

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO: ⁸³³ of 1997

IN THE MATTER OF AN APPLICATION BY MILAGRO ALMAGUER LICEA
TERRY FOR LEAVE TO APPLY FOR JUDICIAL REVIEW

AND

IN THE MATTER OF THE IMIGRATION LAW (LAW 13 OF 1992)

AND

IN THE MATTER OF THE MATRIMONIAL CAUSES LAW (LAW 9 OF 1976)

AND

IN THE MATTER OF THE GRAND COURT RULES Order 53

BETWEEN: MILAGRO ALMAGUER LICEA TERRY

AND

- (1) THE ATTORNEY GENERAL OF THE CAYMAN ISLANDS
- (2) THE DEPARTMENT OF IMMIGRATION
- (3) THE IMMIGRATION BOARD

Applicant

Respondents

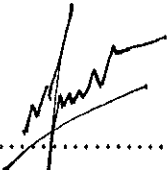
APPLICATION TO LEAVE TO APPLY
FOR JUDICIAL REVIEW

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

Name, address and description of applicant(s)	MILAGRO ALMAGUER LICEA TERRY Unemployed Cashier of P.O. Box 30824 SMB Seymour Road George Town Grand Cayman
Judgement, order, decision or other proceeding in respect of which relief is sought	The Applicant seeks relief (i) in respect of the decision of the Cayman Islands Government at a meeting of the Executive Council in the week of 6 October 1997 to revoke the temporary residence granted to her and her two teenage children; based on a purported divorce obtained by her husband in Cuba; and further; (ii) in respect of the subsequent decision of the Department of Immigration of 2 December 1997 to grant her and her two teenage children until 16 December 1997 by which to leave these Islands or be forcibly repatriated/deported; and further; (iii) in respect of the decision of the Immigration Board communicated by letter dated 17 November 1997 further to the application by a prospective employer for the grant of a work-permit for her.

Relief Sought

1. A Declaration that in all the circumstances of a purported "Cuban Divorce" it is not to be recognised under s.7(1) of the Matrimonial Causes Law and accordingly that Milagro Almagar Licea Terry is and has been since her marriage lawfully married to a Caymanian, Mr Ralph Terry-Ebanks;
2. An order of Certiorari to quash the decisions set out on the previous page;
3. An order of Prohibition or in the alternative, Injunctive Relief preventing the Department of Immigration or any person or agency acting on its behalf from repatriating or deporting her and/or her two teenage children from the Cayman Islands, or refusing her or her two teenage children re-admission to the Cayman Islands whilst she remains validly married to a Caymanian and continues to be a law abiding resident; and
4. An order of Mandamus directing the Immigration Board to consider or re-consider as the case may be any application submitted to them without consideration of the aforementioned decisions of the Executive Council of the Cayman Islands or the aforementioned decision of the Department of Immigration in accordance with the Immigration Law should any such work permit application be necessary and be re-submitted.
5. A direction that a grant of leave to apply for Judicial Review shall operate as a stay of the proceedings to which the application relates until the determination of the application or until the court otherwise orders;
6. That provision be made for the costs of this application;
7. That appropriate damages be awarded;
8. Such further and other orders as this Honourable Court deems fit to make.

Name and address of applicant's attorneys, or, if no attorneys acting, the address for service of the applicant	Hunter & Hunter Huntlaw Building Fort Street George Town Grand Cayman
Signed  HUNTER : HUNTER	Dated 12 December 1997

GROUND ON WHICH RELIEF IS SOUGHT

1. The decision of the Executive Council of the Cayman Islands communicated in a letter dated 10 October 1997 is a decision which was arrived at based on a mistake of fact and law and/or in breach of the principles of natural justice and is therefore a nullity in that:
 - i) it appears to be entirely formulated on the false premise that the Applicant is no longer married to a Caymanian whereas the purported divorce relied upon for this purpose would not be recognised under Cayman Islands Law;
 - ii) it is based on the requests of a citizen who has displayed vindictive and despicable intent without the Applicant having any opportunity to be heard or counter false representations made by that citizen. Further, the facts upon which the Executive Council based its decision were apparently so tainted with bias, irrationality, perversity and procedural impropriety that such a decision should not and ought not to have been made.

3. The decision of the Department of Immigration to order the Plaintiff and her children to leave the Islands is based on the nullity of the decision of the Executive Council and therefore it must itself be a nullity, and further;

4. The decision of the Immigration Board to refuse the application for the grant of a work permit if one is in fact required, is based on the nullity of the decision of the Executive Council and therefore it must itself be a nullity.

Dated this 12th day of December 1997.

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HUNTER & HUNTER

To: The Clerk of the Court

This Application for Leave to Apply for Judicial Review is filed by Hunter & Hunter, Attorneys-at-Law for and on behalf of the Applicant whose address for service is the Huntlaw Building, P.O. Box 190, George Town, Grand Cayman.