

HONG KONG / JUDGMENT

RE YULIANI, FARIDA

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CACV 302/2026, [2026] HKCA 1239 On Appeal From

[2026] HKCFI 1378 IN THE HIGH COURT OF THE HONG KONG SPECIAL ADMINISTRATIVE REGION COURT OF APPEAL CIVIL APPEAL NO 302 OF 2026 (ON APPEAL FROM HCAL NO 1928 OF 2023)

RE: YULIANI, FARIDA Applicant

Before: Hon Au JA and Eugene Fung J in Court Date of Judgment: 22 July 2026

J U D G M E N T

Hon Au JA (giving the Judgment of the Court): 1. This is the applicant's appeal against the order of Deputy High Court Judge (Non-refoulement Claims) Michael Wong ("the Judge") dated 11 March 2026 (

[2026] HKCFI 1378) ("the Leave Decision") refusing, inter alia, her application to application for leave to apply for judicial review ("the Leave Application") against the decision of the Torture Claims Appeal Board/Non-refoulement Claims Petition Office ("the Board") dated 13 July 2023 ("the Board's Decision"), whereby the Board dismissed her appeal/petition against the decision of the Director of Immigration ("the Director") dated 24 November 2021 ("the Director's Decision"), refusing her non-refoulement claim. 2. This appeal was scheduled to be heard on 27 May 2026. Despite the directions from the court dated 25 March 2026 ("Directions"), the applicant failed to lodge written submission by the stipulated time. Accordingly, by paragraph 11 of the Directions, the hearing of the appeal was vacated and the court will now deal with this appeal on paper. 3. The applicant is a national of Indonesia. The basis of her non-refoulement claim is, if refouled, she would be harmed or killed by her father's creditors owing to his outstanding debt. The applicant's background, the basis of her claim and her arguments advanced before the Board, as well as the Board's reasons for rejecting her appeal are all set out in the Board's Decision: see [1] - [2] of the Leave Decision. The Judge also sets out in detail his reasons for refusing the

Leave Application: see [8] - [36] of the Leave Decision. We will not repeat the details herein. 4. By the Notice of Appeal filed on 25 March 2026, the applicant claimed that the Director had failed to properly consider or give weight to the factor of state acquiescence. She further complained that the Board failed to make sufficient enquiries before finalising the determination and did not give her sufficient chance to arrange for relevant evidence to be provided. She also stated that the Director had been unfair in the treatment of the Country of Origin information. 5. As mentioned above, the applicant failed to lodge her written submissions in support of her appeal. DISCUSSION 6. The relevant legal principles governing appeals in non-refoulement cases are set out in *Nupur Mst v Director of Immigration*

[2018] HKCA 524 at [14]. 7. In particular, in an appeal against refusal of leave to apply for judicial review in non-refoulement cases, the Court of Appeal will only examine the decision of the judge in light of the grounds advanced by the applicant. If no viable ground is put forward to reverse the judge's decision, the appeal should be dismissed. The Court's role is not to examine the decision maker's decision afresh as if it were a fresh application for judicial review. See *Nupur Mst v Director of Immigration*

[2018] HKCA 524 at [14(6)]. 8. We see no merit in her contentions. Nowhere in her Notice of Appeal did the applicant identify any error committed by the Judge with specific particulars or give any ground in support of her appeal. Her assertions are mainly directed at the Board's Decision, and are in any event general and bare allegations unsupported by specific particulars or evidence. General assertions of her fear if refouled do not constitute proper grounds of appeal: *Re Saldua Dorothy Trifalgar*

[2022] HKCA 627 at [6]. There are therefore viable grounds of appeal. 9. Accordingly, the applicant's appeal against the Leave Decision has no merit and is dismissed. (Thomas Au) Justice of Appeal (Eugene Fung) Judge of the Court of First Instance The applicant acting in person

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