

**IN THE GRAND COURT OF THE CAYMAN ISLANDS  
CIVIL DIVISION**

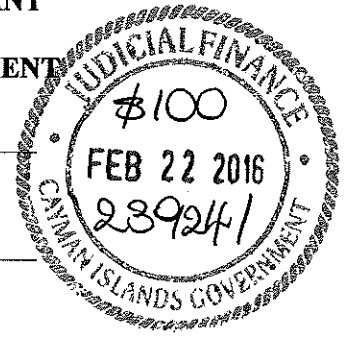
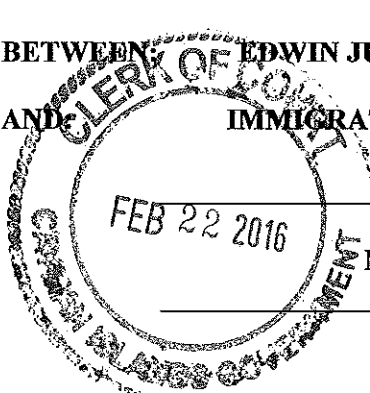
**CAUSE: G80 OF 2015**

**IN THE MATTER OF: Section 17 (2) of the Immigration Law (2015 Revision)**

**AND IN THE MATTER OF: Order 3 R5 of the Grand Court Rules 1995**

**BETWEEN: EDWIN JUNIOR MORA ALFONSO APPELLANT**

**AND: IMMIGRATION APPEALS TRIBUNAL RESPONDENT**



**NOTICE OF MOTION**

**TAKE NOTICE THAT** the Court at the Law Courts, George Town, Grand Cayman will be moved on \_\_\_\_\_ at \_\_\_\_\_ or as soon thereafter as counsel can be heard, by counsel for **THE APPLICANT** for the following relief namely :-

1. An Order granting Leave to the Appellant to Appeal out of Time, the Decision of the Immigration Appeals Tribunal, by which the said Tribunal, upheld the Decision of the Caymanian Status and Permanent Residency Board's refusal of the grant of Permanent Residency to the Appellant, on the ground that he failed to achieve the requisite points pertaining to that award, and the Appellant, as per the provisions contained in Section 17 (2) of the Immigration Law (2015 Revision) seeks relief.
2. A declaration allowing the Appellant to continue working for his employer pending the determination of this application and any subsequent Order issued in relation to the said application.


**BACKGROUND**

The proceedings before the Immigration Appeals Tribunal to which this Appeal refers, was conducted over a period of time, commencing with the Tribunal's review of the Appeal Statement dated June 19 2009, which outlined the reasoning behind the decision to refuse the application made by the Appellant. The Tribunal further reviewed the Notice of Appeal filed by the Appellant, and dated June 8 2009 and the Tribunal noted that "...insufficient grounds of appeal had been established pursuant to section 15(7) and 16(4) (of the Immigration Law (2014 Revision)...none of the grounds put forward had any merit awarded as reasonable" and accordingly dismissed the Appellants Appeal; which decision was unreasonable in all the circumstances.

## GROUNDS

1. It was as a consequence of this decision by the Tribunal, by which the Appellant's Appeal was dismissed that the Appellant appeared before Williams J on August 7 2015, at which time the Learned Judge made certain observations and recommended to the Appellant that he seek "proper legal advice", after it became apparent to him, that the Appellant was or might have been ill-advised by the person or persons, who had very likely held themselves out to be "legal practitioners", and to whom the Appellant had paid money for their services and they had prepared the papers/documents which had been submitted; and which were before the Court at the time.
2. The Appellant, he being a person whose first language is Spanish and who is also a man of limited learning, returned to the said persons that had previously prepared the papers, and told them what the court had said. He was told by them to "leave" the matter with them and everything was ok. On the basis of that representation, he went off with the impression that they had undertaken to rectify the matter and he only became aware that nothing else had been done in furtherance of the matter; when he went to renew his "permission to continue work authority" at the Department of Immigration. The Appellant now appeals for Leave to Appeal Out Of Time; against the said decision to refuse him the grant of Permanent Residency.

Dated the <sup>22</sup>18th day of February 2016

  
Dennis E. Brady  
Attorney-at-Law

**TO:** The Clerk of the Court  
**AND TO:** The Chief Immigration Officer  
**AND TO:** The Attorney General

**THIS NOTICE OF MOTION** was **FILED** by Dennis Brady, Attorney-at-Law for and on behalf of the Applicants whose address for service is that of their said Attorney-at-Law, Trinity Square, Building B-3, Eastern Avenue, P.O. Box 1671, Grand Cayman KY1-1109, Cayman Islands.