

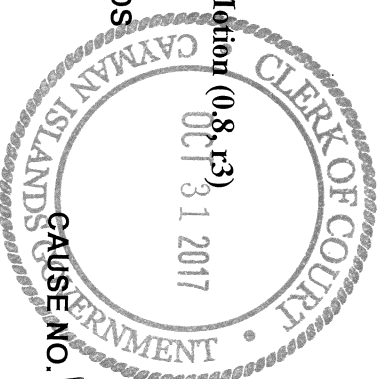
No. 6

Notice of Originating Motion (0.8, r3)

OCT 31 2017

CAUSE NO. 185 OF 2017

IN THE GRAND COURT OF THE CAYMAN ISLANDS



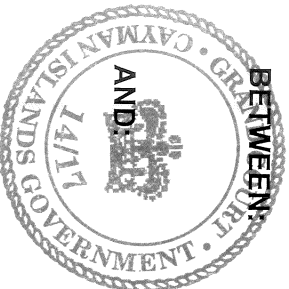
**BETWEEN:**

**TERRANCE WILLIAM DELANEY**

Applicant

**THE CAYMANIAN STATUS AND PERMANENT RESIDENCY BOARD**

Respondent



**IN THE MATTER OF SECTIONS 7(3) (b) (1) AND 24 OF THE IMMIGRATION LAW (2011 REVISION)**

**AND IN THE MATTER OF THE FAILURE BY THE CAYMANIAN STATUS AND PERMANENT RESIDENCY BOARD TO PROCESS, CONSIDER AND GRANT AN APPLICATION FOR THE RIGHT TO BE CAYMANIAN MADE ON THE 13<sup>TH</sup> DAY OF APRIL 2012**

**NOTICE OF ORIGINATING MOTION**

**TAKE NOTICE** that the Grand Court at the Law Courts, George Town, Grand Cayman will be moved on \_\_\_\_\_ at \_\_\_\_\_ am/pm or as soon thereafter as counsel can be heard, by counsel on behalf of Terrance William Delaney for the following relief:

1. A finding that the failure of the Caymanian Status and Permanent Residency Board to exercise or to give proper consideration or reasons for failing to exercise its statutory duty to process and consider an application for the Right to be Caymanian filed by the Applicant Terrance William Delaney on the 13<sup>th</sup> April 2012 pursuant to Section 7. (3)(b)(i) of the Immigration Law 2011 which requires it to process, determine and grant applications for the right to be Caymanian and further pursuant to Section 24 of the Immigration Law 2011 which provides the Matters for the Boards consideration in the course of processing an application for the right to be Caymanian is unlawful and contrary to the rules of natural justice.
2. An order of *Mandamus* directing the Caymanian Status and Permanent Residency Board to hear the application of Terrance William Delaney made on the 13<sup>th</sup> day of April 2012 for the Right to be Caymanian on the basis that it has a statutory duty to process determine and grant applications for the right to be Caymanian pursuant to Section 7(3)(b)(i) of the

Immigration Law 2011 under which the application was filed and that the decision of the Caymanian Status and Permanent Residency Board to defer the application for the right to be Caymanian of Terrance William Delaney for over five years on the sole basis that the Chief Immigration Officer alleges that there are fees outstanding is unlawful and contrary to the rules of natural justice.


3. Such further, consequential, or other relief as to this Honourable Court seems just;
4. Costs

AND FURTHER TAKE NOTICE that the grounds upon which this relief is sought are:

1. The Applicant has been legally resident in the Cayman Islands for over twenty years since 30<sup>th</sup> June 1996 and is a naturalised British Overseas Territories Citizen having been naturalised on the 8<sup>th</sup> December 2006. He is therefore eligible and meets all qualifications for the grant of the right to be Caymanian. He has complied with all requirements of the Immigration Law and Regulations providing the Caymanian Status and Permanent Residency Board with a complete response to their letter of missing information dated 17<sup>th</sup> February 2014 and it is verily believed and understood that the only reason why the Caymanian Status and Permanent Residency Board has deferred the Applicants application for more than five years is due to the fact that it is the Boards policy not to deal with such applications if they are advised by the Chief Immigration Officer that fees are outstanding to the Department.
2. That despite meeting with and/or writing to the Chief Immigration Officers since 2006, the Chief Officer Security & Public Safety Ministry of Home Affairs, the Deputy Chief Officer-Security & Public Safety Ministry of Home Affairs, the Chairman of the Caymanian Status and Permanent Residency Board, the Secretary of the Caymanian Status and Permanent Residency Board, the Department of Finance, Department of Immigration, the Minister of Finance the Department of Immigration have failed to agree on the fees due to the Department by the Applicant despite the fact that it has been accepted by letter from the Department of Immigration dated 28<sup>th</sup> May 2015 that as a Substance Abuse Counsellor the Plaintiff Applicant is not a medical doctor but holds the title of Counsellor/Consultant.
3. That the decision of the Caymanian Status and Permanent Residency Board to defer the Plaintiff/Applicants application for the right to be Caymanian for over five years on the sole basis that the Chief Immigration Officer alleges that there are fees outstanding is unlawful and contrary to the rules of natural justice.
4. The Applicant seeks judicial review on the basis that the failure to consider the grant of the Applicant's application for the right to be Caymanian on the basis that fees were due to the Chief Immigration Officer for the Applicants right to work as a permanent resident were either: (i) unreasonable, (ii) procedurally irregular (iii) unlawful or (iv) irrational, as

the Caymanian Status and Permanent Residency Board has a statutory duty to consider all such applications within a reasonable time.

Dated the <sup>21<sup>st</sup></sup> day of Oct. 2017

  
Bodden & Bodden  
Attorneys-at Law

TO: The Clerk of the Court

AND TO: The Caymanian Status and Permanent Residency Board and the Honourable Attorney General's Chambers

This Notice of Originating Motion was issued by Bodden & Bodden, Attorneys-at-Law for and on behalf of the Appellant whose address for service is that of his said attorneys, 878 West Bay Road, 2<sup>nd</sup> Floor Caribbean Plaza, Grand Cayman KY1-1003.