



UNITED NATIONS APPEALS TRIBUNAL TRIBUNAL D'APPEL DES NATIONS UNIES

Case No. 2017-1085

King
(Appellant)

v.

Secretary-General of the United Nations
(Respondent)

Order No. 295 (2017)

1. Mr. Prince E. King is a national of Sierra Leone. On 26 January 1998, he joined the Organization on initial recruitment at the United Nations Headquarters in New York and worked there until 7 March 1999. During that time, Mr. King held a G-4 visa.¹

2. Effective 21 July 1999, Mr. King was reappointed to the United Nations Interim Administration Mission in Kosovo (UNMIK) and was subsequently reassigned to various peacekeeping missions around the world, including the African Union-United Nations Mission in Darfur (UNAMID), where he worked from 8 March 2008 until 31 August 2014, when he reached the mandatory retirement age.

3. As part of his separation formalities, Mr. King asked the UNAMID Administration to repatriate him to New York and to issue him a letter requesting the issuance of a G-4 visa to facilitate his reentry into the United States. However, the UNAMID Administration advised Mr. King that while it was willing to pay for his repatriation travel to New York, it was not in a position to provide him with any letter requesting the assistance of the U.S. government in issuing him a G-4 visa, because he

¹ According to the website hosted by the Bureau of Consular Affairs of the U.S. Department of State: "To receive a ... G-4 visa, you must be travelling to attend meetings at, visit, or work at a designated international organization". G-4 visas are issued to "[i]ndividuals coming to the United States to take up an appointment at a designated international organization, including the United Nations, and their immediate family members".

was not assigned to work in the United States nor was he travelling to the United States for official business.

4. Mr. King appealed the refusal to provide him with a letter for a G-4 visa. In Judgment on Receivability dated 27 April 2016, the United Nations Dispute Tribunal (Dispute Tribunal or UNDT) dismissed Mr. King's application as not receivable both *ratione temporis* and *ratione materiae*.

5. Approximately 14 months later, on 16 June 2017, Mr. King filed with the United Nations Appeals Tribunal (Appeals Tribunal) an appeal of the UNDT Judgment on Receivability. He also filed a motion for relief, seeking the "immediate issuance of [a] letter to the [U.S.] Consulate in Canada for me and my spouse, to collect our G-4 Visas and return/reenter the USA and reunite with my 3 (three) children and relatives whom I last saw in June 2004".

6. I have reviewed Mr. King's motion for relief and the Secretary-General's observations thereon. Initially, I note that Mr. King has not cited any statutory authority in support of his motion for interim relief.

7. Article 9(4) of the Statute of the Appeals Tribunal gives us the authority to order such relief if a motion meets two cumulative conditions. It reads: "At any time during the proceedings, the Appeals Tribunal may order an interim measure to provide temporary relief to either party to prevent irreparable harm and to maintain consistency with the judgement of the Dispute Tribunal". Article 9(4) of the Statute thus requires a moving party to show that i) the contested decision, if left undisturbed, would cause irreparable harm to his rights as a former staff member, and ii) the interim measure requested would be consistent with the judgment of the Dispute Tribunal under appeal.²

8. In the present case, Mr. King's motion clearly fails to meet the second condition of Article 9(4) of the Statute, because to grant his request for the issuance of a letter for a G-4 visa would not be consistent with the UNDT Judgment dismissing his application against the Administration's refusal to issue him a letter for a G-4 visa. As the motion does not satisfy the second condition, there is no need for us to consider whether the motion meets the test of irreparable harm to his rights as a former staff member.

² See *Faye v. United Nations Joint Staff Pension Board*, Order No. 284 (2017), para. 9, citing *Koumoin v. Secretary-General of the United Nations*, Order No. 3 (2010), paras. 9-11.

9. Therefore, Mr. King's motion for relief should be rejected.

IT IS HEREBY ORDERED that Mr. King's motion for relief pending proceedings is **REJECTED**.

Original and Authoritative Version: English

Dated 11th day of August 2017 in Port of Spain,
Trinidad & Tobago.

(Signed)
Deborah Thomas-Felix
President

Entered in the Register on this 11th day of
August 2017 in New York, United States.

(Signed)
Weicheng Lin, Registrar