



Neutral Citation Number: [2022] EWCA Civ 439

Case No: CA-2021-000685

IN THE COURT OF APPEAL (CIVIL DIVISION)
ON APPEAL FROM THE HIGH COURT
MR RICHARD CLAYTON Q.C. SITTING AS A DEPUTY JUDGE OF THE HIGH
COURT
CO/2338/2020

Royal Courts of Justice
Strand, London, WC2A 2LL

Date: 31/03/2022

Before:

LORD JUSTICE COULSON
LADY JUSTICE CARR
and
LORD JUSTICE LEWIS

Between:

THE QUEEN (on the application of ALI TAWFIK MOHAMED AMIN)	<u>Appellant</u>
- and -	
THE SECRETARY OF STATE FOR THE HOME DEPARTMENT	<u>Respondent</u>

Jay Gajjar and Aryan Stedman (instructed by Law Lane Solicitors) for the Appellant
Zane Malik Q.C. (instructed by the Government Legal Department) for the Respondent

Hearing date: 24 March 2022

Approved Judgment

This judgment was handed down remotely by circulation to the parties' representatives by email and release to Bailii. The date for hand-down is deemed to be on 31 March 2022.

Lord Justice Lewis:

INTRODUCTION

1. This appeal concerns the refusal of the respondent to grant an application by Mr Ali Tawfik Mohammed Amin for naturalisation as a British citizen. Section 6(1) of the British Nationality Act 1981 ("the 1981 Act") provides that the Secretary of State may grant a certificate of naturalisation if she is satisfied that the applicant fulfils the requirements of Schedule 1 to the 1981 Act. The material provision of that Schedule is paragraph 1(b) which provides that one of the requirements is that the applicant "be of good character". The respondent refused Mr Amin's application as she was not satisfied that he met the requirement that he be of good character.
2. Mr Amin's brought a claim for judicial review of that refusal. That claim was dismissed by Mr Clayton Q.C., sitting as a Deputy High Court Judge ("the Judge"). Mr Amin appeals, contending that the Judge was wrong to dismiss his claim that the respondent had failed to have regard to, or give adequate reasons in respect of, certain material factors and that she had reached an irrational conclusion. Mr Amin further contends that the Judge failed to give adequate reasons for his decision dismissing the claim for judicial review.

THE FACTS

3. Mr Amin is a citizen of Iraq. He was born on 1 June 1978. He came to the United Kingdom on 20 October 2002. He was granted exceptional leave to remain and then indefinite leave to remain. He applied for naturalisation as a British citizen in 2013 but that was refused as he had committed motoring offences in 2012 and 2013.

The Application for Naturalisation

4. Mr Amin applied again for naturalisation on 9 May 2017. That was refused on 14 January 2019. Before considering the reasoning for that refusal, it is convenient to summarise relevant parts of witness statements made by Mr Amin in legal proceedings in 2007 and 2010. Those matters are referred to by the respondent in her decision.

The Background Evidence

5. In his 2007 statement, Mr Amin details his association with Mullah Krekar and his family. Mr Amin says that he was aware that Mullah Krekar was the leader of a group known as Ansar al Islam (which is regarded as a group with extremist views). Mr Amin explained that his family and Mullah Krekar's family had been friends since the 1970s. Mr Amin's father and Mullah Krekar's brother had been at school together. Members of Mr Amin's family had married members of Mullah Krekar's family. In 1998, for example, Mr Amin's aunt married Mullah Krekar's brother.
6. In August 2004, Mr Amin went to Sweden to visit his uncle. He contacted Mullah Krekar who then lived in Norway. Mullah Krekar invited him to visit him in Norway. He did so and stayed the night with Mullah Krekar and his family. Mr Amin said that Mullah Krekar's daughter was there and, in retrospect, Mr Amin believed that Mullah Krekar's invitation was intended to enable him to meet Mullah Krekar's daughter although nothing was said at that stage about marriage. Subsequently, discussions took

place whereby Mr Amin's family approached Mullah Krekar's family with a view to a marriage between Mr Amin and Mullah Krekar's daughter. Mullah Krekar approved of the marriage. In November 2004, Mr Amin travelled to Norway and underwent a religious ceremony as part of the process of marriage. He stayed with the Krekar family for 6 days. He subsequently returned to the United Kingdom to continue his studies. His wife was to remain in Norway to complete her studies in pharmacy.

7. Mr Amin subsequently learnt that his wife did not want the marriage. He travelled to Norway in January 2005. Mr Amin said his wife wanted a divorce but he refused. He says that Mullah Krekar said he would find out what the problem was. Mr Amin subsequently travelled to Norway in June 2005 and stayed for 8 days with the Krekar family. His wife maintained that she wanted a divorce. It seems she obtained a divorce. In his 2007 witness statement, Mr Amin says that he was seeking advice at that time about challenging the validity of the divorce as it was his understanding of Islamic law that, if he had not given his approval, his wife could not divorce him as he had not done anything wrong. Ultimately, it seems Mr Amin accepted the fact of the divorce and relations between him and the Krekar family broke down.
8. Mr Amin also described his move to a flat in London in 2005 and his association with particular individuals. The flat was recommended to him by a friend called Jutyar. He says he did not know Jutyar well when they both lived in Iraq but they got to know each other better when they lived in the UK. Jutyar would stay at the flat in London and he would sleep in the same room as Mr Amin, with one of them sleeping on the floor and the other in the bed. He says that Jutyar was married with a child, and had studied Islam and knew Sharia law. He therefore discussed the problems in his own marriage with Jutyar and took advice from him. He describes tasks he undertook on behalf of Jutyar such as booking flight tickets for a third person, taking care of another person's bank card, and scanning ID documents. Mr Amin also describes his relationship with Safuddin who was already living at the London flat when Mr Amin moved there (although they had met once before). He agreed that he would pay money belonging to Saffudin into his (Mr Amin's) bank account, and would look after it. He said he spoke to Saffudin frequently by phone.
9. Mr Amin and others who either lived in the flat or were known to Mr Amin were arrested in October 2005. Mr Amin and others (including, I understand, Jutyar and Safuddin) were subject to control orders restricting their movements and ability to contact others. Mr Amin was subject to a control order from 25 November 2005 to 31 July 2006. The written material before this Court states that the terms of this order were found to be unlawful. The control order was replaced by a different order on 1 August 2006 which imposed different terms. That was withdrawn on 31 July 2008. Mr Amin says he was compensated for the unlawful detention in respect of the period of time during which the first control order was in place. No criminal charges were ever brought against Mr Amin.

The Decision Refusing Naturalisation

10. By letter dated 14 January 2019, the respondent refused the application for naturalisation. In summary, the reason was that the respondent:

“is not satisfied that you can meet the statutory requirement to be of good character due to your association with known

members of Ansar Al Islam and your relationship with Mullah Krekar, who was the leader of the organisation from 2001 and 2003 and was well known for his extremist views when you chose to travel from Sweden to Norway to visit him and his family”.

11. The letter gave further details of the facts relied upon, including the fact that Mr Amin had sought to prolong the relationship with Mullah Krekar and his family even though he was aware of Mullah Krekar’s views. It referred to Mr Amin’s association with other extremists or members of Ansar Al Islam. Given the proximity of Mr Amin to some of those individuals, with whom he had shared a home and aspects of his personal life, the respondent considered that there was no reason to assume that Mr Amin was unaware of their views. Even if those associations had ceased, the respondent said that she had been given no reason to believe that contact would have ceased if the control order had not been imposed placing restrictions on contact.

The Application for Reconsideration

12. Mr Amin applied for a reconsideration of that decision. He supplied a witness statement signed by him and dated 26 August 2019. In that statement, he said that he was invited by Mullah Krekar to visit his daughter for the purposes of marriage and his relationship was therefore only for the purpose of marriage. He further stated that the Home Office were wrong to say that he attempted to prolong his association with his ex-wife and “merely sought an explanation for the divorce and that is it”. He referred to the fact that there was a family connection with Mullah Krekar and his family. He stated that he did not know or care about Mullah Krekar’s political views. He said that he did not share his extremist views. He said he did not have any links or association with Ansar Al Islam. He asserts that he did not know the political views of the persons that he was associated within in 2005. Mr Amin does not in fact give any evidence as to what his views were, or are, or whether there has been any change in his view. He stated that he was now married with children. He also referred to the people he was arrested with in the same house in 2005. He said that all he “did whilst at the property was sleep on the floor in the living room and eat occasionally”. He said that most of the time he was out of the house pursuing his education, and would simply go back to the house in the evening to rest his eyes. He referred to the fact that no criminal charges had been brought against him and that he had challenged the control order through the courts and had been awarded compensation. His statement refers to other matters.
13. By letter dated 2 April 2020, the respondent decided to maintain the decision. The respondent again noted that by Mr Amin’s own admissions in previous statements he had sought out and attempted to maintain a close family connection with a person with extremist views. In addition, he had associations with other extremists. The letter considered the guidance which indicated that those who associate, or have associated, with persons involved in extremism may be liable to be refused citizenship. The guidance indicated that regard would be had to whether the association was of the person’s free will, whether the individual was unaware of the other person’s views, whether there was any suggestion that the individual’s association signalled implicit approval of the views and the length of time that the association lasted. That list was said not to be exhaustive. The respondent said that she had considered the information provided in the latest witness statement. She concluded that that did not negate the reasons for refusal of naturalisation. The fact was that Mr Amin had freely associated

with individuals with extremist views whilst being aware of those views. The letter set out why the respondent did not accept some of the matters referred to in the latest witness statement.

The Supplemental Letter

14. The respondent sent a supplemental letter dated 22 February 2021 adding further information. The letter dealt with the passage of time since the associations ended. It noted that there was no evidence that these associations ceased completely of Mr Amin's own free will rather than because of other factors such as the restrictions on contact imposed by the control order or the breakdown in his marriage with Mullah Krekar's daughter. The respondent indicated that she would expect a greater number of years to have passed before disregarding such contact and, additionally, that there would be evidence that the applicant had moderated the views shared with those with whom the applicant had associated. The respondent considered that Mr Amin had not provided such evidence but, rather, was attempting to distance himself from these individuals because of the adverse effect on his immigration status. The respondent considered that there was no evidence that the views held by these individuals were, or are not, views held by Mr Amin.
15. It was accepted in the court below and in this Court that the three letters of 14 January 2019, 2 April 2020 and 22 February 2021 should be read together.

The Judgment in the Court Below

16. In a clear and concise judgment, the Judge set out the relevant facts and the legal principles to be applied. He summarised the submissions on behalf of Mr Amin as to what were said to be errors in the decision letters and the matters that had not been taken into account in relation to the first ground of challenge. He concluded, in essence, that:

“18. Mr Gajjar's careful submissions focus on a complaint that the defendant overlooked particular issues. However, it is plain from decision letters that the defendant had expressly considered factors that the claimant raised, such as the new relationship in the United Kingdom, the relationship with his wife and children, and the remote possibility of the claimant making contact with Mr Krekar or his family. However, the defendant concluded that those factors did not dissuade him from her conclusion that the claimant could not establish he was of good character. Mr Gajjar argues that the fact of the claimant's association does not have the significance which the defendant gives it. However, the defendant's principal concern appears to be the way in which the claimant addressed those associations rather than the mere fact of them. In any case, it is plain that the claimant had objectional associations in addition to the relationship he had with Mr Krekar and his family. I accordingly reject the claimant's irrationality challenge and now consider the challenge in terms of Mr Gajjar's complaint that the defendant's reasons were inadequate.”
17. In relation to the second ground of claim concerning the alleged misinterpretation or failure to apply relevant guidance, the Judge set out the material parts of the guidance. He concluded that:

“In my judgment, the claimant's complaint about misapplication of the guidance must fail. I accept the defendant's submission and hold that the claimant has failed to demonstrate that the defendant acted in breach of policy by proceeding by way of mere association and/or that the old association was still relevant. In my judgment the defendant's reasoning on this issue was more complex and comprehensive and I reject Mr Gajjar's characterisation of the defendant's approach.”

THE GROUNDS OF APPEAL AND SUBMISSIONS

18. There are three grounds of appeal, namely that the Judge erred by failing:
 - (1) To find that the respondent had failed to have regard to, or given adequate reasons on certain material factors;
 - (2) To find that the respondent had reached an irrational conclusion or misapplied the guidance on good character;
 - (3) To give adequate reasons for his decision.
19. Mr Gajjar, on behalf of Mr Amin, expanded on those grounds in his written and oral submissions. Grounds 1 and 2 could be taken together. His central submission was that the question under paragraph 1 of Schedule 1 to the 1981 is whether the appellant “is of good character”. Whilst he accepted that assessment of the individual’s past may provide a helpful indication of whether the person is currently of good character, the respondent must consider what happened in the past, why it happened and the person’s life now. In that regard, he submitted in oral submissions that the respondent could not rationally conclude that Mr Amin is not of good character and focussed on three matters.
20. First there was the passage of time. 14 years had passed since the associations had ended and Mr Amin’s life had moved on. He had undertaken university education and had married and had four children. In the circumstances, it was irrational of the respondent to take account of the past associations. Further, no explanation was given as to what number of years would be enough to justify disregarding the past associations.
21. Secondly, there was the significant feature of Mr Amin’s a new family. He had married in 2011 and subsequently had four children. There was no prospect of him seeking to resume contact with his ex-wife’s family. That matter had been ignored by the respondent.
22. Thirdly, on all the evidence, there was no rational basis for the respondent to assume that he shared any of the views of Mullah Krekar or of the people he associated with in 2005. The position of the respondent had evolved in that regard. In 2019, she did not say that Mr Amin did share such views whereas in 2021 she was saying that there was no evidence that the views held by these individuals were or are not views held by him. Mr Gajjar referred in addition to the fact that Mr Amin had not been prosecuted for any

criminal charge and that the first control order was unlawful and he had been compensated for the unlawful detention.

23. Mr Malik Q.C. for the respondent submits that the issue is whether the respondent is satisfied that the applicant is of good character and that it is for the applicant to satisfy the respondent of that fact (relying on observations of Stanley Burnton LJ in *Secretary of State for the Home Department v SK (Sri Lanka)* [2012] EWCA Civ 16 at paragraph 31). Further, he said that establishing that the respondent had acted irrationally in this area would be difficult, given that Parliament had conferred a broad discretion on the Secretary of State who was entitled to adopt a high standard as to what was required of a person seeking naturalisation as a British citizen (relying on the observations of Nourse LJ in *R v Secretary of State for the Home Department (No 2)* [2000] EWCA Civ 523, [2001] Imm AR 134 at 141 and Lang J. in *Amirifard v Secretary of State for the Home Department*[2013] EWHC 279 (Admin) at paragraph 59.
24. In the light of that, Mr Malik submitted that the respondent was entitled to reach the conclusions that she did. There was no dispute that Mr Amin had had an association with members of Ansar al Islam and Mullah Krekar in particular. He initiated contact with Mr Krekar knowing of his background. Mr Amin had had contact with others with extremist views and who were members of Ansar al Islam. The respondent had reviewed that evidence. She had taken the view that these associations were carried out of his own free will and was entitled to infer that he knew of the views of Mullah Krekar and of others. In those circumstances, she was entitled to conclude that Mr Amin had not satisfied her that he was of good character. She had had addressed the factors referred to in the guidance in her decision letter. The Judge was entitled to dismiss the claim and gave adequate reasons for doing so.

DISCUSSION AND CONCLUSION

25. By way of preliminary observation, the context is that the respondent is considering an application for naturalisation as a British citizen. Before she can grant such an application, she must be satisfied that certain statutory requirements are met. Here, the relevant one is that she is satisfied that the applicant is of good character. If she is not satisfied of that, she must refuse the application. The question of whether the respondent is satisfied that the applicant is a person of good character, such that he should be regarded as eligible for the grant of British citizenship, necessarily involves an evaluation or judgment on the part of the Secretary of State. Parliament has assigned that judgment to the Secretary of State. Unless her decision is irrational, or exhibits some relevant failure to observe public law principles, the decision as to whether she is satisfied that the person is of good character in this context is a matter for the Secretary of State. Further, it is for the applicant to satisfy the Secretary of State that he is of good character; it is not for the Secretary of State to prove that he is not of good character.
26. In the present case, the fundamental reason underlying the respondent's decision is that Mr Amin freely associated with persons who were members of an extremist organisation, Ansar Al Islam, or people regarded as having extremist views. These included his relationship with the person who was, and whom Mr Amin knew to be, the leader of that organisation. Mr Amin initiated contact with him and travelled to Norway to visit him. Mr Amin also associated with other members of the group, or person who held extremist views, sharing a home and aspects of his personal life with them. The

respondent considered that there was nothing to suggest he was unaware of their views or that he did not share those views. She did not consider that sufficient time had passed such that she should disregard the previous associations and, importantly, there was no evidence provided by Mr Amin to demonstrate that he had modified the views that she considered he shared with those individuals. Rather, she considered that he was simply seeking to distance himself from those individuals. She was not satisfied that Mr Amin had demonstrated himself to be of good character. The question is whether that view is irrational, or involved overlooking or ignoring a relevant factor.

27. It is convenient to take the first two grounds of appeal together. I deal with the specific criticisms of the decision made by Mr Gajjar. The first concerned the passage of time since the associations came to an end, in this case about 14 years. There is no fixed or set period after which earlier associations should be disregarded in deciding whether a person is of good character. The guidance does not set any fixed period. Nor, realistically, can there be any such fixed period. Whether such associations should be disregarded will be a question of fact in each case. The question will often be whether or not the applicant may continue to share, or approve of, the extremist views of those with whom he has been associating in the past. Much may depend upon the circumstances as a whole. The passage of time may be a relevant factor to take into account. It is one of the matters that the respondent may have to assess on the facts of a particular case.
28. In the present case, the respondent did address the passage of time since the association with the Krekar family and the others came to an end in her letter of 22 February 2021. First, she considered that the cessation of contact was not the result of the free choice of Mr Amin or any change of view on his part. Rather, the association between Mr Amin and Mullah Krekar ceased on the breakdown of his marriage with Mullah Krekar's daughter. Contact with the other individuals would have been difficult because of the restrictions imposed by the control orders. Secondly, she would expect a greater number of years to have passed before it was appropriate to disregard associations with members of extremist groups or others holding extremist view. Finally, she took account of the absence of positive evidence that Mr Amin had moderated the views that the respondent inferred he shared with those with whom he had been associating. The respondent, therefore, did not consider that she should disregard the earlier associations and took them into account. The respondent was entitled to make that assessment of the significance of the passage of time in the circumstances of the present case. I do not accept Mr Gajjar's submission that the only rational decision that the respondent could make, given the passage of time, and the changes in Mr Amin's life, was to disregard the earlier associations.
29. Secondly, Mr Gajjar submits that the respondent ignored the fact that Mr Amin is in a new relationship and is married with children or that the only rational decision that the respondent could reach was that there was no prospect now of him resuming contact with the Krekar family. Mr Amin's marriage and children were referred to, albeit only in the briefest of terms, in Mr Amin's witness statement made in connection with the application to reconsider the refusal. It is correct that the respondent does not expressly refer to Mr Amin's wife and children in her subsequent letters. However, in her letter of 2 April 2020 the respondent states that "I have considered the information in your latest witness statement and do not feel it negates any of the reasoning behind the refusal". She then explains why she considers that to be the case. I am satisfied,

therefore, that she has not ignored this factor. Furthermore, I do not accept Mr Gajjar's submission that the only rational decision that the respondent could reach, in the light of the change in Mr Amin's family condition, was that his earlier views had changed. Those views may have remained substantially the same, notwithstanding marriage or family or other considerations.

30. Nor does the fact that Mr Amin was released without charge and was compensated for the unlawful detention alter matters. There is no basis for considering that the respondent has "overlooked" those matters. They were set out in the witness statement made by Mr Amin when he applied for a reconsideration of the refusal of his application and the respondent says she took that information into account. The matter that concerned the respondent, however, was his association with members of an extremist group or those with extremist views. The fact that he had not been prosecuted for terrorist offences and that the terms of a detention order were not lawful were simply not sufficient to overcome the concerns on that issue.
31. Thirdly, Mr Gajjar submits that the respondent acted irrationally by considering that Mr Amin shared the views of Mullah Krekar or of other persons with whom he had been associating. He submits that there was no basis for such a view. Nor was there any basis for saying that he was seeking to distance himself from those other individuals. In so far as there were discrepancies between Mr Amin's earlier statements and that made in 2019, those matters did not go to the question of whether Mr Amin shared the views of those other individuals.
32. I do not accept those submissions. The evidence is that there were longstanding family connections between Mr Amin's family and Mullah Krekar's family with members of one family having married members of the other family. That would inevitably lead in any event to the inference that Mullah Krekar's views were known to Mr Amin. However, Mr Amin expressly said in his 2007 witness statement that he "was aware" that Mullah Krekar was the leader of Ansar al Islam. It was in that context that Mr Amin initiated contact with Mullah Krekar and visited him in Norway in 2004 before any question of marriage with his daughter arose.
33. Furthermore, the respondent was entitled to regard the discrepancies between the 2007 statement and the 2019 statement as significant and as indicating an attempt by Mr Amin to distance himself from Mullah Krekar and his views. I give just a few examples. First, Mr Amin says that he never knew Mullah Krekar's political views. That is contradicted by the fact that he said in 2007 that he knew Mullah Krekar was the leader of Ansar Al Islam. Secondly, he said that he did not have any objection to the divorce from Mullah Krekar's daughter but merely wanted to know what the reasons were and that the Home Office were wrong to say that he had tried to prolong his relations with Mullah Krekar and his family. That, with respect, does not represent the evidence that Mr Amin himself gave in 2007. He says he went to Norway in January 2005 and when his wife insisted she wanted a divorce he refused. He returned to Norway in June 2005 and spent eight days with Mullah Krekar's family. Indeed, in 2007 he says that he was still seeking advice, including legal advice, about challenging the validity of the divorce and his understanding was that his wife could not divorce under Islamic law without his approval. The respondent was clearly entitled to take the view, therefore, that Mr Amin was trying to maintain the marriage, and his relationship with Mullah Krekar's family. Thirdly, the respondent would be entitled to consider that Mr Amin was being disingenuous in 2019 when he said he was invited by Mullah Krekar to visit his

daughter for the purpose of marriage and nothing else and the relationship was only for marriage. In fact, it was Mr Amin who initiated the contact and he visited Mullah Krekar before he was aware that marriage to Mullah Krekar's daughter was a possibility.

34. In respect of those with whom he associated in London in 2005, the respondent was entitled to conclude that he shared accommodation, and aspects of his personal life with persons with extremist views. She was entitled to infer that he knew of, and shared, those views. Furthermore, there was ample material upon which the respondent could infer that Mr Amin was seeking to distance himself from the others and was seeking to give the impression that he did not know what their views were. I give just a few examples. In his 2019 witness statement, the appellant says he spent very little time at the London flat that he shared with persons who were member of Ansar Al Islam, or had extremist views, and went there only to eat and sleep and was unaware of the views of the other occupants. That does not represent the full extent of the evidence in the witness statements made by Mr Amin in 2007 and 2010.
35. In relation to Jutyar, the evidence is that he and Mr Amin came to know each other well. He recommended the London flat to Mr Amin. Jutyar did not live in the flat but stayed there on occasions and slept in the same room as Mr Amin. He was married, and was expert in Sharia law, and Mr Amin discussed, and took advice from him, on the issues concerning Mr Amin's marriage to Mullah Krekar's daughter. In relation to one person living at the flat, Sufaddin, there was regular telephone contact between him and Mr Amin and Mr Amin was sufficiently trusted by Sufaddin for him to put his money into Mr Amin's bank account for him to look after. In all the circumstances, there was ample material from the respondent could conclude that Mr Amin had had "various degrees of association with other known extremists" and that he "had shared a home and many person[al] aspects of your life with those individuals". The respondent was entitled to infer that Mr Amin knew of their views and was freely willing to associate with them.
36. In the circumstances, the respondent was entitled to have regard to the relationship between Mr Amin and Mullah Krekar, and his relationship with other persons who were members of an extremist group or who had extremist views. She was entitled to take the view that Mr Amin knew of those views and there was no evidence that he did not share those views. There is no evidence that he had changed or moderated his views over time. She was entitled, in that context, to consider that Mr Amin's evidence was in reality an attempt to distance himself from others with whom he had been associated. She did not act irrationally in doing so.
37. Nor is there any substance in the argument that the respondent's position evolved over time such that her decision was in some way flawed as a result. The respondent set out her reasons for refusing the application in her letter of 14 January 2019. Mr Amin applied for a reconsideration and put in a witness statement. The respondent addressed the matters raised in the statement in her letter of 2 April 2020. Mr Amin issued a claim for judicial review on 2 July 2020 which, amongst other things, referred to the passage of time. The respondent addressed that issue in her letter of 22 February 2021. It is accepted that the three letters have to be considered together. There is nothing to indicate any irrationality or unlawfulness in the way that consideration of the application for naturalisation took place. Nor is there any justifiable basis for

considering that the respondent misapplied the guidance. She correctly identified the relevant parts of the guidance and considered them in her letter of 2 April 2020.

38. Standing back from the details, the reality is that the respondent has concerns about the good character of Mr Amin arising from his association over many years with a person who was a leader of an organisation with extremist views and his association, to different degrees, with other members of that organisation or persons with extremist views. Mr Amin considers that the fact that he was not prosecuted for terrorist offences, that he suffered injustice because of the imposition of an unlawful control order, that with the passage of time his life has moved on and he is now married with children is sufficient to demonstrate that he is of good character. The respondent disagrees. Her view is not the result of any failure to have regard to any relevant factor. She simply takes a different view of the significance of Mr Amin freely associating with people with extremist views. She considers that there is no evidence to suggest that Mr Amin broke off those associations as a result of a free choice on his part, or that there has been a change in his views. Those were judgments the respondent was entitled to make on the material before her. She has adequately explained her views. She has not reached irrational conclusions. She correctly applied the guidance. The first two grounds of appeal are not established.
39. Finally, the Judge did set out his reasons for dismissing the claim. His judgment is clear and concise. The Judge identified the relevant law, set out the relevant facts and summarised the submissions of the parties. He then set out his conclusions on the grounds of claim and his reasons for rejecting them. The reasons are clearly and concisely expressed. There can be no valid criticism of the judgment. For that reason, I would dismiss the third ground of appeal. As none of the grounds of appeal is established, I would dismiss this appeal.

Lady Justice Carr

40. I agree.

Lord Justice Coulson

41. I also agree.