

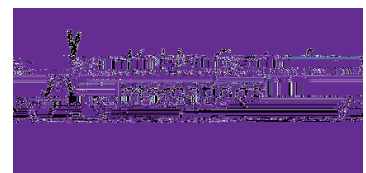
Andrew & Renata Kaldor Centre  
for International Refugee Law

# Casenote



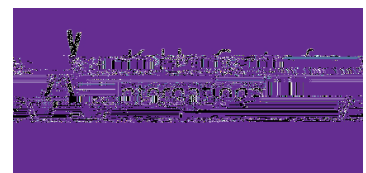
assessment of Norway's complementary protection obligations. The High Court addressed this ground in detail in *CRI026*, and referred back to this judgment in *DWN027* and *EMP144*.

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





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



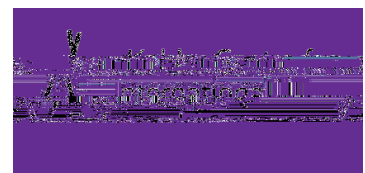
## Orders

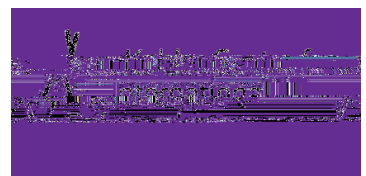
Having determined the key issue in favour of the respondent, the High Court proceeded to dispose of the remaining grounds. In each case, the High Court made orders dismissing the appeals with costs.<sup>26</sup>

## 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





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<sup>21</sup> Ibid [43].

<sup>22</sup> Ibid [45].

<sup>23</sup> Ibid [46].

<sup>24</sup> Ibid [47].

<sup>25</sup> Ibid [48].

<sup>26</sup> *CRI026* [81]; *DWN027* [33]; *EMP144* [50].

<sup>27</sup> See Hathaway and Foster, above n 7, 133–134; *Canada (Attorney General) v Ward* [1993] 2 SCR 688 (25 March 1993) 709; *AC (Russia) v Immigration and Protection Tribunal New Zealand* [2012] NZIPT 800151 (25 June 2015).

<sup>28</sup> *Refugee Act 1998* (SA) s 2, implementing Art 1(2) the *OAU Convention Governing the Specific Aspects of Refugee Problems in Africa*, opened for signature 10 September 1969, 1001 UNTS 45 (entered into force 20 June 1974).

