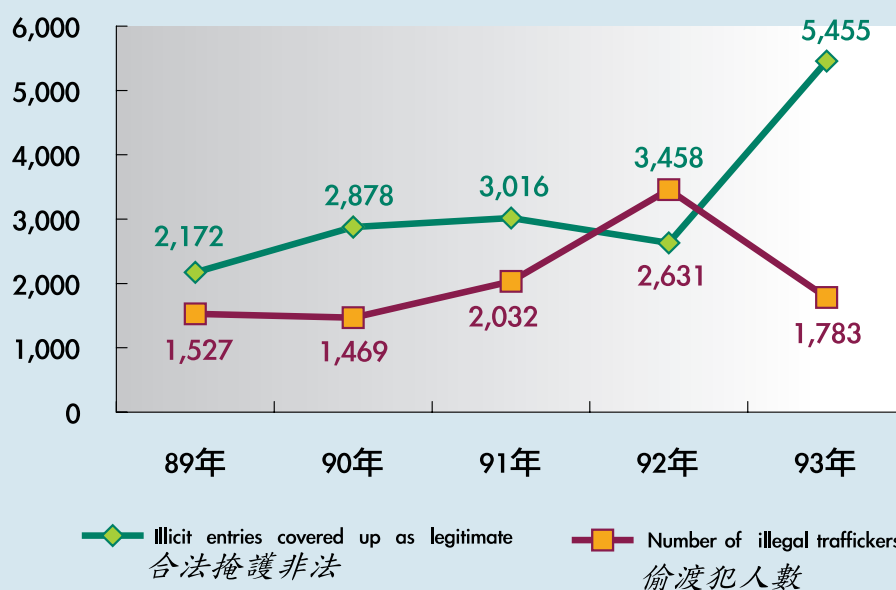


disguising illegal acts numbered to 16,152, or at a ratio of approx. 1:1.57. Taking the year of 2004 as an example, the number of illicit traffickers entering by sea numbered to 1,783, and those entering by the legal

means for disguising illegal activities numbered to 5,455, or at a ratio of approx. 1:3.06, which indicates that not only a majority of illicit mainland traffickers are entering Taiwan via legal means for disguising in illegal activities and the number is on the rise over the year.

近五年大陸人民合法掩護非法與偷渡人數分析圖

Analysis diagram on the number of illegally covered and trafficked mainland citizens over the most recent five years



(二) 利用漁船偷渡案有逐年降低之趨勢：依據近五年來全國性或本署查緝偷渡人數統計資料，均有逐年降低之趨勢，顯示近年來全國統合其他治安單位全力查緝偷渡活動，並採取與對岸合作查緝，斷源於對岸之策略，已

(II) Trafficking via fishing boats is on a declining trend:

Based on statistics on the number of illicit traffickers arrested and indicted nationwide and by the administration over the past five years, the figures have been steadily dropping, which shows the full-on investigation and crackdown by integrated law enforcement outfits, together with working alongside the authorities across the Taiwan Strait in a strategy of curtailing the crime right from the



收嚇阻之效；另新修正之兩岸人民關係條例已提高加重涉案國人之刑責，並針對涉案漁船（民）處以沒入及證照撤銷等處分，仲介集團因而轉由利用探親、觀光或持有假證件等方式，合法安排大陸地區人民來台，從事非法打工、賣淫等情事。

- (三) 女性偷渡犯有由增而減之趨勢：自 89 年起，兩岸偷渡仲介集團看好國內色情市場需求，即相繼誘騙或招攬女性偷渡來台從事色情行業，造成女性偷渡犯來台從事色情行業比例持續升高；惟各情治機關自 92 年底建立聯合查緝機制，落實遏阻偷渡不法，積極瓦解國內偷渡仲介、色情集團及肅清潛藏大陸偷渡犯等作為以來，國內色情業者為躲避查緝，已轉而以合法入境掩護非法，如假結婚之方式，招攬大陸地區或外籍女子入境從事色情行業。

肆、各國查緝偷渡之情形：

海域執法有必然的限制因素與困難度，世界各國海岸巡防機關在執行海上查緝偷渡上亦有一定之查獲比率，我國自 2000 年至 2004 年共查獲大陸偷渡犯人數 10,269 人，其中由本署於海於海域地區查獲人數計 2,259 人，佔國內查獲偷渡犯總人數比率達 22%，本情與美國、日本、澳大利亞、新加坡等先進國家比較，我國海上查緝能力並不遜色；檢附各國海岸巡防機關執行海上查緝比例分析如后：

source, has successfully deterred the trafficking. In addition, the amended cross-strait people's relations act has already brought up penalties against local-resident criminals involved in the cases. The penalties include confiscating the fishing boats, indicting the fishermen involved, as well as revoking the licenses to deter illicit trafficking rings from brokering mainland residents to enter Taiwan using family visitation, tourism or possessing fake ID to engage in working illegally, prostitution and as such.

- (III) Female traffickers are on a first-increasing-then-decreasing trend:

Since 2000, illicit trafficking rings began to lure and trap or solicit women to work in the prostitution trade, driving the number of women traffickers engaging in the sex trade to rise steadily; however, thanks to a joint investigation and crackdown mechanism instilled by various local law enforcement agencies since 2003, it has helped to curb illicit trafficking, and positively disintegrated the local human trafficking, sex trade and concealing mainland criminal cases, and eradicating local trafficking rings' luring mainland and foreign women to engage in the sex trade taking to the name of bogus marriage for covering illicit activities using legitimate namesakes in order to circumvent the law enforcement agency's investigation and crackdown efforts.

Part 4. The worldwide statement of crackdown against illicit people trafficking:

With certain invariable constraint and difficulties in law enforcement at sea, the world governments' coast guard units have had a certain crackdown success rate in illegal trafficking crackdown work; Taiwan has reported a total of 10,269 in its illegal trafficker stints between 2000 and 2004. Among them the administration scored a total of 2,259 illegal entrants, which accounted for 22% of all illegal traffickers reported locally. Compared the figures to that in the industrialized countries, such as the U.S., Japan, Australia, Singapore and so on, Taiwan's sea crackdown capabilities have been rather impressive; a recap on the percentage of crackdown action at sea by coast guards in various countries is provided as follows:

美國查緝偷渡資料統計表

Summary of statistics on U.S.'s crackdown against illegal people trafficking

	2001 年	2002 年	2003 年	合計 Total
總數 Total	32429 人	19278 人	14418 人	66125 人
美國海岸防衛隊海岸防衛隊 U.S. Coast Guard	3948 人	4104 人	5606 人	13658 人
比例 Percentage	12.17%	21.29%	38.88%	20.65%

資料來源：美國國土安全部 Source: U.S. Dept. of Homeland Security

日本查緝偷渡資料統計表

Summary of statistics on Japan's crackdown against illegal people trafficking

	2001 年	2002 年	2003 年	合計 Total
總數 Total	9852 人	8388 人	9251 人	27491 人
日本海上保安廳 Japan Coast Guard	415 人	137 人	114 人	666 人
比例 Percentage	4.21%	1.63%	1.23%	2.42%

資料來源：日本法務省入國管理局 Source: Australian Bureau of Immigration

澳大利亞查緝偷渡資料統計表

Summary of statistics on Australia's crackdown against illegal people trafficking

	2002 年	2003 年	2004 年	合計 Total
總數 Total	7805 人	6602 人	6196 人	20603 人
澳大利亞移民局 Australian bureau of immigration	1212 人	無 / Nil	53 人	1265 人
比例 Percentage	15.5%	0.86%	6.14%	

資料來源：澳大利亞移民局 Source: Australian Bureau of Immigration

新加坡查緝偷渡資料統計表

Summary of statistics on Singapore's crackdown against illegal people trafficking

	2002 年	2003 年	2004 年	合計 Total
總數 Total	無 / Nil	5500 人	5400 人	10900 人
新加坡警察海岸衛隊 Singapore Police Coast Guard	無 / Nil	無 / Nil	166 人	166 人
比例 Percentage	-	-	3.07%	1.52%

內政部警政署入出境管理局駐新加坡高景彬秘書

Source: Kao Jing-bin, Secretary to Singapore of Immigration Office National Police Agency, Ministry of Interior

我國查緝偷渡資料統計表

Summary of statistics on Taiwan's crackdown against illegal people trafficking

	2000 年	2001 年	2002 年	2003 年	2004 年	合計 Total
總數 Total	1,527 人	1,469 人	2032 人	3458 人	1783 人	10,269 人
本署海域緝獲數 Number of crackdown by the administration at sea	157 人	269 人	693 人	776 人	364 人	2,259 人
比例 Percentage	10.69%	18.31%	34.10%	22.44%	20.42%	22.00%

資料來源：行政院海岸巡防署 Source: ROC Coast Guard Ad



伍、檢討精進作為：

一、實施靖海專案：

為持續有效肅清潛藏於國內之大陸偷渡犯，並有效遏止偷渡集團仲介大陸地區人民偷渡來台等不法情事，自本（94）年元月1日起，國家安全局納編內政部警政署、法務部調查局、國防部憲兵司令部及本署等情治單位成立『靖海專案』，以「斷源於對岸為首要」、「全力瓦解犯罪組織」、「肅清潛藏國內之偷渡犯」及「全面查緝、嚇阻不法」等策略，針對偷渡問題採有效防制措施，確實發揮聯合編組功能以杜絕偷渡犯罪不法活動，導正兩岸交流秩序，維護社會安定。

二、進行逆向稽核：

為強化巡防工作之執行，針對突破海防登岸之重大案件，實施逆向稽核，以追溯案情緣由，找出勤務罅隙，並精進厲行「有功重賞、打破要賠」制度，迄今已啟動四次逆向稽核機制，除對失職人員予以懲處外，相關單位亦依案例檢討精進勤務作為。

三、提高舉發獎金：

為鼓勵民眾踴躍檢舉偷渡犯罪，本署規劃自本（94）年元月1日起提高核發每案新臺幣3千元至20萬元之高額檢舉獎金，以爭取民眾重視

Part 5. An overview on stepped-up improvement action:

I. To induct the Maritime Eradication Project:

To maintain an ongoing curtailing of illicit mainland traffickers hiding out in Taiwan, and to effective curtail human trafficking rings from engaging in trafficking mainland residents to Taiwan, effective January 2005, National Security Bureau, R.O.C., has joined hand with relevant government intelligence and reconnaissance outfits, including National Police Agency of Ministry of Interior, Investigation Bureau of Ministry of Justice, Military Police Command of Ministry of National Defense and the administration to launch a "Sea Eradication Mission" taking to the strategies of a "Premier mission of eradicating illicit smuggling right from the source across the strait", "A total infiltration of the criminal ring organizations", "Eradicating traffickers hiding in Taiwan" and "A comprehensive investigation and crackdown move for complete deterrence of the outlaws", by focusing on the illicit trafficking issue to take up effective preventive and remedial measures that would help to realize and excel a joint task dynamic, serving to curtail and eradicate criminal trafficking moves, restore the cross-strait exchange order, and maintain overall social stability.

II. To conduct reverse audits:

In an effort to set up the execution of defense patrol work, reverse audits have been inducted by focusing no major shore defense breaches by backtracking the case scenarios and potential causes in a move to identify duty loopholes, together with inducting a "Merit recognition, negligence penal" system, which have yielded four reverse audits that not only place negligent personnel under adequate corrective action but all units have also benefited their strategic implementation through case reviews.

III. To raise the undercover rewards:

To encourage the public to actively report illicit trafficking crime, the administration has since January 1, 2005 raised the handsome award from NT\$3,000 to NT\$200,000 per case in a move to solicit the public to send in useful information and relevant case clues that would help to deter and curtail illicit trafficking crime.

IV. To tackle the problem of camouflaging illegal trafficking under legitimate operations:



並鼓勵勇於檢舉相關線索情資，俾利有效嚇阻偷渡犯罪。

四、正視合法掩護非法偷渡問題：

依國內近五年來相關查緝數據顯示，查獲合法來台從事非法行為之人數有逐年增加、海上查獲大陸偷渡犯人數相對銳減；顯示國內偷渡仲介集團為躲避查緝，因而轉由利用結婚、探親、觀光、持假證件或假漁工等方式，以合法安排大陸地區人民來台，從事非法打工、賣淫等情事遽增；另本（94）年陸續查獲宜蘭籍「金信成號」、台東籍「財東慶1號」漁船分別載運無證及未經許可入境之大陸漁工等案例，殊值各相關主管機關重視與解決。

五、加強執法能量：

除加強走私、偷渡犯罪集團之不法情報閩集，先期掌握不法活動外，並積極籌建海巡艦艇，配合內政部空中勤務總隊支援之直昇機，構成立體偵巡能量，藉由海、陸、空聯巡機制之建立，強化機動性及打擊力，提昇海域執法能量。

六、加強兩岸打擊犯罪：

偷渡的源頭在大陸地區，僅靠國內治安單位單方面的查緝，並無法根本解決偷渡問題，惟有從「斷源」方向著手，才能有效遏止偷渡不法情事。本署將全力閩集大陸地區仲介蛇頭等情資，透過相關情報交流管道，適時與大陸地區相關單位進行犯罪情報交換，以促進兩岸共同合作打擊偷渡犯罪，達成「追本斷源」目標。

陸、結語

為有效杜絕兩岸偷渡犯罪及全面肅清潛在內陸之大陸偷渡犯，本署持續加強各項勤務作為，有效杜絕偷渡犯罪不法活動。展望未來，本署將展現一個事權統一且具專業效率之海域執法機關，為達成海洋國家的總體發展目標而努力。

（本文作者任職於本署情報處科員）

As revealed by relevant local investigation and crackdown statistics over the most recent five years, there is a noticeable increase of those entering Taiwan legally for engaging in illegal conducts over the years, contrasting to a sharp decline in the number of illicit entries made from the sea, which suggests local smuggling, brokering rings have turned to means, such as marriage, tourism, possessing fake ID or faking as fishermen to broker mainland residents to gain entry to Taiwan in order to circumvent the law for engaging in illegally fishing, prostitution and such that are becoming very rampant. In addition, a few cases that surfaced in 2005 involving the Ilan-based SS Jin Hsin Cheng, and the Taitung-based SS Tsai Dong Ching #1 that were found transporting without a license and carrying unauthorized mainland fishermen are cases that beckon for the authorities' emphasis and solution.

V. To step up the administration's law enforcement dynamics:

Besides continuing to step up gathering intelligence against illicit smuggling and trafficking rings in a move to seize illegal activities in advance, the administration has also been at the forefront of launching a dynamic Coast Guard vessel and brigade fleet, collaborating with the Ministry of Interior's serial duty platoon's helicopter backup, in search of instill a three-dimensional patrol energy via launching a sea/land/air patrol mechanism that would poise to strength the administration's mobility, combativeness, and help to excel its maritime law enforcement dynamics.

VI. To reinforce anti-criminals on cross strait:

With the origin of trafficking lies in the mainland China region, the trafficking issue simply cannot be solved by replying on local law enforcement agencies' investigation and crackdown actions, and only by tacking right from the source can it be feasible to curtail illicit trafficking for good. The administration vows to collect intelligence on mainland human trafficking rings through relevant intelligence exchange venues for timing exchanging criminal intelligence and reconnaissance information with mainland counterpart units in an effort to jointly excel cross-strait criminal infiltration efforts that would poise to achieve the objective of tracking down and nipping the crimes right in the bud.

Part 6. Conclusion

To effectively curtail illegal cross-strait human trafficking crimes, and to comprehensively eradicate mainland trafficking criminals hidden inland, the administration vows to continue stepping up various duty measures in search of effectively deterring illicit trafficking criminal outlaws. Looking forward to the future, the administration envisions itself to become a professional, efficient maritime law enforcement agency with integrated administration and authorities working hard toward reaching the ultimate goal of excelling an overall maritime country development.

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