

**IN THE GRAND COURT OF THE CAYMAN ISLANDS
HOLDEN AT GEORGE TOWN, GRAND CAYMAN**

CAUSE NO: OF 20__

In the matter under Section 30 (1) of the Immigration Law (2014 Revision), (the "Law").

And in the matter of the dismissal of an Application for Permanent Residency of Alejandro Ruiz Ambriz pursuant to Section 23 (2) of the Immigration (transition) Law 2018 by the decision of the Immigration Appeals Tribunal made by their dismissal letter dated 16th November 2020.

BETWEEN: ALEJANDRO RUIZ AMBRIZ



AND

1. THE ATTORNEY GENERAL
2. THE IMMIGRATION APPEALS TRIBUNAL

NOTICE OF ORIGINATING MOTION

TAKE NOTICE that the Court at the Law Courts, George Town, Grand Cayman will be moved on _____ 2020 at _____ or as soon thereafter as counsel can be heard, by counsel on behalf of Alejandro Ruiz Ambriz for the following relief, namely:

1. That until such time as the substantive matter is heard and determined by the Court the Appellant shall be permitted to stay and work in the Cayman Islands.
2. Leave of this Honorable Court to exercise its discretion to permit an extension of time pursuant to GCR Ord 3 r. 5 for the applicant to lodge a Notice of Motion if the Court considers that the time for lodging the application has expired.
3. Alternatively, that this Application stand as a Notice of Motion for an application that the decision to reject my permanent residency is unreasonable, contrary to the principles of natural justice, erroneous and at variance with the Regulations.
4. The factual background is as follows:

- i. My application to the Cayman Status and Permanent Residency Board ("the Board") was made on 20th July 2005 and was heard and refused on the 13th March 2018 on the grounds that the I attained a total score under the point system of 74 (and thus did not receive the 110 points necessary under section 30 (1) of the Immigration Law to be qualified for the grant of permanent Residence.
- ii. On 12th April 2018 an appeal was filed to the Immigration Tribunal (IAT).
- iii. On 16th November 2020 the Tribunal proceeded to a hearing de novo and records that the appellant accumulated eighty seven point five (87.5) points under the criteria set out in the points system contained in Schedule 2 of the Immigration Regulations (2019 Revision). Therefore, the appeal was dismissed and permanent residency was not granted to the Appellant (copy of IAT statement is enclosed).
- iv. Under Factor 3 in accordance with Schedule 2 of the Immigration Regulations (2019 (Revision) I was entitled to 30 points for investment in a locally licensed company. I provided proof of my shares in the company ARA Construction Ltd., and was not awarded any points under this category.

I am claiming 30 points under Factor 3 for investment in a locally licensed company.

- v. Under Factor 5 in accordance with Schedule 2 of the Immigration Regulations (2019 Revision) I deserves the maximum available points in this category as I contributed more than the minimum fifty (50) hours per year to Red Cross. For the past 3 years I contributed 78 hours annually and has been totally dedicated to this organization.

I am claiming 20 points under Factor 5 for Community Involvement.

- vi. Notwithstanding subsection (2), the Immigration Appeal Tribunal or the pertinent Board, may, in its absolute discretion, call upon either party or any persona as it deems necessary and relevant to address it.
- vii. I was not given the opportunity to attend the hearing with my representative. If it was permitted what is not only a statutory right but a fundamental right to be heard and thus a fair hearing I could have addressed the issue of the absence of the supporting documents and the fact that I have invested into a locally licensed company. Even though these documents were independently submitted to the IAT Board it is rather unfair that my investment was not taken into consideration by the

honorable Board. If the Board had needed additional proof of my investment I should have been given the opportunity to provide the proof of those documents.

- viii. Given the passage of time, much has happened in my life. This is an application submitted in July 2015 which has finally been determined in November 2020. This delay in resolution of this matter has prejudiced me and that prejudice has been compounded by IAT knowingly taking the decision that there was a basis for a grant of points but ignoring this.

Just as I am duty bound to make full and frank disclosure of information to support my application and thus update the Tribunal of any change in my circumstances, whether they are in my interest or not the IAT is equally duty bound as a matter of fairness to ensure that the correct information is before it, especially before it renders a decision where there is clear evidence that supporting documents/information are missing.

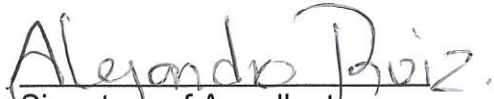
- ix. I should not be unfairly cloaked with error or failure of the Tribunal when it was clear that I needed to provide relevant evidence as proof of my investment. The fact that I was not permitted to attend the hearing where such error on the part of the Tribunal could have been corrected in short order evidences that I have not been treated judiciously and have not had a fair hearing.

AND FURTHER TAKE NOTICE that the grounds of this appeal are:

5. In light of the above, the Grounds for the Application for the Appeal of the Decision to refuse to grant permanent residency or to reconsider the decision to dismiss are pursuant to Section 23 (2) of the Immigration (Transition) Law 2018.
6. Alternatively, the Board having not awarded any points as seen in the IAT points system contained in Schedule 2 of the Immigration Regulations (2019 Revision) where I should have been awarded 30 for my investment in a locally licensed company is unfair and should be corrected.
7. Alternatively, the requisite statute being silent on the issue of reconsideration, failed as a matter of law to properly exercise its discretion either administratively or as a matter of common law to reconsider the application where it was clear on its face that there was an issue.
8. Alternatively, the Tribunal acted in bad faith as no reasonable Tribunal would have acted in the circumstances.

And for an order that the costs for indemnity of this appeal may be paid by the Immigration Appeals Tribunal (IAT).

Dated the 12th day of December 2020


Signature of Appellant

TO: The Clerk of the Court.

AND TO: The Respondent: c/o Legal Department.

Filed by Alejandro Ruiz Ambriz address for services P.O. Box 11583 KY1-1009, George Town, Grand Cayman, Cayman Islands, services@mpcs.ky