

IN THE SUPREME COURT OF NEW ZEALAND

I TE KŌTI MANA NUI O AOTEAROA

SC UR 1/2026  
[2026] NZSC 94

RE

RAZDAN RAFIQ  
Appellant

Counsel: Applicant in person

Judgment: 9 July 2026

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JUDGMENT OF MILLER J

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

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REASONS

[1] Mr Rafiq has sought review of the Registrar’s decision to decline a fee waiver.

[2] The proposed appeal is from a decision of the Court of Appeal striking out of its own motion several of his appeals as abuses of process under r 44A of the Court of Appeal (Civil) Rules 2005.<sup>1</sup> The proposed appeal before me concerns one of those proceedings, a claim for declarations and damages for failure to give him citizenship in 2017.<sup>2</sup>

[3] The proceeding had been struck out by Tahana J in the High Court under r 5.35B(2)(a) of the High Court Rules 2016.<sup>3</sup> The Court of Appeal struck it out because Mr Rafiq had conducted it in a way that was an abuse of process.<sup>4</sup> The Court

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<sup>1</sup> *Rafiq v Secretary for Internal Affairs* [2025] NZCA 662 (Mallon and Ellis JJ) [CA judgment].

<sup>2</sup> *Rafiq v Secretary for Internal Affairs* [2024] NZHC 2043 (Tahana J) [HC judgment].

<sup>3</sup> At [17].

<sup>4</sup> CA judgment, above n 1, at [22]–[27] and [38].

focused on his unsuccessful and misleading attempt to stay his own appeals after filing them.<sup>5</sup>

[4] The Registrar accepted that Mr Rafiq cannot pay the filing fee in this Court, but took the view that a reasonable and solvent litigant would not pursue the proposed appeal, which she considered was frivolous and without merit.

[5] I observe that Mr Rafiq was until 28 February 2022 the subject of a civil restraint order, and as Tahana J noted he had previously brought unsuccessful proceedings challenging the refusal to grant him citizenship.<sup>6</sup>

[6] I agree with Tahana J that Mr Rafiq is seeking to relitigate previous decisions. The proposed appeal is an abuse of process. For that reason, it must fail and a reasonable and solvent litigant would not pursue it. The Registrar was correct to decline the fee waiver.

[7] The application for review is dismissed.

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<sup>5</sup> At [24]–[25].

<sup>6</sup> HC judgment, above n 2, at [4].