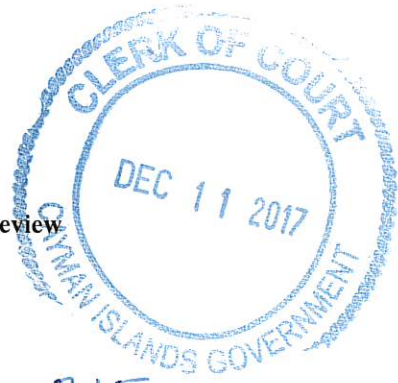


(0.53, r.3)

Application for Leave to Apply for Judicial Review



THE GRAND COURT OF THE CAYMAN ISLANDS



CAUSE NO. G 215 OF 2017

In the Matter of Section 27(1) of The Immigration Law 2015 Revision

And in the Matter of an application by the Applicant for an Injunction restraining the Chairman of the Cayman Status and Permanent Residency Board from demanding that the Applicant gives reasons why her Right to be a Caymanian formerly Cayman Status should not be revoked, until after the said matter currently before the Court has been decided.

BETWEEN: MELVY BAUTISTA PEREZ-EBANKS APPLICANT

AND: THE CHAIRMAN OF THE CAYMAN STATUS
AND PERMANENT RESIDENCY BOARD RESPONDENT

13th Dec 17 @ 11am

EX-PARTE APPLICATION FOR LEAVE TO APPLY FOR JUDICIAL REVIEW

TO: The Clerk of the Court

AND TO: The Chairman of the Cayman Status and Permanent Residency Board

AND TO: The Attorney General of the Cayman Islands

Name, address and description of applicant:

Ms. Melvy Bautista Perez-Ebanks
c/o Facey-Clarke & Associates Ltd.
Unit 119, Elizabethan Square
P.O. Box 2545
Grand Cayman KY1-1104
Cayman Islands

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

The proceedings in which relief is sought are as follows:-

BRIEF SUMMARY OF CASE

The Applicant was granted Cayman Status on 3rd July, 2013 under section 26 of the Immigration Law (2013 Revision) on grounds of marriage to a Caymanian, who is a Police Officer. The marriage broke down irretrievable on grounds of unreasonable behaviour on the part of the husband and the Applicant Petitioned the court and obtain a decree absolute in October, 2016. The Applicant and her ex-husband agreed a consent order whereby the Applicant continued to have a residential order for the three children of the marriage.

On or around January, 2017, the Applicant became involved with her current husband. Very soon thereafter, the ex-husband threatened the Applicant that he was going to make sure she was kicked off the Island because he did not want any man around his children.

Around that same week, the Applicant received a telephone call from an officer of the Immigration Enforcement Department which resulted in the Applicant been charged for various immigration offences under Summary Court Cause No. 03270/17.

The Immigration Officer gave the Applicant a choice to have her case dealt with administratively by the Immigration Department where she would pay a fine or she could have her matter dealt with in the Court. The Applicant chose to be dealt with in the Court. She entered not guilty pleas and her trial is set for 1st March, 2017.

On 30th November, 2017 the Applicant received a telephone call from an officer at the Immigration Enforcement Department to collect a letter in regards to revocation of her Cayman Status. The Applicant collected the letter on the same day.

The second to last paragraph on page 2 of the letter states:

*“The Board has requested a written response from you within 15 days hereof stating reasons why the Board should not **revoke** your Right to be Caymanian in accordance with Sections 27(1)(a), 27(1)(d)(iii) and 28(1)(a) of the Immigration Law (2015 Revision).”*

It will be argued that if the Applicant were to properly respond to the above request to give reasons as requested by the Respondent, this would defeat the whole process of exercising her right under the Constitution of the Cayman Islands, the right to a fair trial in a court of law. She would be deprived of the right to defend the allegations before a tribunal as the letter does not ask for a hearing where she will be afforded legal representation.

Moreover, the Respondent appears to be trying to go back on the choice that was afforded the Applicant when she chose to be tried in a court of law by a Magistrate. This would be in breach of the Applicant’s fundamental right and is an abuse of process by the Respondent. The action of the Respondent is a usurpation of the course of natural justice.

Relief/Remedy Sought:

1. That the Applicant be granted leave to issue proceedings against the Chairman of the Cayman Status and Permanent Residency Board (“the Respondent”) by way of Judicial Review.
2. That the Respondent be immediately and temporarily restrained from demanding that the Applicant gives reasons why her Right to be a Caymanian formerly Cayman Status should not be revoked until after the said matter currently before the Court has been decided.

3. Alternatively, that the Respondent be ordered to immediately withdraw their letter of 20th November, 2017 (minded to revoke the Right to be a Caymanian within 15 days).
4. Any other Order, relief and/or directions as this Honourable Court deems fit including but not limited to the future conduct of these proceedings or any other relief that Counsel for the Applicant may request at the hearing that is just.
5. Costs.

Dated this 8th day of December, 2017

Facey-Clarke & Associates

Facey-Clarke & Associates Ltd.

This Application was issued by Facey-Clarke & Associates, Attorneys-at-Law for the Applicant herein whose address for service is that of the said Attorneys-at-Law, Unit 119, Ground Floor, Elizabethan Square, P.O. Box 2545, Grand Cayman KY1-1104, Tel: (345) 917-6351, Email: mclarke@candw.ky