

IN THE GRAND COURT OF THE CAYMAN ISLANDS

GO271  
CAUSE NO: OF 2014

IN THE MATTER OF THE IMMIGRATION LAW (2014 REVISION)

AND: IN THE MATTER OF SECTION 22(7) OF THE IMMIGRATION LAW (2014 REVISION) for a Declaration against the refusal of the Chief Immigration Officer to extend authority of Bertram Laidlaw to remain in the Cayman Islands as Surviving Spouse of a Caymanian.

AND: IN THE MATTER OF THE CAYMAN ISLANDS CONSTITUTION ORDER 2009 pursuant to Order 77A Rule 4 for a Declaration TO PROHIBIT THE EXPULSION FROM THE Cayman Islands of Bertram Laidlaw and Damages for Discrimination.

AND: IN THE MATTER OF SECTION 13(1); 2(d)(iii) and 3((a-d) OF THE CAYMAN ISLANDS CONSTITUTION ORDER 2009

AND: IN THE MATTER OF SECTION 24 OF THE CAYMAN ISLANDS CONSTITUTION ORDER 2009

AND IN THE MATTER OF AN APPLICATION FOR JUDICIAL REVIEW pursuant to order 53 of the Grand Court Rules

BETWEEN: BERTRAM LAIDLAW APPLICANT

AND:

CAYMAN STATUS AND PERMANENT RESIDENCY BOARD FIRST RESPONDENT

AND: CHIEF IMMIGRATION OFFICER SECOND RESPONDENT

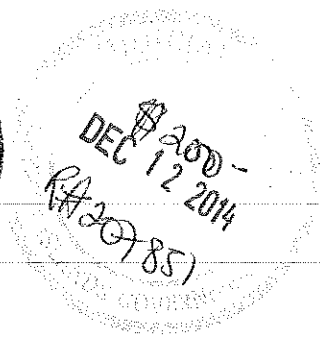
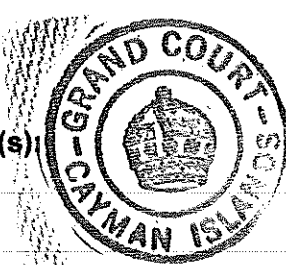
11<sup>th</sup> March, 2015 eg. 300

**NOTICE OF EXPARTE APPLICATION  
FOR LEAVE TO APPLY FOR JUDICIAL REVIEW**

To: The Clerk of the Court  
Law Courts Building  
George Town  
Grand Cayman

Name, address and description of applicant(s):

Bertram Laidlaw  
Building A-3 Trinity Square  
Eastern Avenue  
George Town  
Grand Cayman KY1-1009,  
Cayman Islands



**Decision in respect of which relief is sought:**

A Decision taken by Chief Immigration Officer, to deny the Applicant a further extension of authority to remain within the Cayman Islands as the Surviving Spouse of a Caymanian and to demand that he depart from the Islands by Saturday 12 December 2014.

**Relief Sought:**

1. An order of Mandamus under the provisions contained in GCR 77A, directing the Second Respondent, whether by his/her servants, agents or any Immigration Officer, or howsoever otherwise, to refrain from any and all actions, designed to cause or effect the removal of the Applicant from the Cayman Islands and more particularly any and all actions pursuant to section 13(2) and 13(2)(a-c) of the Cayman Islands Constitution Order 2009, unless and or until the protections afforded to the Applicant, in the provisions contained within section 13(2)(d)(iii) and 13(3)(a-d) of the said Order are observed, and this Judicial Review application is determined;
2. A Declaration that the decision of the First Respondent in refusing the Applicant's application for the right to continue residence as the Surviving Spouse of a Caymanian, be set aside as being wrong in law in principle and in all the circumstances.
3. Costs and
5. Such further, consequential, or other relief as this Honourable Court seems just.

**Grounds on which relief is sought:**

1. **Wednesbury Unreasonable:** The decision of the First Respondent is Wednesbury unreasonable when they concluded that the Applicant did not qualify for an extension of his authority to remain in the Cayman Islands, as the Surviving Spouse of a Caymanian, there being absent from the exercise of the discretion to decide in such matters, no objective assessment thereby rendering the decision as being unreasonable or alternatively tainted by irrationality or illegality.
2. That the Second Respondent's refusal to extend the authority of the Applicant to remain in the Cayman Islands is without merit and not objectively taken in light of the peculiar circumstances of the Applicant's right to continue to reside as the Surviving Spouse of a Caymanian, and is therefore unreasonable in law, principle and in all the circumstances.

  
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**DENNIS E BRADY Attorney-at-Law  
FOR THE APPLICANT**

Date *11.12.14*

**THIS EXPARTE APPLICATION FOR LEAVE TO APPLY FOR JUDICIAL REVIEW was FILED by Dennis Brady, Attorney-at-Law, Building B-3 Trinity Square, Eastern Avenue, George Town, P.O. Box 11740, APO, Grand Cayman KY1-1009, Attorney for and on behalf of the Applicant whose address for service is that of its said Attorneys-at-law.**