

FIANCÉ(E)S OR PROPOSED CIVIL PARTNERS

REQUIREMENT TO HAVE MET**1. INTRODUCTION**

Paragraphs 281, 284, 290 and 293 of HC 395 as amended by HC 26 require that the parties to a marriage or civil partnership or intended marriage or civil partnership have met each other (except of course a wife who benefits under Section 1(5) of the 1971 Act).

"To have met" has been interpreted by the Tribunal as "to make the acquaintance of" which would mean that provided the parties have made the acquaintance of each other, that acquaintance need not be in the context of marriage or civil partnerships. This would mean that if the parties had been childhood friends, it could be acceptable, although the meeting of two infants would not. A mutual sighting or mere coming face to face followed by telephone or written contact would not suffice. The Tribunal decided that "met" implies a face to face meeting itself resulting in the making of mutual acquaintance.

2. CASES WHERE THE COUPLE HAVE NOT MET

All aspects of the case must be considered as well as the requirement to have met. If there are other grounds for refusal then these should **also** be included on the refusal notice, although not having met can be the sole ground for refusal.

2.2. Where the couple meet after refusal

Where the couple claim to have met after the original decision to refuse, the entry clearance officer must review his decision and consider whether refusal is still appropriate. Where there are other grounds for refusal, it may well be appropriate to maintain the original decision.

If the original decision was based solely on the ground that the couple had not met and the entry clearance officer is now satisfied the couple have met, then an entry clearance should be issued. Where an appeal has been lodged the couple should be invited to withdraw the appeal. However, they are entitled to continue with the appeal and contest the original decision of the entry clearance officer, although such cases are likely to be few.
