

THE HIGH COURT

JUDICIAL REVIEW

[2012 No. 835 J.R.]

BETWEEN

H.Y.O. (NIGERIA) AND D.F.O.I. (AN INFANT SUING BY HER MOTHER AND NEXT FRIEND H.Y.O.)

APPLICANTS

AND

THE MINISTER FOR JUSTICE AND EQUALITY, IRELAND AND THE ATTORNEY GENERAL

RESPONDENTS

JUDGMENT of Mr. Justice Richard Humphreys delivered on the 24th day of April, 2018

1. The first named applicant sought asylum in August, 2009. On 22nd October, 2009, the second named applicant was born in the State and was subsequently included in the asylum claim. In May, 2010, the asylum application was refused. On 6th July, 2010, there was a proposal to deport. Subsidiary protection and leave to remain were then applied for. On 26th July, 2012, subsidiary protection was refused. A deportation order was made on 30th August, 2012. The present proceedings were issued on 1st October, 2012. The applicants were subsequently deported. On 9th October, 2017, I granted leave to the applicants including on amended grounds.

2. I have heard helpful submissions from Mr. Paul O'Shea B.L. for the applicants and Ms. Maeve Brennan B.L. for the respondents.

Relief sought

3. The primary relief sought is *certiorari* of the deportation orders and the subsidiary protection refusals. Mr. O'Shea formally moves the legalistic grounds that were rejected in *N.M. v. Minister for Justice and Equality* [2018] IEHC 186 [2018] 2 JIC 2710 (Unreported, High Court, 27th February, 2018) and *F.M. v. Minister for Justice and Equality* [2018] IEHC 274 (Unreported, High Court, 17th April, 2018). The fact-specific grounds as outlined by Mr. O'Shea are ground 2, fourth to seventh bullet points, and ground 5, and I now deal with these.

Claim of excessive reliance on asylum refusal

4. The subsidiary protection application itself says that the details of the applicant's claim will be apparent from her file: see p. 2 of that application. The demolition of the applicant's credibility in the asylum application was something the Minister was entitled to have regard to anyway. No illegality has been made out under this heading.

Claim that the Minister regarded himself as being bound by the tribunal

5. It has not been established that the Minister treated himself as being so bound. The Minister had regard to the tribunal findings which is not the same thing.

Failure to make appropriate enquiries

6. The Minister was not asked to make any inquiries. It has not been particularised or identified as to what inquiries he should have made, nor has it been established that it was unlawful not to so inquire.

Irrationality

7. It is alleged that the Minister failed to consider the effectiveness of laws in Nigeria and of state protection there. But this is a detailed and comprehensive decision which is well within the scope of what is rational for the Minister to have concluded. The court must also have regard to the fact that the Minister is dealing with the country situation in different jurisdictions the whole time, and neither he nor his officials are novices when it comes to assessing country situations: *G.O.B. v. Minister for Justice Equality and Law Reform* [2008] IEHC 229 (Unreported, Birmingham J., 3rd June, 2008).

Order

8. The application is dismissed.