

IN THE GRAND COURT OF THE CAYMAN ISLANDS
CIVIL DIVISION

GD167/2015
CAUSE: ~~108~~ OF 2015

IN THE MATTER OF: Article 7(1) of the Bill of Rights Freedom and Responsibilities of the
Constitution Order of the Cayman Islands 2009

AND IN THE MATTER OF: Article 9(1) of the Constitution Order of the Cayman Islands 2009

AND: IN THE MATTER OF: Section 15(7) of the Immigration Law (2014 Revision)

AND: IN THE MATTER OF: Section 16(4) of the Immigration Law (2014 Revision)

AND: IN THE MATTER OF: Section 17 of the Immigration Law (2014 Revision)

BETWEEN RHONA VERONA HENRY

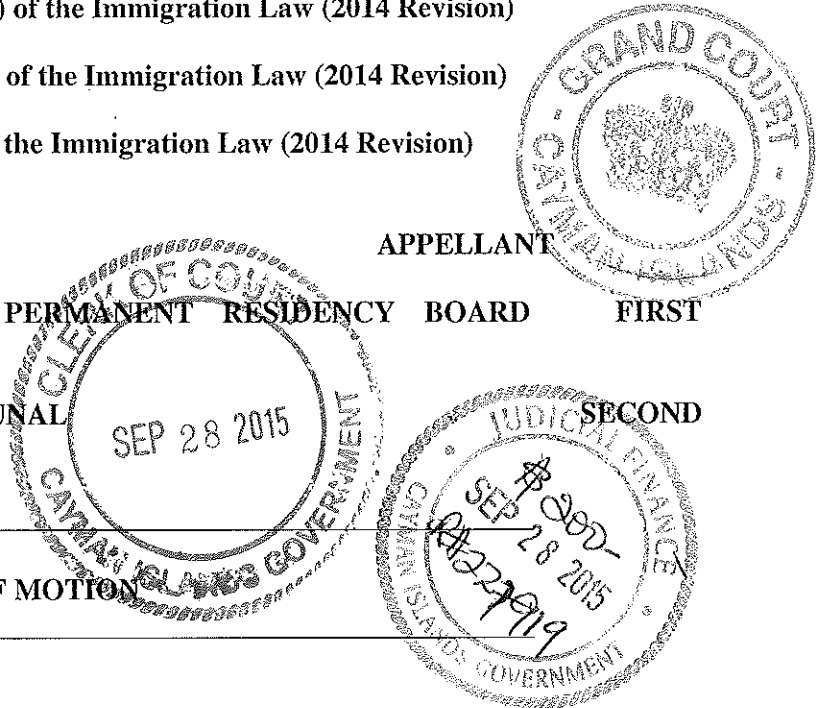
APPELLANT

AND: CAYMANIAN STATUS AND PERMANENT RESIDENCY BOARD
RESPONDENT

FIRST

AND: IMMIGRATION APPEALS TRIBUNAL
RESPONDENT

SECOND



ORIGINATING NOTICE OF MOTION

TAKE NOTICE THAT the Court at the Law Courts, George Town, Grand Cayman will be moved on *14th November 2015* at *9:30* 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 she failed to achieve the requisite points pertaining to that award and that notice of this refusal was not communicated to the appellant until six (6) months after the said decision had been made, thereby prejudicing the Appellant's right of appeal to the Grand Court, under Section 17 of the Immigration Law (2014 Revision) and was contrary to the provisions contained in Section 16(11) of the Immigration Law (2014 Revision)
2. A declaration allowing the Appellant to continue working for her employer pending the determination of this application and any subsequent Order issued in relation to the said application.

BACKGROUND

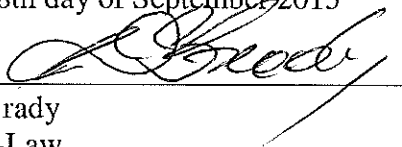
The proceedings before the Immigration Appeals Tribunal to which this Appeal refers, was conducted over a period of time, commencing with the Tribunal's review of the Appeal Statement dated June 1 2009, which outlined the reasoning behind the decision to refuse the application made by the Appellant. The Tribunal further reviewed the Notice of Appeal filed by the Appellant, and dated May 13th 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) and accordingly dismissed the Appellants Appeal.

Notice of this decision was not communicated to the Appellant until June 12 2015 and was stated in a letter date marked December 30th 2014

GROUND

It is as a consequence of this decision by the Tribunal, by which the Appellant's Appeal was dismissed, and the Appellant denied the right of appeal to the Grand Court, as advised in the said Letter, due to the breach of Section 16(11) of the Immigration Law (2014 Revision) by the Tribunal and in all the circumstances, that the Appellant now appeals for Leave to Appeal Out Of Time; against the said decision to refuse her the grant of Permanent Residency.

Dated the 28th day of September 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 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.