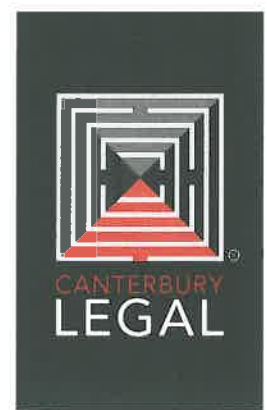


3 July 2017

Immigration New Zealand
Ministry of Business, Innovation and Employment
PO Box 1473
WELLINGTON



By Email:
Stephen.Vaughan@mbie.govt.nz

Attention: Stephen Vaughan, Assistant General Manager
Compliance, Risk and Intelligence Services

Re: Harmon Lynn Wilfred // Client No. 26473577

- 1 We act for Harmon Lynn Wilfred.
- 2 Mr Wilfred is subject to a deportation order under s 154 of the Immigration Act 2009 (the "Act"). The deportation order dated 16 February 2011 is issued on the basis that Mr Wilfred is liable for deportation because he is unlawfully in New Zealand on the grounds that he is not a New Zealand citizen and does not hold a visa to be in New Zealand (the "Order"). A copy of the Order is **enclosed**.
- 3 Mr Wilfred has instructed us to write to Immigration New Zealand on his behalf providing information on his and his family's personal circumstances, and putting Immigration New Zealand on notice of New Zealand's international obligations. It is his wish that following a consideration of the information he provides, Immigration New Zealand exercise its discretion to cancel the Order pursuant to s 177 (1) of the Act. We also take the opportunity to respond to your letter of 18 May 2017 (copy **enclosed**).
- 4 Section 177 of the Act provides that an Immigration Officer may, at their absolute discretion, cancel a deportation order issued pursuant to s 154 of the Act. As we set out above, it is Mr Wilfred's wish to see the Order cancelled, and for him to be in a position to take steps to legitimise his status in New Zealand, whether that be to enable him to remain in New Zealand lawfully or obtain the appropriate international travel documents to enable him to lawfully leave New Zealand, and lawfully enter into a country of his choice.
- 5 Mr Wilfred notes in this regard your advice on behalf of Immigration New Zealand that he does not meet the requirements for any further visa in New Zealand, the Refugee Status Branch's decision to decline his claim for refugee status in New Zealand (and the subsequent decisions upholding that determination), the advice he has received from the Department of Internal Affairs that he would not receive favourable consideration as an applicant under s 9 (1) (d) Citizenship Act 1977 while the Order remains extant, and the advice he has received from the Office of the United Nations High Commissioner for Refugees that it would have jurisdiction to seek to resolve his statelessness under Article 11 of the 1961 Convention on the Reduction of Statelessness.

NZ Legal Ltd - trading as Canterbury Legal

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Statelessness

- 6 Mr Wilfred renounced his citizenship of the United States of America on 1 March 2005 (the "United States"). His renunciation was accepted by the United States Department of State on 1 April 2005. As a consequence of his renunciation, he is not a citizen of the United States. He has no right to rescind his renunciation. He has no right or ability to enter the United States, nor to be deported to the United States. He does not have a United States passport or any international travel documents that would enable him to lawfully travel to the United States or any other state. A copy of Mr Wilfred's Certificate of Loss of Nationality is enclosed.
- 7 Mr Wilfred renounced his United States citizenship due to his inability and unwillingness to return to the United States by reason of a well-founded, genuine and reasonably held fear of persecution. He does not accept that it was his 'choice' to renounce his citizenship, and he does not accept that it is his 'choice' to remain in New Zealand unlawfully.
- 8 At the time Mr Wilfred travelled to New Zealand, and subsequently renounced his United States citizenship, Mr Wilfred believed he was subject to persecution by the United States' Central Intelligence Agency, his former contract employer, and former President Bill Clinton and his wife, former US Secretary of State Hillary Clinton for his role in exposing corruption in the transacting of the Mitsubishi Bank Certificate of Commercial Obligation No 47029. He understands that the ultimate value of the transaction equates to \$15 Billion in US Treasury Bills.
- 9 It is Mr Wilfred's further belief that he was, and remains, unfairly targeted by these parties, that he could not (and cannot) rely on the protection of the United States, and that he had no reasonable alternatives but to renounce his United States citizenship and seek refuge in New Zealand.
- 10 Mr Wilfred is not, and has never been a citizen of any other state. He is "a person who is not considered as a national by any State under the operation of its law", and is therefore stateless, and thus no state is obligated to permit his entry as a stateless person.
- 11 To date Immigration New Zealand has refused to engage with Mr Wilfred or co-operate in his attempts to comply with the Order by issuing him with international travel documentation from New Zealand to a destination of his choice. In addition, Mr Wilfred has been unable to obtain international travel documentation from any other state, as again, he is stateless. Mr Wilfred is thus unable to voluntarily comply with the Order.
- 12 It is his understanding that if he was to attempt to comply with the Order without international travel documentation for travel out of New Zealand or preapproved visa authorisation to an approved disclosed destination, it is unlikely that he would be able to board a plane or any outbound transportation in order to lawfully leave New Zealand and lawfully enter into a foreign state of his choice.

- 13 Mr Wilfred's position has been acknowledged by Immigration New Zealand, which has conceded that it is unable to lawfully act upon the Order to deport him from New Zealand. On 13 July 2007, there were communications between Gordon McRae, an Immigration Officer, and Dougal Ellis, a Refugee Status Officer, in which the parties discussed whether Mr Wilfred could be returned to the United States or Canada. A copy of this communication is **enclosed**.
- 14 We note further that in their communication, the parties discussed the idea that, were Mr Wilfred to be removed from New Zealand to the United States, it would be in "some non-citizen status on a travel document issued by either the US for this purpose or one issued by the DIA for this purpose alone".
- 15 As we set out above, the United States is not obligated to issue Mr Wilfred with any kind of travel document or permission to enter its jurisdiction. He is not a citizen of that state. It is unlikely that the United States would allow Mr Wilfred to be removed to the United States against his will, again due to the acceptance of the irrevocable renunciation of his citizenship.
- 16 Furthermore, due to Mr Wilfred's fear of further persecution from the United States government to the extent of grave concern for his life and safety, he is unwilling to return to the United States at this time without full immunity, a federal investigation and public exposure of his evidence of corruption by the CIA and the Clinton's. He is convinced, based upon his previous experience he would be incarcerated upon his arrival and his safety would be compromised.
- 17 It is Mr Wilfred's position that the effect of his statelessness, and the above, is that the Order is unenforceable and therefore *nihil ad rem*. The only practical effect of the Order is the stain it casts on Mr Wilfred, his family, and his attempts to legitimise his status in New Zealand (or another foreign state of his choice) through Immigration New Zealand and the Department of Internal Affairs. Your letter of 18 May 2017, and subsequent refusal to resile from the position you adopt, exemplifies this effect.

Supporting Evidence Available

- 18 Mr Wilfred retains physical and electronic records relevant to the Central Intelligence Agency's transacting of the Mitsubishi Bank Certificate of Commercial Obligation No 47029, and records which support his belief that he was, and remains, at risk of persecution by the United States.
- 19 Mr Wilfred's concern is that the power imbalance between New Zealand and the United States, and, in particular, the pressure exerted by the Clinton Foundation in its pay-for play regime is manifesting itself in cooperation between these countries to prevent him from legitimising his status in New Zealand, and exiling him from his wife since her return to Canada in September 2015.
- 20 Mr Wilfred is hopeful that with President Donald Trump's recent election and determination to "drain the swamp" the page has turned and that his evidence will be

accepted toward a federal criminal investigation and full immunity. He is also hopeful that his concerns will be recognised by Immigration New Zealand, the Department of Internal Affairs and the wider New Zealand Government in its consideration of his situation, and the steps he is taking to legitimise his status in New Zealand.

21 The following supporting documents are attached (and linked) providing an introduction to his account and evidence. A comprehensive review of Mr Wilfred's records can be viewed at www.luminadiem.com:

- **Open Letter to Donald Trump, May 17, 2016...** [Open Letter To Donald Trump / The Clinton/CIA Covert Global Cash Connection](#)
- **PRESS RELEASE, August 29, 2016...** [The CIA / Clinton Foundation Covert Money- Laundering Connection](#)
- **PRESS RELEASE, Dec 12, 2016...** [The John Key/Clinton Cartel Political "Kiss of Death"](#)
- **PRESS RELEASE, May 16, 2017...** [Trump sacks Comey leaving New Zealand in the firing line](#)
- **SCOOP NZ, Jun 19, 2017...** [Immigration Head Urges "Inconvenient" Refugee to Break the Law](#)

Bankruptcy

22 Mr Wilfred was adjudicated bankrupt on 15 December 2016. He considers that his adjudication was influenced by the refusal of Immigration New Zealand to legitimise his status or permit his ability to work. Furthermore, as a bankrupt, his property has vested in the Official Assignee, and he is prohibited from leaving New Zealand without the consent of the Official Assignee. In effect, while under an Order to depart New Zealand, he is unable to leave New Zealand without the consent of the Official Assignee. In his view, these conflicting duties are inherently unfair, unjust and intolerable, particularly in circumstances where he is unable to lawfully work in New Zealand to meet his debts.

Carolyn Dare Wilfred // Client No 26473570

23 Carolyn Dare Wilfred is Mr Wilfred's wife of 19 years. She has resided in and significantly invested in New Zealand with her husband between 2001 and September 2015. On 5 September 2015 Mrs Dare Wilfred departed New Zealand with Immigration New Zealand's knowledge and consent after the expiration of her business visa to visit with her daughter in Canada while her application for a New Zealand Investor Plus residency visa was being considered.

24 Mrs Dare Wilfred was, upon her departure, suspended without notice from returning to New Zealand as a visitor under the Canadian Visa Waiver scheme. Her residency visa was subsequently declined. She has submitted two applications for visitor visas (the second on humanitarian grounds), which were both declined. In her view, and Mr

Wilfred's, she has become permanently exiled from her husband through the position adopted by Immigration New Zealand.

- 25 In recent correspondence with Mr Wilfred and his business associate, Hugh Steadman, Immigration New Zealand appear to acknowledge that the position it has adopted in relation to Mrs Dare Wilfred is strategic, and weighted to cause Mr Wilfred to unlawfully leave New Zealand. Mr Wilfred and Mrs Dare Wilfred consider this strategy to be cruel, calculated, and inhumane and contrary to New Zealand international obligations (refer below).
- 26 Should Mr Wilfred be provided the opportunity to remain lawfully in New Zealand, he requests that the suspension of Mrs Dare Wilfred's Canadian visitor visa waiver be removed providing her the opportunity to return to New Zealand as a visitor, and continue with her application for residency.

International Obligations

- 27 Under s 177 (2) an Immigration Officer *must* consider cancelling Mr Wilfred's deportation order if he provides information to the Officer concerning his personal circumstances that is relevant to New Zealand's international obligations.
- 28 Mr Wilfred's personal circumstances are relevant to several of New Zealand's international obligations,

Universal Declaration on Human Rights

- 28.1 Article 5, which states that "no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment". By essentially exiling him and his wife from each other, the Order and the New Zealand government's actions surrounding the Order are a degrading form of punishment for Mr and Mrs Wilfred. This is especially concerning at their age of 68 and 65 respectively.
- 28.2 Article 9, which states that "no one shall be subjected to arbitrary arrest, detention or exile". As above, the Order and Immigration New Zealand's unwillingness to address Mr Wilfred's statelessness amounts to arbitrary exile.
- 28.3 Article 12, which states that "no one shall be subjected to arbitrary interference with his... family. Everyone has the right to the protection of the law against such interference". By preventing Mr Wilfred from seeing and being with his wife, the Order subjects Mr Wilfred to arbitrary interference with his family.
- 28.4 Article 15 (1), which states that "everyone has the right to a nationality", and (2), which states that "no one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality". The Order prevents Mr Wilfred from gaining residency, citizenship and a nationality.
- 28.5 Article 23 (1), which states that "everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against

unemployment". The Order prevents Mr Wilfred from gaining citizenship, or lawful status of any kind, and as such, he is prevented from gaining employment.

Refugee Convention 1951

- 28.6 Article 1 A (2), which provides that a refugee is a person who, owing to a "well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it".
- 28.7 Mr Wilfred fears further persecution by the United States Government jeopardising his freedom and safety, as retribution toward his exposing the alleged political and criminal corruption of the CIA and the Clinton's. Because he believes the United States will not protect him, he is both unwilling and unable to return to the United States.

International Convention on Civil and Political Rights

- 28.8 Article 7, which states that "No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment".
- 28.9 Article 9 (1), which states that "No one shall be subjected to arbitrary arrest, detention or exile".
- 28.10 Article 17, which states that "No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks."

International Convention on Economic, Social and Cultural Rights

- 28.11 Article 6, which provides that everyone has the right to work.

Convention on the Reduction of Statelessness, 1961

- 28.12 Article 8, which states that a state shall not "deprive a person of its nationality if such deprivation would render him stateless". The Order deprives Mr Wilfred of the ability to gain a nationality. New Zealand is a signatory of this convention.

Convention relating to the Status of Stateless Persons, 1954

- 28.13 We recognise that New Zealand is not a signatory to this Convention. However, the existing Conventions that New Zealand *is* party to do not adequately address

the complexity of a situation such as Mr Wilfred's, nor can they provide for the unique situation in which Mr Wilfred finds himself. Therefore, we suggest that Immigration New Zealand should be guided by this Convention, and consider its principles under the umbrella of the United Nations High Commission for Refugees (UNHCR) of which New Zealand is a signatory.

28.14 Article 17, which concerns wage-earning employment.

28.15 Article 27, which states that a state must "issue identity papers to any stateless person in their territory who does not possess a valid travel document". Mr Wilfred does not have travel documents, and Immigration New Zealand has failed to give regard to the principles enconced in this Convention by not providing him with such documents or the ability to gain citizenship or residency with a stateless person's travel document.

Conclusion

29 We request that you use your discretion to cancel the deportation order currently issued against Mr Wilfred, pursuant to s 177 of the Act and to remove the suspension of his wife's ability to return to New Zealand under the visa waiver scheme.

30 Mr Wilfred wishes to reside lawfully in New Zealand with his wife. The deportation order ensures that any application for citizenship or residency with a stateless travel document that Mr Wilfred may make is not likely to be fairly considered. The deportation order has no practical effect, as Mr Wilfred is unable to leave New Zealand and is unable to enter any country due to his statelessness.

We look forward to your prompt response.

Yours faithfully
Canterbury Legal
per:



David Ballantyne
Solicitor
Email: david@canterburylegal.co.nz

And to: Minister of Immigration
The Hon. Michael Woodhouse
Private Bag 18888
Parliament Buildings
WELLINGTON 6160

And to: Associate Minister of Immigration
Scott Simpson (Ref. 26473570)
Private Bag 18888
Parliament Buildings
WELLINGTON 6160

And to: UNHCR Regional Representation in Canberra
14 Kendall Lane
2601 New Acton
ACT, AUSTRALIA

And to: The Hon. Amy Adams
Parliament Buildings
Private Bag 18041
WELLINGTON 6160

And to: The Office of the Ombudsman
PO Box 10152
WELLINGTON 6143

Attn: Alex Schröder / David Scott (Ref. 356501 / Ref. 426057)

And to: US Ambassador to New Zealand, Scott Brown
U.S. Embassy Wellington
29 Fitzherbert Terrace
Thorndon
WELLINGTON

Client number: 26473577

DEPORTATION LIABILITY NOTICE
Section 154, Immigration Act 2009

To: HARMON LYNN WILFRED

I, John William Hastilow, an immigration officer, am satisfied that you are liable for deportation.

Grounds for deportation liability

You are liable for deportation under section 154 of the Immigration Act 2009 because you are unlawfully in New Zealand on the grounds that you are not a New Zealand citizen and you do not hold a visa to be in New Zealand.

Rights of appeal

You have no right of appeal against your liability for deportation to the Immigration and Protection Tribunal. Any appeal rights you held have now expired or been exhausted.

You may now be served with a deportation order and deported from New Zealand. You may be arrested and detained.

Consequences of deportation

You will be prohibited from entering New Zealand for **five** years from the date of your deportation.

If you re-enter or attempt to re-enter New Zealand during this time, you may be detained under the Immigration Act 2009, deported again, and the period during which you are prohibited from entering New Zealand will restart. You may also become subject to a longer period of prohibition.

Costs

If at the time of your deportation you are 18 years of age or over, if the Crown incurs any costs in respect of your deportation you are required to repay that debt to the Crown. You may not return to New Zealand and may not be granted a visa or entry permission until you have repaid that debt, even if any prohibition on entry has expired.

Seeking advice

You may contact a lawyer or an immigration adviser. If you are under 18 years of age, and you are not married or in a civil union, you may also contact a responsible adult who can represent your interests.

Signed: _____

Name: John William Hastilow
Immigration Officer

Date: 16 February 2011

PROOF OF SERVICE

I acknowledge that this deportation liability notice was served on me by personal service on

16 February 2011 at Christchurch

Signed: _____

Name: HARMON LYNN WILFRED



DEPORTATION ORDER

Section 175, Immigration Act 2009

To [name] HARMON LYNN WILFRED [date of birth] 29 MAY 1949I, [name] JOHN WILLIAM HASTLOW an immigration officer designated by the Chief Executive of the Department of Labour for the purpose of issuing deportation orders, order your deportation from New Zealand.**GROUNDINGS FOR DEPORTATION LIABILITY**

Immigration officer to tick/delete as appropriate.

- You are liable for deportation under section 154 of the Immigration Act 2009 because you are unlawfully in New Zealand on the grounds that you are not a New Zealand citizen and you do not hold a visa to be in New Zealand.
- You are liable for deportation under section _____ of the Immigration Act 2009 on the grounds that:

as specified in the deportation liability notice that was served on you.

This deportation order may now be served on you because (immigration officer to tick/delete as appropriate):

- you did not have any right of appeal, or right to give good reasons as to why deportation should not proceed.
- your rights of appeal and/or to give good reasons why deportation should not proceed have now been exhausted.

CONSEQUENCES OF DEPORTATION

Any visa you hold will be cancelled when you are deported.

Persons aged 18 years or over (immigration officer to tick/delete as appropriate)

- You will be prohibited from entering New Zealand for **two** years from the date of your deportation. However, if at the time of your deportation, you have been unlawfully in New Zealand for more than 12 months, the period of prohibition will increase to **five** years.
- You will be prohibited from entering New Zealand for **five** years from the date of your deportation.

If you re-enter or attempt to re-enter New Zealand during this time, you may be detained under the Immigration Act 2009 and the period during which you are prohibited from entering New Zealand will restart. You may also become subject to a longer period of prohibition.

- You will not be subject to a period of prohibition on re-entering New Zealand after you are deported.
- You will be permanently prohibited from entering New Zealand from the date of your deportation. If you re-enter New Zealand, you may be detained under the Immigration Act 2009.

Persons aged under 18 years (immigration officer to tick/delete as appropriate)

As you are under 18 years of age, you will not be subject to a period of prohibition on re-entering New Zealand after you are deported. However, if at the time of your deportation you are 18 years of age or over, you may become subject to a period of prohibition on entering New Zealand, as follows.

- You will be prohibited from entering New Zealand for **two** years from the date of your deportation. However, if at the time of your deportation, you have been unlawfully in New Zealand for more than 12 months, the period of prohibition will increase to **five** years.
- You will be prohibited from entering New Zealand for **five** years from the date of your deportation.

If you re-enter or attempt to re-enter New Zealand during this time, you may be detained under the Immigration Act 2009 and the period during which you are prohibited from entering New Zealand will restart. You may also become subject to a longer period of prohibition.

- You will be permanently prohibited from entering New Zealand from the date of your deportation. If you re-enter New Zealand, you may be detained under the Immigration Act 2009.

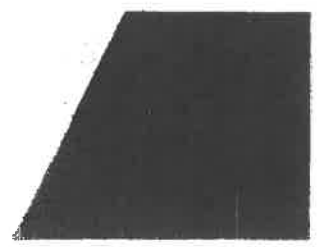
Costs of deportationIf at the time of your deportation you are 18 years of age or over, you must also repay to the New Zealand Government the costs of your deportation. These are estimated to be NZ\$ 5000. You may not return to New Zealand and may not be eligible for a visa or entry permission until you have repaid the costs of your deportation, even if any period of prohibition on entry has expired. This requirement is in addition to any applicable period of prohibition on entry.
[immigration officer's signature]JOHN WILLIAM HASTLOW
[immigration officer's name]16/2/2011
[date]**PROOF OF SERVICE**

I acknowledge that this deportation order was personally served on me on [day] _____ of [month] _____ 20 _____

at _____ Signed: _____, [name] _____



**MINISTRY OF BUSINESS,
INNOVATION & EMPLOYMENT**
HĪKINA WHAKATUTUKI



Client Number 26473577

18 May 2017

Harmon Wilfred,
Wilfred Holdings Ltd
PO Box 69219
Lincoln,
New Zealand

Dear Harmon Wilfred

Your email of 10 April 2017 to the Minister of Justice and your email of 19 April 2017 to the Associate Minister of Immigration have been forwarded to me to reply.

You state in your emails that Immigration New Zealand has enforced a separation upon you and your wife. I completely refute that allegation.

You chose to renounce your citizenship of the United States of America without ensuring you retained citizenship of another country. You chose, and continue to choose to remain in New Zealand unlawfully and are therefore unable to work. Choosing to remain unlawfully in New Zealand has also impacted upon your wife's ability to demonstrate that she is a bona fide visitor and as a result she has not been granted a visa to return to New Zealand.

You state that you are "prepared, should the NZ government deem it in the country's best interest, to explore alternative solutions in our current attempts to gain a formal status that would allow us to realise our intentions to invest, settle and retire in New Zealand".

You do not meet the requirements for any further visa in New Zealand and the circumstances you now find yourselves in have been entirely of your own making. You should make immediate arrangements to depart New Zealand.

Yours sincerely

Stephen Vaughan
Acting General Manager
Compliance, Risk and Intelligence Services
Immigration New Zealand



**MINISTRY OF BUSINESS,
INNOVATION & EMPLOYMENT**
HĪKINA WHAKATUTUKI

19 June 2017

Dear Mr Steadman

Thank you for your email of 1 June 2017. As you will be aware I have been away from the office and unable to reply.

For privacy reasons I am unable to discuss the matter of Harmon Wilfred with you. I assure you that I am fully briefed on this issue and I do not resile from the position outlined in my letter of 18 May 2017.

Yours sincerely

Stephen Vaughan
Assistant General Manager
Intelligence and Risk
Ministry of Business Innovation and Employment

CERTIFICATE OF LOSS OF NATIONALITY OF THE UNITED STATES

This form is prescribed by the Secretary of State pursuant to Section 501 of the Act of October 14, 1940 (54 Stat. 11710 and Section 358 of the Act of June 27, 1952 (66 Stat. 272).

Consulate GENERAL of the United States of America

at AUCKLAND, NEW ZEALAND

RICHARD H. ADAMS

(Name)

hereby certify that, to the best of my knowledge and belief,

HARMON LYNN WILFRED

(Name)

was born at MAYFIELD

(Town or City)

(Province or County)

KENTUCKY, on MAY 29, 1949

(State or Country)

(Date)

That HE ~~never~~ resided in the United States (dates): UNKNOWN

That HE resides at 68 ESPLANADE SUMNER, CHRISTCHURCH, NEW ZEALAND

That HE acquired the nationality of the United States by virtue of

BIRTH

That HE acquired the nationality of _____ by virtue of
NON ACQUIRED.

That HE EXECUTED AN OATH OF RENUNCIATION IN AUCKLAND NEW ZEALAND ON MARCH 1 2005.

(The action causing expatriation should be set forth succinctly)

That HE thereby expatriated him self on MARCH 1, 2005 under the provisions of
Section 349 (A) (5) ~~of (the Nationality Act of 1940)*~~ (the Immigration and Nationality Act of 1952)*

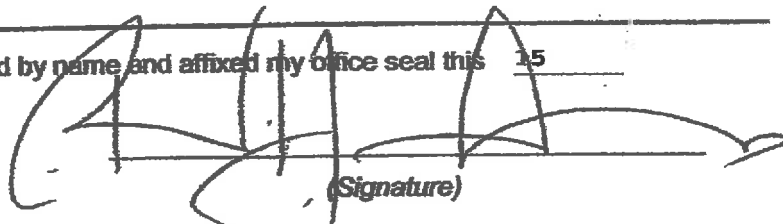
That the evidence of such action consists of the following:

349 (A) (5)

That attached to and made a part of this certificate are the following documents or
copies thereof:

In testimony whereof, I have hereunto subscribed by name and affixed my office seal this 15
day of APRIL, 2005

(SEAL)



(Signature)

Richard Adams
Consul of the
United States of America

Strike out inapplicable item.

DEPARTMENT USE ONLY

CERTIFICATE OF LOSS OF NATIONALITY

APPROVED WLD/OS
(Date)

Overseas Citizens Services
DEPARTMENT OF STATE

By [Signature]

Dougal Ellis

From: Gordon MacRae
Sent: Friday, 13 July 2007 3:14 p.m.
To: Dougal Ellis
Cc: Bernard Maritz
Subject: RE: WILFRED, Harmon

Hi Dougal,

I'm not au fait with the requirements for US citizens (or former citizens, now stateless persons) to become residents of Canada. I suspect that although US citizens may have free entry to and the right to reside in Canada there will be a proviso that they must be of good character. You would need to consult the Canadians on that point.

I anticipate that Mr Wilfred will be excluded notwithstanding that he was "residing" in Canada before being extradited. Quite probably he had conveniently omitted to declare to the Canadians that he had a problem with the justice system in the USA. I also suspect that the Canadians wouldn't permit the entry of anyone who doesn't hold a valid passport of some nationality.

If Mr Wilfred becomes available for removal he would be able to depart voluntarily (on an appropriate US travel document) or face enforced removal (on an appropriate US travel document or on a NZ travel document). Compliance Operations would not facilitate his entry to Canada by the issue (by the DIA) of a NZ travel document if he is facing further prosecution in the USA.

If he is found not to fear persecution in the USA for a Convention reason then, on the assumption that he would not depart voluntarily, it is anticipated that he would be removed to the USA in some non-citizen status on a travel document issued either by the US for this purpose or one issued by DIA for this purpose alone.

Gordon MacRae,

Compliance Officer, Compliance Operations Branch, Immigration New Zealand, Department of Labour, Auckland, New Zealand
Ph: (09) 918 4474, Mobile: 027 2220236 / 021 2570094. Email: gordon.macrae@dol.govt.nz Website: www.immigration.govt.nz

From: Dougal Ellis
Sent: Wednesday, 11 July 2007 10:18 a.m.
To: Gordon MacRae
Subject: WILFRED, Harmon

Hi Gordon,

I am interviewing above in ChCh next week re his refugee claim. I noted an email on his file from you regarding whether he could be returned to the US despite his renunciation of citizenship on a New Zealand ETD or similar US TD.

I wondered if you had any policy or country information on that issue which I could view. Current refugee juris is the Roger Haines decision that stateless people can't be refugees because they can't be returned to the country where they fear being persecuted. This was modified by a later decision which allowed refugee status if the reason the person was stateless in the first place was for a convention reason.

If compliance is considering and is able to return Wilfred to the US, then the Haines decision is not so applicable. Is there any country information/policy/precedent/similar cases that you could point me to that may be relevant?

Another option may be to investigate whether he can access protection in Canada through his wife. I have asked the library for information about that but again, it would be useful to have a compliance perspective on whether, in practice, Wilfred would be able to gain residency/"protection" in Canada, given his criminal record

Hi Dougal,

Page 2 of 2

there and the extradition.

So, any thoughts?

Dougal Ellis
Technical Advisor
Refugee Status Branch
Immigration NZ
PO Box 90533
Auckland Mail Centre
ph + 64 9 914 4197
fax + 64 9 914 5298

252

19/07/2007