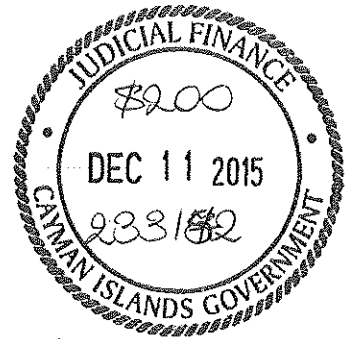
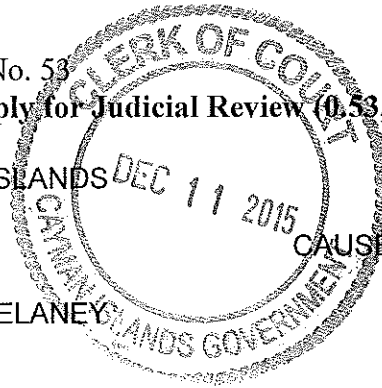


No. 53

Application for Leave to Apply for Judicial Review (0.53, r.3)

IN THE GRAND COURT OF THE CAYMAN ISLANDS



CAUSE NO: 0222 OF 2015

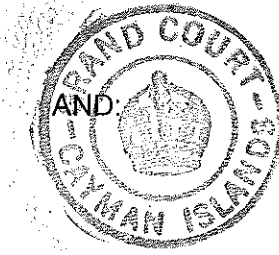
BETWEEN: TERRANCE WILLIAM DELANEY

Plaintiff/Applicant

AND: THE CAYMANIAN STATUS AND PERMANENT RESIDENCY BOARD

THE CHIEF IMMIGRATION OFFICER

Respondents



APPLICATION FOR LEAVE TO APPLY FOR JUDICIAL REVIEW

17th February 2016 09.30 am

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

Name, address and description of applicant(s)	The Applicant, Terrance William Delaney, is a British Overseas Territories citizen by virtue of his connection to the Cayman Islands and a United States Citizen, and has applied to the Caymanian Status and Permanent Residency Board for the grant of the right to be Caymanian pursuant to Section 22 (3) of the Immigration Law (2011 Revision) and is the holder of a Right to Permanently reside in the Cayman Islands with the right to work as a Chemical Dependency Counselor/ Consultant/Instructor
Judgment, order, decision or other proceeding in respect of which relief is sought	<ol style="list-style-type: none"> 1. The decision of the Caymanian Status and Permanent Residency Board dated 24th June 2014 to defer the Plaintiff/Applicants application for the right to be Caymanian for further consideration, 2. The Chief Immigration Officer's decision dated 28th May 2015 to assess fees outstanding in relation to the Plaintiff's/Applicants right to permanently reside and work in the Cayman Islands at CI\$48,850.00 and 3. The further decision of the Chief Immigration Officer made on or around the 29th October 2015 to refer the collection and resolution of alleged outstanding fees to the Immigration Department of Enforcement.

Relief Sought

1. An order of *Certiorari* quashing the said decisions of the Chief Immigration Officer to impose fees of CI\$48,850.00 on the Plaintiff/Applicant in relation to his right to permanently reside and work in the Cayman Islands;
2. An order of *Mandamus* directing the Chief Immigration Officer to credit the Plaintiff/Applicant for fees over paid to the Immigration Department between the years 1998 to 2005 inclusive for work permits and right to work fees due to the fact that the Immigration Department mistakenly or with intent placed the Plaintiff/Applicant in the wrong fee category being that of a professional such as a chartered accountant, banker, surveyor, doctor, engineer or other professional when it was or should have been known to the Department of Immigration that the Plaintiff/Applicant was not a professional but a person in an occupation for which a technical qualification was required and which attracted a much lower fee category.
3. An order of *Mandamus* directing the Chief Immigration Officer to assess fees in the correct fee category under which the Plaintiff/Applicant should have been assessed in accordance with the Immigration Regulations.
4. A further order of *Mandamus* directing the Caymanian Status and Permanent Residency Board to hear the Plaintiff/Appellant's application for the grant of the right to be Caymanian filed on the 13th April 2012 on the basis that:
 - i) The Plaintiff/Appellant has been legally resident in the Cayman Islands for almost twenty years since 30th June 1996 and is a naturalised British Overseas Territories Citizen having been naturalised on the 8th December 2006. He is therefore eligible and meets all qualifications for the grant of the right to be Caymanian. He has complied with all requirements of the Immigration Law and Regulations providing the Caymanian Status and Permanent Residency Board with a complete response to their letter of missing information dated 17th February 2014 and it is verily believed and understood that the only reason why the Caymanian Status and Permanent Residency Board has deferred the Plaintiff/Applicants application for more than three years is due to the fact that it is the Boards policy not to deal with such applications if they are advised by the Chief Immigration Officer that fees are outstanding to the Department.
 - ii) That despite meeting with and/or writing to the Chief Immigration Officers since 2006, the Chief Officer Security & Public Safety Ministry of Home Affairs, the Deputy Chief Officer- Security & Public Safety Ministry of Home Affairs, the Chairman of the Caymanian Status and Permanent Residency Board, the Secretary of the Caymanian Status and Permanent Residency Board, the Department of Finance, Department of Immigration, the Minister of Finance the Department of Immigration have refused to recalculate the fees due to the Department by the Plaintiff/Appellant despite the fact that it has been accepted by letter from the Department of Immigration dated 28th May 2015 that as a Substance Abuse Counsellor the Plaintiff Applicant is not a medical doctor but holds the title of Counsellor/Consultant.
 - iii) That the decision of the Caymanian Status and Permanent Residency Board to defer the Plaintiff/Applicants application for the right to be Caymanian for over three years on the sole basis that the Chief Immigration Officer alleges

<p>that there are fees outstanding is unlawful and contrary to the rules of natural justice.</p> <p>iv) That the Chief Immigration Officer's refusal to impose fees under the correct category in the Immigration Regulations and to credit the Plaintiff/Applicant with fees over paid over many years is also unlawful and unreasonable and contrary to the rules of natural justice.</p> <p>v) That the Chief Immigration Officer's decision to refer the matter to Enforcement given the overwhelming evidence of the correct fees due is also unreasonable and contrary to the rules of natural justice.</p> <p>vi) That after almost a decade of attempting to resolve these issues the Plaintiff/Applicant has suffered substantial losses and damage which are continuing.</p> <p>5. Such further, consequential, or other relief as to this Honourable Court seems just;</p> <p>6. Costs</p> <p>7. Damages</p>	
<p>Name and address of applicant's attorneys, or, if no attorneys acting, the address for service of the applicant</p>	<p>Bodden & Bodden Attorneys at Law Caribbean Plaza 878 West Bay Road P.O. Box 10335 Grand Cayman KY1-1003</p>
<p>Signed <i>Bodden & Bodden</i></p>	<p>Dated this 10th day of December, 2015</p>

GROUNDNS ON WHICH RELIEF IS SOUGHT

The Applicant seeks leave to apply for judicial review on the basis that the decisions made by the Caymanian Status and Permanent Residency Board and the Chief Immigration Officer between 24th June 2014 and 29th October 2015 to refuse to consider the grant of the Plaintiff/Applicant's application for the right to be Caymanian on the basis that fees were due to the Chief Immigration Officer for the Plaintiff/Appellant's right to work as a permanent resident were either: (i) unreasonable, (ii) procedurally irregular (iii) unlawful or (iv) irrational, as both the Caymanian Status and Permanent Residency Board and the Chief Immigration Officer failed to have any regard or any proper regard to the full particulars and the individual facts in this case.

NOTE: The Applicant's Attorneys respectfully request a hearing of this application for leave to apply for judicial review pursuant to Order 53, Rule 3 (3) of the Grand Court Rules.