

TITLE OF DECISION: *BC (India) [2015] NZIPT 501674–675*

INDEX TERMS:

Non-resident / India / China / joint appeal / husband, wife and three children / temporary visas expired / NZ-citizen child and three NZ-born children / over 11 years in NZ / while economic betterment not an exceptional humanitarian circumstance, Tribunal accepts family will face real socio-economic hardship in both India and China / in children's best interests to remain with their parents in a viable environment / *Nikoo v RRA* [1994] NZAR 509 / exceptional humanitarian circumstances found / unjust or unduly harsh / public interest / husband accrued drink-driving and disorderly behaviour convictions / received non-custodial sentence / no further offending / not contrary to public interest / resident visas directed / appeals allowed

COUNTRY:

China

DATE OF DECISION:

29 January 2015

DECISION MAKER:

Judge P Spiller

JUDICIAL BODY:

Immigration And Protection Tribunal

STATUTE:

Immigration Act 2009

DECISION CONSIDERED:

Nikoo v RRA [1994] NZAR 509

DEPORTATION APPEAL TYPE:

Unlawful / temporary

OUTCOME:

Allowed