

**THE HIGH COURT  
JUDICIAL REVIEW**

**[2006 No. 457 J.R.]**

**BETWEEN**

**P.R.E.**

**APPLICANT**

**AND  
THE MINISTER FOR JUSTICE, EQUALITY AND LAW REFORM  
AND THE REFUGEE APPLICATION COMMISSIONER**

**RESPONDENTS**

**Judgment of Mr. Justice Paul Butler delivered the 17th day of October, 2007.**

1. The Applicant seeks an extension of time within which to bring this application. The same is not opposed and I grant the necessary extension.
2. The Applicant is a Nigerian national who sought asylum in Ireland on or about 1st March, 2006. Following interviews with the second named Respondent his application was refused as a result of a recommendation made in a report of the Respondent of 14th March, 2006.
3. The Applicant has exercised his right of appeal against that decision and his appeal has been put in abeyance pending these proceedings. It is clear from the foregoing report that the basis of the said recommendation of a finding that the Applicant's claim lacked credibility and that on the facts of the case taken with available country of origin information and the Applicant's testimony, he did not have a well-founded fear of persecution in Nigeria.
4. The Applicant objects to the recommendation on the basis of a want of fair procedures and, in his written submissions, he quotes at length from the decision of Clarke J. in *Idiakheua v. Minister for Justice, Equality and Law Reform* (High Court, 10th May, 2005). The principle finding in that decision is that "if a matter is likely to be important to the determination of the R.A.T. then that matter must be fairly put to the applicant so that the applicant will have an opportunity to answer it". Clarke J., at p. 10 of that judgment goes on to say:

"In setting out the above I wish to make it clear that the obligation to fairly draw the attention of the applicant or applicant's advisers to issues which may be of concern to the Tribunal arises only in respect of matters which are of substance and significance to and in relation to the Tribunal's determination. White J. in *Nguedjo* came to the view he did because, on an analysis of his determination of the Commissioner in that case he was satisfied that the matter not put 'is or has been so crucial to the determination made in this particular case'."
5. It is very clear from the recommendation that the country of origin information was neither crucial nor critical in coming to the determination made. I am satisfied that the recommendation was made *intra vires* and observing fair procedures.
6. By reason of the foregoing I refuse the application.