

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO: 189 OF 2016

IN THE MATTER OF AN APPLICATION FOR JUDICIAL REVIEW UNDER ORDER 53 OF THE GRAND COURT RULES 1995

IN THE MATTER OF A DECISION OF THE CAYMAN STATUS AND PERMANENT RESIDENCE BOARD AND THE CHIEF IMMIGRATION OFFICER

BETWEEN

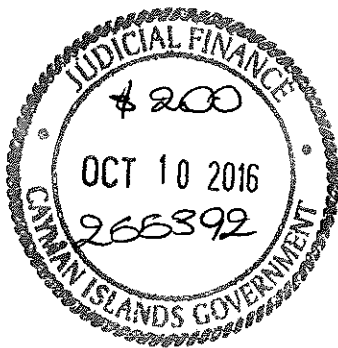
BRADLEY CARPENTER

1st Applicant

-and-

ELAINE SPENCE

2nd Applicant



-v-

CAYMANIAN STATUS
AND PERMANENT RESIDENCE BOARD

1st Respondent

-and-

CHIEF IMMIGRATION OFFICER

2nd Respondent

NOTICE OF ORIGINATING MOTION

TAKE NOTICE that _____, a Judge of the Grand Court at the Law Courts, George Town, Grand Cayman will be moved on _____ or as soon as thereafter as Counsel can be heard, by Counsel on behalf of the Applicants, Bradley Carpenter and Elaine Spence for an order that:

- (a) A declaration that the following contested decisions:
 - i. The failure to reach a decision in respect to the 1st Applicants Permanent Residence application; and
 - ii. the decision to classify the Applicants visitors and not to issue a 6 month permission to remain and re-entry stamps;

are unlawful.

- (b) An order quashing the Applicants status as a visitor.
- (c) A declaration that the 1st Applicant has been 'legally and ordinary' resident in the Cayman Islands since 18 October 2005 and the 2nd Applicant since August 2006.
- (d) A declaration that the Applicants have leave to remain in the Cayman Islands as lawful residents until the 1st Applicant's Permanent Residence application is determined (including any appeals).
- (e) A declaration that the Respondent's failure to consider the 1st Applicant's PR application is unlawful, irrational, disproportionate and contrary to the principles of natural justice.
- (f) An order of Mandamus obliging either of the Respondents to consider the 1st Applicant's application for Permanent Residence as of the date which is most favourable to his application due to the failure to consider the application within a reasonable period of time.
- (g) An order of Mandamus obliging either of the Respondents to consider the 1st Applicant's application for PR within 2 weeks of the Order.
- (h) A declaration that if the 1st Applicant is to be granted Permanent Residence, he is to be granted it on the basis that he is subject to the terms and conditions of the Law as it was at the date of application.
- (i) An order prohibiting the 2nd Respondent from seeking the removal of the Applicants until the completion of the current proceedings and or the application process whichever is the later.
- (j) An order requiring the 2nd Respondent to provide the Applicants with suitable re-entry stamps to enable them to travel to and from the Cayman Islands as they like.
- (k) An order for the Respondents to pay the Applicants damages resulting from the Respondents misconduct and or inaction.

And for an order that costs of and incidental to this application may be paid by the First Respondent and /or the Second Respondent.

AND TAKE FURTHER NOTICE that the grounds of this application are set out in the attached document.

Dated this the 7th day of October 2016.



HSM CHAMBERS

To: The Clerk of the Court

And to The Chairman of the Caymanians Status and Permanent Residence Board.
PO Box 1098
Grand Cayman KY1-1102
Cayman Islands

AND TO: The Chief Immigration Officer
Department of Immigration
P.O. Box 1098
Grand Cayman KY1-1102,
Cayman Islands

AND TO: The Attorney General
Fourth Floor
Government Administration Building
133 Elgin Avenue
George Town
Grand Cayman

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BRADLEY CARPENTER

1st Applicant

-and-

ELAINE SPENCE

2nd Applicant

-v-

SECRETARY OF THE CAYMANIAN STATUS
AND PERMANENT RESIDENCE BOARD

1st Respondent

-and-

CHIEF IMMIGRATION OFFICER

2nd Respondent

DRAFT ORDER

BEFORE THE HONOURABLE

DATE OF HEARING

UPON HEARING FROM Mr David of Counsel on behalf of the Appellants and

UPON READING the affidavits of the Applicants and the grounds set out in the Applicants application for
Leave to apply for Judicial Review.

IT IS HEREBY ORDERED THAT:

1. The Applicants are granted leave to apply for Judicial Review upon the Grounds stated in the Application and the affidavits.
2. The Judicial Review hearing shall be in open court fixed for a expedited substantive hearing on _____, with a time estimate of one day.
3. The Applicant is to file and serve all documents in accordance with Order 54, r.5 no later than _____
4. The Applicant shall serve said documents on the Respondents.
5. The Respondents and any of the persons served, if so advised, shall file and serve Affidavits in response no later than _____
6. Skeleton Arguments and copies of any authorities to be relied upon, shall be filed and served by 12 noon on _____

Dated: _____

Filed: _____

JUDGE OF THE GRAND COURT