

## THE HIGH COURT

## JUDICIAL REVIEW

[2011 891 J.R.]

BETWEEN

H.I. AND H.I (ALBANIA)

APPLICANTS

AND

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

RESPONDENTS

[2011 877 J.R.]

BETWEEN

A.I., B.I. AND H.I. (A MINOR SUING BY HIS FATHER AND NEXT FRIEND A.I.)

APPLICANTS

AND

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

RESPONDENTS

**JUDGMENT of Mr. Justice Richard Humphreys delivered on the 19th day of April, 2018**

1. The applicants in these two related *M.M.*-based challenges (see *M.M. v. Minister for Justice and Equality* [2018] IESC 10) are an Albanian Roma family who are members of what is referred to in the papers as the Gabel community. The parents arrived in Ireland in August, 2005. The son, his wife and their son arrived in July, 2008. All applied for asylum and all were rejected at first instance and again on appeal. Significant credibility findings were made on appeal before the Refugee Appeals Tribunal against the adult applicants. Subsidiary protection was applied for and refused and deportation orders made. The applicants have since been deported.

2. I have heard helpful submissions from Mr. Michael Conlon S.C. (with Mr. Garry O'Halloran B.L.) for the applicants, and from Mr. Niall O'Hanlon B.L. for the respondents.

**Relief sought**

3. While the statement of grounds challenges the asylum refusal this was disclaimed by Mr. Conlan. The substantive relief thus consists of *certiorari* of the subsidiary protection and deportation decisions. The only ground in relation to the deportation orders was that the subsidiary protection refusal was not valid.

**Generalised legalistic complaints**

4. Insofar as the application concerns legalistic points of a general nature, I rejected these 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* (Unreported, High Court, 17th April, 2018).

**Complaint that conclusions on State protection do not follow from the country material on which the Minister relies**

5. Mr. Conlon submits that the Minister's conclusions in relation to the availability of state protection do not follow from the specific country material referred to. Of relevance is Birmingham J.'s judgment in *G.O.B. v. Minister for Justice Equality and Law Reform* [2008] IEHC 229 (Unreported, High Court, 3rd June, 2008) at para. 26 that "*One must appreciate that the Minister and his officials are not coming to this issue as total novices. A great number of other cases will have raised issues about seeking assistance from the Nigerian police. Those officials who deal with these issues must be considered to have acquired a broad familiarity with the general perception of the Nigerian police force.*" The same obviously applies *mutatis mutandis* to other countries. More generally, the decision is based not just on state protection but also on the lack of credibility of the applicant's account. The latter is an independent ground why the present judicial review fails.

6. Mr. Conlon suggested that the son's explanation as to why the tribunal credibility findings should not be followed were not narratively referred to. He accepts this point is not pleaded but even if it was pleaded, he is up against the decision in *G.K. v. Minister for Justice, Equality and Law Reform* [2002] 2 I.R. 418 [2002] I.L.R.M. 401 *per* Hardiman J. which means that the material submitted has to be taken to have been considered if the decision-maker so states, even if it is not narratively discussed, unless an applicant shows otherwise, which has not been done here.

**Order**

7. Accordingly each application will be dismissed.