

Cases and rulings

Country Code	Year	Reference details title	Reference details URL	Hate Bias motivation	Court / Body	Key facts of the case	Results (sanctions, outcome) and key consequences or implications of the case	Main reasoning / argumentation	Key issues (concepts, interpretations) clarified by the case	Key quotation in original language and translated into English with reference details
Ireland	2022	[2022] IEHC 553 - F.S. AND INTERNATIONAL PROTECTION APPEALS TRIBUNAL AND THE MINISTER FOR JUSTICE	https://courts.ie/acc/alfresco/25652c23-7130-4446-b06e-968cc567fab/2022_IEHC_553.pdf?pdf#view=fitH	Religion	High Court	The applicant applied for international protection. The applicant was Muslim and claimed that he risked persecution in India due to his religious belief and was at a risk of serious harm. The applicant was involved in the beef industry and claimed to have suffered religious persecution by Hindu nationalists as a result. However, the IPO recommended that the applicant should not be given refugee or subsidiary protection. It was reasoned that he had investment property worth €4 million which he proposed to sell in the future. Additionally, it was said that, if he wished to work, the applicant could work in a different occupation.	The court held that the IPAT did not address the widespread existence of cow vigilantism when assessing the reasonableness of relocation, which suggested that the evidence was not cumulatively assessed by the IPAT. In turn, this meant that the application was not properly assessed. The High court quashed the decision by the International Protection Appeals Tribunal	The High Court found that the IPAT decision did not address whether the applicant would be at risk if he continued his occupation after relocation in India or if his prior involvement in the beef business became known. No analysis was provided for why the applicant decided to discontinue his beef business and whether the change was necessitated by persecution.	The court held that where a claimant was found to have been persecuted on religious grounds, considerable care was necessary before protection could be refused (K.D. (Nigeria) v Refugee Appeals Tribunal [2013] IEHC 481). The threshold to be reached before internal relocation could be considered was therefore high.	"A proper application of the test in this case requires the IPAT to consider why the Applicant would cease his involvement in the beef industry and conceal his prior involvement if returned to India and whether, if it is concluded that he does so to avoid risk of persecution on religious grounds, then, on the facts of this case, such a restriction itself infringes his fundamental rights in a manner which reaches a level or threshold which the law would regard as constituting "persecution". In this case that involves considering the impact on the Applicant's right to religious freedom as protected in law but also the significance from a human rights perspective of the Applicant's broader rights which include the right to work and the significance of the interference with such rights."

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