

IN THE GRAND COURT OF THE CAYMAN ISLANDS
CIVIL DIVISION

CAUSE: G 11 OF 2020

IN THE MATTER OF: Section 23(2) of the Immigration (Transition) Law 2018

AND: IN THE MATTER OF: Section 24 of the Cayman Islands Constitution Order 2009

BETWEEN: KEEBLE KEVIN KNIGHT

APPELLANT

AND: IMMIGRATION APPEALS TRIBUNAL

RESPONDENT



NOTICE OF MOTION



TAKE NOTICE THAT the Court at the Law Courts, George Town, Grand Cayman will be moved on _____ at _____ or as soon thereafter as counsel can be heard, by counsel for **THE APPELLANT** for the following relief namely :-

1. An Order setting aside the Decision of the Immigration Appeals Tribunal, which decision by the said Tribunal, upheld the Decision of the Caymanian Status and Permanent Residency Board's refusal, of the grant of Permanent Residency to the Appellant; on the ground that he failed to achieve the requisite points pertaining to that award.

BACKGROUND

The proceedings before the Immigration Appeals Tribunal to which this Appeal refers, was conducted over a period of time, commencing with the Respondent Tribunal having reviewed the Notice of Appeal dated January 14 2018, the Appeal Statement dated May 11 2018 and Detailed Grounds stamp dated December 14 2018, which outlined the reasoning behind the decision by the Caymanian Status and Permanent Residency Board, ("**the Board**") to refuse the application by the Appellant for the grant of Permanent Residency. The Respondent Tribunal, having reviewed, determined that grounds of appeal had not been established, but nevertheless, failed to adequately or at all, take into account, the fact that there was **no provision in Law or Regulation**, by which the Appellant could have possibly satisfied or be found to be qualified, under **Factor 1(b)-Priority Occupation** because, by the Respondent Tribunal's own admission "**Cabinet has not yet established a list of priority occupations therefore the Caymanian Status and Permanent**

Residency (CS/PR) Board could not award points as it would be contrary to the regulations”... which fact is rendered this decision, contrary to the rules of natural justice and Law, and placed the Appellant in the adverse, impossible and prohibitive position, of ever being qualified for any award of, and consequently this loss of points under this Factor, due to no fault of the Appellant and which fault is incontrovertibly due to the failure and fault of Cabinet, in its obligation to **“establish...a list of priority occupations”** and therefore, accordingly dismissing the Appeal brought by the Appellant; was erroneous, unlawful and discriminatory, as well as; in disregard of the provisions contained in **Section 24 of the Cayman Islands Constitution Order 2009** and the rules of natural justice.

The Respondent Tribunal erred therefore and took a decision which was adverse to the Appellant, in circumstances where it was rendered impossible for the Appellant to satisfy and achieve any points award, under the provisions contained in **Factor 1(b)**; by which the Appellant could be considered for the award of Permanent Residency.

GROUND

It is as a consequence of this decision by the Tribunal, by which the Appellant’s Appeal was dismissed, that the Appellant now appeals against same; on the following grounds:

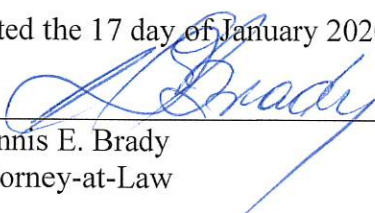
1. PROCEDURAL IRREGULARITY

The Tribunal erred in law by dismissing the Appellant’s appeal, when having reviewed the Appeal Statement dated May 11 2018, which outlined the reasoning behind the decision by the Caymanian Status and determined, the Respondent nevertheless, failed to adequately or at all, take into account, the fact that there was no provision in Law or Regulation, by which the Appellant could have possibly satisfied or be found to be qualified, under **Factor 1(b)-Priority Occupation** because by the Respondent Tribunal’s own admission **‘Cabinet has not yet established a list of priority occupations therefore the Caymanian Status and Permanent Residency(CS/PR) Board could not award points as it would be contrary to the regulations”**... , which fact, renders this decision, contrary to the rules of natural justice and Law, and by extension, placed the Appellant in the adverse, impossible and prohibitive position, of ever being qualified for any award of, and consequently the loss of points under this Factor, due to no fault of the Appellant, and which is incontrovertibly and entirely attributable to the failure and fault of Cabinet, in its

obligation to “**establish...a list of priority occupations**” and therefore, accordingly dismissing the Appeal brought by the Appellant; was erroneous, unlawful and discriminatory, in disregard of the provisions contained in Section **24 of the Cayman Islands Constitution Order 2009** and the rules of natural justice; by which award were they given the Appellant could have been considered for the grant of Permanent Residency.

AS SUCH the Appellant prays that the Decision imposed by the Immigration Appeals Tribunal, be overturned, the lacuna currently existing be addressed and the provision enacted; and there be a rehearing of the Appellant’s application for the grant of Permanent Residency.

Dated the 17 day of January 2020



Dennis E. Brady
Attorney-at-Law

TO: The Clerk of the Court
AND TO: The Chief Immigration Officer
AND TO: The Attorney General

THIS NOTICE OF MOTION was **FILED** by Dennis Brady, Attorney-at-Law for and on behalf of the Applicants whose address for service is that of their said Attorney-at-Law, Crown Square, Building B-6, Eastern Avenue, P.O. Box 11740, Grand Cayman KY1-1109, Cayman Islands.