

**IN THE HIGH COURT OF NEW ZEALAND
WELLINGTON REGISTRY**

**CIV 2005 485 001617 &
CIV 2005 485 002270**

UNDER the Judicature Amendment Act
1972

IN THE MATTER of a decision of the Removal
Review Authority Appeal No.
AAS45984 dated 9 August 2005

BETWEEN **H L WILFRED**

Applicant

AND **THE CHIEF EXECUTIVE OF
THE DEPARTMENT OF
LABOUR**

First Respondent

AND **THE REMOVAL REVIEW
AUTHORITY**

Second Respondent

**MEMORANDUM OF COUNSEL
Wednesday the 13th day of September 2006**

Next Event Date: N/A
Judicial Officer: Justice Gendall

**WYNN WILLIAMS & CO
SOLICITORS
CHRISTCHURCH**

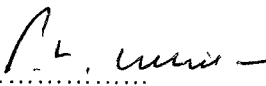
Solicitor: P F Whiteside

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MAY IT PLEASE THE COURT:

1. This memorandum is in response to the memorandum filed by Counsel for the Respondent dated 30 August 2006. That memorandum outlined the approach of the NZIS to removal of persons unlawfully in New Zealand in response to the questions posed in John Hansen's Memorandum for Counsel dated 22 August 2006.
2. The Appellant highlights an error in paragraph 4 of the Respondent's Memorandum. It is not the Appellant's evidence that he is eligible to receive a "temporary travel document". The Appellant's evidence was that at the time the American Consulate refused to renew or return his passport to him in 2004, the Consulate advised him that they would only issue him with a temporary passport to enable his passage back to the USA whereupon he would be incarcerated (See Affidavit of Mr Wilfred, paragraphs 88 - 91). No further enquiries have been made to the American Consulate since the Appellant renounced his American citizenship on 1 March 2005, whereupon all citizenship rights were irrevocably terminated upon written acceptance on 15 April 2005, by the US State Department.
3. In relation to the Respondent's assertion that the NZIS would seek to return Mr Wilfred to the USA or alternatively allow Mr Wilfred to return to Canada, the Appellant submits that for the reasons outlined in his Affidavit both of those countries pose significant economic, emotional, and physical risks for him. Mr Wilfred understands that he has no legal right to reside in Canada and has already been imprisoned in Canada pending his initial extradition to the USA. During those extradition proceedings Mr Wilfred was in Canada on a visitor's permit. After being granted bail he was under Court order to reside with his wife, which he did until agreeing to abandon his appeal, upon which he was once again imprisoned.

DATED this 13th day of September 2006.



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P F Whiteside

Counsel for Appellant CIV 2005 485 1617 and

Counsel for Applicant CIV 2005 485 2270

TO: The Registrar, High Court, Wellington

AND TO: The Respondent