



IN THE UPPER TRIBUNAL
IMMIGRATION AND ASYLUM CHAMBER

Case No: UI-2022-001529
First-tier Tribunal No: HU/01596/2021

THE IMMIGRATION ACTS

Decision & Reasons Issued:
2 May 2023

Before

UPPER TRIBUNAL JUDGE PERKINS
DEPUTY UPPER TRIBUNAL JUDGE HARIA

Between

Inas Al Johmani
(NO ANONYMITY ORDER MADE)

Appellant

and

The Secretary of State for the Home Department

Respondent

Representation:

For the Appellant: Mr A Khan, Counsel instructed by Thompson & Co Solicitors
For the Respondent: Mr S Walker, Home Office Presenting Officer

Heard at Field House on 17 March 2023

DECISION AND REASONS

(extempore)

1. This is an appeal by a national of Syria against the decision of the First-tier Tribunal dismissing her appeal against the decision of the Secretary of State refusing her leave to join her husband, who is recognised as a refugee in the United Kingdom.
2. Broadly there are two ways in which such an application can succeed. The first is to show that there is in fact a marriage that took place before the (in this case) husband fled to the United Kingdom. The second is to show that there is a durable relationship, but that cannot apply in here because the durable relationship requires two years' cohabitation and that is not asserted here.
3. There are difficulties in the appellant's case.
4. One of them is that the appellant's husband gave an account in his application for leave to remain in the UK in 2016 of being married to a person with a different

name and date of birth from that of the appellant. This clearly has cast doubt on almost anything else he would subsequently say.

5. Second, although there is evidence that there was a marriage ceremony in Lebanon between the appellant and her purported husband there is no evidence that the marriage was not recognised in Lebanon. Rather the evidence is that the parties to the marriage did not have the necessary residential qualification in Lebanon so although some sort of ceremony may have taken place, far from there being any kind of presumption that there was a valid marriage, there are good reasons to think that it was not.
6. The parties here, I think, accept that if the marriage can be shown to be recognised and valid in Lebanese law the application should succeed, but there is just no evidence for that. There is evidence that the authorities in Syria recognised the marriage, but that does not do. That shows, at best, that as far as Syrian law was concerned, the purported marriage was recognised in Syria. It does not follow that it was recognised in the laws of Lebanon and it does not mean that it is a valid marriage for the purposes of the appeal.
7. All of this was apparent to the First-tier Tribunal Judge who took account of the documents before him, applied his mind to the well-known decision in **Tanveer Ahmed** [2002] UKIAT 439 and found overall that there was just no evidence to show that the ceremony relied on was something that created a valid marriage by the laws of Lebanon and therefore a valid marriage for the purposes of United Kingdom immigration law. The grounds, with respect, do not really make much impact on those fundamental findings. The difficulty for the appellant in this case is there is just nothing to show that the ceremony on which she relied, was in fact something that created a valid marriage in Lebanese law. The evidence is just not there.
8. It follows therefore that we find there is no material error of law in the First-tier Tribunal's decision and we dismiss the appeal.

Notice of Decision

9. The appellant's appeal is dismissed.

Jonathan Perkins

Judge of the Upper Tribunal
Immigration and Asylum Chamber

29 March 2023