

16-year-old II's plight before third tribunal

by

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THE plight of a young girl who has been ordered out of Hongkong by the Immigration Department is to be brought before an Immigration Tribunal for a third time.

Mr Justice Powers, in the High Court yesterday ordered an Immigration Tribunal to sit again to consider the case of 16-year-old, Cheung Ching-nuen, who entered Hongkong illegally along with her two younger sisters on October 29, 1984.

Shortly after the girls arrived in the territory they were taken by their parents, who are legal residents, to the Immigration Department. The parents admitted their children had arrived illegally but applied for them to be given legal status in Hongkong.

After a series of interviews an immigration officer granted all three girls entry permits which legalised their residence in the territory.

The girls lived happily with their parents in Hongkong until March of this year when Ching-nuen was arrested.

The Immigration Department informed her parents that she could not stay in Hongkong and that she must leave.

An Immigration Tribunal found that the officer who had earlier given permission for her to stay had not had the authority to make such a decision. It was found that only the Secretary of Immigration had this authority. The right of her two sisters to remain in Hongkong was not considered.

A judicial review was granted by the High Court and an Immigration Tribunal again considered the young girl's plight.

It was ruled by the second tribunal that an officer of the Immigration

Department had the authority to allow continued residence in Hongkong without it being directly communicated by the Secretary.

Mr Justice Powers yesterday ordered an Immigration Tribunal to sit and examine the case for the third time after an appeal by the Crown. It was submitted by the Crown that the affirmations at the tribunal were not correct.

Mr Justice Powers said he was driven to the conclusion that the Immigration Tribunal had come to their decision without proper consideration of the evidence.

The Judge ordered that the tribunal's previous decision be quashed and directed that it reconvene to hear the case again.