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美國就 【中國大陸偷渡人民】 問題探討

The United States' perception on the Issue of Illegal Mainland Chinese Migrants

一、前言

中共自80年代對外實施改革開放以後，大陸民衆，尤其是居住在沿海地區，經由多層管道汲取國外資訊極為快速與便利，加上旅居海外親友返鄉省親口述；由是之故，部份大陸人民為實現深藏內心的「發財」願望，不惜一切籌資付給所謂的「蛇頭」亦稱為「人口販子」，以便獲得偷渡到美國的機會。

二、大陸偷渡人民來自何處？

經美國國務院調查分析，大多數的中國大陸偷渡者來自大陸東部沿海地區。二次大戰之前，以廣東省為主。近年來，則以福建和浙江（溫州）兩省為主。該地區皆有可利

1. Prologue

Since China opened her door to the outside following her reform policy regulated in the 80s, as mainland residents, particularly those residing in coastal regions, are given swift and quick access to outside information, coupled with narrations provided by friends and relatives residing overseas, this has prompted some of the mainland residents to want to test out their hidden vision of a get-rich dream by raising astronomical sum of money to pay to the people trafficker, or "Snake Head", in exchange for an opportunity to land on the U.S.

2. Where do the illegal Chinese migrants originate?

U.S. State Department survey analyses showed that a majority of mainland migrants had come from mainland's eastern coastal areas. Whereas prior to world war II, the migrants largely came from Guangdong Province. In recent years, the migrants had largely come from the coastal provinces Fujian and Zhejiang (Wenzhou), where the areas not only offered ports that could be smuggled through, but the



用偷渡的港口，且該地區經濟狀況也較內地繁榮，使得偷渡者有一定的經濟條件利於前往美國。在福建和浙江省主要偷渡離境的地區為：

- (一) 福州市：最早的「三合會」就起源於福州地區，犯罪集團運用長期進行走私非法物品所建立的關係網來仲介偷渡者離境；多數的偷渡者並非全部出自福州市，而是來自附近各縣，其原因則是福州市居民的平均教育水準和收入所得高於鄰近地區。
- (二) 長樂市：據報導在其轄內的一些鄉鎮，將近百分之五十至八十五的人在美國，很多鄉鎮的經濟活動因前述人口外流而陷入癱瘓。
- (三) 福清市：位於平潭縣附近，由 21 個鄉鎮組成。平潭縣具有向台灣輸出偷渡者的名聲。歷年來，該地居民主要都偷渡前往日本。在亞洲金融危機爆發後，越來越多的人嘗試偷渡到美國。
- (四) 溫州市：溫州地區居民現已成為大陸偷渡者向美國偷渡的第二大源頭。

公元 1993 年，「金色冒險號」於紐約港外擱淺，10 名偷渡者溺斃，另有 286 名試圖游泳上岸的偷渡者中，有 40 名來自溫州地區。

regions economic conditions were deemed as more prosperous than the inland, drawing the migrants certain economic lure to want to move to the U.S. Some of the illicit departing points in Fujian and Zhejiang are,

- (1) Fuzhou City: As the earliest "Triad San Lian Hui" had originated in the Fuzhou area, criminal networks often use contacts developed through historical smuggling of illegal goods to smuggle people out of China, and most of the illegal emigrants come from the counties around Fuzhou rather than from the city itself, apparently because the city's residents average higher levels of education and income than do the people from the surrounding areas.
- (2) Changle City: Reports showed that nearly 50 to 80 percent of residents, in some towns within Changle's jurisdiction, are reported to be in the United States. The economies of many villages have been crippled by emigration.
- (3) Fuqin City: It lies on the coast near Pingtan County and is composed of 21 towns. Pingtan County is notoriously known for sending illegal immigrants to Taiwan. Over the years, Fuqin traditionally immigrated illegally to Japan, but following the Asian financial crises, increasing numbers of people from Fuqin have tried to enter the U.S. illegally.
- (4) Wenzhou city: Residents of the Wenzhou have now become the second-largest Chinese source of illegal immigration to the United States. In 1993, when 10 Chinese illegal immigrants drowned after the Golden Venture ran aground just outside New York Harbor, 40 of the 286 passengers who tried to swim ashore came from around Wenzhou.

3. What are the motive/probable causes?

Researchers and scholars unanimously reckoned that the search for better economic opportunity and social pressure are the top two reasons why some Chinese chose to leave their homeland to enter the U.S. International immigration theory describes "push" and "pull" factors: Greater economic opportunity "pulls" immigrants to the United States, while lower wages and unemployment "push" emigrants from China. As the illegal immigrants believed that they would have a better chance of earning more money in the United States, "pulling" illegal immigrants wanting to land in the U.S. enough motivation to give it a try and be willing to pay the trafficking fees. While China's steady increasing number of the unemployed (laid off) workers had contributed to yet another factor toward the "pushing" phenomenon, where





三、動機（原因）為何？

研究學者認為，尋求較好的工作（經濟）機會與受到社會壓力，是激發若干中國大陸人民離鄉背井偷渡前往美國的兩大主因。相關國際移民問題研究的理論則歸納為『拉』和『推』這兩大因素，偷渡者深信在美國能賺取到更多錢的願景，促使非法進入美國與甘願付出偷渡費用成為值得一試的風險。中國大陸日益增加的下崗（失業）人口，則是一例『向外推』的因素，失業人口的增加亦提升就業的困難度，同時也相對的拉低了工資。

到海外謀生往往被視為是一個人成功的惟一可能途徑，在大陸福州地區長期以來，即有著一家至少送一人『到海外謀生』的傳統；甚且，有親人在美國成為在家鄉一種地位的表徵。有很多已成功偷渡至美國的大陸人民，因身處異地、舉目無親，特別思念親人；在此種情境下，便設法安排其他親友如法泡製偷渡到美國。此外，在家鄉的鄰居看（聽）到偷渡者寄回家的錢之後，也想盡辦法冒險偷渡去美國。除了上述動機外，另有些大陸人民係被「蛇頭」的人口販子慫恿之下，而甘冒風險偷渡去美國。

四、偷渡方式

（一）水路：若干年前，兩岸「蛇頭」在中國大陸和台灣買進破舊的漁船，將偷渡者盡可能的塞進漁船。然而，在美國海岸防衛隊加強查緝後，在海上被海防隊攔截的船越來越多，「蛇頭」意識到經由水路偷渡的風險變高，遂想出新的偷渡

not only the rising unemployment put pressure in job searching but also proportionally dragged down the wages.

As venturing offshore to make a living is often regarded as one of the probable means for one to reach success, there is an unspoken traditional in China's Fuzhou area where each household customarily sends off one person to make a living overseas; more so, having family in the U.S. also represents a status symbol in one's hometown. And as many



that made it to the States who invariably get homesick for being alone in a foreign country without any relatives around, under such circumstances, they would tend to arrange for their friends and families to following the same route in making inroads illegally to the United States.

Furthermore, upon hearing or seeing how emigrants were able to send home money, the hometown neighbor would also want to follow up by sneaking to the U.S. Besides the foresaid motives, there was also the coercion and persuasion coming from the snakehead, as many fell victim and agreeing to chance it going to America.

4. Means of trafficking:

(1) By Sea: A few years back, cross-strait snakeheads bought dilapidated fishing boats in China and Taiwan, and overcrowded as many illegal immigrants onboard the ship. Yet, following the U.S. Coast Guard's stepping up seizure, where more and more ships are being intercepted at sea by the Coast Guard, being aware of the increasing risk trafficking by Sea, human smugglers now turn to new trafficking schemes. In recent years among the trafficking boats intercepted by the Coast Guard, a common scenario often entails Taiwanese-based ships hiring Mainland Chinese boat crew or fishing workers. Yet under the circumstances of an attempted landing,



方式。近年來海防隊查獲的偷渡船隻，較多的情形是，在台灣登註的漁船僱用中國大陸的船員（漁工）。但是，在遂行偷渡的狀況下，當船近臨關島、美國西岸或加拿大時，船員發生『叛變』。船長被迫將船駛近岸邊，讓大陸偷渡者上岸。此種情況下，船長可能是一位不情願的「同謀者」；然而，在有些『叛變』事件中，船長亦有可能是位情願的「參與者」。因被捕的偷渡者在檢方稱：已經付給船長偷渡的錢。船長卻稱：遭到大陸漁工的劫持。近期海防隊攔截到偷渡漁船已漸減少，但偷渡者改採用商（貨櫃）船進行偷渡情形已逐漸增加。

(二) 陸路：美墨邊界長達3000公里常為偷渡者最愛的偷渡管道，由於此處複雜變幻的地形和採取各式各樣的隱蔽方式的可能性，對偷渡者言，藉由陸地進入美國是極具吸引力的。雖然邊界地區有些居民同情偷渡者的苦難，但是美國法律禁止窩藏、載運沒有證件的偷渡者。每窩藏、載運一名偷渡者，將面臨可長達十年之久的牢獄之災。

(三) 空中：大陸偷渡人民被迫使用各種方式及經歷漫長且艱苦的路徑偷渡至美國，他們拿著偷竊而來的證件或是極為逼真的假證件，採取迂迴路線經歐洲、泰國或台灣飛往中南美州，在該地區有中國合法公司經營建築工程。該等公司可能提供一非法偷渡網路給與仲介偷渡活動的機構，以「合法掩護非法」之絕佳機會。誠然有偷渡者想採空中路線進入美國，但此種方式不易成功。因為越來越多的國家將護照加強防偽造功能，此舉讓偷渡者想以搭機方式進入，成功機率變得

as soon as the boat comes near Guam, the U.S. West Coast, or Canada, the crew could stage a mutiny, where the captain would be forced to steer the boat near the coast, allowing the illegal immigrants to go ashore. Under such circumstances, the captain, though by and large less likely to be a conspirator, could very much be a willing facilitator in a mutiny incident. It is conceivable that a human trafficker could argue to the district attorney that they had paid the captain, whereas the captain could argue that it was a high sea hijacking incident by the hired mainland fishing workers. Though trafficking incidents by fishing vessels intercepted by the Coast Guard has dwindled in recent years, it is true that human traffickers taking to human smuggling via commercial ships, such as cargo containers, is inadvertently rising, however.

(2) By land: As the U.S.-Mexican borders that extend over 3000 kilometers are a favorite trafficking route by illicit migrants, the complex and changing terrain and the feasibility for various kinds of concealment have continue to draw illicit migrants to gain access to the U.S. In spite that border residents might facilitate hiding the migrants out of sympathy, yet the U.S. law does forbid sheltering or transporting illegal migrants without proper ID, and the penalty for hiding an illegal immigrant could render one to face an imprisonment of up to ten years.

(3) By air: As illegal mainland migrants are forced to take to various means and through extended tough routes trying to enter the U.S., they often hold stolen ID's or close facsimile of fake ID's, taking to circumventing routes through Europe, Thailand or Taiwan to fly to South America, where there are legally operated Chinese construction firms. Such firms are likely to provide the illegal migrant and traffickers that broker the illicit migration with a fantastic legitimate cover-up. Granted that many attempted to enter the U.S. by air, the means remains difficult to accomplish. For the more countries that adopt anti passport counterfeit functions in the passport, the more difficult it would become for the illicit migrants to infiltrate by plane.

5. The U.S.'s countermeasure

(1) Policy: U.S. Secretary of State Collins Powell has said to a group of travel industry operators in Washington D.C. on May 12, 2004, "While in need of adopting proper measure to secure border



越來越難。

五、美國採取作為

(一) 政策：美國國務卿鮑爾於 2004 年 5 月 12 日在華府對旅遊業人士發表談話表示：『美國必須採取措施保證邊境安全的同時，繼續做一個「好客的」國家』。美國是所有工業化國家中合法移民政策最寬大的國家之一，國外出生的人是被允許進入永久合法居留。其政策重點是，在鼓勵合法移民的同時對非法移民（偷渡者）關閉大門。

(二) 訂定法律：除增修移民相關法令外，1996 年美國國會議定載運偷渡者係屬《詐欺影響暨賄賂組織條例》^{【註一】}所定之犯罪行為。此條例不僅可起訴犯罪集團，並可追討犯罪所得；依據該條例第三章明載『通訊監察』，國會授權相關執法單位進行監聽，此規定成爲一個偵破組織性的犯罪集團之最佳利器。自『911 事件』後，爲強化邊境與國土安全而於 2002 年通過《強化邊境安全暨入境簽證改革法案》^{【註二】}，俾以確保國家安全。

(三) 與多國合作：美國面臨非法移民的同時，在西歐、日本、澳洲及其他國家亦遇到偷渡者大量湧入的浪潮，此現象已然成爲全球一個炙熱棘手的問題。爲處理並解決偷渡狂潮，公元 2000 年美國在義大利與 78 個國家共同簽訂《聯合國反偷渡移民議定書》^{【註三】}，促使各國重視伸介偷渡與非法移民問題。台灣是一個重要的非法移民中轉地，在較小程度上也是一個來源地，在台灣主要問題是給中國大陸偷渡者提供台灣假護照；近年來台灣政府也針對非法移民間

security, the U.S. needs to be a 'Welcoming' country". The U.S. is one among the industrial countries that has the most lenient immigration policy, where foreign nationals born overseas are allowed to enter the country and reside permanently. Its policy focus lies in encouraging legal immigration but turns a close door to illegal immigrants (illegal migrants).

(2) Law promulgation: Besides appending and amending relevant immigration laws and regulations, in 1996 U.S. Congress has ruled that transporting illicit migrants falls under the criminal acts as described under the "Racketeer Influenced and Corrupt Organization Act" ^[Note 1]. The legal provision not only makes the criminal group prosecutable but with provisions to forfeit whose criminal gain; Article 3 of the legal provision stipulated that pertaining to communications surveillance, the Congress has authorized relevant law enforcement agencies to conduct surveillance, a stipulation that has emerged as a shrapnel in cracking down organized crime groups. Since the Sept. 11th incident, to enforce border security and homeland security, in 2002 the "Enhanced Border Security and Visa Entry Reform Act" ^[Note 2] was introduced in a move to ensure national security.

(3) Multilateral cooperation: As the U.S. is confronted with the issue of illegal immigrants, Western Europe, Japan, Australia and other countries are also struggling to deal with a large influx of illegal immigrants, a phenomenon that has emerged as a thorny issue worldwide. To curtail the waves of illegal immigration rush, the U.S. has jointly entered with 78 countries a "UN Protocol against the Smuggling of Migrants" ^[Note 3] in 2000, intended to urge world countries to emphasize the issues of smuggling brokering and illegal immigration. As a vital illegal immigrant transshipping point, and a source of illegal immigrants to a smaller extent, problems that mar Taiwan lie in how it provides illegal immigrants fake Taiwanese passports; in recent years, the Taiwan Government is collaborating with U.S. law enforcement agencies in addressing the illegal immigrant problem, particularly with the so-called hijacked fishing vessels allegedly involved in transporting illegal immigrants to Guam.

(4) Plan drafting: the U.S. Bureau of Citizenship and Immigration Services has drafted the "Embrace the World" campaign, which excels the agency's capabilities in handling illegal immigrant problems. The campaign demands to deploy more law enforcement capability abroad, and currently there are 39 overseas posts with long-term stationed immigration officers, the officers are as



題與美國執法機構合作，特別是在涉及將偷渡者運到關島的台灣所謂『被劫持』漁船的問題上。

(四) 擬定計畫：美國移民局訂定《面向全球》計畫，此案提升處理偷運移民問題的能力。該計畫要求在國外部署更多的執法力量，海外現已有 39 個長駐移民局官員的辦事處，並賦予官員下列任務：

1. 培訓外國執法官員及航空公司人員識別偽造證件。
2. 改善與所在國政府在遏止載運偷渡者方面的聯繫及合作關係。
3. 蒐集為能在美國與所在國成功地起訴載運偷渡者的情資。
4. 加強與所在國移民及執法官員的合作，以查緝載運人員到案。

自 1997 年計畫實施後，移民局已培訓超過四萬五千多所在國官員和航空公司人員識別偽造證件，並成功地攔阻超過七萬四千名持偽造證件，試圖從這些國家過境前往美國。

六、主要執法機關

美國自『911 事件』之後，將原分屬不同負有查緝非法移民（偷渡者）之機關，於 2003 年 3 月 1 日改隸新成立之國土安全部轄下。目前主要執法機關概述如后：

- (一) 海岸防衛隊：為美國海域執法主責單位。^{【註四】}
- (二) 海關暨邊界保護局 Bureau of Customs and Border Protection (CBP)：負責對人員、商品、動植物等進出國境檢查。
- (三) 公民暨移民局^{【註五】}：負責裁定移民、歸化、政治與難民之申請，成員有一萬五千人遍及世界各地。



signed with the following missions,

- 1) To train foreign law enforcement officers and airline crew to identify counterfeit identifications.
- 2) To improve the contact and collaboration relationship between the local government of the host country in deterring the shipment of illegal immigrants.
- 3) To collect intelligence in order to successfully prosecute the human trafficker in the U.S. and the host country.
- 4) To step up collaboration with immigration and law enforcement officers of the host country in cracking down and arresting the traffickers

Since the campaign was inducted in 1997, the Bureau of Citizenship and Immigration Services has successfully trained over 4,500 officers and airline crew in the host countries for identifying counterfeit identifications, and successfully intercepted over 74,000 cases of counterfeit identification frauds, attempting to transit through these countries to land in the U.S.

6. Primary law enforcement agency

Since the Sept. 11th incident, the various agencies in charge of cracking down illegal immigrants (smugglers) are revamped under the Department of Homeland Security as of March 1, 2003; major law enforcement agencies at the present time are elaborated as follows,

- (1) Coast Guard: it is the main agency in charge of U.S. sea territorial law enforcement^[Note 4].
- (2) Bureau of Customs and Border Protection (CBP): which is in charge of inbound/outbound immigration inspection on human passengers, commodity, plants and animals and such.
- (3) Bureau of Citizenship and Immigration Services^[Note 5]: it is in charge of processing immigration, naturalization, political and



(四) 移民暨海關執法局^{〔註六〕}：係國土安全部所轄之最大的調查執法單位，成員超過二萬人，其掌理事項如次：

1. 對偷渡、毒品、武器、違禁品實施調查；對非法軍火及可能威脅到國家安全的雙用途（軍規／商規）裝備實施出口查緝。對經濟、電腦、移民等犯罪及違反人權事項調查。
2. 依據移民法居留及遣返外國人民。
3. 防止偷渡者、毒品及違禁品自空中與海上進入美國，並與其他海空查緝單位共同合作防堵恐怖活動。
4. 部署聯邦空警防止美國飛行器、機場、乘客與機組員遭到具有敵意（不利）之行動。
5. 確保全國超過八千八百多處聯邦設施之安全。
6. 執行情資蒐集與分析後，將戰術、戰略情報陳報上級運用。

七、結語

自二百多年前即有外國人在中國大陸沿海地區招募民工，前往當時被稱為「金山」的美國這塊新大陸從事墾荒等低層次苦力工作。經過長時期歲月的變遷與演進，在今日美國仍被中國大陸人民視為一塊「大寶地」。究其根源，實為美國從蠻荒落後到世界首強，而中國大陸雖然已對外開放，但是，和美國社會自由民主、繁榮進步比較起來，依然是天壤之別。深信中國大陸在經濟與政治環境上未獲得改善之前，其人民（經濟條件好的）除以合法申請赴美外，仍會千方百計的以非法（偷渡）途徑前去美國，實現心中「發財夢」的願望。

同樣的場景出現在中國大陸與台灣之間，對中國大陸而言，台灣自古被視為「海外孤島」落後地區；老祖先們不畏艱辛、漂

refugee applications, and is supported by a 15,000 staff stationed worldwide.

(4) Bureau of Immigration and Customs Enforcement^[Note 6]: is the largest law enforcement agency under the Department of Homeland Security's jurisdiction and its members over 20,000. The jurisdiction issues are authorized as follow :

- 1) To conduct inspection against illegal human trafficking, narcotics, weapons and contrabands; to conduct export crackdown on dual use (military / commercial grade) equipment that might threaten national security. To conduct investigation against economic, computer and immigration crime and violation against human rights.
- 2) To detain and repatriate foreign nationals in accordance with the Immigration and Naturalization Law.
- 3) To prevent illegal immigrants, narcotics and contrabands from entering the U.S. by air or by sea, and to collaborate with other maritime and aerial crackdown units to deter terrorist activities.
- 4) To deploy federal aerial police to prevent hostile (unfavorable) action against U.S. aircraft, airport, passenger or airline crew.
- 5) To ensure the safety of over 8,800 federal facilities nationwide.
- 6) To report strategic and tactical intelligence to the superior agencies for utilization upon intelligence gathering and analysis.

7. Conclusion

More than two centuries ago there were already foreigners recruiting civilian workers along China's coastal areas going to then so-called "Golden Mountain", the new continent of the United States to provide low-level labor work. As extended time had evolved and progresses, today the United States is still regarded by many Chinese people as the precious land of treasure. A core lies in how the U.S. was about to build itself from scratch to become a world superpower, whereas Mainland China continues to be marred by lax in freedom democracy, prosperity and progress, when compared with the U.S. It is widely believe that before mainland China's economic and political environments see some major improvements, its people, besides going to the U.S. through legal visa application, would still continue to try entering the U.S. via illegal means (trafficking) so to realize their vision of a great-rich dream.

The same scenario also occurs between China and Taiwan, where as far as mainland China is concerned, Taiwan has long been regarded as a deserted, backward offshore island; the earlier settlers had unrelent-



洋過海來到這小島，開疆闢土，經過千百年辛苦的耕耘，加上先聖先賢的高瞻遠矚，才有今天自由民主、繁華昌明的台灣。正因如此，近在咫尺之隔的中國大陸地區人民，自台灣解除『戒嚴』後，不畏艱險蜂湧前來台灣一樣地尋找發財夢。咸信，只要中國大陸經濟與政治環境仍舊落後台灣，部份大陸人民依然是「絡繹不絕」，冒著生命危險偷渡前來台灣「掙錢」。

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ingly traveled to island and explore the riches of the island. And it was over hundreds and thousands of years of hardworking cultivation, coupled with the foresight of the earlier migrants, could Taiwan afford to be the democracy and prosperity that it was known for. Exactly because of this, in terms of the mainland Chinese set apart by a Taiwan Strait, it would not be any different that they would continue to pour unto Taiwan following Taiwan's lifting its Marshal Law. It is also believed that as long as Mainland China's economic and political environments continue to lax than that in Taiwan, some of the Mainland Chinese would continue to swarm the island taking great risks only to fulfill their get-rich dream.

(The author is of vice leader to the administration's Changhwa mobile crackdown team)

註釋：

註一：Racketeer Influenced and Corrupt Organization Act：1970年生效的聯邦條例，主要用以控制有組織犯罪集團。

註二：Enhanced Border Security and Visa Entry Reform Act：其中規定外籍人士進入美國須持有以生物科技識別資料製作的護照俾供機器判讀。

註三：The Protocol against the Smuggling of Migrants 2000/12/12-15 於義大利 Palermo 簽署

註四：請參閱92年10月出版海巡雙月刊第五期美國海岸防衛隊簡介第42~49頁

註五：原隸屬司法部之移民歸化局（INS）於2003/3/1更名為 Bureau of Citizenship and Immigration Services（CIS）

註六：Bureau of Immigration and Customs Enforcement（ICE）2003/3/1日納編：Air and Marine Operations, Detention and Removal, the Federal Protective Service, Investigations, Intelligence, the Federal Air Marshal Service等六個單位成立。

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3. <http://usinfo.state.gov/regional/ea/chinaaliens/why.htm> 中國非法移民的動機 2004/5/12
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Footnote:

1. The Racketeer Influenced and Corrupt Organization Act: A federal act that went into effect in 1970, and was primarily promulgated to control syndicated crime organizations.
2. The Enhanced Border Security and Visa Entry Reform Act: Which stipulates that foreign nationals entering the U.S. are required to hold biotech passport for machine scanning.
3. The Protocol against the Smuggling of Migrants 2000, which has been signed in Palermo, Italy during December 12 to 15, 2000.
4. Please refer to Coast Guard bimonthly issue Vol. 5, U.S. Coast Guard profile, October 2003 issue, pp.42-49.
5. Which once falls under the Justice Department Immigration and Naturalization Services (INS), and has been renamed on March 1, 2003 as Bureau of Citizenship and Immigration Services (CIS).
6. Bureau of Immigration and Customs Enforcement (ICE), March 1, 2003, edited by Zhe Na: Comprising of six government outfits, including the Air and Marine Operations, Detention and Removal, the Federal protective Service, Investigations, Intelligence, the Federal Air Marshal Service.

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