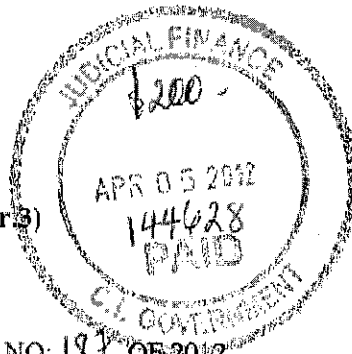


No. 53
 Application for Leave to Apply for Judicial Review (0.53, r.3)



IN THE GRAND COURT OF THE CAYMAN ISLANDS

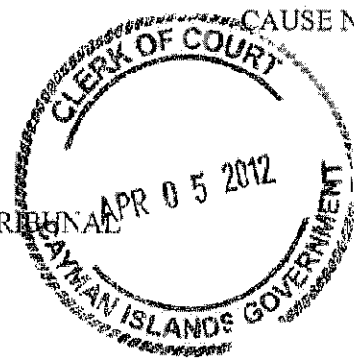
CAUSE NO: 187 OF 2012

BETWEEN: BATEMAN & COMPANY LTD.

PLAINTIFF

AND: THE IMMIGRATION APPEALS TRIBUNAL
 THE WORK PERMIT BOARD

DEFENDANTS



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, Bateman & Company Ltd. (CR # 165583), being a company duly licensed by the Cayman Islands Monetary Authority under the Securities Investment Business Law, to carry on the business of a diversified investment and advisory firm specialising in financing and trading. The Company offers investment services, private wealth management and managed accounts in the Cayman Islands and Arlo Cooper Robinson being a Sales Assistant employed by the Applicant as Employee, and the Applicant having applied to the Work Permit Board for the grant of a two year work permit pursuant to the Immigration Law (2011 Revision).
Judgment, order, decision or other proceeding in respect of which relief is sought	<ol style="list-style-type: none"> 1. The decision of the Work Permit Board dated 5 November 2010 refusing the Applicant's request for the grant of a two year Work Permit to Arlo Cooper Robinson as a Sales Assistant "as the Board was of the view that there are Caymanians available, able, and willing to fill this vacancy and was not satisfied that enough effort had been made to hire a Caymanian for this position." 2. The decision of the Immigration Appeals Tribunal dated 13 February 2012 refusing the Applicant's appeal against the Work Permit Board's decision on the basis that no grounds of appeal had been made

	<p>out pursuant to Sections 15 (2) and 16(4) of the Immigration Law (2010 Revision) and that the Appeal should be dismissed accordingly.</p>
	<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 and the Immigration Appeals Tribunal; 2. An order of <i>Mandamus</i> directing the Immigration Appeals Tribunal and/or the Work Permit Board to consider the application of the Applicant for the grant of a two year work permit to Arlo Cooper Robinson as a Sales Assistant on the basis that the Applicant advertised the position of Sales Assistant in a local newspaper on three separate occasions as required by Regulation 4 of the Immigration Regulations (2009 Revision) and submitted to the Work Permit Board copies of the advertisements dated 27 August 2010 and 3 September 2010 together with resumes of the applicants none of whom were qualified for the post or Caymanian and therefore the Board was wrong in law and in fact to refuse the application on the basis that there were Caymanians available able and willing to fill this vacancy; 3. An order that Arlo Cooper Robinson may, pending the outcome of these judicial proceedings, continue to work under the terms and conditions of his last issued temporary work permit to be employed by the Applicant; 4. Such further, consequential, or other relief as to this Honourable Court seems just; 5. Costs
<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 [2208-001]</p>
<p>Signed <i>Bodden & Bodden</i></p>	<p>Dated this ^{5th}..... day of April, 2012</p>

GROUNDS ON WHICH RELIEF IS SOUGHT

1.0 Summary of General Facts

- 1.1 The detailed facts are as set out and verified in the Affidavit in Support of Ryan Bateman, Managing Director of the Applicant sworn on 5 April 2012.
- 1.2 The Applicant is licensed by the Cayman Islands by the Cayman Islands Monetary Authority as an Excluded person under Section 5(2) and Section 4 of the Securities Investment Business Law (2004 Revision) and accordingly carries on the business of a diversified investment and advisory firm specialising in financing and trading. The Company offers investment services, private wealth management and managed accounts in the Cayman Islands. The Applicant currently employs eight persons within the Cayman Islands.
- 1.3 The Applicant employed Mister Arlo Cooper Robinson ("Mister Robinson") as a Sales Assistant from 17 February 2010. In his position he was responsible for liaising with clients, brokers and traders regarding debt, equity and derivatives and dealing with sales related issues.
- 1.4 The position of Sale Assistant requires extensive knowledge of various investment projects such as stocks, bonds, mutual funds, equities and annuities, usually acquired through formal training or experience to provide clients with investment advice and related information.
- 1.5 On 5 August 2010 the Applicant's application for the grant of a work permit to Mister Robinson was vetted by a Work Permit Administrator who noted discrepancies regarding Mister Robinson's salary as stated in the application and the salary range stated in the job advertisements. Additionally the Applicant has failed to advertise for two consecutive weeks. The Work Permit Administrator deferred the Application and by letter dated 17 August 2010 requested the Applicant to re-advertise the position for two consecutive weeks stating the salary and the benefits offered. The letter also required the Applicant to provide a copy of the advertisements and full details of all local responses. The names of

all applicants who applied for the position as well as their qualifications and working experience, a copy of the refusal letter and interview report for each unsuccessful applicant, including their resumes.

- 1.6 The Applicant fully complied with the Work Permit Boards request and by letter dated 15 September 2010 submitted a copy of the job advertisements dated 27 August 2010 and 3 September 2010 and a copy of the applicants responding to the advertisements Mrs. Patricia Walters Harris, S. Anis Fatima and Mr. Robert Bratusa, who are not Caymanian, do not have the requisite experience and were in fact only legally resident as is Mister Robinson.
- 1.7 That it should have been clear from the contents of these submissions that the Applicant has fully complied with the requirements of Section 44 (4) (a) and 44 (2) (b) of the Immigration Law (2009) Revision as well as Regulation 4 of the Immigration Regulations (2009 Revision) and that there were no Caymanians available able and willing to fill this vacancy.
- 1.8 That by letter dated 17 November 2010 the Applicant appealed the decision of the Work Permit Board to the Immigration Appeals Tribunal and provided detailed grounds of appeal as to why they had not employed another candidate and continued to be in need of Mister Robinson's skills and expertise.
- 1.9 That on 6 December 2010 the Applicant received a letter from the Immigration Appeals Tribunal enclosing a copy of the Appeal Statement and requesting detailed Grounds of Appeal.
- 1.10 That on 13 February 2012 the Applicant received a notice from the Immigration Appeals Tribunal stating that no Grounds of Appeal had been made out pursuant to Sections 15 (2) and 16 (4) of the Immigration Law (2010 Revision) That therefore the appeal had been dismissed.

2.0 Grounds for Judicial review

- 2.1. The decision of the Work Permit Board was unfair and unreasonable and was a decision no reasonable Tribunal should have reached given the fact that there were no qualified Caymanians, persons married to Caymanians or permanent residents who responded to the advertisements placed in the local newspaper at all and therefore no reasonable Tribunal could have reached the conclusion that there were Caymanians ready willing and able to fill this vacancy.
- 2.2 The decision of the Immigration Appeals Tribunal was equally unfair and unreasonable in that the finding that the Applicant has no grounds of appeal could have no basis in law or fact given that the Work Permit Boards decision that Caymanians were available ready willing and able to fill this vacancy was made on no basis whatsoever and as such both decisions are unreasonable and should be set aside.

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

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

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.