

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. 6 OF 2014

IN THE MATTER OF an application by **ANDRE AMANDO MALCOM** to apply for Judicial Review of a decision made pursuant to the Immigration Law ( 2011 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:**

**ANDRE AMANDO MALCOM**

**APPLICANT**

**IMMIGRATION APPEALS TRIBUNAL**

**RESPONDENT**

**NOTICE OF ORIGINATING MOTION**

**TAKE NOTICE** that the Court will be moved on the day of \_\_\_\_\_ 2014 at \_\_\_\_\_ am/pm or as soon thereafter as counsel can be heard, on behalf of Andre Amando Malcolm for the following following relief, namely;

- i. An order of Certiorari to quash the decision by the Immigration Appeals Tribunal dated 7<sup>th</sup> October 2013;
- 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 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 his appeal by the Immigration Appeals Tribunal.

**AND FURTHER TAKE NOTICE** that the grounds of this application are:

- i. *Whether the Tribunal was wrong in law in taking away a total of 8 points awarded by the Board under the category of Occupation.*
- ii. *Whether the Tribunal acted unreasonable in taking away a total of 8 points awarded by the Board under the category of Occupation.*

- iii. *Whether the Tribunal was wrong in law in failing to award me additional points under the category of Contribution to the Community in view of the fact that I have been living and working in the Cayman Islands for 11 years.*
- iv. *Whether the Tribunal was unreasonable in failing to award me additional points under the category of Contribution to the Community in view of the fact that I have been living and working in the Cayman Islands for 11 years.*
- i. *Whether the Tribunal was wrong in law in failing to provide adequate and sufficient reasons and/or good reasons for their decision.*
- ii. *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.*
- iii. *Whether the Tribunal's decision to dismiss my appeal and thereby denying me the right to live and work in the Cayman Islands, is in breach of Article 13 of the Bill of Rights.*

Dated the 5<sup>th</sup> day of February 2014

  
Goldfield Cayman Attorneys At Law

TO: The Clerk of the Court

AND TO: The Immigration Appeals Tribunal  
Cabinet Office, Cayman Islands Government  
Government Administrative Building  
Grand Cayman, Cayman Islands

AND TO: C.I. Government Legal Department  
P.O. Box 907  
Grand Cayman KY1-1103  
Cayman Islands