



EMBASSY OF SWITZERLAND
SCHWEIZERISCHE BOTSCHAFT
AMBASSADE DE SUISSE
AMBASCIATA DI SVIZZERA
AMBASSADA SVIZRA

Wellington, 21.12.2006

22 Panama Street
P.O. Box 25004
Office hours:
Mo - Fri 08:30 - 12:00
vertretung@wel.rep.admin.ch
www.eda.admin.ch/wellington

Tel: (+64) 04 472 1593
Fax: (+64) 04 499 6302
vertretung@wel.rep.admin.ch

EASY TRAK
Barker & Associates
Mr Al Manco
P O Box 13-264
CHRISTCHURCH

Our reference 131.12-HIG

Dear Mr Manco

I am pleased to enclose the following letter from the Federal Office of Immigration in Switzerland.

Yours sincerely,

The Ambassador of Switzerland
per

Gabriela Hewson



SCHWEIZERISCHE EIDGENOSSENSCHAFT
CONFÉDÉRATION SUISSE
CONFEDERAZIONE SVIZZERA
CONFEDERAZIUN SVIZRA

Département fédéral de justice et police DFJP
Office fédéral des migrations ODM

ODM, Quellenweg 6, CH-3003 Bern-Wabern, CONFIDENTIEL/PAR COURRIER DIPLOMATIQUE

Ambassade de Suisse à
Wellington
Nouvelle Zélande
Mme Marie-José Borghini

N 492 527 Zch
N° de pers. 13 544 315
Votre référence : 131.12-BXM

3003 Bern-Wabern, le 29 novembre 2006

Demande de séjour en Suisse de Monsieur Harmon Lynn WILFRED, né le 29 mai 1949

Madame,

Vous nous avez transmis la demande susmentionnée pour raison de compétence. Ayant examiné la demande, nous avons formulé une lettre de réponse que vous trouvez en annexe. Nous vous prions de bien vouloir transmettre cette lettre à l'intéressé.

En vous remerciant par avance de votre précieuse collaboration, nous vous prions d'agréer, Madame, l'assurance de notre parfaite considération.

OFFICE FEDERAL DES MIGRATIONS
Division séjour et aide au retour

Th. Aebi
Chef de section

Annexe (en original):

- lettre au représentant légal de M. Harmon Lynn Wilfred



SCHWEIZERISCHE EIDGENOSSENSCHAFT
CONFÉDÉRATION SUISSE
CONFEDERAZIONE SVIZZERA
CONFEDERAZIUN SVIZRA

SWISS CONFEDERATION

Federal Department of Justice and Police FDJP
Federal Office for Migration FOM

FOM, Quellenweg 6, CH-3003 Berne-Wabern

Barker & Associates
Barristers & Solicitors
Mr. Al Manco
1st Floor, Allan McLean Building
208, Oxford Terrace
P.O. Box 13-264
Christchurch
New Zealand

To be transmitted by the Swiss Embassy in Wellington, New Zealand

Our reference: N 492 527 Zch
Your reference:

Berne-Wabern, 28th November, 2006

**Application for Swiss residency on behalf of your client Harmon Lynn Wilfred,
borne 29th May, 1949**

Dear Mr. Manco

We acknowledge receipt of your application dated 25th October, 2006, which has been transmitted to us for reasons of competence. Having examined the case, we should like to inform you as follows:

On the one hand, your application is based on the fact that your client has renounced his nationality of the United States. New Zealand, which is not a signatory state to the 1954 Convention relating to the Status of Stateless Persons, now refuses him a residence permit. On the other hand, your client explicitly claims that were he to be deported to the United States by New Zealand authorities, "further violations of his human rights will be assured to the extent that he realistically fears for his life." This means that your client claims that he needs protection from persecution.

If the latter is true, he has the possibility to file an application for refugee status in New Zealand, as it is signatory to the 1951 Convention relating to the Status of Refugees (ratification on 30th June, 1960). You can find detailed information under www.unhcr.org.au/nzqanda.shtml. Article 33 of the Convention stipulates that states shall not expel or return ("refouler") a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership or a particular social group or political opinion. Moreover, according to article 28, the states must issue refugees lawfully staying in their territory travel documents for the purpose of travel outside their territory.

As New Zealand is a democratic country that upholds the rule of law and fulfils its international obligations, it will not deny your client the protection he needs.

Apart from the fact that your client has business partners in Switzerland, he has no close relationship to our country. There is no obvious reason for him to apply for residency in Switzerland. Furthermore, even if he insisted on an application for the recognition as stateless person such an application would be unsuccessful. According to the firmly established Swiss legal practice, a person who has renounced his or her nationality himself or herself is not recognised as stateless.

Thank you for your understanding.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Th. Aebli', written in a cursive style.

Th. Aebli
Head of Section

FEDERAL OFFICE FOR MIGRATION
Division for Sojourn and Return Assistance