



No. 6



Notice of Originating Motion (0.8, r3)

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO: 442 OF 2013

IN THE MATTER OF SECTION 17 OF THE IMMIGRATION LAW (2012 REVISION)

AND IN THE MATTER OF A DECISION BY THE IMMIGRATION APPEALS TRIBUNAL DATED 22 OCTOBER 2013 DISMISSING AN APPEAL FOR THE GRANT PERMANENT RESIDENCY

AND IN THE MATTER OF FEDERICO RELLIN ABUEVA

NOTICE OF ORIGINATING MOTION

TAKE NOTICE that the Grand Court at the Law Courts, George Town, Grand Cayman will be moved on the _____ at _____ am/pm will be heard, by counsel on behalf of Federico Rellin Abueva for an order that:

1. An order of *Certiorari* quashing the said decision of the Immigration Appeals Tribunal;
2. An order of *Mandamus* directing the Immigration Appeals Tribunal to rehear the application;
3. An order of *Mandamus* directing the Chief Immigration Officer to permit the Applicant to continue to work for his employer, Grand Pavilion, until the hearing of this application;

4. Such further, consequential, or other relief as to this Honourable Court seems just;
5. Costs

AND FURTHER TAKE NOTICE that the grounds of this appeal are:

1. The Immigration Appeals Tribunal was wrong in law in providing no reasons for their determination that insufficient grounds of appeal had been made out pursuant to Section 15 (2) and 16 (4) of the Immigration Law (2012 Revision) in their letter of 22nd October 2013 and received on 22nd November 2013 despite detailed grounds of appeal having been filed on 12th May 2010 supported by verbal submissions before the Tribunal on the 3rd of October 2013.
2. The Immigration Appeals Tribunal erred in law in determining that there were insufficient grounds of appeal in light of the fact that it was submitted that the Caymanian Status and Permanent Residency Board had failed under Factor 9 of the points system as set forth in The Immigration (Amendment) (No. 3) Regulations, 2006 to give reasons for choosing to allocate no points to the Appellant on the basis of nationality.
3. The Immigration Appeals Tribunal failed to have any regard to the fact that the Appellant as a Filipino national is from a country which holds between 11-15% of work permits in force at the time of the hearing of the application had a legitimate expectation to receive in accordance with the point system 10 points based on his nationality thereby giving him the 100 points necessary for a grant of permanent residence.

4. The Immigration Appeals Tribunal failed to find that the failure of the Caymanian Status and Permanent Residency Board to give reasons why the Appellant was not allocated the 10 points based on nationality was not sufficient grounds for an appeal against the decision of the Cayman and Status and Permanent Residency Board.
5. The Immigration Appeals Tribunal was wrong in law when they refused the appeal without regard to the fact that the Caymanian Status and Permanent Residency Board had a duty to be consistent in the award of points under Factor 9 of the points system to all applicants of every nationality.

Dated the ^{18th} day of ~~December~~ 2013

Bodden & Bodden
Bodden & Bodden, Attorney-at Law

TO: The Clerk of the Court

AND TO: The Immigration Appeals Tribunal and the Attorney General's
Chambers and the Chief Immigration Officer.

This Notice of Originating Motion was issued by Bodden & Bodden, Attorneys-at-Law for and on behalf of the Plaintiff whose address for service is that of [his/her] said attorneys, 802 West Bay Road, Grand Pavilion Commercial Centre, Grand Cayman KY1-1003 [ref: SAB/srt- 2866-001]