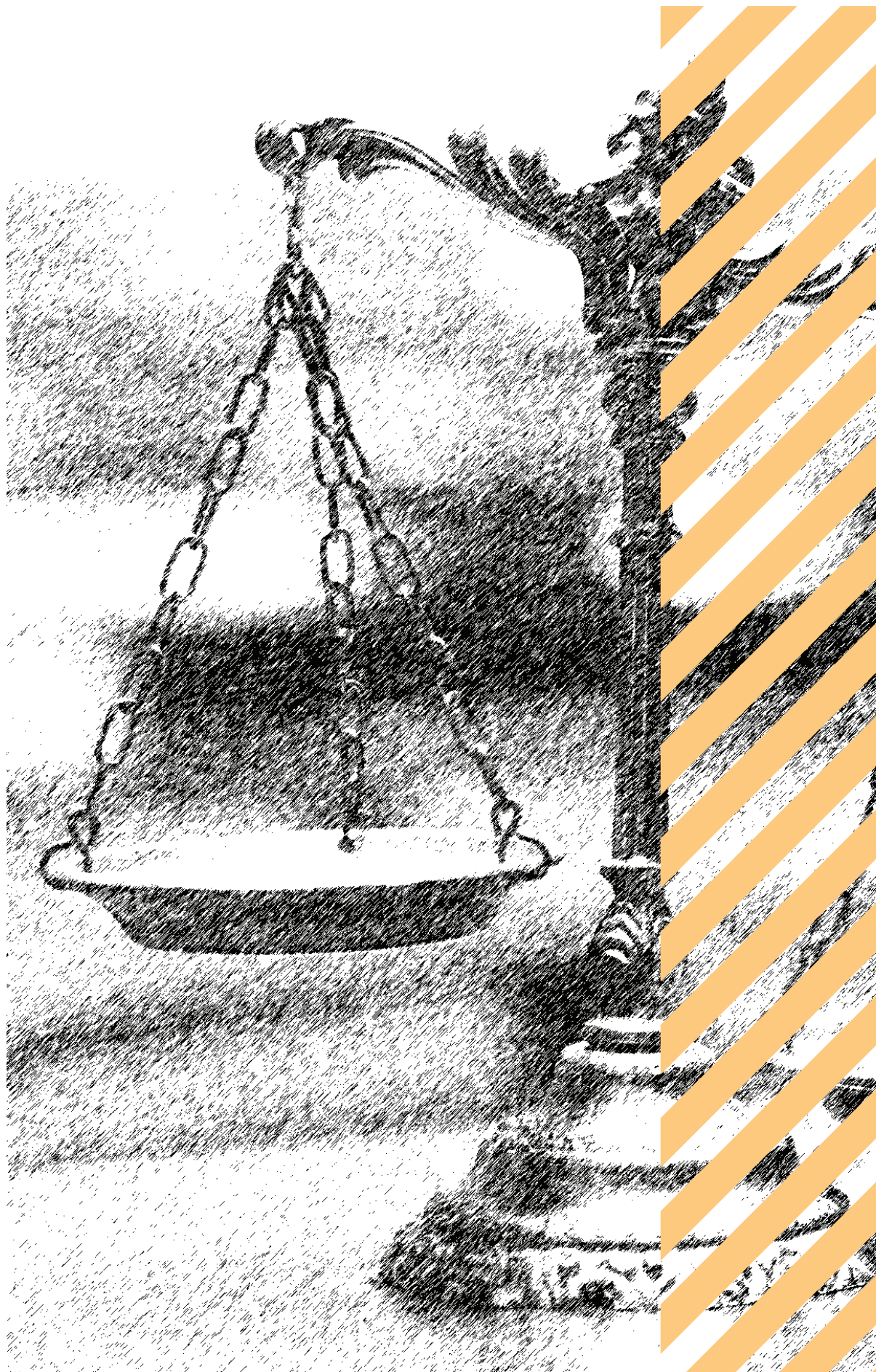


JANUARY 2018

THE FIRST ISSUE

WESTLAW ASIA

HKU Student Newsletter



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Despite the fact that Hong Kong does not recognize same-sex marriage, in *QT v Director of Immigration* [2017] 5 HKLRD 166, the Court of Appeal unanimously decides that lesbians and gay couples will be given a dependency visa through their spouses working in Hong Kong, which was once an immigration status for heterosexual couples only.

QT, a UK national who had entered into same-sex civil partnership with her partner, SS in England. When SS came to Hong Kong for work, QT tried to apply a spousal visa to enter and stay in Hong Kong as SS's dependant. However, such grant was refused by the Immigration Department on the ground that "spouse" within the immigration policy simply referred to a heterosexual marriage. QT applied for judicial review as she deemed it an unjustified discrimination on the basis of sexual orientation. It was dismissed by the court at first. Upon QT's appeal to the Court of Appeal, it was allowed. The judges held that the Immigration Department's refusal amounted to an indirect discrimination, which violated the fundamental principle that everyone should be treated equally. The rationale is that as long as the couples' marriage is legalized regardless whether it is a heterosexual or homosexual relationship, they should be able to enjoy the same treatment as "spouse" under the immigration policy.

This is definitely a welcome decision by the LGBT community; but, drawing lots of criticisms, the Government is now seeking to take the case to the Court of Final Appeal against this landmark judgement. Therefore, whether the rainbow flat for LGBT rights in Hong Kong is rising is still a question in doubt.

SOMEWHERE OVER THE RAINBOW - APPROVAL OF SAME-SEX PARTNER'S VISA



WESTLAW TIPS

LEARN HOW TO USE WESTLAW WISELY

& (or space)

search terms in the same document



TRY TYPING "&" BETWEEN THE TERMS, WESTLAW WILL GIVE YOU DOCUMENTS CONTAINING BOTH TERMS!

E.G.

TYPE **TRADE & MARK & REGISTRATION** TO GET SEARCH RESULTS CONTAINING **TRADE AND MARK AND REGISTRATION** IN THE SAME DOCUMENT

OR

Either search term or both



TRY TYPING "OR" BETWEEN THE TERMS. WESTLAW WILL GIVE YOU DOCUMENTS CONTAINING EITHER TERMS AS WELL AS BOTH TERMS!

E.G.

TYPE **CAR OR AUTOMOBILE** TO GET SEARCH RESULTS CONTAINING THE TERM **CAR, AUTOMOBILE** AND ALSO THOSE WITH **CAR AND AUTOMOBILE** IN THE SAME DOCUMENT

" "

Search terms appearing in the same order as in the quotation marks



DO YOU KNOW?

BY TYPING " " AT THE BEGINNING AND THE END OF TERMS, WESTLAW WILL GIVE YOU DOCUMENTS THAT HAVE THESE TERMS APPEARING **EXACTLY** IN THE ORDER AS IN THE QUOTATION MARKS

E.G.

THEREFORE, INSTEAD OF TYPING PROMISSORY ESTOPPEL, TRY TYPING "PROMISSORY ESTOPPEL"!

!

terms with multiple endings



TRY TYPING "!" AFTER A WORD, WESTLAW WILL GIVE YOU DOCUMENTS CONTAINING THE WORD WITH DIFFERENT ROOTS

E.G.

TYPE **OBJECT!** TO GET SEARCH RESULTS CONTAINING **OBJECT, OBJECTED, OBJECTION, OBJECTING AND OBJECTIONABLE**



WHO WE ARE

Westlaw Asia Hong Kong Student Representatives (WSRs) are a group of students that are here to assist and promote the use of Westlaw as a source of online legal research at The University of Hong Kong.

The WSRs this year are (from the left of the above photo): Kelly, Chris, Joshua, Helena and Jessica.

CONSULTATION HOURS

Feel free to find the WSRs in the Law Library (1/F) if you have any problems when using Westlaw!

Monday	17:30-18:30 (Joshua)
Tuesday	15:30-16:30 (Kelly)
Wednesday	16:30-17:30 (Jessica)
Thursday	13:30-14:30 (Helena)
Friday	13:30-14:30 (Chris)

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