

**Reference for a preliminary ruling from High Court (Ireland) made on 9 December 2021 — X v International Protection Appeals Tribunal, Minister for Justice and Equality, Ireland and the Attorney General**

**(Case C-756/21)**

(2022/C 472/30)

*Language of the case: English*

**Referring court**

High Court (Ireland)

**Parties to the main proceedings**

*Applicant:* X

*Defendants:* International Protection Appeals Tribunal, Minister for Justice and Equality, Ireland and the Attorney General

**Questions referred**

- 1) In circumstances where there has been a complete breach of the duty of cooperation as described at paragraph 66 of the judgment of the CJEU in Case C-277/11 <sup>(1)</sup> *M.M. v Minister for Justice, Equality and Law Reform and Ors*, in an applicant's application for subsidiary protection, has the consideration of that application been rendered 'totally ineffective' in the sense considered in Case C-137/14 <sup>(2)</sup> *Commission v. Germany*?
- 2) If the answer to Question 1 is positive, should the aforesaid breach of the duty of cooperation, without more, entitle an applicant to annulment of the decision?
- 3) If the answer to Question 2 is in the negative, then and if applicable, on whom does the onus lie to establish that the refusal decision might have been different had there been proper cooperation by the decision maker?
- 4) Should the failure to provide a decision on an applicant's application for international protection within a reasonable time entitle an applicant to annulment of a decision when issued?
- 5) Does the time taken in effecting of change to the applicable asylum protection framework within a Member State operate to excuse that Member State from operating an international protection scheme, which would have provided a decision on such protection application within a reasonable time?
- 6) Where insufficient evidence is before a protection decision maker as to the state of an applicant's mental health but where some evidence of the possibility of an applicant suffering from such difficulties is present, is the international protection decision maker, in accordance with the duty of cooperation mentioned in Case C- 277/11 *M.M. v Minister for Justice, Equality and Law Reform and Ors* (paragraph 66), or otherwise, under a duty to make further enquiry, or any other duty, prior to arriving at a final decision?
- 7) Where a Member State is carrying out its duty pursuant to Article 4(1) of the Qualification Directive 2004/83/EC <sup>(3)</sup> to assess the relevant elements of an application is it permissible to declare the general credibility of an applicant not to have been established by reason of one lie, explained and withdrawn at the first reasonably available opportunity thereafter, without more?

<sup>(1)</sup> EU:C:2012:744

<sup>(2)</sup> EU:C:2015:683

<sup>(3)</sup> Council Directive 2004/83/EC of 29 April 2004 on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted (OJ 2004, L 304, p. 12).