

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. 209 OF 2016

AND: IN THE MATTER OF THE IMMIGRATION LAW (2015
Revision)

AND: IN THE MATTER OF DECISION OF THE CHIEF
IMMIGRATION OFFICER

AND: IN THE MATTER OF IAN FERNANDO ELLINGTON

BETWEEN: IAN FERNANDO ELLINGTON

APPLICANT

AND: THE CHIEF IMMIGRATION OFFICER

RESPONDENT

APPLICATION FOR LEAVE TO APPLY FOR JUDICIAL REVIEW

31st January, 2017 09:30 AM

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

Name, address and
description of applicant (s)

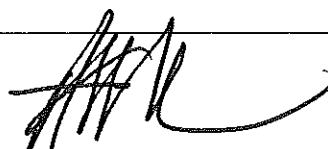
Ian Fernando Ellington
P.O. Box 1404, Grand Cayman,
KY1-1110
Carpenter/ Tiler

Judgment, order, decision
or other proceeding in
September 2016
respect of which relief is sought

Decision of the Chief Immigration
Officer conveyed to the applicant on 3

The Relief Sought

1. An Order of Certiorari to remove into this Honourable Court and to quash the decision of the Chief Immigration Officer and/or the Deputy Chief Immigration Officer and or the Immigration Department to declare the Plaintiff a Prohibited person and to send the Plaintiff Ian Fernando Ellington out of the Cayman Islands pending the outcome of application for Judicial Review .
2. An Order of Mandamus directed to the Respondent's requiring them to reconsider their decision according to the Law and to provide for the Applicant to make further formal application to remain in the Cayman Islands.
3. Interim relief in the form of an injunction pending the determination of this application and any further formal application to remain in the Cayman Islands restraining the Chief Immigration Officer and/or the Deputy Chief Immigration Officer and/or any servant or agent of the Immigration Department or the Respondent or any of them from sending the Plaintiff Ian Fernando Ellington out of the Cayman Islands, until these proceedings for Judicial Review and any further formal application to remain in the Cayman Islands are heard and determined.
4. Such further on other Relief as the Court may determine is Just.

Name and address of applicant's attorneys, or, if no attorneys acting, the address for service of the applicant	A. Steve McField & Associates P.O. Box 680 George Town Suit D2, Cayman Business Park 10 Huldah Avenue KY1-1107 Grand Cayman
Signed 	Dated: The 10 day of November 2016

GROUND ON WHICH RELIEF IS SOUGHT

1. The Facts.

The factual background to this application for leave for Judicial Review is contained in the Affidavit of Ian Fernando Ellington that has been filed with this application and this Affidavit will be relied on in support of the application on the following grounds.

2. The Chief Immigration Officer did not give the Applicant Ian Fernando Ellington notice that he intended to make him a prohibited person and did not give him a reasonable chance to a fair hearing before making the decision.
3. The Applicant was not afforded a hearing by the Chief Immigration Officer. Therefore, the Chief Immigration Officer is in breach of the Rules of natural Justice.
4. The Applicant Ian Fernando Ellington is married to a Caymanian and should be given a chance to put his case forward against being designated a prohibited person.
5. The Applicant Ian Fernando be given opportunity to apply to the Governor for permission to remand in the Cayman Islands with his wife and his children.

The Applicant Prays for an Oral Hearing.