

# Order for Protection (保護令)

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<http://www.courts.wa.gov/forms/?fa=forms.contribute&formID=16>。

這是 [保護令]。一經過法官簽名後，這項命令就會：

- 告訴辯方有哪些限制有效力。
- 訂定命令截止日期。

**辦事員會將原命令歸檔到法庭的公開文件，並分送副本給：**

- 您 (免費的認證副本)。
- 執法機構，以便輸入全州的資料庫。
- 送交給辯方 (如果辯方沒有出席全面聆訊的話)。

**填寫命令前，請先向法院辦事員洽詢。**

*在某些法院中，這項命令是由法官填寫的。在其它法院中，您必需填寫命令其中一部份或全部填寫。所以，請向法院辦事員洽詢。*

- 如果您必需填寫此命令，請遵照以下的說明填寫。
- 請求權益伸張服務部的法院辦事員幫您填寫這份命令可能會很有幫助。

**請用黑筆或藍筆清楚填寫！**

第 1 頁：

- 請以 [起訴人] 身份填寫您的姓名 (名字、中間名、姓氏)，並請在標示 “DOB” (出生日期) 的地方寫上您的出生年月日。
- 您要得到保護，防止其騷擾您的人就是 [辯方]。請填寫辯方的姓名 (包括名字、中間名、姓氏) 和出生日期。如果您不知道辯方的出生日期，請寫上辯方的年齡。

辦事員會把法院的地址和電話號碼填寫上去。

## 未成年子女的名字

- 如果沒有涉及未成年子女，請勾選 [沒有涉及未成年子女] 的方塊。
- 如果涉及未成年子女，請將涉及這個案件的每個孩子的姓名（名字、中間名、姓氏）和年齡列舉出來。

## 辯方的識別特徵

- 請描述辯方的外形：性別、種族、頭髮的顏色、身高、體重、以及眼睛的顏色。
- 將辯方的所有特徵都列舉出來，例如，痣、疤痕、或刺青。
- 請勾選適當的方塊來表示辯方是否能夠拿到武器。

## [法院根據法院記錄的裁定]

法律規定此命令必需說明辯方是否有接到審訊通知書，以及用什麼方式接到的。因為法官必需驗證通知書的送達是否符合法院規定（準時，並以適當的方式送達），所以法官大概會幫您把這個部份填寫好。

命令必需將您與辯方的關係列舉出來，這樣執法機關才能決定聯邦槍枝法是否適用於您的案子。請勾選所有可以定義您與辯方的關係的方塊。

## [法院命令摘要]

表格填寫完後，請勾選適當的方塊。

除非法官在方塊中填寫其它日期，否則這項命令在一年內有效。

第 2 和第 3 頁：

## 保護法令

- 除非您不再需要那些法令，否則請勾選您在申請書中勾選的相同方塊，並填寫空白處。
- 您不可以勾選申請書中沒有要求的法令。
- 在每個法令中，請務必勾選適當的方塊來指出您要得到保護的人和地方。
- 請記住：您有權保持您的住家地址的機密性。您不需要在這個表格寫下您的住家地址。

第 11 條法令：這條法令與申請書不符；但是您或法官可以訂定返回審訊日期來審查一切是否遵守命令要求。

法官會填寫有關未成年子女的司法管轄權的暗色方塊。

第 15 條法令：雖然法官會填寫這條法令，但是很重要的一點是，您需要考慮要跟法官建議什麼樣的子女探視權給辯方。(舉例來說：無限制探視權；監督探視權；或者暫時沒有探視權，等到治療或心理諮詢後，視辯方的遵守情況再另外決定。)

**法官可以授予、拒絕、或改變您在這項命令中所寫的任何法令。**

### 執法機關的資料輸入

這項命令將輸入由執法機關使用的全州性資料庫，這樣州內的所有警員才能都知道這項命令的存在。請將對於您所住地區具有司法管轄權的機關名稱寫出來。

- 如果您的地址在城區範圍內的話，請將市警察局的名稱寫出來。
- 如果您的地址在城區範圍外的話，請將郡警長的名字寫出來。

### 法令的遞交

除非辯方或辯方的律師有出席審訊，否則這項命令一定要送交給辯方本人。辯方一定要知道有哪些限制法令，以及此命令什麼時候過期。您可以選擇以下的方式來送交命令：

- 執法機關。
- 聘用專業傳票送達員。
- 請另外一個與本訴訟案件無關，年滿 18 歲以上的人送交。
- 如果法官之前有下達命令，允許以郵寄或出版物方式遞交的話，就可以採用郵寄或出版物方式遞交。

如果您要執法機關送達此命令的話，請勾選該方塊。您一定要將辯方居住或工作地方的市警察局或郡警察局寫出來。

- 如果辯方的送件地址在城區範圍內的話，請將市警察局的名稱寫出來。
- 如果辯方的地址在城區範圍外的話，請將郡警長的名稱寫出來。

如果您的命令可以用郵寄或公示的方式送達的話，請勾選該方塊 (並說明是哪種送達方式)。

如果您要私人安排遞送此令狀的方法，請勾選該方塊。私人安排方式包括：

- 聘用專業傳票送達員。
- 請另外一個與本訴訟案件無關，年滿 18 歲以上的人送交。

如果辯方或辯方的律師有出席審訊的話，請勾選該方塊。

您必需提供一個可以找到辯方，以便送達令狀的地址。這個可以是住家或工作地址。如果您沒有辯方的送件地址，請聯絡辦事員或權益伸張部以取得資訊。

### **執法機關的協助**

法官可以下令執法機關在某些方面協助您。如果您還需要執法機關協助的話，請勾選與申請書中相同的方塊。

如果您對這項命令有什麼問題的話，可以請教辦事員、法庭輔導員、或家庭暴力防治倡者。

### **在表格上簽名**

法官會將頒佈命令的日期和時間填寫上去，並簽上他或她的名字。

請在表格下面寫“Presented by”(提交人)和“Petitioner”(起訴人)的地方簽名，並請寫上填表當日的日期。如果辯方出席審訊，而且不需要做進一步的文件送達的話，辯方也會在此表格上簽名。

以下是 [保護令] 的範例：

**Notice: You must complete this form in English.**

**(請注意：您一定要用英文填寫這份表格。)**

<b>Court of Washington</b> <b>(華盛頓州法院)</b>	<b>Order for Protection</b> <b>(保護令)</b>
<b>for</b> <b>(用於)</b>	<b>No.</b> <b>(編號)</b>
_____	<b>Court Address (法院地址):</b> _____
Petitioner (First, Middle, Last Name) <b>DOB</b> (起訴人 (名字、中間名、姓氏))      (出生日期)	_____
vs. (對)	<b>Telephone Number (電話號碼) :</b> (      )
_____	<b>(Clerk's Action Required)      (ORPRT)</b> <b>((書記員採取行動))</b>
Respondent (First, Middle, Last Name) <b>DOB</b> (辯方 (名字、中間名、姓氏))      (出生日期)	

**Names of Minors:     No Minors Involved**  
**(未成年子女的名字 [-] 沒有涉及未成年子女)**

First (名字)	Middle (中間名)	Last (姓氏)	Age (年齡)
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

**Caution: Access to weapons:  yes  no  unknown**  
**(小心：可否取得槍械：[-] 是 [-] 否 [-] 不知道)**

**Respondent Identifiers**  
**(辯方的識別特徵)**

Sex (性別)	Race (種族)	Hair (髮色)
_____	_____	_____
Height (身高)	Weight (體重)	Eyes (眼睛顏色)
_____	_____	_____

**Respondent's Distinguishing Features:**  
**(辯方的特徵):** \_\_\_\_\_  
\_\_\_\_\_

**The Court Finds Based Upon the Court Record:**

(法庭根據法庭記錄判決如下：)

The court has jurisdiction over the parties, the minors, and the subject matter and respondent has been provided with reasonable notice and an opportunity to be heard. Notice of this hearing was served on the respondent by  
 personal service     service by mail pursuant to court order     service by publication pursuant to court order  
 other \_\_\_\_\_.

(法庭對涉案各方以及本案涉及內容可行使判決權，並且被告已被知會以及在開庭時可陳述己見。開庭通知以以下方式地交給被告 [-] 專人送交 [-] 按法庭命令以郵件遞交 [-] 遵守法院命令以出版物方式遞交 [-] 其它: [ \_\_\_\_ ].)

This order is issued in accordance with the Full Faith and Credit provisions of VAWA: 18 U.S.C. § 2265 (這項命令是根據 VAWA 的 [完全，忠實] 法令簽發的，此項法令條文列在 18 U.S.C. § 2265 中。)

Respondent's relationship to the petitioner is:

(辯方與起訴人的關係是：)

- spouse or former spouse     current or former dating relationship     in-law     parent or child  
 (配偶或以前是配偶)                      (目前或以前在約會)                      (姻親)                      (父母或孩子)
- parent of a common child     stepparent or stepchild     blood relation other than parent or child  
 (共生子女之父母)                      (繼父母或繼子女)                      (除了父母或子女之外的血親關係)
- current or former cohabitant as roommate     current or former cohabitant as roommate  
 including current or former registered domestic partner    (目前或以前曾經以親密伴侶關係住在一起)  
 (目前或以前曾經以室友關係同居，包括目前或以前的註冊伴侶)

Respondent committed domestic violence as defined in RCW 26.50.010 and represents a credible threat to the physical safety of petitioner; the court concludes as a matter of law the relief below shall be granted.

(依照 RCW 26.50.010 的定義，辯方犯下家庭暴力罪，並且對起訴人的身體安全有可信的威脅；法院依法判定應該授予以下的補償。)

**Court Order Summary:**

(法院命令摘要：)

- Respondent is restrained from committing acts of abuse as listed in restraint provision 1, on page 2.  
 (被告被禁止採取在第 2 頁第一限控條件中列出的虐待行為。)
- No-contact provisions apply as set forth on the following pages.  
 (被告依從後頁規定的不接觸條件。)
- Additional provisions are listed on the following pages.  
 (追加條件在後頁列出。)

**The terms of this order shall be effective immediately and for one year from today's date, unless stated otherwise here (date):**

(除非此處有說明 (日期)，否則本命令的條件從當日生效，從當日起生效，維持一年的效期。)

**It is Ordered (法令規定) :**

1. Respondent is **Restrained** from causing petitioner physical harm, bodily injury, assault, including sexual assault, and from molesting, harassing, threatening, or stalking  
 petitioner  the minors named in the table above  these minors only:  
(**禁止**辯方對起訴人造成身體傷害、身體受傷、攻擊，包括性攻擊，也不可對以下勾選的人猥褻、騷擾、威脅、或跟蹤：[-] 起訴人 [-] 上表中列名的未成年子女 [-] 僅限這些未成年子女) :

(If the respondent's relationship to the petitioner is that of spouse or former spouse, parent of a common child, or former or current cohabitant as intimate partner, including current or former registered domestic partner, then effective immediately, and continuing as long as this protection order is in effect, **the respondent may not possess a firearm or ammunition.** 18 U.S.C. § 922(g)(8). A violation of this federal firearms law carries a maximum possible penalty of 10 years in prison and a \$250,000 fine. An exception exists for law enforcement officers and military personnel when carrying department/government-issued firearms. 18 U.S.C. § 925(a)(1).)

((如果辯方與起訴人的關係是配偶或以前的配偶、共生子女之父母、或目前或以前以親密夥伴關係同居，包括目前或以前的註冊伴侶，那麼這項命令就會立即生效，而且只要這個保護令有效力，這項命令就會維持效力，而且**辯方不可擁有槍械或彈藥**。18 U.S.C. § 922(a)(8)。違反這條聯邦槍枝法最高可能處以 10 年徒刑，還有 \$250,000 美元的罰款。若是執法人員和軍事人員攜帶工作部門/政府發給的槍械，則是例外處理。18 U.S.C. § 925(a)(1)。))

2. Respondent is **Restrained** from coming near and from having any contact whatsoever, in person or through others, by phone, mail, or any means, directly or indirectly, except for mailing or service of process of court documents by a 3<sup>rd</sup> party or contact by respondent's lawyer(s) with  
 petitioner  the minors named in the table above  these minors only:  
(除了郵寄或透過第三方送達法院傳票文件、或透過辯方的律師聯絡外，**禁止**辯方接近以下勾選的任何人，也不可與他們做任何親自、透過他人、電話、郵件、或以任何直接或間接方式進行接觸：[-] 起訴人 [-] 上表中列名的未成年子女 [-] 僅限這些未成年子女) :

If both parties are in the same location, respondent shall leave.  
(如果雙方都在同一個地點，辯方應該離開。)

3. Respondent is **Excluded** from petitioner's  residence  workplace  school;  the day care or school of  the minors named in the table above  these minors only:  
(將辯方**驅逐**出以下勾選的地方：起訴人的 [-] 住所 [-] 工作場所 [-] 學校 [-] 上表列名之未成年子女的 [-] 托兒所或學校 [-] 僅限這些未成年子女的托兒所或學校) :
- Other (其它):
- Petitioner's address is confidential (起訴人的地址是機密的).  Petitioner waives confidentiality of the address which is (起訴人放棄保持地址的機密性，地址是):

4. Petitioner shall have exclusive right to the residence that petitioner and respondent share. The respondent shall immediately **Vacate** the residence. The respondent may take respondent's personal clothing and respondent's tools of trade from the residence while a law enforcement officer is present.  
(起訴人將獲得起訴人及辯方共有之住所的專屬權。辯方應該立刻遷離該住所。辯方可以在執法人員在場時，從該住所取走辯方的個人衣物和辯方的專業工具。)  
 This address is confidential (這個地址是機密的).  Petitioner waives confidentiality of the address which is (起訴人放棄保持地址的機密性，地址是) :

5. Respondent is **Prohibited** from knowingly coming within, or knowingly remaining within \_\_\_\_\_ (distance) of: petitioner's  residence  workplace  school;  the day care or school of  the minors named in the table on page one  these minors only:  
(禁止辯方蓄意來到或停留在距離以下勾選之地點或人 [ ] (距離) 的地方：起訴人的 [-] 住所 [-] 工作場所 [-] 學校；[-] 第一頁的表格中列名之未成年子女的 [-] 托兒所或學校 [-] 僅限這些未成年子女的托兒所或學校) :  
 Other (其它):

6. Petitioner shall have possession of essential personal belongings, including the following:  
(重要個人所有物的所屬權歸於起訴人，包括以下的項目) :

7. Petitioner is granted use of the following vehicle:  
(起訴人得到使用以下車輛的授權) :  
Year, Make & Model \_\_\_\_\_ License No. \_\_\_\_\_  
(製造年度、廠牌、和型號) (牌照號碼)

8. Other (其它) :

<input type="checkbox"/> 9. Respondent shall participate in treatment and counseling as follows: (辯方應該接受以下的治療和心理諮詢): <input type="checkbox"/> domestic violence perpetrator treatment program approved under RCW 26.50.150 or counseling at: (遵照 RCW 26.50.150 批准之家庭暴力犯罪者治療計畫或心理諮詢, 地點是): _____ <input type="checkbox"/> parenting classes at (親職教育課, 地點是): _____ <input type="checkbox"/> drug/alcohol treatment at (毒品/酒精治療, 地點是): _____ <input type="checkbox"/> other (其它): _____
<input type="checkbox"/> 10. Petitioner is granted judgment against respondent for \$ _____ fees and costs. (判定起訴人勝訴辯方, 辯方需支付 \$ [ ] 美元的費用給起訴人。)
<input type="checkbox"/> 11. Parties shall return to court on _____, at _____ .m. for review. (雙方必需在 [ ] 日期, 上午/下午 [ ] 點返庭審核。)
<p><b>Complete only if the protection ordered involves minors:</b> This state <input type="checkbox"/> has exclusive continuing jurisdiction; <input type="checkbox"/> is the home state; <input type="checkbox"/> has temporary emergency jurisdiction <input type="checkbox"/> that may become final jurisdiction under RCW 26.27.231(2); <input type="checkbox"/> other: _____</p> <p>(如果此保護令涉及未成年子女才需填寫此部份: 本州 [-] 有專屬的延續司法管轄權; [-] 是母州; [-] 有臨時緊急司法管轄權 [-], 所以根據 RCW 26.27.231(2) 規定, 可能成為最終的司法管轄區; [-] 其它: [ ] )</p>
<input type="checkbox"/> 12. Petitioner is <b>Granted</b> the temporary care, custody, and control of <input type="checkbox"/> the minors named in the table above <input type="checkbox"/> these minors only: (起訴人 <b>被授予</b> 以下勾選者的臨時照顧、監護、和控制權: [-] 上表列名的未成年子女 [-] 僅限這些未成年子女):
<input type="checkbox"/> 13. Respondent is <b>Restrained</b> from interfering with petitioner's physical or legal custody of <input type="checkbox"/> the minors named in the table above <input type="checkbox"/> these minors only: ( <b>禁止</b> 辯方干擾起訴人對於以下勾選之未成年子女的身體或法律監護: [-] 上表中列名的未成年子女 [-] 僅限這些未成年子女):
<input type="checkbox"/> 14. Respondent is <b>Restrained</b> from removing from the state <input type="checkbox"/> the minors named in the table above <input type="checkbox"/> these minors only: ( <b>禁止</b> 辯方將以下勾選的未成年子女遷離本州: [-] 上表中列名的未成年子女 [-] 僅限這些未成年子女):

15. The respondent will be allowed visitations as follows:

(辯方允許得到以下列舉的探視權：)

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Petitioner may request modification of visitation if respondent fails to comply with treatment or counseling as ordered by the court.

(如果辯方沒有遵照法院命令接受治療或心理諮詢，起訴人可要求更改探視權。)

**If the person with whom the child resides a majority of the time plans to relocate the child, that person must comply with the notice requirements of the Child Relocation Act. Persons entitled to time with the child under a court order may object to the proposed relocation. See RCW 26.09, RCW 26.10 or RCW 26.26 for more information.**

(子女大部分時間與其居住的一方如果計畫將孩子搬遷到其它地方，那個人一定要遵守 [子女搬遷法令] 的通知規定辦理。根據法院命令有權與子女相處的人可以反對搬遷提議。請參閱 RCW 26.09、RCW 26.10、或 RCW 26.26 以獲取更多資訊。)

**Warnings to the Respondent:** A violation of provisions 1 through 5 of this order with actual notice of its terms is a criminal offense under chapter 26.50 RCW and will subject you to arrest. If the violation of the protection order involves travel across a state line or the boundary of a tribal jurisdiction, or involves conduct within the special maritime and territorial jurisdiction of the United States, which includes tribal lands, you may be subject to criminal prosecution in federal court under 18 U.S.C. § 2261, 2261A, or 2262.

(警告辯方：根據 RCW 第 26.50 章的說明，違反附有實際條例通知書之本命令的第一到第五條法令是一種刑事犯罪，這種犯罪會造成您被逮捕。如果保護令的違反行為涉及跨州旅行或跨過部落司法管轄區邊界、或者涉及美國特殊海事和領地司法管轄區，包括部落領土，這時法庭可能會根據 18 U.S.C. § 2261、2261A、或 2262 的法令，讓您在聯邦法庭接受刑事起訴。)

A violation of provisions 1 through 5 of this order is a gross misdemeanor unless one of the following conditions apply: Any assault that is a violation of this order and that does not amount to assault in the first degree or second degree under RCW 9A.36.011 or 9A.36.021 is a class C felony. Any conduct in violation of this order that is reckless and creates a substantial risk of death or serious physical injury to another person is a class C felony. Also, a violation of this order is a class C felony if you have at least two previous convictions for violating a protection order issued under Titles 7, 10, 26 or 74 RCW.

(除非發生以下其中一種情況，否則違反此命令的第一到第五條法令是一種嚴重行為失檢：違反這項命令的任何攻擊行為，但是根據 RCW 9A.36.011 或 9A.36.021 的說明，此行為沒有造成一級或二級攻擊，在此情況下，這種攻擊就算是 C 級重罪。違反這項命令的任何行徑如果是鹵莽並造成另外一人有死亡或嚴重身體受傷的重大風險，就算是 C 級重罪。此外，如果您以前至少違反過兩次根據 RCW 第 7、10、26、或 74 篇簽發的保護令，那麼違反這次的命令就算是 C 級重罪。)

If you are convicted of an offense of domestic violence, you will be forbidden for life from possessing a firearm or ammunition. 18 U.S.C. § 922(g)(9); RCW 9.41.040.

(如果您被判定犯下家庭暴力罪，就會被判終身禁止擁有槍械或彈藥。18 U.S.C. § 922(g)(9); RCW 9.41.040。)

**You Can Be Arrested Even if the Person or Persons Who Obtained the Order Invite or Allow You to Violate the Order's Prohibitions.** You have the sole responsibility to avoid or refrain from violating the order's provisions. Only the court can change the order upon written application.

(即使是取得命令的人邀請您或允許您違反命令的禁止事項，一旦違反規定，您一樣會被逮捕。您必需自我約束負責避免或限制自己違反此命令的法令。只有法庭才能以書面方式改變此命令的內容。)

Pursuant to 18 U.S.C. § 2265, a court in any of the 50 states, the District of Columbia, Puerto Rico, any United States territory, and any tribal land within the United States shall accord full faith and credit to the order.

(依照 18 U.S.C. § 2265 規定，在美國 50 州內任何一州、哥倫比亞特區、波多黎各、任何美國領土、以及美國境內任何部落土地的法院都應該對該命令授予完全誠意和信任。)

It is further ordered that the clerk of the court shall forward a copy of this order on or before the next judicial day to \_\_\_\_\_  County Sheriff's Office  
 Police Department **Where Petitioner Lives** which shall enter it in a computer based criminal intelligence system available in this state used by law enforcement to list outstanding warrants.

(在此進一步的命令法庭的書記員在下一個審訊日當天或之前將這份法令的副本遞交一份給起訴人居住地的 [ \_\_ ] [-] 郡警長辦事處 [-] 由起訴人居住地址員警部門將此法令輸入其在該州由警界使用的犯罪偵訊電腦系統以便警方查找待執行的逮捕令。)

#### Service (文件遞交)

The clerk of the court shall also forward a copy of this order on or before the next judicial day to \_\_\_\_\_  County Sheriff's Office  
 Police Department **Where Respondent Lives** which shall personally serve the respondent with a copy of this order and shall promptly complete and return to this court proof of service.

(法院的辦事員也應該在下一個審訊日當天或之前將這份命令的副本轉送一份給辯方居住地的 [ \_\_ ] [-] 郡警長辦事處 [-] 警察局，由該機關派人親自將這份命令的副本送交給辯方，並應該立即填寫送達證明並將此證明送交本法院。)

Petitioner shall serve this order by  mail  publication.  
(起訴人應該用 [-] 郵寄 [-] 公示方式送達這份令狀。)

Petitioner has made private arrangements for service of this order.  
(起訴人會私下安排這項命令的送達方式。)

Respondent appeared and was informed of the order by the court; further service is not required.  
(辯方有出席，並已得到法院的令狀通知；不需要做進一步的文件送達。)

Law enforcement shall assist petitioner in obtaining:  
(執法機關應該協助起訴人取得：)

Possession of petitioner's  residence  personal belongings located at:  the shared residence  respondent's residence  other: \_\_\_\_\_  
(取回起訴人 [-] 住宅 [-] 個人所有物，地點在：[-] 共有的住宅 [-] 辯方的住宅 [-] 其它：[ \_\_ ])

Custody of the above-named minors, including taking physical custody for delivery to petitioner  
(以上列名之未成年子女的監護權，包括將人身監護權交給起訴人。)

Possession of the vehicle designated in paragraph 7, above.  
(以上第 7 段中指定之車輛的所有權。)

Other (其它) : \_\_\_\_\_

Other (其它): \_\_\_\_\_

***This Order is in Effect Until the Expiration Date on Page One.***

***(這項命令的效力到第一頁指定的日期為止。)***

If the duration of this order exceeds one year, the court finds that an order of one year or less will be insufficient to prevent further acts of domestic violence.

(如果這項命令的期限超過一年，就表示法院認定一年或一年以下的命令效期不足以預防家庭暴力行為進一步發生。)

Dated: \_\_\_\_\_ at \_\_\_\_\_ a.m./p.m.  
(日期：) (時間) (上午/下午)

\_\_\_\_\_  
**Judge/Commissioner**  
**(法官/專員)**

Presented by:  
(提交人：)

I acknowledge receipt of a copy of this Order:  
(我在此證明已經收到本命令之副本：)

_____ Petitioner (起訴人)	_____ Date (日期)	_____ Respondent (辯方)	_____ Date (日期)
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A Law Enforcement Information Sheet (LEIS) must be completed.  
(執法部門的情況簡報 (LEIS) 一定要填寫。)