

SCHEDULES

SCHEDULE 23

IMMIGRATION CONTROL AND FORMATION OF CIVIL PARTNERSHIPS

PART 1

INTRODUCTION

Application of Schedule

- 1 (1) This Schedule applies if—
 - (a) two people wish to register as civil partners of each other, and
 - (b) one of them is subject to immigration control.
- (2) For the purposes of this Schedule a person is subject to immigration control if—
 - (a) he is not an EEA national, and
 - (b) under the Immigration Act 1971 (c. 77) he requires leave to enter or remain in the United Kingdom (whether or not leave has been given).
- (3) “EEA national” means a national of a State which is a contracting party to the Agreement on the European Economic Area signed at Oporto on 2nd May 1992 (as it has effect from time to time).

The qualifying condition

- 2 (1) For the purposes of this Schedule the qualifying condition, in relation to a person subject to immigration control, is that the person—
 - (a) has an entry clearance granted expressly for the purpose of enabling him to form a civil partnership in the United Kingdom,
 - (b) has the written permission of the Secretary of State to form a civil partnership in the United Kingdom, or
 - (c) falls within a class specified for the purpose of this paragraph by regulations made by the Secretary of State.
- (2) “Entry clearance” has the meaning given by section 33(1) of the Immigration Act 1971.
- (3) Section 25 of the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 (c. 19) (regulations about applications for permission to marry) applies in relation to the permission referred to in sub-paragraph (1)(b) as it applies in relation to permission to marry under sections 19(3)(b), 21(3)(b) and 23(3)(b) of that Act.