



**Upper Tribunal
(Immigration and Asylum Chamber)**

Appeal Number: EA/01714/2015

THE IMMIGRATION ACTS

**Heard at Field House
On 3rd August 2017**

**Decision & Reasons Promulgated
On 20th September 2017**

Before

DEPUTY UPPER TRIBUNAL JUDGE JUSS

Between

**MR AHMED SAYED AHMED ABDELMOATY GEBRIL
(ANONYMITY DIRECTION NOT MADE)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: No appearance

For the Respondent: Mr P Armstrong (Senior HOPO)

DECISION AND REASONS

1. This is an appeal against a determination of First-tier Tribunal Judge Colvin, promulgated on 14th December 2016, following a hearing at Taylor House on 30th November 2016. In the determination, the judge dismissed the appeal of the Appellant, whereupon the Appellant subsequently applied for, and was granted, permission to appeal to the Upper Tribunal, and thus the matter comes before me.

The Appellant

2. The Appellant is a citizen of Egypt, a male, and was born on 5th March 1987. He appealed against the decision of the Respondent dated 6th October 2015 refusing to issue him with a residence card, as a confirmation of his right of residence under European Community law, as the spouse of an EEA national, exercising treaty rights in the United Kingdom on the grounds that it was not accepted that the Appellant was legally married.

The Appellant's Claim

3. The Appellant's claim is that the sole reason that his application was refused was that the marriage certificates issued by the Egyptian Embassy had not been recognised in relation to his marriage. He and his EEA Sponsor had been married by proxy in Egypt. They attempted to register the marriage with the Registry Office in the UK. They had been cohabiting as a married couple for almost two years and his wife was expecting their first child in July 2017 (paragraph 4).

The Judge's Findings

4. The judge heard oral evidence from the Appellant and considered the Respondent's case that, although the Appellant had submitted an Egypt marriage certificate, no consulate in the UK was currently registered as an approved building to conduct marriage ceremonies, and the marriage to his EEA Sponsor took place in the Egyptian Consulate in London on 2nd April 2015, thereby raising serious questions about the veracity of his claim.
5. The judge further considered the evidence before him that, although the Appellant had arranged a proxy marriage in Egypt and submitted documents claiming that this marriage was recognised under Egyptian law, these documents had not yet been considered by the Home Office, "as they were submitted during the course of the appeal and I am not in a position to authenticate them" (paragraph 11). Finally, the judge applied the case of **Sala (EFMs: Right of Appeal: Albania) [2016] UKUT 411**. This confirmed that there was no statutory right of appeal against the decision of the Secretary of State not to grant a residence card to a person claiming to be an extended family member under Regulation 8(2) of the 2006 Regulations.

Submissions

6. At the hearing before me the Appellant was not in attendance and nor was there any explanation for his failure to attend. Nor indeed, was any legal representative here to act on his behalf.
7. Mr Armstrong, appearing as Senior Home Office Presenting Officer on behalf of the Respondent, stated that the decision of the Tribunal was sustainable for two reasons. First, the marriage certificate dated 2nd April

2016 shows that the marriage took place in the Egyptian Consulate in London but as the judge found, “no consulate in the UK is currently registered as an approved building to conduct marriage ceremonies” (paragraph 7). Second, although the Appellant had then also furnished documentation claiming that the marriage was recognised under Egyptian law these documents, as the judge found, “have yet to be considered by the Home Office as they were submitted during the course of the appeal” (paragraph 11).

8. Against this, there was the background of the Appellant’s status in the UK. He had come to this country on a visit visa and did not return.
9. As for the question that the Appellant and his EEA national were in a durable relationship under Regulation 8(2) the case of **Sala** confirmed that the current state of the law was that there was no right of appeal.
10. The Appellant had not attended and had not provided legal representation to argue otherwise.

No Error of Law

11. I am satisfied that the making of the decision by the judge did not involve the making of an error on a point of law (see Section 12(1) of TCA 2007) for the reasons put before me by Mr Armstrong. First, the Appellant cannot rely upon the Egyptian marriage certificate dated 2nd April 2015 because this is from the Egyptian Consulate in London suggesting that the marriage took place in that building which is not registered for such purposes (see paragraph 11).
12. Second, insofar as there is an argument that the proxy marriage was arranged in Egypt, these documents have yet to be verified by the Respondent, because they were produced during the course of the appeal hearing. Third, insofar as the Appellant claims to be living in a durable relationship with his EEA national the case of **Sala** suggests that there is no right of appeal with respect to Regulation 8(2) for a extended family member.
13. The Appellant has not attended to argue otherwise and I must take the current position as it stands under the law.

Notice of Decision

The decision of the First-tier Tribunal involved no error of law. The determination shall stand.

No anonymity direction is made.

Signed

Dated

Deputy Upper Tribunal Judge Juss

19th September 2017