



The High Court of the
Hong Kong Special Administrative Region.
Court of Appeal
Civil Appeal No. CACV 374 of 2026
(On appeal from HCAL 209 /2022)

Nguyen Thi Xoa

Applicant

and

Torture Claims Appeal Board/ Non-refoulement
Claims Petition Office

Putative Respondent

And

Director of Immigration

Putative Interested Party

**Skeleton Argument for Nguyen Thi Xoa,
Notice of Appeal**

I am Nguyen Thi Xoa from Vietnam came to Hong Kong to save my life, because my life is not safe in my home country. I do not agree with the decision of the Court of First Instance. If I go back to my home country I will be killed by my enemy. So, I don't accept the previous decisions of the decision makers including the decision of the Torture Claim Appeal Board and the Director of Immigration, because:

- The learned Judge's decision to refuse my appeal was unreasonable.

- The learned judge was wrong as a matter of law for not having applied the principle of irrationality to the decision made by the director of immigration and the Adjudicator of Torture claims appeal board.
- *The decision has the effect of finally disposing of my torture claim and making me liable to be removed. This entails is real and significant implications for my substantive right not to be subject to torture and his right to Non-refoulement protection. In other word the decision has a significant effect on my torture claim.
- The learned Judge was wrong as a matter of law for not having applied the principle of procedural unfairness to the decision of the director whereby the director and the adjudicator were required to give reasons justifying their decision.
- High standards of fairness are required in determination of the torture claims on the part of the decision maker. But the learned Judge reviewed the matter lightly.
- In spite of my problems are very severe in my home country and I have submitted all the proof on behalf of my torture claim but the learned Judge may not be greater care and disappointed the me.
- The learned Judge may did not analyzed the claims properly in my home country.
- The learned Judge may not accept my claims what had been refused by the torture claims appeal board and by the director of immigration.
- The adjudicator has failed to give me sufficient chance to arrange relevant evidence to my Non-refoulement claims as well as my Appeal.
- It must keep in mind that the life and limp are in jeopardy and the applicant's fundamental human right not to be subjected to torture is involved, which is the high standards of fairness are required.
- I will face hardship life if I go back to my home country and the Torture Claim Appeal board has significantly relied on the source of news which is not officially recognized, or it is simply hearsay.
- Irrationally in the Adjudicator's failure to evaluate and make a finding of fact as to whether a consistent pattern of gross and mass violation of human rights in my home country.
- Irrationally in the Adjudicator's failure to analyze and assess whether state protection exists in my home country and misdirecting myself as to the extended meaning of state protection.

The present situation in my home country is under threat for my freedom life. If I go back to my home country I will be killed by my enemy. My country police will not help me because I was not a political leader of the ruling party or even I was not an influential person of the state. My enemy is still looking for me. Now my enemy was involved with the ruling government who want to kill me.

I was attacked by my enemies while in my home country, so there is no surety of getting the protection from the authorities of the state. Though the present government is showing their good activity in their behavior but not in reality where people of the state can get safety of their life. My enemies are very dangerous and they can kill me any time if they find me in my home country.

I will face the hardship life if I go back to my home country, and that the Torture Claims Appeal Board has significantly relied on the source of news which is not officially recognized, or it is simple hearsay. At this moment, I have problem still in my home country. If I go back to my home country I will be killed by my enemy. My enemies are still looking for me. The political situation in my home country does not support my life safety at this moment, I have no faith in the present government and police. Because I did not get help from the police and the authorities.

I have a high risk of being tortured by my enemies. I was tortured brutally while in my country. If the Court of Appeal dismiss my appeal my life will be danger and I have to face a death consequence in his home country. I was tortured by my enemies who are now controlling the power of government in my country. So, if the Court of Appeal dismiss the application I will have to return to my home country and I will face the death consequence. According to human rights I have a right to make a request to the Court of Appeal to save my life.

I have a serious fear of going back to my home country. I am fear of being tortured by my enemies. I am feeling afraid when I remember the torturing on my body while in my home country.

Conclusion: I request the Court of Appeal to scrutinize my claim and save my life. I respectfully ask the Court of Appeal to grant an order that Leave be granted.

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Nguyen Thi Xoa
(The Applicant)

Date:- 26/05/2026