

Application for leave to apply for judicial review (0.53, r.3)

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. **G0044** OF 2014

IN THE MATTER OF THE IMMIGRATION LAW (2013 REVISION)

AND IN THE MATTER OF AN APPLICATION FOR A DECLARATION against the refusal by the Chief Immigration Officer/Immigration Officer.

AND IN THE MATTER OF THE CAYMAN ISLANDS CONSTITUTION ORDER 2009 pursuant to an applicant to prohibit remaining in the Cayman Islands.

AND IN THE MATTER OF AN APPLICATION FOR JUDICIAL REVIEW PURSUANT TO the Grand Court Rules.

BETWEEN:

NATASHA NICHOLE CASEBOLT

AND: MAR 25 2014

(1)

**THE CHIEF IMMIGRATION OFFICER
OF THE CAYMAN ISLANDS**

and

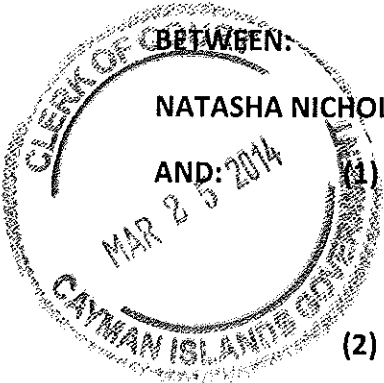
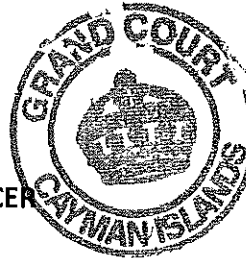
(2)

**THE HONOURABLE ATTORNEY GENERAL
OF THE CAYMAN ISLANDS**

APPLICANT

1ST RESPONDENT

2ND RESPONDENT



To the Clerk of the Court of Law, Law Courts, George Town, Grand Cayman	
Name, address and description of applicant	Natasha Nichole Casebolt a. c/o 239 Drake Quay, Governors Harbour, West Bay, Grand Cayman. and b. 902 S. 11 th Street, Aransas Pass, Texas 78336
Judgment, Order, Decision or other proceedings in respect of which relief is sought	A. Decision by Chief Immigration Officer/Immigration Officer denying Miss Natasha Nichole Casebolt to remain in the island as a tourist visitor.

	B. Decision of the Chief Immigration Officer/Immigration Officer to treat the Applicant as a tourist visiting these islands.
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RELIEF SOUGHT

Order of certiorari to quash the Decision and Order of the Chief Immigration Officer/Immigration Officer under the Immigration Law (2013 Revised).

Order of mandamus directing the Chief Immigration Officer/Immigration Officer to treat the Applicant as a tourist.

A Declaration that the Applicant's passport be endorsed on her visits to the island in the same manner as a fair and reasonable tribunal would treat all other tourist, in accordance with the law.

A Declaration that the Applicant be afforded the right to be treated in accordance with the Immigration Law (2013 Revision) based on the evidence of the Applicant's independent financial availability and her profile fitting that of a tourist.

That the Applicant have such further consequential or other relief as this Honourable Court deems.

Cost

Name and address of Applicant's Attorney, or if no attorneys acting, the address for the service of the applicant	H. Phillip Ebanks, Attorney-at-Law, of 62 Hospital Road, Grand Cayman KY1-1202
Signed	2014

GROUND ON WHICH RELIEF IS SOUGHT

The Grounds of this Application upon which said reliefs are sought are:

1. The decision of the Chief Immigration Officer/Immigration Officer set out on email of 17 March 2014, in concluding that the Applicant's lawful actions were not that of a genuine tourist visitor is contrary to the Immigration Law (2013 Revision).
2. The decision of the Chief Immigration Officer/Immigration Officer is speculative and does not conform to the definition of a tourist visitor as defined in the Immigration Law (2013 Revision).
3. The decision of the Chief Immigration Officer/Immigration Officer is unlawful in that the determination of a tourist visitor can only be defined by the Immigration Law (2013 Revision) and is not a discretionary interpretation as undertaken by him.
4. That the Chief Immigration Officer/Immigration Officer erred in concluding that the Applicant was not a genuine tourist visitor when the Applicant was allowed into the island as a genuine tourist

visitor, and no distinction was made at the point of entry to refuse her entry into the Cayman Islands as a genuine tourist visitor.

5. That the Chief Immigration Officer/Immigration Officer erred in concluding that it was his prerogative to accommodate a tourist visitor such as the Applicant when she fitted the profile of a visitor (tourist). The Law does not envisage denial of entry due to frequency of visits, which in any event in this case was occasioned by the Immigration's Departments actions.
6. That the Chief Immigration Officer/Immigration Officer is not the tribunal to adjudicate the appropriateness of the Applicant's frequent visits to the island, and acted *ultra vires* his jurisdiction.

I pray for an oral hearing of this application for leave to apply for Judicial Review at which the Applicant wishes to be present.

Dated the 24th day of March, 2014

Signed.....*H. Phillip Ebanks*.....
ATTORNEY AT LAW FOR THE APPLICANT