IN THE HIGH COURT OF NEW ZEALAND
WELLINGTON REGISTRY

CIV-2009-485-762

UNDER	the Judicature Amendment Act 1972, New Zealand Bill of Rights Act 1990, The ICCPR, the Immigration Act, and the Crimes Act and the Common Law
IN THE MATTER OF	an application for prohibition and/or an injunction
BETWEEN	YASH PAUL Applicant
AND	THE ATTORNEY-GENERAL Respondent

Hearing: 29 April 2009

Appearances: T Ellis for the applicant
V Casey for the respondent

Judgment: 7 May 2009

JUDGMENT OF CLIFFORD J

Introduction

[1] Mr Paul, the applicant, was convicted of murder on 23 May 2000. The Minister of Immigration subsequently made an order under s 91(1)(d) of the Immigration Act 1987 that he be deported to India. Mr Paul was unsuccessful in appealing that order to the Deportation Review Tribunal ("the Tribunal") and did not appeal further to the High Court. Mr Paul has, however, applied to the Governor-General to exercise his prerogative of mercy and refer the question of Mr Paul's murder conviction to the Court of Appeal.

[2] Mr Paul applied to this Court for a prohibition and/or injunction to prevent his deportation until the Governor-General determines his application and, if the Governor-General determines that application in his favour, until his appeal to the Court of Appeal – and any subsequent appeal – are determined.

[3] The matter came before me on 29 April 2009 as a matter of some considerable urgency in that Mr Paul was due to be deported at midday on 30 April. In those circumstances, I gave my decision declining relief to Mr Paul, along with brief reasons, on 29 April, indicating that more detailed reasons would be provided at a later date. I now issue those detailed reasons.

Background

[4] Mr Paul came to New Zealand in June 1989 and was granted a New Zealand residence permit on 16 April 1996. He was convicted of murdering Mr Sharma on 23 May 2000 following a jury trial in the High Court at Auckland, and was sentenced to life imprisonment. He was also convicted and sentenced (to 1 year's imprisonment) on three counts of receiving property dishonestly.

[5] Mr Paul appealed his conviction to the Court of Appeal on the ground that there was fresh evidence available that a third person was responsible for shooting Mr Sharma and that it had been an accident. The appeal was dismissed on 28 November 2000. He did not seek special leave to appeal to the Privy Council.

[6] Mr Paul now says that he has a number of affidavits, statements and documents suggesting that he did not murder Mr Sharma and that Mr Sharma was instead shot by a third person by accident. These documents are said to include what he says is a signed affidavit from that third person admitting that he shot Mr Sharma by accident.

[7] On 15 May 2003, on the basis of Mr Paul's conviction, the Minister of Immigration made a deportation order under s 91(1)(d) of the Immigration Act, which provides:

91 Deportation of holders of residence permits following conviction

(1) Subject to sections 93, 93A, and 112, the Minister may, by order signed by the Minister, order the deportation from New Zealand of any holder of a residence permit who—

…

(d) Is convicted (whether in New Zealand or not) of an offence committed within 10 years after that person is first granted a residence permit and is sentenced to imprisonment for a term of 5 years or more, or for an indeterminate period capable of running for 5 years or more.

[8] The order was served on Mr Paul on 24 June 2003.

[9] Mr Paul appealed to the Tribunal, who gave their decision dismissing his appeal on 8 September 2004: *Paul v the Minister of Immigration* DRT 16/03 8 September 2004. In making their decision, the Tribunal considered Mr Paul's evidence that a third person, now living in India, had shot Mr Sharma, but noted that they could not "look behind" Mr Paul's conviction. Amongst other evidence, the tribunal had before it the "affidavit" from the third person claiming responsibility for the (accidental) death of Mr Sharma: see [19] of the Tribunal's decision.

[10] Mr Paul did not exercise his right to appeal (on a question of law) from the decision of the Tribunal under s 117 of the Immigration Act, or challenge the Tribunal's decision by way of judicial review. He is now well out of time to bring an appeal against, or seek judicial review of, this decision: ss 118 and 146A of the Immigration Act.

[11] Mr Paul has, however, petitioned the Governor-General for a referral back to the Court of Appeal under s 406 of the Crimes Act, which provides:

406 Prerogative of mercy

Nothing in this Act shall affect the prerogative of mercy, but the Governor-General in Council, on the consideration of any application for the exercise of the mercy of the Crown having reference to the conviction of any person by any Court or to the sentence (other than a sentence fixed by law) passed on any person, may at any time if he thinks fit, whether or not that person has appealed or had the right to appeal against the conviction or sentence, either—

> (a) Refer the question of the conviction or sentence to the Court of Appeal … and the question so referred shall then be heard and determined by the Court to which it is referred as in the case of an appeal by that person against conviction or sentence or both, as the case may require; or
>
> (b) If he desires the assistance of the Court of Appeal on any point arising in the case with a view to the determination of the application, refer that point to the Court of Appeal for its opinion thereon, and the Court shall consider the point so referred and furnish the Governor-General with its opinion thereon accordingly.

[12] Mr Paul sought legal aid to make his petition to the Governor-General. This was at first declined by the Legal Services Agency and, on appeal, by the Legal Aid Review Panel. In a subsequent judgment of this Court (*Yash v Legal Aid Review Panel* HC WN CIV 2005-485-2055; CIV 2005-485-2056 14 December 2006), Justice MacKenzie allowed Mr Paul's appeal from this decision and remitted the matter to the Legal Review Aid Panel for reconsideration. Mr Paul was subsequently granted legal aid to bring his petition.

[13] Therefore, after some delay – which apparently resulted from his difficulties obtaining legal aid – Mr Paul's petition to the Governor-General was lodged on 26 August 2007. On 27 August 2008 he was advised that, to progress consideration of his application, the Ministry of Justice had requested the assistance of Hon Robert Fisher QC in relation to some of the evidence he had provided. On 3 March 2009 he was advised that formal advice from Hon Robert Fisher QC was expected shortly but that, at that stage, it "seem[ed] likely that Mr Paul [would] need to take further steps in relation to some of the evidence submitted with his application".

[14] On 12 March 2009 the Parole Board determined to release Mr Paul on 22 April 2009 on the basis of the standard conditions, and a special condition as follows:

> To be released on 22 April 2009 into the custody of either the New Zealand Police or the New Zealand Immigration Service for the purposes of deportation/removal from New Zealand and not to return to New Zealand for the duration of his parole.

[15] The Parole Board noted that, if Mr Paul were not being deported, parole would need to be completely revised. They therefore asked that any difficulty with

deportation which might arise was to be brought to their attention immediately because his release would be revoked.

[16] On 20 March 2009, Mr Ellis, counsel for Mr Paul, asked whether deportation could be deferred pending the outcome of the petition. He was advised on 9 April 2009 that Immigration New Zealand intended to proceed with Mr Paul's deportation, subject to its ability to obtain travel documents for Mr Paul.

[17] On the same day, Immigration New Zealand advised the Parole Board that a difficulty with Mr Paul's deportation had arisen. A travel document had not been obtained from the Indian High Commission with the effect that he was unable to travel. On 14 April the Prison Manager requested that consideration be given to revoking Mr Paul's parole conditions.

[18] The Parole Board consequently issued a decision on 23 April 2009 revoking its decision of 12 March 2009, and directing that he be released on the standard conditions and on a special condition as follows:

> To be released on parole on a date between 24 April and May 2009, to be confirmed by the New Zealand Immigration Service, following the issue of emergency travel documentation to India, such release to be the [sic] custody of either the New Zealand Police or the New Zealand Immigration Service for the purposes of deportation / removal from New Zealand and not to return to New Zealand for the duration of his parole.

[19] On 27 April Mr Ellis received a letter from the Minister of Justice providing an urgent update on the progress of Mr Paul's petition in light of the application at issue here. The Minister of Justice stated his decision to "defer further consideration until Mr Paul has taken steps to comply with certain conditions relating to evidence offered in support of his application", including, for example, providing a re-sworn affidavit from the third person claiming to have been responsible for Mr Sharma's death.

[20] Travel documents were obtained for Mr Paul and he was to be released under the Parole Board's decision of 23 April for immediate deportation on the morning of 30 April 2009. The urgency was due to the limited validity of the travel documents

issued by the Indian High Commission, which required Mr Paul to arrive in India no later than 6 May.

[21] As stated above, I heard Mr Paul's application for a prohibition, injunction or other relief against his deportation on 29 April, and declined to grant that relief on that date.

The application

[22] In this application, Mr Paul alleges that:

> … it would be unfair and prejudicial to his right of appeal to a higher Court according to law under s 25(h) of the NZBORA and Article 14(5) of the International Covenant on Civil and Political Rights and the common law to be deported until such time as his Petition to the Governor-General has been determined.
>
> In the event that a second appeal has been determined by the Governor-General … it would be unfair that he be deported until such time as his appeal rights are properly exhausted and/or dismissed, or if he wins unfair simpliciter.

[23] He therefore seeks an order in the nature of prohibition or injunction preventing deportation of Mr Paul, until such time as the petition to the Governor-General is determined and, if determined in his favour, until his appeal to the Court of Appeal (and any subsequent appeals) are determined, or any other order the Court thinks just.

[24] It is clear that the decision to deport Mr Paul is the exercise of a statutory power of decision such that it is reviewable under the Judicature Amendment Act 1972. As I understand his position, Mr Paul alleges that this decision was in error of law in that it is in breach of s 25(h) of the New Zealand Bill of Rights Act (NZBORA) and/or article 14(5) of the International Covenant on Civil and Political Rights (ICCPR).

[25] As a preliminary point, Mr Ellis accepted in the hearing before me that the Court is prevented from granting injunctive relief against Crown officers by virtue of s 17(2) of the Crown Proceedings Act 1950. Ms Casey, for the respondent, argued further that the Crown Proceedings Act also precludes the Court from making an

order for prohibition against Crown officers but conceded that the Court could issue declaratory relief. I am not currently persuaded that the Court does not have jurisdiction to issue prohibition in these circumstances (see *M v Home Office* [1994] 1 AC 377 (HL) and Joseph *Constitutional & Administrative Law in New Zealand* (3ed 2007) at paras 16.3.4 and 26.2.2(1)). As noted in Joseph, *M v Home Office* distinguished between the Crown as Monarch and the Crown as Executive. The latter includes Ministers in their official or executive capacity, who (unlike the Crown as Monarch) enjoy no immunity from the mandatory orders. It would appear that this characterisation is equally applicable in New Zealand (Joseph at paragraph 26.2.2(1)(b)). However, for the purposes of this application I do not need to decide this question and, in the circumstances of urgency in which this application was heard, decline to consider this further.

[26] Nor is relief in the nature of an interim order available under s 8 of the Judicature amendment Act. Section 8 empowers the Court to make such an order "at any time before the final determination of an application for review". This judgment itself constitutes the "final determination" of Mr Paul's application, such that any order I made in this judgment would not be "before the final determination".

[27] Therefore, I proceed on the basis that the appropriate relief, if any, is a declaration that the Crown ought not to take further steps to effect Mr Paul's deportation.

Error of law

[28] Section 25(h) of the NZBORA provides:

> **25 Minimum standards of criminal procedure**
>
> Everyone who is charged with an offence has, in relation to the determination of the charge, the following minimum rights:
>
> …
>
> (h) The right, if convicted of the offence, to appeal according to law to a higher court against the conviction or against the sentence or against both:

[29] Similarly, article 14(5) of the ICCPR provides:

> Everyone convicted of a crime shall have the right to his conviction and sentence being reviewed by a higher tribunal according to law.

[30] Mr Paul has exhausted his appeal rights against his conviction. He has no further rights of appeal within the New Zealand criminal justice system. Further, Mr Paul has, now some time ago, exhausted his rights to appeal or review the deportation order. That order is valid and Mr Paul has no further rights under the Immigration Act 1987 to challenge his removal.

[31] Mr Ellis argued, in essence, that Mr Paul's petition to the Governor-General for the exercise of the prerogative of mercy comprises an "appeal", or is incidental to or a step preliminary to an appeal, such that deportation before his petition (and any subsequent appeal) is determined constitutes a breach of his right to appeal his conviction to a higher Court per s 25(h) and/or art 14(5).

[32] First, I acknowledge the respective submissions of counsel as regards the "strength" of Mr Paul's petition. However, as I indicated to counsel, I am not of the view that that is, in these circumstances, a particularly relevant or helpful analysis for this Court to undertake. The prerogative of mercy is just that, an exercise by the Crown of a Royal prerogative. Therefore, for the Court to engage upon an exercise of endeavouring to assess the "strength" of the basis upon which Mr Paul has made his application runs counter to the nature of the power that falls to be exercised by the Governor-General.

[33] More generally, in making his submissions, Mr Ellis particularly relied on *Burt v Governor-General* [1992] 3 NZLR 672. That case concerned the question of whether a refusal to exercise the Royal prerogative of mercy was reviewable in the Courts. Although the Court expressed some views that the prerogative may not necessarily be exempt from review in the Courts in all circumstances, it nevertheless declined the relief sought in that case. It did so for a variety of reasons, including the conclusion that the Royal prerogative – albeit not subject to judicial review – was indeed a safety net and that there was no evidence that it was not at present an efficient one (at 682 lines 43 and 44).

[34] Mr Ellis relied on the more general remarks about the nature of the prerogative made by the Court in the course of that judgment, including its reference to the "changed general attitude to the prerogative" and as follows (at 682-683):

> … it must be right to exclude any lingering thought that the prerogative of mercy is no more than an arbitrary monarchial right of grace and favour. As developed it has become an integral element in the criminal justice system, a constitutional safeguard against mistakes. Fortunately in New Zealand applications for the exercise of the prerogative on the ground of alleged wrongful conviction are quite rare. Probably two or three a year would be a liberal estimate at present. A more formalised system could stimulate unmeritorious applications. The usual ground is discovery of new evidence since the trial and the previous unsuccessful appeal. If found to have reasonably arguable substance, after independent investigation when necessary, applications are commonly referred to this Court under s 406(a) of the Crimes Act.

[35] He also relied on comments of MacKenzie J in his judgment in relation to Mr Paul's successful appeal against the refusal to allow him legal aid:

> [16] Mr Taylor accepts that if the petition to the Governor-General is successful then legal aid will be available for the subsequent Court of Appeal proceedings. Acceptance of his argument would mean that legal aid would be available for the original criminal proceedings; it would be available for the subsequent criminal proceedings; but it would not be available for the intermediate step of the petition itself. In my view, that conclusion is not one which the legislation on its proper interpretation requires. It is a conclusion which would be at odds with the purpose of the Act in promoting access to justice. The availability of some last resort procedure to deal with that very small percentage of cases where there may be cause for concern that a miscarriage of justice may have occurred is an important safeguard, and an important component of our criminal justice system. Access to justice would not be promoted by limiting potential access to that safeguard by excluding the possibility of the grant of legal aid for it.
>
> [17] I consider that, on a purposive interpretation of s 6, advice and assistance with the making of a petition to the Governor-General for the exercise of the prerogative in respect of proceedings where ordinary appeal rights have been exhausted is properly to be regarded as assistance with a step incidental to those original proceedings. Alternatively, in the light of the powers available to the Governor-General under s 406, an application to the Governor-General which invites the exercise of those powers might properly be regarded as a step preliminary to those subsequent proceedings.

[36] In reliance on these comments, Mr Ellis emphasised the significance of the opportunity to apply for the exercise of the prerogative of mercy and submitted, therefore, that the process currently underway was one which, in effect, should be regarded as part of Mr Paul's appeal rights.

[37] I am of the view that Mr Paul's petition does not confer any substantive rights on Mr Paul: *de freitas v Benny* [1976] AC 239, 247, per Lord Diplock. Moreover, although it may in fact be a step preliminary to a subsequent appeal, it is not itself an appeal or within the Courts' processes: *Yash*; *Waugh v New Zealand Police* HC WN M101/02 15 July 2003. In my judgment, the comments of the Court of Appeal in *Burt*, and MacKenzie J in *Yash*, do not alter that conclusion. The exercise of the prerogative is, without doubt, an important part of New Zealand's constitutional arrangements. That does not make it, however, the exercise of a right of appeal so as to engage s 25(h) of the New Zealand Bill of Rights Act 1990.

[38] Mr Ellis further submitted that, through the inclusion of s 406 in the Crimes Act 1961, the exercise of the Royal prerogative had become a statutory power. In my view, however, s 406 of the Crimes Act is a procedural provision in the sense that it specifies what is to follow from the Governor-General's exercise of his prerogative of mercy, and provides for a referral to the Court of Appeal for assistance on any point with a view to making his determination. The opening words of that section, "nothing in this Act shall affect the prerogative of mercy", count against Mr Ellis' submission as to the nature of that prerogative.

[39] I therefore do not consider that the entitlement to invoke the Royal prerogative is a "right of appeal" protected by NZBORA or the International Covenant on Civil and Political Rights. I conclude, therefore, that deportation pending consideration of such a petition does not infringe s 25(h) of the NZBORA or art 14(5) of the ICCPR.

[40] I also acknowledge that the express provisions of the Immigration Act must prevail over s 25(h) – and art 14(5) – in the event of conflict: s 4 of the NZBORA. As was emphasised by Ms Casey, the sovereign state's right to exclude or expel non-citizens (*Ye, Qiu and Ding v Minister of Immigration* [2008] NZCA 291 at [116] and [117] per Glazebrook J) has been limited within New Zealand by the enactment of the Immigration Act, which confers entitlements on non-citizens and establishes processes that must be followed in dealing with them. The Immigration Act provides a relatively comprehensive regime in relation to the deportation of non-

citizens convicted of relevant offences. Here, in ordering Mr Paul's deportation, the Minister is acting within the four corners of that Act.

[41] As stated, Mr Paul had a right to appeal the Tribunal's decision on a question of law, or to seek judicial review. He is now, however, well outside the time limits to do so – 28 days for an appeal and 3 months for judicial review: ss 118 and 146A of the Immigration Act. These are "strict" time limits and the Courts' discretion to extend time is not to be exercised too readily and very rarely if the delay is long: *Rajan v Minister of Immigration* [2004] NZAR 615 at [24]. It is fair to say, therefore, that Mr Paul has no further rights or entitlements under the Immigration Act to defer his deportation.

[42] Moreover, even if the rights in s 25(h) and art 14(5) were engaged, deportation of Mr Paul does not preclude Mr Paul from continuing with his petition.

[43] For these reasons, therefore, I do not consider that the decision of the Minister to deport Mr Paul is in any way unlawful.

Discretion

[44] On that basis, it is not necessary to discuss discretionary considerations which may have affected my decision as to relief were I to have reached the contrary conclusion.

[45] However, I have considered whether, notwithstanding my conclusion as to the legality of the Minister's decision, there may be a discretionary basis upon which this Court should in terms of its inherent jurisdiction conclude that, pending the outcome – whatever and whenever that may be – of the Governor-General's consideration of Mr Paul's petition, the Minister ought not to exercise his lawful power of deportation. The consideration of that possibility involves a number of matters that would be relevant to the exercise of my discretion if I had found the decision of the Minister to deport Mr Paul to be unlawful.

[46] In this, I have referred to the orders made in *Faavae v Minister of Immigration* (1997) 11 PRNZ 168. In that case the High Court had dismissed the plaintiff's appeal and judicial review from a decision of the Tribunal such that the plaintiff was liable to be deported pursuant to the Minister's decision under s 91 of the Immigration Act. The plaintiff indicated he was contemplating an appeal to the Court of Appeal. He applied for an interim order under s 8 of the Judicature Amendment Act 1972 or pursuant to the Court's inherent jurisdiction, declaring that the Minister "ought not to take any further action that is or would be consequential on the exercise of the deportation order … before determination of the plaintiff's appeal". Fisher J held that he could not make an order under s 8 because he had finally determined the plaintiff's application to the High Court for review. However, he relied on the Court's inherent jurisdiction to grant an injunction in order to preserve effective appeal rights (per *Goodall v Walker* HC AK CP 1813/97 2 November 1989 and *Erinford Properties Ltd v Cheshire CC* [1974] 2 All ER 448) and the Court's general equitable jurisdiction to make declarations to "make a declaration by way of analogy to the inherent jurisdiction to grant an interim injunction in similar circumstances". The declaratory order was that the Minister "ought not to take steps to deport the plaintiff until the expiration of two weeks from today or earlier determination of the proposed appeal."

[47] *Faaavae* was followed by Salmon J in *Singh v Attorney-General* HC AK M258/00 16 March 2000. I acknowledge, however, that both cases involved an anticipated appeal against the lawfulness of the deportation and the duration of the order made was both short and finite.

[48] I have been unable to reach the conclusion that I should issue such an declaratory order.

[49] I have reached that conclusion first by reference to the scheme of the Immigration Act, and my conclusion that Mr Paul has exhausted his lawful rights under that scheme, and by reference to the fact that Mr Paul has exhausted his rights of appeal as regards his criminal conviction.

[50] Furthermore, I have not been provided with any evidence of particular prejudice that Mr Paul would suffer were he now to be deported to India, in terms of pursuing his petition. I accept that it may be less convenient for Mr Paul to endeavour to do so from India, but do not consider that inconvenience constitutes prejudice of the type that I would find necessary to declare that the Minister ought not to exercise an otherwise lawful power.

[51] In support of his submission that there was real prejudice, Mr Ellis referred to the provisions of s 10 of the Legal Services Act 2000 as disentitling Mr Paul to a continuation of legal aid were he to be deported from New Zealand. I note first that, according to its heading, s 10 generally applies to civil matters. As recognised by MacKenzie J in Mr Paul's legal aid appeal, Mr Paul's petition was seen as being incidental or preliminary to *criminal* proceedings. It is not obvious, therefore, that the grant Mr Paul enjoys would be affected by s 10. Moreover, I note that s 10(1) – on which Mr Ellis relied particularly – specifically applies to proceedings involving a decision or matter under the Immigration Act. The petition is not such a matter, and again it is not clear to me that legal aid will necessarily cease by reason of s 10 because Mr Paul may be deported from New Zealand.

[52] However, even if s 10 were to apply, or if deportation in some other way disentitles Mr Paul from legal aid, I do not consider that would constitute such a consideration as to tell against what would otherwise be the lawfulness of the implementation of his deportation order and, in that regard, my view of the importance of the scheme of the Immigration Act itself.

[53] During the hearing I asked Ms Casey, in terms of prejudice, what the position would be for Mr Paul were he to be deported and the Governor-General was to exercise the prerogative and refer his case to the Court of Appeal. Ms Casey was not able to provide me with any firm assurance as to whether Mr Paul would be permitted to return to New Zealand in those circumstances, indicating that he would need to apply for a special direction under s 7 of the Immigration Act. She indicated, however, that were Mr Paul to be in the position where he wished to return to New Zealand for the purposes of a Court of Appeal hearing, and as there was no right of appearance for a defendant in that Court, the Minister's attitude might well depend

on the issues involved in that hearing. Were, however, the Court of Appeal to grant a re-hearing then, as Mr Paul has a right of appearance in the High Court, Ms Casey was of the view that she could not imagine that the Crown would advise that Mr Paul should not be able to return for the purposes of that hearing. I have assessed the degree of prejudice involved to Mr Paul as regards his deportation in the light of those indications.

[54] I note further that *Singh & Ors v Minister of Immigration* [2009] NZCA 50 and *Huang v Minister of Immigration* CA 236/06 18 December 2006 illustrate that the impact of deportation/removal on ongoing litigation is not a necessarily decisive factor against removal. In both cases, the Court of Appeal refused interim relief pending judicial review and/or appeal proceedings.

[55] In terms of my discretion, I am also very mindful of the need for finality in the scheme of the Immigration Act, and of the possible adverse impact on that were the commencement of petitions to the Governor-General for the exercise of the prerogative of mercy to be a basis upon which otherwise lawful deportation orders could be opposed. I am influenced by the reality that there is no particular process or timeline pursuant to which the Governor-General is to consider a petition for the exercise of the prerogative of mercy. It is a somewhat open-ended process. Furthermore, Mr Paul, and others, are not limited in terms of the number of times they may seek to invoke the Royal prerogative.

[56] Mr Ellis submitted that, at the present time, petitions to the Governor-General are few (referring to comments to this effect in *Burt* at 681-682), and that therefore the grant of relief to Mr Paul as sought would not materially affect the scheme of the Immigration Act. I am not persuaded by that submission. I can only comment that, were this application to be granted, the frequency with which such petitions were filed could well increase. Furthermore, and as I accept that the correct approach in this instance does not involve the Court in an attempt to assess the merits of the petition, I consider Ms Casey's submission that any petition would give rise to very similar issues as Mr Ellis raises here to be a persuasive one.

[57] I note finally that, had I otherwise been minded to grant Mr Paul the relief he sought, I do not consider that issues of delay (in terms of the time taken to initiate Mr Paul's petition, and to bring on these proceedings to prevent his deportation, as raised by the Crown) would have been material enough to affect that conclusion.

Result

[58] As indicated in my brief reasons of 29 April, therefore, I decline Mr Paul's application for orders that would stay the deportation order.

"Clifford J"

Solicitors: Tony Ellis, Wellington for the applicant (tony@blackstonechambers.co.nz)
Crown Law Office, Wellington for the respondent
(Victoria.Casey@crownlaw.govt.nz)