

Thursday February 3, 2011.

High Court grants leave to apply for judicial review in case of “constructive deportation” of an Irish child

The Brazilian mother of an Irish toddler has been granted leave to apply for a judicial review of the Government’s decision to deport her, on the grounds that it would effectively mean her young son would also be deported, Immigrant Council of Ireland Senior Solicitor Hilka Becker said today.

Ms Becker said the Government’s decision to deport her client, Marcia Freitas, a single mother, would have resulted in the constructive deportation of her young son, who is Irish, by reason of the child’s very young age and dependence on his mother.

“The Immigrant Council of Ireland has been calling on the Government for years now to introduce clear and fair rules spelling out the rights to family life within the State of Irish citizens and migrants and this case once again highlights the need for reform of the system,” Ms Becker said.

“We believe the Irish Government may face legal consequences in the future as a result of the decisions it is making now that result in the effective expulsion of its citizens.

“Will these children, in the future, have a case that Ireland has unfairly and wrongly denied them opportunities, such as language and educational opportunities, that have severely and negatively affected their lives?

“Central to this issue is the fact that children in this situation are Irish, as well as EU citizens, and this reality does not seem to be reflected in many of the decisions made which so fundamentally affect their futures.”

Ms Becker said one of the grounds for the judicial review was that the Minister for Justice and Law Reform had erred in law in his evaluation and balancing of the interests of the State against the rights, interests and welfare of Ms Freitas’s child to reside and be reared in Ireland in the care of his mother.

For more information, please contact Ruth Evans on 087 067 3676.