

No. 53

Application for Leave to Apply for Judicial Review (0.53, r.3)

**IN THE GRAND COURT OF THE CAYMAN ISLANDS**

**CAUSE NO: OF 2021**

**IN THE MATTER OF THE IMMIGRATION LAW (2015 REVISION)**

**AND: IN THE MATTER OF SECTION 93(1 a-b) OF THE IMMIGRATION TRANSITION LAW (2018 REVISION) for a Declaration to extend authority of JULIANNE HAZEL TAYLOR to remain in the Cayman Islands.**

**AND: IN THE MATTER OF THE CAYMAN ISLANDS CONSTITUTION ORDER 2009 pursuant to Order 77A Rule 4 for a Declaration TO PROHIBIT THE EXPULSION FROM THE Cayman Islands of JULIANNE HAZEL TAYLOR**

**AND: IN THE MATTER OF SECTION 13(1); 2(d)(iii) and 3((a-d) OF THE CAYMAN ISLANDS CONSTITUTION ORDER 2009**

**AND: IN THE MATTER OF SECTION 24 OF THE CAYMAN ISLANDS CONSTITUTION ORDER 2009**

**AND: IN THE MATTER OF SECTION 16(4) OF THE CAYMAN ISLANDS CONSTITUTION ORDER 2009**

**AND IN THE MATTER OF AN APPLICATION FOR JUDICIAL REVIEW pursuant to Order 53 of the Grand Court Rules**

**AND: IN THE MATTER OF AN APPLICATION pursuant to Order 3 RULE 5 of the Grand Court Rules**

**BETWEEN: JULIANNE HAZEL TAYLOR APPLICANT**

**AND: THE IMMIGRATION APPEALS TRIBUNAL FIRST RESPONDENT**

**AND: THE DIRECTOR OF BORDER CONTROL SECOND RESPONDENT**

**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 (s)	JULIANNE HAZEL TAYLOR, 69 VIBE LANE, WEST BAY, GRAND CAYMAN
Judgement, order, decision or other proceeding in respect of which relief is sought	1. The decision of the First Respondent to Dismiss the Applicant's Appeal, against the Refusal of the Chief Immigration Officer's refusal of Residency and Employment Rights to the Applicant, on the basis that the Applicant only achieved 88 points, which decision

was unreasonable, in breach of a Law, Policy and natural justice, and was a fettering and an improper exercise of discretion, by applying a law and policy and in the process, failing to adequately or at all consider, the requested criteria under **Factor 3 of the Regulations**, as relates to the points awarded to the Applicant, which decision rendered an award of less points that would ordinarily been taken into account, the effect of which significantly contributed to the disqualification of the Applicant for the grant of Permanent Residency, and this conduct and decision is therefore unreasonable, in breach of natural justice principles, and a denial of a legitimate expectation; and should therefore be set aside.

2. That the First Respondent's decision has demonstrated by conduct, a definite breach of Article 24 of the Cayman Islands Constitution Order 2009.
3. The Second Respondent whether by his/her servants, agents or otherwise, to refrain from engaging any and all actions which would breach the rights of the Applicant, pursuant to the provisions of section 13(2) and 13 (2)(a-c) of the Cayman Islands Constitution Order 2009, (**"the Order"**) unless and or until the protections afforded to the Applicant, in the provisions contained within section 13(2)(d)(iii) and 13(3)(a-d) of the said Order are observed, and this Judicial Review application is determined.

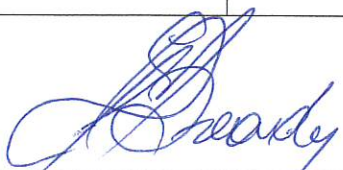
RELIEF SOUGHT

1. An Order of *Mandamus* directing the First Respondent, to accept and consider the updated information which was provided by way of an Affidavit dated July 31 2020 and which Affidavit had been provided by the Applicant in response to a Letter dated June 18 2020 by the First Respondent and in respect of which response, "0" points were awarded to the Applicant.

2. An Order that the Second Respondent whether by his/ her servants, agents or otherwise be restrained and prohibited from any and all actions, the objective of which is the detention and expulsion of the Applicant from the Cayman Islands, under any provision of the Immigration Transition Law 2018, until this Judicial Review is determined.

**UNLAWFUL, DISCRIMINATORY AND BIASED CONDUCT**

1. **Wednesbury unreasonableness:** The decision of the First Respondent to dismiss the Applicant's appeal in all the circumstances as represented in the Applicants Affidavit resulted in a fettering and an improper exercise of their discretion, by failing to apply a law and policy and in the process, failing to adequately or at all consider, the information regarding the Applicant's Local Investments as per **Factor 3** of the **Regulations**, and this conduct and decision was unlawful, unreasonable, in breach of natural justice principles, and a legitimate expectation, and should therefore be set aside.
2. That the First Respondents has demonstrated by conduct, a definite breach of Article 24 of the Cayman Islands Constitution Order 2009, by virtue of the decision reached in relation to the Applicant.
3. Such further, consequential, or other relief as this Honourable Court seems just.

Name and address of applicant's attorneys, or, if no attorneys acting, the address for service of the applicant	DENNIS BRADY, BRADY ATTORNEYS AT LAW ANDERSON SQUARE BLDG . GEORGE TOWN, GRAND CAYMAN
Signed	Dated
	9.1.21

This APPLICATION FOR LEAVE TO APPLY FOR JUDICIAL REVIEW WAS FILED BY- Brady Attorneys at Law, Building B6 Crown Square, Eastern Ave. George Town, Grand Cayman, Cayman Islands