

No.53

Application for leave to apply for Judicial Review (0.53,r.3)

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO.

30465

OF 2012

BETWEEN: CIVIL WROKS SERVICES LTD

Plaintiff/Applicant

AND: THE IMMIGRATION APPEALS TRIBUNAL

Defendant



APPLICATION TO APPLY FOR JUDICIAL REVIEW

	To: The Clerk of the Court, Law Courts, George Town, Grand Cayman
Name, address and description of the Applicant,	<p>The Applicant, Civil Works Services Ltd, is a resident company incorporated under the Companies Law of the Cayman Islands and carrying on business producing and selling construction aggregate and road construction and fill materials.</p> <p>Everald Diego has been an employee of the Applicant for many years. He plays a key role in the Applicant's business.</p> <p>He applied for permanent residence in 2007 but was denied by the Board in 2009. In April 2010 we appealed the decision of the Board to the Immigration Appeals Tribunal.</p>

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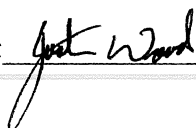
<p>Judgment, order, decision or other proceeding in respect of which relief is sought</p>	<p>The decision of the Immigration Appeals Tribunal dated October 8, 2012 refusing the Applicant appeal against the decision of the Caymanian Status & Permanent Residency Board on the basis that no grounds of appeal had been made out pursuant to Sections 15(2) and 16 (4) of the Immigration Law (2007 Revision) and that the Appeal should accordingly be dismissed.</p>
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Relief Sought

1. An Order of **Certiorari** quashing the decision of The Immigration Appeals Tribunal.
2. An Order for **Mandamus** directing the Immigration Appeals Tribunal to re-hear the application of the Applicant for the said Tribunal was wrong in law and in fact to arbitrarily dismiss the Appeal without even considering the merits of the Applicant's detailed grounds of Appeal contained in a letter to the Tribunal dated April 6, 2010.
3. An order that Everaldo Diego may, pending the outcome of the Judicial Review, continue to work with the Applicant under the same terms and conditions of his last issued work permit.
4. Such further, consequential or other relief as to this Honourable Court deems just and proper.
5. Costs

Name and address of Applicant, attorney, if no attorneys acting, the address for service of the Applicant

Civil Works Services Ltd
P.O.Box 63
Grand Cayman, KY1-1601

Signed: 

Dated this 27th November, 2012

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GROUND ON WHICH RELIEF IS SOUGHT

1. The salient facts herein are as set out and verified in the Affidavit of Justin Woods, Managing Director of Applicant sworn on November 22nd, 2012.
2. The Applicant is a local company carrying on the business of producing and selling construction aggregate, road construction and fill material among others.
3. The Applicant employed the employee since 2004. The employee is a good citizen with upstanding character and good work ethic.
4. In 2007 an application was made by Miller's Representative for the grant of permanent residence to the employee. This was denied. The Applicant appealed the decision of the Caymanian Status & Permanent Residency Board to the Immigration Appeal Tribunal and provided detailed grounds of Appeal as to why it was considered unreasonable for the said Board to deny the application.
5. That on October 8, 2012 the Applicant received a letter from the Tribunal stating that no grounds of Appeal had been made out in accordance with Sections 15(2) and 16(4) of the Immigration Law (2007 Revision) and that accordingly the appeal had been dismissed.

Grounds for Judicial Review

6. The decision of the Immigration Appeals Tribunal was unfair and unreasonable in that the finding that the Applicant has no grounds of appeal could have no basis in law and fact given that the applicant detailed his grounds of appeal highlighting the various categories under the points system where the Board had insufficiently scored the employee and which it considered ought to have been seriously examined by the Tribunal before reaching its decision.

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 Honorable Court.

This ex parte application for leave to apply for judicial review has been filed by the Applicant herein.

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