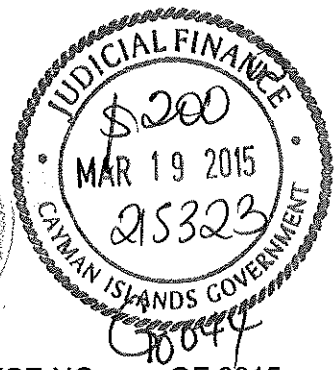


No. 6

Notice of Originating Motion (0.8, r3)



IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. OF 2015

IN THE MATTER OF SECTIONS 15(7) AND 16(4) 17 OF THE IMMIGRATION LAW (2014 REVISION), AS AMENDED.

AND IN THE MATTER OF A DECISION BY THE IMMIGRATION APPEALS TRIBUNAL DATED 29 JANUARY 2015 DISMISSING AN APPEAL FOR THE GRANT OF A WORK PERMIT

AND IN THE MATTER OF BARNABE KIKALA KASHINDI

NOTICE OF ORIGINATING MOTION

TAKE NOTICE that the Grand Court at the Law Courts, George Town, Grand Cayman will be moved on 27th July, 2015 at 9:30 (am/pm) or as soon thereafter as counsel can be heard, by counsel on behalf of Barnabe Kikala Kashindi:

1. An order staying the decision of the Immigration Appeals Tribunal dated 29th January 2015 dismissing the appeal of the Appellant Barnabe Kikala Kashindi against the decision of the Work Permit Board to refuse a grant of a Work Permit to the Appellant ;
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 providing no reasons for their determination that insufficient grounds of appeal had been made out pursuant to Section 15 (2) and 16 (4) of the Immigration Law (2012 Revision) in their letter of 29th January 2015.

2. The Immigration Appeals Tribunal failed to have any or proper regard to the fact that the convictions on which they relied to refuse the Appellant who is a long term resident the right to work resulted in fines totalling CI\$800.00 and no proper consideration was given to a letter from his Attorneys explaining the circumstances in which these offenses had occurred. Had the Immigration Appeals Tribunal taken into consideration the sentences considered appropriate by the Learned Magistrate which were by way of fines only with no recommendation of probation or custodial sentences the Immigration Appeals Tribunal may have reached a different conclusion as their decision to refuse the grant of a work permit on the basis of these offenses alone was disproportionate to the offenses with which the Appellant was charged and plead guilty. The result of the Immigration Appeals Tribunals decision is that the Appellant will be forced to leave the Cayman Islands where he has resided since 2007 and where he is eligible to apply for the right to permanently reside.

Dated the 18th day of March 2015

Bodden & Bodden
Bodden & Bodden, Attorney-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 Appellant whose address for service is that of [his/her] said attorneys, 878 West Bay Road, 2nd Floor Caribbean Plaza, Grand Cayman KY1-1003.