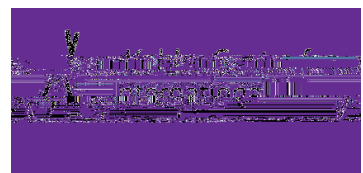


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assessment of Norway's complementary protection obligations. The High Court addressed this ground in detail in [redacted], and referred back to this judgment in [redacted] and [redacted].

Each appellant claimed a well-founded fear of persecution on the basis of his actual or imputed political opinion. CRI026, a Pakistani national, claimed he had injured a member of the Muttahida Qaumi Movement ('MQM') in a cricket match, and that the MQM were seeking revenge against him for inflicting this injury. DWN027, a Sunni Muslim from Peshawar, Pakistan, alleged that the Pakistani Taliban were targeting him and his family, and had assaulted him four times during 2013. EMP144 was a Nepali national with connections to the

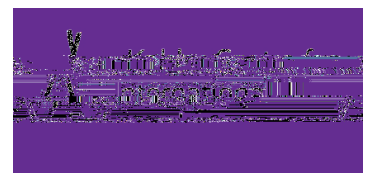


The concept of an 'internal relocation alternative' is not one that is defined in the Act or the Convention, although it is widely accepted that it refers to the existence of an area in an applicant's country of origin to which the applicant may relocate to avoid the risk of persecution or serious harm. Hathaway and Foster identify a number of matters relevant to the question of whether relocation would be relevant and reasonable, including:⁷

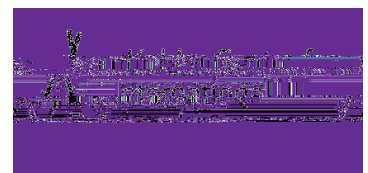
- Can the applicant safely, legally and practically access an internal site of protection?
- Will the applicant enjoy protection from the original risk of being persecuted?
- Will the site provide protection against any new risks of being persecuted or of any indirect ?
- Will the applicant have access to basic civil, political and socio-economic rights provided by the home country or State?

The Supreme Court of Nauru has referred to this list of matters with approval.⁸ However, international jurisprudence varies in regard to the requisite level of protection of socio-economic rights for an international relocation alternative to be considered available.⁹

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provide a reliable guarantee against the risk of serious harm and disentitle the applicant to subsidiary protection. This reasoning was followed subsequently in



Orders

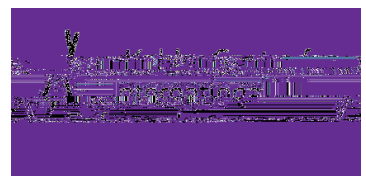
Having determined the key issue in favour of the respondent, the High Court proceeded to dispose of the remaining grounds. In each case, the High Court made orders dismissing the appeals with costs.²⁶

Implications

Given the appellants exercised their statutory rights of appeal to the High Court, they exhausted their appellate rights and became liable to be removed to their countries of nationality, with the potential to file additional claims being the only option to further pursue a favourable refugee status determination.

The wider implications of the decisions were also substantial. The decisions narrowed the scope of complementary protection and effectively disposed of outstanding cases in Nauru in which asylum seekers' claims to protection rested upon a threat of regionalised (as opposed to whole--erou-6.6 e





²¹ Ibid [43].

²² Ibid [45].

²³ Ibid [46].

²⁴ Ibid [47].

²⁵ Ibid [48].

²⁶ [81]; [33]; [50].

²⁷ See Hathaway and Foster, above n 7, 133–134;
688 (25 March 1993) 709;
NZIPT 800151 (25 June 2015).

[1993] 2 SCR
[2012]

²⁸ (SA) s 2, implementing Art 1(2) the
opened for signature 10 September 1969, 1001 UNTS 45
(entered into force 20 June 1974).

