

HONG KONG / JUDGMENT

RE PRABHDEEP SINGH

[2026] HKCA 8**COURT**

Court of Appeal

DECIDED

9 January 2026

CASE / FILE NUMBER

CACV270/2025

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CACV 270/2025, [2026] HKCA 8 On appeal from [2025] HKCFI 1741 IN THE HIGH COURT OF THE HONG KONG SPECIAL ADMINISTRATIVE REGION COURT OF APPEAL CIVIL APPEAL NO 270 OF 2025 (ON APPEAL FROM HCAL 1948/2019)

RE: Prabhdeep Singh Applicant

Before: Hon Barma JA and Lisa Wong J in Court Date of Hearing: 16 December 2025 Date of Judgment: 9 January 2026

J U D G M E N T

Hon Barma JA (giving the Judgment of the Court): This is an appeal against the decision of Deputy High Court Judge Bruno Chan (“the Judge”) given on 29 April 2025 (“the Leave Decision”) refusing to grant leave for the applicant to apply for judicial review. The intended judicial review was against the decision of the Torture Claims Appeal Board/adjudicator of the Non-Refoulement Claims Petition Office (“the Board”) dated 26 June 2019 (“the Board’s Decision”) dismissing the applicant’s appeal against the decisions of the Director of Immigration dated 22 June 2016 and 14 February 2017 rejecting the applicant’s non-refoulement claim. The applicant’s background, the basis of his claim and the Board’s reasons in reaching the Board’s Decision have been set out by the Judge in the Leave Decision at [1]-[12], which will not be repeated. After considering the documents filed by the applicant and his oral submissions at the hearing of the leave application, the Judge dismissed the application for the reasons stated at [13]-[22] of the Leave Decision. Appeal to this court By a Notice of Appeal dated 8 May 2025, the applicant’s principally complained of an absence of language and legal assistance being provided to him. The applicant also complained that the court “should have held a hearing” in order for him to “explain errors”

in the Board's Decision. By written submissions dated 25 November 2025, lodged out of time as the deadline was 18 November 2025, the applicant did not provide any reasons for his delay. The applicant asserted, in essence, that the Leave Decision was unfair because he did not understand English, and that the Board refused a psychological assessment to evaluate trauma resulting from an event in February 2016. We heard the appeal on 16 December 2025, but the applicant was absent. In the circumstances, we will determine the appeal on the basis of the documents already lodged by the applicant.

Discussion As this court has often stated, an appeal to the Court of Appeal is not a fresh application for judicial review. It is necessary to identify some error on the part of the judge that would justify this court in intervening: see *Nupur Mst v Director of Immigration* [2018] HKCA 524 at [14]. The court will not intervene by way of judicial review unless there are errors of law or procedural unfairness or irrationality in the decision of the Board. An appeal is not the occasion for regurgitating arguments advanced and rejected by the judge or for running arguments which could and should have been raised but were not raised before the judge. In the determination of an appeal, the Court of Appeal focuses on the decision of the judge and the court will only reverse that decision if an appellant could demonstrate that the judge made errors of law or failed to take account of relevant matters already placed before the court or was otherwise plainly wrong. We are unpersuaded by the applicant's complaint of a lack of legal representation, as it does not follow that the high standards of fairness applicable require that a non-refoulement protection claimant be absolutely entitled to legal representation at all stages of the screening process or the legal proceedings ensuing therefrom. See *Re Zunariyah* [2018] HKCA 14, *Re Zahid Abbas* [2018] HKCA 15, *Re Tariq Farhan* [2018] HKCA 17, *Re Lopchan Subash* [2018] HKCA 37 and *Re Ahmed Syed Rafiq* [2018] HKCA 178. The applicant's complaint of prejudice by reason of his lack of proficiency in English is also unfounded and of little or no merit. We note that he was able to, either by himself or with assistance from others, lodge with the court applications and submissions written in comprehensible English.

Furthermore, the Judge had adequately dealt with the Board's refusal for a psychological assessment in the Leave Decision at [14]-[15]. There is also no substance in the applicant's complaint regarding the lack of opportunity to present his case or to explain his grounds for judicial review to the Judge, as a hearing (at which the applicant attended) had been fixed for the leave application. The Leave Decision was made by the Judge after having considered the documents filed as well as the oral submissions made by the applicant in open court. The applicant has failed to identify any error on the part of the Judge and thus failed to raise any viable ground of appeal. The points advanced by the applicant were bare assertions unsupported by particulars or evidence. General assertions of fear if refouled do not constitute proper grounds of appeal: *Re Saldua Dorothy Trifalgar* [2022] HKCA 627 at [6]. In the present case, the Board found material inconsistencies and discrepancies in the applicant's evidence and in any event, there were reasonable internal relocation alternatives for him to move safely to other parts of the country. The Board concluded that the applicant failed on all applicable grounds: the Leave Decision, [12]. These were factual findings open to the Board on the evidence, and were sufficiently canvassed and considered by the Judge at the Leave Decision, [13]-[21]. We see no basis to interfere. The applicant has failed to demonstrate how the Board had acted unlawfully or procedurally unfairly in reaching its Decision, or how such Decision could be said to be

Wednesbury unreasonable. As we have noted, the applicant advanced no viable grounds of appeal against the Judge's decision. There is therefore no merit in the appeal and we dismiss the appeal accordingly. (Aarif Barma) (Lisa Wong) Justice of Appeal Judge of the Court of First Instance The applicant acting in person, absent

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