

IN THE SUPREME COURT OF NEW ZEALAND

**SC 53/2008
[2008] NZSC 92**

BETWEEN WILLIE YE, CANDY YE AND TIM YE
Appellants

AND MINISTER OF IMMIGRATION
First Respondent

AND YUEYING DING
Second Respondent

SC 56/2008

BETWEEN ALAN QIU AND STANLEY QIU
Appellants

AND MINISTER OF IMMIGRATION
First Respondent

AND HE QIN QIN
Second Respondent

AND XIAO YUN QIU
Third Respondent

Court: Blanchard, Tipping and McGrath JJ

Counsel: R E Harrison QC for Appellants in SC 53/2008
A G Mahon for Appellants in SC 56/2008
I C Carter and M R L Silverwood for First Respondent

Judgment: 4 November 2008

JUDGMENT OF THE COURT

A Leave to appeal is granted to both appellants and to the first respondent.

B The approved grounds of appeal are:

- (i) 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?**
- (ii) What processes of hearing and inquiry (if any) apply to such a decision?**
- (iii) What approach should the Courts adopt to judicial review of such a decision?**
- (iv) In light of the Court's answers to the foregoing questions, what relief (if any) are the appellants entitled to?¹**

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¹ This question does enable the First Respondent to raise its argument related to Ms Ding's immigration history.