

**THE HIGH COURT
JUDICIAL REVIEW**

[2023] IEHC 283

[2023/174 JR]

**IN THE MATTER OF DIRECTIVE 2013/33/EU AND THE EU (RECEPTION
CONDITIONS) REGULATIONS 2018**

BETWEEN

I.K.A.

APPLICANT

AND

**THE MINISTER FOR CHILDREN, EQUALITY, DISABILITY, INTEGRATION
AND YOUTH, IRELAND AND THE ATTORNEY GENERAL**

RESPONDENTS

AND

**THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES AND THE
IRISH HUMAN RIGHTS AND EQUALITY COMMISSION, AMICUS CURIAE**

JUDGMENT of Mr. Justice Charles Meenan delivered on the 23rd of May, 2023

Introduction

1. The applicant in these proceedings is a national of Afghanistan and arrived in the State on 8 February 2023. The applicant applied for international protection on the same day. However, the applicant was not provided with the “material reception conditions” as is provided for in the EU (Reception Conditions) Regulations 2018 (the Regulations).

2. The case of the applicant in these proceedings was heard alongside an application by *S.Y. (a minor suing by his next friend Aoife Dare)* (Record No. 2023/175 JR).

3. Judgment was delivered by this Court in the case of *S.Y.* on 21 April 2023.

Issues

4. The issues that arise in the proceedings are the same as those that arose in the *S.Y. (a minor)* application.

5. I have considered these issues in the judgment which I gave in the *S.Y. (a minor)* case and, thus, apply those conclusions to this application.

Conclusion

6. By reason of the foregoing, I have concluded that the first named respondent is in breach of both his obligations under the Regulations and the Charter of Fundamental Rights of the EU, in particular, Article 1 thereof, in respect of this applicant. I will, therefore, grant the applicant the following declarations:-

- (i) A declaration that the First named Respondent's failure to provide the applicant with the "material reception conditions" pursuant to the European Union (Reception Conditions) Regulations 2018 is unlawful.
- (ii) A declaration that the failure by the First named Respondent to provide to the applicant the "material reception conditions" pursuant to the European Union (Reception Conditions) Regulations 2018 is in breach of the applicant's rights under Article 1 of the Charter of Fundamental Rights of the European Union.

7. As for the costs of these proceedings, I understand that the issue of costs is being considered by the applicant and the respondent and will be mentioned in court at a later date.