

Application for Leave to Apply for Judicial Review (O.53, r.3)

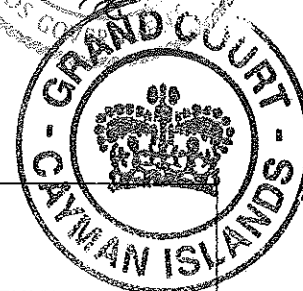
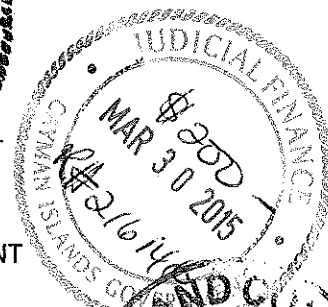
IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO: *Gooso* OF 2015

BETWEEN: HYACINTH CAMPBELL DENNIS APPELLANT

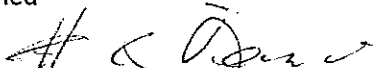
AND: IMMIGRATION APPEALS TRIBUNAL RESPONDENT

APPLICATION FOR LEAVE TO APPLY FOR JUDICIAL REVIEW



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

<p>Name, address and description of applicant</p>	<p>Hyacinth Campbell Dennis #45 Greenwood Drive, GEORGE TOWN GRAND CAYMAN, CAYMAN ISLANDS PHONE #321-8243</p>
<p>Judgment, order, decision or other proceeding in respect of which relief is sought</p>	<p>Order of mandamus Quash the decision of the Immigration Appeals Tribunal Recalculation of points in accordance with the Immigration Regulations Grant of Permanent Residence to the Appellant</p>
<p style="text-align: center;">Relief Sought</p> <p>Order of Certiorari quashing the decision of the Immigration Appeals Tribunal A Declaration that the Appellant qualifies for Permanent Residence A Declaration that the Appellant is entitled to be considered for and be granted Permanent Residence in the Cayman Islands having lived and worked here for over 21 years. Recalculation of points in accordance with the Immigration Regulations An Injunction pending the final determination of this Judicial Review and any formal application to restrain the Immigration Department, its servants, agents or otherwise from sending the Appellant out of the country until these proceedings are heard and determined. A Declaration to allow the Appellant to continue to work for her employer pending the determination of these proceeding To give effect to Articles 7 (1) and 9 (1) of the Bill of Rights, freedom and Responsibilities of the Constitution of the Cayman Islands An order of Mandamus directing the Respondents to reconsider their decision in refusing Permanent Residency to the Appellant</p>	

Name and address of Applicant	Hyacinth Campbell Dennis #45 Greenwood Drive, GT, Grand Cayman, Cayman Islands CONTACT: 321-8243
Signed 	Dated 26 th March, 2015

GROUND ON WHICH RELIEF IS SOUGHT

1. That the factual background for this application for leave to apply for Judicial Review is summarized in the supporting affidavit of the Appellant to be filed along with this application which affidavit will be relied upon in support of the application on the following grounds:
2. The Immigration Appeals Tribunal erred in Law by incorrectly calculating the number of points the Appellant should have received under "skills", "Occupation", " Funds and salary", " Contributions to the Community" and the "General " category of the points systems of the Immigration Regulations. This is at variance with the Regulations as it could have entitled her to receive the minimum points for the grant of Permanent Residence.
3. The Immigration Appeals Tribunal erred in Law as the slight allocation of points to the Appellant was unreasonable.
4. The Immigration Appeals Tribunal erred in Law by failing to notify the appellant of the decision of the Appellate Tribunal with the least possible delay in accordance with Section 16 of the Immigration Law. The decision was made in December 2014 and the Appellant did not become aware of it (and only by chance) until March 13, 2015.
5. The Immigration Appeals Tribunal's decision to dismiss the Plaintiff's appeal is contrary to the principles of natural justice and contrary to, inter alia, Articles 7 (1) and 9 (1) of the Constitution of the Cayman Islands. The Plaintiff has been legally and ordinarily resident in the Cayman Islands for more than twenty-one (21) years and has only known this to be her home during that time. It also raised in her the expectation that her application would be considered justly and fairly.