



IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. 192 OF 2021

**IN THE MATTER OF THE IMMIGRATION TRANSITION 2018 LAW
(2015 REVISION)**

AND

**IN THE MATTER OF AN APPEAL PERSUANT TO ORDER 55 OF THE
GRAND COURT RULES (1995 Revision)**

AND

**IN THE MATTER OF A DECISION OF THE IMMIGRATION APPEALS
TRIBUNAL DATED 24 August 2021 AND RECEIVED 25 August 2021.**

BETWEEN: CHRISTIAN GUEVARA LAPENA APPELLANT

AND: THE IMMIGRATION APPEALS TRIBUNAL RESPONDENT

NOTICE OF ORIGINATING MOTION

Take Notice that the Court will be moved on the day of 2021
at a.m./p.m., or soon thereafter as Counsel can be heard on
behalf of the above Appellant, Christian Guevara Lapena on Appeal from a
decision of the Respondent, the Immigration Appeal Tribunal dated the 16
January 2020.

GROUND OF APPEAL

And Further Notice that The Grounds of Appeal are as follows:

1. The Immigration Appeals Tribunal in reviewing all the Appellants documentation to support the allocation of additional Points to receive Permanent Residence and Employment Rights failed to take relevant considerations into account.
2. The Immigration Appeals Tribunal in reviewing the Applicant's Appeal Statement dated 16 January 2020 which outlined the reasoning behind the decision to refuse the grant of Permanent Residence to the Applicant, failed to exercise its statutory discretion reasonably toward the Appellant.
3. The Immigration Appeals Tribunal in hearing the Appellants appeal failed in its statutory duty to exercise its discretion reasonably to direct that Adequate Grounds of Appeal and submissions ought to have been filed before hearing the matter.
4. The Immigration Appeals Tribunal erred in Law as it failed to treat the Applicant's Appeal as a rehearing of the Applicant's application for questionable Permanent Residence and Employment Rights, and remit the Appeal process to the Appellant for completion.
5. The decision of the Immigration Appeals Tribunal in all the circumstances of the case and the documents before it, failure to award the Appellants one hundred and ten (110) points of the system is so unreasonable that no reasonable tribunal seeking to act in a way that is fair and just, and according to substantial justice and the merits of the case would have refused the Appellant Permanent Residence and Employment Rights.
6. That the Immigration Appeals Tribunal in coming to its decision not to allow the Appellant's Appeal acted contrary to the established principles of natural Justice.

And Further Take Notice that the Appellant crave leave to file Additional and/or Supplementary Grounds of Appeal on receipt of the notes of evidence from the Immigration Appeals Tribunal.

And The Appellant Therefore Prays That:

1. The decision of the Immigration Appeals Tribunal made on the 24 August 2021 be set aside; and or, be sent down to the Immigration Appeal Tribunals for a re-hearing.
2. The Immigration Appeals Tribunal be ordered to re-review the Appellant's Appeal with the view to giving the Applicant time to prepare adequate fresh appeal grounds.

Dated this 1st day of September 2021



A. Steve McField & Associates
Attorneys-at-Law for the Appellant

To: The Clerk of the Court

And To: The Immigration Appeals Tribunal

THIS APPEAL was **FILED** by **A. STEVE MCFIELD & ASSOCIATES** of Elizabethan Square, George Town, Grand Cayman, Cayman Islands, Attorney-at-Law for the Appellant whose address for service is that of her said Attorneys-at-Law.