

IN THE GRAND COURT OF THE CAYMAN ISLANDS

455  
CAUSE NO: OF 2012

BETWEEN:

PETER ARNOLD JONES

APPLICANT

AND:

THE IMMIGRATION APPEALS TRIBUNAL

RESPONDENT

APPLICATION FOR LEAVE TO APPLY FOR JUDICIAL REVIEW

**To:** the Clerk of the Court, Law Courts, George Town, Grand Cayman

**Applicant:** Peter Arnold Jones whose address for service is in care of his attorneys Goldfield Cayman Attorneys At Law, P.O. Box 10734, Grand Cayman, KY1-1007, Cayman Islands

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

The 22<sup>nd</sup> October 2012 decision by the Immigration Appeals Tribunal, to dismiss the Applicant's Appeal against the Caymanian Status and Permanent Residence Board to refuse the grant of Caymanian Status pursuant to section 30 (1) of the Immigration Law (2010 Revision).

**Relief Sought;**

The Applicant seeks leave to apply to the Grand Court of the Cayman Islands for Judicial Review for;

- i. An order of Certiorari to quash the decision by the Immigration Appeals Tribunal dated 22<sup>nd</sup> October 2012;
- ii. An order of Mandamus directing the Immigration Appeals Tribunal to allow him or his representative to resubmit his appeal against the Caymanian Status and Permanent Residence Board's refusal to grant the Applicant Permanent Residence and directing the Tribunal to reconsider its decision.
- iii. An order of Mandamus directing the Department of Immigration that the Applicant be allowed to remain and work in the Cayman Islands until his appeal is heard by the Immigration Appeals Tribunal.

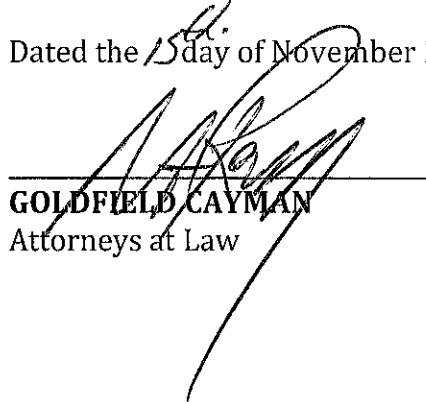
- iv. The issuance of an injunction against the Department of Immigration from taking any further action against the Applicant until the determination of his appeal by the Immigration Appeals Tribunal.

**GROUND ON WHICH RELIEF IS SOUGHT**

- i. Whether the Tribunal was wrong in law in holding that: “*no grounds of appeal had been made out pursuant to Sections 15(2) and 16(4) of the Immigration Law (2011 Revision)*” in view of my challenge to the unreasonable point allocation in relation to my references;
- ii. Whether the Tribunal was wrong in law in holding that: “*no grounds of appeal had been made out pursuant to Sections 15(2) and 16(4) of the Immigration Law (2011 Revision)*” in view of my challenge to the unreasonable point allocation in relation to my contribution to the community;
- iii. Whether the Tribunal was wrong in law in holding that: “*no grounds of appeal had been made out pursuant to Sections 15(2) and 16(4) of the Immigration Law (2011 Revision)*” in failing to consider the new evidence presented in relation to my salary and funds. Pursuant to section 16(8) of the Law, the Tribunal may take into account fresh evidence and any change in circumstances that may have arisen in relation to the parties;
- iv. Whether the Tribunal was wrong in law in holding that: “*no grounds of appeal had been made out pursuant to Sections 15(2) and 16(4) of the Immigration Law (2011 Revision)*”. In view of the fact that I have been living and working in the Cayman Islands for 21 years, and based on the criteria set out in the Law under the points systems I should have been allocated more points than what the Board actually allocated me.
- v. Whether the Tribunal was wrong in law in failing to provide adequate and sufficient reasons and/or good reasons for their decision.

- vi. Whether the provisions under section 107 (2)(a) allowing for a 'qualified' or 'exempted' person to provide immigration services also encompass appeals to the Immigration Appeals Tribunal and/or whether the description of 'Immigration Services' as set under section 107 (1) (4) encompass appeals to the Immigration Appeals Tribunal; and if not, whether the Tribunal is wrong in Law and/or whether there was a miscarriage of justice by the Tribunal in allowing Appeals to be submitted by 'qualified' or 'exempted' persons and then dismissing my appeal if improperly drafted.
  
- vii. Whether the Tribunal's decision to dismiss my appeal is in breach of their duty to be fair and its obligation to observe the rules of natural justice by not recognizing my legitimate expectation of a fair hearing and/or due consideration of my appeal against the refusal of my RERC after 21 plus years living and working in this country.

Dated the <sup>15<sup>th</sup></sup> day of November 2012

  
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**GOLDFIELD CAYMAN**  
Attorneys at Law