

IN THE SUPREME COURT OF NEW ZEALAND

**SC 74/2008
[2008] NZSC 103**

BETWEEN	XIAO QIONG HUANG First Appellant
AND	YONG MING CUI Second Appellant
AND	JARVIS CUI Third Appellant
AND	THE MINISTER OF IMMIGRATION First Respondent
AND	THE ATTORNEY-GENERAL Second Respondent

Court: Tipping, McGrath and Wilson JJ

Counsel: E Orlov for Appellants
I C Carter and C M Curran-Tietjens for Respondents

Judgment: 4 December 2008

JUDGMENT OF THE COURT

A Leave to appeal is granted.

B The approved grounds of appeal are:

(a) What mandatory considerations and/or standard (if any) apply to a decision under the Immigration Act 1987 to order and/or to implement the removal from New Zealand of the overstayer parent(s) of a New Zealand-resident child, in particular a child who is a New Zealand citizen?

(b) What processes of hearing and inquiry (if any) apply to such a decision?

(c) What approach should the Courts adopt to judicial review of such a decision?

(d) In light of the Court's answers to the foregoing questions, what relief (if any) are the appellants entitled to?

Solicitors:
Dennis Jay Gates, Whangaparaoa for Appellants
Crown Law Office, Wellington for Respondents