

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. 852 OF 1997

BETWEEN:

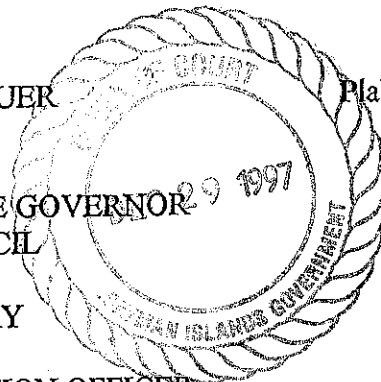
YANEIXIS RIVERO ALMAGUER

Plaintiff

AND:

- (1) HIS EXCELLENCY THE GOVERNOR
IN EXECUTIVE COUNCIL
- (2) THE CHIEF SECRETARY
- (3) THE CHIEF IMMIGRATION OFFICER
- (4) THE IMMIGRATION BOARD

Defendants



APPLICATION FOR LEAVE TO APPLY FOR JUDICIAL REVIEW

To the Clerk of the Court, Law Courts, George Town, Grand Cayman	
Name, address and description of applicant	Yaneixis Rivero Almaguer P.O. Box 30824 SMB Grand Cayman Unemployed
Proceedings in respect of which relief is sought	Revocation of temporary residence in the Cayman Islands, orders to leave the country and refusal of a work permit.
Relief Sought	
Certiorari, declarations and stay of proceedings	
Name and address of applicant's attorneys	Hunter & Hunter P.O. Box 190 GT Grand Cayman B.W.I.
Signed <i>Hunter & Hunter</i> Hunter & Hunter	Dated 29 th December, 1997

GROUND ON WHICH RELIEF IS SOUGHT

The grounds on which the relief is sought are the following:

1. The plaintiff is a Cuban national and a resident of the Cayman Islands. She is the daughter of Milagro Almaguer Licea Terry ("the plaintiff's mother"), the plaintiff in judicial review proceedings begun before this Honourable Court in Cause No. 833 of 1997 on 12th December, 1997. The plaintiff was born on 9th September, 1978.
2. The plaintiff was granted permission by the first defendant, shortly before 23rd September, 1996, to reside temporarily in these Islands and to work here. Her mother had been granted a similar permission shortly before 4th January, 1996.
3. The plaintiff landed in Grand Cayman on 13th September, 1996. She was admitted on the basis of the above permission.
4. The plaintiff began work in April 1997. Her employer was Foster's Food Fair Ltd. She was employed until 16th October, 1997.
5. The plaintiff's mother married a Caymanian, Raphael Terry-Ebanks ("Terry"), on 9th October, 1995 in Havana, Cuba. That marriage was purportedly dissolved by

order of a Cuban court of 16th June, 1997 ("the alleged divorce"). Terry obtained the alleged divorce without any steps having been taken at all for giving the plaintiff's mother notice of the alleged proceedings and without her having been given any opportunity to take part therein. Terry apparently stated, in the alleged proceedings, that the plaintiff's mother was "of places unknown" whereas, at that time, he was cohabiting with her in the matrimonial domicile in Grand Cayman.

6. THAT the plaintiff's mother was notified, by a letter from the second defendant of 10th October, 1997, that the first defendant had revoked the permissions referred to in paragraph 2 hereof. The second defendant gave the plaintiff's mother and her children, including the plaintiff, one week to leave the Cayman Islands and to be repatriated to Cuba.
7. The third defendant gave notice to the plaintiff's mother, by a letter of 13th October, 1997, to produce her passport, together with the plaintiff's and her brother's, "for the necessary endorsement to be made" following the first defendant's decision referred to in paragraph 6 hereof.
8. The only ground for the decision of the first defendant referred to in paragraph 6 hereof and for the notices given the plaintiff's mother, her brother and her by the

second and third defendants referred to in paragraphs 6 and 7 hereof was the alleged divorce.

9. The plaintiff's former employer then requested the fourth defendant to issue it a work permit for her. That application was denied on the ground that the fourth defendant was not satisfied that it was in the best interest of the community to grant the permit sought in the light of the decision of the first defendant referred to in paragraph 6 hereof and because of an alleged deportation order against the plaintiff's mother. An application for a work permit for the latter, which had been filed by her former employer at about the same time, was denied by the fourth defendant on the same grounds as well.
10. The plaintiff's mother, her brother and she were able to obtain extensions of their stay in the Cayman Islands until the plaintiff's mother began her action on 12th December, 1997.
11. The plaintiff never received any prior notice of the first defendant's intention to take the decision referred to in paragraph 6 hereof or any prior notice of the second and third defendants' intention to take the decisions referred to in paragraphs 6 and 7 hereof or any prior notice of the fourth defendant's intention to

- (ii) They did not give the plaintiff an opportunity of being heard prior to taking such decisions.

 - (b) The defendants, in arriving at the said decisions, failed to take into account a relevant consideration, i.e. the issue of the recognition of the alleged divorce, or even to address that issue.

 - (c) The said decisions are unreasonable.
15. The plaintiff will not seek an order of certiorari against the first defendant if she is granted leave to apply for judicial review.

Dated this 29th day of December, 1997

Hunter & Hunter
Hunter & Hunter
Attorneys-at-law for the plaintiff

TO: The Clerk of the Court

REQUEST FOR A HEARING

The plaintiff respectfully requests a hearing of its above application.

TIME ESTIMATE: The estimated time of the hearing of this application is one (1) hour.

THIS APPLICATION was filed by Hunter & Hunter, the attorneys-at-law for the plaintiff, whose address for service is the West Wind Building, P.O. Box 190, George Town, Grand Cayman, Cayman Islands B.W.I.