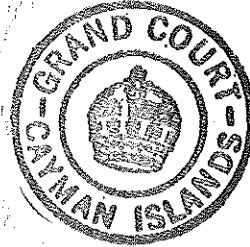
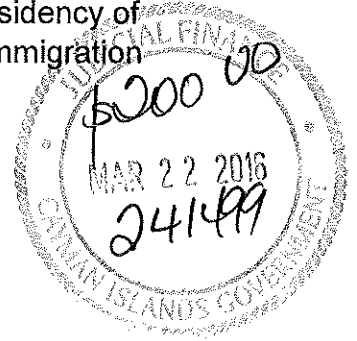


IN THE GRAND COURT OF THE CAYMAN ISLANDS
HOLDEN AT GEORGE TOWN, GRAND CAYMAN
CAUSE NO: *G2055/2016*



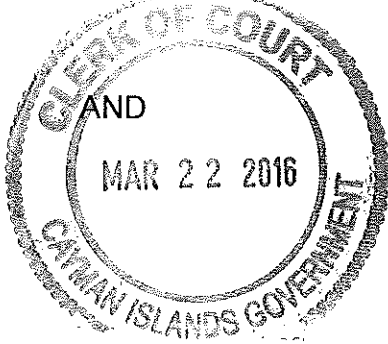
In the matter of the Immigration Law (2015 Revision), (the "Law"), section 30 (1).

And in the matter of the dismissal of an Application for Permanent Residency of Maurice Wilson pursuant to the Law, section 30, by at decision of the Immigration Permanent Residency Board made by letter dated 1st February 2016.



BETWEEN:

MAURICE WILSON



AND

1. THE ATTORNEY GENERAL
2. THE IMMIGRATION PERMANENT RESIDENCY BOARD

NOTICE OF ORIGINATING MOTION

TAKE NOTICE that the Court at the Law Courts, George Town, Grand Cayman will be moved on *14th July* 2016 at *9:30 a.m.* or as soon thereafter as counsel can be heard, by counsel on behalf of Maurice Wilson for the following relief, namely

1. That until such time as the substantive matter is heard and determined by the Court the Applicant shall be permitted to stay and work in the Cayman Islands.
2. Leave of this Honorable Court to exercise its discretion to permit an extension of time pursuant to GCR Ord 3 r. 5 for the applicant to lodge a Notice of Motion if the Court considers that the time for lodging the application has expired.
3. Alternatively, that this Application stand a Notice of Motion for an application that the decision to reject Maurice Wilson permanent residency is unreasonable, contrary to the principles of natural justice, erroneous and at variance with the Regulations.
4. The factual background are as follows:
 - i. The Appellants application to the Cayman Status and Permanent Residency Board ("the Board") was made on 13 February 2015 and was rejected on the 1 February 2016 on the grounds of NO POWER as it was noted that the applicant is not eligible as the Immigration records show

that the applicant applied out of time and beyond the timeframe of his ninth (9th) year of legal and ordinary residence. It was determined that the Board has no jurisdiction to deal with the application.

- ii. Under Factor 15 (1) of the Immigration (2015 Revision) ("the Regulations") section 30, 37C, 42 (5) or 49, any person aggrieved by or dissatisfied with any decision of the Chief Immigration Officer other than a decision under section 14 may within-
 - (a) Twenty-eight days of the communication of the decision to him; or
 - (b) such longer period as the Chairman of the Immigration Appeals Tribunal may for good reason shown allow, serve notice on the Immigration Appeals Tribunal of his intention to appeal such decision.
- iii. The applicant was not permitted under the Immigration Law factor 15 (1) (2015 Revision) section 30, 37C, 42 (5) or 49 the right, in short, to an appeal. If he was permitted what is not only a statutory right but a fundamental right to an appeal and thus a fair hearing he could have addressed the issue of why he was ONE DAY out of time thus supporting documents would have been provided for clarifications. The fact that he was not given the right to an appeal is not made less that there was no evidence before the Board to support his application and the fact that he was not given the opportunity to provide such proof.
- iv. The Meeting of Immigration Appeal's Tribunal set out in section 12 (10) (2015 Revision) The Immigration Appeals Tribunal shall meet at least once in every calendar month and upon such other occasions as, in the opinion of the Chairman, may be necessary or desirable in the public interest.
- v. The delay in the resolution of the Applicant's application has caused the Applicant prejudice but that prejudice has been compounded by the Immigration Residency Board knowing that there was a basis for an appeal but insufficient evidence to support that fact. Just as the Applicant is duty bound to make full and frank disclosure of information to support his application and thus update the tribunal of any changes in his circumstances whether they are in his interest or not the Board is equally duty bound as a matter of fairness to ensure that the correct information is before it, especially before it render a decision where there is a clear evidence that supporting documents/information are missing.
- vi. The Applicant should not be cloaked with any error or failure of the Board if it is said that there was a failure to provide the relevant evidence. The

Applicant should have been given the opportunity to provide proof or solid explanation as to why he was one day late for filing his application. The Applicant was not permitted to explain in a separate letter and provide proof of why his application was filed a day late which shows error on the part of the Board could have been corrected in short order. Furthermore, weekends are not considered business days and thus would have given the applicant sufficient time to file his application which would not make his application out of time. The Applicant has not therefore been treated judiciously and has not had a fair assessment of his application.

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

5. In light of the above, the Grounds for the Application for the Appeal of the Decision to refuse to grant Permanent Residency or to Reconsider the decision to dismiss are pursuant to section 15 (7) (a)(b)(c) and (d).
6. Alternatively, the requisite statute being silent on the issue of reconsideration, failed as a matter of law to properly exercise its discretion either administratively or as a matter of common law to reconsider the application where it was clear on its face that there was an issue.
7. Alternatively, the Board acted in a way that no reasonable Board would have acted in the circumstances.

And for an order that the costs of and incidental to this appeal may be paid by the Board.

Dated the day of March 2016


Signature of Appellant

TO: The Clerk of the Court.

AND TO: The Respondent: c/o Legal Department.

This Notice of Motion was filed by the Applicant whose address for services is P.O. Box 1661 KY1-1504, 95 Godfrey Nixon Way, Suite 13, George Town, Grand Cayman, Cayman Islands, services.concierge@yahoo.com.

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO: G0055/2016

BETWEEN: Maurice Wilson

PLAINTIFF

**AND: The Attorney General
The Immigration Permanent Residency Board**

DEFENDANT

**ACKNOWLEDGMENT OF SERVICE
OF ORIGINATING MOTION**

1. The Attorney General
2. THE IMMIGRATION PERMANENT RESIDENCY BOARD

State whether the Defendant intends to contest or otherwise participate in the proceedings

yes

no

Service of the Originating Motion is acknowledged accordingly

.....
Defendants' Signature

Address for service:

C. I. Government Legal Department
4th Floor, Government Administration Building, 1033 Elgin Ave, George Town, Grand Cayman
P.O. Box 136, KY1-9000

Plaintiff in person

Address for service:

MAURICE WILSON
95 Godfrey Nixon Way
Suite #13
George Town, Grand Cayman
Cayman Islands
Tel: 928-7723