

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

Appeal Number:
IA/15685/2014



THE IMMIGRATION ACTS

Heard at: Field House

On: 2nd December 2014

**Decision and Reasons
Promulgated**

On: 3rd December 2014

Before

DEPUTY UPPER TRIBUNAL JUDGE BRUCE

Between

Adolphe Nanguép Wandji

Appellant

And

Secretary of State for the Home Department

Respondent

For the Appellant: Mr Wainwright, Counsel instructed by the Law Clinic LLP
For the Respondent: Mr Bramble, Senior Home Office Presenting Officer

DETERMINATION AND REASONS

1. The Appellant is a national of Cameroon date of birth 3rd September 1975. He appeals with permission against the decision of the First-tier Tribunal to dismiss his appeal against a decision to refuse to issue him with a residence card confirming his right of residence as the spouse of an EEA national exercising treaty rights.
2. The Appellant had claimed to be married to a Ms Rebecca Makon, a Spanish national. They submitted various documents which purported to demonstrate that they had been married according to the custom of Cameroon. The Respondent was not satisfied that this marriage was considered lawful and refused the application.
3. The First-tier Tribunal was not satisfied as to the validity of the

Cameroonian customary marriage. Furthermore the Appellant had produced no evidence at all that this marriage would be recognised by the authorities in Spain, the country from which Ms Makon derived her free movement rights. This being contrary to the requirements set out in Kareem (Proxy marriages - EU law) Nigeria [2014] UKUT 24 the appeal was dismissed.

4. Permission was granted on the grounds that the First-tier Tribunal may have erred in its approach to whether the customary marriage was considered valid in Cameroon. Specifically there is doubt raised as to whether the validity of such a marriage can be determined with reference to the Civil Status Registration Ordinance.
5. I make no finding about that matter, because I have no evidence before me to indicate either way whether the validity of the marriage can be assessed with reference to the civil code. Whether or not the Tribunal erred in its approach to this question is irrelevant, because its findings on Kareem were perfectly legitimate. There was no evidence at all that this marriage would be recognised by the Spanish. The appeal had to be dismissed for that reason.
6. I am told that the Appellant and Ms Makon would like to marry according to the laws of the United Kingdom but they are presently unable to do so because the Home Office has retained his passport. There would appear to be no good reason why that remains the case and Mr Bramble assures me that there is no obvious obstacle to it being returned to him. The Respondent will no doubt act expeditiously upon any request made by the Appellant for his passport back.

Decision

7. The determination of the First-tier Tribunal contains no error of law and it is upheld.

Deputy Upper Tribunal Judge Bruce
2nd December

2014