

IN THE GRAND COURT OF THE CAYMAN ISLANDS

288  
CAUSE NO: OF 2011

BETWEEN:

RANKIN'S JERK CENTRE LIMITED

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

**Applicant;** Rankin's Jerk Centre Limited of PO Box 236, Grand Cayman, KY11-004, Cayman Islands

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

Decision by the Work Permit Board on 11 July 2011, Cayman Islands, to refuse application by Rankin's Jerk Centre Limited for Key Employee Status for Diana Marjorie Douglas under section 49 of the Immigration Law (2010 Revision).

**Relief Sought;**

The Applicant seeks an order of Certiorari to quash the decision by the Work Permit Board dated 11 July 2011 and an order of Mandamus to compel the Work Permit Board to grant Key Employee Status to Diana Marjorie Douglas.

**GROUND ON WHICH RELIEF IS SOUGHT**

1. There is no provision in the legislation to appeal the decision of the Work Permit Board which is final and binding on the Applicant under section 49 (7) of the Immigration Law (2009 Revision). The absence of this provision from the legislation is contrary to the Principles of Natural Justice. It is submitted that the Applicant is entitled to a fair hearing including recourse to an appeal as appropriate. The Applicant's only option is to apply for Judicial Review of the decision by the Board.
2. The work permit of the Applicant's employee, Ms Douglas, is due to expire on 27 August 2011 and the legislation at section 49 (8) does not afford sufficient time in

which to reapply for Key Employee Status. The Applicant may reapply to the Board no sooner than 3 months after the decision to refuse the application. The provision is unduly harsh in that respect.

3. The Work Permit Board did not take cognizance that Ms Douglas is a vital cog in the operation of the restaurant owned by the Applicant. Other employees in the restaurant are dependant on her retaining a position of key employee as there is no other individual available to the Applicant to fill the position of Cook at the restaurant. The Applicant has tried on several occasions to recruit a cook in the Cayman Islands to no avail. It is the Applicant's experience that Caymanians do not want the job and on his most recent recruitment drive in 2010 he received no applications for the position from Caymanians. It is submitted by the Applicant that it would take some time to train other employees to a sufficient standard to take over the position of Cook at the restaurant.
4. The Applicant submits that the employee in question is particularly skillful in all facets of the restaurant operation and without her the business may fail as it is not possible to acquire a Caymanian employee with a sufficient skill set who is prepared to take on the assignment of Cook at Rankin's Jerk Centre.
5. The employee in question has established business contacts for the restaurant and she has acquired customers from all over the island with her varied and attractive menus. Her business contacts and permanent customers for her style of cuisine are vital to the success of the business. Without this employee the Applicant fears that the business may close over time causing serious hardship to the Applicant and the rest of the business.

Dated the 22 day of July 2011

Goldfield Cayman  
GOLDFIELD CAYMAN  
ATTORNEYS-AT-LAW

This APPLICATION is prepared and filed by **GOLDFIELD CAYMAN ATTORNEYS-AT-LAW**, whose address for service is 21 Eclipse Drive, Rankin's Plaza, George Town, Grand Cayman, Cayman Islands Telephone No. 345 943 5700 Fax No. 345 943 5711