

**IN THE GRAND COURT OF THE CAYMAN ISLANDS**

**CAUSE NO: 144 OF 2017**

**IN THE MATTER OF THE IMMIGRATION LAW (2015 REVISION)**

**AND THE MATTER OF AN APPLICATION** by Leda Patricia Aleman Aleman against the refusal by

The Caymanian Status and Residency Board of an application pursuant to Section of the Immigration Law (2015 Revision)

The Department of Immigration of an application pursuant to Section of the Immigration Law (2015 Revision)

The Department of Immigration of an application pursuant to Section of the Immigration Law (2015 Revision)

**AND IN THE MATTER OF THE CAYMAN ISLANDS CONSTITUTION ORDER 2009** pursuant to an Application by Leda Patricia Aleman Aleman prohibiting expulsion

**AND IN THE MATTER OF AN APPLICATION** by LEDA Patricia Aleman Aleman for Judicial Review pursuant to Order 53 of the Grand Court Rules

**BETWEEN:**

**LEDA PATRICIA ALEMAN ALEMAN**

**APPLICANT**

**AND: JAN 24 2017**

**THE CAYMANIAN STATUS AND RESIDENCY BOARD**

**FIRST RESPONDENT**

**AND:**

**THE DEPARTMENT OF IMMIGRATION**

**SECOND RESPONDENT**

**(EX PARTE)**

**APPLICATION FOR LEAVE TO APPLY FOR JUDICIAL REVIEW**

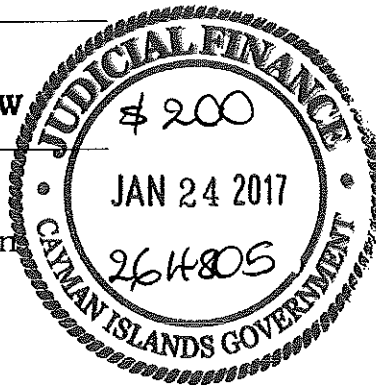
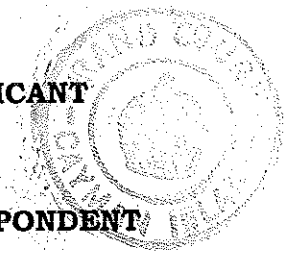
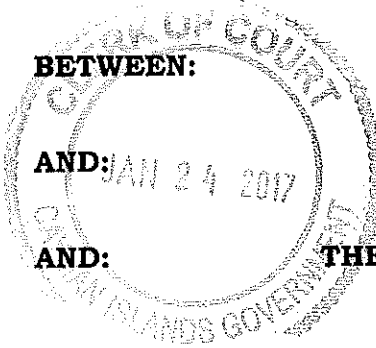
*3rd April, 2017 9:30 AM*

**TO:** The Clerk of the Court, Law Courts, George Town, Grand Cayman

**THE APPLICANT**

The Applicant is a foreign national married to a Caymanian. The parties were married in 2000, and in 2007, the Applicant was granted a Residency & Employment Rights Certificate as the spouse of a Caymanian ("RERC") granting her the right to live and work in the Cayman Islands.

The parties separated in December 2009, however, they remained friends and did not discount the possibility of a future reconciliation.



In 2016, the First Respondent refused the Applicant's RERC renewal application. In mid-2016, the parties agreed to end their marriage. Divorce proceedings were initiated in December 2016, in the Grand Court under Fam 245 of 2016. The refusal to renew the Applicant's RERC, terminated her rights to reside and work in the Cayman Islands.

Thereafter, the Second Respondent required the Applicant to obtain a visitors' visa to allow her to remain in the Cayman Islands.

On 24 November 2016, the Second Respondent refused the Applicant's work permit application on the basis that it cannot grant a work permit to a worker whilst the worker remained in the Cayman Islands as a visitor.

The Second Respondent then sought to bring about the applicant's removal from the Cayman Islands, advising the Applicant she was to depart the Islands after 24 January 2017, failing which she would be arrested and expelled.

#### **DECISION IN RESPECT OF WHICH RELIEF IS SOUGHT**

1. The First Respondent's decision to refuse the renewal of the Applicant's Residency and Employment Rights Certificate during the subsistence of the Applicant's marriage to her Caymanian Spouse.
2. The First Respondent's decision terminating the Applicant's right to reside and work in the Islands during the subsistence of the Applicant's marriage to her Caymanian Spouse.
3. The Second Respondent's apparent decision that the Applicant was no longer a lawful resident in the Islands during the subsistence of the Applicant's marriage to her Caymanian Spouse.
4. The Second Respondent's decision to refuse the Applicant's temporary work permit application on the basis that the Second Respondent cannot grant a work permit to a worker whilst the worker remained in the Islands as a visitor.
5. The Second Respondent's decision to categorize the Applicant's immigration status to that of a visitor without the right to work, and whose continuing residence in the Islands is dependent on a visitor visa extended from time to time.
6. The Second Respondent's decision to refuse the Applicant further extensions to her visitor's visa, thereby revoking her permission to reside in the Islands after 24 January 2017.

7. The Second Respondent's decision requiring the Applicant to depart the Islands after 24 January 2017.

**RELIEF SOUGHT**

- a) An order of Mandamus directing the Second Respondent to allow the Applicant to remain in the Cayman Islands until the determination of this application.
- b) Interim relief in the form of an injunction restraining the Second Respondent from taking any further action to remove the Applicant from the Islands until the determination of this application.
- c) An order requiring the First Respondent to grant the Applicant the renewal of her Residency and Employment Rights Certificate restoring her right to reside and work in the Islands pending the outcome of this application and any further formal applications;
- d) Liberty to apply to vary or amend the grounds of this application.
- e) Leave to the Applicant to file additional information or grounds on the receipt of the notes of the decisions or evidence from the First and Second Respondents;
- f) Such further, consequential, or other relief as this Honourable Court deems just.

Goldfield Cayman Attorneys Ltd.  
Unit 3, 147 North Church Street  
P.O. Box 10732, George Town  
Grand Cayman KY1-1007  
Cayman Islands.

GOLDFIELD CAYMAN  
Signed

Dated: 24 January 2017

**GROUNDS ON WHICH RELIEF IS SOUGHT**

The detailed facts will be addressed in the Applicant's Affidavit to be filed.

(If there has been any delay, include reasons here)

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**BETWEEN: LEDA PATRICIA ALEMAN ALEMAN APPLICANT**

**AND: THE CAYMANIAN STATUS AND RESIDENCY BOARD FIRST RESPONDENT**

**AND: THE DEPARTMENT OF IMMIGRATION SECOND RESPONDENT**

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**ACKNOWLEDGMENT OF SERVICE  
OF NOTICE OF ORIGINATING MOTION**

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If you intend to instruct an Attorney to act for you, give him this form IMMEDIATELY.

Important. Read the accompanying directions and notes for guidance carefully before completing this form. If any information required is omitted or given wrongly, THIS FORM MAY HAVE TO BE RETURNED.

Delay may result in judgment being entered against a Defendant whereby he may have to pay the costs of applying to set it aside.

- 
1. State the full name of the Defendant by whom or on whose behalf the service of the Writ is being acknowledged.

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2. State whether the Defendant intends to contest the proceedings (tick appropriate box)

yes

no

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3. If the claim against the Defendant is for a debt or liquidated demand, AND he does not intend to contest the proceedings, state if the Defendant intends to apply for a stay of execution against any judgment entered by the Plaintiff (tick box)

yes

no

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Service of the Writ is acknowledged accordingly

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Attorney for the Respondent

Notes on address for service

Attorney: where the Defendant is represented by an attorney, state the attorney's place of business in the Cayman Islands. A Defendant may not act by a foreign attorney.

Defendant in person: where the Defendant is acting in person, he must give his post office box number and the physical address of his residence or, if he does not reside in the Cayman Islands, he must give an address in Grand Cayman where communications for him should be sent. In the case of a limited company, "residence" means its registered or principal office.

Indorsement by plaintiff's Attorney (or by plaintiff if suing in person) of his name, address and reference, if any, in the box below.

Goldfield Cayman Attorneys Ltd.  
Unit 3, 147 North Church Street  
George Town, P.O. Box 10734  
Grand Cayman KY1-1007  
Cayman Islands. Tel 345 943-5700.

Indorsement by defendant's Attorney (or by defendant if suing in person) of his name, address and reference, if any, in the box below.

The Attorney General's Chambers  
4<sup>th</sup> Floor, Government Administration  
Building  
133 Elgin Avenue  
George Town  
P.O. Box 136  
Grand Cayman KY1-9000  
Cayman Islands