WYNN WILLIAMS & CO
BARRISTERS · SOLICITORS

1 September 2006

Mr H L Wilfred
CHRISTCHURCH

Fax No 326-4075
Pages 3
Matter No 135788/1

Dear Sir

REMOVAL REVIEW AUTHORITY CASE

We now enclose a copy of the Memorandum Crown Counsel have filed in this matter in the High Court in Wellington.

The Memorandum does not appear to be unhelpful from your point of view.

We suggest we file a Memorandum in response pointing out your removal to Canada would be just as undesirable given the treatment of you by the authorities there.

We await your further instructions.

Yours faithfully
Wynn Williams & Co

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Partner

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IN THE HIGH COURT OF NEW ZEALAND
WELLINGTON REGISTRY

CIV 2005-485-1617

UNDER	Section 115A of the Immigration Act
IN THE MATTER	of an appeal from the decision of the Removal Review Authority appeal AAS45984 dated 9 August 2005
BETWEEN	HARMON LYNN WILFRED
	Appellant
AND	THE CHIEF EXECUTIVE OF THE DEPARTMENT OF LABOUR
	Respondent

CIV2005-485-2270

UNDER	the Judicature Amendment Act 1972
IN THE MATTER	of a decision of the Removal Review Authority, no. AAS45984 dated 9 August 2005
BETWEEN	HARMON LYNN WILFRED
	Applicant
AND	THE CHIEF EXECUTIVE OF THE DEPARTMENT OF LABOUR
	First Respondent
AND	THE REMOVAL REVIEW AUTHORITY
	Second Respondent

MEMORANDUM OF RESPONDENT

30 August 2006

Next event: Not known

Judicial Officer: Gendall J

Crown Law Office (I C Carter/S V McKechnie)
Telephone: 04 494 5587, PO Box 2858, DX SP 20208,
Facsimile: 04 473 3482, Wellington Central.

1. On 22 August 2006, His Honour Justice Gendall asked counsel for the respondent to advise the Court of the procedural policy adopted by Immigration New Zealand on the removal of persons unlawfully in New Zealand, regarding the destination to which the person is removed.

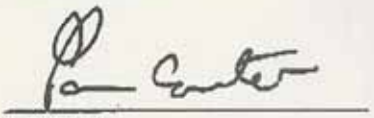
2. Counsel is instructed that Immigration New Zealand practice is that the removal of a person unlawfully in New Zealand is usually effected by returning them to their country of habitual residence or citizenship.

3. In the case of persons with right of entry to more than one country, financial considerations dictate that the New Zealand Government removes the individual to the nearest destination. In circumstances where the person unlawfully in New Zealand is paying for their own removal, they may go to any country where Immigration New Zealand is satisfied that the person has a lawful right of entry and that country is aware that the individual is being compulsorily removed.

4. In this case, Immigration New Zealand would, if it became necessary to invoke compulsory removal procedures, remove Mr Wilfred to the United States on the basis that he was, until recently, a United States citizen. It is Mr Wilfred's evidence that he is eligible to receive a (temporary) travel document. The United States also appears to be the nearest destination. Immigration New Zealand would allow Mr Wilfred to leave New Zealand and travel to Canada if he has a lawful right of entry there, Canada were aware he was being compulsorily removed and he voluntarily departed New Zealand for Canada at his cost.

5. Where an individual does not hold travel documents, counsel is instructed that practice of Immigration New Zealand is to make an application on the individual's behalf to the Embassy for their home country or to a country which they have authority to enter. Counsel is instructed that no such enquiries have been made on behalf of Mr Wilfred to date.

DATED 30 August 2006



I C Carter
Counsel for respondent

To: The Registrar, High Court, Wellington
And To: The appellant