

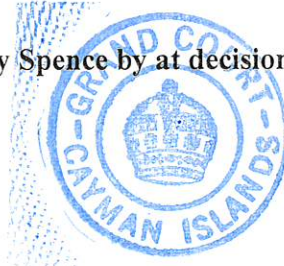
Notice of Originating Motion (0.8, r.3)

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO: 199 OF 2010

In the matter of Immigration Law 2003 (Law 34 of 2003), (the "Law") The Immigration Law (Amendment) (No. 3) Regulations, 2006 (the "Regulations").

And in the matter of the denial of Permanent Residency to Cherry Spence by at decision of the Immigration Appeals Tribunal made on 23 March 2009.



NOTICE OF ORIGINATING MOTION

TAKE NOTICE that the Court at the Law Courts, George Town, Grand Cayman will be moved on _____ 2010 at _____ or as soon thereafter as counsel can be heard, by counsel on behalf of Cherry Spence (the Applicant) for an order that the decision of the Chairman of the Immigration Appeal Tribunal ("IAT"), made in a letter dated 23 March 2009 to deny the application for the grant of permanent residency is wrong as a matter of Law and fact and that Cherry Spence be granted Permanent Residency or alternatively that the matter be remitted to the Immigration Board or IAT to reconsider the application pursuant to applicable law in place at that time.

And for an Order that the failure to notify the Applicant of her right to appeal pursuant to section 17 (2) of the Law vitiated the notice of 23 March 2009 rendering it void and for directions to follow.

And for an order that the costs of and incidental to this appeal may be paid by Immigration Department.

AND FURTHER TAKE NOTICE that the grounds of this appeal are as follows:

1. The Immigration Board and IAT have failed to properly consider the facts, the evidence, the Law and the Regulations. The IAT having found that the Immigration Board failed to consider the applicable law made various adjustments but failed in doing so to consider the application in its entirety with the applicable law.
2. The IAT decision viewed broadly and fairly is one that no reasonable tribunal, properly directing themselves in Law could have reached on the material before them.
3. The IAT erred in that it failed to properly apply the points as set out in the Regulations of 2004 and in fact have left in place some of the points awarded under the 2006 regulations.
4. It is clear on the face of the evidence, the Law and Regulations that IAT have not properly considered the application or that the allocation or award of points are arbitrary and on any proper basis.

erred under section 17(2) of the Law in that it failed by its notice dated 23 March notifying her of her failure to be considered for the grant of Permanent residency, to

