

IN THE GRAND COURT OF THE CAYMAN ISLANDS

60158
CAUSE NO. OF 2014

IN THE MATTER of an application by NORMA SINCLAIR to apply for Judicial Review of a decision made pursuant to the Immigration Law (2013 Revision)

AND IN THE MATTER OF a decision of the Immigration Appeals Tribunal to dismiss an Appeal by NORMA SINCLAIR against the decision of the Caymanian Status and Permanent Residency Board to refuse the grant of Permanent Residence to Norma Sinclair

BETWEEN: NORMA SINCLAIR APPLICANT

AND: IMMIGRATION APPEALS TRIBUNAL RESPONDENT

APPLICATION FOR LEAVE TO APPLY FOR JUDICIAL REVIEW

To the Clerk of the Court, Law Courts, George Town, Grand Cayman

Name, address and description of applicant

Norma Sinclair (also known as Norma Sinclair Williams), Domestic Helper of 34 Carmen Boulevard, Lower Valley, Bodden Town, P.O. Box 926, Grand Cayman KY1-1503, Cayman Islands

Relief Sought

The Applicant seeks leave to apply to the Grand Court of the Cayman Islands for Judicial Review of the decision of the Immigration Appeals Tribunal dismissing the appeal against the decision of the Caymanian Status and Permanent Residency Board to refuse Permanent Residency in respect of which the following relief is sought:

1. An order of Certiorari to quash the decision of the Respondent dated 23rd June 2014;
2. An order of Mandamus directing the Respondent to re-hear the Applicant's appeal and allow the Applicant or her representative to be heard at that hearing.
3. An order of Mandamus directing the Department of Immigration that the Applicant be allowed to remain and work in the Cayman Islands until her appeal is re-heard by the Respondent.
4. The issuance of an injunction against the Department of Immigration from taking any further action against the Applicant until the determination of her appeal by the Respondent.

Name and address of applicant's attorneys, or, if no attorneys acting, the address for service of the applicant

The Applicant's address for service is 19B Cayside, 2 Harbour Drive, George Town, P.O. Box 926, Grand Cayman KY1-1503, Cayman Islands.

SIGNED: *N. Sinclair*
NORMA SINCLAIR

Dated: 18th JULY 2014

GROUNDINGS ON WHICH RELIEF IS SOUGHT

1. The Respondent erred in law in deciding not to hear the appeal under the law in force when the appeal was lodged.
2. The Respondent erred in law in failing to provide adequate and sufficient reasons for its decision.
3. The Respondent erred in law in deciding that during her time away from the Cayman Islands in 1991, the Applicant was not ordinarily resident in the Cayman Islands and concluding that she was not resident and working in the Cayman Islands since August 1983 and the application should be reconsidered under s.30(2) of the Immigration Law (2007 Revision).
4. In the alternative, the Respondent erred in law in its evaluation of the points awarded to the Applicant under the points system and the points should be re-evaluated and increased.
5. The Respondent erred in law and is in breach of its obligation to observe the rules of natural justice in denying the Applicant the right to be heard.
6. The Respondent erred in law in denying the Applicant the right to live and work in the Cayman Islands in breach of Article 13 of the Bill of Rights.
7. The Applicant reserves the right to lodge further grounds of appeal upon receipt of the detailed reasons for the decision of the Respondent.

Filed by the Applicant herein whose address for service is 19B Cayside, 2 Harbour Drive, George Town, P.O. Box 926, Grand Cayman KY1-1503, Cayman Islands.