



IN THE UPPER TRIBUNAL
IMMIGRATION AND ASYLUM CHAMBER

Case Nos: UI-2022-002929
(EA/12482/2021)

THE IMMIGRATION ACTS

Decision & Reasons Issued:
On 19 June 2023

Before

UPPER TRIBUNAL JUDGE BRUCE

Between

MUHAMMAD KHAN
(no anonymity order made)

Appellant

and

Secretary of State for the Home Department

Respondent

Representation:

For the Appellant: Mr Shahnawaz, Ansari Law
For the Respondent: Mr McVeety, Senior Home Office Presenting Officer

Heard at Manchester Civil Justice Centre on 7 June 2023

DECISION AND REASONS

1. The Appellant is a Pakistani national who seeks permission to reside in the United Kingdom under the Immigration (European Economic Area) Regulations 2016 on the basis of his civil partnership with a Greek national who is exercising treaty rights in the United Kingdom. By its decision of the 8th of April 2022 the First-tier Tribunal (Judge Herwald) dismissed the Appellant's appeal. The Appellant now has permission to appeal against that decision.
2. The Appellant's case is a straightforward one: Judge Herwald erred in fact.
3. Before Judge Herwald the Appellant had relied on a document issued by the civil authorities in Athens on the 22nd of October 2019. The English translation showed the heading of this document to be a "civil act of cohabitation contract".

Judge Herwald sets this document out in its entirety in his decision, but finds that in the absence of a document showing that this was, according to Greek law, the equivalent of a civil partnership certificate, he would not find it to be so. He dismissed the appeal.

4. On appeal the Appellant has now produced the material Judge Herwald was looking for. Perhaps unusually it does not consist of Greek law, but refers to one of our own, domestic provisions. Schedule 20 of the Civil Partnership Act 2004 is concerned with the recognition of civil partnerships contracted abroad. Part II of that schedule is concerned specifically with partnerships between opposite sex couples and under that heading it states that the Greek status of *simfono simviosis*, or a 'cohabitation agreement' [in Greek σύμφωνο συμβίωσης] shall be recognised as the equivalent of our civil partnership. That being the case, Mr McVeety for the Respondent accepted that the document produced to Judge Herwald was evidence that the Appellant and his EEA sponsor have entered into a civil partnership. and that the appeal should have been allowed on that basis.

Notice of Decision

5. The decision of the First-tier Tribunal is set aside.
6. The decision in the appeal is remade as follows: the appeal under the Immigration (European Economic Area) Regulations 2016 is allowed.
7. There is no order for anonymity.

Upper Tribunal Judge Bruce
8th June 2023