

No. 53

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

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO: ⁴³² OF 20 10

BETWEEN: TCB CONSTRUCTION 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 is TCB Construction Ltd. ('the Applicant'). The Applicant is a company duly licensed by the Cayman Islands Trade and Business Licencing Board to carry on the business of construction in the Cayman Islands. Tuffaray R. R. Scarlett ('Tuffarray Scarlett') is a Carpenter and Builder employed by the Applicant as an Employee, and the Applicant having applied on 22 July 2010 to the Work Permit Board for Tuffaray Scarlett 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 Tuffaray Scarlett 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 Tuffaray Scarlett ("the Employee") as a Key Employee pursuant to Section 49 of the Immigration Law (2009 Revision);
3. Such further, consequential, or other relief as to this Honourable Court seems just;

4. Costs	
Name and address of applicant's attorneys, or, if no attorneys acting, the address for service of the applicant	Bodden & Bodden Attorneys at Law Grand Pavilion Commercial Centre 820 West Bay Road P.O. Box 10335 Grand Cayman KY1-1003. Ref: SAB/srt
Signed <i>Bodden and Bodden</i>	Dated this 24 th day of November 2010

GROUNDS 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 Employee as 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.

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

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