

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

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO: 426 OF 2010

BETWEEN: SIMBA LIMITED T/A RE/MAX CAYMAN ISLANDS

APPLICANT

AND: THE WORK PERMIT BOARD

RESPONDENT



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 is Simba Limited T/A Re/Max Cayman Islands ('the Applicant'). The Applicant is a company duly licensed by the Cayman Islands Trade and Business Licensing Board to carry on the business of owning and operating a real estate brokerage firm in the Cayman Islands. Kerri Lynne Kanuga is a Real Estate Agent employed by the Applicant as an Employee, and the Applicant applied on 24 May 2010 to the Work Permit Board for Kerri Lynne Kanuga 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 on or before 28 October 2010 refusing the Applicant's request to nominate Kerri Lynne Kanuga as a Key Employee on the basis that "...the [Work Permit 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 decision of the Work Permit Board;
2. An order of *Mandamus* directing the Work Permit to reconsider the application of the Applicant to nominate Kerri Lynne Kanuga ("the Employee") as a Key Employee pursuant to section 49 of the Immigration Law (2009 Revision);
3. Costs; and
4. Such further or other relief as the Court considers appropriate.

Name and address of applicant's attorneys, or if no attorneys acting, the address for service of the applicant

Bodden & Bodden, Attorneys-at-Law
P.O. Box 10335, Grand Pavilion Commercial Centre
802 West Bay Road, Grand Cayman, KY1-1003

Ref: SAB/srt

Signed



Dated 19 November 2010

GROUND(S) ON WHICH RELIEF IS SOUGHT

The Applicant seeks leave to apply for judicial review on the basis that the decision made by the Work Permit Board on or before 28 October 2010 to refuse the designation of the Employee as a Key Employee was either: (i) procedurally irregular or (ii) irrational, because the Work Permit Board failed to provide any or any adequate reason(s) for its decision.

NOTE: Although the Applicant's Attorneys do not request a hearing of this application for leave to apply for judicial review pursuant to Order 53, Rule 3 (3) of the Grand Court Rules, the Applicant's Attorneys are willing and available to attend a hearing should the Court request it.