

THE HIGH COURT

[2019 No. 440 JR]

**IN THE MATTER OF SECTION 5 OF THE ILLEGAL IMMIGRANTS (TRAFFICKING) ACT  
2000 (AS AMENDED) AND IN THE MATTER OF THE INTERNATIONAL PROTECTION ACT  
2015**

**BETWEEN**

**O**

**APPLICANT**

**– AND –**

**THE INTERNATIONAL PROTECTION APPEALS TRIBUNAL, THE MINISTER FOR JUSTICE  
AND EQUALITY, THE ATTORNEY GENERAL AND IRELAND**

**RESPONDENTS**

**JUDGMENT of Mr Justice Max Barrett delivered on 19th December, 2019.**

1. Mr O has been refused a refugee declaration and a subsidiary protection declaration. His sole ground of complaint at this time is that in its appeal decision of 13.11.2016 (the “Impugned Decision”), the International Protection Appeals Tribunal (“IPAT”), in treating with the issue of internal settlement, *“failed to give any indication as to whether it relied on the differing terminology of ‘settle’ contained in the International Protection Act 2015, s.32(1)(b) or ‘stay’ contained in...Art.8(1) of Council Directive 2004/83/EC or otherwise state what difference or consequences, if any, arises from the differing terminology”*.
2. The task of the IPAT is to comply with the law, not to interpret it. In any event, the court respectfully considers that any notion that the use of the verb ‘to settle’ in s.32(1)(b) of the International Protection Act 2015 renders that provision incompatible with the Council Directive 2004/83/EC on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted (“The Qualification Directive”) [2004] OJ L304/12 (which uses the verb ‘to stay’ in Art.8(1) (“*Internal protection*”)) is mistaken: Art.3 of that Directive provides that *“Member States may introduce or retain more favourable standards for determining who qualifies as a refugee or as a person eligible for subsidiary protection”* and this Ireland has done; to the extent that there is potential for divergence of interpretation, the duty of consistent interpretation acts as a ‘cure all’, requiring that the two terms be interpreted consistently with each other.
3. There is nothing in the Impugned Decision which suggests that s.32 has been misinterpreted or misapplied: para. 5.14 of the Impugned Decision expressly refers, in the context of internal settlement, to Mr O’s own observations concerning same (and that his family have safely settled there, albeit that it is possible that a wider family might be safe in a place where an individual family member might not); para. 5.15 examines the prospect of internal settlement by reference to available Country of Origin Information. There is no flaw of any nature presenting in this regard.
4. For the reasons set out above, the reliefs sought by Mr O are respectfully refused.