

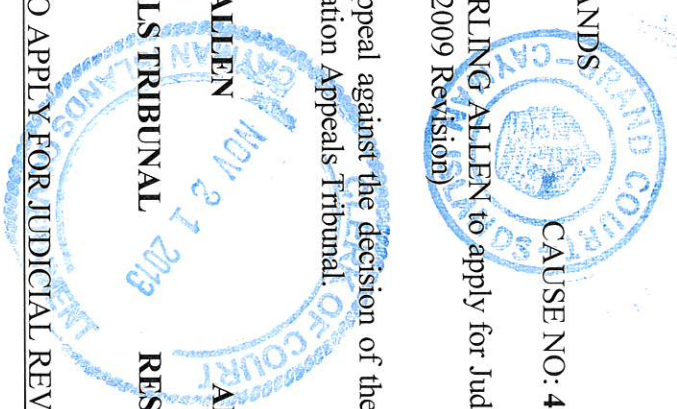
IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO: 411 OF 2013

IN THE MATTER of an application by PEGGY DARLING ALLEN to apply for Judicial Review of a decision made pursuant to the Immigration Law (2009 Revision)

AND IN THE MATTER OF the dismissal of an appeal against the decision of the Caymanian Status and Permanent Residency Board by the Immigration Appeals Tribunal.

BETWEEN: PEGGY DARLING ALLEN APPLICANT
AND: IMMIGRATION APPEALS TRIBUNAL RESPONDENT



AMENDED 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)	Peggy Darling Allen, of P.O. Box 10367, Grand Cayman KY1-1006, Cayman Islands
Judgment, order, decision or other proceeding in respect of which relief is sought	Decision of the Immigration Appeals Tribunal dated 29 th July 2010, to dismiss the Appellant's appeal against the Caymanian Status and Permanent Residency Board's refusal of her Permanent Residence application.

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 of the Immigration Appeals Tribunal dated 29th July 2010;
- ii. An order of Mandamus directing the Immigration Appeals Tribunal to allow the Applicant or her representative to resubmit her appeal against the Caymanian Status and Permanent Residence Board's refusal to grant the Applicant Permanent Residence/Residency and Employment Rights

Certificate 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 her appeal is re-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 her appeal by the Immigration Appeals Tribunal.

Name and address of applicant's attorneys, or, if no attorneys acting, the address for service of the applicant

GOLDFIELD CAYMAN ATTORNEYS
Unit 310 Paddington Place, Paddington Lane
Godfrey Nixon Way, George Town P.O. Box
Grand Cayman, KY1-1007, Cayman Islands

Signed



Dated 20th November 201

GROUNDNS ON WHICH RELIEF IS SOUGHT
(If there has been any delay, include reasons here)

1. The Applicant's previous attorney originally filed for leave on 22nd October 2010, in Cause number 388 of 2010 in the Grand Court of the Cayman Islands. The Applicant's application for leave was scheduled for hearing on 10th January 2011, however this was then rescheduled for sometime in 2012.
2. The hearing however, did not proceed in 2012, and the Applicant is unaware as to the reasons why. The Applicant however, was advised that the matter was adjourned *sine die*.
Following thereon, the matter was relisted again for hearing on 29th August 2013 at 9:30am. This hearing also did not proceed, and the Applicant's application was dismissed thru no fault of her own.

Grounds of Appeal

- i. Whether the Tribunal was wrong in law and/or whether it was contrary to the principles of natural justice in failing to consider the Applicant's appeal in its entirety as opposed to only reviewing the notice of appeal, as per their letter, "*The Tribunal reviewed the Notice of Appeal...stamped 26th September 2007...and the letter of 4 November 2008.*"

- ii. Whether the Tribunal was wrong in law in failing to consider the Applicant's change in circumstances in the following categories:
 - a. *Contribution to the community*; and
 - b. *Funds and salary*.
- Pursuant to section 16(8) of the immigration law (as revised), the Tribunal may take into *account fresh evidence and any change in circumstances* that may have arisen in relation to the parties.
- iii. Whether the Tribunal was wrong in law in failing to provide adequate and sufficient reasons and/or good reasons for their decision.
- iv. Whether the Tribunal's decision to dismiss the Applicant's appeal is in breach of their duty to be fair and its obligation to observe the rules of natural justice by not recognizing or taking into consideration her legitimate expectation of a fair hearing and/or due consideration of her appeal against the refusal of her Permanent Residency and Employment Rights Certificate, after 19 plus years living and working in this country.
- v. Whether the Tribunal's decision to dismiss the Applicant's appeal thereby denying her the right to live and work in the Cayman Islands, is in breach of Article 13 of the Bill of Rights.