

8 December, 2016

Judge Peter Boshier
Chief Ombudsman
Office of the Ombudsman
L7, 70 The Terrace
Wellington 6011
New Zealand

Re: Case 426057, Carolyn Dare Wilfred

Dear Judge Boshier,

I am hereby responding to your provisional opinion on the referenced case regarding my wife, Carolyn Dare Wilfred.

After reviewing your response, I must admit that no viable technical argument can be made against the Immigration statutes that have been quoted in your opinion. You are correct in stating that strictly according to the rules at INZ's "discretion", Carolyn has no valid recourse. However, as my friend and colleague Hugh Steadman has stated from his response included in this submission:

"The Ombudsman 'system of justice' is significantly different from that of the Courts and Tribunals. Ombudsman findings are not confined to strict judicial precedent. Instead, the conclusions reached, are founded on what an Ombudsman considers just and reasonable in the particular circumstances of the case."

Your opinion has certainly outlined the circumstances as related to the rules, but has not considered what is just, reasonable and equitable under those specific circumstances. This is especially true where we believe the motives of INZ and indeed the New Zealand Government must be considered. Perhaps your time on the bench has hardened your resolve in the law where legal technicalities must win the day in spite of issues of conscience? With the hope of your kind consideration in that regard, I would offer an alternative account of the circumstances surrounding the decisions of Immigration New Zealand.

Carolyn is not one to ever break the rules. Throughout the whole process, she was taking the advice of counsel concerning her transition from being considered for residency under the business entrepreneur category to her Investor-plus application, and in particular, in regard to the date chosen for her departure. Our counsel, David Ballantyne also remained in contact with Immigration and took instruction and advice accordingly.

It was always Carolyn's intent to further invest in New Zealand and frankly, now that we both are in our 60's, to continue as hands-on entrepreneurs was simply impractical; hence the transition to the Investor-plus category for her residence. The fact that this transition created a gap in the time

frames, and how she could remain in New Zealand as a visitor with me, her husband, in the interim, while processing this application caused some confusion. As a result, she essentially fell through the technical cracks. As it was anticipated that she might have become unlawful during her Rule 61 appeal; our counsel checked with INZ to see if this would be a problem. They responded with considerable flexibility, even to the extent of indicating that there would be no consequences as long as, if the appeal were denied, she would depart on her scheduled ticket as indicated. This, she did. There was absolutely no indication from INZ that she could not return on her Canadian visitor's visa waiver while her assets in Canada were being adjudicated for liquidation, and her Residency-plus application was being processed.

On a practical level, I have already provided the argument of how ridiculous it is to consider that Carolyn would violate the rules during any visit while her very expensive residency application (now on appeal) was being considered. To depict her as posing any sort of threat to the NZ state, considering her clean police certificates over the last fifteen years and her record of millions in investment in New Zealand, is even more ridiculous. Then to add insult to injury to suspend her opportunity to even visit her husband who is described by INZ as not a "normal" resident is bizarre. As her husband, I have resided in New Zealand with Carolyn for over fifteen years. I am also a GST and IRD registered tax resident, not to mention being a long-standing director of a number of New Zealand registered companies.

As to my status as a stateless person, I have always made it clear that, as a former CIA whistleblower, I renounced my US citizenship for my personal safety and freedom and immediately and ever since have sought legal refuge and residence in New Zealand. My attempts at obtaining New Zealand residency through the Removal Review and Refugee processes failed. The ostensible reason given for the denial of my asylum application was not because it was shown that my evidence was not credible, but simply, that it was not entirely provable (in spite of the preponderance of hard documented evidence presented). However, this should surprise no one where interaction with a covert agency, like the CIA, is concerned. Their stock in trade is that everything should be deniable and nothing should be provable. Once these processes were denied, the only recourse left for me to remain safe and free was the renouncement of my US citizenship and thereby to become stateless.

The Ombudsman has accepted a separate case on my behalf ref #356501 against IA and INZ (now running over three years). This is primarily toward the removal of the five-year old deportation order against me, which given my stateless status, cannot be acted on. Removing this unenforceable (and therefore inadmissible) deportation order, would allow me a fair opportunity to apply for citizenship under the 1977 NZ Citizenship Act, para 9(1)d. This states if you would otherwise be stateless, you have the right to apply directly to Internal Affairs for citizenship.

In fact, when we filed Carolyn's complaint, it was agreed by chief investigator David Scott that our two cases were obviously related and would be investigated and decided upon in parallel. This, recent provisional opinion clearly did not follow that commitment. Instead, it has allowed INZ to use my circumstances separately as a scapegoat to justify the suspension of Carolyn's opportunity to return, even as a Canadian visitor.

We believe that INZ are motivated to use this cruel and forced separation of husband and wife, for international, rather than for domestic considerations. Somehow, I am to be prodded to achieve the impossible and leave the country without travel documents. We have good reason to suspect that the New Zealand Government, anxious to win what it misjudged to be the future President of the USA's support for the TPP, sought to please Hillary Clinton by acting against me, as the bearer of credible witness against her and her husband. It is no coincidence that I blew the whistle on the Clintons' money laundering scheme as far back as 1999, have openly supported Trump for president, and am currently contributing my evidence to the US Congress and the FBI toward the open, criminal investigation of the Clinton Foundation.

Giving strength to my argument is the recent revelation of PM John Key's contribution of \$13.7 million of New Zealand tax dollars to the allegedly corrupt Clinton Foundation's play-for-pay scheme. With Clinton, now having lost the election to Donald Trump (who has adamantly rejected the TPP and is beyond reach of any 'incentives' NZ could afford), there no longer seems good reason 'in the national interest' for our continued persecution.

Although your decision to support the action of INZ may not be challengeable on a legal technical basis, we would ask you to continue your investigation and look more closely at the unlawful actions and corrupt motives of not just INZ but also of the NZ Government. Their motives are highly questionable even if their actions are legally permissible. This treatment of a senior, loving couple, happily married for eighteen years, who have benefited New Zealand as investors and law-abiding residents, is morally and ethically reprehensible. Many years ago, the New Zealand government ratified the UN Declaration of Human Rights. Could, or would the Ombudsman support us were we to seek this as our further defence? Albeit, we are told by the NZ Human Rights Commission that INZ violates human rights all the time on the basis of national sovereignty, and nothing can be done to prevent it doing so.

In conclusion, it is my request on behalf of Carolyn and myself that this investigation against INZ remains open and continues to be pursued until both my own and Carolyn's case can be reconciled and together resolved.

Sincerely,

Harmon L. Wilfred

Harmon L Wilfred

Carolyn Dare Wilfred

Carolyn Dare Wilfred

CC: David Ballantyne, Canterbury Legal
David Scott, Ombudsman Senior Investigator
Hugh Steadman