

THE HIGH COURT**JUDICIAL REVIEW****[2009 No. 91 J.R.]****IN THE MATTER OF THE REFUGEE ACT 1996 (AS AMENDED), AND IN THE MATTER OF THE IMMIGRATION ACT 1999 (AS AMENDED), AND IN THE MATTER OF ILLEGAL IMMIGRANTS (TRAFFICKING) ACT 2000 (AS AMENDED), AND IN THE MATTER OF THE IMMIGRATION ACT 2003 (AS AMENDED), AND IN THE MATTER OF THE IMMIGRATION ACT 2004, AND IN THE MATTER OF THE EUROPEAN CONVENTION ON HUMAN RIGHTS ACT 2003 SECTION 3(1)****BETWEEN****F. E. A.****APPLICANT****AND****REFUGEE APPEALS TRIBUNAL, THE MINISTER FOR JUSTICE, EQUALITY AND LAW REFORM, ATTORNEY GENERAL AND IRELAND****RESPONDENTS****JUDGMENT of Mr. Justice McDermott delivered on 6th day of March, 2013**

1. This is an application by notice of motion seeking leave to apply for judicial review for an order of *certiorari* in respect of the decision of the first named respondent, the Refugee Appeals Tribunal, dated 22nd December, 2008, to affirm the recommendation of the Refugee Applications Commissioner and notified to the applicant by letter dated 12th January, 2009. That is the primary relief sought. Other reliefs are also sought but the appropriate relief to be considered, given the nature of the applicant's complaints, is for an order of *certiorari* and this was the focus of the applicant's written and oral submissions to the court in the course of these proceedings. The hearing proceeded on 1st March, 2013, by way of a "telescoped hearing" whereby the parties invited the court to proceed to hear and determine the full application for judicial review should leave be granted by the court in the course of the same hearing.

2. Written submissions were furnished by both parties on that basis and the draft notice of opposition intended to be used in the event of a grant of leave to apply for judicial review was served.

Background

3. The applicant, a Nigerian national, was born on 15th December, 1978. He lived in Warri, Delta State with his father and his father's sister and four tenants, prior to his father's death in either December, 2011 or January, 2012- the applicant was unsure as to the exact date. His father took ill and was taken to hospital and after two weeks he died. The applicant took his body to the village of Oregun in Delta State to bury him. This was the original family home. The local tradition was that his father would be buried under the floor of the living room of the house: this was done. After the burial the applicant claims that up to 25 men came to the house and informed him that his father was a member of the "Ogboni Society" and he that did not have the right to bury his father. They informed him that the Society wished to rebury his father, though it was not clear where. He was informed that he should bring two human heads to the members of the Society so that they could be placed with his father's body in the course of the reburial. The purpose of this exercise was unclear. He was threatened that if he did not obtain two human heads from either living or dead persons, he would be killed and his head removed from his body and placed with his father's body in the course of the reburial.

4. The applicant then claims that he went to a police station and explained to a police officer what had happened but was informed that this had nothing to do with the police but had to do with "Ogboni people". He also claimed that "the Ogboni people gave me fourteen days to provide what they wanted, the human heads or they would use me for the sacrifice". He took advice from his village elders who advised him to return home to Warri. He claimed that this house was "tagged around with a red rope and the Ogboni sign was drawn all over the windows of the house". He said that he had to flee Warri to escape the Ogboni. He sold a farm, took his money and went to Lagos.

5. The applicant claimed that he remained in Lagos for a period of two months in an attempt to learn carpentry and set up a business. He said "I could not cope because any time I saw the sign that the Ogboni use, for example on a car or a ring, I was not comfortable. I did not want to stay in Lagos because it was too noisy and too busy".

6. The applicant claims that he then took advice from members of his church and they recommended to him that it would be better for him if he were to leave Nigeria. He claimed that he was never a member of the Ogboni Society himself. He had worked as a farmer and sold the farm for 2.2m naira. He feared that if he returned to Nigeria, the Ogboni people would kill him. He accepted that he was safe when he was living in Lagos where he had moved in February, 2008. He remained there for two months, before making the journey to Ireland. The applicant claimed that on receipt of the advice from his fellow church members to leave Nigeria, he went to the airport on 4th May, 2008. He did not apply for or obtain a valid Nigerian passport. He stated it was his plan to get a visa. He claimed that he stood in a queue for a visa at the airport when a uniformed man approached him. He was queuing for a visa to go anywhere. He told the man that he would go to any white man's country - America, London or Italy. He had never heard of Ireland. He told the man that he was looking for a visa. He gave the man 500,000 naira for papers. The man took his picture. The applicant claimed that he told the man that money was no problem and that his father had money and that he had sold his farm. He was furnished with a forged Portuguese passport containing his photograph but in the name of Culso de Fonseca. The man also bought him an airline ticket. He then travelled with three other people to whom this man also provided assistance.

7. The applicant then travelled to Ireland via an unnamed third country by air and arrived at Dublin Airport on 5th May, 2008. He claimed that he travelled by taxi from the airport to a hotel in Dublin. He could not remember the address of this hotel. He had a suitcase and money with him and he claimed that he left the tickets and money in the hotel. He stayed in the hotel for three days. He

then left the hotel for a walk but could not remember his way back. His airline tickets and his money were left in the hotel. He said he went back to what he believed to be the hotel, and was informed that he was not staying there and was told to check another hotel. He then claimed to have spent two nights sleeping on the street. After that, he said that he met a man called "Alex" who took him to his home where he remained until he was arrested. He did not apply for asylum on arrival in Ireland because he claimed that he knew nothing about asylum. The applicant claimed that he produced a birth certificate and driving license to An Garda Síochána following his arrest. These were not available during the asylum process, but the false passport was produced.

8. In the course of the application, country of origin information was submitted to the Commissioner in the form of a report dated 14th April, 2000, concerning the "Ogboni Society" in Nigeria. It was issued by the Canadian Immigration and Refugee Board.

9. This report stated that nothing much was known about Ogboni rituals and its members were sworn to secrecy. It was thought that members of the Society would likely take offence at having their organisation referred to as a "cult" or a "secret society" and would probably refer to themselves as a "lodge" similar to that of the freemasons. It was stated that the Ogboni would probably "identify the group as a social club that helps each other in matters such as commerce, marriage etc". It is described as follows:-

"Both scholars stated that Ogboni members are typically financially very well off and well connected. The political science professor said that the origins of the current Ogboni Society were in the 1930s when a group of senior Nigerian civil servants formed it in reaction to the existing European social clubs which excluded native Nigerians. According to him the Nigerians wanted a forum in which they could interact and enjoy some of the privileges of their senior status in Nigeria. The founder was a Methodist Minister and, in addition to senior civil servants, Ogboni members included doctors, lawyers, senior police officials, and other elite Nigerians. Both scholars stated that despite Ogboni origins in the Yoruba ethnic group, the membership includes persons of other Nigerian ethnicities... women are also now able to join."

It was also stated that membership fees of the Society were very high, that members already had considerable amounts of money prior to joining and that individuals have to be invited to join. It was emphasised that Ogboni members were members of Nigeria's financial elite and that Ogboni membership was often used as a networking tool in order to come into contact with persons who can improve one's financial position and/or power. It was described as a social club or an "enforcing agency" that members used to ensure that affairs in Nigeria are favourable to those with money and power. The Society was also used as a forum for adjudication on disputes between members. It was also stated that ordinary Nigerians would likely only come into contact with the Ogboni Society "if they ran afoul of one of its members". Ordinary Nigerians were said to be afraid of the Society believing that its members "are capable of using sorcery in order to get their way".

10. It was not thought that members of the Society used violence. The information available to the Commissioner was clearly limited as is the general information available in respect of the "Ogboni Society".

11. The Refugee Applications Commissioner recommended that the applicant not be declared a refugee and he was so informed by letter of 5th August, 2008. He was furnished with a report pursuant to s. 13(1) of the 1996 Refugee Act (as amended). In the course of the analysis of the applicant's claim it was noted that the Ogboni Society was a type of private members club for wealthy and influential people in Nigeria. Relying on the above report it was concluded that the suggestion that the Society was a kind of sect indulging in evil rituals when a member dies was very wide of the mark. The applicant's account of his departure from Lagos airport and his encounter with members of the Ogboni Society and their rather gruesome demands in respect of the reburial of his father were said to defy belief. It was noted that it would be reasonable to expect that reports of the existence of such a cult with such gruesome burial rites would be widely available in country of origin information. It was also concluded that the applicant's contention that he did not feel safe from the Ogboni Society after moving to Lagos "an urban area of some 390 square miles with a population recently recorded at eight million", lacked credibility. The Commissioner concluded that the applicant had failed to establish either a subjective fear for his safety if he were to return to Nigeria or an objective basis for his claim of a fear of members of the Ogboni Society in Nigeria. Therefore, the question of the availability of the effectiveness of state protection and whether there was a valid Convention. 2 nexus to the applicant's unfounded claim were held not to arise. The Refugee Appeals Commissioner recommended that the applicant be refused a declaration of refugee status.

Decision of the Refugee Appeals Tribunal.

12. The applicant appealed this decision to the Refugee Appeals Tribunal by notice of appeal dated 25th August, 2008, and made further submissions and submitted further country of origin information. An oral hearing occurred on 15th December, 2008, and a decision was notified to the applicant by letter dated the 12th January, 2009.

13. In relation to the core claim made by the applicant the following analysis was made:-

"The country of origin information has been studied in depth in the context of the applicant's credibility. The applicant in his demeanour lacked credibility. There are a number of areas which cumulatively indicates the applicant's evidence was less than focused and more so less than credible.

The applicant stated he would have to obtain two human heads to complete the burial of his father and more particularly at the request of the Ogboni Society.

The Ogboni Society also stated according to the applicant that if he did not obtain two human heads his own head would be used in the ritual. All the literature that had been studied in the context of this particular application quite clearly states the Ogboni Society is a type of private members club for wealthy and influential people in Nigerian society. It is evident from this report (The Canadian Report of 14th April, 2000) that the applicant suggested (sic) the Society is some kind of sect which indulges in evil rituals when a member dies is simply not credible.

The applicant's legal representative made a case that there are "different types of units of that particular organisation".

The Tribunal's position is that it was simply not believable."

14. The Tribunal then considered the applicant's journey to Dublin and stated:-

"The applicant stated he left Nigeria and Lagos in particular because of the noise and Lagos's busy nature. He further stated and this is certainly lacking in credibility that an attendant at the airport made whatever necessary arrangements there were in the context of documentation for his leaving of Nigeria.

His travel arrangements were never described. It cost the applicant a half a million naira to leave the airport and get to

Ireland, although his destination according to himself was unknown. The applicant did not describe how he got through immigration nor did he describe how he travelled and to what airport he arrived at in transit, if at all.

The applicant further states he stayed in a hotel in Dublin for some three days but could not remember where it was when he sought to return to its location.

In the word of the presenting officer "the whole claim is not plausible".

15. In the course of the appeal it is noted that the applicant in his evidence repeated much of the material already set out in this judgment and also added the information that the Ogboni ate human flesh at times. Though a complaint is made in these proceedings that the applicant was not in any way challenged in relation to his description of his departure from Lagos, it is clear that the tribunal member in the notes of hearing invited counsel to address him in relation to the airport issue and in respect of the evidence that had been adduced in that regard.

Grounds of Application

16. Nineteen grounds were set out in the statement of grounds seeking leave to apply for judicial review. The first ground is simply descriptive in respect of the date of the decision and the date upon which it was notified. The second ground complains of a failure to apply or properly apply s. 2 of the Refugee Act 1996 (as amended) in relation to the proper meaning to be ascribed to "fear of persecution". This was not pursued in oral argument and the ground is not stateable. The balance of the grounds were reduced to a number of headings by counsel for the applicant as follows.

Credibility of the Applicant

17. Counsel on behalf of the applicant submitted that the Tribunal erred in law and in fact in the manner in which it determined that the applicant was lacking in credibility. The following submissions were made:-

"Demeanour

Complaint was made that the Tribunal in its determination that "the applicant in his demeanour lacked credibility" came to a conclusion that it was vague and unsubstantiated and failed to give any or any adequate reasons for that conclusion."

18. The court is satisfied that the demeanour of a witness in the course of giving evidence is something that may be taken into consideration by the decision maker in assessing the credibility of the witness and may be decisive in determining the outcome of the case. Demeanour may include many aspects of the witness's presentation and its assessment is part of the duty and function of the decision maker. Credibility may be tested in some instances by reference to factors which are independent of the witness, whether that is evidence which is supportive or not supportive of that testimony. It may also include an assessment of how the testimony was furnished by the witness. A witness's apparent frankness, evasiveness or other reactions to questioning may be considered. The opportunity for the decision maker to hear and see the witness giving testimony in the course of an oral hearing may be a crucial element to the fairness of a hearing. Its importance was acknowledged by the Supreme Court in *Hay v. O'Grady* [1992] 1 I.R. 210, where the Supreme Court determined that findings of fact made by a trial judge bound the appellate court to be supported by credible evidence. McCarthy J. stated:-

"An appellate court does not enjoy the opportunity of seeing and hearing the witnesses as does the trial judge who hears the substance of the evidence but, also, observes the manner in which it is given and the demeanour of the those giving it. The arid pages of a transcript seldom reflect the atmosphere of a trial."

The court did not accept that an appellate court was in as good a position as a trial judge to draw inferences of fact because:-

"it may be that the demeanour of a witness in giving evidence will, itself, lead to an appropriate inference which an appellate court would not draw. In my judgment, an appellate court should be slow to substitute its own inferences of fact where such depends upon oral evidence or recollection of fact and a different inference has been drawn by the trial judge..."

19. In the context of asylum law this matter has also been considered by Cross J. in *S.A. & Ors v. Refugee Appeals Tribunal* [2012] IEHC 101. He held that a demeanour based decision cannot of itself be said to be irrational or unreasonable. He stated:-

"28. Indeed in our system of laws the vast majority of decisions and witness based actions are based upon credibility and frequently upon demeanour. As someone who learned my trade as a barrister on circuit under an excellent judge, the late Judge Sean Fawsitt, who would hawk like observe the demeanour of witnesses before, during and indeed after they had given evidence, criticism of demeanour based findings to do not sit lightly with me. Findings based upon demeanour are, in truth, usually based upon "gut instincts". This is not to undermine such findings. It is the expertise of decision makers in our system whether they be tribunal members or High Court judges in witness actions that they must assess whether the person giving evidence before them is speaking the truth or not. Due deference must be given in our system to such decision makers making such decisions. These findings, of course, must not alone bear in mind the words of Cooke J. in *HR. v. RAT* (Unreported, High Court, Cooke J., 15th April, 2011) but they are clearly open to judicial review and must not stand if they are based upon erroneous factual assumptions.

29. Whereas credibility decisions must "have regard to" the criteria as set out in s. 11 B of the Refugee Act 1996 and the findings must also be based on a rational analysis that explains why in the view of the decision maker the truth has not been told and must also be based on reasons which bear a legitimate nexus to the adverse findings, where credibility decisions are based upon demeanour, there is no requirement that the decision maker must specify the aspects of the witnesses demeanour e.g. "hesitation" or the "shifty appearance" that led him to the conclusion. Indeed, to impose such an obligation upon the decision maker would be to force a formalistic approach such as may be imagined in a witness giving evidence as to drunkenness reeling off "his eyes were bleary, he staggered as he walked and there was a smell of drink from him ...etc."

20. The limitations of reliance upon demeanour are clearly acknowledged by Cooke J. in the HR case at para. 7. He stated:-

"There is not doubt, of course, but that the Tribunal member is perfectly entitled to base a finding as to lack of credibility and plausibility upon the manner in which an asylum seeker gives evidence and on his or her demeanour when answering questions in relation to the details of facts and events which form the basis of the claim. Indeed, in many cases where such facts and events are incapable of any independent corroboration, the personal credibility of claimant may be crucial.

At the same time, however, the decision-maker must be careful not to misplace reliance upon demeanour and risk construing as a deliberate lack of candour a demeanour which may be the result of nervousness, of the stress of the occasion and even of the embarrassment of being an asylum seeker. An apparent hesitation and uncertainty may well be attributable to difficulties of language and comprehension. In the judgment of the Court, before a decision maker in the asylum process bases a rejection of a claim upon lack of credibility based mainly on the personal appearance and demeanour of the claimant, the decision-maker ought to be fully confident that the basis of the claim and all relevant facts and circumstances recounted have been fully and correctly understood and that there is no possibility that the decision-maker and claimant have been at cross purposes on any material point."

These limitations were also expressly noted by Hogan J. in *F.O.O. v. RAT & Ors* [2012] IEHC 46 (at paras. 8 and 12).

21. In this case objection is taken to that part of the determination that states "the applicant in his demeanour lacked credibility". It is said that there is nothing apart from that sentence to indicate how and why his demeanour lacked credibility. Having regard to the caution to be exercised in reaching decisions founded entirely upon demeanour, such criticism might, if the sentence stood alone, be viewed as reasonable. However, it is immediately followed by "there are a number of areas which cumulatively indicates the applicant's evidence was less than focused and more so less than credible". There then follows an analysis of that testimony in light of country of origin information given by the applicant in relation to how and why he left Lagos and Nigeria, the absence of detail about his travel arrangements, and the inadequacies in his account of what happened on arrival and during the course of his stay in Dublin before his arrest. Thus, the demeanour of the applicant in giving testimony to the Tribunal, though relevant in assisting the tribunal member to reach his decision, was only one part of the credibility finding. The court is not satisfied that this single sentence required any further elaboration in a case in which the decision was clearly based on what the decision maker found to be inadequacies in the applicant's story. Credibility was undermined by the absence of objective evidence to support the account and the determination of its inherent unlikelihood when assessed in the light of the country of origin information that was available.

Country of Origin Information

22. It was submitted that the use by the Tribunal of country of origin information was unfair and selective in that information supportive of the applicant's claim was disregarded without any or any adequate reasons being offered. His complaint relates to the findings by the Tribunal that "all the literature that has been studied in the context of this particular application quite clearly states that the Ogboni Society is a type of private members club for wealthy and influential people in Nigerian society. It is evident from this report (the Canadian Report) that the applicant suggested (sic) the society is some kind of sect which indulges in evil rituals when a member dies is simply not credible. The applicant's legal representative made a case that there are "different types of units of that particular organisation". The Tribunal's position is that it was simply not believable".

23. The court has considered this criticism of the use of country of origin information and the Canadian Report referred to above. There is nothing in that document to support the view that the Ogboni Society had a particular ritual that required the interment of one of its members with two skulls obtained from two corpses or the bodies of two living individuals: nor was there any material within that report to suggest that a non-member of the Society would be required to obtain heads or skulls for the interment or a relative member of the Society and that if he failed to do so his own head would be forfeit and take the place of the two heads required in the burial. There is nothing to suggest that anything remotely like this macabre theatre is part of the burial rites of deceased members of the Society.

24. The court is satisfied that if this were a widespread practice you might expect some report of the nature and extent to have emerged in the country of origin information, notwithstanding the acknowledged secrecy of some of the elements of the Society's practices. In this regard, Clark J. in *Adedeji v. Refugee Appeals Tribunal* (Unreported, High Court, 24th February, 2009) in rejecting an account of persecution given by the applicant referred to the lack of reference to it in country of origin information as undermining the applicant's credibility. She pointed out at para. 41 that:-

"I believe that the whole point of furnishing reports from recognised NGO's such as Human Rights Watch or Amnesty International is that these organisations make it their business to collect, investigate and collate the minutiae of human rights abuses in order to make an overall assessment of political, religious or social stability in a particular country. The consideration of these objective reports is a recognised tool in guidelines and statute in the important process of establishing the credibility of an asylum applicant and is indispensable in the operation and application of the benefit of the doubt. In the circumstances, it cannot be deemed unfair to expect to find such mention in reports dealing specifically with the activities of a well documented apparently vicious organisation."

25. The court is satisfied that country of origin information was fairly considered by the Tribunal. It set out a description of the Ogboni Society which was based on limited academic research upon which the decision maker was entitled to rely. It did not support the contention made by the applicant for the existence of such a burial ritual in any respect. This ground also fails.

26. Complaint was made by the applicant that the Tribunal failed to consider further country of origin information and in particular an article by David Goggins "*Who are the Ogboni ?*" published in "*The Researcher*". The applicant relied on a quotation in the notice of appeal from that article and it was referred to as if it were information included in the article supportive of the applicant's claim. It stated:-

"The Ogboni are a secret society in Nigeria. They worship Satan and believe in the use of charms. Its members are drawn from the affluent and influential. They perform rituals which include human sacrifice. When a member of the society is initiated he drinks human blood and swears an oath."

However, the court is satisfied that this description (as indeed is made clear in the article) came from a Nigerian seeking refugee status in the United Kingdom on the basis of alleged persecution. The article itself goes on to state:-

"There is no firm evidence to suggest that they "the Ogboni" engaged in human sacrifice."

The emphasis in the article is on the fact that the society was believed to play an important role in Yoruba social life and that membership secured access to resources and social integration and thus was very important for the survival and social status of families. The court is satisfied that the conclusion by the Tribunal that the country of origin information indicated that the Society "is a type of private members club for wealthy and influential people in Nigerian society" was based on all country of origin information submitted. The further conclusion that the applicant's submission that the Society "is some kind of sect which indulges in evil rituals when a member dies" is simply not credible was reasonable. The account by the applicant is simply not supported by the country of origin information. The statement by the Tribunal that "the Tribunal's position is that it was simply not believable" is not unreasonable and this aspect of the challenge also fails.

Leavine Lagos and Travelling to Dublin

27. The applicant complains that the Tribunal did not explain the basis upon which the applicant's account of attending at Lagos airport and being assisted by a uniformed man when queuing as set out above, was found to be lacking in credibility. It is said that no reasons were given for this decision which was said to be speculative in nature. Further, complaint was made that the applicant was not furnished with an opportunity to comment on the fact that he did not describe how he got through immigration. It was complained that these matters were never put to the applicant.

28. It is also complained that there was no evidence before the Tribunal relating to the prevalence or type of illegal activities at Nigerian airports to suggest that the account given by the applicant might be untrue or unlikely. The court finds these submissions to be wholly unsustainable. The matters were clearly in issue before the Tribunal as is evident from the notes submitted by the applicant of the Tribunal hearing and, indeed, submissions were invited by the tribunal member on that very issue at the conclusion of the hearing and were made.

29. The Tribunal determined that the applicant's claim that an attendant at the airport made the necessary arrangements already described in this judgment for his departure and provided him with a false passport, visa and tickets while he was waiting in a queue was "certainly lacking in credibility". This was presented by the applicant as happenstance. He had arrived at the airport with no idea where he was going, with the intention of somehow applying for a visa while joining an unspecified queue at the airport, was befriended by an unnamed man in uniform who was previously unknown to him who relieved him of the 500,000 naira which he was carrying. The tribunal member's conclusion is not irrational or unreasonable in regard to the paucity of evidence supporting the contention made. In addition, the Tribunal stated that the travel arrangements for his journey "were never described". In paying over the money he did not know his destination and did not describe how he got through immigration or how he travelled, or to what airport he arrived in transit. The Tribunal then had regard to his account of what happened when he arrived in Dublin and his sojourn for three days at an unnamed hotel and with the location of which he disremembered.

30. The applicant was given a full opportunity to testify to these matters. He was not able to produce any tickets or documentation to indicate the dates upon which he travelled or the route whereby he arrived in Dublin. He claimed that these documents were left behind in his suitcase in the hotel, the location of which he could not recall.

31. The court is satisfied that none of these criticisms of the Tribunal's decision provides the basis for the substantial grounds required under s. 5 of the Illegal Immigrants (Trafficking) Act 2000. The reasons furnished by the Tribunal for its decision on these matters are perfectly clear, rational and reasonable. The determination that the "whole claim is not plausible" is one which is sustainable on the materials and evidence available to the Tribunal.

Relocation

32. The Tribunal concluded also that the applicant could have relocated internally in Nigeria in complete safety. Its determination that the applicant was completely safe in Lagos according to his own evidence "in as much of it as could be believed as truthful" was amply justified by the applicant's own evidence of his moving to Lagos and residing and setting up a business there for two months following his departure from Warri. It was also the case that he had originally given as part of the reason for leaving Lagos that the City was noisy and busy. The Tribunal's determination on this matter was entirely reasonable and rational in the light of the country of origin information concerning the fact that the applicant had lived in Lagos for a period unmolested and that it is a City of in excess of 8,000,000 people and that Nigeria is a vast country with a very large population. The reality is that the applicant had moved from the area in which he alleged he might be in jeopardy to Lagos where he experienced no trouble and it would be reasonable to expect him to relocate to that City or, if not to Lagos, to some other area of Nigeria. In any event, his entire story was believed not to be credible so that the issue raised by the applicant in respect of relocation was to be placed in the context of the reality that the Tribunal regarded the entire claim to be without substance. The Tribunal was entitled in the circumstances to reach its conclusion in respect of relocation as set out in the ruling which was not in any way unreasonable or irrational.

Conclusion

33. The court is satisfied that the applicant has failed to establish any substantial grounds that the Tribunal decision was made without jurisdiction or was otherwise legally flawed or in any sense unreasonable or irrational. The decision must be viewed as a whole and cannot be understood by isolating one or two sentences from the main body of the ruling. The application is refused on all grounds advanced by the applicant.