

Government respects Court of Final Appeal's judgment concerning dependant immigration policy

Today (July 4), the Court of Final Appeal (CFA) handed down a judgment in QT v Director of Immigration (FACV No. 1 of 2018), a judicial review lodged by the applicant QT against the Director of Immigration's decision of refusing her application for entry for residence in Hong Kong as a dependant of her same-sex partner on the grounds that she is not a "spouse" under the prevailing dependant immigration policy. The CFA dismissed the appeal lodged by the Director and held that the Director has failed to justify the differential treatment of refusing QT a dependant visa under the prevailing dependant immigration policy.

"The Government respects the CFA's judgment. We are studying the judgment carefully and shall seek legal advice as necessary on follow-up actions," a spokesman for the Hong Kong Special Administrative Region Government said.

Under the prevailing dependant immigration policy, the spouse of an eligible sponsor in Hong Kong may apply for entry for residence in Hong Kong as a dependant. The Director has adopted the meaning of "spouse" as a party to a marriage consisting of one man and one woman as recognised by the laws of Hong Kong.

The CFA has made it clear that this case does not involve any claim that same-sex couples have a right to marry under Hong Kong law, and that it was recognised that a valid marriage under Hong Kong law is heterosexual and monogamous and is not a status open to couples of the same sex.