

**SPECIAL IMMIGRATION APPEALS COMMISSION**

Appeal No: SN/02/2024  
Hearing Date: **28 November 2024**  
Date of Judgment: **13 May 2025**

Before

**THE HONOURABLE MR JUSTICE SWIFT  
UPPER TRIBUNAL JUDGE FRANCES  
MR P NELSON**

Between

**CN**

Applicant

and

**THE SECRETARY OF STATE  
FOR THE HOME DEPARTMENT**

Respondent

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**OPEN JUDGMENT**

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**Mr D. Sellwood** (instructed by **Wilson Solicitors LLP**) appeared on behalf of the Applicant.

**Ms J. Thelen** (instructed by **Government Legal Department**) appeared on behalf of the Respondent.

**Mr D. Lewis** (instructed by **Special Advocates' Support Office**) appeared as Special Advocate.

**(A) Introduction**

1. This is the judgment of the Commission.
2. On 2 February 2024, the Home Secretary refused CN's application for naturalisation as a British citizen ("the February 2024 decision"). The application was refused because the Home Secretary concluded that CN did not meet the requirement for good character. The decision was made in exercise of the power under section 6 of the British Nationality Act 1981 ("the 1981 Act"). The good character requirement is at paragraph 1 of Schedule 1 to the 1981 Act. The Home Secretary applies the good character requirement in accordance with guidance issued from time to time under the title "Nationality: good character requirement" ("the Guidance").
3. When taking her decision on CN's application, the Home Secretary applied Version 3 of the Guidance, issued on 8 September 2022. It is common ground that the Home Secretary should have applied Version 4 of the Guidance, which was issued on 31 July 2023, and was the version in force at the time the February 2024 decision was made. It is, however, also common ground that for the purpose of any issue arising in this review there is no material difference between Versions 3 and 4 of the Guidance.
4. CN was born in the Turkish Republic of Northern Cyprus in 1984. Her parents are Kurds and CN is ethnically Kurdish. In a statement made in these proceedings, CN explained that her parents suffered discrimination at the hands of the Turkish authorities in Northern Cyprus and came to believe that Kurdish people needed their own state. They considered that support for the Kurdistan Workers' Party - the PKK - and, in particular, for its leader Abdullah Ocalan was the way this could be achieved. CN came to the United Kingdom with her parents in 1993. She has lived here ever since. She has indefinite leave to remain in the United Kingdom.
5. The application for naturalisation decided by the Home Secretary in February 2024 was made on 10 July 2018. CN had previously applied for naturalisation on 14 April 2003 (when she was 19 years old). That application was refused by the Home Secretary on 31 October 2005 also because the Home Secretary was not satisfied that CN was of good character. That letter explained that conclusion as follows:

“[CN’s] support for the PKK/KADEK/KONGRA-GEL was widely reported in the press ... in February 1999 ... In an interview with the Guardian newspaper, in February 2002, [CN] confirmed that she continues to support Ocalan.”

6. One issue in this review concerns whether CN continues to have any association with the PKK. In representations made to the Home Secretary before the February 2024 decision was taken, CN contended in support of her application, that after 1999 she ceased to be politically active. In 2003 she married and, in 2005, she moved away from London. On her return to London in 2014 she became involved in politics again, this time it was with the Labour Party, attending local branch meetings and canvassing during election campaigns. CN explained that, although she continued to support the Kurdish cause, she did this through peaceful means, including involvement with the Kurdish Red Crescent organisation. CN’s evidence was that by the time of her second application for naturalisation made on 10 July 2018, which led to the February 2024 decision, both her life and her politics had changed considerably.

7. The grounds on which CN challenges the February 2024 decision may be summarised as follows.

(1) The Home Secretary acted unfairly by not providing CN with an opportunity to address concerns on the good character issue before deciding to refuse her application for naturalisation.

(2) The February 2024 decision was unlawful because it was the work of two decision makers. The decision document disclosed by the Home Secretary shows that the application was considered, consecutively, by two civil servants within the Home Office.

(3) The Home Secretary’s decision that CN did not meet the good character requirement was not taken consistently with the Guidance so far as it sought to draw a distinction between association with extremists or terrorists and involvement in terrorism.

(4) The Home Secretary’s decision failed to identify the standard of proof that was applied when reaching the conclusion that CN did not meet the good character requirement and specifically did not state that the conclusion had been reached on the balance of probabilities.

(5) The conclusion that CN did not meet the good character requirement rested on irrelevant considerations, failed to attach sufficient weight to relevant considerations, and is inconsistent with the Guidance.

(6) The decision to refuse CN's application for naturalisation is an unjustified interference with CN's Convention rights, specifically those under Articles 8, 10 and 11 of the European Convention on Human Rights ("the ECHR").

8. CN's application to set aside the February 2024 decision comes to the Commission by way of section 2D of the Special Immigration Appeals Commission Act 1997. The Home Secretary's response to the application has relied on both OPEN and CLOSED evidence as permitted and provided for under the Commission's rules. The hearing comprised both OPEN and CLOSED parts. In the CLOSED part of the hearing, CN's interests were represented by Special Advocates.

**(B) A point on the Home Secretary's evidence**

9. The Home Secretary's evidence concerning the history of CN's application and the decision-making process was provided in two statements made by Christine Hughes, a Senior Executive Officer in the Homeland Security Group at the Home Office. Among other matters, the statements introduce an exhibit, the decision document dated 30 January 2024 which evidences the consideration and determination of CN's application by Home Office officials.
10. Ms Hughes' first statement made on 4 June 2024 included the following, immediately after the case title:

"I, Christine Hughes, am a Senior Caseworker within the Homeland Security Group. I was not involved in the decision making process for CN, however in the absence of the Senior Caseworker who certified this decision, I am providing this Statement."

On 21 November 2024, in the week before the hearing of the application, Ms Hughes made a further statement. This time, she said this at paragraph .4:

*"I previously stated in my First Witness Statement that "I was not involved in the decision-making process for CN, however in the absence of a Senior Caseworker*



*who certified the decision, I am providing this Statement*". This is not correct. As I state in paragraph 2 above, I reviewed the decision and agreed that the case should be refused and certified for statutory review ...'

Ms Hughes' second statement said nothing more on the matter. The Commission requested Ms Hughes attend the hearing and gave her the opportunity to explain what had happened. Ms Hughes was unable to explain how she had come to make the 4 June 2024 statement which said that she had not been one of the decision-makers. All that she could say was that she had been "dealing with a lot of cases". Nor was she able to explain why the error in her June 2024 statement had not been identified and corrected for some five months. Ms Hughes could not recall how the statements, in particular the 4 June 2024 statement, had been made. She could not say whether before making the June 2024 statement she had reviewed the documents exhibited to it which included the 30 January 2024 decision document.

11. Having considered Ms Hughes' evidence, we are compelled to infer that she did not write the June 2024 statement and that before signing the statement of truth she read neither the statement nor the documents exhibited to it. This is a reckless approach to evidence. We cannot but believe that had Ms Hughes had the slightest regard to the contents of the 30 January 2024 document she would have realised that the decision in this case was a decision she had made. Moreover, the 4 June 2024 statement exhibits a copy of what is said to have been the version of the Guidance applied when CN's application was decided. That is exhibit 3 to the statement. In fact, exhibit 3 is the version of the Guidance issued in 2020. In her November 2024 statement, Ms Hughes says that the 2020 version of the Guidance was not applied and refers to the document exhibited as "erroneous" and "an administrative error".
12. Even though statements such as the ones made by Ms Hughes in this case, which serve largely to exhibit contemporaneous documents, may not contain direct evidence on disputed facts or the reasons for the decision under challenge, it is vital that they are prepared carefully and conscientiously. The maker of a statement should not sign a statement of truth unless she has taken reasonable steps to be sure, and is sure, that what is said in the statement is true to the best of her knowledge, information and belief and that the exhibits to the statement have been accurately prepared. These requirements are important. Making a witness statement supported by a statement of truth is a solemn matter. The Commission relies on the parties before it and in particular on the Home

Secretary to prepare evidence thoroughly and robustly. It is, we regret to say, obvious that this did not happen in this case. Although we are satisfied that the approach taken when these statements were prepared does not provide reason to set aside the February 2024 decision, we hope that the Home Secretary and those who advise her will ensure that in future witness statements are on all occasions prepared to the highest standard.

**(C) Decision**

**(1) Ground 1. No opportunity given to CN to address matters of concern to the Home Secretary on the good character issue before the February 2024 decision was made.**

13. Before the February 2024 was made, the Home Office wrote to CN's solicitors on 2 June 2023, referred to the reasons relied on when CN's first application for naturalisation had been refused in 2005, and gave her the opportunity to make further representations:

"Given this information in open source and your client's previous refusal due to support for the PKK, a proscribed organisation in the UK, we are writing to you now to ask whether your client would like to make representations in relation to her public involvement with the PKK and previous refusal of British citizenship in 2005? Any such representations would be taken into account in the process of considering her application for British citizenship."

In response, CN provided her witness statement dated 3 July 2023 under cover of a letter from her solicitors dated 5 July 2023 containing submissions in response to the Home Office's request.

14. The submissions made in support of this first ground of challenge rely on documents disclosed in these proceedings on 8 August 2024: (a) the record of a port stop that took place in August 2022 when CN flew from London Stansted Airport to travel to Northern Cyprus; (b) the record of a port stop that took place in June 2023, also at London Stansted Airport, this time when CN was returning from Northern Cyprus; and (c) the document dated 30 January 2024 which evidences the reasons for the February 2024 decision. Each of these documents was disclosed to CN and her lawyers in OPEN form. CLOSED versions of these documents were disclosed to the Special Advocates.

15. Following disclosure, CN made a further witness statement dated 16 October 2024 setting out her recollection of the events described in the notes of the two port stops. In part, CN disputes whether what is recorded in each port stop document is accurate and complete. In further part, CN contends the port stop documents contain unfair and unwarranted commentary on what happened and what was said on each occasion. On this point, Mr Sellwood, counsel for CN, applied for disclosure of the recordings or transcripts of recordings of the interviews that took place at each port stop. He contended that these documents would support CN's overall case that the notes of the port stops, as disclosed, were not a complete or fair representation of what had happened and make good the submission that CN should have had the opportunity to comment on these notes before the February 2024 decision was made.
16. So far as concerns the 30 January 2024 document, CN's response focused on what was said in that document about CN's conviction for benefit fraud in 2015 ("the 2015 conviction"). On that occasion, CN was sentenced to four months' imprisonment, suspended for 12 months. When CN made her naturalisation application in July 2018, she did not disclose this conviction. This is a point made in the 30 January 2024 document. In her witness statement, CN explains the circumstances which caused her to make no mention of the conviction on her application and instead assert on the application form that she had not been convicted of any criminal offence.
17. There is no dispute before us as to the extent to which the requirement of fairness requires the Home Secretary to afford applicants such as CN the opportunity to respond to matters that may cause an application for naturalisation to be refused. The relevant case law has recently been summarised by the Commission in *KU v Secretary of State for the Home Department* (SG/97/2023, judgment 4 July 2024): see paragraphs 8 to 20 of the judgment in that case. In each case, the obligation on the Home Secretary is to inform an applicant of matters adverse to her application so that the applicant has a reasonable opportunity to deal with them.
18. We do not consider the Home Secretary failed to meet that obligation in this case. So far as concerns the port stop documents, CN's submission, which at first blush appeared to have some force, was undermined by the Home Secretary's response to the application for disclosure of the recordings of the interviews that took place or transcripts of those recordings. The Home Secretary's submission was to the effect that the port stop documents had not been relied on for the purposes of the February 2024

decision and that the notes of the port stops had been disclosed only because, as they contained CN's denial of involvement or association with the PKK, they were exculpatory documents. This response to the application for disclosure provides a complete answer to the first ground of challenge so far as it concerns the port stop documents. Since the contents of those documents were not relied on when the February 2024 decision was taken, fairness did not require provision of those documents or any of the information in them to CN for comment before the decision was taken.

19. The Home Secretary did not act unfairly by not specifically giving CN the opportunity to explain why in her application she had not referred to the 2015 conviction. As explained in the judgment in *KU*, this aspect of the Home Secretary's obligation to act fairly may, depending on the circumstances, be discharged in different ways. One way in which the obligation may be met is by way of information contained in generally published guidance on how naturalisation applications are to be made and the information to be provided by an applicant. Another way in which applicants may be put on notice that some or other matter must be addressed is through specific requests for information made on the application form. So far as concerns previous criminal convictions, the information published by the Home Secretary and what is required by the application form is clear. The guidance on the application process relevant to this application was published in January 2017 ("Guide AN Naturalisation as a British Citizen - A guide for applicants ...") The section on the good character states (at paragraphs 3.1 to 3.2):

"You must give details of all criminal convictions both within and outside the United Kingdom".

The part of the application form that concerns the good character requirement includes the following:

"3.1 Have you been convicted of any criminal offence in the UK or any other country?

...

3.2 Please give details below for each criminal conviction, starting with the most recent one. If you have received more than two convictions, please photocopy this page and enclose it with this form.

**Note:** We will carry out criminal record checks on all applicants. You must give details of all criminal convictions ..."



20. In these circumstances, what was required of CN was clear. She had a fair opportunity to disclose and give details of the 2015 conviction. There was no want of fairness in this regard.

21. For these reasons, the first ground of challenge fails.

(2) Ground 2. The February 2024 decision was unlawful because there were two decision makers.

22. This submission relies on the 30 January 2024 decision document. That document evidences the decision and the decision-making process and shows that CN's application was considered by two Home Office officials. The document is a pro forma. This form of document is regularly, if not invariably, used when a naturalisation application is considered. In this instance, the first part of the document summarises CN's application. The information is provided in support of the application, and any other information obtained by the Home Office for the purpose of deciding the application, and refers to the Home Office guidance relevant to naturalisation applications. There is then a section headed "Summary of Decision". In the OPEN version of the decision document, that summary is as follows:

"I have assessed the good character requirement for naturalisation and I find that there is evidence to support that [CN] is not of good character.

[CN] is assessed to have concealed relevant information in relation to her application for British citizenship. I note that [CN] failed to declare her 2015 conviction on her 2018 application form. This indicates [CN's] unwillingness to be frank about activities she has been involved in of an adverse nature and casts doubt on her character, whilst not a ground for refusal in isolation.

Do you agree as proposed?"

The second part of the document is headed "Certification Required by SEO Caseworker". In this case, this section contains the following:

"Thank you for referring this case through to me.

You have assessed that [CN] has not been honest in her dealings with the Home Office and that she has concealed relevant information in relation to her application. You note in particular [CN] was given the opportunity to make



further representations and submit a witness statement which outlined her political activities.

You have considered whether [CN] renouncing her support for the PKK would be sufficient mitigation against her past involvement with the group. However, you do not think that this in itself would be sufficient mitigation.

I am also aware that [CN] has provided information to confirm that she has been involved in legitimate activities in support of the Kurdish community. She confirmed that she had previously volunteered for charitable roles and for the Kurdish Red Crescent charity. She also noted that she had assisted in charitable fundraising at festivals and events in Birmingham and London.

Having assessed all of these factors, I have not been able to establish any strong countervailing factors that would outweigh [CN's] association with the PKK. I am therefore not satisfied that the statutory requirement of good character has been met.

In light of this assessment, I agree that this case should be refused and certified for statutory review in SIAC."

23. This approach to taking a decision on a naturalisation application, entailing consideration of the application successively by two caseworkers, is not the subject of any guidance or policy prepared by the Home Secretary, but is the approach taken when naturalisation applications are determined.
24. The submission for CN characterises the approach as one in which the role of the second caseworker is to decide whether she agrees with the conclusions reached by the first caseworker. CN contends that in this case the reasons given by the second caseworker do not entirely coincide with the reasons given by the first caseworker, that the second caseworker takes into account matters the first appears to have left out of account, but then failed to return the matter to the first caseworker for her further consideration. The written submission for CN then continues as follows:

'The SEO's (second decision maker) role is to check whether they agree with the first decision maker or not. In this instance, the SEO appears to partly continue the decision-making role (turning the language to first person "I") and considers matters that the first decision maker appears to have left out of account (notably elements of good character which are relevant).

It is submitted that this is inappropriate and results in unfairness on the Appellant. Either the first decision maker should have reconsidered the matter afresh under the correct direction of the SEO or the SEO considered the decision afresh for themselves after considering all of the evidence and replace the first decision maker's decision.

It is unfair and impossible for two decision makers to make part of the decision each, particularly where the second partially relies on the written decision of the first (and any errors inherent therein). It is also difficult to imagine how two

decision makers looking at different elements of the facts are able to apply the single global balance of probabilities threshold.'

25. We do not accept this submission. It can fairly be said that the OPEN version of the 30 January 2024 decision document is a little difficult to understand. The "Summary of decision" part of the document states "There is evidence to support [a conclusion] that [CN] is not of good character" without saying whether that evidence is sufficient to conclude the issue. It states that CN has "concealed relevant information in relation to her application...", refers to the failure to disclose the 2015 conviction, but then states (consistently with the Home Secretary's Guidance) that that failure is not of itself a sufficient reason to refuse the application. The "Certification" section of the document refers to the lack of "any strong countervailing factors that would outweigh [CN's] association with the PKK" and for that reason concludes that the good character requirement is not met.
26. In this way, what is said in these two parts of the document is disjointed. However, this is the consequence of the CLOSED material procedure and the way in which in this instance the OPEN version of the document has been prepared. We do not consider that this is evidence of anything further. It is not evidence that supports the contention that the process by which the decision was taken was flawed. Rather, the general process applied to take this decision was entirely permissible. One caseworker considers the application and reaches a conclusion on the application and states a proposed decision. A second, more senior, caseworker then reviews the decision to decide whether she agrees with the proposed decision. In the present case, it happens that both caseworkers who considered the application were SEO grade caseworkers. However, that does not in any way invalidate the general approach that an application is considered, consecutively, by two caseworkers. In general terms, this approach to the decision making has a clear advantage that it may produce better-considered outcomes. We therefore reject the submission that the decision-making process, as a process, was flawed and that the Home Secretary acted unlawfully for that reason.

(3) Ground 3. The reason given in the February decision for refusing CN's application is inconsistent with the Home Secretary's Guidance.

27. The decision letter informed CN that her application had been refused "... because of your involvement with the PKK, a proscribed organisation".
28. The Home Secretary's Guidance on the good character requirement includes the following:

"If there is information to suggest that the applicant has been involved in, or associated with, acts contrary to any state's national security including terrorism, they will not normally be considered to be of good character and will fall to be refused.

...

Those who associate or have associated with persons involved in terrorism may also be liable to refusal of citizenship."

Thus, the former passage refers to persons "involved in, or associated with ... terrorism", the latter to persons who "associate ... with persons involved in terrorism".

29. In the first part of the decision document the caseworker simply states:

"I have assessed the good character requirement for naturalisation and I find there is evidence to support that [CN] is not of good character."

The second part of the decision document is set out above. It includes the following: that consideration had been given to whether CN's renunciation of her support for the PKK would be sufficient mitigation against her past "involvement" with the group; that it had not been possible to establish any countervailing factors outweighing CN's "association" with the PKK; and for that reason the good character requirement was not met.

30. The submission for CN is that while the Guidance distinguishes between being "involved in" acts of terrorism, being "associated with" acts of terrorism, and association "with persons involved in terrorism", the decision letter and the decision document appear to refer to "involvement" and "association" as if they were interchangeable concepts. Thus, it is submitted that the decision in this case was not made in accordance with the Guidance.
31. It is important that decisions are taken consistently with relevant policies or if not, that departures from policy are carefully considered. The Home Secretary's case in this

instance is that the decision taken was entirely consistent with the Guidance. Whether or not that case is made out is a matter of substance not form. We must consider both the substantive meaning of the Guidance and also the evidence relied on by the Home Secretary when she applied that Guidance in this case. The submission for CN assumes that the references in this part of the Guidance to “involvement in” and “association with” must be references to discrete concepts so that reference to one rather than the other could be a matter of significance and, potentially, error.

32. We disagree. The purpose of the passages in the Guidance set out above is to explain what sort of connection will mean that an applicant is not of good character. It could be said that “association” suggests a connection that falls short of “involvement”. However, any attempt to draw a hard line between these two notions would be difficult and in all likelihood would serve little purpose. Taken together, the two words describe the type of connection that is, quantitatively, sufficient to render an applicant not of good character. Thus, in this case, simple comparison of the language in the decision letter which refers to CN’s “involvement” with the PKK and the language of the decision document which refers to CN’s “association” with the PKK does not prove any legal error. What matters is consideration of the evidence relied on by the Home Secretary in this case. For this reason, we consider that the substance of the point contained in ground of challenge (as to the nature of any connection with the PKK) is better assessed in the context of CN’s fifth ground of challenge, which is the direct challenge to the Home Secretary’s substantive decision on the naturalisation application.

(4) Ground 4. Failure to determine the good character issue on a balance of probabilities.

33. By section 6 of the 1981 Act, the Home Secretary may grant a naturalisation application if she is satisfied that the applicant fulfils requirements in Schedule 1 to the Act. The requirement at paragraph 1(1)(b) of Schedule 1 is that the applicant “is of good character”. The Act therefore requires the Home Secretary to be “satisfied” that the applicant “is of good character”. The Guidance states that the decision maker “... must be satisfied that an applicant is of good character on the balance of probabilities”.
34. The submission for CN rests on the premise that neither the decision letter nor the decision document refers to the standard of proof set out in the Guidance. This is correct but, of itself, is not a matter from which a compelling inference is likely to arise. The



standard of proof is clearly stated in the Guidance. It is unlikely that caseworkers applying this Guidance would not have this requirement well in mind. As with Ground 3, we approach this ground of challenge as a matter of substance and will consider it further when addressing CN's challenge to the substantive decision, which is the next ground of challenge.

(5) Ground 5. The decision to refuse CN's application rests on irrelevant considerations, fails to give proper weight to relevant considerations and is inconsistent with the Guidance.

35. This ground of challenge comprises a number of threads. *First*, that the conclusion that CN was not of good character placed too much reliance on her past connection with the PKK up to and including 1999, and attached too much significance to CN's failure to declare the 2015 conviction on her application form. *Second*, the conclusion reached by the Home Secretary gave too little weight to CN's life since 1999; her disassociation from the PKK from that time; her support for mainstream political causes and for charitable organisations. *Third*, the conclusion rested on an irrelevant consideration, namely whether CN's past connection with the PKK had been "sufficiently mitigated". Such a notion, it was submitted, is irrelevant since an applicant is either of good character or not. That is the criterion in the legislation and it is to be applied at the point the application is considered. To ask whether there has been sufficient "mitigation" of previous conduct that rendered an applicant as not of good character is to ask the wrong question. *Fourth*, it is submitted that in any event the decision taken was inconsistent with the tenor of the Guidance and was irrational.
36. In proceedings such as these conducted using a CLOSED material procedure, the applicant who challenges the substance of the decision taken will always be at a disadvantage to the extent that full disclosure of the reasons for the naturalisation decision cannot be made to her. In the present case, the information available to CN is sparse. The decision letter refers only to CN's "involvement with the PKK" and provides no further detail. The version of the 30 January 2024 decision document available to CN is also incomplete. The OPEN version of the decision document is a particularly difficult document to make sense of. In part, this is the consequence of the need to remove from the document information that is sensitive on national security



grounds, but in part this is because of the way the OPEN version of the document has been prepared.

37. The OPEN version of the decision document has been prepared to make it appear as if the document is an original, complete, document. There is no indication on the face of the document either of the extent of the information redacted or even of the places in the document where redactions have occurred. In this case, that gives a false impression as to the basis for the Home Secretary's decision.
38. There is no single "right" way to prepare OPEN versions of CLOSED documents. On occasions, documents are prepared with the sensitive information simply blacked out. This will show the places where text has been removed and give some indication of the extent of the text that has been removed. On other occasions where a document cannot be disclosed in full a "plain paper" version of the document may be prepared so that the text that is capable of being disclosed in OPEN is copied into a new document that does not pretend to be an original document. Sometimes such documents may include indications of where redaction has occurred: for example, by including the marking "[words redacted]" at suitable places in the document. A third option is the course taken in this case. The OPEN version of the document is a newly created version of the original document that is presented as a complete "original". The OPEN document neither indicates where text has been redacted or the extent of any such redaction. It is open to doubt whether this approach was required in the circumstances of this case: see and compare *R(LIT FM Holdings UK Limited and others) v Secretary of State in the Cabinet Office* [2024] EWHC 386 (Admin) at paragraphs 6 and 12 - 15, but this is not a matter we need to decide.
39. The approach taken in this case, that the OPEN version of the decision document is presented as if it indicated the entirety of the Home Secretary's reasoning, has shaped CN's challenge to the substance of the decision. However, the OPEN grounds of challenge and the entirety of the Home Secretary's reasoning are mis-matched. We are satisfied that there is no substance to CN's OPEN grounds of challenge. It is apparent that the Home Secretary's decision neither rested on over-reliance on CN's connection with the PKK up to 1999, nor on any underappreciation of her activities since returning to London in 2014 in local politics and Kurdish charitable causes, nor on the outcome of an assessment of whether CN's prior connection with the PKK had been "sufficiently mitigated". CN's submission under Ground 3 on whether the conclusion had been that

“CN was involved” with the PKK or “associated” with it, can be seen not to be a matter of any substance. The decision made was consistent with the Guidance. We are also satisfied that the decision was consistent with the Guidance to the extent that the Home Secretary decided whether CN met the good character requirement on a balance of probabilities.

40. We have, therefore, concluded that the Home Secretary’s decision to refuse CN’s application for naturalisation was a decision lawfully open to her. However, we are unable to set out the reasons for that conclusion in the OPEN part of this judgment.

(6) Ground 6. The Home Secretary’s decision was in breach of Convention rights.

41. The submission in support of this ground is to the effect that the decision to refuse the naturalisation application amounts to an interference with CN’s rights under ECHR articles 8, 10 and/or 11. CN relies on the difficulties she faces when travelling on her present passport (issued by the Turkish Republic of Northern Cyprus) which means that her opportunity for overseas travel with her children, who hold British passports, are limited. CN contends that the decision to refuse her naturalisation application rests on an unjustified interference with her right to hold and espouse legitimate political opinions.

42. As to the former point, the decision to refuse CN’s application for naturalisation does not give rise to any interference with article 8 rights. The position in this regard is materially the same as considered by the Commission in *KU* (see above). In that case, the Commission said as follows at paragraph 35:

“A refusal of an application for naturalisation will not, of itself, comprise an interference with Article 8 rights. Taking the present case as an example, the Applicant has indefinite leave to remain in the United Kingdom. The decision refusing the naturalisation application has no impact on that leave to remain. Had the application for naturalisation been granted, the Applicant’s status would have been enhanced. But the decision to refuse the application has not, in any objective or quantifiable respect, adversely affected her private and family life. There is no evidence from the Applicant of any specific detriment to her Article 8 rights. We have no doubt she will have been disappointed and even frustrated at the Home Secretary’s decision, but so far as the evidence is concerned the matter goes no further than that. On this basis any claim based on Article 8 fails to get off the ground at all.”

43. In the present case, the same points apply, *mutatis mutandis*. In any event, and this applies equally to CN's case based on ECHR articles 10 and 11 as it does to her case based on ECHR article 8, any interference that has occurred is justified. The good character requirement at paragraph 1(1)(c) of Schedule 1 to the 1981 Act pursues a legitimate objective. The argument that the refusal of CN's application gives rise to any unjustified interference with Convention rights can fair no better than CN's submission under Ground 5. We have already concluded that the Home Secretary's decision was taken in accordance with her policy and rested on sufficient information. That is sufficient justification in circumstances of an application such as the present where the margin of appreciation to be afforded to the Home Secretary must be a material one.

**(D) Disposal**

44. For the reasons above, CN's application fails and is dismissed.
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