

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO: 0005 OF 2017

IN THE MATTER OF SECTION 67 OF THE IMMIGRATION LAW (2015 REVISION)

AND IN THE MATTER OF SECTION 74(1) OF THE IMMIGRATION LAW (2015 REVISION)

AND IN THE MATTER OF ARTICLE 13(1)(a) and (d)(iii) and 31(3a-c) OF THE CAYMAN ISLANDS CONSTITUTION ORDER 2009

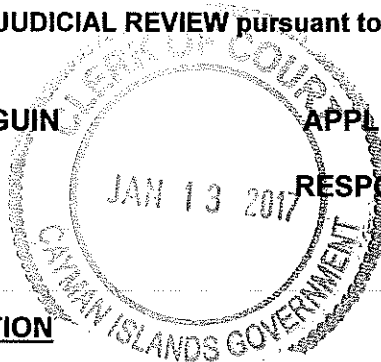
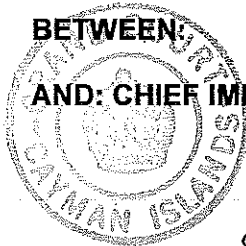
AND: IN THE MATTER OF THE CAYMAN ISLANDS CONSTITUTION ORDER 2009 pursuant to Order 77A Rule 4 for a Declaration to prohibit the expulsion from the Cayman Islands and Damages for Discrimination

AND: IN THE MATTER OF SECTION 24 OF THE CAYMAN ISLANDS CONSTITUTION ORDER 2009

AND IN THE MATTER OF AN APPLICATION FOR JUDICIAL REVIEW pursuant to Order 53 of the Grand Court Rules

BETWEEN: CRISTINA RAMIREZ HOLGUIN APPLICANT

AND: CHIEF IMMIGRATION OFFICER RESPONDENT



ORIGINALING NOTICE OF MOTION

TAKE NOTICE THAT the Court at the Law Courts, George Town, Grand Cayman will be moved on at or as soon thereafter as counsel can be heard, by counsel for the APPLICANT for the following relief namely :-

1. An Order of *Mandamus* under the provisions contained in GCR Order 77A, directing the Respondent, whether by his/her servants, agents or otherwise to refrain from any and all actions, pursuant to the provisions contained in Article 13(2) and 13 (2)(a-c) of the Cayman Islands Constitution Order 2009, ("**the Order**") unless and or until the protections afforded to the Applicant, in the provisions contained within Article 13(2)(d)(iii) and 13(3)(a-d) of the said Order are observed, and a comprehensive investigation of her complaint against Dania Bush her employer; is conducted by the Respondent.
2. A Declaration that the Respondent whether by his/ her servants, agents or otherwise be restrained and prohibited from any and all actions, the objective of which is the

detention and expulsion of the Applicant from the Cayman Islands, under any provision of the Immigration Law (2015 Revision) until her complaint against her employer Dania Bush, has been fully and comprehensively investigated by the Respondent, and a determination made by the Director of Public Prosecutions.

3. Costs and such further, consequential, or other relief as this Honourable Court seems just.

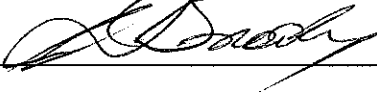
AND FURTHER TAKE NOTICE that the grounds of this application are:-

1. **Wednesbury unreasonableness:** The decision of the Respondent to demand and or require the departure of the Applicant from the Cayman Islands and further to unlawfully and arbitrarily cancel the Applicant's Work Permit, which work permit remains valid and effective until October 2017, and further to deny the Applicant any further extensions of authority to remain and to require that the Applicant immediately depart the Cayman Islands, was an improper exercise of his/her discretion, manifested in the taking of that decision to arbitrarily cancel the Applicant's valid work permit, which lawfully is the prerogative of the Work Permit Board, and in disregard of the Applicant's reasonable explanation and complaint of impropriety and illegality, against her employer Dania Bush, and this conduct and decision is unreasonable and should be set aside.
2. That the Applicant, at the time, posed no threat to the interests of the state's defences, public safety, public order, public morality or public health, to provide grounds for derogation from the provisions of the protections offered by section 13(2) (d) and (3) of the Cayman Islands Constitution Order 2009 and therefore the said decision of the Respondent was not "**objectively and reasonably justifiable in a democratic society...between the means employed and the purpose sought to be realized**"; as provided for in Article 16(4)(d) of the Cayman Islands Constitution Order 2009.
3. **PREJUDICIAL, DISCRIMINATORY AND BIASED CONDUCT**

That the Respondent has demonstrated by conduct a definite breach of Article 24 of the Cayman Islands Constitution Order 2009, by demanding that the Applicant depart the Cayman Islands, by Friday January 13 2017 or else be arrested and forcibly removed, in light of the fact that she has a fundamental and qualified right under the Law, by virtue of the fact that she possesses a valid Work Permit, and the prohibition against

discrimination, as provided for in section 16(4)b) of the Cayman Islands Constitution Order 2009.

Dated the ^{JAN} 13 day of ~~December~~ 2017



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.