

THE HIGH COURT

2018 No. 645 JR

Between:

OSMAN ABDULBASIT AHMED ABOZAIID

Applicant

– and –

THE MINISTER FOR JUSTICE AND EQUALITY

Respondent

JUDGMENT of Mr Justice Max Barrett delivered on 22nd May, 2019.

1. In October 2014, Mr Abozaid arrived in Ireland from Sudan on a visa that expired in December 2014. He 'over-stayed', unsuccessfully applied twice during the over-stay period to be allowed to remain here, was made the subject of a deportation order, and finally elected to return to Sudan in March 2018, the deportation order having previously been revoked.

2. In April 2018, Mr Abozaid applied for a visa to re-enter Ireland. That application was refused by letter of May 2018, (the 'Initial Decision'). This was affirmed on appeal by letter of June 2018 (the 'Impugned Decision') which states, *inter alia*: "*The reasons for refusal are as follows: [Reason 1]...Immigration history of applicant. [Reason 2]...the visa is sought for a specific purpose and duration: the applicant has not satisfied the visa officer that such conditions would be observed*".

3. Mr Abozaid complains that he has not been given adequate reasons for the Impugned Decision such that, *e.g.*, he can bring informed judicial review proceedings and/or mend his hand in a future application. This is not accepted by the court. As to Reason 1, ministerial decisions are not rendered in a factual vacuum; they are given by reference to the facts presenting. Here, "*Immigration history of applicant*" is patently a reference to the facts stated at paragraph 1 above, and this was well understood by Mr Abozaid and his solicitor: the same reasoning was offered in the Initial Decision and a suitably tailored letter of appeal, drafted by Mr Abozaid's solicitor and dated 30.05.2018 (the 'Appeal Letter'), comprehensively addresses the issues presenting. As to Reason 2, it is clear by reference to the facts stated at paragraph 1 above what is in issue in this regard.

4. An obligation to give a reasoned decision does not entail an obligation to give an essay-long consideration of each aspect of the application which precedes such decision. (*Meadows v. MJE* [2010] 2 IR 701, 732, *EMI Records (Ireland) Ltd v. Data Protection Commissioner* [2013] 2 IR 669, 708). Here, despite the brevity of the Impugned Decision, once one has regard (as one must) to the factual context in which it was rendered, it is entirely clear why the Impugned Decision was made and what the Minister meant by **Reason 1** and **Reason 2** (and, again, it is clear from the Appeal Letter that Mr Abozaid and his solicitor understood exactly what concerned the Minister when the same points were raised in the Initial Decision). Even if the court accepted that **Reason 1** was unduly brief (and it does not accept this on the facts presenting), **Reason 2** in and of itself offers a proper and complete basis for the Impugned Decision.

5. The court does not accept that the Impugned Decision is in any way irrational or unreasonable or otherwise presents any issue at law. It follows that all the reliefs sought must respectfully be refused.