

Decision No ~~CCS~~/2009

DRT 039/07

**IN THE MATTER**

of an appeal under section 104  
of the Immigration Act 1987

**BETWEEN**

████████████████████  
Appellant

**AND**

**THE MINISTER OF  
IMMIGRATION**

Respondent

**BEFORE THE DEPORTATION REVIEW TRIBUNAL**

D J Plunkett - Presiding Member  
M A Roche - Member  
A M Clayton - Member

**HEARING:** at Christchurch on 18 & 19 November 2008

**PARTIES:**

J Williamson & P Kundig for appellant  
P McCarthy for respondent

**DATE OF DECISION:** 10<sup>th</sup> February 2009

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**DECISION**

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**INTRODUCTION**

[1] This is an appeal by ██████████, a Chinese national, pursuant to section 104 of the Immigration Act 1987 ("the Act"), seeking an order quashing the deportation order made against him by the Minister of Immigration on 15 February 2006. The basis of the deportation order was the appellant's conviction for conspiring to deal ██████████, a qualifying offence committed within two years of the appellant being granted residence.



[73] There are no other adverse public interest considerations arising on the evidence. We find that the appellant has established that it would not be contrary to the public interest to allow him to remain in New Zealand.

#### ORDER

[74] Accordingly:

- (a) It would be unduly harsh or unjust to deport the appellant from New Zealand; and
- (b) It would not be contrary to the public interest for him to remain in New Zealand.

[75] Pursuant to section 105(1) of the Act, the Tribunal quashes the deportation order against the appellant.

  
M A Roche  
Member

