

IN THE SUPREME COURT OF NEW ZEALAND

I TE KŌTI MANA NUI O AOTEAROA

SC UR 22/2025
[2026] NZSC 89

RE

RAZDAN RAFIQ
Applicant

Counsel: Applicant in person

Judgment: 9 July 2026

JUDGMENT OF MILLER J

The application for review of the decision of the Registrar declining to waive the filing fee is dismissed.

REASONS

[1] Mr Rafiq wishes to appeal a decision of a single Judge of the Court of Appeal dismissing an application for review of a Deputy Registrar's decision to decline to waive security for costs.¹ In this Court the Registrar declined to waive the filing fee on his leave application. This judgment responds to his application for review of the latter decision.

[2] The underlying proceeding is a High Court application for judicial review against the Secretary for Internal Affairs for declining his citizenship application. It concerns the withholding of information in disclosure made to Mr Rafiq under the Privacy Act 1993. Andrew J struck the proceeding out on the ground that it disclosed no reasonably arguable cause of action and was an abuse of the Court's processes.²

¹ *Rafiq v Secretary for Internal Affairs* [2025] NZCA 178 (Ellis J) [CA judgment].

² *Rafiq v Secretary for Internal Affairs* [2024] NZHC 2964 (Andrew J).

[3] In the Court of Appeal, the Deputy Registrar declined to dispense with security for costs and fixed it at \$7,060. She reasoned that a reasonable solvent litigant would not pursue the appeal and that it raised no wider question of public interest.³

[4] On review, Ellis J agreed.⁴ She observed that Mr Rafiq had not sufficiently proven his impecuniosity and stated that the application for judicial review obviously lacked merit. The notice of appeal raised no arguable grounds.

[5] In this Court the Registrar accepted that Mr Rafiq cannot pay the filing fee. But she considered the proposed application is without merit and a reasonable solvent litigant would not pursue it.

[6] I agree. The appeal is at its core a duplication of other unsuccessful challenges to the citizenship decision. It rests on the unlikely premise that the withheld information caused the respondent to decline his citizenship application. The proposed leave application raises no substantive challenge to the non-disclosure.

[7] The application for review of the decision of the Registrar declining to waive the filing fee is dismissed.

³ CA judgment, above n 1, at [2].

⁴ At [4]–[6].