

IN THE SUPREME COURT OF NEW ZEALAND

SC 140/2010
[2011] NZSC 15

BETWEEN	GORDANA VUKOMANOVIC Applicant
AND	RESIDENCE REVIEW BOARD Respondent

Court: Elias CJ, Tipping and McGrath JJ

Counsel: Applicant in Person
J Foster for Respondent

Judgment: 9 March 2011

JUDGMENT OF THE COURT

The application for leave to appeal is dismissed with no order for costs.

REASONS

[1] The applicant seeks leave to appeal against a judgment of the High Court¹ declaring that the Court had no jurisdiction to consider an appeal she had brought out of time against a decision of the Residence Review Board. The Court, however, directed that the purported appeal should be treated as an application for judicial review.

[2] Despite that avenue being left open to her by the Court, the applicant applied for leave to appeal against the High Court's decision.² The High Court dismissed that application and a fresh application for leave to appeal to the Court of Appeal was dismissed by that Court.³ The applicant now seeks leave to bring a direct appeal to this Court against the High Court judgment.

¹ *Vukomanovic v Residence Review Board* HC Wellington CIV-2010-485-497, 20 May 2010.

² *Vukomanovic v Residence Review Board* HC Wellington CIV-2010-485-497, 24 June 2010.

³ *Vukomanovic v Residence Review Board* HC Wellington [2010] NZCA 542.

[3] Section 115 of the Immigration Act 1987 provides for a right of appeal, on a question of law only, against a determination of the Residence Review Board. There is a right of further appeal, with leave, to the Court of Appeal under s 116 and the decision on any such appeal is expressed by s 116(4) to be final.

[4] This statutory scheme plainly excludes any right of appeal to this Court arising from judgments of the High Court or the Court of Appeal in relation to determinations of the Board. It follows that, in terms of s 8(a) of the Supreme Court Act 2003, this Court has no jurisdiction to hear and determine an appeal against the High Court's judgments on appeal from the Board.

[5] Accordingly, the application is dismissed. There will be no order for costs.

Solicitors:
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