

No. 6

Notice of Originating Motion (0.8, r3)

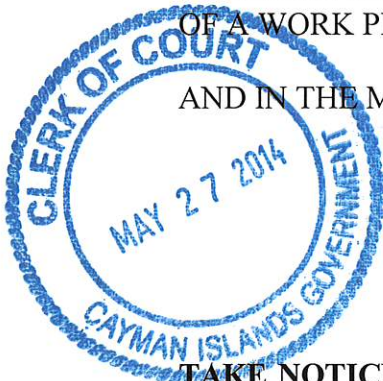
IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO: *G-0080* OF 2014

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 15th MAY 2014 DISMISSING AN APPEAL FOR THE GRANT OF A WORK PERMIT TO DONOVAN GAMALIEL HUTCHINSON

AND IN THE MATTER OF THE PORT AUTHORITY OF THE CAYMAN ISLANDS



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 THE PORT AUTHORITY OF THE CAYMAN ISLANDS for an order that:

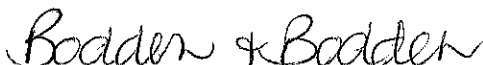
1. The decision of the Immigration Appeals Tribunal dated 14TH May 2014 dismissing the appeal of the Appellant The Port Authority of the Cayman Islands against the decision of the Work Permit Board to refuse a grant of a Work Permit to the Donovan Gamaliel Hutchinson;
2. An order remitting the appeal to the Immigration Appeals Tribunal for rehearing and determination by it on the basis that its decision was wrong in law.
3. Such further, consequential, or other relief as to this Honourable Court seems just;
4. Costs

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

1. The Immigration Appeals Tribunal was wrong in law in reaching the determination that the Tribunal “is of the view that there were and are Caymanian certified public accountants available, able, and willing to fill this vacancy, and/or other Caymanians without such professional designation that are capable of being trained to fulfill the role as an accountant with the Port Authority of the Cayman Islands.”
2. Section 16 (1) of the Immigration Law (2013 Revision) as read with the Immigration (Amendment) (No. 2) Law 2013 provides that the Tribunal may only take into account:
 - (a) the reasons provided by the Board and all information that was submitted by the Appellant at the time of his original application; and
 - (b) the written detailed grounds filed by the Appellant.
3. By making such as broad statement as “ *the Immigration Appeals Tribunal is of the view that there were and are Caymanian certified public accountants available, able, and willing to fill this vacancy, and/or other Caymanians without such professional designation that are capable of being trained to fulfill the role as an accountant with the Port Authority of the Cayman Islands.*” the Tribunal took into account fresh or extraneous information not included in the reasons provided by the Board or the information that was submitted by the appellant at the time of his original application or in the written detailed grounds filed by the Appellant.
4. The Immigration Appeals Tribunal were by law restricted to considering only the suitability of the five Caymanian applicants who had applied to the original advertisements published on September 5th and September 12th 2012 by the Port

Authority of the Cayman Islands and not the availability generally of qualified persons. In taking into account matters which they ought not to take into account, or, conversely, having refused to take into account or neglected to take into account matters which they ought to take into account the Immigration Appeals Tribunal misdirected themselves as to the law in determining that there were insufficient grounds of appeal.

Dated the 27th day of May 2014


Bodden & Bodden, Attorneys-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 its said attorneys,
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Cayman KY1-1003