

IN THE GRAND COURT OF THE CAYMAN ISLANDS

6 0062
CAUSE NO: OF 2015

IN THE MATTER OF SECTION 17 OF THE IMMIGRATION LAW (2014 REVISION)

AND IN THE MATTER OF A DECISION BY THE IMMIGRATION APPEALS TRIBUNAL DATED 12th MARCH 2015 DISMISSING AN APPEAL FOR THE GRANT OF A WORK PERMIT TO ZANDEE LYDIA MUSGROVE

AND IN THE MATTER OF NATIONAL CONCRETE LTD.

NOTICE OF ORIGINATING MOTION

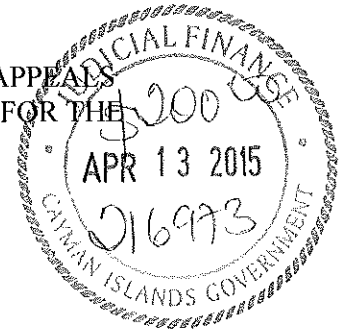
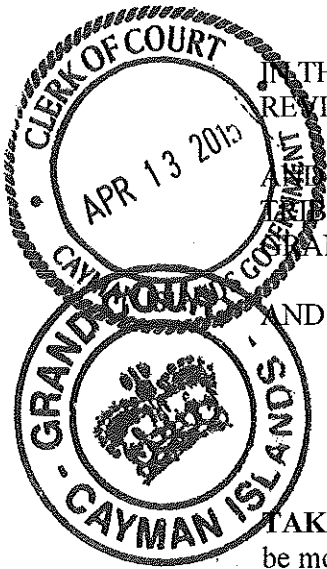
4th August, 2016 Eq. 30A

TAKE NOTICE that the Court at the Law Courts, George Town, Grand Cayman will be moved on the ^{7th} day of ~~July~~ 2015 at ~~9:30~~ am/pm or as soon thereafter as counsel can be heard on behalf of National Concrete Ltd. ("the First Appellant") and Zandee Lydia Musgrove ("the Second Appellant") for an order that:

1. The decision of the Immigration Appeals Tribunal dated 12th March 2015, dismissing the appeal of National Concrete Ltd. against the decision of the Work Permit Board to refuse a grant of a Work Permit to Zandee Lydia Musgrove was wrong in law;
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. An order directing the Department of Immigration to allow the Second Appellant to remain and work in the Cayman Islands until the determination of this appeal;
4. An order prohibiting the Department of Immigration from taking any further action(s) against the Second Appellant until the determination of this appeal;
5. Such further, consequential, or other relief this Honourable Court deems just.

AND FURTHER TAKE NOTICE that the grounds of this appeal are:

1. The Respondent erred in law in finding that no grounds of appeal had been made out, when clearly the Work Permit Board failed and/or refused to take into account and/or give due consideration to the provisions of Section 44 (3) (a)-(f) of the Immigration Law (2014 Revision), in particular, the Second Appellant's character and reputation, professional and technical qualifications, experience and competence, *inter alia*, when considering her Work Permit application.



2. The Respondent erred in law in finding that no grounds of appeal had been made out, when clearly the Work Permit Board misdirected itself in respect of Section 44(4) (a) of the Immigration Law (2014 Revision). The Work Permit Board refused the Second Appellant's Work Permit application on the premise that it had to "*take into account the protection of local interest and in particular that of Caymanians*". The Work Permit Board is by law restricted to considering only the suitability of the 4 Caymanian applicants who applied to the original advertisement published on 4th and 11th November 2013, by the First Appellant, and not the availability generally of qualified persons.
3. The Respondent erred in law in finding that no grounds of appeal had been made out, when clearly the Work Permit Board misdirected itself in respect of Section 44(4) (a) of the Immigration Law (2014 Revision), in that it determined that a Caymanian applicant "*is qualified for the post*" and refused the Second Appellant's Work Permit in circumstances where no suitably qualified Caymanian applied for the position of Accountant.

DATED: 15th day of April 2015



GOLDFIELD CAYMAN

Attorneys for the First and Second Appellants

TO: The Clerk of the Court

AND TO: The Immigration Appeals Tribunal
The Attorney General's Chambers
The Chief Immigration Officer