

THE HIGH COURT**JUDICIAL REVIEW****[2009 No. 230 J.R.]****IN THE MATTER OF THE REFUGEE ACT 1996 (AS AMENDED), IN THE MATTER OF THE IMMIGRATION ACT 1999 (AS AMENDED),
IN THE MATTER OF THE ILLEGAL IMMIGRANTS (TRAFFICKING) ACT 2000 (AS AMENDED), IN THE MATTER OF THE
IMMIGRATION ACT 2003 (AS AMENDED), 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****J. N.****APPLICANT****AND****THE REFUGEE APPEALS TRIBUNAL THE MINISTER FOR JUSTICE, EQUALITY AND LAW REFORM, ATTORNEY GENERAL, IRELAND****RESPONDENTS****JUDGMENT of Mr. Justice Colm Mac Eochaidh delivered on the 29th day of January 2013**

1. This application for leave to seek judicial review was dealt with as a 'telescoped' hearing with the consent of the parties. This means that only one hearing is required to determine whether leave should be granted and if so, whether to grant or withhold the substantive reliefs sought.

2. The applicant in this case is seeking an order of certiorari quashing the decision of the Refugee Appeals Tribunal (the "Tribunal") of 2nd February 2009 affirming the recommendation of the Refugee Appeals Commissioner notified to the Applicant on 16th February 2009 refusing her refugee status and an order that the matter to be remitted to the Tribunal.

Background

3. The applicant is a Nigerian national, born on 17th May 1982. She states that her father died when she was very young and that her mother died when she was four years old. She claims she was looked after by her father's brother and that they lived in Benin City. He died in 1997, when she was fifteen years old, and in 1999, she moved to Lagos. In Lagos, the applicant claims that she worked as a street hawker and that she was taken in and lived with a woman named "Tina".

4. The applicant claimed that while in Lagos she met a man named "Obi" who became her boyfriend. In March 2000 he told her that the police were looking for him in connection with an armed robbery and that the police had tortured his brother Titus Obi and had requested 7000 Naira from his mother to take Titus to hospital. The applicant states that Titus Obi subsequently died of his injuries in hospital. She claims that her boyfriend Obi told her to go somewhere safe as the police would torture her too if they captured her. At this point the applicant claims she went back to Benin City where she stayed with an old school friend from the year 2000 to 2007. She claims that she did not leave the compound in which she was staying for the duration of this seven year period out of fear of capture.

5. The applicant stated that she returned to Lagos in 2007 in order to get on with her life. She had not seen or heard from Obi during the seven years while she was in hiding. The applicant claims she was living with Tina during this time and that three uniformed policemen came to the house looking for her within a short time of her return to Lagos. The policemen asked her if she knew Obi and she admitted to them that he was her boyfriend. At this point the policemen told her that they were arresting her and taking her to the police station. The applicant alleges that the three policemen took her instead to an unfinished building and raped her. She claims that she managed to escape the three men by crawling away while they were having a cigarette and that she was helped by a nearby stranger, "Mr. James". The applicant alleges that Mr. James took her in, called a doctor for her and later made arrangements and brought her first to England and then Belfast, before putting her on a bus to Dublin. She arrived in Ireland and made her application for asylum on 30th October 2007 claiming fear of persecution as a member of a particular social group.

6. The Office of Refugee Applications Commissioner (ORAC) made a negative recommendation on the applicant's claim for refugee status in their report. The applicant essentially claims she fears persecution from the Nigerian police and that she was raped by three police officers in uniform who were looking for her boyfriend Obi. Her claim was recommended for rejection primarily as there were concerns about her credibility, ORAC stating: "...there are a number of credibility issues in the applicant's account. She lived in Benin City without incident for seven and a half years and there is no reason to believe that the police would have any knowledge of her. She has very little knowledge of her former boyfriend and his family and after such length of time it would not be reasonable for her to know of his whereabouts. Furthermore, it is considered unlikely that the police in Lagos would still be investigating an armed robbery case for over seven and a half years. The actions of the police in relation to her allegation of rape by them may well have been opportunistic and as such must be seen as a criminal matter. Her claim does not appear to be founded on any of the grounds of race, religion, nationality, membership of a particular social group or political opinion as defined in the 1951 Geneva Convention".

7. Following this refusal of the applicant's claim for refugee status she appealed to the Tribunal and it is that decision which is sought to be impugned in these proceedings.

Decision of the Tribunal

8. The Tribunal affirmed the recommendation of ORAC and refused the applicant's claim for refugee status primarily on the basis of the lack of credibility of her story. The Tribunal was also of the view that even if its credibility finding was mistaken, the applicant had the option of internal relocation.

9. The Tribunal reached its decision following the assessment of the evidence adduced at the appeal hearing, the applicant's submissions and all other relevant documentation, including country of origin information. The Tribunal concluded on the basis of approximately nine grounds that the applicant's story was not credible. It is the applicant's contention that the Tribunal erred in law and acted unreasonably in failing to have regard to certain findings made by ORAC and that the Tribunal acted unreasonably or irrationally by failing to give any or any adequate reasons for its findings in respect of the applicant's credibility.

10. There is a clear obligation on the protection decision maker to state reasons when rejecting the credibility of the applicant, unless the reason given for a finding is patent. I am not entitled to replace the Tribunal's findings on the applicant's credibility, rather I must simply review the legality of the credibility findings by reference to the standard set out by Henchy J. in the often quoted *State (Keegan) v. The Stardust Victims Compensation Tribunal* [1986] I.R. 642:

"I would myself consider that the test of unreasonableness or irrationality in judicial review lies in considering whether the impugned decision plainly and unambiguously flies in the face of fundamental reason and common sense. If it does, then the decision-maker should be held to have acted *ultra vires*, for the necessarily implied constitutional limitation of jurisdiction in all decision-making which affects rights or duties require, *inter alia*, that the decision-maker must not flagrantly reject or disregard fundamental reason or *common* sense in reaching his decision."

In other words, illegality based on irrationality would only attach to the credibility findings of the Tribunal if I decided that the decisions made in respect of credibility were at variance with reason and / or in the teeth of commonsense.

11. In undertaking this task, I am guided by a significant body of case law and in particular by the judgment of Cooke J. in *I.R. v. Minister for Justice, Equality and Law Reform* [2009] IEHC 353, who distilled various principles from a large number of cases on the assessment of credibility and cases in relation to giving reasons for credibility findings. He said as follows:

"(5) A finding of lack of credibility must be based on correct facts, untainted by conjecture or speculation and the reasons drawn from such facts must be cogent and bear a legitimate connection to the adverse finding.

(6) The reasons must relate to the substantive basis of the claim made and not to minor matters or to facts which are merely incidental in the account given."

12. Cooke J. also cautioned against the court attempting to deconstruct the decision of the Tribunal on credibility and thereby disregard the overall impression made on the decision maker who had the benefit of personally assessing not only the applicant's story, but also their demeanour and their reactions while testifying in person:

"(8) When subjected to judicial review, a decision on credibility must be read as a whole and the Court should be wary of attempts to deconstruct an overall conclusion by subjecting its individual parts to isolated examination in disregard of the cumulative impression made upon the decision-maker especially where the conclusion takes particular account of the demeanour and reaction of an applicant when testifying in person."

13. Taking the above considerations into account, in my recent judgment of *O (An Infant) v. Minister for Justice and Equality* (20th December 2012) I also examined the relevant case law regarding the assessment of the adequacy of reasons given for credibility findings and said that the following questions may be asked to discern if adequate reasons were given for credibility findings:

- a) Were reasons given or discernible for the credibility findings?
- b) If so, were the reasons intelligible in the sense that the reader/addressee could understand why the finding was made?
- c) Were the reasons specific, cogent and substantial?
- d) Were they based on correct facts?
- e) Were they rational?

14. In identifying the above principles, I do not believe that they are to be applied mechanically or in any particular way. Neither do I suggest that it is necessary to deconstruct credibility findings, as Cooke J. was wary of doing in *I.R. (supra)*.

15. In reviewing the various reasons given by the Tribunal on credibility, I have applied the principles espoused in *I.R.* and in the pertinent case law (summarised in *O (An Infant)*) to the decision in this case. I find, on a comprehensive view, that the Tribunal has not acted irrationally or unreasonably in reaching its decision and has provided adequate reasons for its findings of a lack of credibility on the part of the applicant. It is clear that the overwhelming issue in this case was the lack of credibility and implausibility of the applicant's story and in my view the Tribunal carried out its decision making function appropriately and provided proper reasons for its decisions in this regard.

Tribunal Credibility Findings

16. In my view approximately nine credibility findings have been made in respect of various matters by the Tribunal:

- i. **Remaining in hiding in Benin City.** The Tribunal noted as follows:

"At hearing her hearing she said he [Obi] told her to go somewhere safe as the police were going to torture her. Thus taking his advice she went to Benin to escape her potential difficulties. She went believing she would be safe, otherwise why go there, and yet she remained in hiding in Benin. It seems pointless to do this in Benin when she could have saved herself the journey and remained in hiding in Lagos for 7 years instead. It seems to me that if she believed after 7 years in hiding that "everything was all gone" then the obvious place to get on with her life was in Benin. Instead she headed straight back to Lagos where her alleged difficulties occurred and to the very place where (if any of this is true and I do not accept it is having considered it all) there was a potential risk of detection. These are not the actions of an individual in fear."

17. This is a clear finding of lack of credibility. The Tribunal conveys disbelief that the applicant would, in the first instance, escape to Benin City in order to secure her safety and yet spend seven years there in hiding. The clear implication being that if Benin City was seen as a safe haven by the applicant, why would she need to remain in hiding? In addition, the applicant says she thought that the original events in Lagos had been forgotten after seven years, and the Tribunal expressed disbelief that she would then choose to

return to Lagos where her difficulties began, instead of getting on with her life in Benin City where she presumably was receiving some form of succour after allegedly residing with a school friend within one compound for seven years. In my view, clear reasons are expressed for this disbelief. The reasons given are intelligible in the sense that a reader may readily understand them and they are specific and cogent, in that they are logical and clear. They are also substantial reasons in as much as they relate to a central part of the applicant's narrative. It is clear that this finding is based on the correct facts as presented and the reasons given are rational ones.

ii. **Police visit on return to Lagos.** The Tribunal said as follows:

"The applicant claims that within a month of her return to Lagos, the police came to where she was living with a friend. She is not aware that they had ever looked for her there during the time she lived in Benin city. She has no idea how they knew of her or knew where she lived. She stated at Q36, page 10 of the interview notes that they mentioned her boyfriend and asked if she knew him. It does not appear credible that after seven and a half years that the police would suddenly know of her whereabouts or indeed be interested in her whereabouts. She herself could shed no light on how they would be aware of her after all that time. That they would suddenly show up after 7 years is just not credible."

18. The Tribunal here conveys its disbelief that the police would be interested in the whereabouts of, or come looking for, the applicant regarding a robbery which occurred seven and a half years previously. While the reason for this decision is not expressly stated, in my view it is patent. It should be noted that the duty to give reasons on credibility findings is not automatically breached where the reason for the incredulity is patent and discernable and is therefore not expressly stated. In this regard, the Tribunal expresses the view that the likelihood that the applicant would be specifically sought by the police in respect of a robbery in which she took no part and was not a suspect, seven and a half years after the robbery was allegedly committed, is not credible. In my view the reason for this credibility finding is intelligible, in that it is logical and clear. It is also a substantial reason in as much as it relates to a central part of the applicant's narrative. It is clear that this finding is based on the correct facts and is rational.

iii. **Association with Tina and Obi.** The Tribunal said as follows:

"...what the applicant does not know is more telling than what the police allegedly do know. The woman she stayed with on both occasions in Lagos is named Tina. This woman took her in when she was allegedly living under a bridge which in itself is highly implausible. She doesn't know her surname as it's a very long surname notwithstanding the fact that she turned up on her doorstep and lived with her for a second time in a seven year period. Her boyfriend is Obi, his surname is very long too so she just calls him Obi. She then stated Obi was his surname and his first name is very long. However, she still doesn't mention what that name is. She never went to his house. She didn't know his address. At hearing she said he lived with the man who trained him in his job. She didn't know where the armed robbery took place as he didn't tell her as she didn't have time to start asking questions. She doesn't know where he went after March 2000. She hasn't seen him since. He did not know where she was so there was no contact since."

19. In this instance, the Tribunal casts doubt on the plausibility of the applicant's story that she was taken in by "Tina" when she was living under a bridge and then returned to live with her following her spell in hiding in Benin City and yet does not know her surname. The Tribunal also casts doubt on the fact that the applicant did not appear to know her own boyfriend Obi's first name aside from saying that it is very long. Further, the Tribunal casts doubt over the fact that the applicant claims that she never went to Obi's house and did not know his address. In my view, while the reasons for the lack of credibility are not expressly stated on the face of the decision in this instance, they are patent. It is not the usual course that a person will not be aware of their boyfriend's full name. Also it is most unusual that a person would not know the surname of someone who allegedly took them in and with whom they lived and relied upon on two occasions in a seven year period. In my view the reason for the incredulity is intelligible, logical and clear. It is a substantial reason in as much as it relates to a central part of the applicant's story. It is clear that this finding is based on the correct facts and is rational.

iv. **Relationship with Obi.** The Tribunal said as follows:

"Thus, notwithstanding a less than five month relationship with a man whose name she does not know, whose address she does not know, who she has had no contact with for 7 years, about whose possible involvement in a robbery she is unsure and has no knowledge of where it occurred; when asked by police about this elusive pimpinel and if she knew him, she maintained he was (is) her boyfriend. When asked why she would think of him as her boyfriend when she hadn't seen him in such a long time she said he went hiding and she was not aware of where he is and she still thinks of him as her boyfriend. (p11) This is just not credible. Not only that, it is illogical and internally inconsistent." [sic]

20. The Tribunal finds it incredible that the applicant would maintain that Obi was (or is) her boyfriend in a situation where she hadn't seen him in such a long period of time. In particular, the Tribunal finds it illogical and therefore incredible that the applicant would consider Obi as her boyfriend after less than five month's relationship followed by seven years of separation during which the parties had no contact and where the applicant is not aware of Obi's whereabouts now. In my view, while the reason for the lack of credibility is not expressly stated, once again it is patent. It is clear that the Tribunal simply did not believe that a relationship continued in existence between the parties following seven years of separation and absolutely no contact with each other. In my view the reason for the credibility finding is intelligible, logical and clear. It is a substantial reason in as much as it relates to a central part of the applicant's story. It is clear that this finding is based on the correct facts and is rational.

v. **Tailoring of applicant's story.** The Tribunal said as follows:

"Having allegedly lived in hiding for 7 years to avoid potential difficulties arising from an incident about which she knows little or nothing she returns to Lagos and maintains to the police that this Obi individual is her boyfriend even though she hasn't seen him since the alleged incident 7 years previously and when he clearly isn't her boyfriend. These appear to me to be the actions of a person inviting rather than avoiding trouble. I do not accept this is credible and in my view she is tailoring her story to fit in with a reported event. (Amnesty International document: Nigeria Security Forces submitted on behalf of Applicant)" [sic]

21. This is a clear finding on the lack of credibility of the applicant. The Tribunal conveys disbelief that the applicant would return to Lagos having spent seven years in hiding to avoid any potential travails arising from an incident of which she seemingly knows nothing. The Tribunal also does not believe that she would admit to the authorities that Obi was her boyfriend, given the fact that she had no contact with him in seven years. It was the Tribunal's view that the applicant was seeking to tailor her story to fit in with a reported event which was put in evidence through country of origin information. This information included the story of "Titus Obi" who was taken by the Special Anti-Robbery Squad to be interrogated in Lagos and who was apparently tortured by the Nigerian

police. He subsequently died of his injuries in hospital following the payment of 7,000 Naira by his mother to obtain his release. It was noted at hearing that the substance of the account provided by the applicant bore remarkable similarities to the details provided in the report produced as country of origin information. In my view the Tribunal expresses a clear reason for disbelieving the applicant's account and finding a lack of credibility. The reason given is intelligible, specific and cogent. It is also logical and clear and in my view it relates to the very core of the applicant's story. It is clear that this finding is based on the correct facts and the reason given is a rational one.

vi. **Report on Titus Obi.** The Tribunal said as follows:

"The only real specifics she furnishes are those contained in the report about a Titus Obi. She was unable or unwilling to furnish additional details which one would reasonably expect to be within her knowledge. This deliberate vagueness on the issue which was continued at her hearing is in my view an attempt by her to avoid answering questions on the incident (in which she was not involved or connected to) in the mistaken belief that such vague and frankly unbelievable responses cannot undermine her claim because she's saying nothing much about it. However that it not correct and it does in fact lead one to the conclusion that this didn't occur at all (to her)." [sic]

22. In this finding, the Tribunal believes the applicant's story lacks credibility in respect of her "deliberate vagueness" with regard to the furnishing of additional details "which one would reasonably expect to be within her knowledge". Read in light of the previous finding that the applicant is seeking to tailor her story to certain reported facts, the Tribunal is of the view that the applicant is attempting to avoid answering questions and / or deliberately providing vague answers so as not to undermine her claim. On the contrary the Tribunal believes that such an approach has the very opposite effect. In my view the Tribunal expresses a clear reason for its finding of a lack of credibility. The reason given is intelligible, in that it is specific and cogent. It is also logical and clear and it relates to the basis of the applicant's account. This finding is based on the correct facts and the reason provided is a rational one.

vii. **Incident of rape.** The Tribunal said as follows:

"A report was submitted on her behalf which is of no probative value in that it merely recounts what she says happened. Given that I do not accept any of this as credible it follows that I do not accept the events that allegedly flowed from this including the rape incident. Furthermore, she maintained that three men raped her in her questionnaire whereas in her report she apparently told her counsellor two men did. Even leaving aside this discrepancy in her report the entire claim is internally inconsistent, contradictory and in my view not capable of being believed."

23. The Tribunal was of the view that a report produced on behalf of the applicant arising from her counselling session was of no probative value as it simply appears to recount the applicant's story as opposed to providing any independent clinical analysis or expressing any particular viewpoints. The Tribunal member also determines that due to the fact she does not accept any of the applicant's story as being credible, as a result she does not accept the events which allegedly flowed from the story, including the allegation of rape. It is clear that the Tribunal is viewing the applicant's account in its entirety and does not find the claim in respect of the rape incident as credible in light of its other credibility findings. The Tribunal clearly does not feel the proffered report sheds any further light on her claim in this regard either.

24. In my view, the Tribunal expresses a clear reason for its lack of credibility finding in this instance. The reason given is intelligible, specific and cogent. It is also logical and clear and it relates to a key part of the applicant's story. It is clear that this finding is based on the correct facts and the reason given is a rational one.

25. Counsel for the applicant made submissions at hearing in respect of this matter by advancing what was described as an 'island of fact' argument. I take this argument to mean that the applicant's account of the rape incident might stand alone as a so-called 'island of fact' and that a favourable finding by the Tribunal in this regard (in line with the ORAC finding on this point) might have given credence to other aspects of the applicant's claim. While not being devoid of merit, such an approach is not applicable in this case. In my view the account of the rape incident should not be considered by the Tribunal in isolation from its interaction and correlation with her substantive story and should not be artificially dissected from the story as a whole.

26. In this connection, the applicant has argued that she was entitled to notice that the Tribunal might depart from the ORAC findings on the issue of rape. Reference is made to the decision of McGovern J. in *N.N. v. Refugee Appeals Tribunal* [2007] IEHC 230, as authority for the proposition that departure from ORAC findings by the Tribunal should not happen without notice. In addition, counsel referred to a decision of the Court of Appeal in England and Wales entitled *Meredith & Another v. W.M.A. Merrick & Co. (A Firm)* (Times Law Reports, 31st January, 1996) where the Court of Appeal was critical of an inferior court's failure to make a positive finding one way or another on a central issue of fact.

27. It seems to me that these arguments are misconceived. In *B.T. [Nigeria] v. Minister for Justice, Equality and Law Reform, et al* [2011] IEHC 454, Cooke J. distinguished the decision of the learned McGovern J. in *N.N. v. The Refugee Appeals Tribunal*. In B.T. it was argued that the Tribunal had no jurisdiction to re-examine the question of credibility or, in the alternative, advance notice should have been given to the applicant if such was proposed. Cooke J. said as follows:

"Apart from the few references in the decision itself, this court has no evidence as to what transpired at the oral hearing. If the argument was valid and either the Presenting Officer or the Tribunal Member had sought to re-open the question of credibility, it would have been open to the legal representatives of the applicant to object on that ground or, at least, to call for an adjournment in order to prepare to answer it by taking further instructions from the applicant. In support of the argument, reliance was placed upon the judgment of McGovern J. in *M.N. v. RAT & Others* (Unreported, High Court, 28th June, 2007). That, however, was a case in which there was no oral hearing and in which the Commissioner had made the report upon the basis that the applicant feared persecution in Zimbabwe and the Tribunal appeal was, without prior notice, determined on the basis that the applicant might be repatriated safely to South Africa."

28. In this case, in contra distinction to the factual situation underlying McGovern J's decision in *N.N.*, and similar to the factual situation underlying Cooke J's decision in *B.T.*, there was an oral hearing before the Tribunal and the Tribunal had an opportunity to comprehensively assess the credibility of the applicant. The applicant was represented by solicitor and counsel. In any event, the Tribunal records that a report was submitted on her behalf in relation to the issue of rape. If, as counsel submitted, the rape issue was not before the Tribunal because the ORAC findings on the issue were not comprised in the appeal, why did the applicant's legal representatives submit a report on this issue? The proposition that a Tribunal is confined by the notice of appeal is incorrect. See *T.T.A. v. Refugee Applications Commissioner* [2009] IEHC 215, where Cooke J. said:

"19. The case has been put to the court on behalf of the applicant that he is entitled under the scheme of the Act to

have his case fully and fairly considered at the first stage by the Commissioner and that he should not have to go before the Tribunal, as it were, already handicapped by an unfair hearing and a defective report. This argument, in the court's view, is unsound and is based on a mistaken view of the nature of the statutory scheme of the asylum process. That process is indeed in two stages, made up of an investigative stage before the Commissioner at first instance, followed by a second stage, an appeal review in which the Tribunal can either affirm or set aside the report and recommendation. In so doing, the Tribunal is fully entitled to substitute its own appraisal of the facts and evidence, including of any new evidence adduced by the applicant, and also of the credibility of the applicant himself in giving testimony when he appears in a case which has an oral hearing.

20. The full scope of that appeal and the latitude for the substitution of an appraisal which is the full opposite to that reached by the Commissioner in the report, is not in any sense restricted or impaired by the fact that the appeal's starting point and the procedural framework for the appeal is the Commissioner's report to which the Appeal Tribunal is required to have regard. Nor is it diminished or circumscribed by the change from an investigative forum to quasi-adversarial procedure in which the Commissioner is represented before the Tribunal in order, as it were, to stand over the report. The Commissioner acts as a type of *legitimus contradictor* who provides the adversarial element which permits the Tribunal to test and tease out the issues, but this in no way inhibits the Tribunal in reaching a conclusion that the Commissioner had made mistakes; that he had relied on wrong or inadequate evidence; that he has misunderstood the applicant, or in deciding in the light of entirely new evidence submitted by the applicant that conclusions which might have been tenable before the Commissioner should, on balance, no longer be allowed, and that a new view of the case should be taken."

29. As for the argument that the Tribunal failed to decide whether or not the applicant had been raped, it seems to me that this too is misconceived. In truth, the issue was not whether the applicant had been raped, but whether she had been raped in the circumstances described. The Tribunal fairly and carefully analysed all of these circumstances and found them to be wholly lacking in credibility.

viii. **Intervention of Mr. James.** The Tribunal said as follows:

"Equally not credible is her assertion that a Mr James took her to his house and let her stay there and then brought her to Ireland. When asked at interview why he would do this she said she told him her story. At hearing she said he called a doctor and she was checked out and given some cream to use. Mr James brought her to England and then to Belfast and put her on a bus to Dublin. In that regard the following is relevant. As the Court indicated in **MK V MJELR Mc Govern J 23rd January 2008**. "one has to ask why would a person...travel all the way from Africa through at least two other countries to bring her to Ireland and provide the necessary documentation for her to come here and not accept any payment for this service. No explanation is given as to why he would have gone to all this trouble for nothing. In fact the evidence would suggest that it cost him money because he provided the tickets. On any objective basis, this account is simply not credible." While the facts of this case and the circumstances under which she travelled are somewhat different the same principles apply."[sic]

30. This is a clear finding of lack of credibility. The Tribunal conveys disbelief that a complete stranger, "Mr. James" would come to the applicant's aid and then proceed to escort her, first to England and then to Belfast before finally putting her on a bus to Dublin and all without payment for such service. While it may be the case that receiving some help from a Good Samaritan is not unknown, it is clear that the Tribunal did not find the applicant's account credible that a stranger would go to such lengths to help her and would do so without payment. The tribunal also cites the dicta of McGovern J. in *M.K. v. Minister for Justice, Equality and Law Reform* [2008] IEHC 9 in support of this finding. In my view the Tribunal expresses a clear reason for finding a lack of credibility with the applicant's account in this instance. The reason given by the Tribunal is intelligible, in that a reader can readily understand it and it is specific and cogent. It is also logical and clear and it relates to a key part of the applicant's story regarding how she got from Nigeria to the State following the alleged rape incident. It is clear that this finding is based on the correct facts and the reason given for the finding is a rational one.

ix. **Internal Relocation / Isolation in Benin.** The Tribunal said as follows:

"Even if I am wrong and the claim is credible she had the option to internally relocate. She was in Benin before and nothing happened to her. I do not accept she was inside for 7 years but even if she was she decided herself to free herself from that isolation and went to Lagos when she could have remained in Benin where she had no difficulties."

31. This can be classed primarily a finding in respect of the opportunity to internally relocate, but the Tribunal also makes a credibility finding here. The Tribunal is of the view that even if its previous findings in respect of the credibility of the applicant's story are mistaken, she had the option to internally relocate and could have done so by remaining in Benin City. Further, the Tribunal does not find credible that the applicant spent seven years remaining inside while she was there. In my view, while the reason for the lack of credibility is not expressly stated, once again it is patent. It is clear that the Tribunal simply did not believe that a person would confine themselves for seven years in a city which was supposed to be a place of safety to which that person had fled.

32. In my view, the reason for the credibility finding is intelligible, logical and clear. It is a substantial reason in as much as it relates to a key part of the applicant's story. Finally, it is also clear that this finding is based on the correct facts and is rational.

Conclusion

33. I find no flaw in the manner in which the credibility of the applicant was assessed and thus substantial grounds have not been advanced to justify the grant of leave to seek judicial review and I therefore refuse leave. For the sake of completeness, and bearing in mind that I heard this application on a telescoped basis, I do not, indeed I may not, proceed to consider the substantive relief's sought.