

THE HIGH COURT

[2020 No. 551 JR]

BETWEEN

P

APPLICANT

– AND –

INTERNATIONAL PROTECTION APPEALS TRIBUNAL

– AND –

MINISTER FOR JUSTICE AND EQUALITY

RESPONDENTS

JUDGMENT of Mr Justice Max Barrett delivered on 22nd July 2021.

SUMMARY

This is an unsuccessful application in which it was sought of the court, *inter alia*, that it quash a decision of the IPAT affirming a decision of the IPO to refuse refugee status and subsidiary protection to Ms P. This summary forms a part of the court’s judgment.

I

Introduction

1. Unfortunately for Ms P, the narrative that she has supplied in support of her international protection application is incoherent, implausible, and does not stand up against objective facts. The IPAT, in a carefully reasoned decision has recognised this and affirmed the IPO's decision to refuse refugee status and subsidiary protection to Ms P. She now seeks, *inter alia*, an order of *certiorari* quashing the decision of the IPAT of 7th July 2020 recommending that Ms P should not be granted either refugee status or subsidiary protection.

II

Background

2. Briefly put, Ms P's claimed life-story is as follows.

3. Ms P hails from City A in Country Z. Her father is deceased. Her uncle, the head of the family, occupies a prominent public position. Following school, she took a degree in accounting and worked for well over a decade in good employment in City B, also in Country Z. In 2008, Ms P hoped to marry. However, her uncle refused his permission for the marriage unless Ms P underwent female genital mutilation. So the marriage did not happen.

4. Throughout a decade and a half in City B, Ms P was left unmolested, enjoyed a fruitful existence, and travelled abroad at least once. In 2013, she again approached her uncle, seeking his permission to marry. The uncle again insisted that Ms P undergo female genital mutilation before marrying. Ms P declined to do so.

5. In December 2015, Ms P, somewhat surprisingly, returned to live in City A, where her mother, uncle and extended family live. She also had a career change around this time, becoming a form of retailer. In 2014, Ms P sought admission to Ireland, stating in her visa application form that she was married, which she now indicates was a lie. The application was unsuccessful, as apparently were applications for a visa to travel to the United States around this time.

6. In 2017, sadly, Ms P’s sister died after childbirth; Ms P maintains that the death was attributable to her sister’s alleged prior suffering of female genital mutilation; however, there is no evidence to support this assertion.

7. In August 2017, Ms P maintains that she was kidnapped by her uncle and cousins. A curious feature of this alleged kidnap is that throughout the period of being kidnapped Ms P was in possession of her mobile phone, yet never called anyone for help. In any event, Ms P maintains that, whilst kidnapped, her uncle indicated to her that he had arranged for Ms P to undergo female genital mutilation. He then left her, at which point Ms P broke out of the uncle’s house, vaulted the rear fence outside and ran down a hill. At this point, Ms P claims, her cousin deliberately drove his car into her and knocked her down, then picked her up and brought her to hospital. Ms P did not report the cousin to the police as she maintains that it is “*not a criminal offence in Africa*” to deliberately drive a car into someone else – a proposition which the court would confidently assert, without pretending to knowledge of every legal system in Africa, has the strongest whiff of untruth about it.

8. Throughout her alleged period of recuperation, Ms P remained in City A. Then, in February 2018, the uncle called to the home of Ms P’s mother and indicated that he had arranged for Ms P to undergo female genital mutilation in June 2018. At this point, Ms P paid money to a clergyman to quit Country Z, boarded a container ship, and arrived in Ireland in June 2018. Ms P maintains that “*sending me back to [Country Z]...is risky because my uncle will be waiting at the airport to grab me and have me circumcised.*”

III

Female Genital Mutilation

9. Female genital mutilation is a terrible and terrifying practice. As the World Health Organization observes on its website (<https://www.who.int/news-room/factsheets/detail/female-genital-mutilation>)(accessed: 17th July 2021):

“FGM is recognized internationally as a violation of the human rights of girls and women. It reflects deep-rooted inequality between the sexes,

and constitutes an extreme form of discrimination against women. It is nearly always carried out on minors and is a violation of the rights of children. The practice also violates a person's rights to health, security and physical integrity, the right to be free from torture and cruel, inhuman or degrading treatment, and the right to life when the procedure results in death."

10. The foregoing being so, if Ms P's tale were accepted as true, she would, counsel for the IPAT indicated, be assured of a declaration of refugee status or a granting of subsidiary protection. The unfortunate difficulty for Ms P is that her greatly flawed narrative was not found credible by the IPO or the IPAT, and there are no deficiencies in the process, reasoning or decision of the IPAT such as would justify the granting of some form of relief by the court at this time.

IV

The Impugned Decision

11. Counsel for the IPAT 'walked' the court through some aspects of the IPAT decision (the impugned decision) and it is useful for the court to take a similar approach in its judgment.

12. [1] The IPAT decision states as follows, at para. 4.17:

*"Paragraph 203 of the UNHCR Handbook indicates that an asylum applicant cannot reasonably be expected to provide proof of every aspect of their claim and accordingly the benefit of the doubt must frequently be given when assessing a claim. Paragraph 204 provides, however, that '[t]he benefit of the doubt should, however, only be given when all available evidence has been obtained and checked and when the examiner is satisfied as to the Appellant's general credibility. **The Appellant's statements must be [a] coherent and [b] plausible and [c] must not run counter to generally known facts**'"* [Emphasis added].

13. The last-quoted sentence presents a difficulty for Ms P. When one contrasts known facts with Ms P's narrative in this case they, as counsel for the IPAT observed "*clash all over the place and that is a difficulty, unfortunately, for the applicant*".

14. [2] At paras. [4.20]–[4.22] of the impugned decision, the IPAT observes as follows:

"[4.20] In the absence of any corroborative evidence, any police report or any medical evidence to substantiate the Appellant's claim the only evidence available is the Appellant's own testimony, which the IPAT rejected. Having weighed and evaluated the Appellant's account throughout the process and considered the findings made on the s.39 report, the Tribunal concludes that the IPO findings were made on a sound basis and thus it is considered that they stand. The Tribunal rejects the Appellant's claim to a well-founded fear of persecution from her family in [Country Z].

[4.21] The unreasonable nature of the narrative supplied by the Appellant coupled with the inconsistencies in the account have the cumulative effect of undermining the entire credibility of the Appellant's account of events."

[4.22] The Tribunal does not accept that the Appellant has been threatened with forced circumcision by her family. The Tribunal does not accept that the Appellant was kidnapped and detained against her will by her uncle. The Tribunal does not accept that the Appellant's cousin intercepted the Appellant's escape from her unlawful detention and struck her with her car."

15. A central issue for the court in the within proceedings is why Ms P's evidence was rejected, and whether any legal deficiency presents in this regard.

16. [3] At para. [4.4] of the impugned decision, the IPAT observes as follows under the heading "*Reasonableness of the facts presented*":

“[4.4] The claim made by the Appellant is that her paternal uncle, a [prominent public official]...in [Country Z]...has threatened to have FGM forcibly carried out on the Appellant.”

17. The court accepts that the just-quoted text, which is not a unique occurrence in the text of the IPAT decision suggests that the IPAT does not take issue with the uncle being a prominent public official. It is the FGM-related aspect of matters that it takes issue with. The court does not in any event see that the precise status of Ms P’s uncle is central to her narrative.

18. [4] The IPAT observes as follows at para.[4.6]:

“The Appellant’s narrative is that her persecutor is [a prominent public official in Country Z]...and that she could make no provable case against him with regard to his threat to have FGM forcibly carried out on the Appellant. The Appellant has, however, wholly failed to explain why she could not have simply telephoned the police from her mobile phone which she had with her and reported that she had been kidnapped; was being illegally detained against her will at her uncle’s house and was about to be subjected to FGM. Her evidence to the Tribunal was that she had her mobile phone with her at the time of her kidnap, she knew her location and she had ample opportunity to make a report to the police. She did not do so. She did not explain why she did not do so.”

19. The simple point being made at this point of the IPAT decision is that throughout the alleged period of false imprisonment, Ms P was in possession of her mobile phone, yet made no call to the police throughout the two-day period of false imprisonment. The IPAT assesses the reasonableness of this narrative, bringing common-sense to bear and reaches the conclusion that it reaches.

20. [5] Moving on, the IPAT observes as follows, at para.[4.7]:

“The Appellant’s evidence is that notwithstanding her knowledge and awareness of her uncle’s views, from June 2000 onwards [when Ms P

claims she was first threatened with female genital mutilation], *she willingly returned to live in her family home [in City A] in 2015. She was not threatened or assaulted by anyone while she lived in City B. The Appellant's explanation that she needed her mother, does not explain to the Tribunal how the Appellant overcame her claimed deep-seated fears for her personal safety. Those fears are solely related to her family and are limited to the interaction with her family in her home city.*"

21. Here, the credibility issue presenting is that Ms P had a long, fruitful period of life in City B, enjoying good employment there and living unmolested. Yet she maintains that by 2018 she had to flee to Ireland because she was at threat in a city to which she had freely elected to return notwithstanding that she claimed to be in fear of her life there.

22. [6] Moving on, the IPAT observes as follows, at paras.[4.8]–[4.9]:

"[4.8] On the one hand the Appellant was so desperate to flee [Country Z]...she claimed to be married to a man with the same name as her father in 2013, in order to obtain a visa to escape, because of her fears. On the other hand, the Appellant moved back to a city where she was under threat, having left a city where she faced no threat. [Here again one can see the reasonableness of Ms P's claim is being assessed against known facts]. She was employed, financially independent and independent in her activities of daily living while in [City B]....She was safe and unmolested by her uncle or his servants or agents. The Appellant's evidence was that she relinquished all of this security and safety and returned to the city from where she had a desperate need to flee, because she wanted to be with her mother. This was a decision she made herself, freely and with the full awareness of her life's experience of interacting with her father's family.

[4.9] Finally, with regard to the reasonableness or otherwise of the Appellant's claim, she has provided no explanation as to why she went to such elaborate lengths to smuggle herself out of [Country Z]. She

was not wanted by the authorities, she held her own passport and travelled freely, she had resources and funds and had previously left the country. There was no reason put forward by the Applicant as to why she could not simply have taken a flight from [Country Z]...to Ireland. It appears to the Tribunal somewhat unreasonable to provide an unsupported claim as to such a convoluted methodology of travel, when the Appellant was entirely able to exit [Country Z]...at her wish. This finding is not core to the issue of credibility of her account; however, the Tribunal does consider the evidence and lack of explanation to be unreasonable in all of the Appellant's circumstances."

23. The text "*This finding is not core...*" suggests that the text regarding the mode of travel is what, if it appeared in a judgment, would be described as *obiter dicta*. At most, all the IPAT does in this regard is express a view on how Ms P's narrative unfolded; it is not bringing some new point to bear and 'springing it' on Ms P in its decision.

24. [7] Next, the IPAT moves on to make certain observations under the heading "*Inconsistencies*":

"[4.10] The Appellant has previously stated that she 'was in a desperate place and desperate to leave [Country Z]...and I would have said anything to leave [Country Z]'. It was the Appellant's evidence to the Tribunal that she visited Dubai in December 2013 and returned to [Country Z]...to seek her uncle's permission to marry on her return. When it was put to the Appellant that she had previously travelled outside of [Country Z]...the Appellant gave evidence that she was 'not scared' and that her 'cousin had not hit me' before she travelled to Dubai.

[Court Note: What is being said here in effect is that everything was fine pre-December 2013 and that it was only after that the behaviour started which put Ms P in fear.]

The Appellant's evidence to the Tribunal was that she completed the application forms and applied for a visa to enter Ireland in 2014.

[Court Note: As will be seen, this is critical evidence. Again, what Ms P is stating is that she needed to flee in 2014 because post-December 2013 she spoke with her uncle about getting married and was assaulted by her cousin. The problem with this chronology is that it just does not work for reasons that will become obvious in the next paragraph.]

[4.11] [In fact, the]...*Appellant completed her Irish visa application in 2013 and included proposed dates of entry and exit of 30th August 2013 and 6th September 2013 thereon. The claim by the Appellant that she was seeking to flee [Country Z]...following the physical assault on her by her cousin is inconsistent with this objectively verifiable evidence.*

[Court Note: So the *actual* position is that a visa for Ireland was sought in 2013, and on dates well in advance of December 2013. Again, one can see that what the IPAT is seeking to do is to assess Ms P's narrative against known facts in the manner posited by the UNHCR. The above evidence seems to the court (and it seems also to have seemed to the IPAT) to be critical evidence for the evidence as given just cannot be true, with the result that, as counsel for the IPAT put matters at the hearing, Ms P's credibility was "*unfortunately evaporating at this point*".]

[4.12] *The Appellant's claim that she lied on her Irish visa application form because of her desperation and fear is therefore inconsistent and unsupported by the objective facts. Neither of the alleged instances in December of 2013 (the refusal by her uncle to consent to the Appellant's new relationship nor her claims to have been assaulted by her cousin) had occurred at the time of the completion of the Appellant's Irish visa application. It is therefore not accepted that the Applicant's reasons for lying about her marital status on her application for an Irish visa related [to] her desperation to leave*

[Country Z]....*On her own version of events, the Appellant was happily in a new relationship and had yet to leave [Country Z] for Dubai in 2013 when she completed the application form for an Irish visa.*”

[Court Note: At this point, Ms P is trying to explain why she lied in her original visa application and her explanation is just not right in the chronology. So again the facts undercut Ms P’s credibility.]

V

The Section 39 Report

25. The court was also referred to certain elements of the s.39 report so that the court could better understand the context in which the IPAT decision was given. Thus, under the heading “*Nationality and personal circumstances*”, one finds the following text in the report:

“She stated, ‘My life is in danger as my uncle and cousins are going to kill me because they want me to be circumcised....She also stated ‘I fear for my life. Things have been going in my family in relation to the circumcision issue and I have been holding on and thinking this will stop and it is getting worse and now my life is in danger. I am scared and I am afraid. Now it is the accident and next time it will be my life’”.

26. These are moving claims and, if true, Ms P would doubtless be successful in her international protection application. So the key question arising is whether it is true. And the difficulty that presents for Ms P in this regard is the timeline, as well as the unusual decision to move back to City A and thereby imperil herself after years spent living and working unmolested and successfully in City B. These two things (the mismatch in the chronology and the move back to City A) would seem likely to trouble any decisionmaker.

27. The s.39 report later continues that “*She [Ms P] also stated at interview that she is ‘single’ ...and she also stated she has never been married*”. So, in 2018, Ms P presented herself to be “*single*”. Unfortunately, difficulties present as regards this claimed marital status. Thus, the s.39 report later continues:

“The applicant wrote in her questionnaire that she applied for a visa to Ireland in 2014....She was asked did she apply for the visa herself for Ireland, and did she complete the application form, and she said, ‘Yes, I applied myself in 2014 and I did the application myself.’ She was also asked how many visas she applied for, for Ireland and she stated, ‘One in 2014 only’She was asked did she provide all the information on the application form herself and she stated, ‘yes’It was put to her that she completed a visa application stating she is not married and she has submitted a medical report indicating she did not have female genital mutilation, and her claim that her problem is that she cannot get married without being circumcised in her family. It was put to her that it is an inconsistency, as her visa application suggests she is married and now she claims she is single. She was asked if she had any comment and she stated and she stated ‘I am not married and I have never been married and he is my dad and I filled in the application when I was in a desperate place and desperate to leave [Country Z]...and I would have said anything to leave [Country Z]....It was put to her that her father died in 1997, according to the questionnaire, and she was asked to explain how she is now claiming she put him down as her spouse in 2013 in her visa application. She was asked to clarify this as the date of birth provided for her husband provided on her visa application was 10.05.1975 which means the man she now claims was her father was seven years old when she was born. She stated ‘Like I said I was desperate when I filled the application for the visa and he is my dad and not my husband and I have never been married and I don’t have kids and I accept I lied on my application’It is not found credible that the applicant would have stated she was married on her visa application if she was not married, particularly when she provide all of the information herself. This is notable as the name of the spouse on the application matches the same name provided by the applicant for her father in her questionnaire. The applicant’s explanation that she accepts she lied on the visa application does not adequately address the inconsistencies that have been raised. This is considered to undermine

the credibility of her claim that she is single and cannot get married without being circumcised, which undermines the credibility of her claim that she is at risk of female circumcision as a single woman in [Country Z].”

28. The foregoing, it seems to the court, is a critical part of the factual matrix. Ms P’s international protection application rests on her being single and unable to get married without undergoing the violation of female genital mutilation. Yet she has filed a previous visa application with Ireland in which she has stated herself to be married to a man whom she now claims was in fact her father even though it is unbelievable that a male born in 1975 could have been the father of a woman born in 1982. Against this background, a very real problem presents for Ms P as to whether anything she states can be believed. This problem, the court notes, has not been addressed at all in the within proceedings.

29. Moving on, the s.39 report moves into a consideration of the medical report which Ms P maintains pertains to the alleged incident in which she was knocked down by her cousin’s car. Thus, the s.39 report states:

“It was put to her [Ms P] that the medical report she submitted states she was seen in the facility on the 21st of August 2017. The applicant stated that she decided to leave [Country Z]...after this incident....She left [Country Z]...on 25th May 2018....She was asked to explain why she remained in [Country Z]...for almost nine months after the accident, when she says she knew it was time to go after the accident in August 2017. She stated, ‘I had my surgery in September and I was bedridden in the hospital for three months. I was back on my feet in January 2018 and I could walk around without any help. My uncle called me in February 2018 and he said if I don’t get circumcised things will only get worse and he was going to force me now as he allowed me to do my own thing for a long time and I am making him look weak in the whole family’”.

30. The nine-month delay in the above-quoted text comes on top of a situation where Ms P had been living unmolested in City B for a decade and a half. The s.39 report continues:

“It is not found credible that the applicant would have remained in [Country Z]...for almost nine months after the accident if she had such problems in [Country Z]....This further undermines the credibility of her claim that she was put under pressure to have female circumcision in [Country Z]...by her uncle and family, which resulted in her being kidnapped and beaten by them when she refused....

It was put to the applicant that it is noted that she was 35 years old when she claims she left [Country Z]...and made this application for protection, and she was asked can she explain how she had escaped so long without being subjected to female genital mutilation or circumcision in [Country Z], if she is at such risk in [Country Z]....She said she was 18 years living there, after the first problems began in 2000. She stated, “I had school and a job. My uncle was [a prominent public official]...and he had his own life going for him and everything is collated over time. Sometimes I don’t hear from him for 2 or 3 years and there would not be a word from him. I just have the feeling maybe he has given up on this issue but when I started dating and having serious relationships and bring someone home for introduction he would say you have still not done your circumcision so this is not going to happen’It is not found credible that the applicant would have lived so long in [Country Z]....with her family without being circumcised [i.e. in circumstances where the family or at least the uncle wanted this to happen], particularly in circumstances where she claims her uncle is influential, he openly states he would not consent...and she was subjected to physical harm by her cousin, five years prior to her departure from [Country Z]....Therefore it is considered that the applicant’s response does not adequately how she lived in [Country Z]...for...years without being subjected to FGM or circumcision...in the circumstances described by her. This is considered to undermine the credibility of her claim she was put under pressure to have female circumcision in [Country Z]...by her uncle and family, which resulted in her being kidnapped and beaten by them when she refused.”

VI

A Summary of the Credibility-Related Difficulties Presenting

31. There has been a lot of detail covered thus far in the court's judgment, so it may be useful to summarise the key difficulties in Ms P's narrative, as perceived by the IPAT. These have helpfully been summarised by counsel for the IPAT in his submissions, as follows:

- i. The Applicant did not report her alleged kidnapping to the police at any stage despite her evidence that she had her mobile phone with her.*
- ii. The Applicant used her deceased father's name when claiming she was married for the purposes of her 2013 visa application.*
- iii. The Applicant claimed she lied on her visa application because she was desperate to get out of [Country Z]...any way that she could, despite the evidence that she was happily in a relationship at the time and subsequently travelled out of [Country Z]...to the UAE, before returning to [Country Z]....*
- iv. The timing of her visa application and the proposed entry and exit dates contradict her version of events surrounding her assault by her cousin in December 2013.*
- v. The fact that it was unreasonable to believe that the Applicant had lived in [Country X]...[for years] without any issue as to familial pressure to undergo FGM.*
- vi. The fact that it was unreasonable to believe that the Applicant returned to her family of her own will in 2015 to live with her mother when she was so desperate to leave [Country Z]...and had previously been living free and unmolested in [City B]....*
- vii. The fact that the Applicant's mother appears to have retired in December 2015 despite the Applicant's claim that her*

mother was unable to move in December 2015 because of her work as a teacher. [This aspect of matters has not previously been touched upon by the court.]

viii. That it was not reasonable that the Applicant had remained in [Country Z]...for nine months after the alleged kidnapping incident in 2017.”

32. There is no doubt that the entirety of the evidence before the IPAT, including but not limited to the above issues, was reasoned through reasonably, properly, and forensically, by the IPAT.

VII

The Conclusions Reached

33. Section 7(1) of the International Protection Act 2015, as amended, provides as follows:

“For the purposes of this Act, acts of persecution must be — (a) sufficiently serious by their nature or repetition to constitute a severe violation of basic human rights, in particular the rights from which derogation cannot be made under Article 15(2) of the European Convention for the Protection of Human Rights and Fundamental Freedoms, or (b) an accumulation of various measures, including violations of human rights, which is sufficiently severe as to affect an individual in a similar manner as mentioned in paragraph (a).”

34. In the impugned decision, the IPAT, at paras. [5.5]-[5.6] states as follows:

“[5.5] As the appellant’s account of the conduct complained of is not believed the Tribunal need not consider whether this conduct meets the definition of an act of persecution defined in s.7 of the Act [of 2015].

[5.6] *It is not credible that the Appellant remains in mortal fear of her uncle. The Appellant’s claim that she fears for her safety arising from the incident in August of 2017 cannot be established based on the facts put forward by the Appellant.”*

35. These are conclusions rationally and reasonably reached by the IPAT. Ms P presented a certain narrative to the IPAT but when the IPAT began to probe matters more closely that narrative fell apart, irreconcilable inconsistencies presented, and her claim failed.

36. In passing, the court notes that the IPAT had the benefit of seeing Ms P; the court has not, and no little weight must be placed on how the IPAT perceived Ms P’s physical demeanour and deportment as she answered the questions put to her and, not to put too fine a tooth on things, as her narrative fell apart. As the court knows from its own conduct of plenary trials, though one must be careful not to ‘over-egg the custard’ in this regard – judges and administrative decisionmakers are not typically experts in behavioural psychology – there is nothing quite like seeing a witness answering questions to get a proper sense of whether one is being told the truth or not.

VIII

Specific Issues Raised

i. *State Protection*

37. To the extent that complaint is made that the issue of State protection has deficiently been addressed in the impugned decision, the court respectfully notes that this is not a State protection case. Thus the IPAT states as follows, at para.[7.16] of the impugned decision:

“Having not found that the Appellant is at risk of serious harm as defined in Articles 15(a), (b) and/or (c) of Directive 2004/83/EC, the Tribunal will not proceed to assess whether State protection would be available to the Appellant if she returned to [Country Z]”.

38. So the decision does not turn on some question of State protection; rather, it turns on the issue of credibility. That said, the court notes in any event, as touched upon previously above, that (i) the uncle's public status is a peripheral matter that is not probative in any way of the core features of Ms P's narrative account; (ii) the IPAT does not, it seems to the court, take issue with the fact of Ms P's uncle being a public official.

ii. *Death of Ms P's Sister*

39. Ms P has the condolences of the court as regards the untimely death of her sister. However, the court accepts as reasonable and lawful the stance adopted by the IPAT when it turned to this aspect of Ms P's narrative. The nub of the issue presenting in this respect is that while the IPAT has seen a medical report of the sister's, that report does not state a cause of death and does not refer at all to female genital mutilation. Thus, in terms of its probative effect as to whether female genital mutilation played any part in the sister's death, the medical report is neutral. It is assessed and evaluated by the IPAT and, unfortunately for the applicant, it is found probative of nothing as regards the sister's alleged female genital mutilation. And, it must be noted, that however tragic the death of Ms P's sister (and it was undoubtedly tragic) it is, with all respect, a peripheral issue as regards whether or not Ms P is in mortal fear of her uncle.

iii. *Mobile Phone*

40. Complaint is made that the fact of Ms P not having used her mobile phone to call for help during the two days of her alleged false imprisonment was not expressly put to Ms P before being relied upon by the IPAT in the impugned decision. With respect, the court does not understand this complaint. It was Ms P's own testimony before the IPAT that she had her mobile phone during that time and did not use it to call anyone, so nothing fell to be put to her in this regard. The court recalls in this regard the observation of Mac Eochaidh J. in *M.A. v. Refugee Appeals Tribunal* [2015] IEHC 528, at para. 23, that, in that case:

“No negative credibility finding was made based on material unknown to the applicant because he is taken to be aware of what he has said personally, and because he was aware of the basis of the rejection of credibility in the s. 13 report, and he had adequate opportunity to address relevant issues during the appeal to the R.A.T.”

41. *Mutatis mutandis*, that is the same situation that presents here.

iv. *The Previous Visa Application*

42. The substance and detail of, and the difficulties arising from, Ms P's previous visa application were all put to Ms P by the IPAT, she was given every opportunity of dealing with same, and the issues presented were fully, properly, reasonably, and lawfully addressed by the IPAT in its decision.

IX

Conclusion

43. The court is sorry for Ms P that she should clearly want to remain in Ireland, yet her application for international protection should have failed (with the consequence that her ambition to remain in Ireland may well go unrealised). However, there is simply nothing wrong from a legal perspective with the decision of the IPAT. It has proceeded exactly how the UNHCR contemplates, it has duly and lawfully found Ms P's narrative to be incoherent, implausible, and not to stand up against objective facts. Consequently its decision must stand. All the reliefs sought are respectfully refused.

44. As this judgment is being issued remotely, it may assist for the court to indicate its view as to costs. Ms P has failed in her application and thus it seems to the court that an order for costs should issue against her. If any of the parties consider otherwise, counsel might kindly advise the court's registrar or the court's judicial assistant within 14 days of the date of delivery of this judgment and the court will thereafter schedule a brief costs hearing.

**TO THE APPLICANT:
WHAT DOES THIS JUDGMENT MEAN FOR YOU?**

Dear Applicant

I am always concerned that because applicants in international protection cases are foreign nationals for whom English may not be their first language, they should, if possible, be placed by me in a position where they can understand the overall direction of a judgment that has a sometimes great impact on them. I therefore briefly summarise my judgment below. This summary, though a part of my judgment, is not a substitute for the detailed text above. It seeks merely to help you understand what I have decided. The IPAT requires no such assistance. So this section of my judgment is addressed to you, the applicant, though copied to all. Your lawyers will explain my judgment more fully to you.

You asked me to look at the IPAT's decision of 7th July 2020 recommending that you be refused refugee status and subsidiary protection. I have done so and I regret to advise that I consider that there is nothing in the process, reasoning, or decision of the IPAT that would justify me granting any of the reliefs sought by you at this time.

Yours sincerely

Max Barrett (Judge)