

Case Law re IPAT

RECEPTION CONDITIONS

Damages for Breach of Rights

X & Y v MJE [2019] IEHC 133, Barrett J., 5 March 2019

X & Y v MJE (No 2) [2019] IEHC 226, Barrett J., 3 April 2019

Access to the labour market for 'transferees'

KS (Pakistan) and MHK (Bangladesh) v IPAT [2019] IEHC 176, Humphreys J., 25 March 2019

DUBLIN III

Right to choose country of asylum?

MAH v IPAT [2017] IEHC 462, O'Regan J., 17 July 2017

MIF v IPAT [2018] IECA 36, 19 February 2018

Article 17(1) 'sovereign discretion'

MA v IPAT [2017] IEHC 677, Humphreys J., 8 November 2017

HN v IPAT [2018] IECA 102, 18 April 2018

NVU v RAT [2019] IECA 183, 26 June 2019.

PF v IPAT [2019] IEHC 624, Keane J., 21 August 2019

Article 34 Request for Information

BS & RS v RAT [2019] IESC 32, Supreme Court, Dunne J., 22 May 2019.

INADMISSIBILITY

Subsidiary protection in another member state

MS (Afghanistan), MW (Afghanistan, and GS (Georgia) v MJE [2019] IEHC 477, Humphreys J., 2 July 2019

Destitution in another member state

HZ (Iran) v IPAT [2020] IEHC 146, Humphreys J., 17 February 2020

SUBSEQUENT APPLICATIONS

Right to remain pending determination & effective remedy

PNS (Cameroon) v MJE (Unapproved) [2020] IESC 11, Supreme Court, 31 March 2020

PNS (Cameroon) v MJE [2017] IEHC 504, Humphreys J., 16 July 2018

KJM v MJE [2018] IESCD 159, Supreme Court (O'Donnell, MacMenamin, Charlton JJ.)

PNS (Cameroon) v IPAT [2019] IEHC 179, Humphreys J., 22 March 2019

Effect of IPAT decision after deportation

Seredych v MJE (No 3) [2019] IEHC 730, Humphreys J., 28 October 2019

Seredych v MJE (No 4) [2019] IEHC 891, Humphreys J., 16 December 2019

INTERNATIONAL PROTECTION

OVERARCHING ISSUES

Jurisdiction of the Tribunal

AL (Algeria) v IPAT [2018] IEHC 553, Humphreys J., 24 September 2018

JH (Albania) v IPAT [2018] IEHC 752, Humphreys J., 14 December 2018

JM (Malawi) v IPAT [2018] IEHC 663

Methodology of the Tribunal

SN (Ghana) v IPAT [2019] IEHC 19, Humphreys J., 11 January 2019

AJA (Nigeria) v IPAT [2018] IEHC 671, Humphreys J., 14 November 2018

Duty to put case law to an appellant?

X and Y (a minor) v MJE [2019] IEHC 456, Barrett J., 11 July 2019

Duty to give reasons

MEO (Nigeria) v IPAT [2018] IEHC 782, Humphreys J., 7 December 2018

Alternative findings?

AL (Algeria) v IPAT [2018] IEHC 553, Humphreys J., 24 September 2018

RS (Ukraine) v IPAT [2018] IEHC 512, Humphreys J., 17 September 2018

Duty to provide reasons for divergence in decision making?

RC (Algeria) v IPAT [2018] IEHC 694, Humphreys J., 3 December 2018

C v IPAT [2019] IEHC 223, Barrett J., 3 April 2019

ES v IPAT [2019] IEHC 449, Keane J., 21 June 2019

C v IPAT [2018] IEHC 755, Barrett J., 21 December 2018

ORAL HEARINGS

Need for an oral hearing?

VJ v MJE, Supreme Court, 31 October 2019

Taking the Oath

AM (Pakistan) v IPAT [2019] IEHC 828, Humphreys J., 19 November 2019.

Joint hearings

ADN (South Africa) v IPAT [2019] IEHC 627, Humphreys J., 31 July 2019

ASSESSMENT OF FACTS

Burden of proof

JH (Albania) v IPAT [2018] IEHC 752, Humphreys J., 14 December 2018,
ES v IPAT [2019] IEHC 449, Keane J., 21 June 2019

Unsupported claims

JH (Albania) v IPAT [2018] IEHC 752, Humphreys J., 14 December 2018

Standard of proof

MEO (Nigeria) v IPAT [2018] IEHC 782, Humphreys J., 7 December 2018
WH v IPAT [2019] IEHC 297, Keane J., 9 May 2019

Benefit of the doubt

MR (Bangladesh) v IPAT [2020] IEHC 41, Humphreys J., 29 January 2020

Shared duty to assess the claim

AAL (Nigeria) v IPAT [2018] IEHC 792, Humphreys J., 21 December 2018

Duty to investigate mental illness?

AAL (Nigeria) v IPAT (No 2) [2019] IEHC 123, Humphreys J., 25 February 2019

Duty to elicit information?

SHI v IPAT (No 2) [2019] IEHC 269, Keane J., 3 May 2019

Best interests of the child?

OA (Nigeria) v IPAT [2018] IEHC 661, Humphreys J., 20 November 2018

Credibility (generally)

TSA (Ghana and South Africa) v IPAT [2018] IEHC 97, Humphreys J., 1 February 2018
JA (Bangladesh) v RAT (No 2) [2018] IEHC 629, Humphreys J., 6 November 2018
OP v MJE [2019] IEHC 298, Keane J., 8 May 2019
EL (Albania) v IPAT, Humphreys J., 21 July 2019
NE (Georgia) v IPAT, Humphreys J., 21 October 2019
DK (Ghana) v IPAT [2020] IEHC 14, Humphreys J., 17 January 2020
MR (Bangladesh) v IPAT [2020] IEHC 41, Humphreys J., 29 January 2020
VH v IPAT, Barrett J., 12 March 2020

Duty to give reasons for credibility findings

VH v IPAT [2020] IEHC 134, Barrett J., 12 March 2020

LGBTQ claims

WH v IPAT [2019] IEHC 297, Keane J., 9 May 2019

Dealing with first instance credibility findings

IO v IPAT [2017] IEHC 466, O'Regan J., 17 July 2017
SHI v IPAT (No 2) [2019] IEHC 269, Keane J., 3 May 2019

'Consistency' as a credibility indicator

SA (Ghana and South Africa) v IPAT [2018] IEHC 97, Humphreys J., 1 February 2018
MR (Bangladesh) v IPAT [2020] IEHC 41, Humphreys J., 29 January 2020

'Plausibility' as a credibility indicator

CM (Zimbabwe) v IPAT [2018] IEHC 35, Humphreys J., 23 January 2018
KM (Pakistan) v IPAT [2018] IEHC 510, Humphreys J., 10 July 2018
BDC (Nigeria) v IPAT [2018] IEHC 460, Humphreys J., 20 July 2018
AA (Pakistan) v IPAT [2018] IEHC 769, Humphreys J., 18 December 2018
O v MJE [2019] IEHC 761, Barrett J., 14 November 2019
B v IPAT [2019] IEHC 767, Barrett J., 14 November 2019

Speculation

LH (Algeria) v IPAT [2020] IEHC 157, Humphreys J., 4 March 2020

'Core' v 'peripheral' matters in the credibility assessment

POS (Nigeria) v IPAT [2018] IEHC 670, Humphreys J., 9 November 2018
MSR (Pakistan) v IPAT [2018] IEHC 692, Humphreys J., 26 November 2018
AA (Pakistan) v IPAT [2018] IEHC 769, Humphreys J., 18 December 2018
FB (Algeria) v IPAT [2019] IEHC 582, Humphreys J., 23 July 2019
AM (Pakistan) v IPAT [2019] IEHC 828, Humphreys J., 19 November 2019

Duty to put credibility concerns to an applicant

DS (Nepal) v IPAT [2019] IEHC 212, Humphreys J., 2 April 2019
SHI v IPAT (No 2) [2019] IEHC 269, Keane J., 3 May 2019
WH v IPAT [2019] IEHC 297, Keane J., 9 May 2019
B v IPAT [2019] IEHC 587, Barrett J., 29 July 2019
H v IPAT, Barrett J., 12 December 2019

Assessing credibility in 'papers-only' appeals

M v IPAT [2019] IEHC 867, Barrett J., 19 December 2019
HI v MJE, AI v MJE [2020] IECA 20, Whelan J., 5 February 2020

Assessment of facts: duty to consider documents

KM (Pakistan) v IPAT [2018] IEHC 510, Humphreys J., 10 July 2018
JM (Malawi) v IPAT [2018] IEHC 663, Humphreys J., 20 November 2018
BC (Zimbabwe) v IPAT [2019] IEHC 488, Humphreys J., 2 July 2019

Duty to authenticate documents?

RS (Ukraine) v IPAT [2018] IEHC 743, Humphreys J., 3 December 2018
MSR (Pakistan) v IPAT [2019] IEHC 60, Humphreys J., 4 February 2019
DK (South Africa) v IPAT [2019] IEHC 145, Humphreys J., 5 March 2019
IL v IPAT [2019] IEHC 443, Keane J., 19 June 2019

Duty to translate documents?

H v IPAT, Barrett J., 12 December 2019

Assessment of facts and Country Information

KM (Pakistan) v IPAT [2018] IEHC 510, Humphreys J., 10 July 2018

RAK (Eswatini) v IPAT [2018] IEHC 681, Humphreys J., 27 November 2018

BC (Malawi) v IPAT [2018] IEHC 705, Humphreys J., 10 December 2018

BBA (India) v IPAT [2018] IEHC 741, Humphreys J., 14 December 2018

Assessment of facts: medico-legal reports

JUO (Nigeria) v IPAT [2018] IEHC 710, Humphreys J., 4 December 2018

JUO (Nigeria) v IPAT [2019] IEHC 26, Humphreys J., 21 January 2019

N v IPAT [2019] IEHC 585, Barrett J., 29 July 2019

B v IPAT [2019] IEHC 587, Barrett J., 29 July 2019

B v IPAT [2019] IEHC 767, Barrett J., 14 November 2019

MR (Bangladesh) v IPAT [2020] IEHC 41, Humphreys J., 29 January 2020

Assessment of facts: country information

EI v IPAT Barrett J., 12 December 2019

WELL FOUNDED FEAR

Standard of proof for future risk

EL (Albania) v IPAT, Humphreys J., 21 July 2019

Future Risk and Accepted Facts

EQ v The IPAT [2018] IEHC 375, Keane J., 27 June 2018

KM (Pakistan) v IPAT [2018] IEHC 510, Humphreys J., 10 July 2018

DU (Nigeria) v IPAT [2018] IEHC 630, Humphreys J., 6 November 2018

RC (Algeria) v IPAT [2018] IEHC 694, Humphreys J., 3 December 2018

MEO (Nigeria) v IPAT [2018] IEHC 782, Humphreys J., 7 December 2018

Y v The IPAT [2019] IEHC 548, Barrett J., 17 July 2019

ZNUD (Pakistan) v IPAT [2020] IEHC 7, Humphreys J., 15 January 2020.

I v IPAT [2020] IEHC 63, Barret J., 18 February 2020

PERSECUTION

Destitution

OA (Nigeria) v IPAT (No. 2) [2018] IEHC 753, Humphreys J., 18 December 2018

OA and FK (a minor) v IPAT [2019] IESCDT 87, Supreme Court, 17 April 2019,

‘Compelling Reasons’

PAF (Nigeria) v IPAT [2019] IEHC 204, Humphreys J., 15 March 2019

OBJECTIVE BASIS

Objective analysis: country information

S v IPAT [2019] IEHC 868, Barrett J., 19 December 2019

Objective analysis: expert evidence

MI (Pakistan) v IPAT [2019] IEHC 539, Humphreys J., 25 June 2019

NEXUS

Nexus (generally)

OA (Nigeria) v IPAT (No. 2) [2018] IEHC 753, Humphreys J., 18 December 2018

Membership of a Particular Social Group – Family

C v IPAT [2019] IEHC 762, Barrett J., 14 November 2019

STATE PROTECTION

State protection test (generally)

CG v IPAT [2019] IEHC 300, Keane J., 10 May 2019

B v IPAT [2019] IEHC 763, Barrett J., 14 November 2019

‘Unwilling’

IL v IPAT [2019] IEHC 443, Keane J., 19 June 2019

INTERNAL PROTECTION ALTERNATIVE

IPA test (generally)

ST (Zimbabwe) v IPAT [2020] IEHC 5, Humphreys J., 13 January 2020

IPAT & reasonableness

AA (Pakistan) v IPAT [2018] IEHC 497, Humphreys J., 31 July 2018

IPAT test & alternative findings

RJ v MJE [2019] IEHC 448, Keane J., 21 June 2019

Premature IPA analysis

S v IPAT [2019] IEHC 564, Barrett J., 24 July 2019

‘Settle’ v ‘Stay’

O v IPAT [2019] IEHC 869, Barrett J., 19 December 2019

S v IPAT [2019] IEHC 868, Barrett J., 19 December 2019

SUBSIDIARY PROTECTION

Subsidiary Protection & UNHCR jurisdiction

EHGA (Venezuela) v IPAT [2018] IEHC 396, Humphreys J., 5 June 2018

Serious harm (generally)

MZ (Pakistan) v IPAT (No 2) [2019] IEHC 315, Humphreys J., 29 April 2019

Article 15(b) serious harm

MZ (Pakistan) v IPAT [2019] IEHC 125, Humphreys J., 15 February 2019

ES v IPAT [2019] IEHC 449, Keane J., 21 June 2019

Article 15(c) serious harm

WAL (Nigeria) v IPAT [2019] IEHC 581, Humphreys J., 26 July 2019

John Stanley BL
July 2020
