

THE REPUBLIC OF TRINIDAD AND TOBAGO

IN THE HIGH COURT OF JUSTICE

Claim No. CV2022-00317

Between

XIANQING ZHENG

First Applicant/ Claimant

JIANSHAN ZOU

Second Applicant/ Claimant

YUXIANG BAO

Third Applicant/ Claimant

YANJUAN ZHANG

Fourth Applicant/ Claimant

AND

THE MINISTER OF NATIONAL SECURITY

Respondent/ Defendant

Appearances:

Claimants: Michael Xavier and Devvon Williams instructed by Vanita Ramroop

Defendant: Kerwyn Garcia instructed by Jacqueline Chang

Before the Honourable Mr. Justice Devindra Rampersad

Date of delivery: December 9, 2022

JUDGMENT

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Background

1. By fixed date claim form filed on 3 March 2022, the applicants filed claim for judicial review and administrative orders against the respondent seeking the following reliefs:
 - 1.1. A declaration that the respondent's decision was unreasonable, irregular and or improper;
 - 1.2. A declaration that the respondent exercised his powers in making the decision in a way that is so unreasonable that no reasonable person could have exercised the power;
 - 1.3. An order of mandamus directing the respondent to grant a minister's permit to the applicants;
 - 1.4. The costs of the application be borne by the respondent;
 - 1.5. Such further orders, directions or writs as the court considers just and as the circumstances of the case warrants pursuant to section 8(1)(d) of the Judicial Review Act Chapter 7:08.
2. The respondent opposed this application for judicial review and the affidavits of Nataki Atiba-Dilchan, Acting Permanent Secretary and Abdul Mohammed were filed on its behalf.
3. The applicant thereafter filed their affidavits and affidavits in reply on their behalf and the supplemental affidavit of Xianqing Zheng.
4. In support of their claim for judicial review, the applicants have contended the following:
 - 4.1. That the respondent improperly fettered his discretion to grant a Minister's Permit by regarding an application for a work permit as the more appropriate application in the circumstances;
 - 4.2. The respondent improperly declined to rely on and be bound by the Immigration Division Manual Volume 1 and the relevant terms thereof;

- 4.3. The respondent improperly abdicated his decision making powers to officers within the Ministry;
- 4.4. The respondent misunderstood and misapplied the relevant provisions of the Immigration Act and of the Regulations;
- 4.5. The respondent breached his duty of candour owed to the court.

The applicants

The first applicant: Xianqing Zheng

5. The first applicant is a Chinese national having been born in the Republic of China on 5 April 1980 and first entered Trinidad in or around 28 February 2017.
6. The first applicant's passport held an entry certificate which expired on 27 March 2017. His visa was also issued on 20 January 2017 and expired on 19 April 2017.
7. The first applicant then applied for refugee status from the UNHCR in Trinidad and Tobago and was granted an UNHCR certificate on 5 August 2020 bearing registration number 834-20-RCP-00004099. Since having fled his home country and seeking asylum as a protected person in Trinidad and Tobago, the first applicant was supported by Trinidadian resident, Mr. Guoshan Zou and his family
8. On 8 March 2021, the first applicant made an application for a Minister's Permit to the respondent.
9. On 14 June 2021, the Permanent Secretary of the Ministry of National Security wrote to the applicant indicating that his application for the Minister's Permit was denied.
10. On 8 March 2021, the applicant's attorney at law made an application for a Minister's Permit to the respondent.

11. On 14 June 2021, the respondent informed the applicant's attorney at law that his application in respect of a Minister's Permit has been refused with no reasons for such refusal being given.
12. On 26 July 2021, the applicant's attorneys at law issued a pre-action protocol letter to the respondent giving him 30 days to respond. On 26 August 2021, the attorney at law for the respondent indicated that it needed an extension of time of 14 days to respond to the said letter.
13. On 20 September 2021, the attorney at law for the respondent issued reasons for the failure of the respondent to grant the Minister's Permit to the applicant, citing that it was not the appropriate permit and that he should seek to request a work permit.
14. On 13 October 2021, the applicant's attorney at law sent a letter in response indicated that amongst other things, the position put forward by the attorney at law for the respondent is not correct in law and requested clarification on the positions taken by the respondent. However, to date, there has been no response received to this letter.

The second applicant: Jianshan Zou

15. The second applicant is a Chinese National having been born in the Republic of China on 5 December 1985 and first entered Trinidad in or around in or around 18 April 2018.
16. The second applicant's passport held an entry certificate which expired on 17 July 2018. His visa was also issued on 16 March 2018 and expired on 15 June 2018.
17. The second applicant applied for refugee status from the UNHCR in Trinidad and Tobago and was registered on 25 February 2021. He was then presented with an UNHCR card bearing registration number 834-20-00767.

18. Since having fled his home country and seeking asylum as a protected person in Trinidad and Tobago, the second applicant was supported by Trinidadian resident, Mr. Bing Bing Shen.
19. By letter dated 8 March 2021, the second applicant wrote to the Minister of National Security to apply for a Minister's Permit in accordance with Section 10 of the Immigration Act, Chapter 18:01 to allow him to remain in Trinidad and Tobago and to work and provide for himself.
20. On 12 May 2021, the respondent informed his attorney at law by letter that the application in respect of a Minister's Permit had been refused with no reasons for such refusal being given.
21. On 26 August 2021, the attorney at law for the respondent indicated that they would need an extension of time of 14 days to respond to the pre-action protocol letter.
22. On 20 September 2021, the attorney at law for the respondent issued reasons for the failure of the respondent to grant a Minister's Permit, citing that it was not the appropriate permit and he should seek to request a work permit.
23. On 13 October 2021, the attorney at law for the applicant sent a letter in response indicating that amongst other things, the position as put forward by the attorney at law for the respondent is not correct in law and requested clarification on the positions taken by the respondent. However, to date, he has not received any response to this letter.

The third applicant: Yuxiang Bao

24. The third applicant is a Chinese national having been born in the Republic of China on 7 February 1965 and first entered Trinidad in or around 18 March 2013.
25. The entry certificate on his passport expired on 23 April 2013. His visa was issued on 22 February 2013 and expired on April 23 2013.

26. The third applicant applied for refugee status from the UNHCR and was registered on 1 December 2020. He was then presented with a UNHCR card bearing registration number 834-19-05485.
27. Since having fled his home country and seeking asylum as a protected person in Trinidad and Tobago, he was supported by the goodwill of Mr. Bing Bing Shen and his family.
28. On 8 March 2021, the third applicant made an application for a Minister's Permit to the respondent.
29. On 14 June 2021, the Permanent Secretary of the Ministry of National Security wrote to the applicant indicating that his application for the Minister's Permit was denied.
30. On 26 July 2021, the attorneys at law for the third claimant issued a pre-action protocol letter to the respondent giving him thirty days to respond. On 26 August 2021, the respondent indicated that it needed an extension of time of 14 days to respond to the said pre-action letter.
31. On 20 September 2021, the attorney at law for the respondent issued reasons for the failure of the respondent to grant the Minister's Permit citing that it was not the appropriate permit and he should wait to request a work permit.
32. On 13 October 2021, the attorney at law for the third applicant responded indicating that, amongst other things, the position put forward by the attorney at law for the respondent is not correct in law and requested clarification on the position taken by the respondent. To date, there has not been a response to this letter.

The fourth applicant: Yanjuan Zhang

33. The fourth applicant is a Chinese national having been born in the Republic of China on 10 March 1982 and entered Trinidad in or around 18 April 2018.
34. The entry certificate on his passport expired on 17 July 2018. His visa was issued on 16 March 2018 and expired on 15 June 2018.

35. The fourth applicant applied for refugee status from the UNHCR and was registered on 25 February 2021 and was presented with a UNHCR bearing registration number 834-20-00767.
36. Since having fled his home country and seeking asylum as a protected person in Trinidad and Tobago, the fourth applicant was supported by Trinidadian resident, Mr. Lilong Zou and his family.
37. On 8 March 2021, the attorney at law for the applicant made an application for a Minister's Permit to the respondent.
38. On 12 May 2021, the respondent informed the attorney at law for the fourth applicant that the application in respect of a Minister's Permit was refused with no reasons for such refusal being given.
39. On 26 July 2021, the attorneys at law for the fourth applicant issued a pre-action protocol letter to the respondent giving him thirty days to respond. On 26 August 2021, the attorney at law for the respondent indicated that it needed an extension of time of 14 days to respond to the said letter.
40. On 20 September 2021, the attorney at law for the respondent issued reasons for the failure of the respondent to grant a Minister's Permit to the fourth applicant citing that it was not the appropriate permit and that he should seek to request a work permit.
41. On 13 October 2021, the attorney at law for the applicant wrote a letter in response to the defendant indicating that amongst other things, the position put forward by the attorney at law for the respondent is not correct in law and requested clarification on the positions taken by the respondent. However, to date, no response has been received.

The applicants' submissions

42. The applicants argued that the respondent failed to take into account the relevant considerations and or misdirected himself as to the powers under the laws of Trinidad and Tobago and that the decision maker failed to take into

account relevant matters when making his decision not to grant a Minister's permit to the applicants.

43. Reliance was placed on ***Arcelormittal Point Lisas Limited v The Minister of Labour, Small and Micro Enterprise Development***¹ and it was submitted that from the evidence before the court, the decision maker incorrectly placed a limitation on the powers afforded to him under the Immigration Act Chap 18:01 and the Immigration (Amendment) Regulations 2019 by stating that his powers of issuing this permit is limited and that the correct application which ought to be made was an application for a work permit. There was no fetter placed upon the power of the respondent with regard to the circumstances in which he may grant the said Minister's permit as per Section 10 of the Act.
44. It was submitted that the respondent can grant a Minister's permit pursuant to Section 10 and while a work permit is an option to be issued by the respondent, pursuant to section 10(14) of the Regulations, the respondent can exempt a person from applying for a work permit if they hold a valid permit issued under section 10 of the Act. Therefore, it is disingenuous of the respondent to now state that he does not have the power to issue this exemption and that one can only avail themselves to the process of acquiring a work permit.
45. The applicant relied on ***Mercedes Cristina Ramlochan v the Chief Immigration Officer***² where it was stated that the manual contains guidelines for conduct only and not strict legal requirements. However, the applicant submitted that this instant matter is different in that it is not the applicant's contention that the manual is legally binding but the manual is being used by the Immigration Officers to guide their decisions.
46. It was further argued that the decision maker is placing great weight on the recommendation provided to him by the Immigration Officers.

¹ CV2013-04254

² CV2018-01144, paragraphs 10 and 11

47. As it relates to the reasons given by the respondent, the applicants contend that reading section 10 and Regulation 10 of the Act runs contrary to the reasons provided by the respondent and there is no limitation placed on the respondent for which the purpose of a Minister's permit can be granted.
48. The authorities of *R (Quark Fishing Ltd) v Secretary of State for Foreign and Commonwealth Affairs*³, *the Attorney General of Trinidad and Tobago v Oswald Alleyne & 152 others*⁴ and *Shelley Anne Visser v Permanent Secretary, Ministry of Education*⁵ were relied on.
49. At the time of the filing of affidavit, it was within the respondent's knowledge that the applications strikingly similar to applicants own were previously approved. It was admitted at paragraph 3 of the supplemental affidavit of the Acting Permanent Secretary of the Ministry of National Security filed 14 July 2022.
50. It is to be noted that this admission only came after the applicants submitted evidence of the existence of the approved Minister's Permits in the affidavit in reply of Jianshan Zou and it is contended that the respondent has breached his duty of candour.
51. As it relates to the applicants indication that it is their desire to work and it is respectfully submitted that in ordinary circumstances that work permit regime would have been the route to take. The Minister can order an exemption of the requirements of a work permit pursuant to the Act.
52. It is because of the peculiar circumstances of the applicants which directed them to make the request for the Minister's permit and request that they be exempted from having to acquire a valid work permit to work in Trinidad and Tobago.

³ [2002] EWCA Civ 1409

⁴ Civ App 52 of 2003

⁵ CV2019-01644

53. The applicants were also informed that in order to qualify for a work permit, the following factors, amongst others, are taken into account by the work permit committee:
- 53.1. The applicant must be in possession of a valid Entry Certificate;
 - 53.2. The applicant must prove that they are providing some skill or expertise that is unique to this jurisdiction and that no national who possesses these skills or expertise has been overlooked.
54. The applicants could not satisfy either of the two requirements and the respondent is well aware of this fact. Since they were holders of refugee status, they are not in possession and or could not be able to get valid entry certificates and there is also a further requirement to acquire up to date certificates of characters which would require the applicants having to get same directly from China where they fled from fear of being persecuted.
55. The respondent is well aware that if the applicants were found to be working without a work permit and or a Minister's permit exempting them from having to acquire a work permit, they would be guilty of an offence in accordance with Regulation 10(2). The applicants can be deemed 'ceased to be permitted entrants' in accordance with Section 9(4) and subject to deportation proceedings in accordance with Section 9(5) and or Section 22(2) of the Act.

The respondent's submissions

56. The respondent submitted the following:
- 56.1. That he understood and applied the relevant provisions of the Immigration Act and of the Regulations, and did not fetter his discretion to grant a Minister's Permit;
 - 56.2. That he gave due and fair consideration to the applications made by the applicants and took into account relevant considerations in exercising his discretion with respect to the grant of a Minister's Permit;

- 56.3. Did not improperly decline to rely on and be bound by the Immigration Division Manual Volume 1;
- 56.4. Did not improperly abdicate his decision making powers to officers within the Ministry;
- 56.5. Arrived at a decision that was not unreasonable, irregular and or improper; and
- 56.6. Did not breach his duty of candour owed to the court.
57. It was submitted that the starting point for an analysis of correctness or otherwise of the respondent's decision with respect to the grant of a Minister's Permit is section 10 of the Immigration Act, which provides inter alia that:
- "10. (1) the Minister may issue a written permit authorising any person to enter Trinidad and Tobago, or being in Trinidad and Tobago, to remain therein.*
- ...
- (4) The Minister may attach to the entry or remaining in Trinidad and Tobago of such persons such terms and conditions as he may think fit, and if any person to whom a permit has been granted under subsection (3) contravenes any such terms or condition, the Minister may cancel such permit.*
- (5) The Minister may at any time in writing, extend, vary or cancel a permit"*
58. It was submitted that the act is clear and unambiguous and confers upon the respondent an unqualified discretion not only to grant or to refuse to grant a Minister's Permit but to impose such terms in respect of the grant thereof as are thought fit.
59. It was also submitted that Regulations 10(1) and 10(14) are clear and unambiguous and confer upon the respondent an unqualified discretion to exempt persons from the requirement to obtain a work permit.
60. In exercising the discretion to grant or refuse to grant a Minister's permit the respondent can legitimately adopt general rules or principles of policy to guide himself as to the manner of exercising his own discretion in individual cases.

61. Further, the evidence in this instant matter⁶ is that as a matter of practice, the Minister in his discretion issues a Minister's Permit as a short term measure to allow a person who would not otherwise be permitted to do so, to enter or to remain in Trinidad and Tobago and that to this end, a Minister's Permit is typically issued for a considered or a particular purpose and for a fixed period.
62. Such practice or policy as to the manner of the exercise of the respondent's exercise of his unqualified discretion in individual cases is perfectly permissible and consistent with the law. The authority of ***Anna Gonzales v The Minister of National Security***⁷, was relied on in this regard and the defendant submitted that the practice or policy is consistent with these observations and is therefore lawful.
63. It was submitted that the evidential threshold which is required to be crossed in order to establish these matters is extremely high and that given the evidence of the respondent, the applicants have comprehensively failed to meet the required threshold.
64. The evidence also does not disclose bad faith on the part of the respondent in arriving at his decision. It cannot be said that the respondent so unreasonably exercised his unqualified discretion be exercised as to show that there cannot have been any real or genuine exercise of the discretion.
65. It was argued that the respondent acted in lawful compliance with a permissible practice or policy and took into account all relevant compliance with a permissible practice or policy and also took into account all relevant considerations in arriving at his decision.
66. The applicants have also failed to show that the decision of the respondent was so absurd that no sensible person could ever dream that it lay within the powers of the respondent. The applicants have also failed to show that the decision of the respondent was so outrageous in its defiance of logic or of

⁶ At paragraphs 8 and 9 of the affidavit of the Acting Permanent Secretary of the respondent filed on 6 May 2022

⁷ CV2018-1749

accepted moral standards that no sensible person who applied his mind to the question to be decided could have arrived at it.

Submissions in reply

67. The applicants submitted that the respondent erred in law and failed to take relevant factors into account. From the evidence at paragraph 25 of the affidavit in reply of the Acting Permanent Secretary of the Ministry of National Security, the following limitations were placed on the powers afforded to the respondent under the Act:
- 67.1. The respondent does not have the power to issue a work permit exemption;
- 67.2. The applicants can only avail themselves to the process of acquiring a work permit;
68. Further, that across all of the applications, all of the applicants overstayed their landing permits, have no valid work permit or exemption allowing them to work. The respondent is well aware that if the applicants were found to be working without a work permit and or a Minister's permit exempting them from having to acquire a work permit, they would be guilty of an offence in accordance with Section 42 and Regulation 10(2) of the Act.
69. Since the Ministry does not acknowledge the refugee status of the applicants, they can be deemed 'ceased to be permitted entrants' in accordance with Section 9(4) and be made subject to deportation proceedings in accordance with Section 9(5) and or Section 22(2) of the Act.
70. Additionally, it was submitted that the reasons put forward by the respondent runs contrary to the powers granted under the Act and consequently the respondent acted in error of the law. The applicants are also at a loss and confused as to the exact factors the respondent took into consideration and or relief upon when making his decision.

The policy

71. The applicant referred to the respondent's submission at paragraph 23 where it was suggested that the evidence of the 'policy' adopted by the respondent can be gleaned from paragraphs 8 and 9 of the affidavit of Nataki Atiba Dilchan where there was no reference to any documents or annexures or publications of this said 'policy'. Thus, the policy appears to be an unwritten one that is only known to the defendant and his agents and or employees.
72. It was submitted that the said "policy" is illegal as it appears to be an internal unwritten policy pursuant to the evidence upon which the respondent relies upon. Reliance was placed on *Tekla Carmicheal v the Chief Immigration Officer*⁸ in this regard.
73. It was also contended that while the Minister can delegate, he has the ultimate responsibility of ensuring that his final decision is made having weighed the facts of this case and the law on same.

Discussion

The 1951 Refugee Convention

74. The 1951 Refugee Convention and its 1967 Protocol are the key legal documents that form the basis of the UNHCR's work with 149 State parties to either or both. Trinidad and Tobago acceded to the Convention on 10 November 2000.
75. The United Nations Convention relating to the status of refugees was adopted in 1951 and is the centrepiece of international refugee protection today. It came into force on 22 April 1954 and has been subject to only one amendment in the form of a 1967 Protocol which removed the geographic and temporal limits of the 1951 Convention. The 1967 Protocol gives the Convention universal coverage and has since been supplemented by refugee and

⁸ CV2020-02571, paragraph 74

subsidiary protection regimes in several regions as well as via the progressive development of international human rights law.

76. The Convention is essentially grounded in Article 14 of the Universal Declaration of human rights 1948, which recognises the right of persons to seek asylum from persecution in other countries. Additionally, the UNHCR serves as the 'guardian' of the 1951 Convention and its 1967 Protocol. According, to the legislation, States are expected to co-operate with the UNHCR in ensuring that the rights of refugees are respected and protected.
77. A refugee, according to the Convention is someone who is unable to or unwilling to return to their country of origin owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion.⁹
78. The Republic of Trinidad and Tobago acceded to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol in November 2000. In the absence of national legislation for the protection of refugees or the granting of asylum under the international refugee instruments, asylum seekers and refugees remain subject to the provisions of the 1976 Immigration Act.¹⁰
79. In June 2014, Cabinet formally adopted the refugee policy, ***"A phased approach towards the establishment of a National Policy to address refugee and asylum matters in the Republic of Trinidad and Tobago"***. This policy sets out the general principles related to refugee protection and includes a 3 phased plan of action, which progressively develops national capacity to receive and decide on refugee claims, pending the adoption of enabling legislation.¹¹

⁹ See Article 1 of the Convention and Protocol relating to the Status of Refugees

¹⁰<https://help.unhcr.org/trinidadandtobago/about-trinidad-and-tobago/international-protection-in-trinidad-and-tobago/>

¹¹ <https://www.refworld.org/docid/571109654.html>

The question asked to the Minister

80. On 8 March 2021, all four applicants submitted an application to the respondent for a Minister's Permit. In the letter sent to the Minister, the crucial question that was asked was:

*“our client now seeks to apply for a Minister's Permit in accordance with Section 10 of the Immigration Act, Chapter 18:01 to allow him to remain in Trinidad and Tobago **and to work and provide for himself.**”*

81. The said 8 March 2021 letters also set out the fact that the applicants applied for Refugee Status from the United National High Commissioner for Refugees in Trinidad and Tobago and the UNHCR card with registration number was given to each applicant.

82. Further, that by the virtue of the applicant holding the said UNHCR card, he is therefore registered and under the UNHCR's protection mandate and should be protected from any forcible return to a country where he would face threats to his life or freedom as established in the 1951 Convention relating to the Status of Refugees and its 1967 Protocol, to which the Republic of Trinidad and Tobago acceded in 2000.

83. By letter dated 20 September 2021, the response on behalf of the respondent was:

“Please note that your client's application for a Minister's Permit was denied after consideration of the following:

- *In your correspondence dated March 08, 2021 you indicated that the purpose for applying for a Minister's Permit was to enable your client to work in Trinidad and Tobago;*
- *it was also noted that permission to work in Trinidad and Tobago is provided for by the work permit regime set out by Regulation 10 of the Immigration Regulations;*
- *no representation was made that your client was in immediate peril of being the subject of Deportation or Ejection proceedings by the Immigration Division;*

- *the purpose of a Minister's permit is to authorise persons to enter or remain in Trinidad and Tobago in limited circumstances; and*
- *the attachment of a condition to work in a Minister's Permit, is not considered to be appropriate in light of the Work Permit scheme."*

84. The response from the respondent clearly did not take into account the fact that the applicants are all registered with the UNHCR and therefore hold refugee status. Any consideration of this fact when coming to a decision is patently missing from the reasons given in this 20 September 2021 letter by the respondent.

85. It is undoubtedly clear that the applicant is asking to be allowed to remain in the jurisdiction in light of their refugee status and being allowed to work would therefore be a corollary of the permission to remain.

86. Therefore, the court views the response of the respondent as unreasonable, or rather, *Wednesbury* unreasonable as the respondent failed to take into account a crucial matter that he ought to have taken into account – the fact that the applicant is the bearer of a valid UNHCR card and is therefore considered a refugee and that his primary question was to be permitted to remain, not just to work.

87. While it is undoubtedly true that the claimants have been residing in the jurisdiction unlawfully as per the expired entry certificates and visas, essentially what was being asked of the Minister was to regularise their stay and make it one that was lawful. *And as a consequence* of this lawful stay, he was asking for the ability to work in the jurisdiction.

88. In the letter dated 13 October 2021, the respondent informed the applicants that in order to qualify for a work permit, the following factors, amongst others, are taken into account by the Work Permit Committee:

88.1. The applicant must be in possession of a valid Entry Certificate, and

88.2. The Applicant must prove that they are providing some skill or expertise that is unique to this jurisdiction and that no national who possesses these skills or expertise has been overlooked.

89. Obviously the applicants would not have fallen into the requirements to apply for the work permits and therefore, it was due to the circumstances of each applicant, that the request for the Minister's Permit was made.
90. The purpose of applying for the Minister's Permit was therefore to allow the applicants to regularise their status and legally work and be able to function in the jurisdiction, so as to not be a burden on public funds.
91. The court has therefore found the reasons of the respondent to not grant the Minister's Permit to be lacking in that the Minister and the recommendation of the Permanent Secretary also did not take into account the fact that the applicants held a valid refugee status as per the UNHCR. In other words, with the greatest respect, the defendant asked himself the wrong question and therefore came to the wrong position.

The Order

92. Having regard to the foregoing, the court is satisfied of the claimant's entitlement to the declarations sought on their claim form. However, the mandamus that is being sought for the grant of a Minister's Permit cannot be granted having regard to the fact that the discretion to so grant lies with the defendant and not the court.
93. In the circumstances, the court will make the following orders and declarations.
94. It is declared that the defendant's decision to refuse to grant a Minister's Permit to the claimant's was unreasonable, irregular and improper.
95. It is further declared that the defendant exercised his discretion in making the decision to refuse the grant of the Minister's Permit in a way that is so unreasonable that no reasonable person could have exercised the discretion.
96. It is further ordered and directed that the issue of the grant of the Minister's Permit is remitted to the defendant for consideration with particular attention and consideration to be given to the request for permission to remain in the

jurisdiction and the claimants' respective UNHCR certificates in light of the 1951 Refugee Convention and its 1967 Protocol and the June 2014, Cabinet refugee policy, ***"A phased approach towards the establishment of a National Policy to address refugee and asylum matters in the Republic of Trinidad and Tobago"***.

97. The defendant shall pay the claimants' costs of the claim to be quantified pursuant to Part 67.12 of the Civil Proceedings Rules, as amended, before the Registrar of the Supreme Court.

/s/ D. Rampersad J.