

**NOTE: PUBLICATION OF NAME OR IDENTIFYING PARTICULARS OF
APPLICANT PROHIBITED.**

IN THE SUPREME COURT OF NEW ZEALAND

**SC 105/2011
[2011] NZSC 143**

BETWEEN	M Applicant
AND	REFUGEE STATUS APPEALS AUTHORITY First Respondent
AND	CHIEF EXECUTIVE OF THE DEPARTMENT OF LABOUR Second Respondent

Court: Blanchard, McGrath and William Young JJ

Counsel: Applicant in Person
M G Coleman and R J Hoare for First Respondent

Judgment: 24 November 2011

JUDGMENT OF THE COURT

The application for leave to appeal is dismissed.

REASONS

[1] The applicant has brought two appeals to the Court of Appeal against refusals by the High Court to grant him judicial review: first, of a decision of the Refugee Status Appeals Authority in which it refused to grant him refugee status because he did not satisfy the requirements of art 1A(2) of the Refugee Convention and, second, of the Department of Labour's decision to revoke the applicant's temporary work

permit. Both appeals are against judgments of Courtney J, respectively on 17 September 2010¹ and 21 December 2010.²

[2] The Court of Appeal has not yet heard either of those appeals. The present application relates, first, to a decision of Arnold J in the Court of Appeal declining to review the Court of Appeal Registrar's decision in each appeal reducing the amount of security to be paid for the appeal from \$5,560 to \$2,780.³ The application to this Court relates to that decision made on 19 July 2011 and is out of time in respect of that decision. This Court has twice, on 5 September and 12 September, refused to grant the applicant an extension of time for bringing an application for leave to appeal the 19 July judgment. The present application, so far as it relates to that judgment, is in those circumstances an abuse. Arnold J's judgment was an entirely orthodox exercise of his discretion and leave to appeal would have been declined even if the application to this Court had been made in time.

[3] The applicant had also applied to Arnold J to recall his judgment of 19 July. Arnold J declined that application on 2 September 2011.⁴ The present application also seeks leave to appeal against that decision. It follows from what has already been said that, although this part of the application is made in time, it is quite hopeless.

Solicitors:
Crown Law Office, Wellington

¹ *M v Refugee Status Appeals Authority* HC Auckland CIV-2010-404-3298, 17 September 2010.

² *M v Department of Labour* HC Auckland CIV-2010-404-4360, 21 December 2010.

³ *M v Refugee Status Appeals Authority* [2011] NZCA 327.

⁴ *M v Refugee Status Appeals Authority* [2011] NZCA 441.