

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. 20423
OF 2013

IN THE MATTER OF THE IMMIGRATION LAW (2012 REVISION)

AND

IN THE MATTER OF A DECISION OF THE IMMIGRATION APPEALS
TRIBUNAL DATED 14 OCTOBER 2013 AND RECEIVED 15 NOVEMBER
2013

BETWEEN: CARMEN JACK-CHOWTEE

Appellant

AND: THE IMMIGRATION APPEALS TRIBUNAL

Respondent

NOTICE OF ORIGINATING MOTION

Take Notice that the Court will be moved on the day of 2013
at a.m. /p.m., or soon thereafter as Counsel can be heard on behalf of the
above Appellant, Carmen Jack-Chowtee on Appeal from a decision of the
Respondent, the Immigration Appeal Tribunal dated the 14 October 2013.

GROUND'S OF APPEAL

And Further Notice that The Grounds of Appeal are as follows:-

1. The Immigration Appeals Tribunal in reviewing all the Appellants documentation to support the allocation of additional Points to receive



Permanent Residence and Employment Rights failed to take relevant considerations into account.

2. The Immigration Appeals Tribunal in reviewing the Appeal Statement dated 30 August 2013 which outlined the reasoning behind the decision to refuse the grant of Permanent Residence to the Applicant together with the Grounds of Appeal dated 26th September 2013 and the Appellant's Submissions failed to exercise its Statutory discretion reasonably toward the Appellant.

3. The Immigration Appeals Tribunal in hearing the Appellants appeal failed in its statutory duty to exercise its discretion reasonably to take into account the fresh evidence and the change in circumstances of the Appellant that had arisen before /and or at the time of the Appeal hearing.

4. The Immigration Appeals Tribunal erred in Law as it failed to treat the Applicant's Appeal as a rehearing of the Applicant's application for Permanent Residence and Employment Rights.

5. The decision of the Immigration Appeals Tribunal in all the circumstances of the case and the documents before it, failure to award the Appellants one hundred (100) points of the system is so unreasonable that no reasonable tribunal seeking to act in a way that is fair and just, and according to substantial justice and the merits of the case would have refused the Appellant Permanent Residence and Employment Rights.

6. That the Immigration Appeals Tribunal's decision is contrary to the principles set out Protocol No. 7 Article I to the Convention for the Protection of Human Rights and Fundamental Freedoms of the European Convention of Human Rights, namely;

- 1) An alien Lawfully Resident in a territory of a state shall not be expelled therefrom except in pursuance of a decision reached in accordance with law and shall be allowed;
 - a) To submit reasons against his expulsion
 - b) To have his case reviewed, and
 - c) To be represented for these purposes before the competent Authority or a person or persons designated by that Authority.
7. That the United Kingdom is a State and the Cayman Islands is a territory of the United Kingdom within the meaning and definition of Protocol No. 7 Article I. The Immigration Appeals Tribunal decision is contrary to Law.
8. That the Immigration Appeals Tribunal in coming to its decision not to allow the Appellant's Appeal acted contrary to the established principles of natural Justice.

And Further Take Notice that the Appellant crave leave to file Additional and/or Supplementary Grounds of Appeal on receipt of the notes of evidence from the Immigration Appeals Tribunal.

And The Appellant Therefore Prays That:

1. The decision of The Immigration Appeals Tribunal made on the day of 2013 be set aside; and or,
2. The Immigration Appeals Tribunal be ordered to review the Appellants Appeal with the view to awarding the Appellant the Necessary Points to be granted Permanent Residence and Employment Rights.
3. A declaration that the Appellant qualifies for Permanent Residence and employment Rights and her Dependants be included.
4. A declaration that the Appellant who has been Resident in the Cayman Islands, for sixteen years working and having a home and property in the Cayman Islands is entitled to be considered for and to be granted Permanent Residence and Employment Rights.

5. Interim relief in the form of an injunction pending the final determination of this Appeal and any further final application to remain in the Cayman Islands restraining the chief Immigration Officer and/or any Immigration Officer and/or Servant or agent and/or any of them from sending the Appellant and her Dependents out of the Cayman Islands until these proceedings of Appeal and any further proceedings or formal application to remain in the Cayman Islands are heard and determine.

€ An Order that the Appellant and her husband Dependant, Mr. Chowtee be granted the appropriate permission to work in the Cayman Islands pending a determination of these proceedings.

Dated this 26th day of November 2013.



A. Steve McField & Associates
Attorneys-at-Law for the Appellant

To: The Clerk of The Court

And To: The Immigration Appeals Tribunal

THIS APPEAL was **FILED** by **A. STEVE MCFIELD & ASSOCIATES** of George Town, Grand Cayman, Cayman Islands, Attorney-at-Law for the Appellant whose address for service is that of her said Attorneys-at-Law.