



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

Appeal Number: IA/52925/2013

THE IMMIGRATION ACTS

**Heard at Field House
On 16 May 2014**

**Determination
Promulgated
On 20th May 2014**

Before

UPPER TRIBUNAL JUDGE STOREY

Between

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Appellant

and

MR SOLOMON AGYEI

Respondent

Representation:

For the Appellant: Mr P Deller, Home Office Presenting Officer
For the Respondent: Mr M George, Legal representative

DECISION AND REASONS

1. The appellant (hereafter SSHD) appeals with permission the decision of First-tier Tribunal Judge Deavin allowing the appeal of the respondent

(hereafter the claimant) against the decision to refuse to issue him with a residence card as the spouse of an EEA national.

2. Having heard submission from Mr Deller, my decision is to dismiss the SSHD's appeal,
3. The essential point relied on in the grounds is that the judge had failed to consider or apply the reported Tribunal decision, Kareem (Proxy marriages-EU law) [2014] UKUT 00024 (IAC) and that this had resulted in legal error.
4. The problem with that point is that whilst plainly the judge was remiss in overlooking Kareem, it has not been shown that this failure resulted in any legal error.
5. It is said in the grounds that in deciding whether the claimant's Ghanaian customary marriage was valid the judge wrongly applied UK law rather than French law, but that ground is not accompanied by any evidence to suggest that French law would adopt a different approach and I take judicial notice of the fact that at private international law the *lex loci celebrationis* principle is well-established.
6. The grounds also appear to contend that it was the task of the judge to determine whether the marriage had been properly evidenced. The difficulty with that contention is that they make no challenge to the judge's findings and on those finding the claimant had provided satisfactory proof that a customary marriage had taken place in Ghana and indeed it was one which had been the subject of an authentication letter provided by the Ministry of Foreign Affairs in Ghana confirming that the marriage was duly registered in accordance with Ghanaian law.
7. In the absence of any challenge to the viability of the judge's findings on the proof of the marriage, this ground also falls away.
8. For the above reasons I conclude that the First-tier Tribunal judge did not err in law and accordingly his decision to allow the claimant's appeal must stand.
9. I would observe that the form completed by Mr George does not on its face demonstrate that he was authorised to provide representation, but as I did not call on him at all, I take the matter no further.

Signed
Date

Judge of the Upper Tribunal