

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE No. 365 of 2010

IN THE MATTER OF the Immigration Law (2009 Revision)

AND IN THE MATTER of an Application by NORTH INTERNATIONAL GROUP LTD.
for Judicial Review Pursuant to Order 53 of the Grand Court Rules

AND IN THE MATTER of INNA ALEXEEVNA KAZAKOVA

BETWEEN:



NORTH INTERNATIONAL GROUP LTD.



Applicant

AND:

THE WORK PERMIT BOARD

Respondent

NOTICE OF EXPARTE APPLICATION FOR LEAVE TO APPLY FOR JUDICIAL REVIEW

To: The Clerk of Courts, Law Courts, George Town, Grand Cayman, Cayman Islands

1.0 The Applicant

1.1 The Applicant, North International Group Ltd., being a company duly licensed by the Cayman Islands Trade and Business Licencing Board to carry on the business of owning and operating a music school in the Cayman Islands and Inna Alexeevna Kazakova being a Teacher employed by the Applicant as Employee, and the Applicant having applied to the Work Permit Board for Inna Alexeevna Kazakova to be nominated as a Key Employee pursuant to section 49(4) of the Immigration Law (2009 Revision);

2.0 Decision in respect of which relief is sought

The decision of the Work Permit Board dated the 21st of September 2010 refusing the Applicant's request to nominate Inna Alexeevna Kazakova as a Key Employee "as the

Board was not satisfied that he/she fulfils any of the requirements set out in the relevant section.”

3.0 Relief Sought

- 3.1 An order of *Certiorari* quashing the said decisions of the Work Permit Board;
- 3.2 An order of *Mandamus* directing the Work Permit to consider the application of the Applicant to nominate Inna Alexeevna Kazakova (“the Employee”) as a Key Employee on the basis that it is apparent from the Curriculum Vitae of the Employee, the position the Employee holds with the Applicant, the references and accolades from the parents of children at the musical school and the community as a whole that the Employee should have been nominated as a “Key Employee.”
- 3.4 Such further, consequential, or other relief as to this Honourable Court seems just;
- 3.5 Costs

THE GROUNDS UPON WHICH RELIEF IS SOUGHT:

4.0 Summary of General Facts

- 4.1 The detailed facts are as set out and verified in the Affidavit in Support of Irina Nikolaevna McField, President/Chairperson of the Applicant sworn on the 30th of September 2010.
- 4.2 The Applicant is licensed by the Cayman Islands Trade and Business Licencing Board as a Music School and accordingly carries on the business of owning and operating a music school in the Cayman Islands. The Applicant currently employs 1 person, the Employee and tutors over 60 students in all areas of music including but not limited to Piano, Singing, Music Appreciation, Ear Training and Computer Music Programming.
- 4.3 The Applicant employed Inna Alexeevna Kazakova as a Teacher in July 2009.
- 4.4 That immediately prior to her employment with the Applicant the Employee was a Music Teacher at the Achievement Centre Preparatory School for six years, between 2003 and 2009.
- 4.5 That prior to her employment at the Achievement Centre Preparatory School, the Employee was employed by the University of Mordovia in Russia as a Professor of Music and a Lecturer of Music Theory, Music History and Literature, Solfege,

Counterpoint, Form and Analysis, Piano, Conduction, Choral Arranging, Score Reading, Harmony and Vocals. The Employee is a qualified Lecturer of Music with over 17 years experience having obtained her Masters of Music in Musicology (Distinction) in 2000 and a Bachelors of Music in Theory, Piano in 1993. She is a highly respected member of the Caymanian community and has specialised in the instruction of young children in the Cayman Islands for over seven years.

- 4.6 That both at the time of her employment and during her employment the Employee has been a key employee to the business and accordingly prior to the end of the seven years fixed term policy for work permit holders which for the Employee would have expired on the 25th of August 2010, the Applicant applied to the Work Permit Board to have the Employee designated as a Key Employee. The application included inter alia the Affidavit of the Employer (the Applicant) with supporting Exhibits, a copy of the Employee's curriculum vitae, other supported documentation in relation to the Employee and a covering letter stating why the Employee was key to the Applicant. The covering letter highlighted the Employee's 17 years of experience as a teacher of music and has extensive experience in revising and developing musical curriculums, evaluating faculty, administering comprehensive examinations, and directing seasonal productions, musicals and ceremonies. It was further pointed out to the Work Permit Board that the Employee had particular expertise and that was the only such Teacher available on the Islands.
- 4.7 That it should have been clear from the contents of the application that the Employee fell within Sections 49 (4) (a), (c), (d) and (e) of the Immigration Law (2009 Revision) in that she was clearly a professional employee with particular expertise in the field of music instruction, such speciality being in short supply, and that her business contacts were critical to the business. In addition her absence would cause serious hardship to the business.
- 4.8 That by letter dated 21st September 2010 the Applicant was advised that the application to designate the Employee as key was refused because the Board was not satisfied that she fulfilled any of the requirements set out in the relevant section of the Law. That the Applicant was further advised that pursuant to sections 49 (7) of the Immigration Law 2009 (Revision) the decision of the Board was final and binding and no appeal lay from the decision of the Board. Further that no new application for the Employee to be designated as key could be applied for no sooner than three months during the currency of a valid work permit.


4.9 That due to the fact that the communication of the decision was only made by letter dated 21st September 2010 and the Employees final permit expired on 25th August 2010 it is impossible for the Applicant to make further application and no appeal lies from the decision of the Board. The Employee would therefore be forced to leave the Island to the detriment of her Employer, the Cayman Islands and her students.

5.0 Grounds for Judicial review

5.1. The decision of the Work Permit Board was in breach of the rules of natural justice as no reason for the decision or evidence that the Employee was not key were produced by the Board and as such is unreasonable and should be set aside.

5.2 Given the facts as disclosed to the Work Permit Board the Applicant sees no reasonable grounds for refusing their application for nomination of the Employee as a Key Employee.

Dated this 3rd day of September 2010


BODDEN & BODDEN
Attorneys-at-law for the Applicants

NOTE: Pursuant to Order 53 an oral hearing is requested before this application for leave to apply for judicial review is considered and determined by this Honourable Court

No. 53

Application for Leave to Apply for Judicial Review (0.53, r.3)

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO: 365 OF 2010

BETWEEN: NORTH INTERNATIONAL GROUP LTD.

PLAINTIFF

AND: THE WORK PERMIT BOARD

DEFENDANT

APPLICATION FOR LEAVE TO APPLY FOR JUDICIAL REVIEW

To the Clerk of the Court, Law Courts, George Town, Grand Cayman

Name, address and description of applicant(s)

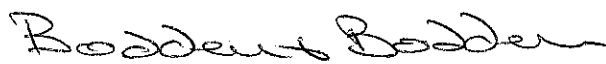
The Applicant, North International Group Ltd., being a company duly licensed by the Cayman Islands Trade and Business Licencing Board to carry on the business of owning and operating a music school in the Cayman Islands and Inna Alexeevna Kazakova being a Teacher employed by the Applicant as Employee, and the Applicant having applied to the Work Permit Board for Inna Alexeevna Kazakova to be nominated as a Key Employee pursuant to section 49(4) of the Immigration Law (2009 Revision)

Judgment, order, decision or other proceeding in respect of which relief is sought

The decision of the Work Permit Board dated the 21st of September 2010 refusing the Applicant's request to nominate Inna Alexeevna Kazakova as a Key Employee "as the Board was not satisfied that he/she fulfils any of the requirements set out in the relevant section."

Relief Sought

1. An order of *Certiorari* quashing the said decisions of the Work Permit Board;
2. An order of *Mandamus* directing the Work Permit to consider the application of the Applicant to nominate Inna Alexeevna Kazakova ("the Employee") as a Key Employee on the basis that it is apparent from the Curriculum Vitae of the Employee, the position the Employee holds with the Applicant, the references and accolades from the parents of children at the musical school and the community as a whole

<p>that the Employee should have been nominated as a "Key Employee.";</p> <p>3. Such further, consequential, or other relief as to this Honourable Court seems just;</p> <p>4. Costs</p>	
<p>Name and address of applicant's attorneys, or, if no attorneys acting, the address for service of the applicant</p>	<p>Bodden & Bodden Attorneys at Law Grand Pavilion Commercial Centre 820 West Bay Road P.O. Box 10335 Grand Cayman KY1-1003. Ref: SAB/srt</p>
<p>Signed </p>	<p>Dated this 30th day of September 2010</p>

GROUND S ON WHICH RELIEF IS SOUGHT

1.0 Summary of General Facts

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2.0 Grounds for Judicial review

2.1. The decision of the Work Permit Board was in breach of the rules of natural justice as no reason for the decision or evidence that the Employee was not key were produced by the Board and as such is unreasonable and should be set aside.

2.2 Given the facts as disclosed to the Work Permit Board the Applicant sees no reasonable grounds for refusing their application for nomination of the Employee as a Key Employee.

(If there has been any delay, include reasons here)

Note - Grounds must be supported by an affidavit which verifies the facts relied on.

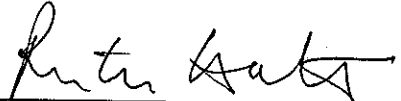
And we make this solemn declaration conscientiously believing the same to be true and by virtue of the Voluntary Declarations Law (1998 Revision).

Signed



ANYA C. RITCH

Signed



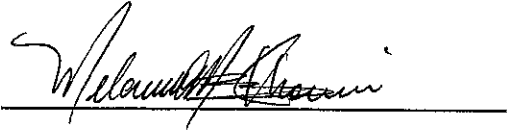
RUTH HATT

Taken and acknowledged this 5th day of October 2010, before me:



Notary Public

This is the document marked "A" referred to in the Application to be Admitted as an Attorney-at-Law of Anya C. Ritch sworn before me this 5th day of October 2010.

A handwritten signature in cursive script, appearing to read "Melinda H. Brown", is written above a solid horizontal line.

Notary Public

THESE ARTICLES OF CLERKSHIP made on

BETWEEN:

RUTH HATT / PRINCIPAL P.O. Box 472,
Grand Cayman, Cayman Islands ("the
Principal") of the One Part

AND:

ANYA C. RITCH of General Delivery, GT,
Grand Cayman, Cayman Islands ("the
Articled Clerk") of the Other Part

WITNESS as follows:

1. The Principal hereby takes the Articles Clerk as his clerk for the period of eighteen months from the 1 day of April 2009 ("the Term").
2. The Articled Clerk binds herself to the Principal to serve the Principal for the Term.
3. The Articled Clerk covenants with the Principal to:
 - a) Conduct herself with honesty and diligence and to truly and honestly serve the Principal throughout the Term as the Principal's Articled Clerk in the profession of an Attorney-at-Law.
 - b) Not at any time deal improperly with the money or property of the Principal or of her firm or of any of her or their clients or employees which shall be deposited in her or their hands or entrusted to the custody or possession of her or them.
 - c) At all times during the Term to readily obey and execute the lawful and reasonable instructions of the Principal and her partners and, except as otherwise in these Articles provided, not to absent herself from the service and employment of the Principal at any time during the Term without the consent of the Principal.
 - d) To take all reasonable and proper care to prevent the Principal from sustaining any loss or damage or prejudice as a result of the improper conduct or negligence of the Articled Clerk.
4. The Principal covenants with the Articled Clerk to:
 - a) Accept and take the Articled Clerk as her clerk and to the best of her ability to teach and instruct the Articled Clerk or cause her to be taught and instructed by partners of the Principal or any associate attorneys-at-law employed by any of them in the practice and profession of any attorney in such manner as the Principal now practices or may during the

Term practice and to provide the Articled Clerk with the opportunity to learn and assimilate the basic skills and characteristics associated with the practice and profession of an attorney-at-law.

b) Provide the Articled Clerk with the opportunity of assimilating the principles of professional conduct and etiquette and to learn by practice the following basic skills:

- i. Drafting;
- ii. Interviewing;
- iii. Research;
- iv. Office administration, routine, and procedure.

c) Give the Articled Clerk the opportunity of being involved in legal work in the following fields:

- i. Company and Commercial Law;
- ii. Funds, Partnership Law and Private Equity;
- iii. Insurance, Banking and Financial Services Regulation;
- iv. Civil Litigation;
- v. Commercial Property;
- vi. Local Business, Pension, Immigration, Employment, Planning and other regulatory Laws;
- vii. Trusts and Succession.

d) Use all reasonable endeavours to ensure that each calendar month either she or another person delegated by her for that purpose will be available to discuss informally with the Articled Clerk such general points as may have arisen thus far during the Term.

5. The Articled Clerk's salary and other benefits shall be as provided for by the firm of Thorp Alberga.

6. In the event of any difficulty or dispute between the Articled Clerk and the Principal concerning the fulfillment of the relevant provisions of these Articles or the conduct of either party in relation to these Articles, the parties shall first attempt to resolve the same between them or within the firm of Thorp Alberga. Failing that, the matter may be referred by either of them to the Legal Advisory Council (established under section 19 of the Legal Practitioners Law (2007 Revision)) with a view to such difficulty or dispute being settled by conciliation. If, as a consequence of a reference to the Council, it determines that any of the covenants in Clauses 4(a)(i) or 4(b)(ii) hereof have not been or have no reasonable likelihood of being complied with by the Principal then the Principal will give the Articled Clerk the opportunity to be released from these Articles.

IN WITNESS whereof the parties hereof have hereunto set their respective hands and seals the day and year first above written

SIGNED by
ANYA C. RITCH
In the presence of:

[Signature]
Witness

[Signature]
ANYA CRITCH

SIGNED by
RUTH HATT
In the presence of:

[Signature]
Witness

[Signature]
RUTH HATT

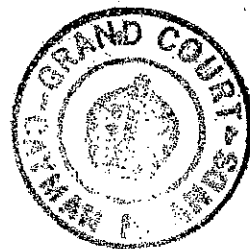
DATED this the 1 day of April 2009.

I, Samuel C. Bulgin QC, Attorney-General of The Cayman Islands,
HEREBY CERTIFY that I am satisfied that the terms of these Articles are fair and reasonable.

[Signature]
Attorney General
April 14, 2009

I hereby certify that these articles were registered on May 5th 2009 and that the term of service commenced on April 1st, 2009.

[Signature]
Valdis Foldats, Clerk of the Court



This is the document marked "B" referred to in the Application to be Admitted as an Attorney-at-Law of Anya C. Ritch sworn before me this 5th day of October 2010.



Notary Public



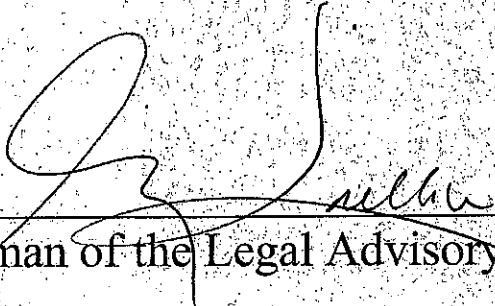
LEGAL ADVISORY COUNCIL
ATTORNEY-AT-LAW CERTIFICATE

It is hereby certified that:

Anya C. Ritch

has complied with Regulation 25 of the Legal Practitioners (Students) Regulations (2008 Revision) and is entitled to apply for admission as an Attorney-at-Law in the Cayman Islands.

Dated this 5th day of October 2010.


Chairman of the Legal Advisory Council