

No. 53

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

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO: G0039 OF 2012

IN THE MATTER OF the Immigration Law (2010 Revision)

AND IN THE MATTER OF an Application by A. V. S. CORP. LTD T/A AVS (AUDIO VIDEO SOLUTIONS) for Judicial Review pursuant to Order 53 of the Grand Court Rules

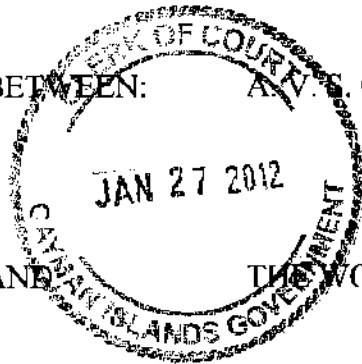
AND IN THE MATTER OF JESSE GEORGE SERGIOS

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BETWEEN: A. V. S. CORP. LTD T/A AVS (AUDIO VIDEO SOLUTIONS)

RA 140119
PLAINTIFF/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 A. V. S. Corp. Ltd T/A AVS (Audio Video Solutions) ('the Applicant'). The Applicant is a company duly licensed by the Cayman Islands Trade and Business Licencing Board to carry on the business of audio-visual solutions and installations in the

	<p>Cayman Islands. Jesse George Sergios ('Jesse Sergios') is an Audio Video Manager employed by the Applicant as an Employee, and the Applicant having applied on 28 June 2011 to the Work Permit Board for Jesse Sergios to be nominated as a Key Employee pursuant to section 49(4) of the Immigration Law (2010 Revision).</p>
<p>Judgment, order, decision or other proceeding in respect of which relief is sought</p>	<p>The decision of the Work Permit Board on or before 10 January 2012 refusing the Applicant's request to nominate Jesse Sergios as a Key Employee "<i>as the Board was not satisfied that he/she fulfils any of the requirements set out in the relevant section</i>", with detailed reasons being that</p> <ul style="list-style-type: none"> <i>a) There is no proof of formal qualifications; in additional the Affidavit contained no attachments of certificates of any kind.</i> <i>b) The Board is of the view that the customers who gave recommendations are the customers of the business and there is no proof that these are the worker's contacts as opposed to those who buy from the company due to their competitive prices.</i>
<p>Relief Sought</p> <ol style="list-style-type: none"> 1. An order of <i>Certiorari</i> quashing the said decisions of the Work Permit Board; 	

2. An order of *Mandamus* directing the Work Permit to reconsider the application of the Applicant to nominate Jesse Sergios ("the Employee") as a Key Employee pursuant to Section 49 of the Immigration Law (2010 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 [1664-002]

Signed *Bodden and Bodden*

Dated this 26th day of January, 2012

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 10 January 2012 to refuse the designation of Employee as Key Employee was either:

(i) illegality or

(ii) irrational,

because the Work Permit Board made an error in the application of the Law, in that Section 49(4) of the Immigration Law (2010 Revision) does not require proof of formal qualifications and moreover, the Applicant provided a sworn affidavit explaining the circumstances surrounding the unavailability of such proof, which was disregarded by the Board.

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.