

IN THE GRAND COURT OF THE CAYMAN ISLANDS
CIVIL DIVISION

CAUSE: G 0/38 OF 2015

IN THE MATTER OF: SECTION 30(1) OF THE IMMIGRATION LAW (2011 REVISION)

AND: IN THE MATTER OF: SECTION 15(4) AND 16(7) OF THE IMMIGRATION LAW (2014 REVISION)

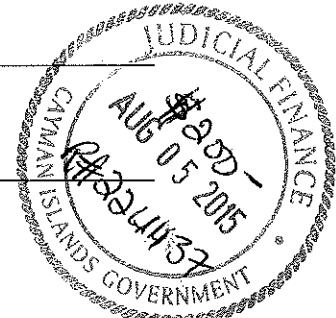
AND: IN THE MATTER OF SECTION 15(7) OF THE IMMIGRATION LAW 2014 REVISION

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

BETWEEN: SANDRA ISABEL BONILLA CARCAMO APPELLANT

AND: CAYMANIAN STATUS AND PERMANENT RESIDENCY BOARD FIRST RESPONDENT

AND: IMMIGRATION APPEALS TRIBUNAL SECOND RESPONDENT



NOTICE OF ORIGINATING MOTION

TAKE NOTICE THAT the Court, at the Law Courts, George Town, Grand Cayman will be moved on 12 *Oct* at 9:30 or as soon thereafter as counsel can be heard, by counsel for THE APPLICANT for the following relief :-

1. An Order setting aside the Decision of the Immigration Appeals Tribunal, which decision by 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 the Appellant failed to achieve the requisite points pertaining to that award, and the failure of the Board to consider the Appellant's grounds of appeal according to Law and by virtue of, the provisions contained in Sections 15(7) of the Immigration Law 2014 Revision.

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 April 30 2013, which outlined the reasoning behind the decision to refuse the application made by the Appellant. The Tribunal further reviewed the Notice of Appeal and the Grounds of Appeal filed by the Appellant.

The Tribunal noted that "no grounds of appeal had been made out...pursuant to Section 15(4) and 16(7) (of the Immigration Law (2014 Revision) [and] ...By unanimous vote, this appeal has been dismissed"... accordingly dismissing the Appellant's Appeal.

GROUND

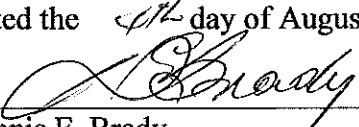
It is as a consequence of this decision by the Tribunal, by which the Appellant's Appeal was dismissed, that the Appellant now appeals against same; on the following grounds:

PROCEDURAL IRREGULARITY AND ILLEGALITY

1. **THAT** the Tribunal erred in law by dismissing the Appellant's appeal, as they failed to and never considered the relevant grounds of appeal submitted by the Appellant, under and according to law and the provisions contained in Section 15(7) of the Immigration Law 2014 Revision and therefore their finding that "no grounds of appeal had been made out" was erroneous and unlawful in all the circumstances.
2. **THAT** the Board erred in law by taking into account irrelevant matters in considering the Appellant's grounds of appeal under Sections 15(4) and 16(7) of the Immigration Law 2014 Revision, when the said provisions make no allowance in law, for any such considerations to be undertaken under those provisions; as relating to their power to consider the Appellant's grounds of appeal or generally.
3. **THAT** the Immigration Appeals tribunal erred in Law by finding that there was "**no grounds of appeal had been made out**", when clearly the Caymanian Status and Permanent Residency Board had unreasonably failed to take into account, during their deliberations concerning the Appellant's application for Permanent Residency, or else had failed to adequately consider or at all, the Appellant's Knowledge and Experience, Skills, Funds and Salary, General and Contribution to the Community; and had reasonableness been applied, would have resulted in the Appellant qualifying for grant of the said Permanent Residency.

2. **AS SUCH** the Appellant prays that the Decisions imposed by the Caymanian Status and Permanent Residency Board and the Immigration Appeals Tribunal, should be overturned and a rehearing ordered instead; and the grant of Permanent Residency be awarded to the Appellant.

Dated the *14* day of August 2015



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 Appellant whose address for service is that of their said Attorney-at-Law, Trinity Square, Building B-6, Eastern Avenue, P.O. Box 11740 APO, Grand Cayman KY1-1009, Cayman Islands.