

Appeal No: SN/2/2014
Hearing Date: 28 October 2014
Date of Judgment: 14 November 2014

SPECIAL IMMIGRATION APPEALS COMMISSION

Before:

**SIR JOHN ROYCE
UPPER TRIBUNAL JUDGE P LANE
SIR STEPHEN LANDER**

“FM”

APPELLANT

and

**SECRETARY OF STATE
FOR THE HOME DEPARTMENT**

RESPONDENT

RULE 38 OPEN JUDGMENT

For the Respondent:
Instructed by:

Ms C Callaghan & Mr J Blake
The Treasury Solicitor for the Secretary of State

Special Advocate Representative:
Instructed by:

Mr M Goudie
Special Advocate's Support Office

For the Appellant:
Representative:

Mr R De Mello
Broudie Jackson Canter

Sir John Royce:

1. The background can be found in the OPEN judgment of Mr Justice Irwin, sitting with Upper Tribunal Judge Peter Lane and Sir Stephen Lander, AHK and Others v SSHD 18th July 2014 and in the Directions judgment of Upper Tribunal Judge Peter Lane, FM and AM v SSHD delivered earlier in July 2014.
2. This is a naturalisation case. We bear in mind the significance to the appellant of refusal. We also bear in mind that naturalisation is a privilege and not a right. In relation to disclosure we adopt the principles set out by Mr Justice Irwin in AHK and Others.
3. We are mindful of the fact that an appellant in a SIAC case is hampered by not knowing all the evidence against him. We have sought to ensure that disclosure has been such that the issues can be fairly and justly determined.
4. Mr Goudie and Mr Blake's sensible discussions have resulted in additional material being moved from CLOSED to OPEN.
5. We have ordered some further disclosure in relation to the discrimination claim. That disclosure relates to the proportion (where reasons were given) of refusals of naturalisation where the stated reason was association with or involvement with Muslim extremism. This was for the period 2006 to 2009.

