

IN THE SUPREME COURT OF NEW ZEALAND

SC 72/2013  
[2013] NZSC 91

BETWEEN                      SAMUELA FALETALAVAI HELU  
   Applicant

AND                              IMMIGRATION AND PROTECTION  
   TRIBUNAL  
   First Respondent

   MINISTER OF IMMIGRATION  
   Second Respondent

Court:                      McGrath, William Young and Glazebrook JJ

Counsel:                      A Schaaf for Applicant  
   M Andrews and J Foster for Second Respondent

Judgment:                      3 October 2013

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**JUDGMENT OF THE COURT**

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- A. The application for leave to appeal is granted.**
- B. The approved questions are:**
- (a) Did the Immigration and Protection Tribunal, in assessing whether it would not be contrary to the public interest to allow Mr Helu to remain in New Zealand:**
- (i) fail to take into account all relevant considerations; or**
- (ii) apply the incorrect test.**

**(b) Even if either or both of those questions are answered in the affirmative would the Tribunal nevertheless necessarily have come to the same decision, given its findings of fact?**

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Solicitors:  
Ferguson Tuilotolava for Applicant  
Crown Law for Second Respondent